

**H.R. 3470, H.R. 3908 and
H.R. 4044**

LEGISLATIVE HEARING
BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS
OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS

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LEGISLATIVE HEARING ON H.R. 3470, TO CLARIFY THE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM CAPE FEAR UNIT NC07P; H.R. 4044, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE ASSISTANCE TO THE STATE OF MARYLAND FOR IMPLEMENTATION OF A PROGRAM TO ERADICATE NUTRIA AND RESTORE MARSHLAND DAMAGED BY NUTRIA; AND H.R. 3908, TO REAUTHORIZE THE NORTH AMERICAN WETLANDS CONSERVATION ACT, AND FOR OTHER PURPOSES.

**Thursday, April 11, 2002
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:10 a.m., in room 1334, Longworth House Office Building, Hon. Wayne T. Gilchrest, [Chairman of the Subcommittee] presiding.

Mr. GILCHREST. The Subcommittee will come to order. We have three bills that we will be hearing from witnesses on this morning. [The prepared statement of Mr. Gilchrest follows:]

Statement of The Honorable Wayne T. Gilchrest, Chairman, Subcommittee on Fisheries Conservation, Wildlife and Oceans, on H.R. 3470, H.R. 3908 and H.R. 4044

Good morning. Today, the Subcommittee will conduct a hearing on three legislative proposals that address the diverse issues of nutria eradication, wetlands conservation and coastal barrier protection.

The first bill, H.R. 4044, a measure I introduced to eradicate nutria and restore essential marshland habitat that has been consumed by this unwanted invasive species. I have worked diligently to obtain the funding needed to complete the necessary studies and to develop an effective strategy to deal with the growing population of nutria.

It is now time to shift gears from research to eradication and move forward to stop the destruction of these fragile wetlands on the Delmarva Peninsula. The three year study supported by the legislation we seek to reauthorize is complete. It is time for action and it's time to eradicate nutria whose insatiable appetite for our wetlands ecosystem knows no bounds.

The second bill, H.R. 3908, was introduced by Chairman Jim Hansen to extend the authorization of appropriations For the North American Wetlands Conservation Act. Since its enactment in 1989, more than 33 million acres of wetlands and associated upland habitats have been protected, restored and enhanced in Canada, Mexico and the United States. These 975 projects have been extremely beneficial to millions of migratory waterfowl and other avian species.

In my own State of Maryland, money from this fund has supported the Chesapeake Bay initiative and its ongoing efforts to restore essential riparian and upland buffer lands and wetland habitat.

Finally, we will hear testimony on H.R. 3470, a bill introduced by Congressman Mike McIntyre of North Carolina to make a so-called technical correction to the coastal barrier resource system.

During our hearing, it is my hope that our witnesses will give us their candid views on the need for this legislation, whether the authorization levels are appropriate and any proposed changes or improvements that they feel are necessary.

Mr. GILCHREST. The first one is Coastal Barrier Resources. And our first witness is Mr. McIntyre. And thank you for coming this morning, Mike.

Mr. MCINTYRE. Thank you, Mr. Chairman.

Mr. GILCHREST. We appreciate it. And we would like to hear your testimony and explanation so that we can incorporate that information into our understanding about how to continue to protect the very valuable but vulnerable and sensitive resource of our coastal barriers, that have been basically, depending on your point of view, over-developed, the coastal areas of the United States.

And there has been some confusion about lines drawn over the years as to where the property is supposed to be, and who is supposed to get flood insurance to rebuild after the inevitable storm comes through and knocks their house down. But we want to do what is right here this morning. And we appreciate your efforts in this situation on behalf of your constituents.

Mr. MCINTYRE. Thank you, Mr. Chairman.

Mr. GILCHREST. I would just like to see—just a second—if Mr. Underwood wants to make a comment.

Mr. UNDERWOOD. No, Mr. Chairman. In the interests of time, we will let Mr. McIntyre testify.

[The prepared statement of Mr. Underwood follows:]

Statement of The Honorable Robert A. Underwood, a Delegate to Congress from Guam

Thank you, Mr. Chairman. I appreciate that you have moved ahead energetically this morning to take up a busy spring-time legislative agenda. There is still much work to be done.

It often has been said that it is always best to make sure you have finished speaking before your audience has finished listening. So, with that bit of wisdom in mind, and in recognition of the time constraints that my friend and colleague, Mr. McIntyre, is under this morning, my opening remarks will be brief.

First, I am pleased that Mr. McIntyre's coastal barrier bill, H.R. 3470, has been included on this morning's agenda. As you know, Mr. Chairman, I believe that it is absolutely critical for this subcommittee to consider with the utmost scrutiny all legislation that would propose to alter the boundaries of any unit or otherwise protected area within the Coastal Barrier Resources System.

I make no exception in this case. However, I am impressed by the patient diligence through which Mr. McIntyre has worked cooperatively with the U.S. Fish and Wildlife Service and local stakeholders to fashion a responsible proposal to address what appears to be legitimate errors in the original boundaries of the Cape Fear unit. We shall see.

I am also pleased that you have decided to act quickly in scheduling a hearing on H.R. 3908, Chairman Hansen's legislation that would reauthorize the North

American Wetlands Conservation Act—more popularly referred to by its acronym, “NAWCA.”

In its relatively short history, NAWCA has proven itself to be one of our Nation’s most popular and cost-effective wetland restoration and conservation programs. Indeed, NAWCA’s success in leveraging non-Federal funds to support conservation partnerships is something we should try to emulate in other Fish and Wildlife Service grant programs.

While I know of no one who is suggesting that NAWCA should not be reauthorized, I do realize that minor adjustments might be advisable to fine tune the Act and better address contemporary needs in the field. I am hopeful that our witnesses will be able to provide some guidance in this respect.

And of course, Mr. Chairman, I look forward to learning more about your legislation, H.R. 4044, to address the nutria problem in Eastern Maryland, and I thank you for your support as we move ahead with other important invasive species legislation this Congress. Thank you.

Mr. GILCREST. All right, Mr. McIntyre. Thank you.

STATEMENT OF HON. MIKE MCINTYRE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. MCINTYRE. Thank you very much. Thank you for understanding our time constraints we have this morning.

Chairman Gilchrest, Ranking Member Underwood, and members of the Subcommittee, thank you for holding this hearing on H.R. 3470, which is a bill to clarify the boundaries of Cape Fear Unit NC07P, an otherwise protected area, or OPA, designed by the Coastal Barrier Improvement Act of 1990.

As the sponsor of this legislation and a strong supporter of the policies the Chairman has just enumerated under the Coastal Barrier Resources Act, I would like to speak to you in support of this bill.

As you know, Congress enacted the Coastal Barrier Resources Act in an effort to address problems caused by coastal barrier development. As you know, since CBRA restricts Federal expenditures and financial assistance, including Federal flood insurance, for developmental coastal barriers, we wanted to make sure we do continue to honor the spirit and the letter of the law.

In addition, the Coastal Barrier Improvement Act added otherwise protected areas, or OPAs, to the system; these being the undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes, as you know, for areas such as wildlife refuges and parks. And while they were not made part of the Coastal Barrier Resources System, Congress forbade the issuance of new flood insurance or any Federal development related assistance in OPAs.

Now, here is what has happened. The Fish and Wildlife Service has now advised me that the maps of the area known as NC07P are inaccurate. The errors in these maps therefore deny flood insurance to certain property owners on Bald Head Island, North Carolina. These errors result from problems inherent in translating the lines drawn on the large-scale maps for designations into precise, on-the-ground property lines.

This problem, however, is fixable, or correctable, due to improved technology that is available to Fish and Wildlife Service. The mistakes that led to the Bald Head Island properties being placed within the outer boundary of NC07P were clearly not intended by Congress when the maps were created.

Now, while correcting the lines around Bald Head Island, with the Fish and Wildlife Service, working with the Department of Defense, the State of North Carolina, and the local communities contained within NC07P, the great news is they have identified 2,471 acres that are eligible for addition to NC07P. Therefore, when the corrected area of only 109 acres is removed from the 2,471 acres that we would add, the net gain is 2,362 acres for protected area. In addition, while redrawing the boundaries, we made every possible attempt to minimize boundary changes to the maximum extent practicable, to protect the integrity of the OPA.

As you know, Mr. Chairman and Mr. Ranking Member and Subcommittee members, only an act of Congress may revise CBRA boundaries. Statute does not provide authority for an administrative correction of the errors that have been found. In the past, Congress has enacted legislation in several instances where the stated purpose was to remove private property from the mapped outer boundary of an otherwise protected area.

Furthermore, the technical changes called for in this legislation which I have before you today have the added benefit not only of making some technical corrections, but vastly increasing the overall acreage that would be protected under the new map, to the tune of 2,362 additional acres.

As hurricane season approaches, there are landowners on Bald Head Island who, by no fault of their own, will be left unprotected if a storm hits the lower Cape Fear region. My first 4 years in office, we had six hurricanes strike Cape Fear and make landfall in North Carolina in this very area. Therefore, this matter does require immediate attention. And I appreciate your prompt consideration of this important bill.

Thank you so very much for allowing me to testify on this legislation. I think it has very many benefits: not only technical corrections that will allow property owners the protection that they deserve, through no error of their own; but, as Fish and Wildlife has stated and as we have found and have worked on with the state and the local communities and the Department of Defense, we have the wonderful benefit of adding over 2,362 acres to the lines. I urge the Subcommittee to report this bill to the Full Committee as soon as possible. And thank you for your time.**

[The prepared statement of Mr. McIntyre follows:]

Statement of The Honorable Mike McIntyre, a Representative in Congress from the State of North Carolina, on H.R. 3470

Chairman Gilchrest, Ranking Member Underwood and Members of the Subcommittee. Thank you for holding a hearing on H.R. 3470 a bill to clarify the boundaries of Cape Fear Unit NC07P an "otherwise protected area" (OPA) designated by the Coastal Barrier Improvement Act of 1990. As the sponsor of this legislation, I would like to speak to you in support of the bill.

Congress enacted the Coastal Barrier Resources Act (CBRA) in an effort to address problems caused by coastal barrier development. As you know, CBRA restricts Federal expenditures and financial assistance, including Federal flood insurance, for development on coastal barriers in the CBRAs. In addition, the Coastal Barrier Improvement Act of 1990 added "otherwise protected areas" to the System. OPAs are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes such as wildlife refuges and parks. While they were not made part of the Coastal Barrier Resources System, the Congress forbade the issuance of new flood insurance or any Federal development-related assistance in OPAs.

The Fish and Wildlife Service has now advised me that the maps of the area known as NC07P are inaccurate. The errors in the maps deny flood insurance to certain property owners on Bald Head Island, North Carolina. The errors result from the problems inherent in translating lines drawn on the large-scale maps used for designations into precise, on-the-ground property lines. However, this problem is now fixable due to improved technology available to the Fish and Wildlife Service. The mistakes that led to the Bald Head Island properties being placed within the outer boundary of NC07P was clearly not intended by Congress when maps were created.

While correcting the lines around Bald Head Island, the Fish and Wild Life Service working with the State of North Carolina and the local communities contained within NC07P identified 2,471 acres that are eligible for addition to NC07P. Therefore, when the 109 acres are removed from the 2,471 that would be added, the net gain to NC07P is 2,362 acres.

As you know, only any act of Congress may revise CBRA boundaries. The statute does not provide authority for an administrative correction of such an error. In the past, Congress has enacted legislation in several instances where the stated purpose was to remove private property from the mapped outer boundary of an otherwise protected area. Furthermore, the technical changes called for in my legislation have the added benefit of vastly increasing the overall acreage in the map. As hurricane season approaches, there are landowners on Bald Head Island who, by no fault of their own, will be left unprotected if a storm hits the lower Cape Fear region. Therefore, this matter requires immediate attention, and I appreciate your prompt consideration of this important bill.

Once again, thank you for allowing me to testify on my legislation, and I urge the subcommittee to report this bill to the full Committee as soon as possible. Thank you.

Mr. GILCHREST. Thank you, Mr. McIntyre.

Mr. MCINTYRE. Thank you, sir.

Mr. GILCHREST. Just one question. Do you have any idea, of the 2,400 acres that are added, how much of that is aquatic habitat, and how much of that is upland habitat?

Mr. MCINTYRE. Excuse me just one moment.

[Pause.]

Mr. MCINTYRE. I would defer to Fish and Wildlife, who are ready to testify on that.

Mr. GILCHREST. All right.

Mr. MCINTYRE. I will leave that part to the experts.

Mr. GILCHREST. We will do that.

Mr. MCINTYRE. OK.

Mr. GILCHREST. Thank you very much, Mike.

Mr. MCINTYRE. Yes, sir.

Mr. GILCHREST. Mr. Underwood, any questions?

Mr. UNDERWOOD. Just quickly, Mike, how many private residences were removed from the existing boundaries of the otherwise private protected area? And of the land areas that are now incorporated into the OPAs, was all of this land publicly held, or was there some private land that had been reserved for conservation purposes?

Mr. MCINTYRE. Just one moment.

[Pause.]

Mr. MCINTYRE. Fish and Wildlife has informed us, 20 acres of the currently undeveloped land could be opened to development. We do not know the exact number of properties that would be removed. We will be happy to get back with you on that.

Mr. UNDERWOOD. OK. Thank you. And thank you for your testimony, and on an excellent real technical correction, I might add.

Mr. MCINTYRE. Thank you, sir.

Mr. GILCHREST. Thanks, Mike.

Mr. MCINTYRE. Yes, sir.

Mr. GILCHREST. Have a good day.

Mr. MCINTYRE. Thank you to the Committee. Thank you.

Mr. GILCHREST. The next witness is Cathleen Short, Assistant Director for Fisheries and Habitat Conservation, U.S. Cape Fish and Wildlife Service. Welcome, Ms. Short. How is your career going?

Ms. SHORT. It is very busy, Mr. Chairman.

Mr. GILCHREST. Very busy.

Ms. SHORT. We hope it is going well.

Mr. GILCHREST. We wish you well.

Ms. SHORT. Thank you very much.

Mr. GILCHREST. You may begin, ma'am.

STATEMENT OF CATHLEEN SHORT, ASSISTANT DIRECTOR FOR FISHERIES AND HABITAT CONSERVATION, U.S. FISH AND WILDLIFE SERVICE; ACCOMPANIED BY PAUL SOUZA, COASTAL BARRIERS COORDINATOR, U.S. FISH AND WILDLIFE SERVICE

Ms. SHORT. Good morning, Mr. Chairman. I am Cathleen Short. I am the Assistant Director for Fisheries and Habitat Conservation for the U.S. Fish and Wildlife Service. I very much appreciate the opportunity this morning to testify on the bills being considered.

I would like to begin with H.R. 3908. We support this bill without reservation, and greatly appreciate this Committee's interest in the conservation of wetlands and associated habitats. Since its initial passage, we have witnessed remarkable achievements in conservation through NAWCA. In Fiscal Years 1991 through 2002, over 8 million acres of wetlands and associated uplands were protected or restored in the United States and Canada, and roughly 450,000 acres were restored in Mexico.

Each Federal dollar appropriated for NAWCA has leveraged nearly \$3 from outside sources. Over the past 2 years alone, an annual average of \$75 million has been available from all sources; an amount that clearly meets many of our high-priority habitat needs, but certainly not all. Each year, there are projects with significant non-Federal support that we are unable to fund. We appreciate Congress' continued support, and look forward to future successes.

I would like to turn now to H.R. 3470, a bill to clarify the boundaries of the Cape Fear Unit within the Coastal Barrier Resources System. Because of the imprecise tools that were available when Otherwise Protected Areas were first mapped, we have found their boundaries often do not mirror the property boundaries of the protected lands they were meant to follow.

When these OPAs come to our attention, we work closely with the interested land owners, local and state officials, and land managers, to correctly map the boundaries, with the high-quality mapping tools that are now available to us.

H.R. 3470 addresses one of these cases. We have worked with our partners, including the local land owners and local officials, to produce draft maps that more accurately depict the protected lands in the area. And for this reason, the Department of the Interior supports H.R. 3470.

Last, I would like to address H.R. 4044. The Service commends the Chairman and the Committee for recognizing the significant threat posed by nutria to the Chesapeake Bay ecosystem and to the economy and the culture of the Bay area communities. We are encouraged by H.R. 4044 and other bills that have been introduced in Congress to combat invasive species. However, we would need to identify more clearly how H.R. 4044 would be funded, within the context of the current budget climate and the priorities that are reflected in the President's budget.

The Service joined forces with the State of Maryland, other Federal agencies like Wildlife Services, and partners in the private sector, to identify appropriate methods for controlling nutria and restoring the degraded marsh habitat. The end result was a 3-year pilot program approved by Congress. The partnership successfully leveraged commitments of over \$1-1/2 million in non-Federal funds and services to support the initiative.

The Service contributed \$500,000 in Fiscal Years 2000 and 2001 for the initiation and implementation of that pilot study. An earmark for an additional \$550,000 for the nutria project was included last year. Because it is Administration policy to eliminate all unrequested congressional adds to the budget, the increase was not included in the President's Fiscal Year 2003 budget request.

The Service plans to continue nutria project funding amounts within the priorities identified in the President's budget. And we are also examining additional opportunities to fund the continuation of the nutria eradication program in Maryland, through partnerships and through cost-share programs.

Mr. Chairman, this concludes my prepared statement, but I will be pleased to respond to any questions that you and the Committee may have.

[The prepared statement of Ms. Short follows:]

Statement of Cathleen Short, Assistant Director, Fish and Wildlife Service, U.S. Department of the Interior, on H.R. 3908, H.R. 3470 and H.R. 4044

Good morning, Mr. Chairman. I am Cathleen Short, Assistant Director for Fisheries and Habitat Conservation with the U.S. Fish and Wildlife Service. I appreciate the opportunity to testify on the three fish and wildlife bills being considered this morning.

H.R. 3980, the "North American Wetlands Conservation Act"

We greatly appreciate the Committee's interest in conservation of wetlands and associated habitats, and for recognizing the tremendous value and success of the North American Wetlands Conservation Act (NAWCA), originally passed in 1989. Over this past decade, we have witnessed remarkable achievements in conservation through this landmark legislation, which promotes strong partnerships to protect and restore habitat for migratory birds, endangered species, and a host of other fauna and flora. These partnerships are established with world renowned conservation organizations, State fish and game agencies, and numerous small grass-roots organizations focused in small geographic areas.

NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. NAWCA was passed, in part, to support activities under the North American Waterfowl Management Plan, an international partnership agreement that provides a comprehensive strategy for the long-term protection of wetlands and associated uplands habitats needed by waterfowl and other migratory birds in North America, enjoyed by more than 65 million Americans annually. NAWCA is also widely recognized for its support of other bird conservation plans, including Partners in Flight, North American Waterbird Conservation Plan, and U.S. Shorebird Conservation Plan, all of which emphasize the importance of habitat conservation.

One of the unique features of NAWCA that makes it so strong is its creation of the North American Wetlands Conservation Council, a group that reviews and recommends projects for approval by the Migratory Bird Conservation Commission. The strength of the Council comes from its diverse membership, composed of the Director of the Service, Director of the National Fish & Wildlife Foundation, four Directors of State Fish & Games agencies representing each of the four migratory bird flyways, and three charitable, non-profit organizations actively involved in habitat conservation. The Council has been widely viewed as a leader in international habitat conservation activities through their implementation of NAWCA.

Permit me to summarize briefly an important message about NAWCA and its funding history. Congress has appropriated funds to conduct NAWCA activities since 1991, beginning with a modest \$15 million. In contrast, in Fiscal Year 2001, Congress appropriated \$40 million, and in Fiscal Year 2002, Congress appropriated \$43.50 million. For Fiscal Year 2003, the President has requested \$43.56 million, showing a continuing support for this essential conservation tool.

Additional funding for NAWCA comes from moneys received from fines, penalties, and forfeitures under the Migratory Bird Treaty Act of 1918, and from interest accrued on the fund established under the Federal Aid in Wildlife Restoration Act of 1937. Amendments to the Federal Aid in Sport Fish Restoration Act of 1950 directed a portion of the moneys collected from Federal fuel excise taxes on small gasoline engines be allocated for use under NAWCA for coastal ecosystem projects. Over the past 2 years alone, an annual average of \$75 million has been available from all sources, an amount that meets many, but not all, identified needs. During Fiscal Years 2000 and 2001, 237 projects were funded with \$114.8 million in NAWCA funds with \$404.7 million in partner support, an additional 135 proposals requesting \$31.7 million in NAWCA funds were unable to be funded due to higher priorities. These unfunded proposals had over \$91.4 million of committed partner support, and can be considered for future disbursements. These statistics are shared to validate the value of NAWCA in terms of continued high demand while also emphasizing the challenge in meeting the habitat needs for our Nation's migratory bird and wildlife resources.

I would also like to highlight a few notable statistics. From Fiscal Years 1991 through 2002, more than 5,700 individual partners were involved in 881 NAWCA Standard Grant program projects, which can be eligible for up to \$1 million in grant monies. More than \$460 million has been invested through the Act; total partner contributions have amounted to more than \$1.3 billion. Approximately 8.3 million acres of wetlands and associated uplands have been protected or restored in the United States and Canada, and more than 444,000 acres in Mexico. Under the Small Grants program, which offers up to \$50,000 to partners in the United States, more than 300 partners have been involved in 161 projects with approximately \$6.6 million in contributions throughout the program's history. Partners of the U.S. Fish and Wildlife Service (Service) have contributed \$50 million in support of this program. Each Federal dollar provided by the NAWCA has leverage nearly three dollars (\$2.94) from outside sources. We believe that is a significant, and wise, Federal investment.

In 1998, Congress reauthorized appropriations for the Act through Fiscal Year 2003, reflecting Congress' and the public's support of NAWCA's goals. In 2001, Congress raised the appropriation authorization to \$50 million. H.R. 3908 will maintain the authorized funding level at \$50 million and will extend authorization for the Act through 2007. We support this bill without reservation and look forward to maintaining oversight of legislation that carries an impressive history of accomplishment for both the American people and the wildlife it treasures.

H.R. 3470, a bill to clarify the boundaries of Coastal Barrier Resources System Cape Fear Unit NC-07P.

Mr. Chairman, in a moment I will discuss the Service's support of H.R. 3470, a bill directing the Secretary of the Interior to make technical corrections to NC-07P, an area established by the Coastal Barrier Improvement Act of 1990. Before doing so, I will briefly describe the Coastal Barrier Resources Act and the Service's role in its implementation.

Coastal barriers perform many functions that strengthen our economy and promote a healthy environment. They often help provide the back-bay water conditions necessary to support productive and lucrative fisheries—the world class oyster beds of Apalachicola, Florida, are one example. In addition, these migrating strips of sand provide essential habitat for migratory birds and many at-risk animals such as piping plovers and sea turtles, which spend a portion of every year on them. Coastal barriers are also popular vacation destinations and a boon to local economies; their beautiful beaches, unique dune and wetland environments, and biological diversity

attract millions of visitors every year. Hilton Head, South Carolina, North Carolina's Outer Banks, and Galveston, Texas, are a few examples of popular coastal barrier vacation sites.

With all of their amenities, it is no surprise that the demand for property on coastal barriers is high. Developing them, however, is a risky endeavor. Commonly found along the Atlantic and Gulf coasts, coastal barriers are the first land forms that storms strike; they must bear the full force of storm surges and hurricane winds. The constant pounding of waves keeps coastal barriers in a state of flux, losing sand in some places and gaining it in others. In addition, chronic erosion is a real and increasing problem in many places, rendering development that appeared safe years ago vulnerable to storms today.

Recognizing the risk of developing coastal barriers and the value of coastal barriers to local economies and natural resources, Congress adopted and President Reagan signed into law the Coastal Barrier Resources Act (CBRA) of 1982. The Act is the essence of free-market natural resource conservation; it in no way regulates how people can develop their land, but transfers the full cost from Federal taxpayers to the individuals who choose to build. People can develop, but taxpayers won't pay. By limiting Federal subsidies, such as flood insurance, and letting the market work, the Act seeks to conserve coastal habitat, keep people out of harm's way, and reduce "wasteful" Federal spending to develop—and rebuild again and again—places where storms often strike and chronic erosion is common.

To make this vision work, the Act identified undeveloped coastal barrier units along the Atlantic and Gulf coasts and included them in the John H. Chafee Coastal Barrier Resources System—named after the late Senator who was instrumental in shaping the law and a life-long champion of natural resource conservation. As authorized by Congress, the Secretary of the Interior is responsible for (1) maintaining the official maps of the System, (2) conducting a review of the maps every five years to reflect natural changes, (3) consulting with Federal agencies that propose spending funds within the System, and (4) ensuring Federal Flood Insurance Rate Maps accurately depict the official boundaries.

In 1990, Congress passed the Coastal Barrier Improvement Act. In addition to expanding the System, the 1990 Act designated "otherwise protected areas," or OPAs. Units of the System primarily include private lands that are subject to a wide array of restrictions on Federal spending, from flood insurance to subsidies for roads, potable water, and other types of infrastructure. OPAs, on the other hand, add one more layer of protection to coastal barrier park lands, wildlife refuges, bird sanctuaries, and other areas held for some conservation purpose. In particular, Federal flood insurance is prohibited in OPAs to discourage the development of privately owned inholdings.

Because of the imprecise tools available when OPAs were first mapped, we have found their boundaries often do not mirror the actual property boundaries of the protected lands they were meant to follow. They sometimes include private lands that are not inholdings, and the owners of these lands cannot obtain Federal flood insurance for their homes. When these OPAs come to our attention, we work closely with interested land owners, local and State officials, and land managers to correctly map the boundaries with the high quality tools now available. We then provide the updated information to Congress for consideration.

NC-07P, an OPA around Cape Fear, is one of these cases. We worked with our partners, including local landowners and officials from the Village of Bald Head Island, Bald Head Island Land Conservancy, North Carolina Department of Natural Resources, and Sunny Point Military Installation, to produce draft maps that accurately depict protected lands in the area. The maps would exclude about 110 acres of land, but they also would add about 2,470 acres of nearby protected lands that we identified during our research. In addition, we recently learned that a portion of the 110 acres is managed by the North Carolina Department of Cultural Resources. We are working closely with them to modify the draft maps accordingly, which could reduce the amount of land removed from the OPA by as much as 65 acres. We will keep you apprised of our progress.

H.R. 3470 would adopt new maps of NC-07P that pinpoint the boundary of conservation lands and significantly expand the OPA. The Department believes that Congress did not intend to include private lands outside of the border of the conservation lands in the OPA. Because of this, and the fact that the new maps were prepared through a collaborative process involving all of the local land owners, the Department supports H.R. 3470.

Mr. Chairman, we will continue to work with Congress to achieve CBRA's objectives and improve the accuracy of OPA boundaries. Our work on OPAs is one part of our broader goal to modernize all CBRA maps and provide our partners with better information. We believe this will help achieve all of three of CBRA's intentions:

saving taxpayers' money, keeping people out of the deadly path of storm surge, and protecting valuable habitat for fish and wildlife.

H.R. 4044, a bill to authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria.

The Service commends the Chairman and the Committee for recognizing the significant threat posed by nutria to the Chesapeake Bay ecosystem and to the economy and culture of the Bay area communities. The Service has a long history of commitment to protecting and enhancing the fish and wildlife resources of the Bay area through our cooperative efforts with the States, private landowners, and through the habitat management work conducted on National Wildlife Refuges such as Blackwater National Wildlife Refuge. We recognize that Federal land management agencies like the Service play a key role in managing invasive species, particularly at the local level where communities are struggling to find support for protection of the environment, sustainable agriculture, and economic stability.

Nutria are an exotic invasive rodent, native to South America, that have been introduced in 22 states nationwide, and affect over 1 million acres of the National Wildlife Refuge System (NWRS). Among areas with high nutria populations is the lower Eastern Shore of Maryland, including Blackwater National Wildlife Refuge. Blackwater has lost over 7,000 acres of marsh since 1933, and the rate of marsh loss has accelerated in recent years to approximately 200 acres per year. Although there are many contributing factors (e.g., sea level rise, land subsidence), nutria are a catalyst of marsh loss because they forage on the below-ground portions of marsh plants. This activity compromises the integrity of the marsh root mat, facilitating erosion and leading to permanent marsh loss.

Nutria are one of thousands of invasive species impacting the NWRS, as well as other Federal, State, and private lands. The degradation of native fish and wildlife habitats and the functional disruption of entire ecosystems due to invasive species is overwhelming. Invasive species impacts to the NWRS have also reached enormous proportions.

In an effort to make the best use of our abilities and resources, the Service cooperates with numerous partners, including the Department of Agriculture's Wildlife Services, to identify priorities for invasive species prevention and control work. As new invasive species infestations are identified and others expand, many times we are forced to react, rather than be proactive, which prevents us from getting ahead of the problems. Although the Service fully realizes the threat posed by nutria to the integrity and function of the Chesapeake Bay ecosystem, and to Blackwater National Wildlife Refuge, we must prioritize nutria management within the context of hundreds of other high priority invasive species problems nationwide.

In light of this broader nationwide invasive species problem and the significant ecological degradation caused by nutria, the Service joined forces with partners in Federal and State government and the private sector in 1997 to identify appropriate methods for controlling nutria and restoring degraded marsh habitat. The partnership prepared a 3-year pilot program proposal, which was subsequently approved by Congress, including authorization for the Secretary of the Interior to spend up to \$2.9 million over 3 years beginning in Fiscal Year 2000 (Public Law 105-322). The partnership successfully leveraged commitments of over \$1.5 million in non-Federal funds and services for the initiative, raising the total amount of project support available to approximately \$2.05 million.

During Fiscal Year 2001, the State of Maryland submitted a grant proposal under the Service's Coastal Wetlands Grant program. That proposal would have further supported wetlands restoration efforts related to the nutria partnership, however, the proposal was not submitted within the establish deadline. We encourage the State of Maryland to resubmit the proposal.

In Fiscal Years 2000 and 2001, \$500,000 of Service funds were earmarked for initiation and implementation of the pilot study in and around Blackwater National Wildlife Refuge as authorized by P.L. 105-322. The Service identified approximately \$199,000 from the Partners for Fish and Wildlife program and approximately \$299,000 from Refuge Operations funding to meet our study obligations. In Fiscal Year 2002, the Service received an earmark for an additional \$550,000 for the nutria project through the Partners for Fish and Wildlife program, that increased the available funds from that program for the nutria project to \$749,000. This, plus the Refuge Operation funding, provided a total of \$1.048 million for 2002. The Service has again identified \$498,000—\$199,000 from the Partners for Fish and Wildlife program and \$299,000 from Refuge Operations funding—to meet our study obligations for Fiscal Year 2003.

We are encouraged by H.R. 4044, and other bills introduced in Congress, which address invasive species problems. However, we need to identify more clearly how a program like that proposed in H.R. 4044 would fit within the Service's priorities as reflected within the President's budget. Additionally, there are other aspects of the bill that cause concern, including the need for a new grant program to specifically address nutria, the high Federal cost-share, and high administrative expenses provision provided in the bill. The Service appreciates the Committee's efforts at controlling and eradicating invasive species, and we stand ready to work with the Committee toward that end.

The Service plans to continue nutria project funding amounts within the priorities identified in the President's budget. The Service is also examining additional opportunities to fund the continuation of the nutria eradication program in Maryland through partnerships and cost-share programs currently requested in the President's budget request. Programs such as the Cooperative Conservation Initiative and the Coastal Program may provide mechanisms to increase the available funds for nutria control and marshland restoration, however these programs involve competitive processes for project selection and a commitment at this time would be premature.

The Service recognizes the need to continue cooperative efforts to eradicate nutria in the Chesapeake Bay region and will continue its commitment as a key Federal member of the nutria eradication partnership.

Mr. Chairman, this concludes my prepared statement. I will be pleased to respond to any questions you may have.

Mr. GILCHREST. Thank you very much, Ms. Short. A question on the coastal barriers. The land being removed from protection is about 110 acres. The land being added to the program is 2,015, is what I have here—total land added, 2,471 acres being added to the program. Can you tell us how much of the 2,471 is upland, and how much of it is water?

Ms. SHORT. Yes, sir. It is about evenly split between those two categories. I would also mention that we have just very recently identified acreage within that amount that we have shown on the current draft map to be eliminated from the system, which could become protected by the Maryland agency for cultural resources. And if that is the case, that would further reduce the amount of acreage that is being—

Mr. GILCHREST. The North Carolina Department of Cultural Resources?

Ms. SHORT. I am sorry. Excuse me. It is North Carolina, yes.

Mr. GILCHREST. So of the 2,471 acres being added, about 1,200 of that is upland?

Ms. SHORT. The figures I have relative to the revision show about 9,800 acres of wetlands and open water, and 9,300 acres of upland.

Mr. GILCHREST. OK. I am just trying to get some idea of the balance. What is this, 9,300 acres? What is the 9,300 acres?

Ms. SHORT. If you will allow me, I would like to ask Paul Souza to explain that acreage.

Mr. GILCHREST. Sure. Have him come up and sit down. I am just trying to get some idea. We are adding. Total land being removed from the program is 109 acres.

Could you give us your name and title?

Mr. SOUZA. Yes. My name is Paul Souza. I am the Coastal Barriers Coordinator for the U.S. Fish and Wildlife Service.

The 109 acres that you referenced is the amount of land that would be removed, based on the maps that are before you today.

Mr. GILCHREST. Right.

Mr. SOUZA. Of that 109 acres, about 65 acres are, we recently found, managed by the North Carolina Department of Cultural Resources. And in our research and investigation, we did not uncover this, because we were working with the Department of Natural Resources.

Mr. GILCHREST. Sixty-five of the 109 being removed are managed by the North Carolina Department of Cultural Resources?

Mr. SOUZA. That is right.

Mr. GILCHREST. And what does that mean?

Mr. SOUZA. Well, it means that we are happy about that, because they are conservation lands. And we are working closely with the State to pinpoint the boundaries. And we are very hopeful that we can include that 65 acres back in the unit before it is formally adopted by Congress.

Mr. GILCHREST. So of the 109 removed, it is likely that only 44 will actually be removed and potentially used for development?

Mr. SOUZA. Correct. And of that 45 acres, there is some development on the ground already. Probably roughly 10 of that 45 is currently developed. And I estimate that another 10 or 15 acres is too wet for development to occur. So roughly, we guess that about 20 acres of that 45, in the southern part, could be developed in the future.

Mr. GILCHREST. I see. So of the total acreage of land being removed, which in the beginning was 109, the likelihood of the acreage out of that 109 for development would be somewhere in the neighborhood of 20 acres?

Mr. SOUZA. I think that is correct.

Mr. GILCHREST. Twenty acres. Look at that. Very good. OK. That doesn't sound too bad. And just of the 2,471 acres that are being added to the program, roughly half of that is just an estuary?

Mr. SOUZA. I would say actually the number that Congressman McIntyre referenced is, by and large, developable land, mostly owned and managed by the Department of Defense. There is, however, as Cathy suggested, probably another equal amount of aquatic habitat that would be added to the OPA.

Mr. GILCHREST. So the 2,471 acres being added is not water?

Mr. SOUZA. Correct.

Mr. GILCHREST. It is just solid land?

Mr. SOUZA. Yes. By and large.

Mr. GILCHREST. And how much of that is managed by the Department of Defense?

Mr. SOUZA. Two thousand fifteen acres.

Mr. GILCHREST. OK. Interesting. Well, we will take a look at that as we go along, and we will study the maps and see if we can, in what we do, protect, restore habitat, and try to do the right thing for Mr. McIntyre's constituents.

Mr. Underwood?

Mr. UNDERWOOD. Just briefly, do you know how many private residences were removed from the existing boundaries of the OPA?

Mr. SOUZA. We do not know exactly the number of lots that have been removed. About 2 years ago, we were approached by a land owner in the area who brought to our attention the fact that there are private lands that are not in holdings in the OPA. At that point, we mobilized to try to figure out where the real property

boundaries are. Rather than look at a lot-by-lot basis, we took the approach that we need to get the lines right, and that is what we did. So we have the 20-acre estimate of developable land potential in that area, but not a lot count.

Mr. UNDERWOOD. Now, of the acreage that is coming into the OPA, how much of that is privately held, if any?

Mr. SOUZA. None.

Mr. UNDERWOOD. None? OK. So just to characterize, I know the intent is to make the maps accurate, and they are really technical corrections. But would it be fair to characterize this legislation as more designed to allay the fears of the private residents/owners? Or more to add more conservation land?

Mr. SOUZA. Well, clearly, this issue was brought to our attention because there was a problem. There were private land owners who were included in our OPA who were not in holdings within a conservation boundary. So first and foremost, the interest would be allowing them to be excluded from the OPA, so that they could obtain Federal flood insurance.

Now, our policy is, when we find technical errors like this we do our best to research, to find out if any protected lands were missed when the maps were first put together. Perhaps protected areas have been protected subsequent to that mapping process. So we try to get the lines right in the first place, and we try to find if there are other lands that could be included.

Mr. UNDERWOOD. OK. Thank you for your clarifications, Mr. Souza.

Mr. GILCREST. Thanks, Mr. Underwood.

Just one other question on coastal barriers. Do you know how many homes were built in the area that was at least thought to be in the program, land that was thought to be in the program? How many homes do you know were built in that land thought to be in the program, that are now going to be taken out of the program and eligible for Federal flood insurance?

Mr. SOUZA. I do not have a number of the homes. But if you would like me to find out for you, I can.

Mr. GILCREST. I would. What was your name again?

Mr. SOUZA. Paul Souza.

Mr. GILCREST. Paul Souza. What is your phone number?

[Laughter.]

Mr. GILCREST. Thank you very much.

Ms. Short, two things about nutria. One, does the Administration support the bill?

Ms. SHORT. The Administration supports the goals and objectives of the bill, and is very supportive of the efforts by this Committee to help us combat invasive species problems. In terms of clarification of how the funding for the bill would be integrated within the President's budget, its priorities would still need to be clarified.

Mr. GILCREST. Well, can you tell us what funding levels you would support?

Ms. SHORT. I am not sure I can answer that, Mr. Chairman, without further consideration relative to any modifications you might be considering for the bill, or other kinds of activities that are supporting nutria work.

Mr. GILCHREST. You couldn't give us any range of the Federal cost share that would likely be supported by the Administration?

Ms. SHORT. No, I am not aware of what would be supported by the Administration, Mr. Chairman.

Mr. GILCHREST. Can we get that information, so as we move the bill toward a vote we can have the assurances that the Administration would support that?

Ms. SHORT. I will do my best to do so.

Mr. GILCHREST. I guess I don't need to ask for your phone number.

Ms. SHORT. I would be happy to give it to you. You probably already know it, Mr. Chairman.

Mr. GILCHREST. Oh, I am sure the staff has it. So if we called you next week, could we get some type of range?

Ms. SHORT. I will have an answer for you next week.

Mr. GILCHREST. Or you could give us the name of somebody in OMB, and we will call that person.

Ms. SHORT. Actually, I like that idea, Mr. Chairman.

Mr. GILCHREST. Do you like that idea?

[Laughter.]

Mr. GILCHREST. Maybe we will do that. All right, Mr. Underwood, any further questions?

Mr. UNDERWOOD. Just a general question on H.R. 4044. What impact are nutria having on the other eight national wildlife refuges on the Delmarva Peninsula?

Ms. SHORT. I am aware of the impact on Blackwater National Wildlife Refuge. I have visited that refuge several times in the past few years, and I have seen for myself the impacts of nutria on the marshlands and what is happening there. But I am not aware of the full extent of damage or impacts that nutria may have on our National Wildlife Refuges on the peninsula. I would be happy to get that information for you.

Mr. UNDERWOOD. OK. I would appreciate that. Thank you.

Mr. GILCHREST. One other question for Mr. Souza, when we call. How many houses were there before 1990, and how many houses have been built since 1990? Thank you.

Mr. SOUZA. Again, I don't know the answer, but I will get it for you.

Mr. GILCHREST. Sure. That is all right.

Ms. Short, have you ever been to Blackwater Refuge?

Ms. SHORT. I have, several times, Mr. Chairman.

Mr. GILCHREST. Have you tasted nutria?

[Laughter.]

Ms. SHORT. No, sir, I haven't.

Mr. GILCHREST. You haven't? Well, we will bring some in the next time.

[Laughter.]

Mr. GILCHREST. Thank you very much, Ms. Short. We appreciate your testimony.

Ms. SHORT. Thank you.

Mr. GILCHREST. Panel three is Ms. Edith Thompson, Invasive Species Coordinator, Maryland Department of Natural Resources; and Mr. Kevin Sullivan, USDA APHIS State Director, Wildlife Services.

Ms. Thompson, Mr. Sullivan, thank you for coming this morning.

Ms. THOMPSON. Thank you.

Mr. GILCHREST. We appreciate your cooperation in this. And Ms. Thompson, I know you have been an active participant in nutria eradication.

Ms. THOMPSON. Yes, sir.

Mr. GILCHREST. And I also know that you have eaten nutria. So we certainly appreciate all that the State of Maryland has done in this effort. And you may begin first.

STATEMENT OF EDITH THOMPSON, INVASIVE SPECIES COORDINATOR, MARYLAND DEPARTMENT OF NATURAL RESOURCES

Ms. THOMPSON. Thank you, Mr. Chairman. I beg the Committee's forgiveness: I have a little bit of a cold. I will try to be as clear as possible.

On behalf of the Maryland Department of Natural Resources, and Secretary J. Charles Fox, I thank you for asking us to testify before the Subcommittee on the Maryland Nutria Control Pilot Project and H.R. 4044, which authorizes the Secretary of Interior to establish a program to eradicate nutria and restore wetlands in Maryland. We greatly appreciate the support that the pilot project has received from Congress in the past few years.

As you know, DNR has been a principal partner in the pilot project, along with the U.S. Fish and Wildlife Service; Tudor Farms, Incorporated; the University of Maryland, Eastern Shore; the Maryland Fish and Wildlife Cooperative Research Unit; and we welcome now USDA APHIS.

We estimate that nutria have damaged thousands of acres of state land of brackish marsh on Fishing Bay Wildlife Management Area, which is adjacent to Blackwater National Wildlife Refuge in Dorchester County, where the species is most concentrated on the peninsula. We have found individuals actually from the Chesapeake Bay Bridge south to the Virginia line in Maryland. They actually are in Bombay Hook, as well.

Although nutria damage is not the only cause of marsh loss in the area, early studies in the pilot project demonstrated that nutria cause significant damage to marsh. When feeding, nutria remove entire plants, causing the sediment that supports the plants to erode away. Continuous conversion of marsh habitat to open water in this manner is removing significant habitat for commercially important fin fish, shellfish, and waterfowl, and decreasing the ability of protected state lands as well as Federal lands to support a diversity of native plants and animals.

The continued removal of the three-square bulrush marsh, which preferred by nutria, from Dorchester County and from surrounding areas could result in a change in the local environment, which could in turn prevent the restoration of the marsh. To protect the marsh, nutria eradication must be conducted aggressively and efficiently, in order to prevent resettlement in treated marshes. Damaged marsh must be restored immediately, in order to maintain an environment that can support marsh plants while nutria are being removed.

The DNR joined forces with the other partners of the pilot project to generate information needed to develop effective methods and strategies to reduce nutria population in the Chesapeake Bay wetlands to the point where they are unable to maintain a sustainable population; and to develop effective marsh habitat restoration methods and strategies; and finally, to promote public understanding of the importance of preserving Maryland's wetlands and the danger that nutria pose to those wetlands.

The pilot project has provided the partnership with data helpful to the development of an eradication plan, which is being finalized now, and we expect to start work this month. Through the live trapping that we have been doing over the past few years—tagging certain animals, fitting others with radio collars and transmitters, and examining the physiological health and reproductive status of others—we have gained a much greater understanding of nutria on Maryland's wetlands in the lower Eastern Shore.

The development of marsh habitat restoration methods is ongoing, and will continue as the eradication of nutria on the lower Eastern Shore gets underway. The U.S. Army Corps of Engineers is testing sediment in the laboratory for its ability to support marsh plants that have been damaged by nutria, and is now testing sediment spraying in Blackwater National Wildlife Refuge to determine the use of this technology for marsh restoration.

The pilot project has been very actively promoting public awareness of the importance of wetlands and the damage that nutria can do to those wetlands. It has been featured on national television, including the Discovery Channel, the National Geographic Channel, CNN; and local television, Maryland Public Television; all the local Washington, D.C., Baltimore, Salisbury news programs, several times over the past few years; and many times in the newspapers, including the "Washington Post," the "Baltimore Sun," etcetera.

The Department has contributed a total of about \$236,000 in cash and in-kind services to the pilot project since its early planning stages in 1999. We are committed to continuing to request state funds to support the project through our budgetary process, and will work to raise funds for discrete needs of the eradication effort, as well as continue to contribute staff resources and state equipment.

Unfortunately, like many state governments around the country, our budget opportunities have narrowed as a result of the recession and September 11th. And the DNR, like all state departments, has been asked to reduce its expenditures.

Going on to eradication, beyond the pilot program, the current objective is to implement a test eradication effort in our study area—which is Blackwater National Wildlife Refuge; Fishing Bay Wildlife Management Area; and Tudor Farms, Incorporated, in Dorchester County—followed by a large-scale nutria eradication effort on the entire lower Eastern Shore.

The goal of this will be to eradicate nutria, or to reduce the population to unsustainable levels. The test effort will be conducted for 2 years, and the full-scale eradication over the following 3 years. We will test perimeter and saturation trapping in 40-acre plots in

the study area. There are approximately 192,870 acres of nutria habitat throughout the lower Eastern Shore.

Each 40-acre plot would be trapped intensively throughout, then more broadly in a second sweep, to ensure eradication. Trapping would continue along the perimeter, to prevent nutria from moving between treated and untreated plots.

We anticipate the cost of the entire effort at \$20 million over 5 years, at the average rate of about \$18,000 per 180-acre plot. Most of the cost consists of trapper salaries and benefits, as well as data entry staff, project management, equipment, and supplies. Two-thirds of that cost represents the initial trapping effort, and one-third, the second sweep.

We are especially grateful that the pilot project was funded at approximately \$1 million in Fiscal Year '02. This has enabled us to embark on the eradication phase of the project ahead of schedule, a phase which will continue for 2 years. Each year of this phase will cost at least \$1 million.

Having first-hand experience with this project for over one and a half years, serving on the pilot project's management team, and through the Department's over 3-year involvement, I can attest to the continuing need that this effort has for financial support, as well as the bare efficiency with which funding is used.

Finally, DNR is committed to the long-term goals of nutria eradication in Maryland and the restoration of marsh that has been damaged by nutria. We will continue to dedicate management, administrative, and biological staff; request state funds; and solicit private funds to ensure that these efforts can succeed.

Exotic/invasive species impact Federal, state, and private lands and, by definition, can multiply and move among these lands. And cost of control and habitat restoration is such that these efforts cannot succeed without strong financial and implementation partnerships. We urge Congress to authorize appropriations necessary to ensure that this partnership remains strong and that prior Federal and state investments can contribute to an active effort to eradicate nutria in Maryland. Thank you.

[The prepared statement of Ms. Thompson follows:]

Statement of Edith R. Thompson, Exotic/Invasive Species, Wildlife and Heritage Service, Maryland Department of Natural Resources

Mr. Chairman and Members of the Subcommittee:

On behalf of the Maryland Department of Natural Resources (DNR) and Secretary J. Charles Fox, I thank you for asking us to testify before the Subcommittee on the Maryland Nutria Control Pilot Project (Pilot Project) and H.R. 4044, which authorizes the Secretary of Interior to establish a program to eradicate nutria and restore marshlands in Maryland. We greatly appreciate the support that Pilot Project has received from Congress in recent years.

As you know, the DNR has been a principle partner in the Pilot Project, along with the U.S. Fish and Wildlife Service, Tudor Farms, Inc., the University of Maryland Eastern Shore, and the Maryland Fish and Wildlife Research Cooperative. We estimate that nutria has damaged thousands of acres of brackish marsh on Fishing Bay Wildlife Management Area in Dorchester County, Maryland, where the species is most concentrated in the state. We have found individuals from the Chesapeake Bay Bridge south to the Virginia line and on many of our state lands therein. Although nutria damage is not the only cause of loss of marsh in the area, early studies in the Pilot Project demonstrated that nutria cause significant marsh damage.

When feeding, nutria remove entire plants, causing the sediment supporting the plants to erode away. Continuous conversion of marsh habitat to open water in this

manner is removing significant habitat for commercially important waterfowl, shell and finfish species and decreasing the ability of protected state lands to support a diversity of native plants and animals. The continued removal of the three-square bulrush marsh, preferred by Maryland's nutria, from Dorchester County and from surrounding areas could result in a change in the local environment, which could in turn prevent the restoration of the marsh. To protect the marsh, nutria eradication must be conducted aggressively and efficiently in order to prevent resettlement in treated marshes. Damaged marsh must be restored immediately in order to maintain an environment that can support marsh plants while nutria are being removed.

The DNR joined forces with the other partners in the Pilot Project to generate the information needed to: 1) develop effective methods and strategies to reduce nutria populations in the Chesapeake Bay wetlands to the point where they are unable to maintain a sustainable population; 2) develop effective marsh habitat restoration methods and strategies; and 3) promote public understanding of the importance of preserving Maryland's wetlands and the threat that nutria poses to those habitats.

The Pilot Project has provided the Partnership with data helpful to the development of an eradication plan, which is being finalized now and is expected to start this month. Through the live trapping that we have done for the past few years, tagging certain animals, fitting certain animals with radio collars and transmitters, and examining the physiological health and reproductive status of others, we have gained a much greater understanding of nutria on Maryland's lower Eastern Shore. The development of marsh habitat restoration methods is on-going and will continue as the eradication of nutria on the lower Eastern Shore gets underway. The U.S. Army Corps of Engineers is testing sediment in the laboratory for its ability to support the marsh plants that have been damaged by nutria and is now testing sediment spraying on Blackwater National Wildlife Refuge to determine the use of this technology for marsh restoration.

The Pilot Project has been very actively promoting public awareness of the damage that nutria can do to our wetlands and has been featured on national television, including the Discovery Channel, the National Geographic Channel, and CNN. The Pilot Project has also been a feature on local Salisbury, Baltimore, and Washington, D.C. television news programs, Maryland Public Television, and local newspapers many times over the past three years.

The DNR has contributed a total of about \$236,000 to this Pilot Project since its early planning stages in 1999. We are committed to continuing to request state funds to support the project through our budgetary process and will work to raise funds for discreet needs of the eradication effort as well as continue to contribute staff time and state equipment. Unfortunately, like many state governments, our budget opportunities have narrowed since September 11th and the DNR, like all state departments has been asked to reduce its expenditures.

ERADICATION

Beyond the Pilot Program, the current objective is to implement a test eradication effort in our study area: Blackwater National Wildlife Refuge, Fishing Bay Wildlife Management Area, and Tudor Farms, Inc. in Dorchester County, followed by large-scale nutria eradication effort on the lower Eastern Shore. The goal of this will be to eradicate nutria or to reduce the population to unsustainable levels. The test effort will be conducted for two years and the full scale eradication over the following three years. We will test perimeter and saturation trapping in 40 acre plots in the study area. There are approximately 192,870 acres of nutria habitat on the lower Eastern Shore. Each 40-acre plot would be trapped intensively throughout and then more broadly in a second sweep to ensure eradication. Trapping would continue along the perimeter to prevent nutria from moving between treated and untreated plots. We anticipate the cost of the entire effort at \$20 million at the average rate of over \$18,000/180-acre plot. Most of the cost consists of trapper salaries and benefits, as well as data entry staff, project management, equipment and supplies. Two-thirds of that cost represents the initial trapping effort and one-third the second sweep.

We are especially grateful that the Pilot Project was funded at approximately \$1 million in fiscal year 02. This has enabled us to embark on the eradication phase of the Project ahead of schedule, a phase which will continue for 2 years. Each year of this phase will cost at least \$1 million. Having first hand experience with this project for over 1 1/2 years, serving on the Pilot Project's Management Team, and through the DNR's over 3-year involvement, I can attest to the continuing need that this effort has for financial support as well as the bare efficiency with which funding is used.

CONCLUSION

The DNR is committed to the long-term goal of nutria eradication in Maryland and the restoration of marsh that has been damaged by nutria. We will continue to dedicate management, administrative, and biological staff; request state funds; and solicit private funds to ensure that these efforts can succeed. Exotic/invasive species impact Federal, state and private lands and, by definition, can multiply and move among these lands, and cost of control and habitat restoration is such that these efforts cannot succeed without strong financial and implementation partnerships. We urge Congress to authorize appropriations necessary to ensure that this partnership remains strong and that prior Federal and state investments can contribute to an active effort to eradicate nutria in Maryland.

Mr. GILCHREST. Thank you, Ms. Thompson.
Mr. Sullivan?

**STATEMENT OF KEVIN SULLIVAN, USDA APHIS STATE
DIRECTOR, WILDLIFE SERVICES PROGRAM**

Mr. SULLIVAN. My name is Kevin Sullivan. I am the State Director for Maryland, Delaware, and D.C., with the Wildlife Services Program of APHIS. And to answer the Chairman's question, I have eaten nutria on numerous occasions. I haven't had the pleasure yet to eat the Maryland nutria, but I have had it throughout the country.

Mr. GILCHREST. Do you like nutria?

Mr. SULLIVAN. I do.

Mr. GILCHREST. Wow. I think you are the first person that said that.

[Laughter.]

Mr. SULLIVAN. Don't hold that against me.

Thank you for the opportunity to testify before you and the Subcommittee today on H.R. 4044, a bill that, if passed, would authorize the Secretary of the U.S. Department of Interior to provide assistance to the State of Maryland for the implementation program in eradication of nutria and restoring marshlands damaged by the invasive species in the Chesapeake Bay area.

While encouraged by H.R. 4044 and other bills introduced in the Congress that address invasive species problems in the United States, the Administration has concerns with H.R. 4044 that were previously discussed by the representative from the Fish and Wildlife Service, Ms. Cathleen Short.

As you may know, Wildlife Services is currently engaged with the Department of Interior officials and several other state and local cooperators in a pilot program to determine if nutria eradication is a feasible goal in the Chesapeake Bay. Wildlife Services, a part of USDA's Animal and Plant Health Inspection Service, is the Federal program charged with preventing and reducing conflicts between people and wildlife.

Wildlife Services works closely with other Federal agencies, such as the Department of Interior's Fish and Wildlife Service, the lead agency in the nutria pilot program; state and local officials; industry groups; university researchers; producers; and citizens to help prevent damage or minimize damage caused by wildlife species.

Wildlife Services is called on regularly by cooperators to stop wild animals from damaging public property and natural ecosystems, threatening human health and safety, or preying upon threatened and endangered species. When wildlife damage man-

agement is necessary, Wildlife Services officials help to balance wildlife populations, prevent harmful situations from occurring again, and give residents the necessary advice to try to reduce that damage or prevent it from occurring again.

In other important areas, our program helps to protect aircraft from bird strikes and collisions with wildlife at airports across the country. Wildlife Services is also an integral part in the efforts to prevent the brown tree snake, another invasive species, a non-native predator of the Islands of Guam, from further damaging fauna on the islands, and to prevent them from spreading to Hawaii via cargo ships and other routes of commerce.

In all of its work, Wildlife Services is recognized for its reliance on sound, environmentally sensitive methods of wildlife damage management, and a commitment to effective and affordable public service. Wildlife Services prides itself on the close cooperative relationships we have developed with our many partners in both the public and private ranks.

The partnership that I would like to discuss with you today is the one that we have entered into with the U.S. Fish and Wildlife Service and with other state agencies, to address the damage associated with nutria on Maryland's Eastern Shore.

Invasive species are non-indigenous organisms that cause, or are likely to cause, harm to the environment, plant health, or public health if introduced into the country. Due to the significant increase in levels of global commerce and travel, the number of pathways and movements for foreign species and invasive species to be introduced is increasing.

The situation puts our country at high risk, from public health, to various agricultural industries, to our native ecosystems. Estimated economic harm to the United States from biological invaders is in the tens of millions of dollars, and may exceed \$120 billion annually.

Historically, APHIS works to safeguard American agricultural resources and prevent damage to our natural ecosystems from the introductions and establishments of those invasive species that threaten the health of domestic plants and animals. These efforts ensure U.S. agricultural productivity, and facilitate safe agricultural trade, to help preserve the environment and in many cases protect U.S. public citizens.

In support of APHIS' safeguarding mission, Wildlife Services has been called on increasingly to address the damage associated with invasive species like nutria that have, or have the potential to, overrun natural ecosystems and impact native species.

As we have just heard, nutria are a prolific animal that are greatly impacting marshlands in the Chesapeake Bay area. Their nesting and foraging habits erode marshland vegetation in the Chesapeake Bay watershed, and also affect bird and fish populations and other valuable and environmentally sensitive species, such as the blue crab.

In carrying out its mission of protecting ecosystems and preserving and enhancing wildlife populations, the U.S. Fish and Wildlife Service's Chesapeake Bay field office, in conjunction with state and local officials, university researchers, and environmental

and fisheries groups, is very much aware of the threat posed to the Chesapeake Bay by the nutria populations.

Fish and Wildlife Service officials developed in 1997 and Congress ultimately approved funding for a 3-year pilot program to identify appropriate methods for controlling nutria and restoring degraded marsh habitat on the Eastern Shore. While personnel constraints prevented Wildlife Services from becoming directly involved in the early stages of the pilot project, communication on the nutria pilot program continued between the U.S. Fish and Wildlife Service and my office in Annapolis, Maryland. As the program progressed, U.S. Fish and Wildlife Service officials contacted my office regarding Wildlife Services' participation in the nutria project.

At the request of the U.S. Fish and Wildlife Service, I prepared a budget for the U.S. Fish and Wildlife Service to hire on the necessary employees to conduct these capture, tagging, and reporting activities, to assess if a pilot eradication project could be implemented.

U.S. Fish and Wildlife Service officials approved these positions, and provided the Wildlife Services office with sufficient funds for program activities in the coming year. An inter-agency agreement between the Wildlife Services and the Fish and Wildlife Service has facilitated this funding transfer and outlines Wildlife Services' new responsibilities.

Mr. Chairman, Wildlife Services officials have the education, background, and professional expertise necessary to target nutria populations and to evaluate the effectiveness of control and eradication efforts. We are continuing to cooperate closely with the Fish and Wildlife Service and other involved landowners and officials in the pilot program. This collaborative approach will assist all parties in the future, as we evaluate our efforts, devise nutria management and eradication plans, and determine adequate funding for an appropriate strategy to combat nutria.

I am confident that by working together and involving local residents and officials and other pertinent groups, we can make strides against nutria and help to restore some of the damage already caused by this invasive species.

Again, I thank you, Mr. Chairman, for the opportunity to testify before this Subcommittee today. And if you have any questions, I will be glad to answer them.

[The prepared statement of Mr. Sullivan follows:]

Statement of Kevin Sullivan, Maryland State Director, Wildlife Services Program, U.S. Department of Agriculture

Mr. Chairman, my name is Kevin Sullivan and I am the Director of the U.S. Department of Agriculture's (USDA) Wildlife Services program for Maryland, Delaware, and the District of Columbia. Thank you for the opportunity to testify before you and the Subcommittee today on H.R. 4044, a bill that, if passed, would authorize the Secretary of the U.S. Department of the Interior to provide assistance to the State of Maryland for the implementation of a program to eradicate nutria and restore marshlands damaged by this invasive species in the Chesapeake Bay area. While encouraged by H.R. 4044 and other bills introduced in Congress that address invasive species problems in the United States, the Administration has concerns with H.R. 4044 that will be discussed in the Department of the Interior's statement today. As you may know, Wildlife Services is currently engaged with Department of the Interior officials and several other local and State cooperators in a pilot pro-

gram to determine if nutria eradication is a feasible goal in the Chesapeake Bay area.

Wildlife Services, a part of USDA's Animal and Plant Health Inspection Service (APHIS), is the Federal program charged with preventing or reducing conflicts between people and wildlife. Wildlife Services works closely with other Federal agencies—such as the Department of the Interior's Fish and Wildlife Service, the lead agency in the nutria pilot program—State and local officials, industry groups, university researchers, producers, and citizens to help prevent, minimize, or manage wildlife damage to a variety of different resources in the United States.

Wildlife Services is called on regularly by our cooperators to stop wild animals from damaging public property and natural ecosystems, threatening human health and safety, or preying upon threatened and endangered species. When wildlife damage management is necessary, Wildlife Services officials help to balance wildlife populations, prevent harmful situations from occurring again, and give residents advice about how they can minimize conflicts with wildlife.

In other important areas, our program helps to protect aircraft from birdstrikes and collisions with wildlife at airports across the country. Wildlife Services is also an integral part of efforts to prevent the brown tree snake, a non-native predator on the island of Guam, from further damaging fauna on the island and spreading to Hawaii via cargo shipments and other routes of commerce. In all of its work, Wildlife Services is recognized for its reliance on sound, environmentally sensitive methods of wildlife damage management and commitment to effective and affordable public service.

Wildlife Services prides itself on the close, cooperative relationships we have developed with our many partners in both the public and private ranks. The partnership that I would like to discuss with you today is the one we have entered into with the U.S. Fish and Wildlife Service to address the damage associated with nutria populations on Maryland's Eastern Shore.

Invasive species are nonindigenous organisms that cause, or are likely to cause, harm to the environment, plant and animal health, or public health if introduced into the country. Due to significantly increased levels of global commerce and travel, the number of pathways for the movement and introduction of foreign, invasive pests and diseases into the United States is currently at an all time high. This situation puts our country at risk, from public health to various agricultural industries to our native ecosystems. Estimated economic harm to the United States from biological invaders runs in the tens of billions of dollars and may exceed \$120 billion annually.

Historically, APHIS works to safeguard American agricultural resources and prevent damage to our natural ecosystems from the introduction and establishment of those invasive species that threaten the health of domestic plants and animals. These efforts ensure U.S. agricultural productivity and facilitate safe agricultural trade, help to preserve the environment, and, in many cases, protect U.S. public health.

In support of APHIS' safeguarding mission, Wildlife Services has been called on increasingly to address the damage associated with invasive species, like nutria, that have, or have the potential to, overrun natural ecosystems and impact native species. As we have just heard, nutria are prolific animals that are greatly impacting marshlands in the Chesapeake Bay area. Their nesting and foraging habits erode marsh vegetation in the Chesapeake Bay watershed and also affect birds, fish populations, and other valuable—and environmentally sensitive—species such as the blue crab.

In carrying out its mission of protecting ecosystems and preserving and enhancing wildlife populations, the U.S. Fish and Wildlife Service's Chesapeake Bay field office, in conjunction with State and local officials, university researchers, and environmental and fisheries groups, has been very much aware of the threat posed to the Chesapeake Bay ecosystem by nutria populations. In 1997, Fish and Wildlife Services officials developed—and Congress ultimately approved funding for—a three year pilot program to identify appropriate methods for controlling nutria and restoring degraded marsh habitat on Maryland's Eastern Shore. At the time of the pilot program's approval, Wildlife Services officials assisted their colleagues at the U.S. Fish and Wildlife Service's Chesapeake Bay field office in developing the environmental assessment documentation required for the pilot program to begin under the National Environmental Policy Act.

While personnel constraints prevented Wildlife Services from becoming directly involved in the early stages of the pilot program, communication on the nutria pilot program continued between Fish and Wildlife Service and my office in Maryland. As the program progressed, U.S. Fish and Wildlife Service officials contacted me re-

garding Wildlife Services' participation in nutria control and eradication efforts on Maryland's Eastern Shore.

At the request of U.S. Fish and Wildlife Service officials, I prepared a budget analysis of the staffing requirements necessary for Wildlife Services' participation in the pilot program. I determined that 13 positions—12 wildlife specialists and 1 wildlife biologist—would be necessary to carry out the capture, tagging, and reporting activities called for in the pilot program. U.S. Fish and Wildlife Service officials have approved these positions and provided the Wildlife Services office in Maryland with sufficient funds for program activities in the coming year. An inter-agency agreement between Wildlife Services and the U.S. Fish and Wildlife Service facilitated this funding transfer and outlines Wildlife Services' new responsibilities as a cooperator in the nutria control pilot program.

Mr. Chairman, Wildlife Services officials have the education, background, and professional expertise necessary to target nutria populations and evaluate the effectiveness of control and eradication efforts. We are continuing to cooperate closely with the U.S. Fish and Wildlife Service and other involved landowners and officials in the pilot program. This collaborative approach will assist all of the parties in the future as we evaluate our efforts, devise nutria management and eradication plans, and determine adequate funding for an appropriate strategy to combat nutria. I am confident that by working together and involving local residents, officials, and other pertinent groups we can make good strides against nutria and help to restore some of the damage already caused by this invasive species.

Thank you again, Mr. Chairman, for the opportunity to testify before you and the Subcommittee today. I will now answer any questions you or your colleagues may have regarding Wildlife Services' involvement in the nutria pilot program in Maryland.

Mr. GILCHREST. Thank you, Mr. Sullivan. What other animals do you deal with in Maryland and Delaware, other than nutria, as far as nuisance animals are concerned?

Mr. SULLIVAN. Mr. Chairman, that list of species would range from moles and voles, to vultures, deer, urban backyard wildlife, skunks, raccoons, possums, to the fox—

Mr. GILCHREST. So the full range. I mean, they may be indigenous, or they may be non-indigenous.

Mr. SULLIVAN. They may be.

Mr. GILCHREST. But you deal with those kinds of critters.

Mr. SULLIVAN. Just about all mammals and birds.

Mr. GILCHREST. But do you have a general budget, so a local jurisdiction calls up and you assist them? How does that work?

Mr. SULLIVAN. The Wildlife Services' budget, there is a base Federal budget that my program receives. But by and large, it is funded by cooperative dollars, by cooperators requesting our assistance. And then it is just a direct reimbursable for the work that we conduct.

Mr. GILCHREST. And you are in Annapolis?

Mr. SULLIVAN. Correct.

Mr. GILCHREST. How long have you been in Annapolis?

Mr. SULLIVAN. I have been there a year.

Mr. GILCHREST. And the APHIS office in Annapolis has been there—?

Mr. SULLIVAN. In excess of 20 years. I know the gentleman that retired before I came to Maryland was there 23 years.

Mr. GILCHREST. I am just curious how long APHIS in Maryland has been working; or when did they first recognize that nutria needed to be eradicated?

Mr. SULLIVAN. That I couldn't answer for you. I could get that answer for you. I know it was a very small staff that was there. It was just a state director, an administrative assistant at the of-

fice. And we provide technical assistance via a "1-800" number, called "The Citizens in D.C., Maryland, and Delaware."

Mr. GILCHREST. Have you been to Blackwater Refuge?

Mr. SULLIVAN. I have.

Mr. GILCHREST. Could you tell me, or Ms. Thompson tell us, about how many nutria might still be at Blackwater, or basically on the Delmarva Peninsula? Any estimate?

Ms. THOMPSON. Well, the only estimate we have is dated from Blackwater Wildlife Refuge. And that is at 35,000 to 50,000. It is an interesting question. I have been asking other experts: Dr. Gosling from England, where they did manage to eradicate nutria; and also Gregg Linscombe, who is a nutria biologist in Louisiana. And they basically concur with our findings, that nutria population changes so dramatically from month to month. Their reproductive output and the weather cause great changes in their population, from big to small.

So we are not really comfortable estimating populations. We do have that one estimate, that gives you an idea that there are tens of thousands, at least, in Dorchester County; and that that is where the focus of the population is.

Mr. GILCHREST. So I guess, if they are in Dorchester County, anywhere from 35,000 to 50,000, they have been seen at Bombay Hook?

Ms. THOMPSON. Yes, apparently.

Mr. GILCHREST. In Delaware?

Ms. THOMPSON. Apparently, they have been seen there.

Mr. GILCHREST. So they are likely in Caroline, Queen Anne—

Ms. THOMPSON. Yes.

Mr. GILCHREST. —Wicomico?

Ms. THOMPSON. They are in every Eastern Shore county—

Mr. GILCHREST. Kent County?

Ms. THOMPSON. —but not in those kinds of numbers.

Mr. GILCHREST. So they are in every Eastern Shore county?

Ms. THOMPSON. Yes. And they are also in the Patuxent, Calvert County.

Mr. GILCHREST. How did they get to Bombay Hook? Did they follow the ditches and the streams? I couldn't imagine them, you know, crossing the highway, except maybe at 4 in the morning when there is no traffic.

Ms. THOMPSON. There is apparently some work being done on that in Louisiana. There is a model being created, a research model being created, to determine why populations appear further north from Louisiana; because they seem to be moving up the coast—whether it is because they use all their resources in their particular area and move on, or whether it is territorial. We don't know how territorial they are, in other words. So it may be a territorial situation, where young can't find a place to stay so they move elsewhere.

Mr. GILCHREST. Yes.

Ms. THOMPSON. We haven't answered that question yet. But clearly, they are moving in.

Mr. GILCHREST. So they are in Cecil County?

Ms. THOMPSON. As far as we know.

Mr. GILCREST. How would they get across the bay? Can they swim across the bay?

Ms. THOMPSON. We don't think they are getting across the bay. We think that the population in Dorchester County is one that was planted there by—We are not really sure by who; but whoever was interested in the fur resource back in the early part of the 20th century.

Mr. GILCREST. But they don't swim across the bay? They get over there some other way?

Ms. THOMPSON. We don't think so. We think that that population is discrete, and related to the one that was released there from captivity. Whereas the one over on the Western Shore is the continual one from Louisiana.

Mr. GILCREST. I see. Do you have any idea how much state and local private funds have been allocated to this study phase of the pilot project up to this point?

Ms. THOMPSON. I know that the Department has given over 200,000. I would have to get back to you on the exact figures that we have gotten from the University of Maryland, Eastern Shore; in particular, in Tudor Farms. I think our contribution is by far the largest, but I would have to get back to you on that.

Mr. GILCREST. Is that both actual dollars and in-kind?

Ms. THOMPSON. And in-kind. Yes.

Mr. GILCREST. I have a couple more questions, but I will yield to Mr. Underwood at this time. Thank you.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

And thank you for your testimony. Ms. Thompson, do you have any idea what it costs to restore one acre of wetlands that is destroyed by nutria?

Ms. THOMPSON. I am afraid we don't, because we don't even know yet if we can actually do it. Like I said, we are testing. The U.S. Army Corps of Engineers is testing sediment, and they just started spraying sediment in Blackwater to see how well that will work as a substrate for marsh restoration. They have given us a price of \$4.5 million to do a host of things, including the testing of sediment, the spraying, and doing some hydrology studies and so forth across Blackwater alone.

But I tried to get a per-acre figure from them before the hearing, and they weren't really willing to commit to that. Just the \$4.5 million for a package of preliminary work.

Mr. UNDERWOOD. For the whole refuge?

Ms. THOMPSON. Well, right now, for about 20 acres of refuge.

Mr. UNDERWOOD. How many acres of wetland have been destroyed by nutria at the Blackwater Refuge?

Ms. THOMPSON. Over 7,000.

Mr. UNDERWOOD. Over 7,000. And how many are in the process of being consumed beyond that?

Ms. THOMPSON. We haven't measured beyond that. We would like to, as part of our eradication process. Like I said, it is difficult to measure nutria populations. So we are starting to look at Louisiana's model, which is to measure nutria damage and the rate of damage, or the rate of recovery of the marsh based on our eradication efforts.

For instance, in the beginning of this study we did "exclosures," and those are big fenced areas where the nutria can't get in; just to show that nutria cause significant damage. Because there is sea-level rise, and salt water intrusion, and other things causing marsh damage in that area. And within those exclosures, the marsh grew very well. Outside those exclosures, it was virtually leveled.

So we are looking at the possibility of doing those exclosures in our new study, eradication study plots, to see how well the marsh recovers as we eradicate nutria. That is kind of the direction we are going in.

Mr. UNDERWOOD. With the decline of the marshland or the wetlands, does the nutria population diminish? I mean, is there a point at which their food resources diminish and then they go away? Or do they just move to another area?

Ms. THOMPSON. They continue to move.

Mr. UNDERWOOD. They just move?

Ms. THOMPSON. We believe they continue to move. They'll eat anything, from brackish marsh into fresh water marsh; although they like brackish marsh the best. And brackish is the combination of salt and fresh water. So they have a lot of resources to use, and they will just move.

Mr. UNDERWOOD. Other than trapping, is there any other kind—and this question is for either one of you—other kind of eradication techniques that have been experimented with?

Mr. SULLIVAN. A complete set of the tools would include trapping on a variety of different traps; shooting; and also, the use of EPA-approved toxicants.

Mr. UNDERWOOD. Have the toxicants been used to any great extent? And are there other ramifications for their use?

Ms. THOMPSON. To my knowledge, we are not planning to use them in Maryland. There are other, obviously, ramifications. We worry about what we call "non-target species," even with trapping. But trapping seems to be able to be more selective in what we capture.

But when we go to this eradication phase, we will be using traps; like hold traps and Conabear traps.

Mr. UNDERWOOD. I see. Thank you very much.

Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Underwood.

Mr. Sullivan, what is your role as part of APHIS in the nutria eradication program?

Mr. SULLIVAN. What Wildlife Services has done is enter into an inter-agency agreement with the U.S. Fish and Wildlife Service and, at the approval of the funding for the project, we provided them an estimate and a budget. And what we have done is hired on nine specialists to date and one biologist. And we would like to see that number—At fully staffed it would be 12 specialists, 12 trappers to trap the nutria, and one biologist.

Mr. GILCHREST. So you hired the—

Mr. SULLIVAN. I did.

Mr. GILCHREST. You are hiring the trappers?

Mr. SULLIVAN. Yes.

Mr. GILCHREST. Is all of this fairly coordinated, Ms. Thompson, with your efforts?

Ms. THOMPSON. Yes. We have a management team that consists of the Department, APHIS, Fish and Wildlife, UMES, and the co-op unit, and the Army Corps of Engineers, actually, too. And we are all moving as one unit toward this phase.

Mr. GILCHREST. I see.

Ms. THOMPSON. And we meet regularly.

Mr. GILCHREST. So you feel that the study phase is now at a point where there is some understanding as to the types of techniques to use to eradicate the nutria so that there is no more need to study? And you have estimated the price tag. I guess, Mr. Sullivan, you agree that the \$20 million over a 5-year period is sufficient to eradicate the nutria; see where we are in 5 years?

Mr. SULLIVAN. Yes, I do.

Mr. GILCHREST. What is the prognosis?

Mr. SULLIVAN. Yes, I agree with that figure.

Mr. GILCHREST. You think we can eradicate the nutria in 5 years with \$20 million?

Ms. THOMPSON. Well, what we are going to do, Mr. Chairman, is test. We have a new set of hypotheses based on the set of data that we got in the past couple of years in our pilot project. And we are going to test those in 2 years in about 53,000 acres in those three parcels of land, Blackwater, Fishing Bay, Tudor. And that is when at that point we will determine. The question is: Is it possible to eradicate nutria? And it is either "Yes" or "No."

Mr. GILCHREST. So in those three areas, which I assume are Blackwater and Tudor Farms—

Ms. THOMPSON. Yes, and Fishing Bay.

Mr. GILCHREST. And where?

Ms. THOMPSON. And Fishing Bay.

Mr. GILCHREST. OK. The techniques that are being used are what? Trapping? Shooting? You are not going to use the poison, I guess, because other wildlife would be destroyed by it?

Ms. THOMPSON. Right. And we will shoot them if they are above ground, but we don't have that opportunity as much as we would like. But I mean, it is easier to do it that way, anyway, I should say. But we are going to be doing perimeter trapping and saturation trapping. And saturation trapping is setting intensive traps throughout this 180-acre area. And we look at where the nutria is moving. They make trails. It is not that difficult to see. I am sure you have seen them. And we are actually going to be trying lures.

Mr. GILCHREST. You are going to be trying what?

Ms. THOMPSON. Lures.

Mr. GILCHREST. Lures?

Ms. THOMPSON. Yes. You know, scent.

Mr. GILCHREST. Right.

Ms. THOMPSON. Yes. We have found that traps where the animals have been trapped and have urinated and so on, that has apparently attracted more animals to come to that particular site over several days. So we are going to try that as a way to bring nutria to us, because we think we are going to have to treat the last traps.

Mr. GILCHREST. Now, you are talking about male urine attracts females, or female urine attracts males?

Ms. THOMPSON. We are going to use female estrus.

Mr. GILCHREST. OK. And that attracts the males?

Ms. THOMPSON. Yes. And then perimeter trapping would be trapping around the outside of the polygon. And we are going to be using those seasonally, because we have found that nutria move a lot more during spring and fall. So we would be concentrating on the perimeter trapping during spring and fall. And they don't move very much in the very hot and very cold, so we would be concentrating on saturation trapping in that particular small area.

That is what we are going to be testing. Those are our hypotheses, basically. And if it turns out we feel we can eradicate nutria, then we would make recommendations about necessary appropriations to do that within this authorization for the following 3 years.

Mr. GILCHREST. OK.

Ms. THOMPSON. In the remaining 130,000 acres.

Mr. GILCHREST. Mr. Sullivan, are there any other states anxious for this pilot project to conclude so they can implement the procedures?

Mr. SULLIVAN. I am not aware of any. I know of several states that are having problems with nutria and the damage that they cause, but at what level they are involved or anxious to get into nutria eradication, I am not sure. But I could find out on those other states that have nutria for you.

Mr. GILCHREST. Thank you.

Ms. Thompson, there have been seven-some-thousand acres that have been lost. There is interest certainly in restoring those areas. Is there any consideration to use clean dredged material to raise the level of the marsh in Blackwater?

Ms. THOMPSON. The Corps right now is using dredge from historic river channels. So they would be using it from the rivers that run through Blackwater.

Mr. GILCHREST. So do you see any problem using dredge material for wetlands restoration?

Ms. THOMPSON. I am not aware of any, of that particular kind. I mean, they are using the material that is in the area itself. So they are not going out of the area to get dredge material; they are using this.

Mr. GILCHREST. But I mean, if the dredge material comes from that area, is there a problem with using dredge material from that area for wetlands restoration?

Ms. THOMPSON. I am not aware of any.

Mr. GILCHREST. Will any of that wetland restoration begin before the eradication is complete?

Ms. THOMPSON. What our plan is, is to start this 180-acre plot process. And as we go through the second sweep of those areas and make a determination that there are no more nutria in that area, then we would start the marsh restoration efforts then.

Mr. GILCHREST. I see.

Ms. THOMPSON. So they should be working sort of in tandem, you know, one behind the other. Because if we wait, we will lose the opportunity to create marsh, because once it is open water it is much more difficult.

Mr. GILCHREST. Is there any value to use dogs to find nutria? While you are carrying a .22?

Ms. THOMPSON. It is a good thought. I don't know if we have tried that.

Do you know?

Mr. SULLIVAN. I don't know if that has been tried. But we will look into it, because I know of dogs being used on other species for control. We can look into that.

Mr. GILCHREST. Mr. Underwood suggested brown tree snakes.

Ms. THOMPSON. Catching nutria?

Mr. UNDERWOOD. They use the dogs.

Mr. GILCHREST. To use the dogs to find brown tree snakes.

Ms. THOMPSON. Oh.

Mr. UNDERWOOD. They do.

Mr. SULLIVAN. Yes.

Mr. GILCHREST. Oh, they do?

Mr. SULLIVAN. Yes, they use trained Jack Russell Terriers to locate the brown tree snake.

Mr. GILCHREST. On Guam?

Mr. SULLIVAN. On Guam.

Mr. GILCHREST. Is that proving successful?

Mr. SULLIVAN. Very successful.

Mr. GILCHREST. Wow. Ms. Thompson, just a couple more questions. I think it is my understanding that the Corps of Engineers has estimated to restore about 150 acres would be somewhere around \$4.5 million.

Ms. THOMPSON. Right.

Mr. GILCHREST. Which is roughly about \$30,000 an acre.

Ms. THOMPSON. Yes. I went back and I said, "Can you please clarify that for me again? Is there a per-acre charge for the marsh restoration?" And they said, "No." And they gave me a list of things that they would do for \$4.5 million.

I was looking for it when Mr. Underwood asked me this question, so I found it: A thin-layer spraying demonstration project for 20 acres; high-resolution elevation data, giving us accurate contour lines for Blackwater Refuge and surrounding areas; high-spectrum vegetation imagery, to tell what kind of communities there are within the marsh and what needs to be restored; as much marsh restored as possible, anywhere from 150 to 440 acres, depending on how much material and/or money we can get; this will likely be thin spraying on a larger scale; a feasibility report on marsh restoration at Blackwater; evaluating the proposed sites and further sites for further restoration; at least 5 years of monitoring the success of both the demo project and the larger restoration.

Optional tasks include a sediment hydrological model; analysis of the hydrological changes from the road crossings; and potential sediment trapping techniques.

And then assuming we try to go forward even further after the construction of the first phase, larger analysis of sediment dynamics and mechanisms to collect sediment for restoration; nutria control eradication language in the WRDA authorization bill, with potential for several thousand acres of restoration, making this one of the largest restoration projects in the country.

Mr. GILCHREST. One of the largest wetlands restoration projects in the country?

Ms. THOMPSON. That is what it says. This is what I got from the Corps.

Mr. GILCHREST. Well, must be right if it is from the Corps of Engineers.

[Laughter.]

Ms. THOMPSON. No, I don't want to make any sort of estimation of what their intent is, so I wanted to read to you what they actually sent me.

Mr. GILCHREST. Well, I guess if they can restore the Everglades, with sugar cane, we can restore Blackwater without sugar cane.

Ms. THOMPSON. That is probably true.

Mr. GILCHREST. Who established—is it APHIS?—the type of compensation to the trappers? And was there ever a consideration in using an incentive-based payment?

Ms. THOMPSON. Yes. Yes, there was.

Mr. GILCHREST. So did Maryland establish the compensation in conjunction with USDA, Fish and Wildlife Service?

Ms. THOMPSON. Originally, way back when we first started talking about this in 1998, we wanted to work with APHIS. We talked about incentive-based trapping at that time. And after dealing with Dr. Gosling from Great Britain and talking back and forth, we collectively decided at that time that we didn't want nutria to be worth anything in the State of Maryland; we didn't want a worth-per-animal. It is too easy to bring them in.

Mr. GILCHREST. Oh.

Ms. THOMPSON. And giving trappers salary ensures that they are working continuously toward a goal. And each nutria we have to capture, as the population declines it gets harder and harder and harder to do it.

Mr. GILCHREST. Yes.

Ms. THOMPSON. So the incentive to do it has to be made enormous, you know, to make them catch the final ones.

Mr. GILCHREST. Sure.

Ms. THOMPSON. So we decided to do this on a salary basis.

Mr. GILCHREST. OK. How big are the traps? How many nutria can fit in a trap?

Ms. THOMPSON. One.

Mr. GILCHREST. Just one?

Mr. SULLIVAN. Yes. And there are also colony traps, where they can swim in and you can catch multiple catches of nutria in a single trap. But by and large, the Conabear trap and the foothold trap are single-animal-per-trap.

Mr. GILCHREST. I would like to come down there some time. Are they nocturnal, for the most part, nutria?

Mr. SULLIVAN. They are, but they are as likely to be seen during the day.

Ms. THOMPSON. Yes.

Mr. SULLIVAN. I know that sounds a little confusing. But they are a nocturnal aquatic rodent, but at the population levels that they are, you can see them just as readily during the day.

Mr. GILCHREST. What is their life span? How long do they live?

Ms. THOMPSON. Oh, it varies, but they don't live much longer than 5 years.

Mr. GILCHREST. So 5 years on the outside?

Ms. THOMPSON. Yes. They don't live long. Short lives.

Mr. GILCHREST. Really?

Ms. THOMPSON. Depending on the weather, you know. Like this winter was so nice that they are all—

Mr. GILCHREST. There are a lot of them out there now.

Ms. THOMPSON. There are a lot out there. They are all pregnant.

Mr. GILCHREST. Wow.

Ms. THOMPSON. Yes. The females, that is, yes.

[Laughter.]

Mr. GILCHREST. That is interesting.

Mr. UNDERWOOD, any further comments or questions?

Mr. UNDERWOOD. I know both of you have referenced the British experience a little bit. Is there anything we can learn from them, other than what you have stated already, in terms of this, dealing with nutria?

Ms. THOMPSON. The biggest lesson that they learned in England was not to count their nutria before they were sure that they were all gone. Because they assumed at one point that they had eradicated nutria, not counting in the factor of weather. Nutria are very, very sensitive to weather, and bad weather kills nutria.

So at the time that they thought they had captured all the nutria in Great Britain, they had some very bad, severe winters. When the weather cleared up, all of a sudden, they had nutria again. So that was one of the things that they told us to beware of.

They also gave us a lot of advice about trying to measure variables in terms of seasons and reproductive physiology, reproductive output. There was concern, and there still is some concern, that the reproductive output of these animals would increase as the population declines; which we will be monitoring. We will continue to monitor that, based on their findings. Those are some of the things that they taught us.

Mr. UNDERWOOD. And they also counseled against an incentive-based program?

Ms. THOMPSON. Yes. Yes, because the cost of the final last nutria, you can imagine, would be thousands and thousands of dollars.

Mr. UNDERWOOD. Yes.

Ms. THOMPSON. It would be very difficult to do it that way.

Mr. UNDERWOOD. OK.

Ms. THOMPSON. And you have to continue trapping several months when there are no animals being trapped. So therefore, there would be no incentive to do that.

Mr. UNDERWOOD. Sounds like a socialist British model to me.

[Laughter.]

Ms. THOMPSON. Seemed to work, though.

Mr. UNDERWOOD. OK. Thank you.

Mr. GILCHREST. Can a muskrat get in a nutria trap?

Ms. THOMPSON. Yes.

Mr. SULLIVAN. Yes, they can.

Mr. GILCHREST. Beaver?

Mr. SULLIVAN. Yes. Several non-target animals. But the equipment that will be used will be as target-specific as possible; so that if non-targets are captured, non-target animals can be released.

Mr. GILCHREST. The trap is set up so the nutria is going to be trapped in the trap and he is not going to drown? So if a muskrat or a beaver get in there, they are not going to drown?

Mr. SULLIVAN. That won't be the case with every trap. There are some traps—the Conabear trap, that is a lethal trap. And if it captures a muskrat or a nutria, that animal will be killed.

Mr. GILCHREST. Are all the nutria out of Great Britain now? As you indicated, it sounds like there are some more left there.

Ms. THOMPSON. No.

Mr. GILCHREST. They are out?

Ms. THOMPSON. They are saying there are no more.

Mr. GILCHREST. They don't have any more?

Ms. THOMPSON. They did several months of trapping when they caught no animals; which is what they advised us to do, as I said. So they have been trapping, and there are no animals. So that is what they are basing their success on.

Mr. GILCHREST. Can nutria and beaver live compatibly near each other?

Mr. SULLIVAN. Yes. Yes. I have done a lot of work with beaver and nutria in Mississippi, and to answer a previous question, they do live compatibly together. And nutria will and have the ability to disperse all throughout fresh water systems, as well. Because we see a great deal of that throughout far inland areas in the State of Mississippi.

Mr. GILCHREST. How about muskrat, nutria and muskrat? Can they live compatibly with each other?

Mr. SULLIVAN. Yes, they do.

Mr. GILCHREST. But don't the nutria, because of their eating habits, so destroy the habitat that muskrats leave? Is that true?

Mr. SULLIVAN. Correct, yes. Their feeding strategies are such that the muskrat isn't hazardous to the marsh because of its feeding strategy. It grazes off the top. Whereas the nutria eats below, eats the roots and the tubers of the marsh, fragments that, and allows it to float away. It destroys the marsh.

Mr. GILCHREST. So where you find nutria, you are not likely after a while to find muskrat?

Mr. SULLIVAN. Not after this extensive nutria damage, no.

Mr. GILCHREST. How about beaver? Beaver would leave, too, then?

Mr. SULLIVAN. The only experience I have had where nutria and beaver live in unison is in fresh water systems, not in this brackish marsh.

Mr. GILCHREST. And the beaver stay? Do the beaver stay?

Mr. SULLIVAN. Yes, because the damage isn't as extensive in a fresh water system. The nutria damage is burrowing into the river and stream banks, and they are not destroying the habitat of the beaver. And the beaver and the nutria food are entirely different.

Mr. GILCHREST. What was that?

Mr. SULLIVAN. The beaver and the nutria food, they are eating different resources.

Mr. GILCHREST. In some cases, beaver will eat, I don't know, cat-tail or some type of grass other than wood, but they will eat seeds and things like that?

Mr. SULLIVAN. They will, yes.

Mr. GILCHREST. But the grass that they eat is not the same? Well, I guess if the nutria eat the tubers and the roots, would they eat the same type of grass, or marsh grass or whatever you want to call it, that the beaver would eat?

Mr. SULLIVAN. Do you know that?

Ms. THOMPSON. I don't know. We could find out. I am not sure.

Mr. SULLIVAN. We could find out the feeding strategy of both beaver and nutria in a marsh environment.

Mr. GILCHREST. Just curious.

Ms. THOMPSON. Sure.

Mr. GILCHREST. Well, is there anything else, Mr. Underwood?

Mr. UNDERWOOD. We are nutria-ed out.

Mr. GILCHREST. We are nutria-ed out, says the gentleman from Guam.

Ms. Thompson and Mr. Sullivan, thank you very much for your testimony. We appreciate your coming here this morning, and all the work and effort you have put into this program.

Ms. THOMPSON. Thank you. Thank you for your support.

Mr. GILCHREST. Thank you very much.

Mr. SULLIVAN. Thank you.

Mr. GILCHREST. Our next panel is Mr. Joseph Satrom, Director of Land Protection Programs, Great Plains Regional Office, Ducks Unlimited; Mr. John Berry, Executive Director, National Fish and Wildlife Foundation; and Mr. Gary Taylor, Legislative Director, International Association of Fish and Wildlife Agencies. Welcome.

STATEMENT OF JOSEPH SATROM, DIRECTOR OF LAND PROTECTION PROGRAMS, GREAT PLAINS REGIONAL OFFICE, DUCKS UNLIMITED

Mr. SATROM. Good morning, Mr. Chairman and Congressman Underwood, and members of the Committee. My name is Joe Satrom. I am the director of land protection, as you said, in the Great Plains Office of Ducks Unlimited. I live in Bismarck, North Dakota.

This is the third time that Ducks Unlimited has testified before the House on the reauthorization of the North American Wetlands Conservation Act. In the past, as part of our testimony we have congratulated Congress on creating a program that is achieving marvelous progress in helping to secure a habitat base to sustain waterfowl populations despite the continuing pressures that we have from both man and nature. You deserve commendation again this time. The program is a tremendous success story, of which Congress and the American people should be extremely proud.

Since its inception, support for the Act has been a bipartisan effort. That continues today. Right now in the Congress a letter of support for funding NAWCA is being circulated. So far, it has attracted support from more than 210 House members, with strong representation from both sides of the aisle. Since the last reauthorization, the Act has continued with its tradition of amazing progress and tangible results. There are now over 1,000 NAWCA projects, located in nearly every state, as well as in Canada and Mexico.

Despite this progress, the need for NAWCA continues. Based on below-average rain last year and the lack of snowfall this winter,

it is likely that it will not be a good summer for waterfowl production in many of the key areas. Pond counts will likely be down, and nesting production will suffer.

The most important component that drives population increases and decreases is Mother Nature. If rain comes at the right time across the prairies and the northern Great Plains, the duck factories of North America will contain nearly ideal conditions for waterfowl to breed and migrate south in the fall. When Mother Nature provides moisture, the projects created, thanks to NAWCA, fill with water, mitigating possible downstream flooding and providing our fall skies with the flights of waterfowl that we all are familiar with and appreciate.

The Act continues to work. Over the life of the program, \$432 million in NAWCA funds have generated \$1.2 billion in partner funds, to do impressive projects, badly needed projects. Despite the appropriations increases we have seen in the last few years, there are still 130 projects that were not able to be funded last year. These projects would have used \$24 million in additional NAWCA funds, and would have contained another \$71 million in pledged partner monies.

In order to respond to that proven interest demonstrated by these unfunded projects, we ask that you increase the authorization ceiling for fiscal year '03 funding for NAWCA by \$5 million, to \$55 million total; and then increase it incrementally by \$5 million each of the next four following years, up to a total of \$75 million in authorized spending in Fiscal Year '07. This is a prudent approach to increasing funding that will move us beyond our current level of accomplishment of our goals, of 38 percent of our goals, which is where we stand today.

The North American Waterfowl Management Plan has set a goal of sustaining 100 million ducks in the fall flight. It laid out a strategy to achieve this migration goal by providing critical landscape habitat for waterfowl to use. Because of the migratory nature of the birds the Act was designed to benefit, it is important to invest in habitat across the length of the continent. The Act requires that a portion of the funds be invested in each of the three countries of North America. In fact, it requires that 50 to 70 percent of the funds authorized in this bill be spent in Canada and Mexico.

While that has worked well, the highest demand for projects and the highest number of non-funded projects have been here in the United States. Additionally, for projects within Canada, the Act has required that the match for those funds come from within the U.S. While the increase in appropriations has been beneficial—and it still doesn't meet demand—it has tested the ability of U.S. partners to meet this additional requirement of providing the match for Canadian projects.

Therefore, we ask you to amend the ratio in the Act to require that the portion of these funds spent outside the U.S. change to 25 to 50 percent. This will allow the Wetlands Council and the Migratory Bird Conservation Commission, that approve the projects, to balance the ability of required partner dollars against the related need.

The NAWCA program has a impressive track record of success. We are proud of that success, because we are very experienced with

this Act, and have been actively and enthusiastically supportive since the beginning. We have witnessed its accomplishments. The changes we propose are not done lightly, however. We believe they are important for the future success of NAWCA.

We thank the bill's sponsor, Chairman Hansen, and the Committee, for their past support, and encourage their continued enthusiastic commitment. We thank you, Mr. Chairman, and the members of the Subcommittee, for inviting us to testify today. And we congratulate the Congress again on the tremendous success of this program. I would be pleased to answer any questions that you have.

[The prepared statement of Mr. Satrom follows:]

**Statement of Joseph A. Satrom, Director of Land Protection Programs,
Great Plains Regional Office, Ducks Unlimited, Inc., on H.R. 3908**

This is the third time Ducks Unlimited has testified before the House on the reauthorization of the North American Wetlands Conservation Act. In the past as part of our testimony, we have congratulated Congress on creating a program that is achieving marvelous progress in helping to secure a habitat base to sustain waterfowl populations despite the continuing pressures created by man and nature. This habitat base is especially important in the periods when the primary waterfowl production areas of the continent are drier than normal and every piece of habitat becomes precious for sustaining birds that breed on the prairies. Unfortunately that may be the case with the summer we're heading into. You deserve commendation again, the program is a success story of which Congress and the American people should be proud.

Since its inception, support for the Act has been a bipartisan effort. That continues today. Right now a letter in support of funding for the NAWCA program is being circulated in the House. So far it's attracted support from over 185 House members with strong representation from both sides of the aisle. Those co-signers include more than half of the Resources Committee. This bipartisan effort over the years is one of the great conservation success stories in American history.

Since the last reauthorization, the Act has continued with its tradition of amazing progress and tangible results. There are now over 1000 NAWCA projects located in nearly every state as well as Canada and Mexico. Despite this progress, the need for NAWCA continues. Based on below average rain last year and lack of precipitation this winter, it likely will not be a good summer for waterfowl production in the key areas. Pond counts will likely be down and nesting production will suffer. The most important component that drives population increases and decreases is Mother Nature. If rain comes at the right times across the prairies and the northern great plains; the "duck factories" of North America will contain nearly ideal conditions for waterfowl to breed and migrate south in the fall. The projects created thanks to NAWCA fill with water mitigating possible downstream flooding and then fill the fall skies with birds. But it's during dry years like the one we think is coming that the North American Wetlands Conservation Act perhaps plays its most critical role, since every square foot of wet ground is precious then, and having habitat in key places becomes essential to sustain the population.

The Act continues to work. Year after year it is demonstrated that the demand is there. Over the life of the program, \$432 million in NAWCA funds have generated \$1.2 billion in partner funds. Despite the impressive appropriations increases we've seen in the last few years, in the last two years over 130 projects were unable to be funded. They could have used \$24 million in NAWCA funds and they contained another \$71 million pledged in partner support. In order to respond to that proven interest we ask that you increase the authorization ceiling for Fiscal Year 1903 by \$5 million to \$55 million and then increase it by \$5 million per year, up to \$75 million in Fiscal Year 1907.

The North American Waterfowl Management Plan set a goal of sustaining 100 million ducks in the fall flight. It laid out a strategy to achieve the migration goal by providing critical landscape habitat for the ducks to use. This Act is the primary vehicle for reaching the North American Plan's goal. As other interests in the conservation world have witnessed the success realized under this Plan, parallel plans for other bird species have been devised and are being implemented. There have been plans developed to conserve species that use wet habitats, like shorebirds, and colonial nesting water birds and those species are well served by NAWCA.

On occasion there has been some confusion about how broad the intent NAWCA is to be interpreted. We ask the Committee to make changes that would clarify the Wetlands Conservation Act should focus on wetland and related habitats. This is especially appropriate since some plans and laws have been developed to that serve species whose habitats are often of a primarily upland nature, unrelated to wetlands. Those initiatives and the related Neotropical Migratory Bird Conservation Act serves many birds but their principal habitats are not use wetland habitats. Since that Act is now being funded to serve upland habitats, we believe references to migratory birds and wildlife in the NAWCA law should clarify the intent to focus on needs in wetland and associated habitats.

Because of the migratory nature of the birds the Act was designed to benefit, it is important to invest in habitat across the length of the continent. Therefore the Act requires that a portion of these funds be invested in each of the three countries of North America. In fact it requires that 50–70% of the funds authorized in this bill be spent in Canada and Mexico. While that has worked well, the highest demand for projects and highest number of non-funded projects has always been in the U.S. Additionally, for projects within Canada the Act requires that the match come from within the U.S. While the increase in appropriations has been beneficial and still doesn't meet demand, it has tested the ability of U.S. partners to meet the required match for Canadian projects. Therefore we ask that you amend the ratio in the Act to require that the portion of these funds spent outside the U.S. change to 25–50%. This will allow the Wetlands Council and Migratory Bird Conservation Commission that approves the projects to balance the ability of required partner dollars against the need.

The NAWCA program has an impressive track record of success. We are proud of that success because we are very experienced with this Act having been actively supportive since the beginning and witnessing it's accomplishments. The changes we propose are not done lightly. We believe they are important for future success of the NAWCA program. We thank the bill's sponsor, Chairman Hansen and the Committee for their support of the program. We thank you Mr. Chairman and members of the Subcommittee for inviting us to testify today and we again congratulate Congress on the success of this program. We stand ready to answer any questions.

Mr. GILCHREST. Thank you very much, Mr. Satrom. We have a vote going on. And rather than stop and have everybody wait for a long time, because there are three votes, I will ask Mr. Underwood to take the Chair.

And if I don't make it back for the questions, the question that I have had that maybe all three of you can answer is, if you all agree with the \$5 million increase in this year's authorization—I guess I would be surprised if you didn't—do you all agree with amending the ratio down to 20 to 50 percent, instead of where it is right now? And are conservation mechanisms employed in Mexico sufficient to ensure a long-term conservation?

Thank you very much, Mr. Satrom, Mr. Berry, and Mr. Taylor. And the Chair is now Mr. Underwood.

Mr. UNDERWOOD. [Presiding.] Thank you.
Mr. Berry?

**STATEMENT OF JOHN BERRY, EXECUTIVE DIRECTOR,
NATIONAL FISH AND WILDLIFE FOUNDATION**

Mr. BERRY. Thank you, Mr. Underwood. And Mr. Chairman, just before Chairman Gilchrest leaves, if I could also extend an invitation. Mr. Gilchrest, Paul Tudor Jones, who is on our board, who owns the Tudor Farms project that you are talking about with the nutria, I know would be honored to host you there, if your schedule ever allows.

Mr. GILCHREST. I would be very happy.

Mr. BERRY. So we will keep in touch on that. That would be wonderful.

Mr. GILCHREST. We had a little conflict about 10 years ago. But all was forgiven.

Mr. BERRY. I think it is all working well now.

Mr. GILCHREST. Thank you.

Mr. BERRY. Thank you, Mr. Chairman. Mr. Underwood, it is an honor to be here with you this morning. It is great to be here to testify on behalf of this legislation, 3908. Though I am not allowed specifically to testify, I don't get involved in lobbying or advocacy, I can speak to the substance of the legislation and the effectiveness of this legislation. And second only to the legislation that created the National Fish and Wildlife Foundation, I think this is one of the greatest pieces of legislation that Congress has ever enacted. It has been an incredible success story.

I am very honored and pleased to serve on the North American Wetlands Conservation Council, which advises the Migratory Bird Commission on the expenditure of these funds. And I serve on that council with the director of the U.S. Fish and Wildlife Service; representatives from the four state fish and game agencies that represent the four major migratory bird flyways; as well as three non-profit representatives that change over the years, but currently represented by Ducks Unlimited, the Nature Conservancy, and the Conservation Fund.

It is an incredible group. And the quality of the projects that come in, I can testify to you, are second to none. They are outstanding. The match is incredible. The work done with them is wonderful. And it has made a significant, positive contribution to the protection of wetlands, waterfowl species, and waterfowl habitat throughout the United States, Canada, and Mexico.

Since our time is short, you know, I have the written testimony which I would give you for the record. And Senator Satrom has already explained to you the incredible match, the number of projects that have been funded over the years. So rather than reiterate that, I would just add two quick points.

One, I would strongly support the question that the Chairman asked about, do you agree with the additional authorization? Absolutely. The need is there. There is no question that, despite all of the efforts—both this effort, all of the state efforts, all of the NGO efforts—we are still losing ground on the wetlands issue. And the need is intense.

As our population increases, as the pressures increase, those wetland areas are under enormous stress. And I believe that the proposal that Senator Satrom and Ducks Unlimited put forward this morning makes great sense, in terms of increasing the resources that would be available over the extension of this authorization. Because I believe they could be very wisely applied through this process.

Second, and this is something in which I do not represent the North American Wetlands Council on this position, but this is just my own personal insight in terms of our experience with this program. And that is, the program as it is now written is limited to Canada and Mexico. And I would really encourage the Committee to examine and think about expanding the scope of the program to be essentially Latin America, the Caribbean; to include that along with Mexico.

A number of these waterfowl migratory populations don't recognize political boundaries. And I really believe that in terms of seeking to move the ball forward on all of these areas, I don't think we should try to limit ourselves to political boundaries, either. And so I think broadening the scope to be hemispheric in nature, that would allow the Council and the Migratory Bird Commission to really consider projects that would best benefit the species, I think is really in the interests of the resource.

So with those two recommendations, Mr. Chairman, I will yield back, and be available for questions.

[The prepared statement of Mr. Berry follows:]

**Statement of John Berry, Executive Director,
National Fish and Wildlife Foundation**

Mr. Chairman and Members of the Committee, I am John Berry, Executive Director of the National Fish & Wildlife Foundation. Thank you for your invitation to speak to the Committee today to offer our comments and views on the North American Wetlands Conservation Reauthorization Act. This bill, in its essence, proposes to extend authorization of the North American Wetlands Conservation Act from 2003 to 2007, while maintaining the authorized funding level at \$50 million. I applaud the Committee for considering this reauthorization, for it recognizes the critical importance of a piece of legislation that is widely considered one of the most effective habitat conservation instruments available today for migratory birds and other wildlife. I want to stress the importance of the current Act and its impressive accomplishments while also offering the Committee an opportunity to consider a few critically important concerns facing the conservation of birds.

In my current position, I have the distinct privilege of serving as a permanent member of the North American Wetlands Conservation Council, an advisory group serving the overall purposes of the Act and recommending habitat conservation projects for approval by the Migratory Bird Conservation Commission. I must pay due note to the other members of the Council—the Director of the Fish & Wildlife Service, four Directors of State Fish & Game agencies representing each of the four migratory bird flyways, and three senior representatives from non-profit charitable organizations actively involved in habitat conservation—for it is in the strength of this advisory body that the Act enjoys much of its success. My position also entrusts me to carry out the purpose of the Foundation, which is centered on conservation through effective and diverse partnerships and funding support through challenge grants. Our partners include Federal agencies, corporations, and Non-government organizations. For many years the Foundation has made migratory bird conservation a key priority, and continues to do so in diverse ways, including long term support of the North American Waterfowl Management Plan, helping stimulate and expand Partners in Flight, and working hand-in-glove with the Migratory Bird Conservancy.

With that said Mr. Chairman, I would like to give you my impressions and experiences with the Act and the activities of the Council. I recall the history of the Act, passed in 1989, as a bold and ambitious commitment made by the Congress largely in response to helping to provide essential financial resources for the nascent North American Waterfowl Management Plan, amongst other important purposes. The Act put a face on the Waterfowl Plan and its international and regionally-based Joint Venture partnerships. To this day the Act is viewed by the Joint Venture partners as their principal conservation tool for implementing critical habitat projects identified by partners, and the Council relies much on the opinions of Joint Venture members in our deliberations on project selection. We have experienced with the Act and the Plan, in just a little more than a decade, a new way of doing business, one firmly rooted in collaboration, science, and funding commitment. We have also witnessed a piece of legislation that, due to the creative design of its authors, has been able to meet many of the emerging needs of migratory birds in North America. Meeting these needs is illustrated by the wide acceptance of the Act in helping to implement not only the Waterfowl Plan but other bird conservation plans, including Partners in Flight, North American Waterbird Conservation Plan, and U.S. Shorebird Conservation Plan, all of which emphasize the importance of habitat conservation. All of these partnerships are established with internationally acclaimed conservation organizations, National conservation departments, State and Provincial fish and game

agencies, and numerous watershed and community-based groups focused in local areas.

Mr. Chairman, as one who has oversight of a major conservation grants program, I can say without any hesitation that the habitat matching grants offered by the Act, or "NAWCA as it is frequently known, are a huge success. Since 1989, the Act has sponsored nearly 1,000 separate projects, large and small, that in total have involved well over 5,000 separate organizations or agencies. And those statistics provide a clear glimpse of the true value of this law, the protection and restoration of well over eight million acres of wetlands and associated uplands in the United States and Canada; and we are closing in on nearly a half million acres in Mexico.

As you may know, Mr. Chairman, NAWCA projects must support long-term wetlands acquisition, restoration, and/or enhancement and partners must minimally match the grant request at a 1-to-1 ratio. This match requirement is a critical strength of the Act. For the Act's Standard Grants, more than \$460 million has been invested through the Act since 1991, and I understand that total partner contributions have amounted to more than \$1.3 billion. That is a staggering amount of partner support. Additionally, the Council has for many years also hosted a Small Grants program which I have personally been very supportive of for its ability to generate new partners from diverse backgrounds. My experience with this effort as well as Small Grant programs the Foundation has, such as our program for the Chesapeake Bay Watershed, is that grants can be designed in many ways to meet specific needs. The Wetlands Act's grants meet many needs internationally, from expansive landscapes to small farm habitats. NAWCA Small Grants are awarded for up to \$50,000, and several hundred individual partners have been involved in over 160 projects across the United States. Since 1996, when this initiative was begun, over \$6.6 million has been provided by the Act, which has leveraged an incredible \$50 million in partner support. In my relatively short tenure with the Wetlands Council, I can only say that I am deeply impressed with the capability of this Act to conserve habitat at a general rate of one to three in Federal/non-Federal dollars. That is a clear financial investment for the Federal government. My being able to participate as a Council member in this dynamic program, and weighing-in, so-to-speak, on deciding which projects are the best of the best, is an invigorating and challenging experience, one I sincerely appreciate.

Mr. Chairman, I am pleased to see recent increases in appropriated funding for the Act. Appropriations had been modest throughout the 1990s, never peaking beyond \$15 million. In Fiscal Year 2001, however, Congress appropriated a \$40 million, and this fiscal year, Fiscal Year 2002, Congress appropriated \$43.5 million, both of which are notable successes. Fortunately, for Fiscal Year 2003, the President has requested \$43.560 million, showing a continued commitment in light of some very urgent needs facing the country at this time. With the other sources of revenue for the Act, there has been, over the past 2 years alone, an annual average of \$75 million. That level of funding is impressive, and as a Council member have been pleased to have that level of funding available for funding projects. It is prudent to observe though, that in those two years, after NAWCA awards had been granted, there remained over 130 unfunded projects needing \$24 million in Act support. Most important is the \$71 million in committed partner support that was not used because there simply was not enough Act funding to meet partner commitments.

Mr. Chairman, as stated in my introduction, I would like now to offer brief description of two concerns that flow from my preceding remarks that need thoughtful and deliberate consideration by this Committee, both of which center, once again, on habitat for birds. The concerns are funding and geographic scope. Birds in the United States are world travelers and they need quality habitat in non-fragmented areas throughout their migratory range, which often spans thousands of miles and many countries. More than half of the 800 bird species in North America depend on wetlands for survival. Biologists are concerned about 200 of these species including 72 that are wetlands-dependent and are already on the endangered list. The Act serves to guard against further decline, helping to meet critical habitat needs not only in the United States but in their Canadian breeding grounds and Mexican wintering sites. There remains an immense need for habitat conservation, a need that dwarfs available funds provided by the Act. Clearly, funding support over the past years through the Act and other vehicles has been refreshing and essential. But the challenge is daunting. Even with all the attention wetlands have received over the past several decades through a vast assortment of regulatory and non-regulatory mechanisms, they continue to decline. Grassland habitat surrounding wetlands are essential to wetland species and upland species alike, and they have only recently received due attention for protection and restoration. To even begin to meet the needs of these hundreds of species of birds that rely in whole or in part on wetlands, the funding level of the Act would need to rise by a magnitude or more.

My second concern, Mr. Chairman, is geographic scope. People orient around political boundaries, birds do not. Now more than ever, it is appropriate and necessary for migratory bird conservation to reach a new level of influence, one that is biologically and geographically meaningful. The inability of the Act to serve species that reside in the United States in all of their habitats internationally is, in my opinion, a serious impediment. This topic has been discussed extensively by Council members, and there are many words of caution and concern about stretching funding resources too thin. Nevertheless, I am convinced that extending the influence of the Act to all of Latin America and the Caribbean would be a significant and laudable achievement, particularly if done with acute sensitivity to the concern for funding already expressed. There is an urgent need to work closely and diligently with our neighbors throughout the Western Hemisphere to advance conservation of habitat in critical areas. Mr. Chairman, nearly 65 million Americans recreationally enjoy migratory birds in the United States alone, nearly one in four citizens. We believe the Act can be further strengthened to greatly benefit our migratory bird resource throughout their range.

In summary, Mr. Chairman, NAWCA is unquestionably one of the most highly recognized and appreciated conservation tools available in the U.S., Canada, and Mexico, and my observations as a Council member crystalize on that salient finding. It is a model conservation instrument that can continue to meet some extreme challenges, and could evolve into an even farther reaching instrument with select modifications I discussed. Thank you again Mr. Chairman for this opportunity to speak about my experience with the Act. This concludes my prepared statement. I will be pleased to respond to any questions you may have.

Mr. UNDERWOOD. Thank you, Mr. Berry.
Mr. Taylor.

**STATEMENT OF GARY J. TAYLOR, LEGISLATIVE DIRECTOR,
INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE
AGENCIES**

Mr. TAYLOR. Thank you, Mr. Chairman. I am Gary Taylor, Legislative Director of the International Association of Fish and Wildlife Agencies. And we appreciate the opportunity to share with you the perspectives of the association on H.R. 3908, a bill to reauthorize the North American Wetlands Conservation Act.

As you know, all 50 state fish and wildlife agencies are members of the association. And we do sincerely appreciate the chance to share with you some of the many successes of this truly landmark and landscape-level conservation law.

The association strongly and enthusiastically supports H.R. 3908. Wetlands conservation is important to all of us. Many scientific studies have shown that coastal and inland wetlands are crucial to the health of our environment. Wetlands provide for both fish and wildlife conservation needs, and for the quality of life for our citizens, in providing such things as improving water quality, enhancing water storage, mitigating flooding and erosion, and providing wildlife habitat.

In providing habitat for a diversity of fish, wildlife, and plant species, wetlands support numerous recreational and commercial activities. The value of wetlands for a wide variety of important reasons cannot be understated, nor underestimated.

Since its enactment in 1989, the Act has been extraordinarily successful. It has contributed to the protection, restoration, and enhancement of millions of acres of wetlands and adjacent buffer areas for the benefit of wetland-dependent wildlife and the people who enjoy them.

Based on a cooperative, voluntary, non-regulatory approach, the Act engages the Federal Government in partnerships which include local and state agencies, conservation groups, businesses, sporting groups, land owners, private citizens, ranchers, farmers, and communities, in habitat conservation endeavors.

While I won't repeat for you the successes that have already been articulated here about the Act, let me point out to you that all of these endeavors have provided significant economic benefits, often in rural communities, since migratory bird hunters and bird watchers generate almost \$21 billion per year in secondary economic impact.

As others mentioned, the North American Waterfowl Management Plan, one of the important programs supported by the Act, is an effort to rebuild the North American waterfowl populations by establishing population objectives and protecting key wetland habitat areas. As you are aware, the states were one of the original supporters of the plan, and subsequently the act.

Approximately 8.7 million acres have been conserved in Canada, the United States, and Mexico, under the plan and the Act, through a system of joint ventures. Bringing together joint venture area-wide conservation and management for the first time, the plan has been used for a model for other migratory bird species plans, such as those for shore birds, water birds, Partners in Flight, and other related conservation programs which are being formulated and delivered on a national and international level.

The North American Bird Conservation Initiative, which is co-chaired by the association's president and the director of the U.S. Fish and Wildlife Service, seeks to promote and deliver all bird conservation programs, primarily through the joint venture system.

The association urges you to ensure reauthorization of the Act at its current \$50 million level of funding authority for an additional 5 years. This would indicate a continuing commitment to wetlands conservation, and allow for potential growth in appropriations which have recently been increasing. Annual requests for Act grants, as others have pointed out, continue to exceed available funding.

Finally, we would also like to recognize and commend the Migratory Bird Conservation Commission and the North American Wetlands Conservation Council on a job very well done in implementing the Act. 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 wetlands ecosystems are secured, restored, and enhanced.

Mr. Chairman, as others have observed, the Act has been singularly successful in its contribution to wetlands conservation. There are few programs that can boast of their success like this one. It is quite simply a unique program which is also wholeheartedly endorsed by the state fish and wildlife agencies.

Thank you for the opportunity to share our perspectives with you. And I would be pleased to address any questions.**

[The prepared statement of Mr. Taylor follows:]

**Statement of Gary J. Taylor, Legislative Director,
International Association of Fish and Wildlife Agencies, on H.R. 3908**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to share with you the perspectives of the International Association of Fish and Wildlife Agencies on HR 3908, a bill to reauthorize the North American Wetlands Conservation Act (NAWCA). I am Gary Taylor, Legislative Director of the Association. We sincerely appreciate the chance to share with you some of the many successes of this truly landmark and landscape-level conservation law.

The Association, 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, whose government members include the fish and wildlife agencies of all fifty states, has been instrumental for nearly a century in promoting sound resource management and strengthening Federal, state and provincial cooperation in this area.

The International Association of Fish and Wildlife Agencies strongly and enthusiastically supports HR 3908 for a number of reasons. Wetlands conservation is important to us all. As you know, while the rate of decline has slowed, the fact remains that we continue to lose wetlands in North America. Of the estimated original 221 million acres of wetlands, there are now about 5.1 million acres of saltwater wetlands remaining and about 95.8 million acres of freshwater wetlands. Many scientific studies have shown that coastal and inland wetlands are crucial to the health of our environment. The loss of wetlands impacts both human and conservation values: for example, water quality, water storage, flooding, erosion and wildlife habitat. Wetlands provide habitat for a diversity of fish, wildlife and plant species, which in turn support numerous recreational and commercial activities. The value of wetlands for a wide variety of important reasons cannot be understated or underestimated.

Since its enactment in 1989, the North American Wetlands Conservation Act has been extraordinarily successful. It has contributed to the protection, restoration and enhancement of millions of acres of wetlands and adjacent (buffer) areas for the benefit of wetland dependent wildlife and the people who enjoy them.

The Association enthusiastically supports HR 3908, and the funding authorization level of \$50 million for each of Fiscal Years 2003 through 2007. We appreciate the support of Chairman Hansen for introducing HR 3908, and yourself for scheduling this reauthorization hearing. We truly believe that this is an excellent example of the application of an ecosystem or landscape perspective management approach to conservation of our natural resources.

Based on a cooperative, voluntary, non-regulatory approach NAWCA engages the Federal Government in partnerships which include local and state agencies, conservation groups, businesses, sporting groups, landowners, private citizens, ranchers, farmers and communities, to name a few. Within the United States, since 1991 over \$462 million in Act funds have been matched by over \$1.3 billion from partners. The return on the Federal investment under this program has been remarkable as demonstrated by the fact that projects funded under NAWCA have been matched by over 3 to 1 by partner contributions. In the United States, 630 projects have been funded, at least one in every state. This has provided significant economic benefits, often in rural communities, since migratory bird hunters and bird watchers generate almost \$21 billion per year in economic impact. This exemplary program offers outstanding returns on the Federal investment in wetlands ecosystem conservation. Since 1991 over 1,500 partners have been involved in Act supported projects.

The North American Waterfowl Management Plan (NAWMP), one of the important programs supported by the NAWCA, is an effort to rebuild North American waterfowl populations by establishing population objectives and protecting key wetland habitat areas. As you are aware, the States were one of the original supporters of the NAWMP and subsequently NAWCA. Since migratory waterfowl are a shared international resource, Federal, state, provincial and private organizations are cooperating internationally to fund and implement wetland conservation projects. Approximately 8.7 million acres have been conserved in Canada, the United States and Mexico. The NAWMP has united different economic sectors, for example, forestry, agriculture and wildlife conservationists in an unprecedented degree of trust and cooperation.

Bringing together joint venture area wide conservation and management for the first time, the NAWMP has been used as a model for other migratory bird and species plans such as those for shorebirds, waterbirds, Partners In Flight and other related conservation programs which are being formulated and delivered on a national and international level. The North American Bird Conservation Initiative, co-

chaired by the Association's president and the Director of the US Fish and Wildlife Service, seeks to promote and deliver all bird conservation programs primarily through the joint venture system. As mandated by the Act, the NAWMP is currently being updated by the Plan partners for 2003 and its continued success depends in large part on the funding which NAWCA provides.

A number of wetland dependent species, including shorebirds, neotropical migrants, wading birds, fish and shellfish, reptiles, amphibians and threatened and endangered species have also benefitted from the North American Wetlands Conservation Act and North American Waterfowl Management Plan.

Progress has been made in wetland conservation under NAWCA but we must increase our efforts to ensure that adequate habitat is available for waterfowl and other important fish and wildlife species during the next drought cycle which may be upon us once more. All indicators are pointing in that direction: little water storage from the Fall, a warm Winter with little precipitation and a dry, warm Spring. NAWCA/NAWMP projects may be the only refuge for those species and could well ensure their survival during a period of drought.

In summary, wetland restoration, protection and conservation provides an important and diverse array of long-term environmental, social and economic benefits to the citizens of the United States. Let us not lose the momentum we have now gained with our willing conservation partners.

The Association urges you to ensure the reauthorization of NAWCA at its current \$50 million level of funding authority. This would indicate a continuing commitment to wetlands conservation and allow for potential growth in appropriations which have recently been increasing. Annual requests for NAWCA grants continue to exceed available funding. If funding is reduced for NAWCA it will impact negatively on a number of sectors including the economy and state fish and wildlife programs.

The International also supports authorization for a period of five years. The original 1989 version of the Act and its reauthorization in 1994 retained a 5-year time frame. An authorization period of 5 years would also be in keeping with updates to the NAWMP.

I also want to recognize and commend 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 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 the Act's effectiveness.

Mr. Chairman, the North American Wetlands Conservation Act has been singularly successful in its contribution to wetlands conservation. There are few programs that can boast of their success like this one. It is a unique program, which is wholeheartedly endorsed by the state fish and wildlife agencies.

Thank you for the opportunity to share our perspectives with you, and I would be happy to address any questions you might have.

Mr. UNDERWOOD. Well, thank you for all of your testimonies. And of course, they appear to be all in strong support of this important piece of legislation. And I appreciate the comments made about the value of this approach; at the same time, understanding that perhaps we are not preserving as much wetlands, even under this legislation, as we conceivably could.

Just to make sure that we address some of the Chairman's concerns, the Chairman raised a couple of concerns that I want perhaps all of you to respond to. One is the general state of conservation in Mexico, and just to enlighten the Committee about that; and also, the issue of the ratio of expenditures in Canada, as opposed to other areas.

Mr. SATROM. Well, thank you, Mr. Chairman. Ducks Unlimited has programs in both Canada and Mexico. And we are in communication with them. I am not prepared to talk about the infrastructure of Mexico specifically, as much as to say that it is certainly

an important program for our organization. And we believe that it can be grown, and that this adjustment in the distribution guideline or ratio is an important recognition that with our problems in this country, in our minds, there is a window of opportunity and also a real threat, a continuing threat, to wetlands. So we favor that distribution.

Similarly, we are providing the match for these monies. And we believe that by incrementally growing the amount of money authorized, we will continue to be able to grow both Canada's and Mexico's, and support what is that priority of meeting U.S. needs.

I think, last, I want to just say from that my background in public life, from years ago, really NAWCA has demonstrated its true uniqueness. At the state level we looked for ways to find partnerships across state borders, and again across international borders—North Dakota shares a border with Canada. This program is unique, I think, in that it allows us to do that, without the complications of multi-state agreements and international agreements. And I would say that from that standpoint, we have the ability to, I think, even be more creative than perhaps was envisioned when it started. Thank you.

Mr. UNDERWOOD. Very good.

Mr. Berry?

Mr. BERRY. Thank you, Mr. Chairman. On your first question about Mexico, on the council, I have now been on the council for a year and a half, and in just seeing and reviewing the proposals that have started to come in from Mexico recently—and I believe my council members would agree with me on this—they have gotten better and better.

Originally, there was not much infrastructure, there was not much organization on the ground, and it was a slow start. I think they have significantly improved in recent years. The North American Wetlands Council, in fact, in recognition of that, we are going to be going down in December and having our December meeting in Mexico, so that we can work with a number of the president's new councils. There is strong interest in Mexico. And I think that that program has only positive things in front of it. In other words, my hope is that it is going to get brighter and brighter.

On the second issue on the ratio, and it is not to disagree with the position that Ducks Unlimited and the center has advanced, but I think what I would recommend to you is a little bit broader, and more flexibility.

Right now, I mean, the current statute provides 50 percent United States, 45 for Canada, 5 percent for Mexico. I think, rather than spelling out the formula, you know, I think I endorse the notion of going with the flexible approach. But rather than maybe 25-50, what I think I would like to see is maximum flexibility for the advisory council and for the Migratory Bird Commission to have. And I think the way you do that is maybe, rather than 25-50, a 30-70 type of thing, that gives you a range.

If we had a great year and there was lots of money, then you would end up with being able to do more than you otherwise might. But that may not always be the case. There might be a down year with appropriations. And I think providing for that notion, that would give the council the flexibility to respond to both up years

and down years; and sort of having, you know, a 30 to 70 percent sliding scale; maybe with requiring the advisory council and the Migratory Bird Commission to report back regularly so that Congress could monitor how those funds were being expended. I think that would be in the best interests of the resource.

Now, we have not discussed this on the advisory council yet, a change in the ratio. I don't believe Canada or Mexico have taken a position on this yet officially. I know it is under discussion. So the comments that I am making here are really just mine, as my best advice to you from the National Fish and Wildlife Foundation, and not as a formal recommendation from the North American Wetlands Council.

But I think that flexibility is one that would serve both the Congress, the council, and the Migratory Bird Commission well.

Mr. UNDERWOOD. Very good. Thank you for that suggestion.

Mr. Taylor?

Mr. TAYLOR. Yes, sir, Mr. Chairman. On the question of Mexico, quite frankly, we have not seen enough projects from there to have an informed assessment yet of the improvement in their quality. I would hope the observations of my colleagues that suggest that they are improving and that they will get better can be borne out. You might find some better information coming from the Fish and Wildlife Services' Office of North American Wetlands Conservation Management, that administers and oversees this. So that might be an appropriate place to direct that question.

We can certainly support the proposed incremental increase in the authorization over the 5 years of the life of the bill. On the question of an adjustment to the range in the percentage of money going to Canada and Mexico, quite frankly, while we believe this warrants further consideration and discussion, we have not had time to assess it on either its needs for the adjustment or its merits; and nor have we had time to discuss this with the leadership in the state fish and wildlife agencies, to assess the particular validity of this recommendation.

I think that can be done, and should be done, within both the conservation community and with the governments of Canada and Mexico, while the reauthorization process is occurring. But we don't have a position on it at this time.

Mr. GILCREST. [Presiding.] Go ahead, Mr. Berry.

Mr. BERRY. If I could, Mr. Chairman, another reason I think that 30-70 is good is I think it also would allow you to pick the best project from the best place in that year. And it may be in 1 year that we have better proposals from Canada and Mexico than we would in the U.S., and so it would make more sense to fund those better projects that year. And in another year, you might have more, conversely, in the United States, and you would want to fund those. And so I think that range would allow you to do that.

I think also, by having a 30-70, as opposed to a 25-50, under the 25-50 formula, Canada and Mexico only see a down side in that. I mean, they can't get any better than what they have got now, and they could get worse. And under a 30-70—

Mr. GILCREST. More incentive.

Mr. BERRY. —there may be an up year and there may be a down year, but it would be based on the quality of the projects in front

of the council and the commission. So that is why I think that 30-70 might make some more sense.

Mr. UNDERWOOD. Well, Mr. Berry, you have expressed two ideas which I know are going to invite comment: this flexible ratio, and the expansion beyond into the Caribbean and the rest of Latin America.

Mr. Satrom?

Mr. SATROM. Yes. Mr. Chairman, thank you. Canada has received \$165 million since the inception of Federal NAWCA dollars, not including the partnership dollars. That indicates a major funding stream.

And we certainly are committed. Our organization only raised money for the purposes of sending it to Canada until 1984, so we certainly want to be supportive programmatically of what is appropriate. At the same time, we see the need to really address this diminishing wetland base and the need for more programs in the U.S.

Mr. UNDERWOOD. What about the idea of expanding it to the Caribbean and the rest of Latin America? Do you have any reaction to that, Mr. Satrom and Mr. Taylor?

Mr. SATROM. Thank you, Mr. Chairman. We want to compliment the Congress on passing the Tropical Migratory Bird Act. We think that is a beginning and deals with many of the issues of Central America, and want to see the funding levels there address these issues. We think the focus on Canada and the U.S. are appropriate at this time.

Mr. UNDERWOOD. Mr. Taylor?

Mr. TAYLOR. Mr. Chairman, I think in the context of the remarks I made about looking at the protocol created under the North American, to begin to assess how we are going to deliver conservation initiatives for all birds, we need to continue to look at whether the North American Act, along with the Neo-Tropical Migratory Bird Conservation Act, or yet maybe even additional enabling legislation, would be the most appropriate in order to provide a delivery mechanism for conservation objectives outside of either the geographic scope or the species or habitat constraints of those two laws.

So I mean, we are not prepared to give a thumbs-up or a thumbs-down on the expansion of the North American Act right now to the Caribbean. But it is, again, a consideration I think that the conservation community is engaged in deliberations over in what are the appropriate mechanisms to provide for conservation needs for habitats and species in those ecosystems.

Mr. GILCHREST. Mr. Berry?

Mr. BERRY. Mr. Chairman, I sure appreciate your being so generous with the time.

I would want to make very clear that when I ask for this expansion, I clearly would support and would continue to support on the Wetlands Council the strong prioritization for Canada and Mexico. But I guess my point is, there are some species that don't stop at those boundaries. Green-winged Teal are an example, that winter in Central America.

And it just seems to me we ought to keep open the option of supporting waterfowl in their habitats wherever they are. In other

words, I am not talking about specific ratios for the Caribbean, or specific for LAC; but it would be very nice to have that option when those good projects come along, to have the flexibility to be able to consider them.

Right now we are structured such that we have to stop at that boundary. And I really think, clearly, both I and, I am sure, my council members, will continue a strong priority and the central focus on Canada and Mexico. Don't get me wrong on that. But I just think it would really be an added benefit for the council to be able to consider outside of those boundaries, if it was a good project.

Mr. UNDERWOOD. [Presiding.] Well, thank you for that clarification. I would hate to think of the controversy that we will generate by taking some NAWCA dollars down into Cuba.

[Laughter.]

Mr. UNDERWOOD. Now, then we are talking about real political boundaries.

Mr. BERRY. Yes.

Mr. UNDERWOOD. Well, thank you for your testimony this morning. And certainly all of these ideas will be considered in the record. Thank you very much.

Mr. SATROM. Thank you, Mr. Chairman.

Mr. BERRY. Thank you.

Mr. UNDERWOOD. The meeting is adjourned.

[Whereupon, at 11:50 a.m., the Subcommittee was adjourned.]

[A statement submitted for the record by Perry Plumart, Director of Government Relations, Audubon Society, on H.R. 4044 follows:]

**Statement of Perry Plumart, Director of Government Relations,
Audubon Society, on H.R. 4044**

On behalf of Audubon's more than one million members and supporters, I urge the Committee on Resources to support Congressman Wayne Gilchrest's bill, H.R. 4044, legislation to eradicate an invasive species called nutria that is damaging and destroying some of Maryland's most precious and important wetland ecosystems. "Invasive species" is among the most polite terms one could use to describe the nutria, a 30-pound South American rodent with long hairless tail and a pair of grotesque orange teeth. A quick scan of news articles on the species reveals colorful descriptions of the rodents ranging from "vile little beasts" to "big rats" to "fur cockroaches." If they have found their way into marshlands, the best word to describe them is this: evil.

Nutria devastate marsh by digging underneath and overturning marsh plants to feed on their roots. Much of the marsh rests on a layer of fluid mud, which is washed away easily by tidal currents. The cumulative effect of nutria damage and rising sea level is a rapid conversion of emergent marsh to open water, which destroys the area's value as habitat for birds and other wildlife.

Due primarily to the impact of invasive nutria, 7,000 of the 10,000 acres of marsh within Blackwater National Wildlife Refuge in Maryland have been lost. The refuge continues to lose between 500 and 1,000 acres of marsh each year to nutria damage.

Audubon is particularly concerned about the fate of the Black Rail, a small bird that is a secretive inhabitant of salt and brackish marshes, wet meadows, and the margins of freshwater wetlands. Dredging and filling of wetlands in Delaware, Maryland and New Jersey has severely reduced the amount and quality of habitat available for Black Rails. Due to these increasing threats to its habitat and a resulting downward population trend, the Black Rail is listed on Audubon's WatchList of birds that could be headed for extinction. As marshes are lost on Blackwater Refuge, some of the few remaining quality habitat areas available for Black Rails are being lost as well.

H.R. 4044 would authorize \$20 million over the next five years that would be provided as grants by the Secretary of the Interior to the State of Maryland for pro-

grams to control and eradicate invasive nutria. To address the serious threat that invasive nutria pose to Blackwater National Wildlife Refuge and the birds and wildlife, such as the Black Rail, that it was established to protect, Audubon urges the Committee on Resources to support H.R. 4044.

Thank you, Mr. Chairman, for the opportunity to present our views on this important legislation.

