

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

On

H.R. 4057, Albatross and Petrel Conservation Act; H.R. 4092, Coastal Habitat Conservation Act of 2021; H.R. 4677, New York-New Jersey Watershed Protection Act; H.R. 4716, Refuge From Cruel Trapping Act of 2021; H.R. 5973, Great Lakes Fish and Wildlife Reauthorization Act of 2021; H.R. 6023, Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act of 2021; and H.R. 1546, Combating Online Wildlife Trafficking Act of 2021

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Introduction

Good morning, Chairman Huffman, Ranking Member Bentz, and Members of the Committee. 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 seven bills regarding the conservation of fish, wildlife, and plants, and their habitats in the United States and abroad.

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 trust resources, including threatened and endangered species, migratory birds, certain marine mammals, and certain native and interjurisdictional fish, we administer and enforce an array of environmental laws and treaties. The Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Lacey Act, and Convention on the International Trade in Endangered Species of Wild Flora and Fauna (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. For example, we oversee a network of 568 national wildlife refuges covering all 50 States and U.S. Territories. These important public lands are managed for the benefit of species and their habitats and 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.

Although our work spans diverse species, habitats, and communities, the challenges we face are universal. Climate change, habitat loss, overexploitation, invasive species, and disease present major threats to wildlife resources and people alike. There is an urgent need to work together to face these challenges head-on and secure a healthier, more prosperous future.

On January 27, 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, which launched a government-wide effort to confront climate

change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration's America the Beautiful initiative calls for collaborative, locally-led conservation efforts of diverse landscapes and waterways that are vital in so many ways, providing habitat for fish and wildlife, holding resources that sustain our own lives, counteracting the damaging impacts of climate change, and underpinning our global economy.

Many of the bills we are discussing today would help us address these key priorities and better achieve the Service's conservation mission. Several bills would direct enhanced collaboration and coordination with partners, enabling us to advance conservation in the Great Lakes and New York-New Jersey Watershed. Others would provide us with new authorities to conserve threatened and endangered species internationally like albatrosses and petrels or expand existing authorities to fund international species conservation. Another bill would codify the Service's Coastal Program, supporting critical coastal resilience and habitat conservation work. We also support the goals of other bills that seek to address zoonotic disease and advance humane wildlife management practices.

We appreciate the Committee's interest in the Service's important work. We offer the following comments on the seven bills under consideration today and look forward to discussing our views and working with the Committee and the bills' sponsors on these and future legislative efforts.

H.R. 4057, Albatross and Petrel Conservation Act

H.R. 4057 would implement the Agreement on the Conservation of Albatrosses and Petrels (ACAP or Agreement) by authorizing the Department and the Department of Commerce (DOC) to carry out activities and promulgate regulations that would enhance the conservation of albatross and petrel species covered by ACAP. Specifically, H.R. 4057 would authorize activities to reestablish albatrosses and petrels within their range; manage non-native species; conserve and restore habitat; support research on the impacts of marine debris; and reduce the impacts of fishing operations. The legislation would also prohibit take of albatrosses and petrels, authorize the Department to issue permits for take, and authorize penalties and enforcement under existing authorities. H.R. 4057 would add ACAP species to efforts under the High Seas Driftnet Fishing Moratorium Protection Act to address bycatch, and authorize the Department, DOC, and the Department of State (DOS) to cooperate with other nations to conserve albatrosses and petrels. The Service supports passage of H.R. 4057.

Albatrosses and petrels are remarkable seabirds that spend most of their lives at sea, crossing thousands of miles of open ocean during their migration, only returning to land to breed. Seabirds are strong indicators of the health of our marine ecosystems. Unfortunately, seabirds have become highly imperiled, with research showing that world populations have declined nearly 70 percent since the 1950s, raising concerns throughout the international conservation community and indicating a significant need for ocean conservation. Seabirds face many challenges, including declining and shifting prey distributions; warming and rapidly changing ocean conditions; loss of nesting and roosting habitats due to human development, disturbance, and sea level rise; bycatch mortality; plastic ingestion; offshore energy development; and pollution. Because of their mostly pelagic existence and wide-ranging movements, there are

many gaps in our knowledge about seabirds and how to most effectively address the challenges they face.

Recognizing the need for international coordination to conserve these species, several nations came together to create ACAP, a multilateral agreement that seeks to conserve albatrosses and petrels by coordinating international activity to reduce known threats to the species' populations. ACAP entered into force in 2004 and thirteen countries are currently parties to the agreement. The treaty applies to thirty-one species of seabirds, including twenty-two species of albatrosses, seven species of petrels, and two species of shearwaters.

The Service has responsibilities for albatrosses and petrels as several species are listed under the MBTA and ESA, and many nest, rest, and feed on and within national wildlife refuges or national monuments. As such, the Service currently implements activities that are dedicated to the conservation of albatrosses and petrels including habitat conservation, invasive species management, and prohibitions on take of migratory birds through the MBTA and ESA. Through a Seabird Working Group, the Service seeks to address knowledge gaps for seabird conservation and management, determine how best to use existing data to conserve seabirds, strengthen existing partnerships and build new collaborations to address the highest seabird conservation priorities, and increase both awareness of the plight of seabirds and support for their conservation. The United States participated in the negotiation of ACAP and has participated as an observer at meetings of the parties, advisory committee, and working groups since the Agreement entered into force.

H.R. 4057 would enable the United States to further leverage the conservation activities that are currently being implemented. The Service supports H.R. 4057 and would welcome the opportunity to work with the Committee to ensure that the legislation is consistent with existing statutes. And although not addressed by this bill, the Service also supports ratification of ACAP, which is pending before Congress.

H.R. 4092, Coastal Habitat Conservation Act of 2021

H.R. 4092 would codify the Service's Coastal Program and authorize appropriations for the program that would begin at \$20 million for Fiscal Year (FY) 2022 and increase over time to \$25 million for FY 2026. The Service supports H.R. 4092, which would strengthen the Service's authorities to continue this successful program.

The Coastal Program is one of the Service's premier voluntary habitat conservation programs. The program provides technical and financial assistance to State and Tribal agencies, coastal communities, conservation organizations, and other federal programs to conserve fish and wildlife habitat on public and private lands.

Coastal Program projects build coastal resilience to the impacts of climate change by improving the health of coastal ecosystems. They support the conservation of federal trust species and have contributed to the recovery and downlisting of 20 listed species. The program also supports natural and nature-based infrastructure by restoring saltmarsh and streams in coastal watersheds, coastal barrier islands, seagrass beds, and mangrove forests. These projects provide lasting benefits to coastal communities by employing contractors and stimulating local economies,

restoring coastal wetlands that support commercial and recreational fisheries, improving water quality, and increasing opportunities for hunting, fishing, and wildlife observation.

Since 1985, the Coastal Program has collaborated with 6,400 partners to protect 2.1 million acres of habitat and restored nearly 600,000 acres of habitat and over 2,600 stream miles in coastal watersheds. Through these partnerships, the program leverages partner contributions at a ratio of 5:1 or greater, significantly increasing the positive impact and reach of the program.

The Service supports H.R. 4092, which would codify the Coastal Program's approach to voluntary, collaborative conservation—a proven and effective strategy to achieve shared conservation goals.

H.R. 4677, New York-New Jersey Watershed Protection Act

H.R. 4677 would direct the Secretary of the Interior (Secretary), working through the Director of the Service, to establish the nonregulatory New York-New Jersey Watershed Restoration Program. The New York-New Jersey Watershed (Watershed) encompasses all the watersheds that flow into the New York-New Jersey Harbor and their associated estuaries. Under this program, the Service would work with the two states and Watershed partners to identify, prioritize, and implement restoration and protection efforts and adopt a Watershed-wide strategy. H.R. 4677 would also establish the New York-New Jersey Watershed Restoration Grant Program, a voluntary grant program to provide competitive matching grants and technical assistance to certain entities for eligible activities. The bill authorizes \$50 million annually to the Secretary for FY 2022-2027.

The Service has a long history of working collaboratively with partners to conserve lands and waters in the Watershed for the benefit of people and wildlife. The Service engages a diverse public in fish and wildlife-associated recreational and educational activities at the Watershed's three national wildlife refuges. We have two Urban Wildlife Partnerships in the region that foster connections between residents – especially youth – and natural areas. Our Partners for Fish and Wildlife Program provides technical assistance to private landowners interested in conserving and restoring habitat on their lands. In addition, the Service and the U.S. Forest Service work together through the Highlands Conservation Act to help the Highland states (including New York and New Jersey), local governments, nonprofits, and farm and forest landowners conserve the land and resources of the Highland region, which crosses the Watershed.

The Service supports this legislation. Collaborative, landscape-scale conservation efforts like the one proposed by this bill are among the most effective approaches to tackling complex environmental challenges like climate change, habitat degradation, and biodiversity loss. In our experience administering similar programs, such as the Delaware River Basin Restoration Program, we have seen how partner-driven, non-regulatory, collaborative efforts can result in major conservation gains. We believe that this legislation's proposed program and targeted federal investment would deliver similar benefits in the Watershed.

In addition, the Service supports engaging environmental justice within communities and promoting the use of nature-based solutions. Advancing environmental justice domestically and

combating climate change are top priorities for the Administration and the Service, and we have identified a need for greater focus on and inclusion of these priorities in similar programs.

H.R. 4716, Refuge From Cruel Trapping Act of 2021

H.R. 4716 would amend the National Wildlife Refuge System Administration Act of 1996 by prohibiting the possession or use of body-gripping traps in the National Wildlife Refuge System (Refuge System). Offenders would be subject to civil fines and, in the case of repeated offenses, imprisonment. H.R. 4716 makes an exception to this prohibition for federal agencies seeking to control invasive species or protect threatened, endangered, or sensitive species, provided that such use is in accordance with federal and state law and that viable nonlethal methods have been attempted. The prohibition also would not apply to training in the dismantling of body-gripping traps.

Trapping is an important tool that the Service uses to manage wildlife populations and protect threatened and endangered species, as well as migratory birds. Trapping programs help protect Service infrastructure investments, such as impoundment dikes used to manage wetlands for a myriad of migratory birds, wetland habitats, and rare plants. And where appropriate and compatible with refuge management goals, the Service seeks to complement state regulations regarding hunting, trapping, and fishing.

The Service appreciates the sponsor's interest in ensuring that trapping practices on Refuge System lands are humane. We are committed to managing wildlife humanely on Refuge System lands. The Service appreciates the sponsor's updates to the legislation from past bills that maintain flexibility in carrying out our wildlife management objectives. We would welcome the opportunity to work with the Committee and the sponsor of the bill to ensure the Service can continue to manage native species that behave like invasive species, address concerns related to cost-effectiveness, and make sure that the legislation uses the most current definition of an invasive species.

H.R. 5973, Great Lakes Fish and Wildlife Reauthorization Act of 2021

H.R. 5973 would reauthorize the Great Lakes Fish and Wildlife Restoration Act (GLFWRA) program. The GLFWRA provides assistance to states, Native American Tribes, and other interested entities to encourage cooperative conservation, restoration, and management of the fish and wildlife resources and their habitats in the Great Lakes Basin.

Since 1998, GLFWRA has provided \$32.8 million dollars in federal funding to 193 restoration and regional projects. The Service has worked collaboratively with more than 100 organizations that have contributed nearly \$15.1 million in matching non-federal partner support, equating to \$47 million worth of benefits to Great Lakes Basin fish and wildlife resources. Additionally, since FY 2010, GLFWRA has received supplemental funding from the Great Lakes Restoration Initiative. Since the last reauthorization in 2016, the Service has received grant proposals requesting more than \$59.6 million in funding.

H.R. 5973 reauthorizes a partner-led grant program with an excellent track record of success. This success is in large part due to the Proposal Review Committee (PRC), which is responsible

for reviewing, scoring, and ranking each project proposal. The PRC is comprised of two representatives of each of the State Directors from the Great Lake states and several Native American communities. The PRC then provides recommendations to the Service's Midwest Regional Director on which proposals should be funded and implemented.

Some successful projects include developing ecosystem management tools, restoring wetlands, restoring aquatic habitat, and ecological monitoring and modeling. A recent project in Minnesota funded work on the conservation and management of common terns by analyzing thirty years of nesting and banding data from colonies on Lake Superior. Also recently funded is a wetland restoration project in Ohio to restore and enhance 224 acres of wetlands to improve wildlife habitat and hydrologic functioning in the historic Bloomfield Swamp. The swamp was converted to farmland, impacted by agricultural practices, and lost hydrological function caused by creating ditches. Projects like these have contributed important information and actions toward meeting Great Lakes restoration goals.

The Service supports the reauthorization of GLFWRA to continue restoration and management of the fish and wildlife resources and their habitats in the Great Lakes Basin.

H.R. 6023, Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act of 2021

H.R. 6023 would amend the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Act) to require the United States Postal Service (USPS) to offer all printed copies of the Multinational Species Conservation Fund Semipostal Stamp available for sale to the public. H.R. 6023 would also require USPS to notify Congress when all copies of the stamp have been sold.

The Multinational Species Conservation Funds Semipostal Stamp, also known as the Save Vanishing Species Stamp or the Tiger Stamp, provides a unique opportunity for the American public to directly support the conservation of iconic wildlife species across the globe. Following enactment of the Act, USPS began selling the Tiger Stamp on September 20, 2011. The stamp depicts an Amur tiger cub and the phrase "Save Vanishing Species," and it sells at a first-class postage rate with a small added premium. Net proceeds from the stamp's sales supplement appropriations for the Service's Multinational Species Conservation Funds (Funds). These proceeds are divided equally among the five current Funds, directly supporting the conservation of African and Asian elephants, great apes, rhinoceroses, and tigers, as well as marine and freshwater turtles and tortoises.

Since 2011, USPS has sold almost 59 million stamps, generating more than \$6.5 million for the Funds and supporting 135 on-the-ground conservation projects in thirty-seven countries. These projects have leveraged more than \$25 million in matching funds provided by partners, supplementing resources provided through the Funds. Projects receiving funding from sales of the Tiger Stamp support a range of critical conservation projects, including anti-poaching, actions to reduce illegal wildlife trade, habitat protection, and capacity building efforts.

Examples of recent projects include securing habitat for rhinoceroses and tigers in the Chitwan Parsa complex in Nepal; mitigating human-elephant conflict in Kanchanaburi, Thailand; enhancing acoustic monitoring of forest elephants in the Central African Republic; empowering

local communities to protect the Grauer's gorilla in the Democratic Republic of the Congo; and conducting community-based nesting beach patrols and relocating threatened nests to help recover the East Pacific hawksbill population in El Salvador and Ecuador.

In September of 2014, Congress extended the requirement for USPS to sell the Tiger Stamp through September 30, 2017, and USPS announced shortly thereafter that they would sell the stamp through December 31, 2018. On January 1, 2019, USPS stopped selling the Tiger Stamp, citing a lack of congressional reauthorization. Congress has since included language in the FY 2019 through 2021 appropriations bills requiring USPS to continue selling Tiger Stamps.

The Service supports H.R. 6023. Tiger Stamp sales generate significant, non-appropriated resources for the Funds, enabling the Service to achieve a greater conservation impact for some of the world's most imperiled species and their habitats. Initially, 100 million copies of the Tiger Stamp were printed. More than 41 million stamps remain, and if they are all sold at current rates, they would generate nearly \$7 million in additional funding for conservation, at no additional cost to the U.S. taxpayer. The Service would welcome the opportunity to discuss with the sponsor and the Committee how to enhance the impact of the Tiger Stamp and ensure the opportunities for the public to support international conservation are continued after the existing Tiger Stamps are sold out.

H.R. 1546, Combating Online Wildlife Trafficking Act of 2021

H.R. 1546 would require the Presidential Task Force on Wildlife Trafficking (Task Force) to develop recommendations on expanding cooperative exchanges with technology and social media companies, and to form a Technology and Social Media Working Group to address wildlife trafficking online. The legislation directs the DOS and U.S. Agency for International Development (USAID) to develop a strategy for engaging and partnering with internet and social media companies to combat wildlife trafficking online. H.R. 1546 also extends the statutory authorization for the Task Force through October 7, 2026. The Service supports H.R. 1546 and would welcome the opportunity to work with the Committee to identify more of a direct role for the Service in the legislation.

Wildlife trafficking remains a serious threat to conservation, national security, economic prosperity, global health, zoonotic disease spillover, and community stability, and the Administration is committed to continuing efforts to address it through a whole of government approach coordinated by the Task Force, of which the Department is a co-chair. And much like the trade in other goods, a significant portion of the wildlife trade, both legal and illegal, has moved online.

Since we testified last April on this subject, the international trade in illegal wildlife and wildlife products online remains widespread, and is still being conducted publicly, out in the open, and with little regulation. Online marketplaces and social media sites continue to be used to facilitate the illegal wildlife trade by providing a platform to advertise illicit trade of wildlife and wildlife products, to communicate and coordinate with a global network of criminals, and to facilitate payments and movement of money related to the illegal wildlife trade.

The Service continues our important work to combat the illegal wildlife trade online, with law enforcement efforts to break up transnational criminal organizations and bring criminals to justice, the interdiction and inspection of wildlife shipments at U.S. ports of entry, implementation and capacity building for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and programs aimed at reducing demand for wildlife products. The Service works collaboratively with our federal partners on the Task Force to tackle this global problem.

Effective law enforcement and demand reduction efforts will require not only collaborative interagency and international efforts, but also strong partnerships with entities in the private sector that are uniquely positioned to institute policies to address the illegal wildlife trade and educate their users. The Service supports H.R. 1546 and recommends that the provision in Section 2(a)(2) requiring a strategy for engaging with the private sector be directed to the co-chairs of the Task Force, given the unique role and current active engagement of the Service's Office of Law Enforcement and the Department of Justice with the private sector. We would also welcome the opportunity to work with the Committee to identify other direct roles for the Service in the legislation that build on our existing authorities.

Conclusion

We appreciate the Committee's interest in advancing fish and wildlife conservation. Fish, wildlife, and plants, and their habitats face many stressors across the nation and around the globe. Since 1871, the Service has worked to tackle these threats and ensure the health of our trust resources by implementing our statutory authorities and using science-based decision making. We would welcome the opportunity to work with the Committee on the proposed bills to collectively advance our nation's ability to conserve, restore, and protect our natural resources for generations to come.