

Testimony of Stephen Guertin
Deputy Director for Policy, U.S. Fish and Wildlife Service
Department of the Interior
before the House Committee on Natural Resources
Subcommittee on Water, Oceans and Wildlife Regarding
H.R. 1569, Critically Endangered Animals Conservation Act of 2021; H.R. 1983, Monarch
Action, Recovery, and Conservation of Habitat Act of 2021; H.R. 2026, Global Amphibian
Protection Act of 2021; H.R. 2325, Bear Protection Act of 2021; H.R. 2773, Recovering
America’s Wildlife Act of 2021; H.R. 2793, Highlands Conservation Reauthorization Act of
2021; H.R. 2848, Marine Mammal Research and Response Act of 2021; H.R. 2872,
Safeguarding America’s Future and Environment Act; H.R. 3135, Captive Primate Safety
Act; H.R. 3396, Extinction Prevention Act of 2021; H.R. 4310, Minks in Narrowly Kept
Spaces Are Superspreaders Act

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Introduction

Good afternoon Chairman Huffman, Ranking Member Bentz, and Members of the Subcommittee. I am Stephen Guertin, Deputy Director for Policy for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on eleven bills regarding fish and wildlife conservation in the United States and abroad.

The Service’s mission is “working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.” As the country’s oldest Federal conservation agency, the Service has worked collaboratively with partners for more than 150 years to ensure a healthy environment for wildlife and people.

We conserve and protect our trust resources by implementing environmental laws and treaties, including ones related to today’s hearing, such as the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Lacey Act, and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Our work helps ensure that threatened and endangered species, migratory birds, resident native fish and wildlife species, certain migratory and inter-jurisdictional fishes, and certain marine mammals can thrive for the benefit of current and future generations.

As our planet faces rapidly warming climate and other conservation challenges, the Service’s work is more important than ever. There is a need to reverse species declines, conserve and restore habitat, and enhance the resilience of wildlife and people to climate change both in the United States and across the globe.

We recognize this growing need and are committed to providing the science-driven leadership and expertise to tackle these issues with our domestic and international partners. Addressing challenges of this scale requires a commitment of resources of equal magnitude, including

funding of programs and partnerships that design and deliver science-based conservation, which are critical to ensuring that the Service and our partners can meet the moment.

To that end, we appreciate the Subcommittee's interest on legislation that would boost funding authorizations for, and enhance coordination between, the Service and its partners to tackle conservation challenges. The Service supports the intent of legislation like the Recovering America's Wildlife Act of 2021, which would equip States, Territories, and Tribes with more than \$1.3 billion annually to address the needs of more than 12,000 species of greatest conservation concern. We also support the intent of the Marine Mammal Research and Response Act of 2021, which would similarly enhance species conservation by strengthening the Service's ability to conserve and protect marine mammals.

The Service supports the goals of many of the other bills the Subcommittee is discussing today and appreciates the sponsors' and the Subcommittee's interest in advancing conservation and climate action. We want to ensure that we are able to continue using a science-based approach to target our resources to conserve those species and habitats that require the greatest attention. We would welcome the opportunity to work with the Subcommittee to ensure that the programs and mandates established by these bills do not inadvertently divert resources away from existing Service priorities.

We appreciate the Subcommittee's interest in the Service's work and offer the following comments on the eleven Service-related bills being considered today. We look forward to discussing these views and working with the Subcommittee and sponsors on these and future legislative efforts.

H.R. 2773, Recovering America's Wildlife Act of 2021

The Service supports the intent of H.R. 2773, the Recovering America's Wildlife Act of 2021, which proposes to proactively address challenges and opportunities for fish and wildlife conservation, and other associated activities.

H.R. 2773 would provide States and Territories with additional resources to implement their State Wildlife Action Plans (Action Plans) and address the needs of the 12,000 species of greatest conservation need identified across all 50 States and 6 U.S. Territories. Tribes would also receive funding to develop, implement, and enhance Tribal fish and wildlife conservation programs to manage species of biological, traditional, and cultural importance. Healthy populations of these species are a necessary component of Tribal sovereignty and, in many cases, are essential subsistence resources for Tribal communities throughout the United States. The Service supports science-based, locally led, collaborative approaches to conservation consistent with the Administration's "America the Beautiful" initiative.

The Recovering America's Wildlife Act of 2021 would build on the State and Tribal Wildlife Grant (STWG) Program's 20-year track record of success. Through the STWG Program each State and Territory has collaboratively developed science-based Wildlife Action Plans, with input from Tribes, which provide a roadmap for conservation in every corner of America. The

Recovering America's Wildlife Act of 2021 would provide additional funding to address the biodiversity crisis evidenced in the 12,000 Species of Greatest Conservation Need.

Along with the Service, the professional fish and wildlife managers of the States, Territories, and Tribes are among the leaders at the forefront of science-based efforts underway across the United States to tackle the climate crisis, improve access to nature for all communities, and protect our fish and wildlife and their habitats. Over the past 20 years, State and Territory fish and wildlife agencies and their partners – including Tribes - have begun to address the highest priority needs identified in the Action Plans and have demonstrated the value of timely, collaborative, science-based actions taken to conserve wildlife and their habitats before they become too rare or costly to restore. Conservation work funded by the STWG Program and guided by the Action Plans has helped contribute to at least 28 candidate species being found not warranted for listing as threatened or endangered under the ESA, and at least 14 threatened or endangered species being delisted or downlisted due to recovery. We understand that the annual appropriation of \$1.3 billion requested in the Recovering America's Wildlife Act of 2021 is intended to, over the next decade, address the backlog of work identified in the Action Plans.

The Service appreciates the bill's focus on encouraging innovative conservation initiatives. Some of America's most cutting-edge conservation initiatives - including efforts to conserve species at landscape scales by working across State and Tribal boundaries - have received timely and critical support from the STWG Program. Through technological advancements such as the use of eDNA and remote sensing, and through development of ground-breaking captive-rearing techniques, the practice of conservation in the United States has been transformed. Recovering America's Wildlife Act of 2021, would dedicate 10 percent of the appropriated funds, or approximately \$100 million, to a competitive grant program that would catalyze innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the ESA.

The Service views the intent of the Recovering America's Wildlife Act of 2021 as being in alignment with the eight principles laid out in the Administration's, *Conserving and Restoring America the Beautiful Report*. The Service supports the goal of conserving the abundance, resilience, and accessibility of natural resources that in turn support America's economy and well-being.

H.R. 2793, Highlands Conservation Reauthorization Act of 2021

H.R. 2793, the Highlands Conservation Reauthorization Act of 2021, would reauthorize and revise the Highlands Conservation Act (HCA) (P.L. 108-421). The HCA authorizes a grant program to the Highlands states of Connecticut, New Jersey, New York, and Pennsylvania to acquire land and protect natural resources in the Highlands Region. The Highlands Region is 3.4 million acres of biologically diverse landscape distinguished by Appalachian ridges, hills, and plateaus that provide nature-oriented recreational opportunities for millions of people living in or visiting the Northeast.

The Service is the lead agency for administering the HCA Grant Program, in coordination with the U.S. Forest Service, and provides administration and oversight of the program. The Service works closely with the four Highlands states to identify priority areas for state land acquisition to meet state and Federal conservation goals. Since passage of the HCA in 2004, almost \$70 million in HCA funding has been awarded to the states to acquire 11,000 acres of land in the Highlands Region. The HCA grant program is conserving outdoor recreational areas to encourage a connection between people and the outdoors. The HCA Grant Program is protecting strategically important natural areas that sustain a diversity of fish and wildlife species.

The Service supports the reauthorization of the HCA to continue the land acquisition goals of the program. We would like to refer the Subcommittee to our June 23rd Statement for the Record on S.753 provided to the Senate Energy and Natural Resources Subcommittee on National Parks for a more detailed statement.

H.R. 2848, Marine Mammal Research and Response Act of 2021

H.R. 2848, the Marine Mammal Research and Response Act of 2021, seeks to strengthen efforts to protect and preserve marine mammals. The MMPA established a federal responsibility for the management and conservation of marine mammals and was the first statute to call for an ecosystem approach to natural resource management and conservation. Jurisdiction under the MMPA is shared between the Service and the National Oceanic and Atmospheric Administration (NOAA), with the Service having authority over the conservation and management of sea and marine otters, walrus, polar bear, three species of manatee, and dugong. H.R. 2848 would amend Title IV of the MMPA, which authorizes the John H. Prescott Marine Mammal Rescue Assistance Grant Program (Prescott) and other programs important to the conservation of marine mammals. All provisions of Title IV apply to Service-managed species, with the Service having authority under Section 408 for those species, and a consultation role for other sections of Title IV. The Service works in coordination with NOAA on activities and issues that may affect Service-managed species where the statute does not assign a formal role. The Service supports the intent of H.R. 2848 as it pertains to the Service's work under the MMPA.

The Prescott grant program provides financial assistance to eligible participants for the rescue, treatment, and rehabilitation of marine mammals. While NOAA has distributed Prescott grants since 2001, the Service first distributed grants for Service-managed species in 2020, due to new appropriations from Congress in Fiscal Year (FY) 2019. H.R. 2848 would expand the Prescott grant program by establishing a new Rapid Response Fund to provide emergency financial assistance for response to certain marine mammal stranding or entanglement events. The proposed fund is authorized at \$500,000 annually and is available for emergency response for both Service and NOAA-managed species. A new Rapid Response Fund would enhance our partners' capacity to respond to these emergency events. For example, it would have provided financial assistance to partner organizations involved in manatee rescue and rehabilitation in eastern Florida this winter, prior to the event's designation as an Unusual Mortality Event (UME).

H.R. 2848 would also make clarifying changes to the Marine Mammal Unusual Mortality Event Fund, which provides financial assistance to stranding network partners who respond to UMEs.

The proposed changes would increase flexibility in the fund's administration, including authorizing the provision of funding throughout the occurrence of a UME. Financial assistance from the Marine Mammal Unusual Mortality Event Fund has proven essential to our partners' work responding to UMEs. These funds support rescue and rehabilitation of affected animals. They also support efforts to increase our understanding of these events so that we can more effectively respond to them in the future. Funding for the Marine Mammal Unusual Mortality Event Fund has steadily declined since its only appropriation in 2005, and only \$33,000 remains to fund future UME response efforts. The Service appreciates the Subcommittee's attention to this funding source and the changes proposed in H.R. 2848.

H.R. 2872, Safeguarding America's Future and Environment Act

H.R. 2872 would require the Director to participate in a National Fish, Wildlife, and Plants Climate Adaptation Strategy Joint Implementation Working Group. Additionally, it would require the Secretary to establish a National Climate Change and Wildlife Science Center to assess and develop scientific information, tools, strategies, and techniques to address the effects of climate change. The bill would establish an Advisory Committee on Climate Change and Natural Resource Sciences. It would also require the Secretary to review and approve State adaptation plans, which must include adaptation provisions of any State comprehensive wildlife conservation strategy.

In general, the Service supports the intent of H.R. 2872. The Department is pursuing a unified approach to addressing climate change across all programs and regions which, overall, aligns well with goals of this legislation. The Service supports enhancing science-based, landscape-scale, and cross-sector collaborative strategies in order to build climate resilience for species, their habitats, and people.

However, some aspects of the bill appear unnecessary given ongoing efforts between the Service, the Association of Fish and Wildlife Agencies, and other partners to support the National Fish, Wildlife, and Plants Climate Adaptation Strategy. The Service is also concerned about language requiring the States to prepare Fish, Wildlife, and Climate Adaptation Plans in order to receive funding. It may be more effective to require State Wildlife Action Plans (SWAPs) to consider climate change as they are updated, and consideration should also be given to supporting Tribes given their significant conservation roles. The Service would welcome further discussion with the bill sponsor and the Subcommittee about coordinating ongoing efforts and identifying resource needs for ongoing collaborations.

H.R. 1983, Monarch Action, Recovery, and Conservation of Habitat Act of 2021

H.R. 1983 would establish a Western Monarch Butterfly Rescue Fund and authorize \$12.5 million per year from Fiscal Year 2022 through 2026 for the fund. The bill would direct the Secretary to issue grants from that fund to eligible entities for projects that contribute to the conservation and recovery of the western monarch butterfly population. Additionally, the bill would direct the Department to enter into an agreement with the National Fish and Wildlife Foundation (NFWF) to facilitate implementation of the Western Association of Fish and Wildlife

Agencies' Western Monarch Butterfly Conservation Plan. The legislation authorizes an additional \$12.5 million per year from Fiscal Year 2022 through 2026 to support this work.

The Service recognizes the urgent need to reverse monarch butterfly declines, particularly in the western United States, and is committed to improving proactive monarch conservation. The Service is engaged in significant, ongoing efforts with partners across the continent to protect and restore monarch habitat, including a collaborative effort between the Service, NFWF, and other Federal and private partners to administer and support the Monarch Butterfly and Pollinators Conservation Fund (MBPCF). Since 2015, the MBPCF has awarded more than \$13 million to 85 projects that are helping to conserve and recover the monarch butterfly.

The Service supports the intent of H.R. 1983 to conserve and sustain the western population of monarch butterflies. To take advantage of existing funding infrastructure and minimize duplication, we suggest Congress direct this dedicated grant funding for western monarch conservation to the MBPCF. Additionally, the Service suggests a revision to Section 6 of the legislation to allow for funding to be used to update the Western Monarch Butterfly Conservation Plan, in addition to implementing it. This would enable the Service to provide funding to eligible entities to incorporate new data and information into the Plan, providing the flexibility needed to adaptively manage western monarch populations.

H.R. 3396, Extinction Prevention Act of 2021

H.R. 3396, the Extinction Prevention Act of 2021, would establish four new competitive financial assistance programs for North American butterflies, Pacific Islands plants, and freshwater mussels and southwest desert fish in the United States. The grant programs established under H.R. 3396 would fund non-federal efforts to conserve and recover target species and to protect and restore their habitats. The Service supports the goals of H.R. 3396 to bolster conservation efforts for imperiled wildlife and to prevent extinction.

Preventing extinction and recovering listed species has always been, and will continue to be, one of the Service's highest priorities. In addition to the on-the-ground conservation work by the Service's field staff, the Service funds and administers a number of grant programs that benefit the target species identified in H.R. 3396, including our Recovery Challenge grants, Cooperative Endangered Species Conservation Fund grants, and State Wildlife Grants. The Service would welcome the opportunity to work with the Subcommittee to identify and bolster existing financial assistance programs available to these target species.

The conservation needs of listed, proposed, candidate, and otherwise at-risk species are great, and growing with the increasing threats facing them. At the same time, resources available to address these needs are limited and the Service must prioritize its work on the species with the greatest conservation need. The Service would welcome the opportunity to work with the Subcommittee to ensure that the programs established under H.R. 3396 do not inadvertently redirect limited resources away from other species that the Service is working to conserve and recover. By supporting funding for existing programs, as requested in the President's budget for Fiscal Year 2022, Congress can better position the Service and our partners to deliver on-the-

ground conservation, prevent extinction, and expand recovery efforts for all at-risk species, including those identified in H.R. 3396.

H.R. 1569, Critically Endangered Animals Conservation Act of 2021

H.R. 1569 would establish a competitive grant program under the Multinational Species Conservation Fund (MSCF) to provide financial assistance for the conservation of critically endangered species primarily found in foreign countries. The legislation would target financial assistance to animal species on the International Union for the Conservation of Nature's (IUCN) Red List, specifically in the categories of Critically Endangered, Endangered, or Data Deficient. The legislation also allows the Secretary of the Interior to support conservation of other species on the IUCN Red List with declining populations and those facing new or emerging threats. This new program would complement other congressionally authorized programs under the MSCF for elephants, tigers, rhinoceroses, great apes, and sea turtles. The Critically Endangered Animals Conservation Fund would be authorized at \$5 million per year from Fiscal Year 2022 through 2027.

From 2009 to 2015, the Service administered the Critically Endangered Animals Conservation program to support projects in foreign countries to protect critically endangered species in Africa, Asia, South America, and Oceania. Thousands of species throughout the world face the risk of extinction due to poaching, wildlife trafficking, habitat loss, disease, and other threats. The goal of the Critically Endangered Animals Conservation program was to support projects that would create long-lasting benefits to species facing the risk of extinction. The program elicited a high volume of proposals involving numerous species and across many regions of the world. This initiative, while beneficial to species conservation abroad, was discontinued due to a lack of available funding.

The Service supports the intent of this legislation. However, we are concerned that it could prevent the Service from prioritizing its work on the species with the greatest conservation need through science-driven decisions. The Service would welcome the opportunity to work with the Subcommittee to ensure that this new program does not detract from our existing work to conserve international species. In addition, we suggest that animal species categorized on the IUCN Red List of Threatened Species as Extinct in the Wild be added to the definition of "critically endangered species."

H.R. 2026, Global Amphibian Protection Act of 2021

H.R. 2026 would establish a competitive grant program under the Multinational Species Conservation Fund (MSCF) to provide financial assistance for the conservation of highly endangered amphibian species primarily found in foreign countries. The legislation would target financial assistance to amphibian species on the IUCN Red List, specifically in the categories of Critically Endangered, Endangered, or Data Deficient. The legislation also allows the Secretary of the Interior to support conservation of other amphibian species on the IUCN Red List with declining populations and those facing new or emerging threats. This new program would complement other congressionally authorized programs under the MSCF for elephants, tigers,

rhinoceroses, great apes, and sea turtles and would be authorized at \$5 million per year from Fiscal Year 2022 through 2027.

From 2010 to 2015, the Service administered the Amphibians in Decline program, an initiative established to provide support in foreign countries to conserve highly endangered amphibian species. In the past decade, there has been a dramatic decline in amphibian populations around the globe. Most amphibian species exist in small, concentrated populations, making them more vulnerable to threats. The goal of the Amphibians in Decline program was to support research to identify effective and comprehensive conservation strategies, and to implement those strategies. The program elicited a high volume of proposals involving numerous species and across many regions of the world. This initiative, while beneficial to amphibian conservation abroad, was discontinued due to a lack of available funding.

The Service supports the intent of this legislation and believes the grant program created by this legislation would complement similar existing international species conservation statutes. However, we are concerned that it could hinder the Service's ability to continue to prioritize its work on the species with the greatest conservation need through science-driven decisions. We would welcome the opportunity to work with the Subcommittee to ensure that this new program does not detract from the Service's existing work to conserve international species. We also suggest that amphibian species categorized on the IUCN Red List of Threatened Species as Extinct in the Wild be added to the definition of "highly endangered amphibian species."

H.R. 2325, Bear Protection Act of 2021

H.R. 2325 aims to ensure the long-term viability of global bear populations by prohibiting the trade of bear viscera and bear viscera products in both interstate and international trade. It also directs the Secretary of the Interior to continue discussions with the countries that are the leading importers, exporters, and consumers of bear viscera to establish coordinated efforts to protect bears.

Bear gallbladder trafficking is big business and part of an enormous market around the illegal trafficking of wildlife. Typically used for non-traditional medicinal purposes, the price for an illegal bear gallbladder can exceed \$1,000 depending on the market. The bear parts trade has caused rapid declines in Asian bear populations, and other species such as the American black bear are now being targeted to fill the demand for bear parts.

The Service appreciates the Subcommittee's interest in this important issue and supports the intent of the legislation. Under the ESA and CITES, international trade in bear parts and products is regulated, and much of it is prohibited. In the United States, the Lacey Act prohibits the interstate transport of bear parts and products when taken in violation of state, tribal, and foreign laws. State laws and regulations currently prohibit the sale of black bear viscera throughout nearly the entire range of the species, making the Lacey Act in its current form an effective tool for dealing with illegal trade in black bear parts.

The Service has worked consistently under these authorities to ensure that activities in the United States are not contributing to the decline of bear populations nationally or internationally. State

programs have generally maintained healthy bear populations in the United States for some time. For this reason, the Service generally defers to state management programs with regard to domestic bear populations and supports them through enforcement of the Lacey Act and other existing authorities. However, the Service would welcome the opportunity to discuss our bear conservation efforts with the Subcommittee and identify opportunities to improve their protection in the U.S. and internationally.

H.R. 3135, Captive Primate Safety Act

H.R. 3135 would amend the Lacey Act Amendments of 1981 to add a definition for “prohibited primate species,” which would include any live species of non-human primate and prohibit interstate commerce, foreign commerce, engaging in certain activities in a manner substantially affecting interstate or foreign commerce, or possession of live non-human primates, with several exceptions. This bill expands upon the Captive Wildlife Safety Act, passed by Congress in 2003, which modified the Lacey Act to include any live lion, tiger, leopard, cheetah, jaguar, or cougar species, or any hybrid of such species in the definition of “prohibited wildlife species.”

The Service understands that many hold negative views regarding captive primates. While we appreciate those views, we have concerns with the bill, chief of which is the Service’s ability to meet the extended enforcement mandate created by this legislation. Given the scope of the Service’s mission, the limits to the size of our law enforcement workforce, and the need to focus on highest priority needs, the Service currently concentrates its enforcement efforts on preventing illegal activities that jeopardize the conservation of wild populations of such protected species.

H.R. 3135 would expand Service enforcement responsibilities into an area that has historically been a responsibility of state agencies and which the Service does not consider to be a wildlife conservation issue. By including all non-human primates in the list of prohibited wildlife species, this bill would also extend the Service’s enforcement mandate to policing currently legal activities involving interstate commerce, foreign commerce, and possession of captive non-human primates. Many of these species may be lawfully used for research and other purposes under the Animal Welfare Act (AWA). However, private pet ownership is not regulated under the AWA.

In addition, the mechanism created by this bill appears to provide, at least in some instances, coverage that is duplicative of existing law. The ESA already prohibits the interstate sale and international trade of many listed non-human primate species. H.R. 3135 would extend such prohibitions to unregulated species of primates and to ESA listed primates for which these activities have not been prohibited.

If the goal of this legislation is to address public safety and the humane treatment of non-human primates, the Service respectfully suggests that the sponsor consider working with the United States Department of Agriculture to address these concerns through a more suitable legislative vehicle.

H.R. 4310, Minks in Narrowly Kept Spaces are Superspreaders Act

H.R. 4310 would amend the Lacey Act Amendments of 1981, to prohibit the import, export, sale, transport, receipt, acquisition, or sale of American mink raised in captivity for fur production. These prohibitions would apply to live American mink, their offspring, parts, products. The legislation makes an exception to this prohibition for people or facilities that are licensed and inspected by the Animal and Plant Health Inspection Service, colleges and universities, licensed wildlife rehabilitators and veterinarians, accredited wildlife sanctuaries, or individuals transporting animals to one of these facilities.

The ongoing coronavirus disease (COVID-19) pandemic has highlighted the links between wildlife management and public health. Destruction of wildlife habitat as well as the overexploitation and trade of wild animals simultaneously threatens species and raises the risk of zoonotic disease spillover between animals and humans. Acknowledging these connections and addressing spillover risk is critical to preventing future pandemics.

The Service understands that the overall goal of H.R. 4310 is to reduce the risk of the spreading zoonotic diseases, including COVID-19, through wildlife trade. We support this goal. We currently have the authority under Title 18 of the Lacey Act to list species of wild mammals that are found to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife. In addition, the Service recently received \$10 million through the American Rescue Plan Act to carry out this section of the Lacey Act. We intend to use a portion of these funds to identify and list as injurious species those that pose a risk to human health. The Service would welcome the opportunity to discuss our current authorities with the sponsor and the Subcommittee and how they would apply to this species.

Conclusion

The Service is committed to executing its mission and tackling tough conservation challenges by implementing our statutory mandates and using science-driven decision making. We recognize our shared goals of addressing the biodiversity and climate crises and ensuring that fish, wildlife, and plants can thrive for future generations. The Service appreciates the Subcommittee's interest in identifying new opportunities and resources to advance conservation and climate action both domestically and abroad. We would welcome the opportunity to work with the Subcommittee on the proposed bills and ensure that these programs complement existing Service priorities. The Service stands ready to work with the Subcommittee as you consider these bills and we look forward to working with you on these and other legislative efforts.