



**Testimony of Michael Leahy
National Wildlife Federation
Sr. Director of Wildlife, Hunting, & Fishing Policy
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Committee on Natural Resources
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Thank you Chairman Bentz, Ranking Member Huffman, and members of the Committee, for holding this hearing to consider the historic Wildlife Movement Through Partnerships Act, and other wildlife related legislation. And thank you for the opportunity to testify on behalf of the National Wildlife Federation (“NWF”), our 52 state and territorial affiliates, and our nearly 8 million members, supporters, and followers, including over 23,000 in Oregon’s 2nd District, and over 23,000 in California’s 2nd District.

H.R. 8836 (Rep. Zinke), “Wildlife Movement Through Partnerships Act”

Congress did a great thing for wildlife and people in 2021 by coming together in a very bipartisan way to establish the Wildlife Crossings Pilot Program in the Infrastructure Investment and Jobs Act. This program provides the first federal funding committed to wildlife overpasses, underpasses, and related infrastructure to help wildlife move across roads safely, and to reduce wildlife vehicle collisions. This program was well supported in Congress and throughout the community of wildlife supporters, and has proven incredibly popular and effective, with demand far exceeding available resources.

The corollary to this program, and next great thing Congress can do to help wildlife navigate our increasingly fragmented landscape, is to support the work of wildlife professionals to maintain wildlife movements and migrations beyond the transportation network. Congress has not yet taken meaningful action in support of America’s spectacular terrestrial wildlife migrations, or more mundane but equally important daily movements. This leaves a major gap in the framework of wildlife laws designed to sustain America’s wildlife populations, and the people and communities that depend on them.

This gap needs to be plugged as soon as possible. One of the primary reasons more than one-third of wildlife species are at heightened risk of extinction in the US is the loss of habitat, and fragmentation is a leading reason habitat is degraded. Untold wildlife migrations and movement pathways have already been cut off and lost. Unfortunately, wildlife face increasing challenges moving around the American landscape as the US population not only continues to grow but also spreads out around the country, requiring transportation, buildings, other infrastructure, and natural resources, to support it. Maintaining wildlife’s ability to move – for migration, mating, rearing young, and accessing food, water, and shelter – is therefore a critical conservation priority in the 21st century.

Fortunately, we still have many spectacular wildlife migrations in this country, and scientists are still discovering more. And we have many wildlife populations that are currently able to access the resources and habitats they need, although we cannot assume that will continue to be the case without proactive conservation work. Also fortunately, we know how to identify and manage the pathways wildlife need. Wildlife professionals for federal and state agencies, tribes, and nongovernmental organizations have been working at this for decades, but particularly in recent years. Their work has been greatly enhanced by technological advances such as Global Positioning System collars. However, there are not enough resources for the work that is needed to manage western big game migratory habitat, much less the movements of many other species of terrestrial wildlife.

Elements of the Bill

The Wildlife Movement Through Partnerships Act addresses the challenge of making sure wildlife can get where they need to go by endorsing and building on a growing body of proven programs. H.R. 8836 provides clear Congressional authorization and direction for important ongoing work initially established by Congressman Zinke in 2018 when he was Secretary of the Interior. His Secretarial Order 3362 (“SO 3362”), “Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors”, was the first program of its kind. Like the wildlife crossings program, it was and still is widely supported. It has been very effective in collaboratively conserving three big game species in the western US. Secretary Haaland and her staff recognized the importance of the program and extended it, and expanded it to more places and partners, specifically including more tribes.

H.R. 8836 also builds upon the Migratory Big Game Initiative of the U.S. Department of Agriculture (“USDA”) formally that focuses some of the USDA’s considerable resources on supporting private landowners who support wildlife moving across their land, starting in Wyoming then expanding to Idaho and Montana and, with enough resources, other states as well. H.R. 8836 also builds on the Wildlife Crossings Pilot Program. All of these programs are specifically referenced and endorsed in the bill.

The Wildlife Movements Through Partnership Act provides clear Congressional support for these now well established programs, and requires better coordination among them, in some important ways.

- **Wildlife Movement & Movement Area Grants:** The bill establishes a grant program to formalize the ongoing support of federal agencies for projects that lease habitat, modify fences, reduce collisions, or conserve lands to reduce barriers to wildlife movements in areas recognized as important by a state or tribe. Grants are awarded competitively, with preference given to national or regional priorities, and to projects involving partners. A bare minimum of 50% of funds are committed to big game such as deer, elk, pronghorn, wild sheep, and moose.
- **State and Tribal Migration Research Program:** States and Tribes are researching how to identify and manage wildlife movement needs. This program will provide direct support for their important studies.
- **Corridor Mapping Team:** This bill makes sure the Interior Secretary continues the U.S. Geological Survey Corridor Mapping Team which has been so

instrumental in providing analysis and identification of migration routes for the priority western big game ungulates. The US Geological Survey supports wildlife connectivity work by states, tribes, and other federal agencies by applying science and mapping expertise to corridors and migrations.

- **Cooperative Research Program**: The bill commits funding from this program to researching habitat connectivity in big game movement areas.

The Wildlife Movement Through Partnerships Act extends the benefits of these successful existing federal programs to more wildlife, and more states. Important terrestrial wildlife migrations and movements for a wide range of species are at risk throughout the country, so this bill provides an opportunity for states and tribes and communities throughout the US. to receive grants, research funds, or support.

The Act also reauthorizes the U.S. Fish and Wildlife Service's popular and essential Partners for Fish & Wildlife Program, which supports conservation efforts on private, tribal, and other lands across the country. The US Fish & Wildlife Service has provided important financial and technical support for wildlife migration and habitat connectivity work through this program.

Tribes

The bill explicitly recognizes tribes as primary partners. The bill also addresses the funding challenges many tribal wildlife programs have by allowing the match requirement to be waived on a case-by-case basis. We encourage Congress to consider additional support for the considerable work tribal nations do to connect and maintain wildlife connectivity on their lands and waters. Tribal nations own or influence the management of nearly 140 million acres across the United States. These lands provide essential habitat and connectivity for migrating species. However, this reality is not reflected in the federal dollars available to tribal nations for fish and wildlife management.

Tribal nations have carried the responsibility and financial burden of conserving fish and wildlife on their lands and participate in wildlife management processes and collaboratives across federal, state and private boundaries – especially when it comes to maintaining wildlife movements. Tribal nations were not, however, explicitly included in SO 3362 initially, despite tribes owning or managing more than 45 million acres in the eleven western states the order encompassed. This impacted funding available to Tribes. The Western Big Game Seasonal Habitat and Migration Corridors Fund administered by the National Fish and Wildlife Foundation was established in 2019 to implement Secretarial Order 3362. Since its inception only three of the sixty grants awarded have gone directly to tribal nations.

Congressman Gallego and Senator Lujan are providing leadership to try and address these inequities. We support their ongoing efforts pass legislation that would complement H.R. 8836 by creating a grant program specifically for tribal nations to access funds for migration research and on-the-ground habitat management. We're also grateful for Congresswoman Dingell's continued leadership of the Recovering America's Wildlife Act which would ensure sustainable, non-competitive funding to federally-recognized tribes for the first time ever.

Non-controversial Nature of the Work

Notably, the Wildlife Movement Through Partnerships bill focuses on and funds largely non-controversial conservation work, consistent with the precepts of Conservation Without Conflict. This is important because there can be controversy and fear around concepts like wildlife corridors. This bill has been carefully crafted to support voluntary, collaborative conservation partnerships. For starters, the work itself is generally non-controversial, for example habitat leases, fence modifications, and wildlife- vehicle collision reduction. Any work with landowners would be voluntary and collaborative, and landowners may receive financial or in-kind support for their participation, depending on the project. Project applicants must get written support from the relevant state or tribe. Savings clauses hold private landowners and military readiness harmless. Access to lands for outdoor recreation is protected, plus most of the projects will benefit hunting opportunities. These efforts will contribute to and strengthen the outdoor economy, estimated at \$1.1 trillion and over 5 million jobs by the US Department of Commerce in 2022.

Bipartisan and Broad Support for the Bill

The truly bipartisan nature of this legislation is inspiring, and confirms that wildlife conservation is an issue that continues to unite Americans. The fact that the bill is led by two longtime leaders on habitat connectivity is particularly fitting. In addition to issuing So 3362, Representative Zinke (R-MT) is a leading cosponsor of the Habitat Connectivity on Working Lands Act, H.R. 8104. Representative Beyer (D-VA) was maybe the second Member of Congress to try to improve habitat connectivity in the US through legislation, and the first to try to provide a national framework for such work, with the Wildlife Corridors Conservation Act that he has passed through the House of Representatives in past Congresses. The bipartisan list of cosponsors of the Wildlife Movement Through Partnerships Act speaks for itself. There is similar bipartisanship emerging on the Senate companion bill of the same name, S. 4953, sponsored by Senators Padilla (D-CA) and Hoeven (R-ND).

Support for H.R. 8836 is strong across the spectrum of wildlife supporters, as the letters of support being entered into the record show. There is support from the hunting community, the environmental community, state agencies, tribes, and others. This legislation is also supported by NWF's diverse state affiliate organizations. This level of bipartisanship, broad support, and agreement is similar to that preceded the establishment of the Wildlife Crossings Pilot Program.

An Example of the Bill's Benefits

The positive impacts this legislation will have on-the-ground are exemplified by one of the National Wildlife Federation's own wildlife connectivity projects. NWF's regional office in Montana is actively working to improve connectivity in the High Divide region of Montana. Our work with Montana's Fish, Wildlife and Parks agency (MTFWP) and in the Horse Prairie, Grasshopper Valley, Big Hole Valley, Medicine Lodge, Centennial Valley, and the Frying Pan Basin areas surrounding Dillon, Montana, are not by accident. These partnerships and locations were identified as important winter range and migration corridors for pronghorn via the Montana Fish, Wildlife and Parks (FWP) pronghorn GPS movement study that was spurred by SO 3362.

Through our collaboration with the Southwest Montana Sagebrush Partnership, we have modified 44 miles of fence to wildlife-friendly specifications that benefit pronghorn, elk, mule deer and other wildlife species. Over the past eight months alone, NWF staff coordinated 28

miles of fence modifications and removals by working with eight private landowners and engaging the community through two volunteer “fence pull” events and project planning with local contractors.

In the spring of 2023, NWF assisted FWP with a fence prioritization process that paired pronghorn movement data with fence data to identify highly impermeable fences. This analysis identified over 50 miles of problematic fencing (see page 79 of the FWP 2023 Annual Report). Our project has already converted 13.2 miles of these priority fences, which have a permeability class ≥ 0.4 , since our work in this area began in 2021. Monitoring data from remote cameras demonstrated pronghorn using modified fences, which likely increases their ability to move and find resources to fulfill the lifecycle requirements both daily and seasonally.

The Right Bill Right Now

Many years of conversations and effort has gone into identifying achievable, bipartisan legislative solutions to address the need to maintain wildlife movements and conserve key migratory habitat. This bill is the result of those conversations, projects and lessons learned. There are many other legislative ideas that would benefit wildlife movements, such as providing more resources to tribes, or to private landowners, or providing a strategic framework for prioritizing projects and funding. However, the Wildlife Movement Through Partnerships Act is the right bill right now. We are proud to support a bill that is broadly supported and one that we know will positively benefit wildlife across the US. Congress will be doing future generations a great service by acting now to support scientists and conservationists in their effort to keep our remaining migrations going, and our wildlife populations able to access the resources and lands they need. We encourage the Committee to move this bill to the House floor as soon as possible.

H.R. 6352 (Rep. Moore of UT), “Tax Stamp Revenue Transfer for Wildlife and Recreation Act”

For more than 80 years sportsmen and women have funded conservation through their purchases. We applaud Representatives Moore and Golden for their bill that will build upon this tradition and commit additional resources to restoring wildlife habitat and supporting state-level professional wildlife management. NWF agrees with the primary premise of this bill that taxes on suppressors should mostly be reinvested in conservation through the Pittman-Robertson Federal Aid in Wildlife Restoration Act, similar to taxes on many other hunting and shooting products. Dedicated funding through user-pay mechanisms (excise taxes, license fees, etc.) and strong collaboration among state agencies, federal agencies, conservation partners, and landowners, has successfully recovered the vast majority of wildlife species that are hunted and fished. We also agree that is appropriate to commit some of the tax on suppressors to processing applications for suppressors, and some of the tax to supporting shooting ranges and hunter education.

H.R. 8632 (Rep. Grothman), “Biodiversity Oversight Scaled-back And Fully Erased Act of 2024” or “BIOSAFE Act of 2024”

Congress has directed the U.S. Fish and Wildlife Service to “ensure that the biological integrity, diversity, and environmental health of the [National Wildlife Refuge] System are maintained for

the benefit of present and future generations of Americans” in the National Wildlife Refuge System Improvement Act of 1997. (16 U.S.C. 668dd(a)(4)(B)). The Service has proposed how will continue to fulfill that requirement in a draft rule. (Biological Integrity, Diversity, and Environmental Health” (89 Fed. Reg. 7345; published February 2, 2024). It will be an improvement, over the status quo, for the Service to lay out how they will meet this requirement in regulations that are written with a full opportunity for public input and oversight. This is compared to the Service continuing to implement this part of law without the benefit of direct public input and awareness.

Service leadership and staff extended the comment period on this proposed rule when they heard concerns about it, and Service staff have acknowledged they do not think they got this proposed rule right in their draft. We agree with them. For example, we do not think the Service was clear enough on the important of Cooperative Farming Agreements play in the management of some refuges. However, we feel they did propose some regulations that are important and beneficial. Furthermore, much of what the Service has proposed reflects work and activities Refuge managers have been implementing for some period of time. The Service’s process is consistent with how the notice and comment process for developing rules works. The Service will take steps to respond to all of the public input they have received and we encourage Congress to give them and the public that opportunity.

Some of the proposed rules are cost-saving measures that will save the Service from expending some of their extremely limited human and financial resources. The National Wildlife Refuge System is one of the world’s largest networks of lands and waters dedicated to the conservation of fish and wildlife. In addition to providing valuable habitat, these public lands also offer first-class outdoor recreation opportunities. Despite this, the Refuge System continues to be one of the most underfunded federal entities. Chronic underfunding has led to the National Wildlife Refuge System losing more than 800 or 16% of its full time staff since Fiscal Year 2010. Simultaneously visitation has grown by more than 37% or more than 67 million visitors a year, and the acreage of lands and waters managed by the Service has grown significantly. The current situation is truly unsustainable. While the Administration continues to work on this proposed rule, we hope this Congress work together to commit more funds to our nation’s refuge system.

Thank you for the opportunity to testify. I look forward to your questions.