

**Testimony of Robert Wallace,
Assistant Secretary for Fish and Wildlife and Parks,
Department of the Interior
before the
Senate Committee on Environment and Public Works
regarding the U.S. Fish and Wildlife Service**

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Good morning Chairman Barrasso, Ranking Member Carper, and members of the Committee. I am Rob Wallace, Assistant Secretary for Fish and Wildlife and Parks in the Department of the Interior (Department). Thank you for the opportunity to discuss the mission, work, and priorities of the U.S. Fish and Wildlife Service (Service).

The Service is the oldest Federal conservation agency, tracing its lineage back to 1871, and it is the only agency in the Federal government whose primary responsibility is fish and wildlife conservation. The Service is responsible for the conservation of trust wildlife resources, including endangered and threatened species, migratory birds, certain marine mammals, and certain native and interjurisdictional fish. The Service is responsible for implementing a large number of conservation laws passed by Congress over the past 120 years, including some of our nation's most important and foundational environmental laws. These include the Endangered Species Act (ESA), Migratory Bird Treaty Act, National Wildlife Refuge System Administration Act, Pittman-Robertson and Dingell-Johnson Acts, Marine Mammal Protection Act, and Lacey Act, and international agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Service has approximately 8,300 employees stationed at hundreds of wildlife refuges, fish hatcheries, and other field stations and regional offices spread across all 50 states and many U.S. territories.

The Service's mission – "Working with others to conserve, protect, and enhance, fish, wildlife, plants, and their habitats for the continuing benefit of the American people" – reflects the value the agency places on working in partnership with others. The Service understands that the conservation of our nation's fish and wildlife is not something that it can achieve on its own. Strong partnerships with state and Federal agencies, tribes, private landowners, and other stakeholders are integral to achieving conservation successes.

We appreciate the Committee's interest in the Service's important work and thank President Trump and Secretary Bernhardt for their support and leadership. The Secretary has established clear priorities for the Service that support broader Administration goals. I will focus my testimony on highlighting some of the Administration's priorities for the Service, and achievements that the Service has made in advancing these priorities.

Expanding Access to FWS Lands for Hunting, Fishing, and Outdoor Recreation

The Service manages a network of 568 National Wildlife Refuges, with at least one refuge in each U.S. state and territory, and with more than 100 refuges close to major urban centers. These refuges provide lands and waters for thousands of species of wildlife and plants, sanctuary for

hundreds of threatened and endangered species, and spawning areas for native fish that are important to recreational and commercial fisheries and the overall economy.

The National Wildlife Refuge System plays an essential role in providing outdoor recreation opportunities to the American public. In Fiscal Year (FY) 2019, more than 59 million visitors to national wildlife refuges hunted, fished, observed or photographed wildlife, or participated in environmental education or interpretation on a refuge. Of the 568 wildlife refuges and 38 Wetland Conservation Districts, 381 are open to some type of hunting, and 316 are open to fishing.

Access to Refuge System lands generates economic contributions to local communities. According to the Service's 2017 Banking on Nature report, spending by recreational visits to refuges generated \$3.2 billion of economic output in local economies. As this spending flowed through the economy, it supported over 41,000 jobs and generated about \$1.1 billion in employment income. Refuge recreational spending generated about \$229 million in tax revenue at the local, county, and state levels.

Recognizing this significant impact, and responding to the leadership of Secretary Bernhardt, last year, the Service announced new and increased hunting and fishing opportunities on more than 1.4 million acres nationwide. Additionally, the Service removed or revised 5,000 site-specific hunting and fishing regulations to more closely align with state laws. These regulations were often redundant with state laws, and removing them further increases public access on our public lands by reducing needless logistical hurdles for hunters and anglers.

There is a national wildlife refuge located within a one-hour drive of most major metropolitan areas in the United States, providing nearby opportunities to discover wildlife, experience the outdoors and gain a greater appreciation for the natural world. In order to connect urban America to their wildlife heritage, the Urban Wildlife Conservation Program was created to introduce those Americans living in densely populated areas to the more than 100 national wildlife refuges located near their homes. To further this effort, Secretary Bernhardt designated September 29th as Urban National Wildlife Refuge Day. This designation highlights urban refuges as good neighbors and places for people to experience the outdoors within their local communities, and as a key to reaching the next generation of anglers, hunters, and conservationists. The designation puts a focus on getting new, non-traditional audiences to visit their local urban refuge.

Being a Good Neighbor

While the Service holds the responsibility for conserving trust resources across broad landscapes, its work is not possible without vital partnerships with states, tribes, private landowners and others to conserve natural resources. The Department and Service are committed to being good partners to the states and working to incorporate that in all we do. A 2018 Secretarial Memorandum to all Departmental Bureaus reaffirms the authority of the states to exercise their legal authority to regulate fish and wildlife species on Federal public lands and waters, except as otherwise required by Federal law. Secretary Bernhardt recognizes that states are good stewards of our natural resources and practice sound management of fish and wildlife while allowing appropriate opportunities for citizens to enjoy public resources.

Another area of particular focus for the Service is its partnerships with landowners. This is especially important since 60 percent of the land in the United States is privately owned. The Service invests in keeping landowners on their land, and preserving working landscapes for the benefit of plants, wildlife, and agriculture, ranching, timber and other traditional land uses. In many cases, species will greatly benefit from appropriately managed private lands.

The Service has several tools to help private landowners enhance the stewardship of their lands and has worked with landowners across the country to preserve and restore open spaces. A primary tool for collaboration with private landowners is the Partners for Fish and Wildlife (Partners) program. The Partners program offers voluntary habitat restoration and enhancement options that are tailored to mutually benefit wildlife and landowner needs. The program requires a cost share – an investment of private landowner funds, land, or other services to complement federal funds.

Since the Partners program's inception, these voluntary, incentive-based efforts have resulted in more than 6 million acres and 14,000 miles of stream habitat restored and enhanced across the nation. This work was completed in partnership with nearly 50,000 private landowners and more than 5,000 partner organizations. The Partners program contributes to the economies of many rural communities in order to balance landowner objectives with wildlife habitat and ensure that the needs of people and wildlife are met for future generations.

The Service strives to be a good neighbor by ensuring it meets its obligations to private landowners who have entered into contracts to establish wetland and grassland conservation easements on their lands. Last month, the Service issued new internal guidance to provide better government services, greater clarity, and minimize conflict with landowners stemming from easements that pre-date 1976. Based on this new guidance, the Service is working to clearly identify easement wetland boundaries and acreage, provide a means for landowners to appeal any boundary disputes, and apply those internal processes consistently, fairly and in a timely manner. The Service will continue to take additional steps to deliver better government services for the American people and to be a good neighbor to private landowners.

Striking a Regulatory Balance

Preventing extinction and achieving recovery of species listed under the ESA is one of the Administration's highest priorities for the Service. The Service is committed to the recovery of listed species and to returning management of those species to our state and tribal partners when they no longer require ESA protections. This process allows the Service to focus on those species of greatest conservation need.

During this Administration, the Service has issued final and proposed rules to delist or downlist nearly 30 species, including the final delisting of the Monito gecko; final downlisting of the Nene; proposed delisting of the gray wolf and Interior least tern; and proposed downlisting of the American burying beetle. These rules are based on the best available science, are consistent with the ESA's requirements, and are subject to public review. This track record of progress to

recovery shows that the ESA can work, and the Department is committed to making even more progress going forward.

The Service delivers conservation for imperiled species through its administration of the ESA, which provides a suite of voluntary tools for private landowners to undertake conservation practices for the benefit of species. The Service is committed to strengthening delivery of conservation under the ESA by making it easier for states, tribes, private landowners, and others to work with the agency on proactive conservation efforts for threatened and endangered species and for species at-risk for needing protection under the ESA. By reducing threats to species and their habitats before they become critically imperiled, future conservation efforts are likely to be less costly, more flexible, and result in successful conservation.

Improving implementation of the ESA continues to be a priority for the Department. The Department is committed to making the ESA as efficient, predictable and effective as possible in accomplishing its purpose of conserving threatened and endangered species and protecting the ecosystems upon which they depend. The Service also provides timely review and recommendations to facilitate decisions on proposed infrastructure, energy, and other development projects that contribute to job creation and economic growth, while ensuring that impacts to fish, wildlife, and their habitats are avoided, minimized or otherwise appropriately mitigated.

The Department is committed to ensuring that the ESA works for the American people and for the species it protects. Last year, the Service finalized revised regulations to improve implementation of the ESA to increase transparency and effectiveness of the law. These revisions are consistent with the law and reflect public input and best practices based on years of agency experience. The changes are intended to improve conservation results and reduce regulatory overreach on the American people.

In furtherance of our commitment to providing a clear and commonsense regulatory framework, the Service recently proposed a rule to clarify the scope of the Migratory Bird Treaty Act (MBTA). The proposed rule would codify the 2017 Department of the Interior's Solicitor's Opinion M-37050 which determined the Act only extends to conduct intentionally injuring birds. Conduct that results in the unintentional (incidental) injury or death of migratory birds is not prohibited under the Act. The proposed rule would provide the public, businesses, and government agencies with legal clarity and certainty regarding what is and what is not prohibited under the MBTA. The Endangered Species Act and the Bald and Golden Eagle Protection Act, as well as state laws and regulations, are not affected by the Solicitor's Opinion M-37050 or the proposed regulation. This is the first step in an open and transparent public process that the Service will continue to manage throughout the development of the rulemaking process. The public is encouraged to provide input to help ensure that these changes are clear, effective and advance the goal of migratory bird conservation.

Preventing the Spread of Invasive Species

The introduction of invasive species occurs in myriad ways, from the illegal release of non-native species to the discharge of ballast water from ships. The adverse consequences from

invasive species costs the U.S. economy \$120 billion per year and is among the most significant challenges facing the conservation of native fish and wildlife populations. Invasive species are a major contributing factor in the listing of species under the ESA, which can lead to increased regulatory burdens on the public.

The Service relies on the Lacey Act to regulate the importation and transport of species that have been determined to be injurious to human beings, the interests of agriculture, horticulture or forestry, or to wildlife or wildlife resources. The Service historically interpreted the Lacey Act to include a prohibition on the transportation of injurious species between states within the continental United States. However, in 2017 the U.S. Court of Appeals for the D.C. Circuit held that the law does not prohibit transport of injurious wildlife between States within the continental United States. As a result, the prohibition on transport of injurious wildlife within the United States is limited to the jurisdictions listed in the statute.

Recently, the Service and U.S. Customs and Border Protection conducted a successful operation codenamed “Hidden Mitten,” which prevented the illegal import of approximately 15,000 live Chinese mitten crabs. These crabs are a highly invasive species that can cause serious damage to the environment and infrastructure. Once introduced to a new location, the crabs can spread rapidly. Female mitten crabs are capable of producing 100,000 - 1,000,000 eggs per brood and crabs can migrate up to 11 miles per day.

Across the American West, the invasion of non-native plants like cheatgrass, and the cycle of extreme wildfires they promote, is one of today’s most important land management issues. The invasion of these exotic annual grasses into sagebrush habitats in Wyoming and elsewhere has resulted in more frequent and extreme wildfires, accelerating habitat loss and threatening the health of the greater sage-grouse and other sagebrush-dependent species. To address this issue, the Service works through collaborative partnerships to strategically apply herbicides to control cheatgrass infestations, target livestock grazing management to reduce standing cheatgrass fuels and improve perennial plant health, as well as seed desired perennial plants after a fire to prevent cheatgrass dominance.

The old adage remains true that an ounce of prevention is worth a pound of cure. The Service continues to work with its partners to prevent new introductions and manage established invaders to protect and conserve our natural resources.

Combating Wildlife Trafficking

Wildlife trafficking remains a serious global threat to conservation, national security, economic prosperity, and community stability. This multi-billion dollar illegal trade is fueled by demand and enabled by corruption, limited legal authorities and law enforcement capabilities, and weak institutions abroad. Continuing the fight to combat wildlife trafficking is a priority for this Administration. President Trump signed Executive Order 13773 in 2017 to focus the efforts of the United States Government on transnational organized crime and recognized the connections between wildlife trafficking and transnational criminal organizations. The Service’s Office of Law Enforcement is leveraging their skill and technical expertise and working collaboratively with key partners to combat this global crisis.

With the support of the State Department, the Service created the first program for stationing regional wildlife law enforcement special agents at U.S. embassies as attachés, beginning in Bangkok, Thailand in 2014. The Administration has prioritized expanding the program and added five attachés last year. The Service now has a total of twelve attachés stationed at U.S. embassies across the globe. Service attachés play a critical role in the U.S. government's ability to combat wildlife trafficking from a global perspective. The attachés provide investigative support and facilitate the sharing of information across borders while providing technical expertise to local and regional partners. They also provide training in areas such as crime scene processing and evidence collection, wildlife identification, technical investigative techniques, handling and processing of digital evidence.

Last year, in cooperation with the State Department, the Service established two wildlife trafficking Vetted Units in Gabon and Peru and are working on others. They are the first dedicated wildlife trafficking units in the world, and a major step in the fight against transnational organized crime. When trained, these units can work seamlessly with U.S. law enforcement, tracking and investigating highly complex crimes associated with wildlife trafficking. By placing these units in strategic locations, the Service hopes to gain further insights and conduct in-depth advanced investigations into wildlife trafficking in these regions.

The Service's Office of Law Enforcement also continues to successfully build critically important investigations and work collaboratively with the Department of Justice to charge criminals and disrupt wildlife trafficking networks. Last year, the Service, Department of Justice, and Drug Enforcement Agency announced an indictment against a significant wildlife trafficking network. Four individuals were charged with trafficking in African elephant ivory and rhino horn, valued at more than \$7 million, from Africa to the United States and Southeast Asia. Three of the individuals were also charged with money laundering, including for wildlife trafficking violations. This was the first time the U.S. Government utilized the authorities provided in the Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act to charge money laundering for wildlife trafficking violations. In addition, two of the individuals were also charged with drug trafficking, highlighting the well-known fact that transnational organized groups will deal in any illegal good that can make them money. The Service is committed to continuing the important work of combating wildlife trafficking and working with our partners, both here in the United States and abroad to bring criminals to justice.

Conclusion

Fish, wildlife, plants, and their habitats face many stressors and threats across the nation and around the globe, including habitat loss, invasive species, wildlife disease, wildlife trafficking, and a changing planet. The Service is committed to accomplishing its mission, in accordance with its statutory mandates and through science-driven decision-making, on behalf of current and future generations of Americans. I would like to thank President Trump and Secretary Bernhardt for their leadership and support of the Service's mission.

The Department commends Congress for passing the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and recognizes this Committee's efforts that led to the

creation of the Theodore Roosevelt Genius Prizes. These prize competitions will allow the Service to help foster innovative solutions to address some of the nation's most pressing conservation challenges, including wildlife conservation; invasive species; protection of endangered species; wildlife poaching abroad and illegal trafficking of wildlife; and non-lethal management of human-wildlife conflict. Congress provided \$1 million in funding to the Service in FY 2020 for the Theodore Roosevelt Genius Prizes, and the Service is working diligently on implementation of this new authority.

We also appreciate the Committee's interest and commitment to fish and wildlife issues through its work on the America's Conservation Enhancement (ACE) Act. This legislation addresses a number of conservation challenges, including protection and restoration of fish and wildlife habitat, wetlands and the Chesapeake Bay; the urgent threat of Chronic Wasting Disease; and preventing the spread of invasive species. The ACE Act would also establish a new Theodore Roosevelt Genius Prize for technological innovation to reduce human-predator conflict using non-lethal means. The Department appreciates the Committee's interest in fish and wildlife conservation and management, and we welcome the opportunity to work with the Committee in these areas.