

**Testimony of Stephen Guertin
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Before the
House Committee on Natural Resources,
Subcommittee on Water, Wildlife, and Fisheries
On
H.R. 6352, Tax Stamp Revenue Transfer for Wildlife and Recreation Act; H.R. 8632,
BIOSAFE Act; and H.R. 8836, Wildlife Movement Through Partnerships Act**

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Introduction

Good afternoon, Chairman Bentz, Ranking Member Huffman, 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 three bills related to: funding for state and territorial wildlife restoration efforts; the Service’s proposed Biological Integrity, Diversity, and Environmental Health rule and associated policy updates; and wildlife corridors.

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.” The Service works across multiple programs and with diverse partners to achieve this important mission. The Service’s Office of Conservation Investment provides financial and technical assistance to state and Tribal wildlife agencies to support locally led conservation, hunter education, and recreational access projects across the country. The Service administers the National Wildlife Refuge System (Refuge System), which conserves wildlife habitat across the country and provides recreational opportunities for millions of Americans. The Service’s Science Applications program works with others to create an ecologically connected network of lands and waters to support thriving fish, wildlife, plants, and their habitats as well as thriving communities for people. The Service’s Partners for Fish and Wildlife (Partners) Program supports voluntary conservation efforts with private landowners across the country, helping to protect habitat, support communities, and conserve species at a local level.

The legislation before the Subcommittee today is relevant to each of these programs and the Service’s ability to carry out its wildlife conservation mission.

H.R. 6352, Tax Stamp Revenue Transfer for Wildlife and Recreation Act

Section 4 of H.R. 6352 would amend the Pittman-Robertson Wildlife Restoration (Pittman-Robertson) Act to supplement funding for the Federal Aid in Wildlife Restoration Fund (Fund). The legislation would direct 85% of the current \$200 tax on the transfer of firearm suppressors from the U.S. Treasury to the Fund for Fiscal Years (FY) 2024 to 2030. Of that additional funding, 85% would support wildlife restoration projects, habitat improvement, and hunter education. The remaining 15% would be directed towards shooting range construction, operation, and maintenance.

Since enactment of the Pittman-Robertson Act in 1937, through the Wildlife Restoration Program, the Service has assisted states and territories in their efforts to conserve habitat, enhance recreational shooting opportunities, and advance hunter education. Currently, an excise tax on firearm, ammunition, and archery equipment purchases provides dedicated funding for the Fund, and wildlife agencies for states and territories receive an apportionment of funding on an annual basis to support these activities.

State fish and wildlife agencies have used these apportionments to conserve wildlife populations, increase hunter access to millions of acres of habitat, and welcome new people into the shooting sports. With these funds, over 792 shooting ranges have been designed, constructed, renovated or opened to the public. More than 35 million acres of state or territory-conserved land are maintained for public access or habitat management and over 650,000 people annually receive hunter education supported by these projects. The Wildlife Restoration Program is one of the nation's oldest and most successful conservation programs. For more than 80 years, it has served as a model of conservation partnerships among industry, states and territories, and the federal government, protecting and restoring wildlife and habitat, providing recreational opportunities, and engaging with hunters across the country.

The Service supports the intent of Section 4 of H.R. 6352 to increase funding for the Wildlife Restoration Fund and would welcome the opportunity to provide technical assistance to the sponsor and Subcommittee on administration of new funds to minimize the need for recipients to track new and current sources of funding separately. The Service defers to the Bureau of Alcohol, Tobacco, Firearms and Explosives regarding Sections 2 and 3 of H.R. 6352.

H.R. 8632, BIOSAFE Act

H.R. 8632 would require the Secretary of the Interior (Secretary) to withdraw the Service's proposed rule, "National Wildlife Refuge System: Biological Integrity, Diversity, and Environmental Health," and associated policy revisions (BIDEH proposal). The Service opposes H.R. 8632.

Over the past 120 years, the Refuge System has grown to become the largest and most diverse network of conservation lands and waters in the world. The Refuge System includes 572 national wildlife refuges, 38 wetland management districts, and 5 marine national monuments, with each unit established for a specific wildlife conservation purpose. With at least one unit of the Refuge System found in every U.S. state and territory, the Refuge System protects an incredible array of fish, wildlife, plants, and habitats, and provides outdoor recreation opportunities for millions of Americans each year.

The Service's administration of the Refuge System is guided by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) – a visionary organic charter enacted by Congress with near unanimous support. In addition to establishing a statutory mission for the Refuge System, the Improvement Act includes 14 directives to guide the Secretary's administration of the Refuge System. One notable directive is the BIDEH mandate, which directs the Secretary to "ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained."

The BIDEH mandate borrows key terminology from conservation biology and emphasizes the need for the Service to consider how best to maintain the ecological integrity of the Refuge System in administering its individual units. It brings a management focus to maintaining biodiversity across multiple scales and recognizes the need to identify and develop comprehensive strategies to address threats using the best available science.

In 2001, the Service issued a policy (601 FW 3) providing internal direction for agency implementation of the BIDEH mandate. The policy defined key terms and described the relationship between individual refuge purposes, the Refuge System mission, and maintaining ecological integrity. It provided refuge managers with guidance for maintaining existing levels of ecological integrity and determining when and how to restore ecological integrity, as well as guidance for addressing external threats to refuge ecosystems.

When the Service adopted this policy in 2001, we did not anticipate the extent of climate change impacts on national wildlife refuge ecosystems or the need to clarify in regulation our interpretation of, and authority to implement, the BIDEH mandate. However, over the past twenty years, the threats facing the Refuge System have evolved. National wildlife refuges are experiencing the negative effects of climate change while continuing to face other stressors, such as invasive species and disease. At the same time, the Refuge System and the healthy ecosystems it protects are increasingly vital to addressing climate change and biodiversity loss.

To help refuge managers address modern conservation challenges and ensure national wildlife refuges remain strongholds of biodiversity into the future, we now see a need to provide guidance that helps refuge managers better address conservation threats through improved implementation of the BIDEH mandate.

On February 2, 2024, the Service published a proposal in the *Federal Register* to revise the existing BIDEH policy and implement a new rule to guide the management of national wildlife refuges to maintain ecological integrity. With the BIDEH proposal, the Service seeks to provide a more consistent, transparent, and science-based approach for upholding ecological integrity at individual refuges and across the Refuge System. We seek to codify our continued commitment to managing refuge ecosystems as components of larger landscapes and seascapes, particularly in the face of a changing climate. We also seek to emphasize that managing the Refuge System through a landscape-scale lens necessitates strong collaboration and coordination with partners and stakeholders at all levels.

The BIDEH proposal accomplishes these objectives in several ways. It provides, for the first time, a clear regulatory standard directing refuge managers to ensure ecological integrity. This proposed standard promotes management of the Refuge System as an ecologically interconnected network of lands and waters, supporting both the Refuge System mission and individual refuge purposes. It also instructs refuge managers to use their professional judgment and the best available science to ensure that management actions benefit wildlife conservation by contributing to ecological integrity.

The BIDEH proposal includes updated definitions for “biological integrity”, “diversity”, and “environmental health.” As with the 2001 BIDEH policy, these definitions continue to

acknowledge the importance of using historic conditions as a reference point for maintaining and restoring ecological integrity. However, the updated definitions recognize the impacts of climate change and other stressors on refuge ecosystems, acknowledging that, in many cases, sustaining historic conditions to maintain ecological integrity on national wildlife refuges may no longer be possible.

In addition, the BIDEH proposal includes management directives for maintaining ecological integrity across the Refuge System, providing a framework through which refuge managers can determine and implement management actions in a consistent way to meet refuge purposes, ensure ecological integrity, and fulfill the Refuge System mission. These directives are based on five key principles for managing refuges and ecosystems: 1) addressing climate change impacts on wildlife; 2) conserving and connecting habitats; 3) prioritizing the use of natural processes to achieve wildlife management goals, while recognizing the need to supplement natural processes when habitat conditions and natural processes alone are insufficient; 4) upholding and, where necessary, acquiring water rights, in accordance with local, state, and federal laws; and 5) promoting and maintaining healthy soil, air, and water.

Finally, the BIDEH proposal provides guidance for certain management activities and uses that have a particular propensity to affect ecological integrity, such as agricultural uses, predator control, and pesticide use. The proposal provides increased clarity and guidance for when, why, and how we apply certain management practices and uses and emphasizes the importance of using the best available science to inform decision-making.

Although the proposal directs a default position for each of the specific management uses or activities, it does not ban the use of any activities. The default positions are largely consistent with existing Service policies and with the Refuge System's approach to permitting uses of national wildlife refuges. Moreover, the proposal continues to provide refuge managers with significant flexibility to implement these activities as conservation tools on a case-by-case basis, in accordance with the best available science. The BIDEH proposal would not supersede any of the Service's other statutory obligations under the Improvement Act, including directives related to public uses of wildlife refuges, coordination with partners, or deference to the Alaska National Interest Lands Conservation Act (ANILCA).

By standardizing and clarifying the existing processes that refuge managers are required to follow in making decisions regarding best management practices and their influence on ecological integrity, we believe the BIDEH proposal will decrease workload, provide consistency, improve transparency to the public, and facilitate science-based decision-making.

Prior to publishing the BIDEH proposal for public comment, the Service coordinated extensively with state partners and Tribes through collaborative meetings to receive input and feedback on the BIDEH proposal. The Service received comments and suggested edits from states and Tribes and incorporated many of these changes in the proposal. The Service further worked with those who provided feedback to have substantive discussions about their concerns and to seek further understanding about potential changes.

During the public comment period, the Service received significant public interest in the BIDEH proposal. At the request of this Committee, and to ensure all partners and stakeholders had ample opportunity to review the proposal and provide meaningful input, the Service extended the initial 30-day public comment period by 60 days.

During the extended comment period, the Service took the opportunity to conduct additional outreach on the BIDEH proposal. The Service conducted listening sessions with state partners both directly and through existing coordination meetings. Additional Tribal coordination was conducted through webinars with Alaska Native Tribal entities. The Service also directly sought input from other stakeholders such as environmental groups, agricultural interests, and sportsmen's organization.

The 90-day public comment period closed on May 6, 2024, and the Service received more than 200,000 public comments. We appreciate the robust public interest and engagement in the proposal and take seriously the public input we received. We are currently reviewing these public comments to identify, understand, and address the substantive issues raised. These comments will help the Service ensure we employ a consistent approach to ensure the ecological integrity of national wildlife refuges.

As the conservation challenges facing our nation's wildlife refuges continue to evolve, the Service periodically seeks to update our guidance and regulations to ensure we can uphold the Refuge System mission and mandates. The Service strongly opposes H.R. 8632, which would undermine our ability to equip refuge managers to address modern conservation threats and ensure the ecological integrity of the Refuge System for current and future generations.

H.R. 8836, Wildlife Movement Through Partnerships Act

H.R. 8836 would require the Secretary to establish a Wildlife Movement and Movement Area Grant Program, administered by the National Fish and Wildlife Foundation (NFWF), to provide financial and technical assistance for improving habitat connectivity in movement and migration areas used by big game and other wildlife species.

Habitat loss and fragmentation are widely recognized as among the most important threats to biodiversity. The continued viability of many wildlife populations is dependent on populations' continual ability to move, including daily movements among local resources, migrations between seasonal ranges, long-range dispersal supporting gene flow, and species range shifts over time in response to changing conditions. The Service is dedicated to and actively engaging in the conservation of wildlife corridors, including for big game species through multiple programs and initiatives. For example, the Service's Partners for Fish and Wildlife Program works with private landowners, states, Tribes, and other partners on voluntary habitat conservation projects on private and Tribal lands to conserve habitat, including in the western states to benefit big game species. Additionally, the Service's implementation of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, includes important fish passage projects to connect aquatic habitat for fish species, as well as strategic conservation of the sage brush ecosystem that is critical to mule deer, elk, and pronghorn.

The Department and the Service also continue implementation of Secretarial Order 3362, Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors, which seeks to enhance and improve the quality of big-game winter range and migration corridor habitat. In March of this year, the Department and NFWF announced \$11.8 million for 10 projects in seven states to restore habitat connectivity and secure key migration corridors for wildlife in the American West. The \$3 million in grants and \$8.8 million in matching contributions were made possible through the Western Big Game Seasonal Habitat and Migration Corridors Fund, which is administered by NFWF in part through annual appropriations from the Service and other federal agencies in support of Secretarial Order 3362.

The proposed Wildlife Movement and Movement Area Grant Program that would be created under H.R. 8836 closely resembles NFWF's Western Big Game Seasonal Habitat Migration Corridors Fund, which the Service currently supports through a cooperative agreement, in accordance with Secretarial Order 3362. NFWF's grant program provides support for the conservation of winter range habitat and migration corridors in 11 western states for pronghorn, elk and mule deer. The Partners Program has provided \$3.5 million over the last five years to support projects for big game conservation and wildlife-friendly fencing through this program.

In addition to the Wildlife Movement and Movement Area Grant Program, H.R. 8836 would reauthorize the Service's Partners Program through FY 2030, which would allow the program to continue to support collaborative, voluntary conservation projects directly benefitting the species this legislation seeks to support. From FY 2019 to 2023, the Partners Program has contributed \$5.3 million and leveraged \$14.1 million in funding from partners for projects that benefit big game species on private and Tribal lands in western states. In FY 2023 alone, the Partners Program contributed over \$2 million and leveraged \$3.1 million from partners. The Service supports reauthorization of the Partners Program to continue supporting these collaborative conservation efforts.

H.R. 8836 would also require the Secretary to establish a State and Tribal Migration Research Program in the Service's Science Applications Program to provide funds to state fish and wildlife agencies and Tribes to collect and analyze data on wildlife movement areas. This legislation also requires the U.S. Geological Survey (USGS) to continue to support a Corridor Mapping Team to provide assistance to federal agencies, states, and Tribes to map and assess wildlife movement areas. The USGS is further directed to adequately protect sensitive information with regards to private property and potential poaching of wildlife.

The Service supports the intent of H.R. 8836 to improve habitat connectivity for wildlife movement and migration and supports reauthorization of the Partners for Fish and Wildlife Program. We would welcome the opportunity to work with the sponsor and the Subcommittee to provide technical assistance on the legislation to clarify and improve implementation. We would also appreciate the opportunity to work with the sponsor and Subcommittee to ensure that new authorizations are not duplicative of existing programs.

Conclusion

The Service remains committed to supporting our partners in conservation, responsibly managing the Refuge System, and working to conserve and protect important wildlife habitat

corridors. We recognize the Subcommittee's interest in supporting an approach to conservation that benefits people and wildlife, and we appreciate the opportunity to continue that discussion. Thank you for the opportunity to testify before you today. I would be pleased to answer any questions that you may have.