

**H.R. 273, H.R. 274, H.R. 289 and
H.R. 417**

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

Thursday, March 6, 2003

Serial No. 108-3

Printed for the use of the Committee on Resources



Available via the World Wide Web: <http://www.access.gpo.gov/congress/house>

or

Committee address: <http://resourcescommittee.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

85-454 PS

WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON RESOURCES

RICHARD W. POMBO, California, *Chairman*
NICK J. RAHALL II, West Virginia, *Ranking Democrat Member*

Don Young, Alaska	Dale E. Kildee, Michigan
W.J. "Billy" Tauzin, Louisiana	Eni F.H. Faleomavaega, American Samoa
Jim Saxton, New Jersey	Neil Abercrombie, Hawaii
Elton Gallegly, California	Solomon P. Ortiz, Texas
John J. Duncan, Jr., Tennessee	Frank Pallone, Jr., New Jersey
Wayne T. Gilchrest, Maryland	Calvin M. Dooley, California
Ken Calvert, California	Donna M. Christensen, Virgin Islands
Scott McInnis, Colorado	Ron Kind, Wisconsin
Barbara Cubin, Wyoming	Jay Inslee, Washington
George Radanovich, California	Grace F. Napolitano, California
Walter B. Jones, Jr., North Carolina	Tom Udall, New Mexico
Chris Cannon, Utah	Mark Udall, Colorado
John E. Peterson, Pennsylvania	Anibal Acevedo-Vilá, Puerto Rico
Jim Gibbons, Nevada,	Brad Carson, Oklahoma
<i>Vice Chairman</i>	Raúl M. Grijalva, Arizona
Mark E. Souder, Indiana	Dennis A. Cardoza, California
Greg Walden, Oregon	Madeleine Z. Bordallo, Guam
Thomas G. Tancredo, Colorado	George Miller, California
J.D. Hayworth, Arizona	Edward J. Markey, Massachusetts
Tom Osborne, Nebraska	Rubén Hinojosa, Texas
Jeff Flake, Arizona	Ciro D. Rodriguez, Texas
Dennis R. Rehberg, Montana	Joe Baca, California
Rick Renzi, Arizona	Betty McCollum, Minnesota
Tom Cole, Oklahoma	
Stevan Pearce, New Mexico	
Rob Bishop, Utah	
Devin Nunes, California	
VACANCY	

Steven J. Ding, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
Michael S. Twinchek, *Chief Clerk*
James H. Zoia, *Democrat Staff Director*
Jeffrey P. Petrich, *Democrat Chief Counsel*

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

WAYNE T. GILCHREST, Maryland, *Chairman*
FRANK PALLONE, JR., New Jersey, *Ranking Democrat Member*

Don Young, Alaska	Eni F.H. Faleomavaega, American Samoa
W.J. "Billy" Tauzin, Louisiana	Neil Abercrombie, Hawaii
Jim Saxton, New Jersey	Solomon P. Ortiz, Texas
Mark E. Souder, Indiana	Madeleine Z. Bordallo, Guam
Rob Bishop, Utah	Nick J. Rahall II, West Virginia, <i>ex officio</i>
Richard W. Pombo, California, <i>ex officio</i>	

C O N T E N T S

	Page
Hearing held on March 6, 2003	1
Statement of Members:	
Dingell, Hon. John D., a Representative in Congress from the State of Michigan	6
Prepared statement on H.R. 289	7
Gilchrest, Hon. Wayne T., a Representative in Congress from the State of Maryland	2
Prepared statement on H.R. 273, H.R. 274, H.R. 289, and H.R. 417	2
Hunter, Hon. Duncan, a Representative in Congress from the State of California	11
Prepared statement on H.R. 417	13
Kaptur, Hon. Marcy, a Representative in Congress from the State of Ohio	3
Prepared statement on H.R. 289	5
Pallone, Hon. Frank, Jr., a Representative in Congress from the State of New Jersey, Prepared statement on H.R. 273, H.R. 274, H.R. 289, and H.R. 417	3
Statement of Witnesses:	
Hogan, Matt, Deputy Director, Fish and Wildlife Service, U.S. Department of the Interior	14
Prepared statement on H.R. 273, H.R. 274, H.R. 289, and H.R. 417	16

LEGISLATIVE HEARING ON H.R. 273, A BILL TO PROVIDE FOR THE ERADICATION AND CONTROL OF NUTRIA IN MARYLAND AND LOUISIANA; H.R. 274, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE THE PROPERTY IN CECIL COUNTY, MARYLAND, KNOWN AS GARRETT ISLAND FOR INCLUSION IN THE BLACKWATER NATIONAL WILDLIFE REFUGE; H.R. 289, A BILL TO EXPAND THE BOUNDARIES OF THE OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX AND THE DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE; AND H.R. 417, A BILL TO REVOKE A PUBLIC LAND ORDER WITH RESPECT TO CERTAIN LANDS ERRONEOUSLY INCLUDED IN THE CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

Thursday, March 6, 2003

U.S. House of Representatives

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Committee on Resources

Washington, DC

The Subcommittee met, pursuant to notice, at 10:09 a.m. in room 1324, Longworth House Office Building, Hon. Wayne T. Gilchrest, [Chairman of the Subcommittee] presiding.

Present: Representatives Gilchrest, Saxton, Pallone, Faleomavaega, Ortiz, and Bordallo.

Mr. GILCHREST. The Subcommittee will come to order. I ask unanimous consent that my full statement be put into the record.

STATEMENT OF THE HON. WAYNE T. GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. GILCHREST. We are meeting this morning to talk about a number of bills, two of which concern the state of Maryland but a number of which concern Mr. Dingell, Ms. Kaptur and Mr. Hunter this morning with the nation's resources and the bounty of nature and how we can help restore its prodigiousness.

So at this point we would like to have the three members come to the witness table, give us their testimony and we will work vigorously to ensure that the implementation of their ideas, their thoughts, their dreams, their visions will be a part of the American scene.

At this point if we have any other opening statement from Mr. Pallone?

[The prepared statement of Mr. Gilchrest follows:]

**Statement of The Honorable Wayne T. Gilchrest, Chairman,
Subcommittee on Fisheries Conservation, Wildlife and Oceans**

Good morning, today, the Subcommittee will review several pieces of legislation that were the subject of comprehensive hearings last year and were adopted overwhelmingly by the House of Representatives.

The first bill is H.R. 273, the Nutria Eradication and Control Act. I am pleased to offer this proposal, along with our colleague from Louisiana, the Honorable Billy Tauzin. The fundamental goal of this legislation is to eradicate and control the growing population of nutria that are devastating thousands of acres of essential wetland habitat in the states of Maryland and Louisiana.

Nutria are large semi-aquatic South American rodents that have a prolific appetite for marsh vegetation. At the Blackwater National Wildlife Refuge alone, nutria have destroyed at least 7,000 acres of wetlands and they are literally eating their way through the marshlands that exist at the nine National Wildlife Refuges on the Delmarva peninsula.

The second bill is H.R. 274, a proposal I introduced to incorporate the ecologically important 198-acre Garrett Island within the existing Blackwater National Wildlife Refuge. Garrett Island, which is uninhabited, is the site of Maryland's second settlement in the early 1600's, it is the only rocky island in the tidal waters of the Chesapeake Bay and it has a rich diversity of archeological, natural and wildlife resources.

The third bill is H.R. 289 introduced by our colleagues Marcy Kaptur and John Dingell. This legislation would expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge. We had an excellent hearing on a similar bill last year and a compelling case was made to conserve the valuable resources of the western basin of Lake Erie.

Finally, we will hear testimony on H.R. 417, a bill referred to as the Cibola National Wildlife Refuge Correction Act. This measure will settle a title dispute between the U.S. Fish and Wildlife Service and the Bureau of Land Management and adjust the boundaries of the existing refuge. The U.S. Fish and Wildlife Service has previously testified that the 140 acres affected by this bill have almost no wildlife habitat value, they are not a desirable part of the refuge and the concession known as "Walter's Camp" should be supervised by the Bureau of Land Management. Thousands of people camp, canoe and windsurf at this facility each year and there seems to be consensus that it was a mistake to include this property within the refuge.

I look forward to hearing from the sponsors of these measures and the U.S. Fish and Wildlife Service. I am pleased to recognize the ranking Democratic Member of the Subcommittee, the Honorable Frank Pallone.

Mr. PALLONE. Mr. Chairman, I suggest that we proceed with the members since they have been waiting for us. Thank you.

[The prepared statement of Mr. Pallone follows:]

**Statement of The Honorable Frank Pallone, Ranking Democrat,
Subcommittee on Fisheries Conservation, Wildlife and Oceans, on
H.R. 273, H.R. 274, H.R. 289 and H.R. 417**

Thank you, Mr. Chairman. I look forward to this morning's hearing concerning several wildlife-related bills.

I also want to welcome our colleagues, Congressman Duncan Hunter, Congresswoman Marcy Kaptur, and the Dean of the House of Representatives, Congressman John Dingell.

It has often been mentioned that our nation's National Wildlife Refuge System is one of the Federal Government's best conservation investments. Since the creation of the first migratory bird refuge at Pelican Island in 1903 the System has grown to include over 535 refuges and 94 million acres.

Most importantly, the Refuge System functions as our only network of lands and waters set aside exclusively for the benefit of fish and wildlife, including numerous threatened and endangered species.

As such, our National Wildlife Refuges continue to provide indispensable habitat for fish and wildlife. They also ensure abundant opportunities for wildlife-oriented outdoor recreation enjoyed by over 35 million visitors annually.

Last year, this Subcommittee heard from a representative of the Administration that the time has come, perhaps, to curtail any further expansion of the Refuge System.

At that time, my predecessor, the former ranking Democrat, Robert Underwood, acknowledged that the nearly \$1 billion Refuge System operations and maintenance budget backlog is a significant limiting factor to be accounted for when considering new additions to the System. Nevertheless, such a change in policy would represent a significant and potentially troubling shift in the nation's approach toward wildlife conservation.

In my estimation, proposals to expand the Refuge System should be considered within a broad conservationist context, regardless of whether the proposal is advanced by administrative action or through legislation. That context should consider how these potential additions would protect the ecological integrity of the Refuge System, and how they might further the purposes of the Refuge Administration Act. After all, the guiding principle of the National Wildlife Refuge System is an ethic of stewardship, which recognizes the ecological and cultural importance of responsible land and animal management.

It is within this more appropriate context that I hope the Subcommittee will consider legislation to expand the Ottawa and Blackwater National Wildlife Refuges, and for that matter, other proposals that may be forthcoming to this Subcommittee.

I ask, what reason is there for Congress to abandon opportunities to address unmet acquisition or expansion needs for our Refuge System simply to comply with an arbitrary change in policy by this Administration? After all, future costs for acquisition are only going to increase, not decrease.

Furthermore, if it is the new policy of this Administration to postpone any further expansion of the Refuge System until the budget backlog is rectified, would it not be better for the Administration to adjust its own budget priorities to address the backlog first, rather than siphon off funds to support its own unauthorized budget initiatives?

We need to ask these questions. Moreover, Congress needs to face the stark reality: if it hopes to have a Refuge System it can be equally proud of in the year 2103—the System's bi-centennial—it must find the will and the means to make the necessary investments today, tomorrow and in the future. Thank you.

Mr. GILCHREST. I apologize for being late.

Mr. Saxton?

Ms. Kaptur, you may begin.

**STATEMENT OF THE HON. MARCY KAPTUR, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Ms. KAPTUR. Thank you, Mr. Chairman, Mr. Pallone, Mr. Saxton. It is our great pleasure to appear before you and I ask unanimous consent to insert the entire statement in the record.

Mr. GILCHREST. Without objection.

Ms. KAPTUR. I must begin by saying I could not be here with two finer colleagues—to my right an elk hunter and to my left a duck hunter, from what they have been willing to reveal to us.

Mr. GILCHREST. We are here to conserve today.

Ms. KAPTUR. It is a pleasure to again appear before you on behalf of H.R. 289, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge and to thank this Committee, this Subcommittee, for being so generous to us during the last session. It was not for our efforts here in the House that the measure was not able to finally prevail but rather, because of difficulties on the Senate side and we were very, very hopeful last year and Mr. Chairman, we want to thank you for starting early. We think this is a wonderful indication that we can be successful this year.

For the record I wish to state that we have very strong bipartisan support for our bill, including both senators from the state of Ohio, as well as from the state of Michigan. So Senators Voinovich, DeWine, Levin and Stabenow are all in support of our efforts. We have the support of the state of Ohio. As you will recall, the Ohio Department of Natural Resources director Sam Speck came to Washington last year to testify on behalf of this bill.

Our legislation provides a vehicle by which the U.S. Fish and Wildlife Service can expand the boundaries of the Ottawa National Wildlife Refuge and also the Lower Detroit River International Wildlife Refuge. All transactions would be completely voluntary with no forced takings. It does not require the service to do anything it does not want to do and final determinations of whether to accept any donation of land or make an expansion of the boundaries would reside entirely within the director of the Fish and Wildlife Service Secretary of the Department of Interior's discretion.

The legislation I must also say enjoys the broad support of our community along the north coast of Lake Erie and one is really hard pressed to understand how anyone could be opposed to such a win/win concept in one of America's most important flyways.

Mr. Chairman, I also did want to stress that our region, Lake Erie, is the most drawn upon of the Great Lakes. We have a very fragile resource. It is also the most shallow of the Great Lakes. So we use it for drinking water but also for recreation and for commerce and the extraordinary importance of wildlife refuges, as well as wetlands, to the future health of this entire ecosystem, I could not stress more strongly how very important it is to provide this type of authority so that we can continue expanding our green necklace around our lake.

And the resources of our own Department of Interior and the Fish and Wildlife Service are heavily concentrated west of the Mississippi River. I can tell you—and I think even the department is willing to admit about 70 percent of the refuges are in the state of Alaska—I can you that within 100 miles of my district is two-thirds of the population of the United States of America. We are a distribution hub. We have a lot of stresses as a result of our industrial and agricultural heritage. We are glad to have them but we also know that we cannot exist in an environment that continues to deteriorate.

So we last year were able to secure \$1.95 million for a new education center at the Ottawa National Wildlife Refuge to handle the increasing number of tourists also coming into our area for the Great Lakes, for the best swimming and fishing in the entire Great Lakes, and we also provided an additional \$600,000 for land acquisition at Ottawa itself. So we are doing our part in order to try to build on this incredible system.

And again I thank you very, very much for the opportunity to testify and I know that this Subcommittee will do what is right and best for the future. Thank you so very much.

[The prepared statement of Ms. Kaptur follows:]

Statement of The Honorable Marcy Kaptur, a Representative in Congress from the State of Ohio

Thank you, Chairman Gilchrest, for this opportunity to testify on H.R. 289 to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

It is a pleasure to testify again before your Subcommittee. Let me thank you for your responsiveness in holding a hearing about my legislation to expand the boundaries of the Ottawa National Wildlife Refuge as well as the other important bills before you today.

Let me also thank the Subcommittee for support of the same legislation, which passed the House of Representatives last year. We were hopeful when we sent the bill to the Senate in the waning days of the 107th Congress, but at the very end they were unable to pass it.

We are extremely optimistic, Mr. Chairman, about the prospects for this legislation during the 108th Congress. We have strong bipartisan support, both in the House and in the Senate, particularly from Senators Voinovich and DeWine from Ohio as well as Senators Levin and Stabenow from Michigan. We have the support of the State of Ohio. As you will recall, Ohio Department of Natural Resources Director Sam Speck came to Washington last year to testify in support of the bill.

Mr. Chairman, as you recall, this legislation merely provides a vehicle by which the U.S. Fish and Wildlife Service could expand the geographic boundaries of the Ottawa National Wildlife Refuge and also the Lower Detroit River International Wildlife Refuge. It does not involve forced takings. All transactions would be completely voluntary. It does not require the Service to do anything it does not want to do. Final determinations of whether to accept any donation of land or to make an expansion of the boundaries would reside entirely with the Director of the Fish and Wildlife Service and the Secretary of the Department of Interior.

The legislation merely provides an important vehicle by which private individuals, private businesses, non-profit agencies, and the general public can express tangible support for the Ottawa Refuge and the Lower Detroit International Refuge through donation of critical habitat. The legislation mirrors the comprehensive conservation plan that has been approved by the U.S. Fish and Wildlife Service. The legislation enjoys broad and deep support in our community and along the "North Coast" of Lake Erie. Indeed, Mr. Chairman, one is hard pressed to understand how anyone could be opposed to such a win-win concept.

Mr. Chairman, great things are happening at both the Ottawa Refuge and the Lower Detroit Refuge. We see the Lower Detroit River Refuge and the Ottawa Refuge as the key gems in an emerald necklace around the western basin of Lake Erie. Congressman Dingell started this process with the Lower Detroit River legislation and we hope to complement his wonderful accomplishment.

During the recent omnibus appropriations legislation, we were able to secure \$1.95 million for a new education center at the Ottawa National Wildlife Refuge. Annual attendance will increase dramatically from the current 120,000, opening the wonders of the Ottawa Refuge to literally millions of schoolchildren and families in the coming years. An additional \$600,000 was appropriated for land acquisition at Ottawa.

During this centennial year of the national wildlife refuge system, the Ottawa Refuge is clearly on the move. We believe that we can raise the profile of the refuge dramatically while keeping intact its mission of preservation and conservation. We believe this legislation can help in that process while keeping intact individual property rights.

Thank you, Mr. Chairman, for your time and the opportunity to testify.

Mr. GILCHREST. Thank you very much, Ms. Kaptur. I like the phrase "green necklace." That is a positive addition to this effort on your part.

Ms. KAPTUR. They are all emeralds.

Mr. GILCHREST. The Honorable Mr. Dingell, the dean of the House. Good morning, sir.

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

Mr. DINGELL. Mr. Chairman, I will be as brief as possible out of respect for the Committee. I want to begin by thanking you, Mr. Saxton and Mr. Pallone for your kindness and also our good friend from Texas, Mr. Ortiz. We thank you.

This is not a new bill to you so I will ask unanimous consent to insert the whole of my statement in the record and just make a few comments if I may.

Mr. GILCHREST. Without objection, so ordered.

Mr. DINGELL. Mr. Chairman, this is not a new bill. You have seen it before and have acted on it expeditiously, graciously, efficiently and well and you understand the purposes. We who come from the Great Lakes love our lakes, just as you love the wonderful Chesapeake Bay, for largely the same reasons. They are a great treasure to us, as is the bay to you, and indeed as it is to all of us.

Having said that, this bill follows the course that was taken by the original language of the legislation that created the Detroit River International Refuge. Ms. Kaptur in her wisdom felt that it was wise to extend those provisions clear around the western and the southwestern borders of the Lake Erie Basin. Regrettably, at the time we were moving forward on that it was not possible to do so.

This is not legislation for massive land acquisitions. It is indeed really a mechanism for more cooperative management of the precious resource that is the shores of Lake Erie, cooperating between Federal, state, local, business, industry, ordinary citizens, and so forth. And I want to comment just a little bit so you can see the progress and the success we have had to the north on the Detroit River Refuge and how it would work and how it could be built upon under the leadership of Ms. Kaptur around the southwest part of the basin.

We have had major donations of land from foundations, from industries, and we will shortly have a cooperative management agreement involving some 600 acres of really prime wetlands through the cooperation of Detroit Edison. We also have achieved purchase and donation of significant amounts of land through the assistance of foundations and conservation organizations. And interestingly enough, all of this has been accomplished in the fashion that you understand Fish and Wildlife does. It has all been done by willing purchases, willing donors, and negotiations between willing participants and parties.

We anticipate that if everything goes well in the portions of the refuge that now exist we could have as much as 1,000 acres by this fall under either Federal ownership or cooperative management ar-

rangements or easements, with probably about 700 acres in fee ownership, interestingly, some of which will be Federal lands which are being transferred to Fish and Wildlife, including 160 acres under the administration of the Corps of Engineers, and other tracts of land which will be possible to include at very, very low cost.

And isolated tracts can be managed together in an area like the Great Lakes for the unified benefit of the resource; i.e., ducks, fish, wildlife and geese, of which some 7 million ducks and geese are users of this area every spring and fall as they move north and south.

So it is the refuge which we have created through the wisdom and guidance and leadership of this Committee. It has been a great success and it has achieved the universal support of citizens in the area—schools, universities, as well as conservation organizations, ordinary citizens, cities, counties, townships, and also businesses and industries who recognize that this is a possibility for us to all pull together in a remarkable way.

We anticipate that there is a possibility of having a donation of as much as 200 acres to the Detroit River International Refuge system coming from a major U.S. corporation which has businesses along the shore.

So this is an area where people are pulling together to save and to enhance a previous resource to the benefit of all. We have just recently gotten \$1 million from the Federal Government which has gone into setting up a park and a refuge headquarters area and an interpretive center, which will be administered by the county.

So everybody is pulling together. You can be proud of what you have done. I will try and see to it that as this matter is conducted it is not only a success but it is done in a way that you, Mr. Chairman and members of this Committee, would appreciate and would approve of and which will bring credit on this Committee because of the way the matter goes forward.

With those remarks, Mr. Chairman, I am available for any questions. I thank you for your courtesy to me.

[The prepared statement of Mr. Dingell follows:]

Statement of The Honorable John D. Dingell, a Representative in Congress from the State of Michigan, on H.R. 289

Chairman Gilchrest, Ranking Member Pallone and other distinguished Members of the Subcommittee, good morning. It is an honor and a pleasure for me to appear before you today to testify in support of H.R. 289, legislation that will expand the boundaries of the Detroit River International Wildlife Refuge to encompass important lands in Southeastern Michigan and Northern Ohio. I thank the Subcommittee, as well as the Chairman of the full Committee Richard Pombo, and Ranking Member, Nick Rahall, for their assistance and for holding this hearing. This legislation is of immense importance to the people of Southeast Michigan and our neighbors to the South, in Ohio.

Mr. Chairman, in 2001, thanks to this Committee, and to support from local grassroots organizations, conservation groups, state and local governments, as well as our Canadian neighbors, we were able to pass H.R. 1230, legislation that created the Detroit River International Wildlife Refuge. This refuge is already demonstrating how—working as a team—federal, state, and local officials in the United States and Canada, can work with businesses, conservationists and private citizens to preserve our remaining resources along the River that is improving the quality of life for all our area residents. H.R. 289 builds on that success.

We passed H.R. 1230 because the Lower Detroit River is an area of tremendous bio-diversity, with unique geological features and a wide variety of plant life that

attracts numerous species of fish, birds, and waterfowl. Like many rivers along the Great Lakes, the Detroit River has suffered the consequences of prolonged periods of unsound environmental practices—more than 95 percent of its coastal wetland habitat have been lost.

In the Great Lakes region, there is a great urgency to protect our remaining high-quality habitats before they are lost to further development. We must also do our utmost to rehabilitate and enhance degraded habitat. This is essential to sustain the quality of life enjoyed by the people living along the Detroit River corridor. The Detroit River Wildlife Refuge was a good start, but more must be done. It is my hope that in time, much of the Great Lakes coastline will be protected using the same commonsense approach of H.R. 1230.

We are here this morning to discuss legislation introduced by my neighbor to the South, the Honorable Gentlewoman from Toledo, Marcy Kaptur. Ms. Kaptur's bill, which has my complete support, will expand the Detroit River International Wildlife Refuge to the Western basin on Lake Erie. I am proud to be an original cosponsor of H.R. 289, and I applaud the efforts of my colleague and friend from Ohio for introducing this important bill.

The Western basin of Lake Erie is vitally important to the economic and environmental future of the United States. In the 1970's and '80's, the ecological health of Lake Erie was a running joke—fisherman derisively renamed Lake Erie "the Dead Sea." Water quality was poor, and fish and wildlife suffered as a result.

But in the past two decades, the citizens and governmental institutions of both the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and the fisheries of the Great Lakes, including the Western basin. Numerous grassroots environmental and conservation organizations have worked dutifully to address environmental degradation in the region. I am happy to say that these efforts have been successful, though there is still much more that must be done.

The Great Lakes account for more than 90 percent of the surface freshwater in the nation. The Western basin receives approximately 90 percent of its flow from the Detroit River and only 10 percent from tributaries. The Western basin of Lake Erie is an important ecosystem that includes a number of distinct islands, channels, rivers, and shoals that support dense populations of fish, wildlife, and aquatic plants.

The coastal wetlands of Lake Erie support the largest diversity of plant and wildlife species in the Great Lakes. More than 320 species of birds and 43 species of fish have been identified in the aquatic and wetland habitats of the Western basin. The shallow Western basin is home to the largest concentration of marshes in Lake Erie, which makes it a major migratory bird corridor. Seventy percent of the Mississippi Flyway population of black ducks is concentrated in the Lake Erie marshes during fall migration.

The importance of Lake Erie is manifested in the United States congressional designation of the Ottawa and Cedar Point National Wildlife Refuges. Lake Erie has an international reputation for walleye, perch, and bass fishing, as well as duck hunting. On an economic basis, Lake Erie tourism accounts for an estimated \$1,500,000,000 in retail sales and more than 50,000 jobs.

Coastal wetlands in the Western basin have been subjected to intense pressure for 150 years. In fact, 98 percent of the vast coastal wetlands systems that existed in Western Lake Erie in the early 1800's has been lost. What was once a system of 1,540 square miles today has been decreased to 38 square miles. Along the Michigan shoreline, coastal wetlands were reduced by 62 percent between 1916 and the early 1970s.

H.R. 289 is very similar in content to H.R. 1230, which this Committee approved in 2001. It aims to protect the remaining fish and wildlife habitats of the western Lake Erie, assist in international efforts to conserve and restore wildlife habitat, and facilitate partnerships between the United States Fish and Wildlife Service, Canadian national and provincial authorities, and a wide array of private and public sector entities.

In Michigan, the Refuge will run from the southern boundary of Sterling State Park to the eastern edge of Sandusky Bay, Ohio. The Secretary of Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or grant conservation easements within the boundaries of the Refuge. Any and all acquisitions of lands are voluntary, and Federal takings are strictly prohibited. I would note that the Secretary shall administer all Federally owned lands, waters, and interests within the Refuge in accordance with the National Wildlife Refuge System Administration Act. Thus, the rights of sportsmen like myself will be fully protected.

It is because this bill is sensible, balanced and foresighted that it enjoys broad local support in Michigan, Ohio, Canada and beyond. I would note that H.R. 1230,

the predecessor to H.R. 289, also enjoyed broad support from business and conservation groups, as well as from local governments.

Mr. Chairman, I again thank the Committee for their assistance. Ms. Kaptur's bill is an important piece of legislation which will be of great benefit to the people of Michigan, Ohio, and Ontario, and represents a sound approach to protecting, preserving, and restoring the wildlife habitat of the Great Lakes.

Thank you again for the opportunity to testify before you today, and I would be happy to answer any of your questions or concern at this time.

Mr. GILCHREST. Thank you, Mr. Dingell and Ms. Kaptur, and we will move again expeditiously with your assistance to make this a reality. I think it is a great idea.

Any questions from any members of the Subcommittee?

Thank you, Mr. Dingell and Ms. Kaptur.

Ms. KAPTUR. Thank you, Mr. Chairman. In closing I just wanted to thank my colleague, Mr. Dingell, for inspiring this effort and for his wonderful, wonderful leadership in so many ways.

And I wanted to acknowledge the presence on the Subcommittee of my dear friends Congressman Ortiz, a member of the 98th class along with myself.

Mr. ORTIZ. 1983.

Ms. KAPTUR. Yes, 1983, the 98th Congress.

Mr. ORTIZ. That is correct.

May I say something? I am so moved by having these distinguished members. Marcy Kaptur and I came to Congress back in 1983 and to have the dean of the House of Representatives among us and then the Chairman of my Armed Services Committee. I am very, very moved. I believe everything you said. We are happy to have you with us.

Mr. DINGELL. I am honored to be in the company of Mr. Hunter.

Mr. HUNTER. I have not even talked yet.

Ms. KAPTUR. Mr. Chairman, I also wanted to thank Congressman Faleomavaega. We worked on so many issues together and I did not acknowledge him in my opening remarks, so I wanted to make sure and thank both gentlemen for their past support and for your current support. Thank you so much.

Mr. ORTIZ. Thank you, Marcy.

Mr. FALEOMAVAEGA. Would the Chairman yield?

Mr. GILCHREST. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, very quickly, I also would like to echo the sentiments expressed earlier by my colleague from Texas to welcome such distinguished members of the panel, our good friends Mr. Dingell and Marcy and the distinguished Chairman of the Armed Services Committee, Mr. Duncan. This is a real rare honor for our Subcommittee to have such heavyweights here testifying.

And I do want to say, Mr. Chairman, relying in good faith on their advocating these three bills, Mr. Chairman, I do support these proposed bills and sincerely hope that we will mark them up and get them out of the way as soon as possible. Thank you, Mr. Chairman.

Mr. GILCHREST. Mr. Saxton?

Mr. SAXTON. I just wanted to ask, this process is obviously a process of compromise and I would just like to ask Ms. Kaptur and Mr. Dingell if there have been compromises in the past on the

areas to be included. I have two maps here. One shows quite a bit of land to be conveyed and the one that we actually are dealing with now shows an amount of land that is much less.

I guess the question is you been obviously working with other parties and you have come to an agreement on the lands that would most appropriately be included, is that correct?

Ms. KAPTUR. That is correct, Mr. Saxton, Congressman Saxton. We initially, in working with the Department of Interior and the Fish and Wildlife Service, were trying to decide the scope of the boundaries themselves and there was some discussion particularly relative to the Maumee River which flows through my district and how far upstream to go or whether to go there at all.

So these are mutually agreed upon boundaries and I would ask my dear colleague from the north if he wants to add anything to that in terms of the boundaries up on the Wolverine side of this.

Mr. DINGELL. Thank you. My colleague asks a very good question. There are two matters here that are always under concern when we set up a refuge. One is what will be the refuge boundaries and the other is what would be the particular lands to be acquired.

It is pretty hard to give you an answer on either of these questions. Quite frankly, the wisdom of this Committee, I think, would be relied on very heavily by me to decide what the overall meets and bounds of the overall area of the refuge should be.

With regard to the more specific question of acquisition of lands or interest in lands, that would have to be addressed over a greater period of time.

In the case of the refuge to the north, the Detroit River, we had a donation of about 50 acres. We put in about 320 acres of land that was already in the refuge system. There is \$3.5 million for the purchase of another 400 acres, the remaining tract of virgin timber and marsh on the entire Detroit River, one of the most heavily settled areas in the United States. Edison is getting ready to give a cooperative management arrangement to the Department of Interior for 600 acres of land. A major conservation foundation came forward with about 20 acres of land on a wonderful little island out in the river. There with acquisition with migratory bird fund monies of 160 acres and the Corps of Engineers will shortly be transferring 160 acres to this refuge.

In addition to this, there is an old Nike site at the south end of Gross Eel, which is a large island on the river which you have looked at which is being transferred to Fish and Wildlife with the full support of everybody. BASF is contemplating making a donation of 200 acres at the north end of Gross Eel Island.

All of this is voluntary negotiation. Voluntary negotiations are conducted at arms length by friendly discussants and the matter has been going forward with extraordinary goodwill on the part of all concerned. We have not had a criticism of this refuge from any responsible source.

Ms. KAPTUR. Mr. Chairman, may I just add? I am glad Mr. Saxon asked that question because the original map for the portion in Ohio included a much larger area and one of the reasons we attempted to do that, although the Department of Interior did not agree—we reached a compromise on a much smaller area—is because if you look at the ecosystem of our region there is something

called the Oak Openings Area which is an oak savannah which actually should exist on the East Coast but because of receding lake levels in past centuries, we have been left with an eastern beach system in the middle of the Midwest. And local park systems, the metro park systems and private donations over a number of years have created this vast—and the Nature Conservancy has been involved in conservancy efforts of this area called the Oak Opening Savannah System.

We were hoping that this could all be under the same umbrella. All of that is locally managed and state managed. When the department did not see the wisdom of doing that, the area was delimited a little bit more. They are very heavily related because there is an area of hardwoods there and then you have the freshwater and then you have the flyways that we have been restoring over the years.

And by the way, with the restoration of the flyways, the number of eagles coming back to the Great Lakes is up. When we started this effort I think we had like four nesting pairs. I think we are up to 78 or more now, 78 nesting pairs. So you can see over the years ago the restoration of a very fragile ecosystem that was in deep trouble.

We did include in the minimized boundaries the Lake Erie islands, which are very important. One of those islands, West Sister Island, is the only national wildlife bird refuge up there.

So if you were to ask me am I totally pleased with the boundaries for Ohio? No, not really, because it shows a lack of understanding of the connectivity of the various systems we are dealing with there, but it is certainly better than nothing and it is something that we can build upon. So I just did want to enter that for the record and I appreciate Congressman Saxon asking the question.

Mr. GILCHREST. Thank you very much, Ms. Kaptur.

Comment from Mr. Pallone?

Mr. PALLONE. I just wanted to say that we are going to try to expedite the legislation as quickly as possible in both cases, both bills, because I realize that a lot of time has been spent on it and that really we should try to get it moving as quickly as possible. Thank you all for being here.

Mr. GILCHREST. Thank you, Mr. Pallone.

For the sake of time and efficiency we are going to go to the gentleman who is famous for elk hunting. We would like to bring him over to the Eastern Shore to help eradicate this little critter called nutria. I am sure Duncan could bring his team and perform that service for us. Mr. Hunter, thank you for coming this morning and testifying on behalf of your legislation.

STATEMENT OF THE HON. DUNCAN HUNTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUNTER. Thank you, Mr. Chairman. It is kind of neat to be here with such great colleagues, with Marcy and John. Actually, along with being the dean of the House, Mr. Dingell clearly is the best shot in the House, also. I have a lot of respect for him. And it is neat to be here with you and with my great colleagues on the

Armed Services Committee. We have a lot of them here, with Mr. Saxton and also my outdoors comrade here who has shared some days afield with me and with Ms. Bordallo, who is a new member of the Armed Services Committee, and Mr. Ortiz, who went down to Honduras when the 82nd Airborne jumped in and we received them together there. And Mr. Faleomavaega, who is a great friend, and Mr. Pallone. So thank you all for letting us testify.

What I have hopefully should be an easy one. It is something you passed last year and the Senate never acted on it. It essentially is a small piece of land, 140 acres, on the Colorado River next to the Cibola Refuge. It is called Walter's Camp and it is kind of a little family getaway. It is a little place you can come and camp and rockhound or fish or hike or whatever in that very interesting desert country. Unfortunately when the land withdrawal was executed for the Cibola National Wildlife Refuge they pulled out a little over 16,000 acres of land and they unfortunately and mistakenly included Walter's Camp, which is owned by Frank Dokter, who in fact testified to you last year on this. They actually included that in the refuge lines and that was never discovered until just a few years ago.

So the BLM has been leasing this concession, this little getaway for working families, and they never realized it had actually been included in the wildlife boundaries. Fish and Wildlife has certified that there is no significant wildlife habitat value in this 140 acres, so they have signed off on this. And we would hope that we could just renew the legislation that you did last year and this time try to get the Senate to move on it in a timely way.

I am also informed, and Larissa Bounds on my staff has been just great on this. Is Larissa here? She is right behind me and she informed me that there is actually kind of a short fuse on this because this concession runs out again and needs to be renewed. So if we do not act in a timely fashion Frank Dokter and his family who run this little getaway may be out on the street, so to speak. So I would hope that you folks could make that happen.

And Mr. Chairman, I just want to thank you for all of your contributions to recreational sports and activities. I know you used to let me go borrow your canoe that you would pull out of the hayloft down there at the wharf and the one time when I came in with my cousins and we tried to kind of get out of the canoe and slip away and you noticed that we were all wet. I had one cousin who tried to jump off the little bridge onto the canoe and upended all of us.

Then I recall the time you came out to rescue us in your kayak because we had not come in and it was dark and we were all singing, so you were able to—it was like "Row the Boat Ashore" or something. You were able to locate us and navigate us in.

Mr. GILCHREST. You were singing that song "Michael Row the Boat Ashore." You could not see your hand in front of your face it was so dark. They left in the morning and it was 10 at night and my wife wanted me to call the Coast Guard. So I paddled out there, not being able to see anything, but I could hear them singing.

Mr. HUNTER. We are very religious.

Mr. GILCHREST. I do not think it was your cousin that tipped the canoe. I understood it was a beaver that tipped the canoe.

Mr. HUNTER. Anyway, we had a great time.

And Mr. Saxton, I have been on some trips afield with him and he seems to forget the flashlight now and then when we are going out, when we are going to be out at dark, and that has really impeded our expeditions.

Anyway, thank you for considering this legislation. It is neat to be here with my colleagues. We have done a lot of things together and it is nice to be with this great team and appearing before such neat colleagues. Thank you.

[The prepared statement of Mr. Hunter follows:

Statement of The Honorable Duncan Hunter, a Representative in Congress from the State of California, on H.R. 417

Mr. Chairman, I would like to thank you for holding this important hearing on H.R. 417, which is necessary to right a past error by the Department of Interior in designating the Cibola National Wildlife Refuge. Mr. Frank Dokter, a former constituent whose family business depends on the outcome of this legislation, testified before this panel last year on a similar bill. Although it passed the House, the Senate unfortunately could not act before the end of the 107th Congress.

Mr. Dokter and his family operate Walter's Camp, a Bureau of Land Management (BLM) concession on land near the lower Colorado River in Imperial County, California, near and within the Cibola Refuge. The facility provides visitors with a family-friendly outdoors experience, which includes camping, hiking, canoeing, fishing, birdwatching and rock-hounding. In an increasingly crowded Southern California, Mr. Dokter and his family have provided a welcome diversion from city life to many of the region's outdoors enthusiasts.

Walter's Camp was first authorized in 1962, and in August 1964, Public Land Order 3442 withdrew 16,627 acres along the Colorado River to create the Refuge. The withdrawal erroneously included the 140.32 acre Walter's Camp, but neither the BLM nor the Fish and Wildlife Service immediately recognized the mistake. The BLM continued to renew the original permit, allowing the recreational concession use to continue unbroken until the present time. However, given the discovery of the past mistake, the BLM does not have the authority to continue issuing the concession contracts to Walter's Camp.

The Fish and Wildlife Service and the BLM agree that the land has "insignificant, if any, existing...or potential...wildlife habitat value," as stated in a Department of Interior memo. Therefore, I have introduced H.R. 417 to correct this mistake and allow the BLM to continue to issue contracts to Walter's Camp.

Mr. Chairman and Members of the Subcommittee, I offer my sincere recommendation that this land be taken out of the Cibola National Wildlife Refuge, and that Mr. Dokter's family be allowed to continue to operate their small business providing visiting families with a valuable outdoor getaway.

Mr. GILCHREST. Thank you, Mr. Duncan.

The three of you have done enormous things in your capacity as public servants for this great nation and all of us want to extend that sense of appreciation to each of you.

Are there any questions for—Mr. Saxton?

Mr. SAXTON. Just one quick one. I would just like to ask Mr. Hunter. He mentioned that this has a short fuse. What are we talking about here in terms of time?

Mr. HUNTER. I want to let Larissa testify on this. What is it, Larissa?

Ms. BOUNDS. I think it is under 6 months.

Mr. HUNTER. She thinks it is under 6 months before the lease expires, but we will get that exactly for you, Mr. Saxon.

Mr. SAXTON. That would be great and we will try to do our job here and we will try to help you get some attention over in the Senate, as well.

Mr. HUNTER. I really appreciate that. Thank you.

Mr. GILCHREST. Mr. Hunter, Ms. Kaptur and Mr. Dingell, thank you very much and we will, as has been stated, we will move expeditiously to move this as quickly as possible out of the House and the Senate.

Mr. DINGELL. Mr. Chairman, thank you. This Committee under your leadership does great work and it is a pleasure to appear with my two colleagues, especially my friend Mr. Hunter over here.

Ms. KAPTUR. Now wait a minute. Especially?

Mr. HUNTER. Marcy, if you would get a couple of guns you could be a good old boy, too.

Mr. GILCHREST. Thank you very much.

Our second panel will be Mr. Matt Hogan, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior, testifying this morning on H.R. 273, H.R. 274, H.R. 289 and H.R. 417. Did they send you here alone, Mr. Hogan?

Mr. HOGAN. No, they sent me with a full entourage. I was told I was not allowed to come up here by myself.

Mr. GILCHREST. That is good. I glad you have some team members with you. Thank you very much and we look forward to your testimony, Mr. Hogan, and you may begin.

STATEMENT OF MATT HOGAN, DEPUTY DIRECTOR, FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. HOGAN. Thank you, Mr. Chairman and members of the Subcommittee. As you said, I am Matt Hogan, deputy director of the U.S. Fish and Wildlife Service. I appreciate this opportunity to provide the Administration's views on the four bills before the Subcommittee today. I request that my written testimony be made part of the official record.

Mr. GILCHREST. Without objection.

Mr. HOGAN. Thank you, Mr. Chairman.

H.R. 289 authorizes the expansion of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge. As I will further explain, the Administration cannot support this legislation.

We are preparing a draft Comprehensive Conservation Plan or CCP for the newly established Detroit River International Wildlife Refuge, which will include a review of the Michigan portion of the proposed expansion outlined in H.R. 289. The public will have the opportunity to comment on this draft once it becomes available for review.

In 1994, after public review and comment, we adopted an increase in the size of the Ottawa Complex, totaling 5,000 acres. In 2000, after another round of extensive public review and comment, we completed a CCP for the Ottawa Complex that did not propose an expansion beyond the 5,000 acres adopted in 1994. To date we have purchased 552 acres in the approved expansion area at a cost of \$1.3 million with an additional 600-acre acquisition currently in progress.

In contrast to this 5,000-acre expansion, H.R. 289 would commit the service to a massive expansion of the refuge system in the same area. The geographic scope of the proposal includes over 80 miles of coastline covering 40,000 acres.

Mr. Chairman, the Administration is committed to taking better care of what we have while ensuring that the new acquisitions truly meet strategic needs of the refuge system. This includes purchasing in-holdings within currently approved refuge boundaries, such as areas within the currently approved 5,000-acre expansion area.

Given that we concluded less than 3 years that such a large-scale expansion in this area was not needed, we cannot support it now. We note that other opportunities and tools exist for protecting resources in Lake Erie's Western Basin besides including lands in the refuge system.

H.R. 274 authorizes the expansion of the Blackwater National Wildlife Refuge to include Garrett Island. As discussed in detail in my written remarks, the Administration cannot support this legislation.

At the request of the Subcommittee in June 2002, service biologists reviewed wetlands and wildlife habitat types occurring on the island through an analysis of maps, aerial photographs, soil surveys, biological data collected by various agencies, and a field inspection on August 8. The service provided a report to you, Mr. Chairman, in September of last year. In our report we noted that human activity and disturbance are evident on some parts of the island, such as along the railroad and Route 40 right-of-ways that directly traverse the island and old quarry site. We also identified the archeological and historic importance of the island based on its location, its history, and its association with important persons and events. Ownership by the state of Maryland or a nongovernmental organization focused on archeological preservation or a Federal agency focused on cultural resource management may be more appropriate to protect these archeological sites on the island.

We are currently developing a CCP or Comprehensive Conservation Plan for the Blackwater Refuge that will include consideration of whether to recommend enlargement of the boundary of the refuge. We are working in close cooperation with the state and local government and partners in that process.

We appreciate that you and your constituents would turn to the Fish and Wildlife Service as custodians of Garrett Island. However, given our priorities and funding constraints, in addition to the findings of the September 2002 report, we cannot support H.R. 274. Nevertheless, the service is willing to provide technical assistance to help you and your constituents with this issue.

H.R. 417, as Mr. Hunter pointed out, will correct an error by returning to the Bureau of Land Management a small area of approximately 140 acres of the Cibola National Wildlife Refuge located in California. Prior to 1964 this property fell under the jurisdiction of the BLM and beginning in 1962 the BLM issued a concession permit on the lands now in question. After discovery the property was within the Cibola National Wildlife Refuge, BLM could no longer issue this concession permit.

Since the inclusion of these lands was certainly a mistake due to the prior existence of the concession, we believe the most equitable solution is removal of the lands from the refuge. In addition, as Mr. Hunter pointed out, there is no wildlife value on the 140 acres in

question. For this reason we support the bill and urge prompt action on H.R. 417.

Finally, H.R. 273, the Service commends the Chairman and the Committee for recognizing the significant threat posed by nutria to the Chesapeake Bay ecosystem. The Service has a long history of commitment to protecting and enhancing the fish and wildlife resources of the bay through our cooperative efforts with the states, private landowners, and through habitat management conducted on National Wildlife Refuges. The Service cooperates with numerous parties to identify priorities for nutria prevention and control work. The Service fully recognizes the threat posed by nutria and we remain fully committed to cooperative nutria eradication.

The President's 2004 budget request includes \$699,000 from the Partners for Fish and Wildlife program and \$799,000 from Refuge Operations funding to meet our nutria control project obligations for Fiscal Year 2004, an increase of \$1 million above the 2003 request.

During the past year the nutria program completed the testing of various trapping strategies in the original study site locations on approximately 3,600 acres. Based on this success, the program will move ahead and include the entire acreage of the Blackwater National Wildlife Refuge Fishing Bay Wildlife Management Area and Tudor Farms in Dorchester County.

We are encouraged by H.R. 273 and we stand ready to work with the Committee and you, Mr. Chairman. We recognize the need to continue cooperative efforts and we plan to continue funding nutria eradication within the priorities identified in the president's budget.

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

[The prepared statement of Mr. Hogan follows:]

Statement of Matt Hogan, Deputy Director, Fish and Wildlife Service, U.S. Department of the Interior, on H.R. 289, H.R. 274, H.R. 417, and H.R. 273

Mr. Chairman, and members of the Subcommittee, I am Matt Hogan, Deputy Director of the U.S. Fish and Wildlife Service (Service).

I appreciate this opportunity to provide the Administration's views on four bills before the Committee, the proposed expansion of the Ottawa National Wildlife Refuge (NWR) Complex and Detroit River International Wildlife Refuge, the proposed expansion of Blackwater NWR, the revocation of land from Cibola NWR, and the Nutria Eradication and Control Act.

H.R. 289—Ottawa NWR

H.R. 289 authorizes expansion of the Ottawa NWR Complex and the Detroit River International Wildlife Refuge. As discussed more fully below, the Administration cannot support this legislation.

I would like to begin by giving you a brief summary of Service involvement in the Lake Erie region. Coastal wetlands within the western basin of Lake Erie are of significant importance to fish and wildlife trust resources. These wetlands provide spawning, nursery and rearing habitat for some 43 wetland-dependent fish species, 26 of which have significant recreational, commercial or prey value. More than 325 species of birds can be found in the western Lake Erie basin, and the area annually attracts hundreds of thousands of migrating waterfowl. The area is also an important staging area for migrating songbirds. Recognizing these important resources, the State of Ohio established numerous State Wildlife Areas, Nature Preserves, and Parks in this region.

The Service is active in efforts to protect and restore coastal wetlands within this geographic area and we realize the economic, public use and environmental benefits of protecting and restoring the coastal wetlands of Lake Erie. In fact, we have four existing refuges in the area. These refuges are the Cedar Point NWR, Ottawa NWR,

West Sister Island NWR, and the recently established Detroit River International Wildlife Refuge.

The National Wildlife Refuge System Improvement Act of 1997 requires the Service to develop a Comprehensive Conservation Plan (CCP) for each refuge in the National Wildlife Refuge System (NWRS). The CCP describes the desired future conditions of a refuge and provides long-range guidance and management direction to achieve refuge purposes. It is during this process that expansion of a refuge is considered and recommended if increasing the size will help fulfill the purpose for which the refuge was established. Development of a CCP provides a forum for meaningful public participation and improved coordination with the states and local communities. It also affords local citizens an opportunity to help shape future management of a refuge, recognizing the important role of refuges in nearby communities.

We are preparing a draft CCP for the newly established Detroit River International Wildlife Refuge, which will include review of the Michigan portion of the proposed expansion outlined in H.R. 289. The public will have the opportunity to comment on this draft once it becomes available for review.

In 1994 we proposed an expansion for the Ottawa NWR Complex, which includes Cedar Point, Ottawa and West Sister Island. After public review and comment, we adopted an increase in the size of the complex totaling 5,000 acres, by including high-priority wetland habitat areas in Lucas, Sandusky, Ottawa and Erie Counties, the same general geographic area as the Ohio portion of the proposed expansion for the Ottawa NWR. To date, we have purchased 552 acres in the approved expansion area at a cost of \$1,306,200.

In 2000, we completed a CCP for the Ottawa NWR Complex. After extensive public review and comment, this CCP did not propose an expansion for the Complex beyond the 5,000 acres previously approved.

In contrast to the 5,000-acre expansion included in the CCP, H.R. 289 would commit the Service to a massive expansion of the Refuge System in the same area. The geographic scope of the proposal includes over 80 miles of coastline covering forty-thousand acres or more.

The Administration is committed to taking better care of what we have, while ensuring that new acquisitions truly meet strategic needs of the Refuge System. This includes purchasing

in-holdings within currently approved refuge boundaries. There must be a balance between acquiring new lands and meeting the operational, maintenance and restoration requirements for the resources already in public ownership. Towards this end, the Service is currently developing a plan to guide future growth and land acquisition for the Refuge System.

Establishing new refuges or significantly expanding existing ones compromises our ability to address needs at existing refuges.

The Service is currently conducting condition assessments at all of its refuges facilities. Condition assessments have been completed at 40 percent of refuge facilities and the Service expects the remaining 60 percent to be assessed by the end of 2005.

In addition to the national priorities and funding constraints discussed above, we have already evaluated a major portion of this area, and are in the process of evaluating the remainder. After a careful review of the Ohio portion of the land covered by this bill, we have concluded, after two different public comment periods several years apart, that a 5,000-acre expansion of Refuge System holdings is all that is needed. We are now conducting such a review of the Michigan lands covered by this legislation through the Detroit River International Wildlife Refuge CCP.

We appreciate that Representative Kaptur and her constituents seek to have the Fish and Wildlife Service expand its role in the Ottawa NWR and the Detroit River International National Wildlife Refuge. Given that we concluded less than two years ago that such a large-scale expansion in this area was not needed, we cannot support it now.

We note that other opportunities and tools exist for protecting resources in Lake Erie's Western Basin besides including lands in the Refuge System. Service programs such as Partners for Fish and Wildlife, the North American Wetlands Conservation Act, the Landowner Incentive Program, and Private Stewardship Grants can be used in cooperation with State, local and private partners to restore and protect natural resources. The States of Ohio and Michigan also receive funds through the Federal Aid in Wildlife Restoration, Federal Aid in Sport Fish Restoration, and state wildlife grants.

H.R. 274—Blackwater NWR—Garrett Island

H.R. 274 authorizes the expansion of the Blackwater NWR to include Garrett Island in the NWRS. As discussed more fully below, the Administration cannot sup-

port this legislation. This undeveloped island, located in Cecil County, Maryland, has generated protection and acquisition interest from the Maryland Department of Natural Resources and the Cecil County Land Trust, a local environmental interest group. In an attempt to explain our position, I would like to give you a brief summary of Service involvement in the Blackwater NWR, our activities in proximity to Garrett Island, and what we currently know about the natural resources associated with the island.

The Chesapeake Marshlands NWR Complex includes Blackwater NWR, Martin NWR, and Susquehanna NWR. Blackwater NWR was initially established to protect and manage habitat for migratory birds, and is designated as an International Birding Area and a Wetland of International Importance under the Ramsar Convention.

Garrett Island is located in the Susquehanna River, approximately five miles north of what remains of the Susquehanna NWR, which is one hundred miles north of the Complex office. At the request of the Subcommittee in June 2002, Service biologists reviewed wetlands and wildlife habitat types occurring on the island, through an analysis of maps, aerial photographs, soil surveys, biological data collected by various agencies, and a field inspection on August 8, 2002. The Service provided the report to the Chairman on September 11, 2002.

The island is approximately 180 acres in size, slightly less than a mile long (north-south) and about one-half mile in width. It exhibits a great deal of topographic relief, with the highest and steepest west-central section reaching approximately 100 feet above sea level. The shoreline is rocky along the upper end and along the western sides. A sandy shoreline predominates the lower portion, especially along the eastern side where some accretion has occurred. In general, the majority of the island consists of forested upland habitat, with limited tracts of wetland in the center and along the eastern shoreline. Portions of the island were once farmed and/or pastured, resulting in the forest re-growth present today. Human activity and disturbance are evident on some parts of the island, such as along the Railroad and Route 40 rights-of-way that directly traverse the island and the old quarry site in the west-center of the island. A forested/shrub wetland, approximately 20 acres in size, is located between the bridges on soils mapped as tidal marsh. This area is subject to fresh tidal flooding during the highest tides.

The Service's Maryland Fisheries Resource Office has sampled the river in the Garrett Island vicinity and report a typical assemblage of fish species for the area. The Service's Division of Ecological Services has no records of Federally-listed threatened or endangered species in the area. The Maryland Department of Natural Resource's Heritage Program has no records of state threatened or endangered species.

Garrett Island does have archaeological and historic importance based on several factors: its environmental setting in the extreme upper portion of Chesapeake Bay near the mouth of the Susquehanna River; its witness of the majority of regional human history; and its association with important persons and events in state, regional, and national history, particularly in early colonial years. At least one known site is likely to have high archaeological research value, and more sites with high information potential are likely to be uncovered in the future. Ownership by Maryland's State Historic Preservation Office, a non-government organization focused on archaeological preservation, or a Federal agency focused on cultural resource management may be more appropriate to protect these archaeological sites.

The Service has limited funds with which to purchase lands and acquire easements to provide protection and management to trust resources following purchase. Therefore, the Service must be strategic in identifying lands for inclusion in the NWR System, and must set priorities for purchase. The Service recognizes that one of the most important challenges in the land acquisition process is the development of integrated national and regional wildlife habitat goals and objectives. When planning acquisitions and setting priorities, the Service considers known sites of threatened or endangered species and communities; areas important to the ecological health of lands already owned (e.g., areas that protect the quality and quantity of water for wetlands, provide habitat corridors between existing conservation lands, or are of sufficient size of contiguous lands to protect viable populations); and, areas important for priority wildlife species (e.g., critical stopover habitat for migrating birds). Other factors considered include the size of the proposal, the relationship to existing refuges, potential operations and maintenance costs, and the relationship to habitat and species conservation plans. These acquisition priorities must also be juxtaposed with the Service's ability to provide resources requisite for adequate administration of potential new refuge lands.

The Service has an extensive list of possible acquisitions within the Northeast Region. Within the Chesapeake Bay, our highest priority is the Blackwater NWR in

Maryland. We are currently developing a Comprehensive Conservation Plan for the Blackwater refuge that will include consideration of whether to recommend enlargement of the boundary of the refuge. We are working in close cooperation with State and local governments and partners in that process. Continued efforts in the Blackwater area will allow us to link important habitats providing valuable wildlife corridors.

This Administration is committed to taking care of what we have, while ensuring that new acquisitions truly meet strategic needs of the Refuge System. As I mentioned earlier, this includes purchasing in-holdings within currently approved refuge boundaries. There must be a balance between acquiring new lands and meeting the operational, maintenance and restoration requirements for the resources already in public ownership. Towards this end, the Service is currently developing a plan to guide future growth and land acquisition for the Refuge System.

Establishing new refuges or significantly expanding existing ones compromises our ability to address needs at existing refuges. The Service is currently conducting condition assessments at all of its refuges facilities. Condition assessments have been completed at 40 percent of refuge facilities and the Service expects the remaining 60 percent to be assessed by the end of 2005.

We are appreciative that you and your constituents would turn to the Fish and Wildlife Service as custodians of Garrett Island. However, given our priorities and funding constraints, we cannot support H.R. 274. Nevertheless, the Service is willing to provide technical assistance to help you and your constituents through current Service programs such as Partners for Fish and Wildlife, the North American Wetlands Conservation Act, the Landowner Incentive Program, and Private Stewardship Grants which can be used in cooperation with State, local and private partners to restore and protect natural resources.

H.R. 417—Cibola NWR

I appreciate the opportunity to testify today in support of H.R. 417, which will revoke a small portion of Public Land Order 3442, dated August 21, 1964. This Public Land Order withdrew approximately 16,600 acres of public domain lands along the Colorado River in California and Arizona for the Cibola NWR. The withdrawal erroneously included a small area of approximately 140 acres in Imperial County at the southern boundary of the California portion of the refuge. A similar bill, H.R. 3937, was passed by the House last year, but was not acted upon by the Senate.

Prior to 1964, this property fell under the jurisdiction of the Bureau of Land Management (BLM) and, beginning in 1962, the BLM issued a permit for a public recreation concession on the lands now in question. Because neither the Service nor the BLM recognized the mistake in legal descriptions on the ground, the BLM continued to renew the original permit and the recreational concession use has continued, unbroken, to the present time, although the BLM lease did expire in April 2002. The concession and location are commonly known as "Walter's Camp," which consists of a recreational vehicle park, a small marina, and a store, and the BLM estimates that Walter's Camp receives 11,000 visitors per year.

The National Wildlife Refuge System Administration Act of 1966, as amended, (Act) requires that all uses of refuge lands be compatible with the purpose for which the refuge was established. Section 4(a) of the Act and section 204(j) of the Federal Land Policy and Management Act both prohibit the Secretary of the Interior from revoking withdrawals of land within NWRs. For this reason, Congressional action is required to remove these lands from the Refuge System.

Since the inclusion of these lands in the Public Land Order was certainly a mistake, due to the prior existence of the concession, we believe the most equitable solution is removal of the lands from the refuge. There are no listed species inhabiting the 140 acres and the area in question is, at best, marginal wildlife habitat. Removal of the 140 acres of land from the refuge would free-up the area necessary for the continuation of the recreational concession, while still affording more than adequate protection for the nearest significant wildlife habitat feature, Three Fingers Lake.

We believe that withdrawal of these lands will benefit all parties involved—the concessionaire, the Service, the BLM and, ultimately, the public. For this reason, we support the bill and urge prompt action on enactment of H.R. 417.

H.R. 273—Nutria Eradication

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 NWRs such as Blackwater NWR. 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 NWRS. Nutria have become one of the most destructive invasive mammals infesting every refuge along the Gulf of Mexico, including Louisiana, Mississippi, Alabama, Florida and Texas, as well as the refuges in the Chesapeake Bay in Maryland and Virginia. Nutria destroy important freshwater marsh habitats and contribute significantly to erosion and the deterioration of water control levees and other structures. The effective control of this animal is critical for refuges to meet their wetland wildlife habitat management objectives.

The lower Eastern shore of Maryland, including Blackwater NWR, is one of the areas with high nutria populations. Blackwater NWR 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.

In an effort to make the best use of our abilities and resources, the Service cooperates with numerous partners, including the U.S. Geological Survey, within the Department, and the Department of Agriculture's (USDA) Wildlife Services, to identify priorities for nutria prevention and control work. The Service fully realizes the threat posed by nutria to the integrity and function of the Chesapeake Bay and other ecosystems, and we remain fully committed to cooperative nutria eradication on refuges and adjacent non-federal lands.

In light of 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 in the Chesapeake Bay. 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.

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 NWR 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 an addition to the Partners for Fish and Wildlife program budget 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 received \$991,000—\$694,000 from the Partners for Fish and Wildlife program and \$297,000 from Refuge Operations funding—to meet our project obligations for 2003, \$493,000 above the Service's request.

The President's 2004 budget request includes \$699,000 from the Partners for Fish and Wildlife program and \$799,000 from Refuge Operations funding to meet our nutria control project obligations for Fiscal Year 2004, an increase of \$1.0 million above the 2003 request. The \$1.0 million increase for Partners and refuges will treat approximately 50,000 infested acres. The Refuge Operations request would split the funding between the Chesapeake Bay and Louisiana ecosystems. Of the funds requested for nutria control on refuges, \$300,000 would provide for nutria control operations, research strategies, and marsh habitat restoration at Blackwater NWR in Maryland and Eastern Neck NWR in Virginia. The remaining funds, \$200,000, would support efforts within the Southeastern Louisiana NWR Complex, Delta NWR and Sabine NWR in Louisiana.

During the past year the nutria program completed the testing of various trapping strategies in the original study site locations on approximately 3,600 acres. All

animals trapped in this area were removed. Based on this success, the program will move ahead and include the entire acreage of Blackwater NWR, Fishing Bay Wildlife Management Area and Tudor Farms in Dorchester County in 40 acre plots. Trapping strategies on these plots are being further refined and these eradication strategies are being applied to the population of nutria throughout the study sites using a team of 12 trappers through USDA's Wildlife Services.

We are encouraged by H.R. 273, and other bills introduced in Congress, which address invasive species problems. While there are aspects of the bill that cause concern, including the need for a new grant program to specifically address nutria, and a provision to significantly limit application of the funding to real administrative costs, the Service appreciates the Committee's efforts at controlling and eradicating invasive species, particularly nutria, and we stand ready to work with the Committee toward that end.

We recognize 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 and we plan to continue nutria project funding amounts within the priorities identified in the President's budget.

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

Mr. GILCREST. Thank you very much, Mr. Hogan. The testimony was concise, informative, well delivered and very helpful.

Mr. HOGAN. Thank you.

Mr. GILCREST. Very well appreciated.

Can you tell me how many acres are affected in H.R. 289?

Mr. HOGAN. The expansion, as we read the bill, would include about 40,000 acres. And as I noted, we have an expansion boundary of about 5,000 acres right now in that same area.

Mr. GILCREST. 40,000 acres would be difficult, as opposed to the 5,000 acres because it is more land area to manage?

Mr. HOGAN. Well, sir, what we are really concerned with, in addition to the acquisition cost, which is not the major cost, the major cost is manning the operations and maintenance associated with adding additional acres to the refuge system. We are really trying to take a strategic approach to adding acres to our refuge system to make sure that once we acquire them, we can actually operate and manage them effectively and strategically.

Mr. GILCREST. And you see that this area has the potential to be protected without being drawn into the refuge system?

Mr. HOGAN. Yes, sir. We believe there are a number of programs—the Partners for Fish and Wildlife Service, the North American Wetlands Conservation Act program, and others that could be used to protect the important lands in that area.

Mr. GILCREST. Has there been a consortium created to look into that which includes Fish and Wildlife?

Mr. HOGAN. I believe there have been discussions with the folks in the region. I know through the development of the Comprehensive Conservation Plan they typically look at the host of issues that, in addition to refuge expansion and acquisition, that can be used.

Mr. GILCREST. I would like to focus now on—and I think what we will do, we will probably have a series of questions, I guess, so I will go for about 5 minutes and then I will yield to my colleagues for five, and then we can rotate like that.

Do you have any idea what some of the costs involved in nutria eradication between Maryland and Louisiana are in this eradication project?

Mr. HOGAN. I am not completely clear on the question. Do you mean the costs in the budget or what the total costs of eradication would be?

Mr. GILCHREST. The amount that is in the budget for Maryland and Louisiana for this project and any estimate for the total cost of eradication. And then is it possible—I guess the likelihood of eradicating nutria in Maryland is in the realm of possibility, total eradication, and I am wondering if it is in the realm of reality in Louisiana.

Mr. HOGAN. Well, I cannot speak to whether the total eradication is within the realm of possibility. I believe you are right that in the state of Maryland and Louisiana, I am not as clear.

I do know that of the money proposed in the President's budget, the base budget for refuge operations was \$299,000. That will all be dedicated to the Blackwater National Wildlife Refuge. The additional \$500,000 that has been added to the President's budget this year, of that, \$300,000 will go to refuges in the Maryland area, as well as other refuges in addition to Blackwater that have nutria problems. The remaining \$200,000 will be dedicated to Louisiana refuges and nutria eradication.

Mr. GILCHREST. What other refuges in the vicinity of Maryland have a nutria problem?

Mr. HOGAN. I am not sure of the specific refuges but I do know they exist on other refuges in the Delmarva peninsula. So certainly Blackwater is our main focus area but we want to make sure that we do not ignore other places where they could be causing damage.

Mr. GILCHREST. Will this potential colder winter have an effect on the population?

Mr. HOGAN. That is a good question, sir, and I do not know. I would be glad to find out and get back to you with that.

Mr. GILCHREST. Do you also in this nutria eradication, does Fish and Wildlife interact with USDA?

Mr. HOGAN. We do. Wildlife Services is an important part of the trapping program on the refuge to control and eventually hopefully eradicate nutria and we work very closely with them, as well as a host of other agencies. I think there are about 27 private-governmental partnerships working together over in Maryland, ranging from private farms, private landowners, the State of Maryland, and local entities. I believe the college on the Eastern Shore is also involved, as well as the refuge and the state wildlife management agency.

Mr. GILCHREST. Well, the Corps of Engineers is heavily involved in the project.

Mr. HOGAN. They are involved and they are involved especially in some of the restoration work that I know you are well aware of on the Blackwater Refuge.

Mr. GILCHREST. So I guess with that restoration work being done to restore wetlands that have been destroyed by the nutria, is there specific interaction with the Corps on the nutria with the restoration of those wetlands?

Mr. HOGAN. I believe there is, sir, and I would be glad to find out for certain and get back to you.

Mr. GILCHREST. Thank you.

Mr. HOGAN. As you know, they are doing some restoration right along the wildlife loop there and one of the purposes, in addition to doing the restoration, of course, is to really educate the public about the need to do this restoration and some of the impacts that nutria are having.

Mr. GILCHREST. Do you have a rough estimate as to when the nutria might be under control or eradicated in Blackwater?

Mr. HOGAN. I know they are finishing a protocol in December of this year that looked at a number of different solutions and options for control and eradication and I will be glad to give you an exact update on where they are and what their proposals are from there.

Mr. GILCHREST. Thank you.

Mr. Pallone?

Mr. PALLONE. Thank you, Mr. Chairman. I wanted to ask Mr. Hogan some questions about H.R. 289, which, as you know, Ms. Kaptur and Mr. Dingell were here earlier testifying to.

I guess my concern, Mr. Hogan, is I know you oppose the bill; you stated that you do and I do not really quite understand why. You state that H.R. 289 would commit the service to a massive expansion of the refuge system and further note the geographic scope of the proposal includes over 80 miles of coastline covering 40,000 acres or more.

But, as you know, you heard Ms. Kaptur's testimony and she said that she had significantly streamlined the initial proposal to a much smaller scale and that the scale now is roughly compatible to the area investigated by the service for potential expansion of the existing Ottawa Complex.

In your own written statement you say that the area outlined for acquisition in the bill is the same general geographic area as the Ohio portion of the proposed expansion of the Ottawa NWR, which was recommended in the service's own Comprehensive Conservation Plan.

So I guess my initial question is if it is basically the same amount and it is within the boundaries, why do you have a problem with it? I mean she changed it but it is not significantly different in terms of the size, so why is there a problem?

Mr. HOGAN. Yes, sir. I apologize; it is a little bit confusing. Back in the 1990's, 1994, we used to do something called focus areas and what that would do is basically draw a line on a map and say within this area we will look to acquire a certain number of acres. We have since moved away from that process, so the focus area of the Ottawa Refuge is equal or close to the size of the expansion proposed in the bill. However, the refuge said they would only acquire within that focus area 5,000 acres, so not the total area but just within that larger area they would eventually acquire 5,000 acres.

Back in 1996 the Congress passed the Wildlife Refuge Improvement Act, which mandated that each wildlife refuge go through the CCP or Comprehensive Conservation Process—

Mr. PALLONE. If the language is amended to specify that the lands targeted were acquisition were those 5,000 acres identified under the Comprehensive Conservation Plan, would the Administration then support the bill?

Mr. HOGAN. Well, we do not have a specific 5,000 acres within that area that we have targeted, but we would certainly work with

Congresswoman Kaptur on that issue. Certainly our goal is to acquire up to 5,000 acres in that area and we would be glad to talk to her about that and to the Committee.

Mr. PALLONE. Why can that not just be accomplished under the boundaries that Ms. Kaptur has proposed?

Mr. HOGAN. Well, we are currently doing that. We are currently out there actively trying to achieve up to 5,000 acres in that larger focus area. We are doing that now and we are actively pursuing it. We have acquired about 500 acres so far and we currently have another 600-acre acquisition in process, so we are almost about 20 percent of the way there on acquiring 5,000 acres in that area.

Mr. PALLONE. I understand your position but I still do not understand what the big deal is, frankly, Mr. Chairman.

You say that you cannot support the passage of the bill because the proposed acquisition area would run a linear length of 80 miles and would encompass 40,000 acres but you have numerous existing refuges and refuge complexes that are spread over comparable or longer distances and include larger or more fragmented areas. Just as examples are the Upper Mississippi River Refuge, the Northern Tall Grass Prairie Refuge, Don Edwards San Francisco Bay Refuge, and there are a lot of other examples that can be found.

In fact, this Subcommittee passed bills in the 106th Congress establishing two new riparian refuges in Alabama and Louisiana, the Cahaba National Wildlife Refuge and, the Red River National Wildlife Refuge, which were similar in that they are both linear, include fragmented boundaries, and have potential high price tags for acquisition, but the service supported these bills.

So again what distinguishes the proposed expansion of Ottawa from the other refuges, especially those examples in Alabama or Louisiana?

Mr. HOGAN. Yes, sir. Our main opposition is the size, not the fact that it is spread out as a linear refuge. When we went through the CCP process we identified an expansion of 5,000 acres that was approved both at the regional level and ultimately approved by the director of the Fish and Wildlife Service.

We believe very strongly in that process of going through this Comprehensive Conservation Plan, as the Congress mandated that we do. We think it is a good system and we think that sticking to that system and sticking within the acquisition boundaries proposed within those CCPs is the best way to strategically grow the refuge system.

Mr. PALLONE. But how is this acquisition strategy that is outlined in her bill dissimilar from what was used for the Detroit River International Wildlife Refuge, which was supported by the Administration? In fact, I would think and I would like to know if the service agrees that the expansion of Ottawa would be complementary to Detroit River. How is it different and why would they not be complementary?

Mr. HOGAN. Well, it is not that it would not necessarily be complementary, sir. It is just that as we look at total acquisitions for the refuge system around the whole country and then trying to determine not just the acquisition costs but more importantly, the operations and management costs, that we really target areas that we think we can manage fiscally.

We realize and certainly support the fact that there is not unlimited money to manage the refuge system, so we are really trying to be strategic about acquiring the most important lands that we can, but then certainly not turning our backs on communities that want to protect lands in those areas. We certainly would look forward to and continue to work with the communities up there to find other ways to make sure that the land is protected, but not necessarily within the refuge system.

Mr. PALLONE. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pallone.

Getting back to the East Coast, Mr. Hogan, it is my understanding that there has been a \$4-a-tail bounty on nutria in Louisiana. Is there a similar bounty in Maryland, and how is that going in Louisiana?

Mr. HOGAN. You know, sir, I do not know. I assume in Louisiana that was a state-passed law and I do not believe that Maryland has a similar law. I am not exactly certain but again I would be glad to find that out and get back to you.

Mr. GILCHREST. Thank you. That would be helpful. And I have some further questions on nutria that I would like to continue to correspond with you and stay in touch with you and the refuge manager on the progress of this whole process just to see if the possibility of eradication is real, at least up here in Maryland, considering we are on a peninsula and it is much less confined in what they have in the Gulf Coast states, especially Louisiana.

I wanted to talk a little bit about Garrett Island. In your report that you gave to us, which I think was very comprehensive and very well done. And from the perspective of the Federal Government, Garrett Island certainly is worthy of protection in the light of, as we all know, increasing loss of habitat throughout the region through a full range of species, whether they are threatened, endangered, or not, the potential for them to become so, especially the neotropical birds, some of the raptors and so on. Because of increasing development, any land that has the potential to be preserved for habitat I think deserves worthy consideration. Your understanding is that it does deserve protection and that the private sector and the state and local governments, you are willing to work with in order to see that happen.

Have you had any, yourself, Fish and Wildlife, interaction with the Cecil Land Trust on this issue?

Mr. HOGAN. Other than I know they participated in the site visit that was done last August that ultimately led to the report. I do not know for certain if we have had any discussions further with them.

Just to clarify our testimony, we certainly believe that habitat protection is obviously important and that is our main mission. Garrett Island, while it does provide some wildlife habitat, it, as you mentioned, does not provide important habitat that we could find out from our report, either for our trust species, migratory birds or threatened and endangered species, but it does seem to have significant archeological value and we believe that looking at an agency, whether state or Federal, that is more focused on archeological value of land rather than necessarily wildlife habitat would be a better fit in this case.

Mr. GILCHREST. You did make some good recommendations in your report, National Park Service in particular.

So your discussions with the state—and I realize that a few years ago we were trying to get some money from the state to pay back the money that the Cecil Land Trust had put up for a limited duration and quite frankly, one of the reasons we came to this venue was because we were not successful with the state.

So I understand the Federal perspective that this could be a state-protected entity; it could be a county-protected entity, but since we came to this venue, we began looking at the fact that I think it is the 500th anniversary here pretty soon or some anniversary of John Smith and a whole range of things are happening to celebrate that particular anniversary date.

And it has been mentioned numerous times about an island corridor in the Chesapeake Bay, not only to celebrate John Smith and John Smith apparently, just like George Washington, I guess, stops everywhere, goes to a tavern—John Smith stopped on Garrett Island and had lunch—but we were looking at the long-range proposal for habitat protection in to Chesapeake Bay, certainly on the uplands with the Delmarva Conservation Corridor idea, but an island corridor running throughout the Chesapeake Bay and Garrett Island, being right at the top of the bay, being a part of that island corridor and the larger land mass that would be managing this island corridor would be Blackwater Refuge.

You mentioned in your testimony numerous times raptors, migrating waterfowl, neotropical birds, shorebirds and those kinds of things, and if you look at Garrett Island in isolation, Garrett Island is relatively small, 180 acres or so, and in that context it is minimal habitat but in the context of a string of islands to be protected and in the context of we are fighting this with a different idea about a conservation corridor, but with the inevitable increasing loss of habitat because of development and in the context of this island and this region being surrounded by Philadelphia, Wilmington, Baltimore, Washington, Richmond, Norfolk, and so on, this region in itself is a last island of refuge in a sea of expanding urban areas.

So we would look forward to working with you. We want to make sure that the island is protected. We went to Fish and Wildlife as part of a process to do that and we will continue to pursue this legislation but also, as a parallel to that, we would like to sit down and talk to you, the National Park Service, and any other entity in the state and Federal Government to look at a broader perspective, not just Garrett Island but in the context of an island corridor. We will be in touch and in contact with you on that particular issue.

I respect your position and I understand it but we are trying to create a regional approach. This is one small piece of that puzzle but a very important piece of that puzzle.

Mr. Pallone, any further questions?

Mr. PALLONE. Mr. Chairman, I just wanted to ask some questions about the nutria bill.

Mr. Hogan, what is the cost to restore one acre of wetlands destroyed by nutria? And are there any ways to protect restored marsh habitat from subsequent nutria damage? And what is the

estimated time for recovery of those marshlands if the nutria population could be controlled?

Mr. HOGAN. I cannot give you exact figures right now but I will be glad to get back to you with that.

Mr. PALLONE. With the indulgence of the Chair, if he could get back to us in writing?

Mr. GILCHREST. Absolutely. If the gentleman will yield just for a second?

Mr. PALLONE. Sure.

Mr. GILCHREST. The Corps of Engineers has hired two biologists. Now I cannot remember their last names but they are both Steve—Steve and Steve. One is a Polish name and one is an Irish name, I believe. But anyway, Steve and Steve from the Corps of Engineers out of the Baltimore District are at this very minute undergoing an interesting experimental restoration process for those wetlands that have been lost to nutria and it is beginning to work. I am not exactly sure of the cost or the timeframe because it has never been done before in this manner, but it is an exciting possibility.

Mr. HOGAN. There is no question that invasives in general are a terrible problem on our refuges and nutria certainly is right there at the top of the list. It is one of the big ones and with your leadership, sir, we are certainly doing our best to do what we can to control them over on the Eastern Shore and we thank you for your leadership in that area.

Mr. PALLONE. Mr. Hogan, let me just run through a couple of these things. If you feel that you have to answer them in writing later, that is fine. The second question is where did the \$30 million amount come from in this bill? From the figures that I have seen, once salary for 12 trappers and a supervisor is covered, there is almost \$28 million remaining for the eradication and control program. And how would those funds be used?

Mr. HOGAN. We do have a very detailed plan on how the funds will be used and I will be happy to supply that to you and for the record, Mr. Chairman.

Mr. PALLONE. OK. And then to follow up on that point, how would marsh restoration efforts under H.R. 273 differ from similar efforts under other wetlands restoration programs under Wallop-Breaux or the Estuary Restoration Act?

Mr. HOGAN. Well, the restoration itself would not necessarily differ but the issue here is, as you pointed out earlier, not just restoring them but then making sure that we do not backtrack on the restoration, making sure that what goes hand in glove with the restoration is controlling the nutria. Otherwise the very acres that we have restored could ultimately be degraded again if we do not control the nutria population.

Mr. PALLONE. OK. And then with regard to control measures, it is my understanding that the preferred control method for nutria is trapping but it is also my understanding that this method has met limited success. You can comment on that but the question is has any effort been made to investigate the practicality of a biological control method, such as the introduction of predatory species? And has such an approach been tried on the Delmarva Peninsula or in Louisiana?

Mr. HOGAN. I do know that they have tried a host of eradication efforts, I think even as far as—Mr. Gilchrest will know—trying to improve the potential desire for nutria as a food source. I do not think that, unfortunately, has caught on too well in certain parts of the country, but there is a lot of creativity going into trying to figure out ways to control nutria and I will certainly be glad to supply that to you, all the different ways that we are looking at to make sure that we can control them.

Mr. PALLONE. OK, thank you.

Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pallone.

I think they have alligators in Louisiana.

Mr. HOGAN. That is true.

Mr. GILCHREST. And I think they actually eat them in Louisiana. We have not gotten to that point yet because if you want to know what a nutria tastes like, try to imagine what the hair of a rat tastes like. I should not say that too often because maybe somebody in Maryland is going to open up a restaurant.

Mr. PALLONE. Actually, they look kind of attractive.

Mr. GILCHREST. The other thing, I guess we could import those alligators on a seasonal basis and ship them back down in the winter.

Mr. HOGAN. The trick would be catching them again and trying to send them back south.

Mr. GILCHREST. Right. Well, I hope this winter has had an effect on that population.

Just one other quick follow-up question, Mr. Hogan. The current BLM permit for Walter's Camp, does that expire in 6 months?

Mr. HOGAN. Yes, it does and I know they are interested in expediting that so the BLM can go ahead and issue it. It is interesting that there has been some confusion as to who has actually owned the land. At one point they actually thought that it was transferred back to BLM and then it turned out that it was not, in fact, the case. So we are certainly interested in expediting it but, as you know, it has to be done legislatively. We cannot do it administratively, so we have turned to the Congress.

Mr. GILCHREST. I wonder if the nutria would have any positive effect on the Meadowlands in New Jersey. Is that what you call it, the Meadowlands?

Mr. PALLONE. I was wondering; do they still use them for coats? I mean at one point is that not why they were introduced?

Mr. HOGAN. They were actually introduced as a potential fur source but it never really seemed to catch on.

Mr. PALLONE. It never caught on, OK.

Mr. GILCHREST. We will have to try that in San Francisco first.

Thank you very much, Mr. Hogan. We look forward to working with you on all these issues.

Mr. HOGAN. Thank you, Mr. Chairman.

Thank you, Mr. Pallone.

Mr. GILCHREST. The hearing is adjourned.

[Whereupon, at 11:10 a.m., the Subcommittee was adjourned.]