



The voice of fish and wildlife agencies

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Written Testimony of:

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Committee on Natural Resources
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Good morning, Chairman Bentz, Ranking Member Huffman, and members of the Committee. Thank you for the opportunity to testify before you today.

I am Austin Booth, Director of the Arkansas Game and Fish Commission. Today I am representing the Association of Fish and Wildlife Agencies (AFWA). AFWA's mission is to represent and protect the authorities of our member agencies and enhance their abilities to manage fish and wildlife as public trust resources for current and future generations. All 50 states are members as well as the U.S. Virgin Islands and the District of Columbia. As you know, these are the agencies with principal management responsibility for fish and wildlife, so they are uniquely positioned to work collaboratively to improve habitat.

America's Wildlife Habitat Conservation Act (AWHCA) would help resolve a decades-long funding gap that needs to be addressed so state agencies can meet the challenge of conserving and restoring habitat for over 12,000 Species of Greatest Conservation Need (SGCN).

The Association appreciates Chairman Westerman's willingness to prioritize funding to state fish and wildlife agencies for wildlife habitat restoration and supports passage of the bill as it is a positive step forward to providing funding that state agencies can use to deliver voluntary and proactive habitat conservation for fish and wildlife on public and private land.

We also appreciate that this legislation will provide states with a set of tools to help us accomplish this work, and we hope it will pave the way for continued conversations about how we can address America's accelerating conservation challenges at the appropriate scale. State fish and wildlife agencies have been the reliable and transparent stewards of federal Pittman-

Robertson and Dingell-Johnson funds for decades. There are countless successes to point to in my home state of Arkansas as well as across North America. Black bear, waterfowl, white-tailed deer, and the wild turkey populations have recovered under state management. Given this success, we look forward to discussing opportunities to provide even greater flexibility for states to put these funds on the ground as this bill advances, specifically related to land acquisition and reporting requirements.

The bill would authorize \$300 million in annual funding for the next five years, subject to appropriations, to state agencies to help conserve declining fish and wildlife species, including species of greatest conservation need identified by the states. This includes those species already listed as threatened or endangered and others that are declining but not yet listed. Currently, on average, states in total only receive ~\$70 million annually under the State and Tribal Wildlife Grant Program to conserve over 12,000 SGCN identified in their congressionally mandated State Wildlife Action Plans (SWAPs). If fully appropriated, H.R. 7408 would provide nearly 5 times the current level of funding to help states address critical species management and habitat needs.

The costs of inaction are much greater than what it will take to conserve and restore SGCN. The federal government pays more than \$1 million in administrative costs to list a single species, and on average \$18 million for science and habitat work once listed. In addition, it is estimated that listing costs the private sector 3-5 times that due to direct costs, regulatory uncertainty, and foregone opportunities. If we had to list ~2,000 species over the next decade, it would cost the federal government at least \$38 billion and could cause \$110-190 billion in private sector costs.

Proactive conservation is good for wildlife, good for taxpayers, good for business and good for our communities. By directing funds to states, America will be fueling shovel ready projects that immediately create jobs in a sector with one of the highest returns on investment, supporting continued world class outdoor recreation opportunities. Every \$1 million invested in species and habitat conservation creates on average 33 quality jobs, so if fully funded, the bill would create nearly 10,000 jobs every year. Each dollar spent on conservation adds \$2.40 to the nation's gross domestic product. The outdoor recreation economy as a whole, accounts for 2.2% of GDP.

Funds authorized by AWHCA could be used for the management, control, and prevention of invasive species, disease, and other risks to the habitat of SGCN. States, through federal excise taxes, state hunting and fishing license revenues, and other federal and state funding programs have shown that they can restore popular game species like waterfowl, wild turkey, elk, and white-tailed deer. However, states are losing ground on conserving the full suite of species under their jurisdiction like butterflies, crayfish, mussels, amphibians, reptiles, and other non-hunted species. For these species, adequate funding streams do not currently exist. The risk here is that without proactive conservation these species may be candidates for federal or state

listing, or worse yet, be driven to extinction. This bill highlights the need to fund management activities that are detailed in SWAPs to conserve these SGCN.

The Act also encourages a variety of successful forest and vegetation management activities to improve forest health by modifying, improving, enhancing, or creating wildlife habitat to reduce the risk of damage or destruction to wildlife habitat due to wildfires, insects, or disease. These tools are critically important for conservation and restoration, particularly in Arkansas where many of our forests are too dense, suffering from lack of viable timber markets to absorb the potential wood yield, and lack of ecologically significant fire. Every year it seems that states are presented with new challenges and must rely on existing tools to try to address them. This bill recognizes the importance of active management to address these current and emerging challenges.

The bill also encourages states and federal agencies to work collaboratively with private landowners to achieve positive conservation outcomes. State agencies have a long and successful track record of working with private landowners to deliver conservation. “Better together” is an adage that is reflected in the bill.

One example of this collaborative conservation in action is Arkansas’s largest lizard, the eastern collared lizard, is an SGCN and is threatened due to glade habitat loss. Eastern collared lizards are keystone predators in glades, where they feed on insects, spiders and other smaller lizards. Glades are open, rocky, thin-soiled areas that are found within woodlands and forests. This habitat needs frequent prescribed fire to maintain its openness. Fire suppression has caused many acres of glades to become encroached with eastern red cedar and other woody growth. Without fire, native grasses and flowering plants cannot thrive, and open habitat is reduced.

Since the early 2000s, the Arkansas Game and Fish Commission (AGFC) and partners have implemented numerous glade restoration projects on agency lands, partner lands, and private lands. Restoration efforts include removing eastern red cedar and conducting prescribed fire to reclaim high quality glade habitat. To date, more than 50,000 acres of glades and associated woodland complexes have been restored. Efforts are currently underway on an additional 2,500 acres. Populations of eastern collared lizards are being monitored as restoration continues. One population has been observed for several years and experienced population declines each year prior to restoration. Post-restoration, this population has now been stabilized. Although there have been great strides in conservation made for important species, without much needed funding, states won’t be able to stay ahead of the pressures that keep pushing our fish and wildlife further toward becoming endangered.

An additional example of collaborative conservation in Arkansas are our efforts for the Red-Cockaded Woodpecker (RCW). AGFC has partnered with the Arkansas Natural Heritage Commission, The Nature Conservancy, US Forest Service, US Fish and Wildlife Service, and private industry to protect, restore, and maintain habitat for this species. In 2010, state wildlife grant funds were used to reclaim open pine habitats with the use of thinning and prescribed

fire at Warren Prairie Natural Area in Southeast Arkansas. Once habitat conditions were met, RCWs were re-introduced to the site and today the area boasts a well-established breeding population. The AGFC, PotlatchDeltic, and other partners also work together at Moro Big Pine Natural Area/Wildlife Management Area to maintain open pine habitat and existing populations there. Currently, AGFC is working with the Ross Foundation in southwest Arkansas to restore habitat, with the goal of translocating RCWs in the future. Establishing a breeding colony here would fill in a gap between populations in the Ouachita Mountains and the Gulf Coastal Plain and provide a big step towards recovery for the species in the state.

Looking to the future, the AGFC and state agencies across the country are ready to implement funds for conservation of SGCN at the habitat level, with shovel-ready projects waiting on Congressional support. Arkansas' rivers are nationally known for their quality and rugged beauty, and are the centerpiece of the outdoor recreation industry, undergirding Arkansas' livestock and poultry industries. Unfortunately, ever increasing sediment loads are negatively impacting both agriculture producers and canoeists alike, potentially leading to increased endangered species listings for the globally rare fish and mussels found here.

Fortunately, Arkansas is well positioned to address these pervasive threats with the Arkansas' Rivers Conservation Initiative. Data collected by partners clearly demonstrates that for our highland rivers occurring in the Ozark and Ouachita mountains, the majority of sediment is coming from actively eroding stream banks and dirt and gravel roads. Over the past twelve years, Arkansas' conservation partnerships have been working with private landowners and County-roads managers to develop cost effective restoration plans to stabilize both riverbanks and gravel roads using advanced BMP's and stream-reach scale river restoration strategies. These partnerships have demonstrated success in multiple watersheds and are currently ready to expand, implementing projects for stream restoration and stabilization, riparian tree planting, off-site watering for livestock, dirt and gravel roads upgrades, road drainage, river corridor easements acquisition, forest carbon development, low-water crossing retro-fits, and aquatic barrier removals. Partners including private landowners, County Roads Departments, the U.S. Fish and Wildlife Service, Arkansas Natural Heritage Commission, Trout Unlimited, and The Nature Conservancy are highly engaged and have proof-of-concept projects completed with baseline data collected and benchmarks established. This would support existing jobs and create new ones to reduce maintenance cost for counties, improve gravel roads for Arkansas citizens (85% of all roads in AR are gravel and receive little funding), protect drinking water, improve fishing and eco-tourism, reduce the chance of listing species as federally endangered, and reduce land lost to erosion on private lands.

Finally, from the pine-oak woodlands of the Ozark highlands, to the bottomland forests of the Delta, to the pine curtain in the coastal-plain of south Arkansas, our state's wealth and the health of our wildlife are tied to its forests. Fortunately, we are ready to implement the Keeping Arkansas Forest-as-Forest Initiative. Living within these forests are people, animals, and fish who all need healthy ecosystems to thrive. As mentioned, Arkansas' forests are too dense,

suffering from lack of viable timber markets to absorb the potential wood yield and lack of ecologically significant fire. The goal of this initiative is to work with private industry and landowners to create market incentives to boost timber value while increasing the ability to deliver prescribed fire on private lands. Additionally, habitat strike teams funded through this initiative will implement prescribed burning, invasive species treatments, and timber stand improvement projects within focal areas that will benefit SGCN. The combined effect will improve habitat and reduce the chance of moving species into a federally protected status.

Without funding for fish and wildlife conservation, fewer Arkansans will benefit from and have opportunities to enjoy the healthy fish and wildlife that is the fabric of many of our communities. Species familiar to generations of Arkansans like monarch butterflies, Northern Bobwhite quail, Alabama shad, Ozark hellbenders, Eastern Whippoorwills and hundreds of other species now need our help.

The AWHCA also creates an innovation grant program with 10% of the funds (~\$30 million) for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for habitat of SGCN which includes those species listed under the federal Endangered Species Act (ESA). Encouraging and rewarding innovation is critically important. We haven't identified all the tools in the toolbox yet, and creating a program where our NGO partners, states, and tribes are encouraged to work together to identify projects and methods to advance conservation is incredibly important.

The Act also establishes a 10% cost share for states, which will cut down on paperwork and reduce the burden on states to obtain matching funds, which in some instances can become a barrier to effective and efficient conservation. We applaud the Chairman's acknowledgement of the need for states to spend more time putting habitat on the ground, and less time chasing matching funds. States bring significant resources such as staff who provide technical assistance on a daily basis to deliver conservation for this country. States proudly can say that they regularly use their investments of funding, staff time, and other resources to stretch valuable federal funding whether through programs like Pittman Robertson, State and Tribal Wildlife Grants (STWGs) or the North American Wetlands Conservation Act (NAWCA). But, with the number of federal programs requiring higher match levels, finding eligible match can at times be a challenge. This bill contains a 90:10 match, the same match enacted for projects funded by Pittman-Robertson under the *Target Practice and Marksmanship Training Support Act*, meaning states can focus on getting conservation on the ground, which can be especially important when working with private landowners. States will continue to have skin in the game with a 10% cost share, not to mention the actual delivery of the habitat and conservation activities on the ground.

While states agencies are primarily focused on the first title of the Act, the bill also includes funding for tribes to conduct similar management activities. The Act also includes a variety of policy provisions, including the extension of Good Neighbor Authority (GNA) to the Fish and Wildlife Service National Wildlife Refuge System. Arkansas has had success implementing GNA with the USFS, primarily using funds to remove invasive feral hogs from national forest lands. Removal of feral hogs reduces negative impacts to important habitats and protects ground-nesting birds such as turkey and quail from nest disturbance and predation.

This bill provides another opportunity for states and NGO conservation partners to leverage our efforts in support of the National Wildlife Refuge System. This is another example of helping to stretch federal investments. By creating an opportunity to share resources to deliver habitat conservation, and in return any proceeds are returned to additional habitat management efforts, there exists an opportunity to create a cycle of conservation where active management leads to additional active management efforts.

The bill also proposes to improve the efficiency of environmental reviews related to national forest management plans, codifies the Candidate Conservation Agreements with Assurances (CCAA), and would authorize state fish and wildlife agencies to take on greater responsibilities related to species recovery plans for federally listed species, for which they still have legal obligations. Since the ESA provisions in title 6 are voluntary for states to participate in, we don't believe it imposes new requirements on any state. Those that see value in participating can benefit from additional flexibility and authority to help recover federally listed species, as well as candidate species and species that are petitioned for listing. States have well-established, trusting relationships with partners and private landowners, which can help ensure conservation work is done where it is most needed. It's important to remember that even with the Federal listing of a species, states continue to have an obligation to recover and manage species as required by law.

CCAAs are voluntary agreements between government and landowners that help address the needs of at-risk species before listings are required. Along with financial assistance, states use CCAAs to partner with landowners and incentive conservation, giving landowners regulatory certainty and helping keep species from needing to be listed under the ESA. Conservation can only be successful if we work together. If barriers are identified, let's remove them so that the ultimate measure of success – species delisting and recovery, and preventing the need to list in the first place – can be realized.

A significant barrier to getting projects on the ground is the *2015 Cottonwood Environmental Law Center v. United States Forest Service* ("Cottonwood") decision, which requires the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) to reinitiate consultation at a forest or land management plan level with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration when "new information" relating to the ESA is discovered. Until 2015, and again since 2018, new information was considered and accounted

for at the project level. The temporary fix passed by Congress in 2018 expired last year, so legislative change is necessary to return the ESA to status quo and allow projects to move forward without costly and burdensome review processes.

I would be remiss today if I did not also thank Representative Debbie Dingell for her support for state fish and wildlife agencies. She raised awareness of the decline of thousands of nongame fish and wildlife species and has been a champion for the need to support state fish and wildlife agencies in their efforts to conserve the full array of fish and wildlife.

In closing, congressionally mandated State Wildlife Action Plans are scientifically-based blueprints that can guide strategic investment, resulting in less random acts of conservation. While state fish and wildlife agencies will continue to advocate for the need for sustained and dedicated funding to implement these plans, we greatly appreciate Chairman Westerman's commitment and passion for voluntary and cooperative conservation, and his support for state fish and wildlife management activities in America's Wildlife Habitat Conservation Act. We acknowledge the challenges of advancing legislation that calls for establishing new funding and appreciate his willingness to take on that challenge.

Finally, should there be a delay in passing this Act, we would urge Congress and appropriators to provide state and tribal agencies with additional funding through the STWG program to accelerate the conservation and restoration of SGCN. Time is not on our side and the likelihood that more species will be added to the endangered species list is growing.

Once again, thank you Chairman Bentz, Ranking Member Huffman, and members of the Committee for giving me the opportunity to testify, and I look forward to answering your questions.