

**TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS**

HR 910 SIKES ACT REAUTHORIZATION ACT OF 2013 AND HR 1080

**BY JIMMY ANTHONY, ASSISTANT SECRETARY
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
REPRESENTING THE
ASSOCIATION OF FISH AND WILDLIFE AGENCIES**

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Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to testify before you today I am Jimmy Anthony, Assistant Secretary for the Louisiana Department of Wildlife and Fisheries, representing the Association of Fish and Wildlife Agencies. We commend the Subcommittee and the Natural Resources Committee for your leadership in providing a timely reauthorization of the Sikes Act. I am here today to share with you the strong support of the Association for the Sikes Act Reauthorization Act of 2013 (HR 910) as it applies to military installations. The Association applauds the significant progress for fish and wildlife conservation that has been made through the cooperation of the Department of Defense (DoD) installations, US Fish and Wildlife Service (USFWS) and State fish and wildlife agencies. While improvements can and should be made, and we will suggest some areas for attention, I believe we can all be proud of the conservation benefits achieved from this often unheralded success story of public lands management on approximately 29 million acres. Our successes have certainly substantiated that achievement of the military mission and sound stewardship of the land and its fish and wildlife resources are not mutually exclusive, they are indeed mutually necessary and beneficial.

The Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

State fish and wildlife agencies and the Department of Defense are closely allied in our purposes under Resources Management Plans for DoD facilities that have assured both conservation of fish and wildlife resources and maintaining our nation's readiness to defend our citizens and our interests around the world. The Association of Fish and Wildlife Agencies and the state and territorial wildlife agencies that constitute our membership stand squarely behind reauthorization of the Sikes Act. We understand and support the need for military readiness, but only by working hand-in-hand can we

simultaneously maintain and increase our nation's military readiness and conservation our nation's fish, wildlife, and their habitats.

The Sikes Act, which provides for management of fish, wildlife and recreational resources on military installations, remains of great importance to state fish and wildlife agencies. States, as you know, have primary management responsibility and authority for fish and wildlife resources found within state borders, including on most public lands. Consequently, it is crucial that we work closely with our federal agency partners and land managers to coordinate our collective management and conservation actions to benefit the many species that states manage in the public's interest and to provide much needed flexibility for military installations to meet their readiness targets and missions.

Although the opportunity for management of fish and wildlife resources on military installations has always existed, Title 1 of the Sikes Act Improvement Act speaks specifically to the close relationship between state fish and wildlife agencies, conservation on DoD facilities, and maintaining the readiness of our military forces. It is a powerful relationship that confers both emphasis on conservation and latitude for the training and preparedness mission of the Department of Defense. Title 1 mandates that fish and wildlife resources be managed for the benefit of the public, the natural resources of the installation, and in cooperation with those responsible for management of the our nation's fish and wildlife resources. The principal means of doing this is through the development and implementation of the Integrated Natural Resource Management Plans (INRMPs) through the cooperation of the DoD installation, USFWS and respective State fish and wildlife agency.

With respect to the fish and wildlife conservation provisions of INRMPs, the Act compels mutual agreement of the 3 statutory partners. The Sikes Act was intended to assure continued and active participation and cooperation with State fish and wildlife agencies for all phases of fish and wildlife management on military installations, from planning and design to implementation and monitoring of the plans. This strong relationship and decision construct is fundamental to achieving meaningful cooperative conservation on the ground that facilitates military readiness on the installation, and it is the backbone of our collective successes. Installations that seek cooperation among the 3 statutory partners at the earliest stages of INRMP conception and design, as Congress originally intended, tend to be the most successful in proactively addressing fish and wildlife resource concerns while advancing the military mission.

The many exemplary installations on which INRMPs embody the Congressional intent are most often the result of early and excellent cooperation between the 3 statutory parties, adequate funding to the respective agencies, and the availability of professional staff in the 3 agencies with the time and dedication to devote to fulfilling the INRMP objectives. While all of the 3 statutory partners will acknowledge that some problems and issues remain unresolved at some individual installations, I believe that all of the partners are committed to finding solutions to those problems. I can firmly assure you of the commitment of the State fish and wildlife agencies to cooperating with DoD and the USFWS to advance fish, wildlife and habitat conservation on military installations. Furthermore,

this strong tripartite relationship drives some of our greatest fish and wildlife conservation successes that directly benefit our nation's military installations and their readiness needs.

Allow me to compliment and thank DoD for reaching out to the Association to reaffirm and strengthen our relationship through the drafting of a new Memorandum of Understanding (MOU) between DoD, USFWS, and the State fish and wildlife agencies on INRMPs. The 3 parties are using the planned MOU reestablishment as an opportunity to address any important updates and changing needs among the parties. The MOU furthers the cooperative relationship among the parties in preparing, reviewing, revising, updating, and implementing INRMPs for military installations; coordinating revision timelines of INRMPs and State Wildlife Action Plans (SWAPs) to help foster better engagement of these plans; and to identify and/or implement shared goals or priorities among SWAPs and INRMPs in a given state. The latest iteration of the MOU is in the final review stages and is planned to be reestablished before the end of 2013. The Association looks forward to working closer with DoD at a national level to enhance local relationships and mutually beneficial wildlife conservation opportunities.

The Association appreciates our relationships with DoD and USFWS and our collective work through Title 1 of the Sikes Act. However, there are a few areas requiring attention that we believe would greatly benefit DoD's training readiness while improving the condition of State trust species.

It seems apparent to us that where mutual agreement on INRMPs has not been achieved, it is most often because the INRMP had been prepared essentially by the installation or its contractor, and then presented to the USFWS and State fish and wildlife agency for concurrence. The 2 principal statutory tenets of INRMPs require that they be prepared "in cooperation" with the Secretary of the Interior, acting through the Director of the USFWS, and with the head of each appropriate State fish and wildlife agency for the state in which the military installation is located. The law further provides that the resulting INRMP "shall reflect the mutual agreement of the parties concerning conservation, protection and management of fish and wildlife resources". Obviously, cooperation of the statutory parties, begun at the earliest stages of conception and development of the INRMP, is the contemplation of the statute. Such cooperation should go far to reconcile potential differences, potentially reduce designating critical habitat on installations, and consensus building and problem solving throughout the process will most likely facilitate the "mutual agreement" required by the statute. The Association strongly encourages DoD to continue to remind the Armed Services of the need for and value of early consultation and cooperation by all 3 parties.

The vast majority of our conservation success stories that enhance military readiness fall under Title 1 of the Act and is derived from the required concurrence of the State fish and wildlife agency, USFWS, and DoD for fully implemented INRMPs. Where we miss wildlife conservation opportunities and fall short of reaching our collective potential is in activities under Title 2 of the Act. If you perceive that the preparedness of our military forces is in any way compromised by wildlife conservation on DoD lands, that is a reflection of the different relationship and level of conservation cooperation of other federal land

managers on neighboring lands (the Department of Interior or the Department of Agriculture) as provided in Title 2. Instead of requiring concurrence between the 3 statutory parties, Title 2 defines the relationship as “consultation” between the State fish and wildlife agency and the Departments of Interior or Agriculture as land managers instead of continuing the tripartite concurrence for decision-making found in Title 1. This different decision construct reduces State fish and wildlife agencies’ ability to manage State trust species on neighboring public lands for the benefit of military readiness and installation needs, and weakens the conservation relationship between DoD, other Federal land managers, and the State fish and wildlife agency as required under Title 1.

In a recent survey of Directors of State fish and wildlife agencies, federal land policies and management were identified as one of the highest levels of concern because of insufficient management coordination with State fish and wildlife agencies and varying interpretations of land management agency authority. This is particularly problematic because multiple-use public lands decision-making is sometimes left to local managers who may implement interpretations that encroach on State authorities to manage fish and wildlife in the public trust. These interpretations drive federal agency decisions that can be contrary to sound, scientific principles of wildlife, fisheries, and habitat management that is critical for State management. Additional problems arise because many of these land management planning efforts are not sufficiently funded and worse, they fail to consider the impacts on State trust species that are vital to the public and the State fish and wildlife agency. Consequently, without the strong, statutory tripartite relationship in Title 2, responsibilities for conservation of candidate, threatened and endangered species and their habitats are being deferred from multiple-use lands to DoD lands. Insufficient or uncoordinated wildlife conservation actions on the part of neighboring multiple-use land managers can result in the deferral of those responsibilities to our Defense lands -- an unanticipated and undesired consequence.

One example of this situation is evident in Louisiana with the Louisiana pine snake, a candidate species with a listing decision scheduled for April 2014. The primary habitat for this snake exists on a military installation. Unfortunately, managers of the surrounding multiple-use public land are, in my agency’s opinion, not doing enough to actively manage their public lands and habitat to benefit this State trust species and to preclude the need to it under the Endangered Species Act (ESA). Consequently if the species is listed and critical habitat designated, the conservation responsibilities and burden will be transferred from these federal public land managers to DoD and the private sector -- an undesired consequence.

Sonoran pronghorn management in the deserts of Southwestern Arizona is another excellent example of partnership for conservation through INRMP planning described by Title 1 of the Sikes Act. A critically endangered species, it was a key element of the plan for the Barry M. Goldwater Range managed by the US Air Force and US Marine Corps for aerial bombardment and gunnery training. By working through the concurrent, tripartite processes, the signed INRMP obviated the need to designate critical habitat under ESA on those critical training lands. The conservation partnership facilitated through the Sikes Act ensured that the needs of pronghorn on the range were met, and the population continued

towards recovery. The plan and the partnership, in turn, facilitated efforts to establish a second population of pronghorn on the neighboring Kofa National Wildlife Refuge, reducing the burden on the range. Continued recovery of the Sonoran pronghorn is critical to the sustainability of the military range, but neither the Air Force nor the Marine Corps was able to fully partner in these conservation programs off of the range. Restoring and preserving the ability to leverage conservation action on neighboring lands, while maintaining the unimpeded readiness of our military training facilities makes the proposed provisions of HR 1080 absolutely critical and supports reexamining the decision-making structure under Title 2.

But also consider the value of going a step further. Imagine the possibilities if Title 2 of the Sikes Act extended the leveraging power of conservation onto our multiple-use public lands managed by the Departments of Interior and Agriculture. The establishment of cooperative plans, similar to INRMPS, that provide motivation to public land managers to actively and aggressively partner in wildlife conservation because it confers land-use latitude upon them as land managers would be a significant enhancement to the power of the Sikes Act model for conservation. This would directly augment DoD's wildlife conservation activities while increasing support for achieving installation missions. Consider how this aggressive conservation approach on our multiple-use lands could reduce further the burdens on neighboring Defense lands.

It is our firm belief that the power of Title 1 of the Act, which defines the relationship between the State fish and wildlife agencies, the USFWS, and the Department of Defense should be extended to Title 2 of the Act. State wildlife agencies should be in the position to concur with and approve multiple-use land management plans that affect State trust species, rather than serve as a 'consulted party'. Conserving sensitive wildlife and its habitat on our multiple-use public lands removes the burden from our Defense installations and may help obviate the need for critical habitat designations on DoD lands. Integrating State and federal fish and wildlife agencies participation and cooperation on wildlife conservation planning and actions on DOI and USDA lands will strengthen public land management for fish and wildlife resources and can, in turn, maintain or increase military readiness by improving wildlife resource conditions on public lands surrounding those military installations. Therefore, we believe that continuing the statutory tripartite concurrence language from Title 1 in Title 2 will greatly benefit DoD by advancing wildlife management on public lands and thereby reduce the number of candidate, threatened, and endangered species and associated critical habitat designations that affect our nation's military operations. We encourage the Subcommittee to adopt this change and look forward to working with you as you proceed with Sikes Act reauthorization.

Furthermore, the Association supports HR 1080, which would allow DoD to enter into agreements for conservation and planning actions. We believe this will open a critical dialogue among the State and federal agencies and other organizations that will lead to better integrated and coordinated planning; improved management on surrounding, non-DoD lands, and directly benefits DoD's conservation needs by improving habitat on surrounding lands. It provides the opportunity for all of us to holistically evaluate the

conservation picture and improve actions that benefit our nation's fish, wildlife, and their habitats while supporting the needs and missions of our military forces.

As managers of State fish and wildlife resources, we also see a need for greater coordination on the development and implementation of management plans among military sites within the same landscape. These installations may have similar wildlife resource issues but may not be coordinating sufficiently for their actions to be mutually beneficial or additive. Additionally, as biodiversity inventories are completed, it would be helpful to the tripartite partners to share such inventories and any monitoring results. This data can help inform SWAP revisions, priorities, and foci, and collectively we are using these conservation plans to maximize our conservation efforts and optimize dollars spent. Reporting inventories and ongoing monitoring information could inform population trends, protection needs and species status as well as help guide off-site conservation actions necessary to maintain military installation missions and functions. Monitoring programs need to be put into place to insure that species are sustained and should be viewed as long-term efforts. To make monitoring more feasible, DoD might consider grouping areas with similar habitats and species composition into units or sections in such a way to control costs. Fortunately in Louisiana, we have a close working relationship between Louisiana Department of Wildlife and Fisheries and DoD where we actively share information to preserve military readiness while conserving the Red-cockaded woodpecker. While we realize the INRMP process should facilitate this type of information sharing, we believe DoD should remind installation of these duties and encourage data sharing with the States to achieve fully implemented INRMPs, especially in instances where coordination may be lacking.

To help the State fish and wildlife agencies coordinate and track INRMP activities, the Association requests a copy of all such reports submitted to Congress. By receiving this information, we believe the Association can help the States coordinate activities among each other as well as DoD and other federal land managers; help DoD integrate priorities identified in SWAPs, verify INRMP completions, needs and progress; enable cross-walking of inventories and any monitoring results with State-led activities to inform population and habitat status; and help identify where an increase in conservation actions may be needed to stabilize a declining population or possibly defer designation of critical habitat on military installations to maintain training regimes and readiness. We believe the Association can help provide this effective coordinating role on behalf of their state agency members to the benefit of DoD and the USFWS.

I will acknowledge that some of our State fish and wildlife agencies have not had the staff or budget to participate as fully in the development of INRMPs as the law contemplates. This leads me to another recommendation of the Association which is to encourage DoD to request, and Congress to appropriate, additional funds for Sikes Act INRMP development and implementation where such State participation challenges may occur. And, the Association would further suggest that some of these funds should be used by DoD to contract with the State fish and wildlife agency to develop the INRMP for the installation in cooperation with USFWS and the base. Mutual agreement would still be required, of course, and the State fish and wildlife agency would have to review the plan

through its appropriate chain of command, but especially in circumstances where State fish and wildlife agency budgets are a limiting factor, this contracting by DoD to the state would greatly facilitate arriving at an INRMP that will engender mutual agreement.

We are aware of continuing concerns regarding the loss of civilian professional natural resource positions in favor of contracting or out-sourcing these functions. We strongly encourage DoD to re-examine the basis for doing this as opposed to retaining civilian staff in these capacities. We believe that the functions performed by DoD professional biologists on military installation are appropriate governmental functions. These are public lands, and the fish and wildlife resources found on them are held in trust by the state and federal governments for the benefit of all citizens. While some “laborer” type skills in carrying out conservation programs can certainly be contracted out, we strongly support the retention of professionally trained civilian biologists in permanent career positions to oversee the fish and wildlife and natural resource conservation programs on installations. We see no difference between the need to retain these functions under permanent professional staff on a DoD installation and retaining these functions under similar type staff on a National Wildlife Refuge. To help meet the needs of our DoD partners, State fish and wildlife agencies are willing to assist DoD installations with this expertise, work and required assistance.

The Association strongly supports H.R. 1080 as an important step in the ongoing improvement of Title I of the Sikes Act. H.R. 1080 would expand and strengthen the tools available to the DoD in ensuring their ability to test, train and to sustain their installations while also meeting their natural resource management responsibilities; and facilitate stronger collaboration among DoD, other federal agencies, State, local, and Tribal governments, nongovernmental organizations, and private landowners. We believe enhancing such partnerships will provide direct benefits to DoD’s natural resource conservation efforts and mission readiness.

Regarding the Disabled Sportsmen’s Act of 1998, the law encourages the DoD to provide improved access for disabled individuals, when appropriate and within the military mission, especially as it relates to hunting, fishing, and other outdoor recreation activities. The Association supports implementation of the Disabled Sportsmen’s Act and looks forward to working with DoD should there be opportunities where States can enhance benefits delivered to our disabled sportsmen and women across the country.

The Association will be conducting a survey of State fish and wildlife agencies to determine if current appropriations are sufficient for INRMP activities and functions, and the results will be provided to the Subcommittee to inform further deliberations.

Finally, it seems that there are varying degrees of cooperation among State-owned National Guard installations and State fish and wildlife agencies. While we work closely together and are well coordinated in Louisiana, other states may not enjoy the same relationship and may have difficulties reaching concurrence on INRMPs. To remedy this, we recommend DoD remind the Armed Forces and such installations of the benefits

resulting from working with the State fish and wildlife agencies early and often during the INRMP process as well as continuing INRMP training and guidance for installation staff.

In summary, the Association strongly supports the Sikes Act Reauthorization Act of 2013 (HR 910) and HR 1080 and reiterates our commitment to working closely with both DoD and USFWS in successful development and implementation of meaningful INRMPs on installations. The readiness of our nation's military forces as well as the security of our nation and its fish and wildlife resources are well-served by the application of the Sikes Act to military installations.

Thank you, Mr. Chairman, for the opportunity to share the Association's perspectives with you and members of the Subcommittee. We look forward to working with you on reauthorization, and I would be pleased to answer any questions.