

**STATEMENT OF DALE HALL, CHIEF EXECUTIVE OFFICER
DUCKS UNLIMITED, INC.**

**BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON FISHERIES, WATER AND WILDLIFE**

**CONCERNING:
S. 659 THE BIPARTISAN SPORTSMEN'S ACT OF 2015**

March 17, 2015

Mr. Chairman, members of the committee, my name is Dale Hall, and I am the chief executive officer for Ducks Unlimited. Before assuming that role in 2010, I worked for the U.S. Fish and Wildlife Service for 31 years, including serving as its director from 2005 to 2009.

I appreciate the opportunity to testify on behalf of Ducks Unlimited regarding the Sportsmen's Act, including reauthorization of the North American Wetlands Conservation Act (NAWCA), reauthorization of the interest from the Pittman-Robertson fund to NAWCA, and many other important provisions. NAWCA has been an important and highly effective program that has protected and conserved migratory bird populations for more than 25 years, and Ducks Unlimited fully supports the passage of these provisions within the bill. These programs are models of how government can and should work.

Ducks Unlimited has been a strong proponent of waterfowl conservation for 78 years. Our mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl, and for the benefits these resources provide to other wildlife and the people who enjoy and value them. We work in Canada, Mexico, and every state in the U.S. Since 1937 Ducks Unlimited has conserved more than 13.4 million acres of habitat important to waterfowl and other wildlife.

With more than 1 million supporters, Ducks Unlimited represents a significant conservation voice for birds and the landscapes that support them. Our work is science-based. We use reliable information from the disciplines of wetland ecology, waterfowl biology, hydrology, civil engineering, and landscape ecology to develop, implement, and adapt waterfowl-conservation actions. We collaborate with agencies, organizations, farmers, and ranchers in the most important landscapes used throughout migratory birds' lifecycles, including breeding, migration, and wintering habitats. These partnerships are essential for conservation, and we support legislation and policy that advances these efforts.

To Reauthorize the North American Wetlands Conservation Act

Ducks Unlimited is pleased to testify before the U.S. Senate Committee on Environment and Public Works Subcommittee on Water and Wildlife on the fifth reauthorization of NAWCA. Since enactment, NAWCA has played an invaluable role in North American wetlands conservation by stimulating local partnerships aimed at habitat conservation for wetland-

dependent species and the many people who enjoy them. NAWCA continues to be a popular and productive program for all the partners. We commend Congress for its foresight in creating NAWCA in 1989, and for repeatedly ensuring its long-term success.

Since enactment, NAWCA has accomplished measurable success in all 50 states, as well as Canada and Mexico. The creation of the program more than 25 years ago was a bipartisan effort, and NAWCA has consistently attracted strong support in Congress and from administrations of both parties. This program has conserved more than 27.5 million acres across North America. Reauthorization of NAWCA is critical to build on this success and ensure the health of high-quality wetlands in the United States.

Despite those successes, wetlands in the United States are disappearing. The lower 48 states of the United States have lost approximately 53 percent of their original wetlands. The state of Oklahoma, for example, has lost nearly two-thirds of its original wetlands. And while NAWCA has conserved some wetlands, the most recent nationwide study documented that wetland loss had dramatically accelerated by 140 percent since 2004.

NAWCA catalyzes efforts by resource managers and partners from many sectors to use a variety of strategies to restore and enhance degraded habitat as well as protect some of the remaining high-quality habitat. The habitat conservation completed on both public and private lands improves recreational opportunities and often provides economic benefits for landowners and communities. Wildlife-related recreation generates more than \$100 billion of economic output annually. In many cases, this economic activity is vital to rural communities and the incomes of rural Americans.

The restoration and protection of wetlands and associated habitats made possible by NAWCA has many benefits for both people and wildlife. Scientific studies clearly demonstrate that wetlands act as filters to clean water, and recharge groundwater supplies. Wetlands also trap and hold precipitation and runoff, and act as buffers in coastal regions, lessening the damage from floods and hurricanes. In Alaska, for example, 14 NAWCA projects have been completed or are underway. More than 65,000 acres of wetland and upland habitat has been conserved using these dollars, of which \$4.7 million came from the government while partners contributed \$14.5 million

One successful NAWCA project was completed in Alaska's Goose Bay State Game Refuge in 2010. Approved in 2009 and awarded to The Conservation Fund, this \$75,000 NAWCA grant—which partners matched with an additional \$175,000—protected 286 acres of wetlands and associated uplands within the state refuge for an array of wildlife. The Goose Bay State Game Refuge, located in Upper Cook Inlet, supports a diverse coastal ecosystem that provides important waterfowl nesting and migration habitats, moose calving areas, spring and fall bear concentration areas, and salmon spawning. Protecting the land helps both humans and wildlife by providing a clean and healthy environment for recreational activities, while also offering important habitat for a critical ecosystem.

In Alaska, nearly 6,000 jobs involving more than \$439 million of retail sales were created in 2011 by more than 125,000 hunters, according to a Congressional Sportsmen's Foundation

report. Anglers created another nearly 10,000 jobs in Alaska, generating \$86 million in state and local taxes.

In Oklahoma, the economic benefits to the state were also significant: 240,000 hunters created more than 12,000 jobs, while 729,000 fishermen generated more than \$821 million in retail sales. Thirteen NAWCA projects have been completed there since the program's inception, and these projects have conserved 26,970 acres of wildlife habitat within the Sooner state. NAWCA funding of \$4.9 million in Oklahoma has stimulated partner contributions of \$11.3 million. An example of the benefits of these projects was the protection of Drummond Flats through a \$700,000 grant awarded to Ducks Unlimited to permanently protect 3,000 acres. The land protected in this Drummond Flats project is vital wintering habitat in the Central Flyway, essential for many migratory bird species travelling from the Prairie Pothole region in Canada to the Gulf Coast region and beyond.

NAWCA's success is not confined only to large states. For example, Rhode Island currently has 11 NAWCA projects completed or underway. These projects have conserved 5,137 acres of wildlife habitat. NAWCA funding of more than \$6.6 million there has leveraged partner contributions of more than \$31.3 million.

These results are not unique, and have been replicated all over the country with the help of more than 5,000 NAWCA partners. More than 2,421 voluntary, habitat conservation projects have been delivered in North America, benefiting wetlands, wildlife, and people. Partners include all 50 state fish and wildlife agencies, hundreds of private landowners, conservation organizations, small businesses, corporations, tribes, and local governments.

In addition to being one of the federal government's most effective conservation programs, NAWCA is a model of fiscal responsibility as it provides an excellent return on a relatively modest federal investment. The law requires every federal dollar put into the program to be matched by at least \$1 of non-federal money however, partner matches actually have more than tripled every \$1 of federal grant money. The partner investment in NAWCA totals more than \$3 billion during the life of the program. In 2014, a total of 116 projects were approved for the United States, Canada, and Mexico: 92 in the United States, 14 in Canada, and 10 in Mexico.

Undeniably, the benefits of NAWCA extend beyond waterfowl. Wetlands provide a home for more than 900 wildlife species at some time during the year. As Congress intended, the criteria for NAWCA projects include waterfowl as well as other wetland-associated migratory birds and threatened and endangered species. Under this guidance, NAWCA projects benefit an array of species, including fish.

NAWCA is vital for cooperative efforts to address landscape-level habitat challenges in key areas for waterfowl and other migratory birds, including inland wetland systems such as the Prairie Pothole Region of the Great Plains and the Lower Mississippi River Valley, as well as iconic coastal communities such as the Chesapeake Bay, Gulf Coast, and Great Lakes.

What began in 1989 as a way to implement the North American Waterfowl Management Plan, the agreement between the United States, Canada, and Mexico on managing waterfowl

populations has developed into a successful program with widespread support and success. NAWCA has stimulated hundreds of conservation partnerships that would not otherwise exist. The result is millions of acres of habitat conserved that benefit wetlands, wildlife, and the public.

NAWCA is the most effective wetland restoration program in the country. We strongly support the legislation, and we urge the Congress to reauthorize the act.

Pittman-Robertson Interest Reauthorization of funding to NAWCA

As part of permanent funding for NAWCA—that's not subject to annual appropriations—the interest from the investment of Pittman-Robertson Funds (P-R fund) is deposited into the North American Wetland Conservation Fund for use annually through the normal grant-making process. This interest has added millions of dollars a year to the program and is an important addition to the annually appropriated funds. It is critical that this provision of the Pittman-Robertson Wildlife Restoration Act (Pittman-Robertson Act) be reauthorized before it expires in September 2015 (the sunset of the ten-year authorization).

Under the Pittman-Robertson Act, excise taxes collected on certain hunting equipment are deposited into the P-R fund and are available without further appropriation to states. The Pittman-Robertson Act requires that interest earned on balances in that fund finance wetland conservation projects authorized under NAWCA. Because the interest earnings will be spent without further appropriation action, the Congressional Budget Office has historically determined that enacting this legislation would have no net effect on federal spending, and scores as revenue neutral. The amount of funding fluctuates, predicated on the prevailing interest rates of government bonds and sale of guns and ammunition, but it has totaled as much as \$17 million in past years. When matched by the growing list of partners, it represents at least \$34 million in on-the-ground wetlands conservation. Unlike the yearly NAWCA appropriation, the Pittman-Robertson portion of the funding cannot be allocated without a new authorization. Furthermore, in 2013 the Association of State Fish and Wildlife Agencies' directors passed a resolution supporting the continued flow of this interest into the NAWCA account rather than to their states through the apportionment process.

Baiting of Migratory Game Birds

Ducks Unlimited supports an approach that would, in effect, allow normal agricultural practices to be determined through the concurrence of the state cooperative extension service and the state fish and wildlife agency, then in consultation with the U.S. Department of the Interior. This approach ensures appropriate state-level conversations occur regarding their agricultural practices (based on the crop type and conditions) and also guarantees that U.S. Fish and Wildlife Service perspectives are considered. Ducks Unlimited supports this effort. The process will encourage producers to grow ratoon rice (second crop rice) in the Mississippi Alluvial Valley (MAV) and along the Gulf Coast to improve winter waterfowl foraging habitat. And it should provide clarity to producers, landowners, hunters, and law enforcement officials regarding hunting waterfowl over second-growth rice.

Gulf Coast Joint Venture (GCJV) conservation planning established population-based waterfowl habitat goals that depend upon the presence of rice agriculture—in particular ratoon rice—on the landscape. Within rice-growing areas of coastal Louisiana, GCJV conservation planning assumes that rice agricultural habitat will support 41 percent of its midwinter waterfowl population objective. Across the border in Texas, 63 percent of the total midwinter population objective is assumed to rely on rice agricultural habitats. Stated another way, GCJV plans call for approximately 4.45 million ducks and geese to depend primarily on rice agricultural habitats, of which ratoon (harvested or unharvested) provides the most energy because of the timing of seed production and harvest. Flooded rice fields, in fact, provide an estimated 44 percent of food energy available to wintering waterfowl along the Gulf Coast, with coastal marsh responsible for the remainder.

Hunters, farmers, landowners, and conservation law enforcement all would benefit from increased clarity regarding the definition of normal agricultural practices relative to ratoon rice. Presently, hunters that lease rice fields from producers can pay \$5,000 to \$10,000 per field or blind. As noted previously, in the MAV, ratoon crops are increasingly common, and with the increasing length of growing seasons, ratoon crops are expected to increase in this landscape. If the producer has performed any rolling, disking, mowing, or other treatment of a ratoon rice field, it currently remains unclear whether that field may be legally hunted under existing Migratory Bird Treaty Act (MBTA) language. Hunting leases often are executed in the summer or early fall while ratoon crops may be developing, leading to concerns and questions as to whether even a small area near a blind may be treated to facilitate waterfowl hunting.

Ducks Unlimited and conservation partners recognize that rice agriculture is an essential habitat type along the Gulf Coast and in the MAV to meet population-based habitat objectives. Prior to around 1990, rice in the MAV provided substantial habitat benefits through provision of waste grain to wintering waterfowl. Changes in rice culture post-1990 have made rice fields significantly less valuable (about 71 percent) as foraging habitat for waterfowl in the MAV. Developing ratoon crops, developing rice cultivars that readily ratoon, and accepting ratoon crops as part of producers' annual business plans would be a favorable development for producers and wintering waterfowl. Producers would have an additional source of income via ratoon harvest and premium lease prices for optimal waterfowl habitat. Waterfowl would find about 2.3 to 5.9 times more waste rice in fields with availability timed to their traditional arrival in the MAV in November and December, much like it was in decades past when rice harvest was later in the calendar year.

This language seeks to provide the clarity hunters, farmers, landowners, and conservation law enforcement desire with respect to MBTA baiting regulations. Furthermore, and our rice industry partners agree, this bill provides clarity that ultimately may encourage rice variety development favoring ratoon crop traits. This likely would increase profit margins from both rice production and waterfowl hunting leases, and enable producers to provide premium habitat for waterfowl that otherwise would not be on the landscape.

Conclusion

Once again I appreciate the opportunity to testify regarding this important legislation, including the reauthorization of the NAWCA, reauthorization of the interest from the Pittman-Robertson fund to the NAWCA, and the other important provisions I have discussed today. With your continued support of these programs, NAWCA will remain an essential tool to protect and conserve migratory bird populations, and a model of how government can and should work.

I look forward to working with your committee and our partners as the Sportsman's Bill moves forward, and to continue to support the benefits the bill would provide to wildlife and the millions of people who enjoy, or make their livings, in the outdoors.

Mr. Chairman, I again thank you for the opportunity to testify today and I will be pleased to answer any questions you may have.