

**Testimony of Martha Williams,
Director, U.S. Fish and Wildlife Service, Department of the Interior,
before the Senate Committee on Environment and Public Works
regarding the U.S. Fish and Wildlife Service's Fiscal Year 2023 Budget Request**

May 18, 2022

Introduction

Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. I am Martha Williams, Director of the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). Thank you for the opportunity to testify before you today on the Service's Fiscal Year (FY) 2023 budget request. I appreciate the Committee's continued support of the Service's work.

For more than 150 years, the Service has collaborated with partners across the country and around the globe to fulfill our mission of "working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." To conserve our Nation's natural resources, including threatened and endangered species, migratory birds, certain marine mammals, and certain native and interjurisdictional fish, the Service administers and enforces an array of environmental laws and treaties. The Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Lacey Act, and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are just a few of the important statutes and treaties that guide our work.

The Service has a wide range of programs, offices, and activities that help fulfill these and other statutory responsibilities. We oversee a network of more than 560 national wildlife refuges, located in all 50 States, the Commonwealth of Puerto Rico, and the U.S. Territories. These important public lands and waters are managed for the benefit of fish, wildlife, and plants and their habitats, and they provide premier recreational and educational opportunities to the public. We also work with partners across the country to advance shared conservation priorities for some of our nation's most treasured landscapes. Beyond our nation's borders, many of our programs have international responsibilities, partnering with other countries to conserve international species of interest to the American people.

The nation's investment in the Service over the generations has returned incalculable dividends in terms of economic return, public health, cultural sustenance, and integrity of the world's environment. While we acknowledge the successes of the past, we must also recognize the essential nature of continuing this investment, with a focus on the critical challenges facing wildlife conservation today and in the future.

The Administration is proposing a budget of \$2.0 billion for FY 2023 to fund the Service's principal resource management and conservation programs and to support the Administration's priorities. The discretionary request of \$2.0 billion is an increase of \$326.4 million over the FY 2022 enacted level. The Service also receives \$1.8 billion in permanent appropriations, most of

which the Service apportions to the states and territories to support their fish and wildlife conservation and outdoor recreation programs.

Administration Priorities Reflected in the FY 2023 Budget Request

The Service's budget proposal advances Administration priorities, including implementing the *America the Beautiful* initiative, addressing the effects of climate change on Service trust resources, deploying clean energy, and promoting equity and diversity. The budget request also makes important investments that will help enhance our conservation capacity and our ability to conserve our cherished wildlife and natural resources.

- ***America the Beautiful Initiative:*** The *America the Beautiful* initiative is a call to action to support locally led conservation and restoration efforts across public, private, state, and Tribal lands and waters to collectively conserve, connect and restore 30 percent of U.S. land and water by 2030. The guiding principles—which include a commitment to collaboration, support for voluntary and locally led conservation, and honoring of Tribal sovereignty and private property rights—are essential to building and maintaining broad support, enthusiasm, and trust. Upholding these principles, the FY 2023 budget request includes increases to support local partnership programs, improve targeted conservation efforts, restore damaged lands, and promote locally led efforts of all kinds wherever communities wish to safeguard the lands and waters they know and love.
- **Conservation Capacity:** Conservation is at the heart of the Service's mission. The President's budget will restore capacity across the Service's programs, building our conservation workforce and enhancing our ability to care for our trust resources. The budget provides needed capacity for Service programs, which are seeing cost inflation and increases in workload. The budget accelerates conservation efforts by supporting the *America the Beautiful* initiative, investments in partner programs, climate science, and habitat adaptation and resilience. Additional funding will be used to support at-risk and endangered species, address the loss of migratory birds, combat invasive species, and improve habitat connectivity.
- **Climate Change:** The Service is addressing climate change through all of its programs. The request includes an increase of \$21.5 million above FY 2022 for the Science Applications program, including \$6.2 million for cooperative landscape level work to guide expanded use of clean energy sources and improve resilience to changing temperatures, water levels, and weather patterns resulting from a changing climate. The budget will also support expanded scientific research into the balance of conservation and development and inform conservation decisions in cooperation with the U.S. Geological Survey and other Federal agencies, state and local government partners, and non-government organizations.
- **Deploying Clean Energy:** The budget proposes \$22.6 million for activities associated with energy development, including a program increase of \$8 million for the Ecological Services Planning and Consultation program to support reviews and permitting of clean energy projects. Within the Migratory Bird Management program, the budget includes

program increases totaling \$3.5 million to support clean energy projects and other permitting improvements to ensure renewable resources can be deployed while protecting migratory birds, notably iconic bald and golden eagles. The Service recognizes the need to support the development of clean energy sources to create new industries to support American workers while reducing emissions that contribute to climate change.

- **Promoting Equity and Diversity:** Additionally, the budget request for the Service includes \$7.2 million to promote diversity, equity, inclusion, and accessibility, including continued funding for a Department of the Interior-wide budget initiative first funded in 2022 to address high-priority needs in support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. The budget request will enable the Service to promote equity and diversity within the agency as well as with our work with communities across the country.

FY 2023 Budget Request for U.S. Fish and Wildlife Service Programs

National Wildlife Refuge System

The National Wildlife Refuge System (Refuge System) is a model for conservation around the world. The FY 2023 budget for the Refuge System is \$597.9 million. Funding for operations—including wildlife and habitat management, visitor services, Refuge law enforcement, and planning—is \$426.6 million. These funds will support the Service’s core mission to increase adaptive management, climate resilience, and the use of climate-related science. The request for Refuge Maintenance is \$171.3 million. The Refuge System is a focal point for the Civilian Climate Corps, a program to put people to work improving America’s lands, waters, and infrastructure. The FY 2023 budget for the Service includes \$10 million—including \$8 million in the request for refuges and \$2 million for the Service’s National Conservation Training Center to develop the next generation of conservation workers and create a new pathway to good-paying jobs.

The FY 2023 budget for the Partners for Fish and Wildlife Program is \$67.4 million, and the Coastal Program request is \$16 million in recognition of the importance of cooperative conservation of private lands to habitat adaptation and resilience as well as a healthy economy. These programs work collaboratively with partners to restore, enhance, and protect habitat for priority Federal trust species.

Ecological Services

The Service’s Ecological Services program is a leader in conserving our nation’s imperiled species and their habitats, ensuring that sustainable populations of fish, wildlife, and plants continue to thrive for future generations. One of its primary responsibilities is administering the ESA, one of our Nation’s most important wildlife conservation laws. The ESA has had notable success since its passage nearly 50 years ago, including the recent recovery of the interior least tern, Hawaiian hawk, and snail darter, which was proposed for delisting under the ESA this past fall. Preventing extinction and achieving recovery of listed species continues to be one of the Service’s highest priorities. To further this priority, the budget request proposes a total of \$356.2

million to implement the ESA and other laws under the Ecological Services program, including the Marine Mammal Protection Act and Coastal Barrier Resources Act.

The budget supports the Administration's efforts to responsibly site, permit, and deploy priority infrastructure projects, including energy solutions, by providing \$152.8 million for planning and consultation services. With an increase of \$40.7 million for planning and consultation, the Service can restore field office capacity and be better positioned to facilitate environmentally sound development through timely and effective environmental reviews, including support for the investments made through the historic Bipartisan Infrastructure Law. The request also advances proactive, cooperative conservation with investments in programs aimed at preventing the need to list species under the ESA. The request provides \$54.3 million to support conservation of at-risk species and their habitats, \$125.1 million for species recovery, and \$23.9 million to accelerate completion of 5-year species status reviews.

Migratory Birds

The budget includes \$70.2 million for the Migratory Bird program. The budget includes increases for population monitoring and conservation to address the staggering loss of most groups of migratory birds, including at-risk species. The budget also includes funding to modernize the permitting process and supporting systems to enable the use of the latest scientific information and energy production technologies when evaluating development proposals. The Joint Ventures program will support grants to improve the resilience of important habitats—and nearby communities—across the Nation's four migratory bird flyways. The program's Urban Bird Treaties grants support partnerships to conserve birds in urban environments by creating parks and restoring nearby wetlands—all while engaging local communities.

Fish and Aquatic Conservation

The budget requests \$260.4 million to support 71 National Fish Hatcheries, 1 Historic National Fish Hatchery, and 51 Fish and Wildlife Conservation Offices to carry out aquatic habitat conservation and restoration, and the prevention and control of aquatic invasive species. The budget also includes \$83.5 million for operation of the National Fish Hatchery System and \$49.8 million for fisheries maintenance. The Hatchery System is an international leader in the propagation of imperiled aquatic species, and the budget expands capabilities to ensure the health of aquatic species. Advancing aquatic conservation requires modernizing and maintaining hatchery infrastructure, which is not eligible for funding under the Great American Outdoors Act. The budget also includes \$127.1 million for Aquatic Habitat and Species Conservation. This request expands and strengthens aquatic invasive species prevention and early detection and rapid response, fully funds the National Fish Habitat Action Plan at the authorized level, and provides for aquatic species assessments and cooperative management to enhance habitat adaptation and resilience.

Investment to prevent and control invasive species must also be met with the statutory tools necessary to protect natural resources, human and animal health, infrastructure, and the economy. The Service historically interpreted the Lacey Act to include a prohibition on the transportation of injurious species between states within the continental United States. However, in 2017 the U.S. Court of Appeals for the D.C. Circuit held that the law does not prohibit transport of injurious wildlife between states within the continental United States. As a result, the

prohibition on transport of injurious wildlife within the United States is limited to the jurisdictions listed in the statute. The budget request supports efforts in Congress to amend Title 18 of the Lacey Act to return the longstanding authority of the Service to prohibit interstate transport of injurious species. Recent examples of injurious species contaminating commercial products, such as injurious zebra mussels contaminating a widely traded aquarium plant commodity called “moss balls,” demonstrate the need to restore this authority. It is estimated that failing to prevent mussel infestation in the Pacific Northwest would exceed more than \$500 million annually in increased costs including those for power generation, drinking water systems, irrigation structures, and recreation.

The budget also requests funding for the Service to pilot an aquatic invasive species rapid response fund, which will complement the Service’s broader National early detection and rapid response (EDRR) framework, a coordinated strategy to protect the Nation’s lands and waters and the communities they support.

International Affairs

The Service provides technical and financial assistance to conserve priority species and habitats around the world and combat wildlife trafficking. The Service also implements CITES, which will have the 19th meeting of the Conference of the Parties this year. This year’s budget includes \$31.8 million for International Affairs. This request would support expanded conservation capacity in Latin America, the most biologically diverse region of the world. It would support efforts to reduce the spread of zoonotic disease including improving wildlife health and ecosystem resilience, strengthening capacity to regulate wildlife imports, and supporting capacity building with CITES Parties. The budget request will also support ongoing efforts to modernize permitting systems and to develop methodologies to better evaluate and improve the effectiveness of international conservation efforts, and increase transparency, accountability, and oversight in technical and financial assistance programs.

Office of Law Enforcement

Law Enforcement programs are funded at \$99.3 million in the budget request. This program enforces the Nation’s wildlife laws, ensures sustainable and legal wildlife trade, and investigates wildlife crimes. The Service continues to work with the State Department, other Federal agencies, and foreign governments to address the threat to conservation and global security posed by wildlife trafficking. The budget supports law enforcement efforts to investigate wildlife crimes, interdict illegal shipments entering and moving through U.S. ports of entry, deter the introduction of invasive species, facilitate the legal wildlife trade, and build local enforcement capacities in other nations. The budget request would also support the hiring of a class of twenty-four special agents to replace agents who are reaching the mandatory retirement age in the next year, as well as support for special agent attachés stationed at U.S. embassies around the world, and inspection enhancements at U.S. ports of entry.

Science Applications

The FY 2023 request for Science is \$57.5 million. The program supports adaptive science work with collaborative groups to design and implement conservation and habitat management strategies that improve climate adaptation and resilience on the ground. Collaboration will focus on addressing climate stressors, with goals that include increasing coastal resilience, mitigating

desertification, controlling invasive species, and reducing the prevalence and magnitude of wildfires. The budget invests \$19 million in a revitalized Cooperative Landscape Conservation Program to support the development of landscape conservation objectives that promote biodiversity, climate adaptation and resiliency, and habitat conservation to achieve the Administration's conservation objectives. By weaving together proven landscape conservation designs and leveraging locally based conservation blueprints, the program will invest in technical capacity, such as geospatial mapping and social science expertise, to proactively engage with States, Tribes, industry, conservation groups, and other stakeholders to identify and pursue high-priority conservation opportunities.

Wildlife and Sport Fish Restoration

The Wildlife and Sport Fish Restoration (WSFR) Program provides federal aid and grants to states to benefit fish and wildlife. The WSFR Program administers several types of grants for projects that improve and manage aquatic habitats, protect, and conserve coastal wetlands, hunter education, and provide important access and infrastructure for boaters. The programs are funded by Federal excise taxes on firearms, ammunition, archery gear, fishing equipment, electric motors, and a portion of the Federal gasoline tax.

The WSFR Program also administers the State Wildlife Grant program, which supports a strategic national conservation framework through individual State Wildlife Action Plans. These plans, developed in coordination with government agencies, conservation organizations and the public, are integral to national efforts to effectively address threats to priority habitats and species of greatest conservation need. The Tribal Wildlife Grant Program supports Tribes in the development and implementation of wildlife and habitat conservation programs, and it directly benefits many Tribes whose members depend on wildlife for subsistence, cultural uses, and livelihoods. The budget includes \$82.4 million for State and Tribal Wildlife Grants, an increase of \$9.8 million from 2022 enacted to support state and Tribal efforts to protect wildlife habitat.

Administration Legislative Proposal

The budget request also includes a legislative proposal to seek compensation from responsible parties who injure or destroy Service resources. We welcome the opportunity to work with the Committee and any potential sponsors for this provision, which would provide the Service with similar authority to the National Park Service and National Oceanic and Atmospheric Administration. Today, when Service resources are injured or destroyed, the costs of repair and restoration falls upon the appropriated budget for the affected field station or office, often at the expense of other Service programs. Between 2015 and 2017, the National Wildlife Refuge System documented over 76,000 incidents of trespass, arson, and vandalism, with a total cost estimate of \$1.1 million of unrecovered damages.

This provision would enable the government to require persons responsible for harm to pay for any intentional injury they cause. The Service has criminal penalties (fines) for those injuries occurring on Service property. In most cases, the injuries far exceed any fines recovered by the U.S. Government. With this authority, the recovery of damages for injury to Service resources would be used to reimburse assessment costs; prevent or minimize the risk of loss; monitor

ongoing effects, and/or use those funds to restore, replace, or acquire resources equivalent to those injured or destroyed.

Additionally, this language would clarify that the Service may retain restitution payments ordered in cases prosecuted by the U.S. Department of Justice. There have been circumstances in the past in which the Service has sent court-ordered restitution payments to Treasury because there is no explicit authority allowing the Service to retain them, thus preventing those payments from funding actual restitution of the damaged resources.

Conclusion

Thank you for the opportunity to testify today and for your interest in the Service's FY 2023 budget request. If enacted, this budget will make a significant difference in our ability to conserve our natural resources and manage our lands and waters for all Americans.

I would be pleased to answer any questions that you may have.