

TESTIMONY OF GREG SIEKANIEC, ASSISTANT DIRECTOR, NATIONAL WILDLIFE REFUGE SYSTEM, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON INSULAR AFFAIRS, OCEANS AND WILDLIFE, REGARDING H.R. 3850, THE NUTRIA ERADICATION AND CONTROL ACT, H.R. 5331, TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM SACHUEST POINT UNIT RI-04P, EASTON BEACH UNIT RI-05P, ALMY POND UNIT RI-06, AND HAZARDS BEACH UNIT RI-07 IN RHODE ISLAND, H.R. 5380, THE HAKALAU FOREST NATIONAL WILDLIFE REFUGE EXPANSION ACT, AND H.R. 5482, THE COROLLA WILD HORSES PROTECTION ACT

July 27, 2010

Chairwoman Bordallo and Members of the Subcommittee, I am Greg Siekaniec, Assistant Director of the National Wildlife Refuge System within the U.S. Fish and Wildlife Service (Service), Department of the Interior (Department).

I appreciate the opportunity to appear before the Subcommittee today to testify on four bills of interest to the Service: H.R. 3850, the Nutria Eradication and Control Act, H.R. 5331, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island, H.R. 5380, the Hakalau Forest National Wildlife Refuge Expansion Act, and H.R. 5482, the Corolla Wild Horses Protection Act. We greatly appreciate the Subcommittee's continued leadership and support for the conservation of the nation's wildlife and our National Wildlife Refuge System.

As outlined below, the Department supports passage of H.R. 3850 and H.R. 5331, and strongly supports the purposes of H.R. 5380, but has significant concerns with H.R. 5482 and opposes passage of that bill.

H.R. 3850, the Nutria Eradication and Control Act

H.R. 3850, the "Nutria Eradication and Control Act," extends the successful nutria eradication and control programs in Maryland and Louisiana to Delaware, Virginia, Washington, and Oregon and authorizes the program through fiscal year 2014.

Nutria, an invasive, aquatic rodent, was brought to the United States to bolster the fur trade in the early 20th Century. By the early 1990's, the Chesapeake Bay/Delmarva Peninsula population was estimated to exceed 150,000 animals. Nutria eat aquatic plants, such as the Olney three-square, saltmarsh hay, and smooth cordgrass in marshes of the Delmarva Peninsula, and they burrow through contiguous marsh, causing significant erosion. Nutria damage to marshes exacerbates the damaging impacts of ongoing land subsidence and sea level rise. Maryland and Louisiana were first to attempt systematic eradication and control of nutria.

Nutria are found in all three Delmarva Peninsula states—Maryland, Virginia, and Delaware. Because of its tremendous capacity to reproduce, it is important that nutria be removed from the Peninsula in order to protect the entire Chesapeake Bay Marshlands National Wildlife Refuge Complex and other Refuges on the Peninsula, as well as hundreds of thousand wetlands acres on state and private lands. To that end, the Chesapeake Bay nutria eradication program is managed by the Service in close partnership with the Maryland Department of Natural Resources, USGS, USDA, APHIS Wildlife Services, the University of Maryland, and hundreds of private landowners bordering Blackwater National Wildlife Refuge. The goal of the project is to eradicate nutria from the Peninsula by 2014. To date, the cooperative science and management approach in Maryland has resulted in the extirpation of nutria from about 150,000 acres of the approximate 400,000 acres infested with nutria on the Peninsula, and nutria have been extirpated from the Blackwater National Wildlife Refuge. The project’s success lies, at least in part, in its enduring and diverse partnership and its ability to adapt its techniques as new data informs the project’s efforts. The partners have worked together to undertake the science needed to identify the precise damage nutria causes to the marsh as well as its biology and population dynamics. This information was used to develop and fine tune methods to eradicate nutria from the Blackwater National Wildlife Refuge.

Partners in Louisiana, Oregon, and Washington use lessons learned in Maryland and their own research and techniques to understand and control nutria populations to minimize the damage done to their marsh habitats. Four national wildlife refuges located in Southeast Louisiana (Big Branch Marsh, Bayou Sauvage, Delta, and Mandalay NWRs) are experiencing moderate to severe marsh habitat damage caused by nutria as is Gulf Islands National Seashore (a unit of the National Park Service). In the Northwest, partners are working to understand the growing nutria population there and its impacts, which differ somewhat from those in the East. For example, one of the most significant forms of damage attributed to nutria in the region appears to be the destruction of water control structures and associated erosion caused by nutria burrowing.

The Department supports passage of H.R. 3850. We are committed to completing the Chesapeake Bay nutria eradication project, and supporting nutria eradication across the country where nutria are harming native fish and wildlife habitats.

H.R. 5331, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island

H.R. 5331 would revise the boundaries of four units of the John H. Chafee Coastal Barrier Resources System (CBRS) in Newport County, Rhode Island. These units are Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07.

The Department supports passage of H.R. 5331. The legislation replaces the existing map for Units RI-04P, RI-05P, RI-06, and RI-07 with a modernized, revised map. All four units were included within the CBRS by the Coastal Barrier Improvement Act of 1990. The revised map contains two System units, RI-06 and RI-07, and two Otherwise Protected Areas (OPAs), RI-04P and RI-05P. System units generally contain private lands and OPAs generally contain lands held for conservation or recreation. The revised map, reflecting a comprehensive review process,

removes lands that were inappropriately included within the CBRS in 1990 and adds lands that are appropriate for inclusion within the CBRS.

Our review indicated that Unit RI-05P was originally intended to follow the boundaries of Easton Beach and Easton Pond which are owned by the City of Newport. Unit RI-05P is an OPA within the CBRS. The existing OPA boundaries do not precisely follow the underlying public lands boundaries and inappropriately capture adjacent private land that is not held for conservation or recreation; is not an inholding, and was not intended to be part of the OPA. The proposed boundary of Unit RI-05P is adjusted to remove the property in question (as well as other private lands), add publicly owned beach and wetlands, and more precisely follow lands owned by the City of Newport and Town of Middletown.

When the Service finds a technical mapping error that warrants a change in one part of a CBRS map, we review all adjacent areas on the map to ensure that the entire map is accurate. This comprehensive approach to map revisions treats all landowners who may be affected equitably, and it also ensures that the Service and Congress will not have to revisit the same map in the future. In accordance with this comprehensive mapping approach, the Service reviewed and revised the boundaries of Units RI-04P, RI-06, and RI-07, which are located on the same map panel as Unit RI-05P.

The proposed boundary of Unit RI-04P is adjusted to include portions of the Norman Bird Sanctuary, lands owned by the City of Newport Water Department, and lands owned by the Town of Middletown known as Second Beach and Third Beach. The proposed boundary of Unit RI-06 is revised to remove private and public lands, add the remaining undeveloped portions of the privately owned Bailey's Beach, and follow the wetland/upland interface around Almy Pond. The proposed boundary of Unit RI-07 is adjusted to include all of the privately owned Gooseberry Beach, most of the privately owned Hazards Beach, follow the wetland/upland interface around Lily Pond, and include an 11-acre parcel that the Audubon Society of Rhode Island has voluntarily requested be added to the CBRS as a System unit.

The revised map for Units RI-04P, RI-05P, RI-06, and RI-07 removes approximately 22 acres from the CBRS and adds approximately 67 acres to the CBRS; these include uplands and associated aquatic habitat. The revised map removes eight structures (including a pump house) from the CBRS and adds no structures to the CBRS. The map makes progress towards fulfilling the Congressional directive in Public Law 109-226 to create modernized digital maps for the entire CBRS. The Department supports map modernization as a good government effort that will make administration of the CBRS more efficient, make CBRS boundaries more accessible to the public, and preserve the long-term integrity of the CBRS. To date, the Service has created draft digital maps for approximately 12 percent of the CBRS (including those maps produced as part of the Digital Mapping Pilot Project).

We will continue modernizing additional CBRS maps, per the directives of Public Law 109-226, and look forward to working with the Subcommittee over the next year to finalize the pilot project maps, which cover approximately 10 percent of the CBRS.

H.R. 5380, the Hakalau Forest National Wildlife Refuge Expansion Act

Hakalau Forest National Wildlife Refuge is located in Hawaii. The refuge consists of the 33,000-acre Hakalau Forest Unit and the 5,300 acre Kona Forest Unit, located at elevations between 2,000 and 6,600 feet on the east and west sides of the island of Hawaii. The sloping terrain is forested with some of the finest remaining stands of native montane rainforest. The refuge was established to conserve endangered forest birds and their habitat. Together, the two units support nine endangered bird species, one species of endangered bat, and more than 20 rare and endangered plant species.

Hakalau Forest National Wildlife Refuge exemplifies restoration efforts to enhance native habitats through active management involving reforestation, fencing and removal of non-native species and repatriating rare species of birds and plants to the Hawaiian landscape.

H.R. 5380, the “Hakalau Forest National Wildlife Refuge Expansion Act,” authorizes the expansion of the acquisition boundaries of Hakalau Forest National Wildlife Refuge’s two units. The Department strongly supports the purposes of this bill to recover listed plants and endangered forest birds and their habitat.

This bill would authorize the purchase of lands currently available from voluntary, willing sellers. The proposed expansion to the Hakalau Forest Unit includes two parcels totaling approximately 13,129 acres known as the Koa Forest property. Another two parcels totaling approximately 2,600 acres would be added to the Kona Forest Unit of the refuge. The expansion areas would provide valuable forest bird habitat consisting of native koa and ‘ōhi‘a forest. These areas provide rich canopy, mid-canopy, and understory vegetation that includes some 31 native plant species, one of which is listed as endangered. The expansion area also has important watershed values including protection of stream biodiversity, groundwater recharge and preventing siltation of nearby marine environments. H.R. 5380 would enhance habitat by connecting a larger swath of conservation lands such as the Hilo Forest Reserve to the north, Hilo Watershed Forest Reserve to the south and Hakalau Forest National Wildlife Refuge to the west.

The potential acquisitions in these areas will provide for enhanced protection of a wide range of species across a broader forested landscape and elevation range on the slopes of Mauna Kea and Mauna Loa volcanoes, where challenges such as mosquito-borne avian malaria, introduced pigs and cattle, and implications of climate change call for expanding and interconnecting key habitat areas through strategic expansion.

H.R. 5482, the Corolla Wild Horses Protection Act

Currituck National Wildlife Refuge was established in 1984 and is located on the northern end of North Carolina's Outer Banks. The refuge was established to preserve and protect the coastal barrier island ecosystem, and refuge lands are managed to provide wintering habitat for waterfowl and to protect endangered species such as piping plover, sea turtles, and sea beach amaranth. Various types of wading birds, shorebirds, waterfowl, raptors, mammals, reptiles, and amphibians common to the eastern United States, are found on the refuge. The refuge consists of

six separate units all located between Corolla, North Carolina, and the state boundary between North Carolina and Virginia.

H.R. 5482, the “Corolla Wild Horses Protection Act,” would require the Secretary of the Interior to enter into an agreement with the Corolla Wild Horse Fund, a nonprofit corporation established in North Carolina, the County of Currituck, North Carolina, and the State of North Carolina to provide for management of horses in and around the Currituck National Wildlife Refuge. This mandated agreement must allow a herd of not less than 110 horses in and around the refuge, provide for management of the horses, and provide for the introduction of a small number of horses from Cape Lookout National Seashore, as necessary, to maintain genetic viability of the herd. Additionally, the bill provides no funding for management of horses on the refuge.

H.R. 5482 precludes the Secretary from excluding horses from any portion of the refuge unless a finding is made that the presence of horses on a portion of the refuge threatens the survival of an endangered species for which such land is designated as critical habitat, the finding is based on a credible peer-reviewed scientific assessment, and the Secretary provides a period of public notice and comment on that finding.

The Department has significant concerns with H.R. 5482, and opposes its passage. Currituck National Wildlife Refuge was established to manage for specific trust wildlife species including waterfowl, migratory birds, and endangered species. The Service views wild horses, as defined in 50 CFR 30.11(a), as feral domestic animals. On Currituck National Wildlife Refuge, horses compete with native wildlife species for resources and negatively impact habitat. H.R. 5482 would subrogate the refuge’s purposes as the Service will no longer be able to place its highest management priorities at the refuge on migratory bird management or endangered species protection. The bill fails to consider the refuge’s Comprehensive Conservation Plan and overrides the requirements of the National Wildlife Refuge System Administration Act and Endangered Species Act.

H.R. 5482 would limit the Service’s management discretion on the refuge by restricting our ability to close areas, remove horses, or provide grazing opportunities beneficial to wildlife within enclosed areas. For example, research is currently underway to assess the impacts of deer, pigs, and horses to refuge habitats. Such research requires excluding these species from areas to determine the extent of their impacts. H.R. 5482 would compromise this study by precluding closure of these areas to horses, and eliminate future habitat impact research needed to meet the objectives for which the refuge was established. The requirement to show the presence of horses on a portion of the refuge threatens the survival of an endangered species – based on a peer-reviewed scientific assessment involving a public comment period – will require time and substantial resources that are currently not available at the refuge. The refuge has over 400 native wildlife species it is responsible for monitoring and sustaining with five staff stationed at Mackay Island National Wildlife Refuge. Requiring this level of intensive management for one feral species cuts into staff capacity for maintaining the native species for which the refuge was established.

The Service is also concerned about the bill’s mandate to maintain a herd of not less than 110 free-roaming wild horses in and around the refuge, with a target population of between 120 and

130 free-roaming wild horses. The current *Currituck Outer Banks Wild Horse Management Plan* provides for a maximum of 60 horses, with the population controlled through adoption, relocation, or contraceptive fertility methods. Without genetic data on the relatedness of each individual in the population, aggressive management, and monitoring, it is unclear whether simply increasing the number to 110 will provide the anticipated genetic viability.

We are also concerned with the question of whether the area can sustain 110 or more horses. Until adequate science-based studies are completed that address habitat suitability, the ability of the land to sustain native wildlife, migratory wildlife, and horses will continue to be an unknown. Development of private land continues to erode the quantity of suitable habitat outside the refuge, and at some point the refuge may not be able to sustain over 110 horses and still fulfill the purposes for which the refuge was established. By mandating this arbitrary number in statute, it will severely limit future management options.

Lastly, the Department views H.R. 5482 as unnecessary because there is already a horse management plan in place. The current version of the *Currituck Outer Banks Wild Horse Management Plan* was reviewed and approved in partnership with the Corolla Wild Horse Fund, the County of Currituck, and the NC National Estuarine Research Reserve in 2007. The purpose of this plan is to provide guidelines and general management objectives for managing the Currituck Outer Banks horses. The management plan provides management flexibility to respond to changing circumstances in the area. Refuge management plans have been updated to reflect the presence of horses on the refuge property and their use. Plans address the need to monitor horse impacts, make management decisions based upon sound wildlife management practices to protect critical resources, and to work with partners to protect these resources.

Accordingly, the Department opposes passage of H.R. 5482, the “Corolla Wild Horses Protection Act.”

Conclusion

The Administration appreciates your leadership, and the interest and efforts of the Subcommittee in supporting the conservation of the nation’s fish and wildlife resources. Madam Chairwoman, and Members of the Subcommittee, I thank you for the opportunity to testify today. I would be happy to answer any questions the Subcommittee may have.