

STATEMENT OF JEFF CROW, DIRECTOR OF THE ARKANSAS GAME AND FISH
COMMISSION

TO THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

CONCERNING THE HUNTING HERITAGE AND ENVIRONMENTAL LEGACY
PRESERVATION FOR WILDLIFE ACT

Mr. Chairman, members of the committee, I am Jeff Crow, Director of the Arkansas Game and Fish Commission. Before becoming director in 2016, I was the agency's chief of staff, overseeing day-to-day operations for the Commission, for two years. Prior to these roles at the administrative level of the agency, I served the AGFC as the chief of law enforcement, sometimes working with Federal enforcement agents concerning our bedrock laws and regulations that help manage our migratory waterfowl.

Thank you for allowing me the opportunity to testify on behalf of the State of Arkansas, supporting the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, including reauthorization of the North American Wetlands Conservation Act, the promotion of building public shooting ranges, the clarification of migratory bird-baiting regulations to coincide with USDA and state agricultural best practices, and many other important initiatives for the continued conservation of our nation's fish and wildlife.

**To Reduce Landowner Liability for Baiting Migratory Game-birds if they Adhere to
USDA and State Agricultural Best Practices**

Arkansas' position as the nation's top-producing rice-growing state as well as its reputation as the premiere waterfowl-hunting destination in the country gives us a unique perspective concerning proposed amendments to the Migratory Bird Treaty Act.

Waterfowl conservation is one of the more successful examples of coordination between state and federal authorities. It is this cooperation that has benefitted wildlife in Arkansas and the people who enjoy that wildlife resource. Arkansas hunters consistently rank in the top three for total duck harvest and lead the nation in mallard harvest each year. In a time when many states are experiencing declines in hunting participation, Arkansas duck hunter numbers have grown over the past decade, with approximately 100,000 individuals duck hunting in Arkansas each year, including Arkansas resident hunters and guests from all 50 states.

Outdoors-related recreation generates more than \$4.9 million a day in Arkansas. According to the 2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation compiled by the U.S. Fish and Wildlife Service and U.S. Census Bureau, hunters, anglers and wildlife watchers spent more than \$1.8 billion on wildlife recreation in Arkansas in 2011. Waterfowl hunting in Arkansas generated \$236.7 million in retail sales, supported 4,706 jobs and provided \$29.1 million and \$23.9 million in state/local and federal tax revenue. These significant

economic contributions cannot be overlooked and provide much needed economic stability for our state.

Arkansas is the nation's largest rice-growing state, producing half the nation's rice and nearly nine billion pounds annually. Arkansas grows rice on more than 1.2 million acres each year from 40 counties, mainly in eastern Arkansas counties from Louisiana to Missouri. Arkansas rice contributes over \$4 billion annually to the state's economy and employs more than 25,000 Arkansans.

It's no secret that rice fields and ducks go hand-in-hand, but the amount of food available for migrating and wintering waterfowl in rice fields has been on the decline for several decades. Earlier harvests, more efficient harvesting and fall tillage result in little waste grain left when most ducks arrive in mid-winter. The practice of encouraging growth of a second, or "ratoon", crop of rice after harvest offers a viable tactic to increase foraging value of rice fields to help waterfowl meet food and energy demands required for migration, winter survival and successful breeding. Although traditionally practiced in the Louisiana and Texas Gulf Coast, ratooning rice is now possible thanks to the development of those new varieties of rice which mature to harvestable conditions much faster. However, a change in interpretation of baiting laws relative to ratoon rice crops several years ago resulted in uncertainty about the legality of flooding and waterfowl hunting over ratoon rice crops.

Currently, the federal interpretation on whether a field is baited or not includes a variety of possibilities which leads to confusion by both landowners/producers and hunters. Some of the criteria which are increasingly difficult to determine from a landowner perspective and measure from an enforcement standpoint include:

- how the crop plants got there (i.e., whether it was planted or it volunteered to regrow from seeds of an earlier planting);
- what has been done to the crop (i.e., whether it has been tended and prepared for harvest and sale, has already been harvested, or plowed under, or whether it is abandoned);
- what will happen to it in the future (i.e., whether it is already under a blanket of snow, and whether there is still a possibility of harvest).

The proposed bill affords the opportunity for enhanced state-level coordination between the USDA Cooperative Extension Service state offices and state fish and wildlife agencies when defining normal agricultural practices based on crop type and conditions. It is in an activity that must occur at the state level to be implemented correctly and successfully.

While I have described the unfortunate situations that sometimes occur with rice, there other difficult situations that could occur with corn or soybean production. In recent years, flooding from tropical storms have damaged these crops and producers have been required to "destroy" their crops by mechanical manipulation to receive their insurance payments. The language in this bill seeks to remedy this by reducing unintended liability for producers when dealing with crop insurance settlement issues following crop losses due to natural disaster. The bill language indicates that maintaining flooding could be a first option for "destroying" crops lost due to natural disaster, if deemed acceptable by the Federal Crop Insurance Corporation. This option

could provide important resources for wintering waterfowl, but cooperation is needed to ensure this practice does not expand beyond its intended scope. Thus, state agencies will continue to work with US Fish and Wildlife Service, Risk Management Agency, producers, and groups like Ducks Unlimited to ensure a positive outcome for producers, waterfowl, and our sportsmen. This bill would codify clearer definitions around the issue of baiting, afford the opportunity for waterfowl hunting over ratoon rice and other crops that have not been manipulated and allow conservation partners to educate producers and hunters about the value of agriculture to wintering waterfowl without compromising the legal standing of those producers and hunters.

To Reauthorize the North American Wetlands Conservation Act

The bill language reauthorizing the North American Wetlands Conservation Act (NAWCA) at \$50 million for the next four years is a welcome addition. Competition for limited NAWCA funds has increased in recent years, and this proposed appropriation level would provide valuable, consistent funding for migratory bird habitat conservation in coming years. NAWCA is a long-standing program that has been extremely effective in leveraging non-federal funds to protect, restore, enhance and manage wetland habitat for migratory birds and other wildlife.

Unanimously reauthorized by Congress in 2006, NAWCA provides federal cost-share funding to support the North American Waterfowl Management Plan. NAWCA is a landmark investment which, for over 20 years, has produced a number of economic and environmental benefits while conserving America's fish and wildlife resources. It is a private landowner-friendly, non-regulatory and incentive-based program. Every federal dollar granted under NAWCA has typically been tripled by partners like AGFC and Ducks Unlimited who invest their own capital and resources at the state and local levels. NAWCA projects have been implemented all over North America, present in all 50 states. NAWCA is invaluable to the conservation of continental wetlands which play a vital role in maintaining the quality of our environment. In addition to protecting wildlife habitat and improving water quality, this program creates jobs in the private sector through creation of water management infrastructure and by increasing tourism through enhanced outdoor recreation opportunities.

Thousands of acres of waterfowl habitat in Arkansas have been conserved through NAWCA and enjoyed by waterfowl and hunters. I made mention of our abundant rice fields that provide food for ducks. We are also blessed to have some of the last and best bottomland hardwood forests in the country. When these forests are flooded by the White and Cache Rivers, they provide habitat for over a million mallards. NAWCA has ensured that these forested wetlands remain in good condition. NAWCA has also restored new forests for the next generation of sportsmen and waterfowl enthusiasts. Projects like these can only occur through strengthening funding for this important program.

To Promote the Building and Expansion of Public Target Ranges

The plan "to facilitate the construction and expansion of public target ranges" is an exciting addition for an often overlooked group of sportsmen and sportswomen who support conservation

funding through the Pittman-Robertson Wildlife Restoration Act. The spending of recreational target shooters toward Pittman-Robertson-eligible purchases (firearms and ammunition) is nearly equal to that of hunters. According to a 2011 report by Southwick Associates, recreational shooters spent \$8.2 billion on Pittman-Robertson-eligible purchases (firearms and ammunition), while hunters spent \$8.4 billion. Generally, there is a growing interest in recreational target shooting, and state fish and wildlife agencies need flexibility that is provided in this legislation to meet the changing needs of our constituents and the expectations of the public.

The purpose of the act correlates with the AGFC's plan to construct shooting ranges in three of the most populated regions in Arkansas that currently do not have a public shooting range (Northeast Arkansas, Northwest Arkansas and the River Valley Region in Western Arkansas). Planned ranges would meet all criteria for the definitions set forth in the bill and would support not only current sportsmen and sportswomen, but also support the AGFC's increasingly popular youth shooting sports and archery programs, which expose tens of thousands of teenagers to proper firearms and archery safety and future enjoyment of the shooting sports. The increase of the federal match from 75 to 90 percent increases the ability for AGFC to provide the required non-federal match, and reduces the fiscal burden on a grant recipient (recent projects such as Warren, Batesville, and currently Jonesboro would benefit from this match).

Conclusion

Mr. Chairman, once again, I appreciate the opportunity to testify in support of this legislation. I believe the changes proposed are essential to the increased participation in hunting and shooting sports, which in turn provides the mechanism for increased conservation of our nation's wildlife resources. I will be happy to answer any questions you may have about my testimony today and look forward to continuing our work together to preserve our natural resources for the next generation.