

Testimony Before the House Natural Resources Subcommittee on Insular Affairs, Oceans  
and Wildlife on HR2565, the National Fish Habitat Conservation Act; and HR2055, the  
Pacific Salmon Stronghold Conservation Act  
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Thank you, Madam Chair. I am Eric Schwaab, Deputy Secretary of the Maryland Department of Natural Resources, and I am here today representing the Association of Fish and Wildlife Agencies, of which all States and Territories are members. The MD DNR and the Association of Fish and Wildlife Agencies (Association) is pleased to provide testimony in strong support of the National Fish Habitat Conservation Act to formalize and fund implementation of the National Fish Habitat Action Plan. Similarly, the Association enthusiastically supports the Pacific Salmon Stronghold Conservation Act which will enhance and facilitate international conservation of this significant species. The Association thanks Chairwoman Bordallo and Representative Kind and Representative Thompson for their interest and support reflected by the introduction of these bills and the scheduling of today's hearing.

The Association promotes sound fish and wildlife management, and it is the collective voice of North America's fish and wildlife agencies. The Association provides member agencies with coordination services that deal with a range of conservation interests across the taxonomic and habitat spectrum as well as legal consultation, conservation education, leadership development, and international relations. The Association represents state fish and wildlife agencies on Capitol Hill and before the Administration on the pressing conservation issues including climate change, energy development, invasive species, and fish and wildlife funding. On these issues and many more, the Association works to ensure a high level of collaboration among states and between states and the federal government and non-governmental organizations. The National Fish Habitat Action Plan offers a perfect example of such engagement on behalf of the states.

State fish and wildlife agencies have broad trust responsibilities for fish and other aquatic resources (e.g., mussels, crayfish, and amphibians) and they understand the importance of quality habitat and cross-boundary coordination and collaboration to manage such resources. These agencies are on the front lines of fish population and habitat management. State fish and wildlife agencies have also participated in the work of the North American Wetlands Conservation Act (NAWCA) and observed first-hand the benefits of landscape level habitat conservation for waterfowl, other biota, and sustaining ecological integrity of these habitats. The habitat conservation approaches associated with NAWCA are ecologically and institutionally transferable to the fisheries world and state agencies are advocates for that very outcome.

There is a critical aquatic habitat conservation need across this country. Nationally, regionally and locally we have worked for decades to reverse overfishing. This work has required substantial coordination across federal agencies, with state and tribal partners, and involving industry and other private sector partners. And it has yielded success as fishing rates have been brought to sustainable levels for many stocks. Yet at the same time,

controlling overfishing alone will not ensure healthy and productive futures for our fisheries and the social and economic benefits they support. We face substantial declines in fish habitat across the country. These declines threaten to undermine gains in productivity realized through effective management of fishing related removals. Without a companion, large scale strategic effort to protect and enhance fish habitat, much of this hard work and sacrifice to rebuild fish stocks will not be sustained.

In 2004 the Association coordinated and partnered with federal agencies, non-governmental organizations, tribal interests, industry, and other interested stakeholders to create both a leadership team and a technical work group that would develop a fish habitat conservation model on a national scale. The genesis of this effort and resulting National Fish Habitat Initiative (Initiative) was initially based on recommendations from the Sport Fishing and Boating Partnership Council. Several state fish and wildlife agencies provided staffing to the various planning efforts that ensued as well as start-up funds to support that work. The Association assisted with coordination, devoted staff participation, and secured grant funding to help support all aspects of the development of a national plan. It is important to highlight state agency and Association involvement from the very beginning to emphasize the importance of this bill to state fish and wildlife agencies. It is equally important to emphasize that this continues to be a state-driven partnership effort. The overall strength and benefits from this partnership model are attributed to its strategic perspective, providing a framework for coordinated voluntary collaborative efforts of state, federal, and local agencies, industry, including non-governmental and other conservation organizations, and other partners. This effort creates an opportunity for these agencies and organizations to come together around landscape scale habitat concerns, prioritize strategic actions, and develop and work toward common goals and objectives to protect, restore and enhance our nation's most important freshwater, estuarine and marine fish habitats. By strategically addressing habitat concerns, the collaborative efforts can best reverse declines of fish species and enhance fishing opportunities and improve the health of aquatic habitat.

The Association and its partners always believed that a national initiative to conserve fisheries habitat would benefit greatly from federal legislation (modeled on the proven success of NAWCA). This legislation will validate the nationwide scope of the work, empower, guide and coordinate federal agency participation, and help to secure adequate funding to achieve an ambitious mission. This National Fish Habitat Initiative started as a vision, has blossomed into a reality as the National Fish Habitat Action Plan, and will bear even more fruit with passage of this enabling legislation. Before elaborating on the positive aspects of this Act and the Association's strong support for it, it would be desirable to pause and reflect on the considerable success to date at conserving and restoring aquatic habitats on a national scale.

The development and endorsement (April 2006) of the National Fish Habitat Action Plan (Plan) was a critical accomplishment. The Plan's mission is to "protect, restore, and enhance the nation's fish and aquatic communities through partnerships and foster fish habitat conservation and improve the quality of life for the American people." It is grounded on science and driven by regional partnerships with the capacity to successfully achieve these fish habitat conservation goals and objectives. The Plan has become the blueprint for the success we know today and for shaping the National Fish Habitat Conservation Act.

The Plan's implementation is currently guided by a 22-member Board comprised of national conservation leaders who are committed to aquatic habitat conservation. In only three years and with limited funding, the Board has demonstrated an enviable record of accomplishments including: establishment of science and data and communications teams; approval of a Charter; approval of interim conservation strategies and targets; development of guidelines for formation of Fish Habitat Partnerships (FHPs) and an application process for Board recognition of partnerships; development of operational budgets; and, assistance with delivering conservation dollars to regional FHPs. In sum, the footing has been laid, and architecture developed, to manage the Plan.

Fish Habitat Partnerships are the delivery mechanism for habitat conservation planning and projects; most are regional, some are system or taxonomically based. These Partnerships are analogous to Joint Ventures under NAWCA. The 2006 Plan calls for the establishment of at least 12 FHPs by 2010. Not only has that target been proven to be reasonable, it is likely to be exceeded. Nationally, the regional interest for establishing voluntary FHPs consistent with Plan and Board guidelines has far exceeded the expectations of the drafters of the Plan. To date, nine FHPs have been officially recognized by the Board and 11 additional Partnerships are considered as "candidates."

The energy and excitement are palpable from within and from without as the Partnerships meet, organize, develop strategic plans, and implement science driven conservation projects for brook trout and pacific salmon, coastal habitats and reservoirs, lakes and rivers, desert systems and pristine Alaskan waters. Nearly the entire country is now encompassed by one or more of these Partnerships supported by strong state leadership and participation in each one.

The Driftless Area Restoration Effort and the Midwest Glacial Lakes Partnership are two of the nine endorsed Partnerships, and are already making a difference on the ground in the Dairy State. There are two other candidate Partnerships that will improve aquatic habitats in Wisconsin and they are the Fishers and Farmers Partnership and the Great Lakes Basin Partnership. The Pacific Salmon Stronghold Candidate Fish Habitat Partnership focuses on Washington, Oregon, California, and Idaho salmon conservation activities. Discussions are in progress by this candidate partnership to coordinate, collaborate, and complement existing Board recognized and emerging candidate Pacific Salmon habitat partnerships and related conservation efforts in Alaska. Its strategy is to conserve the strongest populations of wild Pacific salmon to keep them healthy and prevent them from declining. It builds upon and complements existing lower 48 states recovery efforts by supporting proactive, collaborative conservation projects and focusing resources on the most productive and diverse salmon ecosystems. To benefit existing legislative programs and add value to the proposed National Fish Habitat Conservation Act, the stronghold worked with congressional sponsors to introduce complementary legislation the, Pacific Salmon Stronghold Conservation Act (PSSCA).

In Maryland, we are pleased to be active in two Fish Habitat Partnerships: the Eastern Brook Trout Joint Venture and the Atlantic Coastal Fish Habitat Partnership. The brook trout effort is focused on protecting habitat for the only trout species native to the east coast.

Brook trout throughout the range have suffered particularly from lost and degraded habitat. The Eastern brook Trout Joint Venture formed to identify, prioritize and address major threats to brook trout. By working together, states, federal agencies and conservation partners have developed strategies to protect key watersheds, prioritize corrective actions and pool resources to treat the most significant threats first. This triage approach is resulting in better conservation success with limited resources.

The Atlantic Coast effort is geared to protecting key estuarine and inshore coastal habitats for important migratory species along the Atlantic coast. By working together at the landscape scale, partners can ensure that local conservation action is strategically undertaken across the range of a species, from spawning and nursery habitat to migratory pathways. Consider for example the striped bass, one of the most important commercially and recreationally sought fish on the east coast. With a migratory range from North Carolina to Maine, and key spawning and nursery areas in the Chesapeake Bay, North Carolina and the Hudson River, concerted action is needed to ensure range-wide habitat protection. Further, failure to protect key habitats could easily undermine the gains achieved through careful management of fishing rates that has made this a fishery management conservation success story.

The National Fish Habitat Conservation Act (NFHCA) provides a strong overarching framework to build on the Action Plan and further advance fish habitat protection habitat conservation actions nationally. The Pacific Salmon Stronghold Conservation Act both supports and adds value and resources for implementation of the protection goals of NFHAP, with added focus and resources on Pacific salmon and related international efforts specific to conservation of Pacific salmon.

This Pacific Salmon Conservation Act in combination with existing programs and the National Fish Habitat Conservation Act would ensure the viability of wild Pacific salmon into the future. Three critical components of this strategy include:

1. International cooperation for salmon, a treaty species (Pacific Salmon Treaty, North Pacific Anadromous Fish Commission);
2. Recovery of salmon populations listed as threatened or endangered under the Endangered Species Act (largely implemented through the Pacific Coastal Salmon Recovery Fund); and
3. Voluntary, incentive-based cooperative conservation to protect and restore salmon strongholds through the PSSCA and NFHCA.

The PSSCA Act will build the third leg of the stool to complement the NFHCA and existing salmon habitat conservation programs by focusing on public/private efforts to identify and protect a range-wide network of strongholds, facilitating a holistic and balanced approach to wild salmon conservation. This added element is essential for helping the National Fish Habitat Board achieve its national goals by contributing to regional and international coordinated conservation actions specific to Pacific salmon.

Leadership provided by the U.S. will invigorate efforts underway in Canada, Russia, and Japan to develop a complementary salmon stronghold strategy, which is vital to ensure the

long-term viability of wild Pacific salmon populations across their range and not just in the United States.

Let me reflect now on some conservation actions that are already underway. In the past three years the U.S. Fish and Wildlife Service has supported Board and Fish Habitat Partnership priorities and invested \$8.5 million supporting 188 conservation projects in 36 states. Partnership match contributed to these projects is valued at nearly \$20 million. These dollars have funded riparian vegetation management, removal of barriers, such as culverts and old dams, and bank stabilization. Most importantly, these funds have been coordinated and strategically based on the collective scientific knowledge of local experts. The Driftless Area Restoration Effort, for example, is receiving funding from the U.S. Fish and Wildlife Service for 25 projects in Wisconsin. Fish and Wildlife Service funds total nearly \$700,000 with partner match nearly reaching \$2 million. Elk Creek in Vernon County, German Valley Creek in Dane County, and the Little Sugar River in Green County are some of the water bodies that will benefit from the funding.

In addition, other federal agencies, such as the U.S. Forest Service are reprogramming base funds to conduct aquatic habitat improvement projects within National Forests that will address Board and Fish Habitat Partnership priorities.

The Plan's work is based on science. State fish and wildlife agencies, the U.S. Geological Survey, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service have been engaged in a first ever comprehensive national aquatic habitat assessment. That initial assessment and a resulting status report will be completed in 2010. In the meantime, the work of the Board and the Partnerships has been guided by a habitat framework and interim conservation strategies and targets. Partnerships are expected to consider and have the science and other capacity of Partnership members to successfully integrate this national guidance in the development of their own strategic plans, establish objective priorities for conservation projects and assess funding requirements. Partnerships are also expected to have sufficient partners to have the capacity to implement projects successfully, measure their benefits, account for all expenditures and report on outcomes. In addition, the state and federal co-chaired Board's Science and Data Team has devoted considerable attention to data needs, data management and reporting systems in part to ensure that local monitoring and evaluation protocols used by Partnerships will provide for a national accounting of expenditures and accomplishments.

The message is clear. The National Fish Habitat Action Plan and this legislation are nothing short of a thoughtful, planned, and strategic endeavor with the organization, science, and collaboration mechanisms to make it work. Indeed, the Plan is working and the Association supports all elements of the National Fish Habitat Conservation Act without exception or hesitation to assure its continued future success.

Let me address the question of why legislation is necessary, given that a Plan is in place, and it is producing positive conservation results based on voluntary actions. The simple reality is that the Action Plan requires formal legislative endorsement to establish the architecture and funding needed to orchestrate uniform and long-term federal direction for combining these new and related existing resources across 19+ federal agencies. At the

same time, it is coupled with appropriate acknowledgment of and provision to support and engage active state fish and wildlife agency and tribal participation to accomplish science based conservation projects supported by voluntary regional Fish Habitat Partnerships at a scale necessary to make a difference. These are among the key elements provided for in HR2565 and are absolutely critical to moving this Plan to the next level of sustainable success as elaborated below.

The delivery and coordination of science-based conservation projects at a scale that will be meaningful is expensive and needs to be accountable. Bulldozers and backhoes, nursery stock and rip-rap cost money. Partnerships are expensive to administer, grant processes and accountability mechanisms require staffing, the delivery of science and technical assistance needs funds, and the Board's oversight work is not without cost. The Association appreciates these are difficult economic times, but the National Fish Habitat Action Plan outlines a plan of cost-effectiveness – treating root causes, helping to prevent more costly interventions, and leveraging additional funds. It also provides the leadership for better coordinating existing related resources of 19+ federal agencies to avoid redundancies and achieve science-based conservation outcomes that can be measured, tracked and reported. Looking at the success of the NAWCA model, this comparable effort for fish and aquatic resources will provide an overall cost savings and at the same time insure that the most important projects will be funded and long-term measurable outcomes achieved in order to benefit the American public in all regions of our country.

The Plan offers an investment strategy to support and formalize a fledgling infrastructure already working hard unto that end. The investment will pay rich dividends – clean water, healthy ecosystems, abundant fish, fewer ESA listings, and quality water-based places to recreate, which will also support our economy. Absent the funding contemplated in the Act, it will be difficult to sustain the existing momentum and voluntary coordination of federal and state agencies in progress. The Plan is our nation's vision based on lessons learned about why past investments have not adequately addressed declining fish populations associated with the failing health of our Nation's freshwater, estuarine and marine habitats. Without formal recognition of the Plan and long-term bridge resources to nurture its growth and actions, the present energy and enthusiasm needed to raise and leverage matching funds, write grants, and develop budgets cannot be sustained by the current patchwork of base funding. Even though a number of state agencies assist with funding for basic coordination and science work of the Board and Partnerships, these resources are inadequate to meet long-term goals and cannot be guaranteed to continue. States spearheaded the Plan development and recognize the necessity for this legislation. They understand that past regulatory efforts to implement conservation strategies were not adequately funded and coordinated by all those needed to successfully accomplish them. And they found that most past actions were not adequately tracked.

In order to remedy this outdated and ineffective pattern of the past, states invested seed money into this effort to demonstrate tangible benefits that will be realized with long-term and sufficient investment in the Plan outlined in the NFHCA. They now seek Congressional support and actions to take our country to the next stage and reap the same or greater benefits as achieved by NAWCA. The Plan also recognizes there will be opportunities to coordinate with NAWCA, State Wildlife Action Plans, and other programs to avoid

redundancies when resources can be integrated effectively to achieve outcomes that benefit all and that would otherwise not be achieved alone.

On the project funding side of the equation, the Fish and Wildlife Service has been able to carve only \$3 million out of its base budget in any given year to support Partnership projects when the documented need exceeds over \$55 million over five years for 416 projects. In response to the National Oceanographic and Atmospheric Administration's request for proposals for habitat conservation projects funded by their portion of the American Recovery and Reinvestment Act, approximately 800 applications were received requesting over \$3 billion dollars.

In addition to the funding needs that can be addressed by the National Fish Habitat Conservation Act, there are a number of other vital benefits. The Act defines the Board and its work, ensuring a legislative placeholder in the governance and management of Board goals over time. The Association supports the new and additional slots dedicated to Board representation (i.e., it will grow from 22 to 27 members). This validates the broad spectrum partnership foundation of the Plan and ensures the private interests of farmers, woodlot managers, and fishermen are fully represented with other interests in the delivery of voluntary, non-regulatory fish habitat conservation projects.

Funding needed for effective delivery of successful science-based conservation projects at a scale that makes a difference, combined with accountability, are keys to success – the efficient tracking and use of funds and outcome reporting are vital. In addition, day-to-day coordination among federal agencies, state agencies and Partnerships, are essential. The provision for a new Partnership Office is the perfect solution to effect national level coordination in support of the governing Board and Plan implementation, including ensuring the best possible level of collaboration between 19+ federal agencies with a stake in aquatic resource conservation including state counterparts. To date staff support has been made available in an ad-hoc way – one that has worked at the limited demonstration level achieved to date – but a Partnership office is required to cost effectively deliver and support the outcomes envisioned for the long haul.

The Association is pleased to see explicit recognition of the need for state participation throughout the Act. Regional state representation on the Board, state representation in the Partnership Office, and the explicit directive for coordination in Section 10 regarding activities within states, are highly desirable.

Science must be at the heart of the Plan and the Act ensures that can be a reality by designating federal dollars for science and technical assistance to support states, tribes and Partnerships with assessment data and monitoring approaches. Even though several federal agencies have redirected staffing or funding to make sure the science foundation is not overlooked in the development and early implementation of the Plan, more secure and dedicated funding will be invaluable. States also contributed to science and data efforts, especially with respect to their fish population and habitat roles and expertise. Climate change, energy development and transmission, and invasive species and their implications for the health of the nation's waterways, all point to the need for increased technical

resources or capabilities to ensure the Plan is, in fact, able to remain contemporary in the face of such pressures.

If any doubt remains, let us not forget what is at stake. The American Fisheries Society reported last year that America's fish populations are facing a conservation crisis. Nearly 40 percent of our fish species, 700 in total, are listed as imperiled and habitat degradation is clearly a driving factor. The country has been dedicated for decades to important work aimed at eliminating overfishing of many ecologically and commercially valuable fish stocks. Yet without companion efforts to restore and protect habitats, these efforts will be for naught.

Past aquatic habitat conservation approaches and models, often regulatory in nature and fragmented, have simply not stemmed the tide. A new model is needed – one grounded in science, coordinated partnerships, and priority habitat improvement projects of a scale that is effective – the model provided in the National Fish Habitat Action Plan. States support this approach and have invested in the Action Plan and its implementation to demonstrate to the potential benefits of full implementation. The Association of Fish and Wildlife Agencies does as well. We have seen the Action Plan bring unlikely partners together that have the needed science expertise and more importantly the collective capacity for successful outcomes that could not be accomplished alone. We respectfully ask Congress to take the next step to build upon this support and momentum demonstrated by these diverse science based Partnerships to implement conservation projects at a scale necessary to improve our nation's aquatic resources and contribute to the health of all Americans. We ask Congress to act expeditiously to legislatively endorse the forethought and sound conservation vision that the National Fish Habitat Conservation Act outlines in order to address our nation's aquatic habitat needs.

Thank you for the opportunity to testify in support of both HR2565 and HR2055, and I would be happy to respond to any questions.