

**Statement of Robert L. Bendick
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Before the Subcommittee on Water and Wildlife
Committee on Environment and Public Works
December 3, 2009**

Mr. Chairman and members of the Subcommittee, on behalf of The Nature Conservancy I appreciate the opportunity to provide testimony in support of legislation before this subcommittee on three major themes:

- (1) Control of exotic invasive wildlife that harm native ecosystems;
- (2) Expressly authorize and formalize landscape-scale habitat conservation collaboratives such as the U.S. Fish and Wildlife Service's Joint Ventures for Bird Habitat Conservation and, the similar activities authorized by the National Fish Habitat Conservation Act; and
- (3) Amendments to the North American Wetlands Conservation Act (referred to as NAWCA).

My statement today will provide support and comments on seven bills before you today:

- S. 373 and S. 1421 that will prohibit exotic invasive Pythons and Asian Carp from being shipped or imported into the United States.
- S. 1519 and S. 1965 to provide financial assistance to coastal states to control both the South American nutria and feral swine.
- H.R. 2188 to expressly authorize the U.S. Fish and Wildlife Service's Joint Ventures for Bird Habitat Conservation.
- S. 1214 to authorize the National Fish Habitat Conservation Act.
- H.R. 3433 which amends NAWCA to allow Canadian funds to match federal funds.

Introduction

The Nature Conservancy is an international non-profit conservation organization whose mission is dedicated to the conservation of biological diversity. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

We pursue our conservation efforts in all habitat types—forests, freshwater, marine areas, grasslands and aridlands. We have programs and projects in all fifty states and in 35 other countries. The majority of our conservation work involves site-based projects that achieve tangible conservation on the ground and in the water. As part of these field activities, we own and maintain the largest system of private nature preserves in the world. Our experience in the field informs our policy work—we advocate for policy action that will produce tangible conservation results.

In order to determine what policy actions are needed to achieve lasting conservation, we have developed a methodology called *Conservation by Design* which helps us to identify the most important places for conservation, the threats to the ecological health of those places, the best strategies to reduce those threats, and how we can monitor the results to determine if the strategies are effective. We have applied this approach in a systematic way to hundreds of places across the United States.

The cumulative findings are relevant to the legislative measures that are being considered in this hearing, including:

- Invasive exotic species have a profound impact on natural areas and can impact the health of whole ecosystems;
- Freshwater habitats are among the nation’s most endangered ecosystems, and they are adversely affected by a range of threats;
- Within freshwater systems, wetlands are particularly important in making watersheds resilient to climate change; and
- It is essential to conserve and manage whole natural systems to achieve lasting conservation results.

We applaud the Subcommittee for hearing legislation today that addresses the threat of exotic invasive wildlife to prevent further damage to our native ecosystems, and legislation that promotes national public and private conservation partnerships, led by the U.S. Fish and Wildlife Service, that seek to conserve natural systems focused on native fish habitat and for migratory birds.

First, and of utmost importance, we strongly support S. 373, S. 1519, S. 1421 and S. 1965 to control and eradicate exotic invasive wildlife species.

Background

Invasive species, such as feral hogs, nutria, pythons and Asian carp pose a continuous threat to conservation. Studies have shown that invasive species are threatening the persistence of almost 50% of 1,880 federally listed threatened and endangered species. The Conservancy owns more than 1,340 preserves in the United States – the largest private system of nature sanctuaries in the world. An overwhelming 94% of our sites across the United States have identified invasive species as a significant threat to the native species and communities that we are working to protect.

The United States needs comprehensive legislation addressing all taxa of wildlife, focused on preventing new invasions as well as addressing established invaders. By this, we mean the restriction of importation and sale of non-native wildlife species that are either not present in the wild or are newly found in the wild and are predicted to be harmful as well as those species that are established invaders that are already causing harm. This is important not only for preventing a new

species from being imported, but also to reduce the “propagule pressure” of those newly established and established species. We should be using the best available science for risk assessment and adopt a pre-import screening tool prior to allowing importation of non-native wildlife into the United States. Prevention is the least expensive and most effective way to promote native wildlife conservation and to avoid long-term management responsibilities.

S. 373

If passed, S. 373 would immediately place all species of the Python genus on the federal injurious species list under the Lacey Act. While we do not feel that there is the body of scientific evidence to support the listing of the entire Python genus, we do recommend that this bill be amended to include all 9 large constrictor species assessed by the U.S. Geological Survey in the report, "Giant Constrictors: Biological and Management Profiles and an Establishment Risk Assessment for Nine Large Species of Pythons, Anacondas, and the Boa Constrictor," dated 2009. This comprehensive scientific risk assessment reviewed nine species of large constrictor snakes and found that all nine pose high or medium risk to our environment. Two of these species, the Burmese and North African pythons are already present in conservation lands in Florida and are predicted to spread farther north. The harm caused by the Burmese python to the native wildlife of Florida is well documented and includes predation on state-listed wading birds, the federally-endangered Key Largo wood rat as well as more common species from round-tailed muskrats to small bobcats.

The South Florida Water Management District petitioned the U.S Fish and Wildlife Service to include the Burmese python as an injurious wildlife species under the Lacey Act (18 U.S.C. 42) in June 2006. The Nature Conservancy has written letters to support this petition as well. To date, the Service has not made a determination for listing this species. This delay in listing is not unique to the Burmese python. In October of 2007, the black carp was designated as injurious by the Service, seven years after the original petition. During that time, the black carp spread to Arkansas, Illinois, Mississippi and Missouri, harming both native fish and mussel populations. This delay in regulatory action highlights not only the current need for S. 373 to expedite the overall listing process for the Burmese python and the other 8 large constrictor species in the USGS report, but it also demonstrates the need for an overall revision to the Lacey Act and the process for listing species as injurious.

S. 1421 - Asian Carp Prevention and Control Act

Similar to S. 373 to control exotic invasive pythons, this legislation would also add “bighead carp” to the list of injurious species that are prohibited from being imported into the United States or shipped across inter-state borders under the Lacey Act.

Bighead carp (*Hypophthalmichthys nobilis*) and Silver carp (*Hypophthalmichthys molitrix*) are collectively known as Asian carp and are considered among the most problematic aquatic invasive species in the Mississippi River Basin. Together they arguably pose the most imminent threat to the Great Lakes as both species are migrating through the man-made Chicago Sanitary and Ship Canal that connects the Great Lakes to the Mississippi River Basin. These fish have the potential to deplete plankton populations and will directly compete with the young of most native fish species. The successful introduction of Asian carp into the Great Lakes has the potential to devastate water

quality and commercial and recreational fisheries, the latter are valued at \$4.54 billion. Placing bighead carp (*H. nobilis*) on the federal injurious species list would be consistent with the previous listing of Silver carp (*H. molitrix*) under the Lacey Act. The federal government is already spending many millions of dollars to prevent the colonization of the Great Lakes through the Chicago Ship and Sanitary Canal, but these efforts could be undone if Bighead carp were introduced via live trade pathways. This listing would help close this potential invasion pathway.

S. 1965 - Feral Swine Eradication and Control Pilot Program Act of 2009

Provides cost-share funds to the State of Louisiana from the Department of Interior to study the extent of damages to wetlands, develop methods to eradicate feral swine and retire wetlands.

As former Director of the Conservancy's Southern United States Region, I have seen first hand at many locations the damage feral hogs cause to natural areas. We have faced similar problems on the Channel Islands of California and in Hawaii.

Rooting and foraging by feral swine results in damage to crops and natural ecosystems. Feral hogs turn over large volumes of soil surface injuring native plants and cause soil erosion which increases sedimentation in streams and wetlands. Feral hogs are also responsible for an estimated \$800 million in damage to agricultural commodities in the United States annually. In addition, feral swine populations can serve as vectors of diseases such as swine brucellosis and pseudo rabies which can be transmitted to domestic livestock, other native wildlife, pets and humans.

S. 1519 - Nutria Eradication and Control Act of 2009

Nutria are large rodents native to South America. They inhabit freshwater, brackish, and riverine wetlands, and are now be found in sixteen states. Because of their resemblance to beavers, they were first imported to fur farms in 1899 and 1930, but the industry failed due to falling fur prices and the low reproductive rates in captivity. Many nutria were released into the wild, and nutria have now been reported in every Maryland Eastern Shore county, and from Bombay Hook National Wildlife Refuge in Delaware, through the Delmarva Peninsula to Virginia's Eastern Shore.

Unlike native muskrats which consume surface vegetation, nutria use their beaver-sized incisors and powerful forefeet to dig under the marsh surface to feed directly on the root mat, leaving the marsh pitted with holes and deep swim canals, thereby damaging the vegetation that holds a functioning wetland and marsh together. Nutria are voracious, opportunistic feeders that consume about 25% of their body weight daily. Their diet includes marsh vegetation but they also eat crops, lawn grasses, and ornamentals adjacent to aquatic habitats.

As a result of the nutrias' destructive feeding habits, the habitats of native wildlife species, such as waterfowl, wading birds, and muskrats, and the nurseries of young crabs and fish are threatened. Nutria also diminish the other functions marshes provide, such as improving water quality by functioning as sediment/nutrient filters, and providing flood and storm surge protection for coastal communities.

Previous efforts to address this non-native species have yielded results. For example, nutria caused significant marsh loss in the Blackwater National Wildlife Refuge on the Eastern Shore of

Maryland over the last few decades. A partnership between the USFWS and Maryland Department of Natural Resources to implement an eradication program has nearly depleted the population. MD DNR also implemented a much smaller eradication program at a small watershed on the Western Shore. The Coastwide Nutria Control Program funded through the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) as noted in the legislation, has reduced the numbers of nutria impacted marsh from about 80,000 to 23,000.

A national program by the Secretary of Interior to control and eradicate nutria in the States of Delaware, Oregon, Virginia and Washington and continuing support of efforts in Maryland and Louisiana are vital to efforts to remove this exotic species from our native wetland ecosystems.

Second, we urge the Subcommittee to enact authorizing legislation for the National Fish Habitat Conservation Act, and to codify procedures for the successful U.S. Fish and Wildlife Service’s partnership-based Joint Ventures for Bird Habitat Conservation.

S. 1214 - National Fish Habitat Conservation Act

More than 40% of all North American freshwater fish species are vulnerable to extinction, and many marine species are threatened as well. Habitat loss and degradation is one of the primary causes of this decline and it is clear that America needs a robust, comprehensive national strategy to restore fish habitat. To address these national needs, the National Fish Habitat Conservation Act would establish a national framework for implementation of the National Fish Habitat Action Plan (NFHAP). NFHAP is a collaborative, multi-stakeholder effort to conserve and restore fish and aquatic organism habitat across the United States. The Nature Conservancy strongly supports this legislation and urges its speedy passage.

Modeled on the successful North American Waterfowl Management Plan and the subsequent North American Wetlands Conservation Act (NAWCA), NFHAP focuses attention and funding on habitat protection and restoration projects, identified and designed locally, that further the goals of the regional Fish Habitat Partnerships. Each Fish Habitat Partnership includes representatives from a wide variety of stakeholders, including state wildlife management agencies, federal agencies, industry, conservation organizations, and other local stakeholders. Using the best conservation science available, partners determine the highest-priority needs for fish and aquatic organism habitat within their area. As with NAWCA, a national board prioritizes the project proposals submitted by the partnerships and approves new partnerships that seek official status.

The collaborative, science-based nature of these partnerships mirrors our own conservation philosophy and enables these stakeholders to work as an effective team. While the NFHAP program has received only modest federal funding so far, there have been several conservation success stories.

Below, we provide four examples of partnerships and projects that illustrate accomplishments of a few fish habitat partnerships and demonstrate the potential of the larger program.

- The Atlantic Coastal Fish Habitat Partnership (including states from Maine to Florida) was granted official recognition by the national NFHAP board this fall, and the strategic plan and project evaluation criteria was drafted by the Conservancy. Early work by the Conservancy

and partners allowed conservation project proposals to be evaluated for funding within a matter of weeks – an efficient use of the federal start-up funds. Other Fish Habitat Partnerships across the country, such as the Alaska Matanuska-Susitna Basin Partnership and the Southeast Aquatic Resources Partnership (VA, NC, SC, GA, FL, MS, AL, TN, KY, MO, AR, LA, OK, TX) have also used our methodology and expertise to craft their own strategic plans, helping to allocate limited resources to the places where they will have the greatest possible impact.

- The Southwest Alaska Salmon Partnership is an excellent example of how the Conservancy participates in a partnership to provide technical expertise and assistance in coordinating the partnership. The Conservancy convenes the partnership meetings and provides GIS support to the technical committee. Federal grants to the partnership have resulted in completing salmon distribution surveys (an atlas that identifies fish passage needs), and securing water rights for fish in salmon bearing streams.
- One of the largest fish habitat conservation partnerships including 14 states on the south Atlantic Coast and on the Gulf of Mexico is the Southeast Aquatic Resources Partnership (SARP). A significant project of this partnership is the restoration of streamside habitat along the Duck River in central Tennessee. The Duck is remarkable for its biological richness. Over 650 riverine species have been documented in its waters and those of its tributaries. 46 species of freshwater mussel are found there along with 146 species of fish, including sportfish such as largemouth and spotted bass. Despite some earlier conservation successes, the Duck has been stressed by agriculture, wastewater, and urbanization. Guided by a Nature Conservancy pilot study in 2005, SARP has enabled private landowners, federal agencies and local partners to work together, restoring miles of streamside habitat along the Duck River to protect it from runoff and sediment
- The Matanuska-Susitna ("Mat-Su") Basin Salmon Partnership recently received funds to complete a culvert replacement project on Colter Creek in Alaska. At present, four poorly-designed and maintained culverts constrict the stream, creating a barrier to salmon migration. Using a combination of public and private funding, the Mat-Su Partnership enables a remarkable collaboration between The Nature Conservancy, private landowners, the National Oceanic and Atmospheric Administration (NOAA), the U.S Fish and Wildlife Service, and the Wasilla Soil and Water Conservation District. This diverse partnership will enable the replacement of all four culverts with high arch pipes will allow the full free movement of salmon, help keep the creek in its bed during high-water events, and provide environmental education for local schoolchildren.

H. R. 2188 - Joint Ventures for Bird Habitat Conservation Act of 2009

The migratory bird joint ventures are outstanding examples of multiple stakeholders working together to plan on a whole ecosystem basis for the recovery of a range of species.

This legislation would expressly authorize the U.S. Fish and Wildlife Service's current program of participating in and supporting Joint Ventures (JVs) and would codify procedures to establish and support new JVs across the United States.

JVs build partnerships that get conservation done. The partnerships use a science-based approach that targets conservation actions to the highest priority habitats and geographic areas within their respective Joint Ventures. This approach is a credible one that has leveraged a large amount of partner funding and actions with a relatively small amount of federal funding.

The track record of JV partnership building accomplishments nationwide is impressive and it is at a landscape scale that is really making a difference. The Nature Conservancy is engaged in many of the 19 JV partnerships across the United States, including those formed in the Missouri Coteau (North Dakota), Rainwater Basin (Nebraska), San Luis Valley (Colorado), San Francisco Bay and Central Valley (California) and Montezuma Wetlands (New York). These partnerships are enduring examples of on-the-ground efforts that continue to benefit bird conservation.

Joint Ventures have guided investment of more than \$4.5 billion in public and private funds to protect, restore and enhance over 15 million acres of waterfowl habitat and to conduct research and population management.

We strongly support H.R. 2188 to formalize the coordination and financing of federal, state, nongovernmental organizations, tribes and private landowners in Joint Ventures to conserve bird habitat.

Recommended Revisions to H.R. 2188. The Conservancy strongly supports H.R. 2188, however we have a number of specific suggestions that we believe would improve the bill. Please consider the following change and addition:

- Under Section 6. Grants and other Assistance, it is worth reiterating that grants to support JVs should be to provide an infrastructure for partnership formation, conducting sound conservation science and planning and to a limited degree for conservation project development. The emphasis in this Section should be on the development and publishing of guidelines for how funding will be allocated among JVs for the support activities of the JV (6.a.1). Either in this section or the guidelines that result, criteria should be established regarding the allocation of funding among the respective JVs. For example, these criteria need to address such characteristics as the size and complexities of the various JVs; the number of bird conservation regions in the JVs; number of high priority species from each of the bird initiatives occurring in it; track record of the JV in meeting the goals of its implementation plan, and other available resources.
- The bill would be enhanced by adding specific recommendations on annual funding authorization levels for Joint Ventures. To meet the ambitious goals for bird conservation that the Joint Ventures have already set for themselves, and the expectations of additional work to accomplish the "all-bird" conservation as is clearly needed, we do note that regular, annual increases in JV budgets will be necessary. The Association of Joint Venture Management Boards has recently recommended that given the greater scope of responsibilities that JVs have been given it recommends an increase of funding in the next five years from \$15.0 million in FY 09 to \$30.0 million in FY13. The Association makes the

case that such funding is warranted because the expanded investment will continue to leverage public – private partnerships that put habitat acquisition and restoration projects on the ground; will help accelerate the implementation of JV landscape conservation plan; fund new Joint Ventures to expand services nationally; provide green jobs in local communities through habitat restoration projects; and serve as an economic stimulus for communities through increased wildlife watching and outdoor recreation opportunities. We recommend that the Association’s five year plan to increase JV appropriations be included in the legislation

Finally, we strongly support an amendment to NAWCA to authorize the use of Canadian funds as matching funds.

HR. 3433 – Amending NAWCA

The North American Wetlands Conservation Act (Act or NAWCA) of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife.

NAWCA is one of the most successful conservation programs ever enacted by Congress.

The legislation amends the Act to allow up to 50 percent of the non-federal share of projects in Canada to be paid for by Canadian conservation supporters, and will allow and encourage our Canadian conservation partners to fund a greater number of important wetland preservation projects in Canada.

In the 20 years of the program, there have been more than 1,600 NAWCA projects that have conserved more than 25 million acres of habitat across North America. Each project requires at least a 1:1 match for each dollar from the federal government – however, the projects often attract 2-3 times that from conservationists, local governments, and others. Over \$1 billion in federal grants have been allocated for NAWCA projects – a figure that has leveraged an additional \$3 billion from matching and non-matching funds.

Summary

Thank you for the opportunity to provide testimony on the important legislation before the Subcommittee. Taken together these measures advance conservation on several fronts. We are grateful to their respective sponsors for introducing these bills, support their passage, and are willing to continue to provide specific information. If you have any further questions, please do not hesitate to contact me (rbendick@tnc.org) or Gabrielle Horner, Sr. Policy Advisor (703/841-7425).