

**H.R. 39, TO REQUIRE THE SECRETARY OF THE
INTERIOR TO ESTABLISH A PROGRAM TO
PROVIDE ASSISTANCE IN THE CONSERVATION
OF NEOTROPICAL MIGRATORY BIRDS**

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS

OF THE

**COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SIXTH CONGRESS

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HEARING ON H.R. 39, TO REQUIRE THE SECRETARY OF THE INTERIOR TO ESTABLISH A PROGRAM TO PROVIDE ASSISTANCE IN THE CONSERVATION OF NEOTROPICAL MIGRATORY BIRDS

THURSDAY, FEBRUARY 11, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS,
COMMITTEE ON RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:07 a.m., in Room 1334, Longworth House Office Building, Hon. Jim Saxton presiding.

Mr. SAXTON. Good morning. The Subcommittee on Fisheries Conservation, Wildlife and Oceans will come to order.

Good morning and welcome to the first hearing of the Subcommittee on Fisheries Conservation, Wildlife and Oceans in the 106th Congress. The Subcommittee has been very productive in the past four years, having held 82 hearings, 22 markups, and 60 bills have become public law. That is due largely to the hard work of our members in shaping legislation within our purview, as well as to our staff.

I have an equally ambitious agenda for this year, and so we will move on to today's hearing, H.R. 39, the Neotropical Migratory Bird Conservation Act of 1999, which was introduced on January 6, 1999, by Resources full Committee Chairman, Don Young, and Ranking Member, George Miller and, of course, by me.

This bill is modeled after the highly successful efforts to assist African and Asian elephants, rhinoceroses and tigers. Under the terms of this measure, Congress would create a Neotropical Migratory Bird Conservation Account. The account would be a separate entity within the Multinational Species Conservation Fund, which is a mechanism now used to finance projects to assist the four previously mentioned keystone species. This account would be authorized to receive up to \$8 million per year in Federal appropriations until September 30th in the year 2004.

The Secretary of the Interior will be charged with the responsibility of evaluating and selecting meritorious conservation projects. H.R. 39 is simple. It is a straightforward, bipartisan proposal that builds upon the success of existing conservation programs. The fundamental goal of this legislation is to help formulate

an effective international plan to assist the conservation of these important neotropical migratory birds.

I look forward to hearing from our witnesses this morning.

[The prepared statement of Mr. Saxton follows:]

STATEMENT OF HON. HON. JIM SAXTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Good morning and welcome to the first hearing of the Subcommittee on Fisheries Conservation, Wildlife and Oceans in the 106th Congress. We have a number of new Members on the Subcommittee this year and I look forward to working with each of you to add to what I believe is an impressive list of accomplishments. This Subcommittee has been very productive in the past four years, having held eighty-two hearings, twenty-two markups, and sixty bills have become public law. That's due largely to the hard work of our Members in shaping legislation within our purview, and I thank those of you who have played a part in these accomplishments. We have an equally ambitious agenda for this year, so let's move on to the subject of today's hearing—H.R. 39, the Neotropical Migratory Bird Conservation Act of 1999, which was introduced on January 6, 1999, by Resources Full Committee Chairman Don Young, Ranking Democratic Member George Miller and me.

This bill is modeled after the highly successful efforts to assist African and Asian elephants, rhinoceroses, and tigers. Under the terms of this measure, Congress would create a Neotropical Migratory Bird Conservation Account. This account would be a separate entity within the Multinational Species Conservation Fund, which is the mechanism now used to finance projects to assist the four previously mentioned keystone species. This account would be authorized to receive up to \$8 million per year in Federal appropriations until September 30, 2004.

The Secretary of the Interior would be charged with the responsibility for evaluating and selecting meritorious conservation projects. While the bill does not exclude any group or individual from applying for a Federal grant, H.R. 39 does give preference to projects supported by relevant wildlife management authorities. In addition, the bill limits the Federal share of the costs of the project to not greater than 33 percent of the total expenditures.

Finally, the proposal requires the Secretary of the Interior to submit a report to Congress, not later than October 1, 2002, on the effectiveness of the Act and to suggest ways to improve the operation of the account in the future.

While the legislation does not limit the type of conservation projects, based on the history of the various conservation Funds, the Department is likely to receive proposals to determine the condition of neotropical migratory bird habitat, undertake population studies, implement new conservation plans in range states, educate the public as to the value of these species, and reduce the destruction of essential habitat.

H.R. 39 is a simple, straightforward bipartisan proposal that builds upon the success of existing conservation programs. The fundamental goal of this legislation is to help formulate an effective international plan to assist in the conservation of these important neotropical migratory birds.

I am looking forward to hearing from our distinguished witnesses. Welcome.

[The prepared statement of Mr. Young follows:]

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. Chairman, I want to compliment you for scheduling this timely hearing on our bill, H.R. 39, the Neotropical Migratory Bird Conservation Act.

Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Birdwatching is one of America's fastest growing forms of outdoor recreation. Nearly 70 million Americans enjoy watching and feeding birds. These activities generate some \$20 billion in economic activity each year. In addition, healthy bird populations are a valuable asset for both farmers and timber interests. They consume detrimental insects and rodents, help to pollinate and disperse agricultural seeds, and literally prevent the loss of millions of dollars.

Regrettably, the population of many neotropical migratory bird species has declined to dangerously low levels. In fact, there are currently 90 North American bird species that are listed as either threatened or endangered. Furthermore, the Gov-

ernment of Mexico has identified some 390 bird species as being endangered, threatened, vulnerable or rare.

There are many reasons for this population collapse including nest predation, competition among species, hazards along migration routes, pesticide use, and loss of essential habitat.

What is lacking, however, is a strategic international plan for bird conservation, money for on-the-ground projects, public awareness, and any real cooperation between those countries where these birds live.

While H.R. 39 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a Neotropical Migratory Bird Conservation Account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior.

Under the terms of H.R. 39, we would authorize up to \$8 million in Federal appropriations each year. The bill does not exclude any group or individual from applying for a Federal grant. It does, however, limit the Federal share of any one project to not more than 33 percent of the total cost.

This legislation is modeled after our successful efforts to assist African and Asian elephants, rhinos, and tigers. It is my hope that we will add neotropical migratory birds to that list of keystone species and that we can persuade our colleagues on the Appropriations Committee to allocate a sufficient amount of financial support.

Again, I am pleased that we are moving this legislation forward. I am confident that the Neotropical Migratory Bird Conservation Account would provide much-needed support for projects to conserve these species in a cost-effective manner.

I look forward to hearing from our distinguished witnesses and I am anxious to obtain their input on this important conservation legislation.

[The text of the bill follows:]

106TH CONGRESS
1ST SESSION

H. R. 39

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Resources

A BILL

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Neotropical Migratory
5 Bird Conservation Act".

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Neotropical migratory bird populations in
9 nations within the range of neotropical migratory

1 birds have continued to decline to the point that the
2 long-term survival of various species in the wild is
3 in jeopardy.

4 (2) 90 North American bird species are listed
5 as endangered species or threatened species under
6 section 4 of the Endangered Species Act of 1973,
7 and 124 species of migratory birds are currently on
8 the United States Fish and Wildlife Service's List of
9 Migratory Nongame Birds of Management Concern.

10 (3) The United States, through 4 bilateral trea-
11 ties, has responsibility of maintaining healthy popu-
12 lations of 778 species of migratory nongame birds
13 and 58 species of migratory game birds that migrate
14 between the Caribbean, Latin America, and North
15 America.

16 (4) The Government of Mexico presently lists
17 approximately 390 bird species as endangered,
18 threatened, vulnerable, or rare.

19 (5) Healthy bird populations provide important
20 economic benefits, such as control of detrimental in-
21 sects on agricultural crops, thus preventing the loss
22 of millions of dollars each year to farming and tim-
23 ber interests.

24 (6) Neotropical migratory birds travel across
25 many international borders, therefore the conserva-

1 tion of these species requires that safeguards be es-
2 tablished at both the beginning and end of the mi-
3 gration routes, as well as at essential stopover areas
4 along the way.

5 (7) Because the challenges facing the conserva-
6 tion of neotropical migratory birds are so great, re-
7 sources to date have not been sufficient to cope with
8 continued loss of habitat and the consequent reduc-
9 tion of neotropical migratory bird populations.

10 (8) To reduce, remove, or otherwise effectively
11 address these treaties through the long-term viability
12 of populations of neotropical migratory birds in the
13 wild will require the joint commitment and efforts of
14 nations within the range of neotropical migratory
15 birds and the private sector.

16 (9) A Neotropical Migratory Bird Conservation
17 fund would much-needed support for projects aimed
18 at protecting critical habitat for declining migratory
19 bird species, in an innovative way that promotes con-
20 servation partnerships and cost sharing through
21 joint Federal and non-Federal support mechanisms.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are the following:

24 (1) To perpetuate healthy populations of
25 neotropical migratory birds.

1 (2) To assist in the conservation of neotropical
2 migratory birds by supporting conservation initia-
3 tives in the United States, Latin America, and the
4 Caribbean.

5 (3) To provide financial resources and to foster
6 international cooperation for those initiatives.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) ACCOUNT.—The term “Account” means the
10 Neotropical Migratory Bird Conservation Account
11 established by section 9(a).

12 (2) CONSERVATION.—The term “conservation”
13 means the use of methods and procedures necessary
14 to bring a species of neotropical migratory bird to
15 the point at which there are sufficient populations in
16 the wild to ensure the long-term viability of the spe-
17 cies, including—

18 (A) protection and management of
19 neotropical migratory bird populations;

20 (B) maintenance, management, protection,
21 and restoration of neotropical migratory bird
22 habitat;

23 (C) research and monitoring;

24 (D) law enforcement; and

25 (E) community outreach and education.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 5. FINANCIAL ASSISTANCE.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 program to provide financial assistance for projects to pro-
6 mote the conservation of neotropical migratory birds.

7 (b) PROJECT APPLICANTS.—A project proposal may
8 be submitted by—

9 (1) an individual, corporation, partnership,
10 trust, association, or other private entity;

11 (2) an officer, employee, agent, department, or
12 instrumentality of the Federal Government, of any
13 State, municipality, or political subdivision of a
14 State, or of any foreign government;

15 (3) a State, municipality, or political subdivi-
16 sion of a State;

17 (4) any other entity subject to the jurisdiction
18 of the United States or of any foreign country; and

19 (5) an international organization (as defined in
20 section 1 of the International Organizations Immu-
21 nities Act (22 U.S.C. 288)).

22 (c) PROJECT PROPOSALS.—To be considered for fi-
23 nancial assistance for a project under this Act, an appli-
24 cant shall submit a project proposal that—

25 (1) includes—

1 (A) the name of the individual responsible
2 for the project;

3 (B) a succinct statement of the purposes of
4 the project;

5 (C) a description of the qualifications of
6 individuals conducting the project; and

7 (D) an estimate of the funds and time nec-
8 essary to complete the project, including
9 sources and amounts of matching funds;

10 (2) demonstrates that the project will enhance
11 the conservation of neotropical migratory bird spe-
12 cies in Latin America, the Caribbean, or the United
13 States;

14 (3) includes mechanisms to ensure adequate
15 local public participation in project development and
16 implementation;

17 (4) contains assurances that the project will be
18 implemented in consultation with relevant wildlife
19 management authorities and other appropriate gov-
20 ernment officials with jurisdiction over the resources
21 addressed by the project;

22 (5) demonstrates sensitivity to local historic and
23 cultural resources and complies with applicable laws;

1 (6) describes how the project will promote sus-
2 tainable, effective, long-term programs to conserve
3 neotropical migratory birds; and

4 (7) provides any other information that the Sec-
5 retary considers to be necessary for evaluating the
6 proposal.

7 (d) PROJECT REPORTING.—Each recipient of assist-
8 ance for a project under this Act shall submit to the Sec-
9 retary such periodic reports as the Secretary considers to
10 be necessary. Each report shall include all information re-
11 quired by the Secretary for evaluating the progress and
12 outcome of the project.

13 (e) COST SHARING.—

14 (1) FEDERAL SHARE.—The Federal share of
15 the cost of each project shall be not greater than 33
16 percent.

17 (2) NON-FEDERAL SHARE.—

18 (A) SOURCE.—The non-Federal share re-
19 quired to be paid for a project shall not be de-
20 rived from any Federal grant program.

21 (B) FORM OF PAYMENT.—

22 (i) PROJECTS IN THE UNITED
23 STATES.—The non-Federal share required
24 to be paid for a project carried out in the
25 United States shall be paid in cash.

1 (ii) PROJECTS IN FOREIGN COUN-
2 TRIES.—The non-Federal share required to
3 be paid for a project carried out in a for-
4 eign country may be paid in cash or in
5 kind.

6 **SEC. 6. DUTIES OF THE SECRETARY.**

7 In carrying out this Act, the Secretary shall—

8 (1) develop guidelines for the solicitation of pro-
9 posals for projects eligible for financial assistance
10 under section 5;

11 (2) encourage submission of proposals for
12 projects eligible for financial assistance under sec-
13 tion 5, particularly proposals from relevant wildlife
14 management authorities;

15 (3) select proposals for financial assistance that
16 satisfy the requirements of section 5, giving priority
17 to proposals that address conservation needs not
18 adequately addressed by existing efforts and that are
19 supported by relevant wildlife management authori-
20 ties; and

21 (4) generally implement this Act in accordance
22 with its purposes.

23 **SEC. 7. COOPERATION.**

24 In carrying out this Act, the Secretary shall—

1 (1) support and coordinate existing efforts to
2 conserve neotropical migratory bird species,
3 through—

4 (A) facilitating meetings among persons in-
5 volved in such efforts;

6 (B) promoting the exchange of information
7 among such persons;

8 (C) developing and entering into agree-
9 ments with other Federal agencies, foreign,
10 State, and local governmental agencies, and
11 nongovernmental organizations; and

12 (D) conducting such other activities as the
13 Secretary considers to be appropriate; and

14 (2) coordinate activities and projects under this
15 Act with existing efforts in order to enhance con-
16 servation of neotropical migratory bird species.

17 **SEC. 8. REPORT TO CONGRESS.**

18 Not later than October 1, 2002, the Secretary shall
19 submit to Congress a report on the results and effective-
20 ness of the program carried out under this Act, including
21 recommendations concerning how the Act might be im-
22 proved and whether the program should be continued in
23 the future.

1 **SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
2 **ACCOUNT.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Multinational Species Conservation Fund of the Treasury
5 a separate account to be known as the “Neotropical Mi-
6 gratory Bird Conservation Account”, which shall consist
7 of amounts deposited into the Account by the Secretary
8 of the Treasury under subsection (b).

9 (b) **DEPOSITS INTO THE ACCOUNT.**—The Secretary
10 of the Treasury shall deposit into the Account—

11 (1) all amounts received by the Secretary in the
12 form of donations under subsection (d); and

13 (2) other amounts appropriated to the Account.

14 (c) **USE.**—

15 (1) **IN GENERAL.**—Subject to paragraph (2),
16 the Secretary may use amounts in the Account,
17 without further Act of appropriation, to carry out
18 this Act.

19 (2) **ADMINISTRATIVE EXPENSES.**—Of amounts
20 in the Account available for each fiscal year, the
21 Secretary may expend not more than 6 percent to
22 pay the administrative expenses necessary to carry
23 out this Act.

24 (d) **ACCEPTANCE AND USE OF DONATIONS.**—The
25 Secretary may accept and use donations to carry out this
26 Act. Amounts received by the Secretary in the form of do-

1 nations shall be transferred to the Secretary of the Treas-
2 ury for deposit into the Account.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to the Account
5 to carry out this Act \$8,000,000 for each of fiscal years
6 2000 through 2004, to remain available until expended,
7 of which not less than 50 percent of the amounts made
8 available for each fiscal year shall be expended for projects
9 carried out outside the United States.

○

Mr. SAXTON. The Ranking Member, the gentleman from American Samoa, may be here a little bit later, but he does have an opening statement which will be included in the record at this point.

[The prepared statement of Mr. Faleomavaega follows:]

STATEMENT OF HON. ENI FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM THE
TERRITORY OF AMERICAN SAMOA

Mr. Chairman, I support H.R. 39, the Neotropical Migratory Bird Conservation Act, and I applaud the gentleman from Alaska's efforts to address an issue that has been ignored for too long.

Every year, billions of birds of some 350 species migrate thousands of miles between breeding grounds in North America and winter habitat in the tropics of Latin America and the Caribbean. The migratory lifestyle of these species makes them vulnerable to habitat destruction throughout their entire range, including stopover points along the migration routes. Scientists assert that populations of many species of migrant birds have declined precipitously over the last several decades for a variety of reasons, primarily from habitat loss and fragmentation, but also as a result of invasive species, pesticides, nest parasitism, and deliberate poisonings. For many neotropical birds, abundance trends are unknown or poorly understood.

This Act authorizes the Secretary of the Interior to provide funding for projects that conserve neotropical migrants and to promote partnerships that improve cooperation among the wide number of agencies and organizations involved with ongoing conservation efforts. This Act is not intended to supplant efforts initiated by organizations such as the National Fish and Wildlife Foundation, but rather to complement them. This legislation is good public policy: It will save time and money, as well as preserve biodiversity, by protecting bird populations *before* they have declined to the verge of extinction and more drastic measures are required.

Mr. SAXTON. I ask unanimous consent that all members be permitted to include their opening statements in the record.

[The prepared statement of Mr. Pallone follows:]

STATEMENT OF HON. FRANK PALLONE, JR. A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW JERSEY

Mr. Chairman, thank you for holding this hearing on H.R. 39, the Neotropical Migratory Bird Conservation Act of 1999. This bill would require the Secretary of the Interior to create a conservation program for neotropical migratory birds.

As you know, neotropical migratory birds travel thousands of miles every year from regions as far North as Canada, to as far South as Central and South America. There are 90 North American bird species listed as endangered under the Endangered Species Act, some of which are neotropical migratory birds. In addition, the U.S. Fish and Wildlife Service has unfortunately placed many neotropical migratory birds on the Migratory Nongame Birds of Management Concern list.

The neotropical migratory bird species on these lists are either threatened, or endangered, due in part to the continuing deterioration of essential habitat, especially in the Caribbean and Latin America. The loss of these essential habitats will continue unless Congress implements an effective conservation measure directed at protecting neotropical migratory birds.

I feel that conservation of neotropical migratory birds is an important priority to consider. Activities such as birdwatching and birdfeeding can generate nearly \$20 billion in revenue each year in the U.S. The agricultural and environmental benefits of neotropical migration are essential to survival of certain plants and animals. A cost effective measure would be to prevent the decline of these species before they need to be listed under the Endangered Species Act.

H.R. 39 would authorize \$8 million per year through Fiscal Year 2004 for neotropical migratory bird conservation programs. Given the severity of the situation with neotropical migratory birds, I am interested to know how much of a difference \$8 million per year will contribute to conservation efforts, and whether any Federal support has already been provided to these particular species that are regarded as threatened or endangered.

I applaud the good intent behind H.R. 39, and I am interested to hear from the panel about what improvements can be made with the bill in order to better protect these birds. Does the panel support the idea of an advisory committee to assist the Secretary of Interior with this conservation effort?

I think these are questions that should be answered and areas that should be further explored, and I look forward to hearing from our witnesses today on the issues related to the legislation before us.

Mr. SAXTON. I would now like to open the hearing with our first witness, who happens to be an old friend, Mr. John Rogers, Deputy Director of Fish and Wildlife, U.S. Fish and Wildlife Service.

I would just like to remind our witnesses that our oral testimony is limited to five minutes, and we have that nasty red light that comes on there in front of you. So if you would just pay mind to it.

Mr. Rogers, you may begin your leisure.

STATEMENT OF JOHN ROGERS, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. ROGERS. Thank you very much, Mr. Chairman. It is a pleasure to be here before you this morning to comment on H.R. 39. I think, significant to the importance that this Committee places on the bill, that it does serve as the inaugural event for your efforts in the 106th.

The Neotropical Migratory Bird Conservation Act will aid in the conservation and management of neotropical birds. The administration supports this legislation. The bill provides a mechanism for coordination and funding to promote the conservation of neotropical migratory birds and their habitats throughout Latin America, the Caribbean and North America.

We acknowledge, also, that other House members have introduced a separate bill, and the Senate has its own version of this legislation which we could support.

We will be happy to work with the Subcommittee, other House members, as well as the Senate to resolve any differences among the bills and to ensure that the final legislation serves the needs of neotropical migratory birds.

At the outset, Mr. Chairman, we would like to support you, as well as Chairman Young and Ranking Member Miller, of the full Committee for co-sponsoring this important legislation.

H.R. 39 establishes a grants program to provide financial assistance to Federal, State, local, as well as Latin American and Caribbean government agencies, along with nonprofit and international organizations, as well as others, to fund projects for the conservation of neotropical migratory birds. The legislation recognizes the need for international cooperation in these conservation efforts and establishes a project selection process to ensure that they focus on long-term sustainability of local efforts.

The bill establishes a Neotropical Migratory Bird Conservation Account within the Multinational Species Conservation Fund and limits the Federal cost-share of the projects to 33 percent, thus, leveraging the Federal funds provided. We are pleased with the flexibility that this legislation provides and with the increase in authorization to \$8 million per year to enable the Service to increase the size and scope of the program over the next four years.

The Service, through four bilateral treaties, has responsibility for maintaining healthy populations of some 778 species of migratory nongame birds and 58 species of migratory game birds. Approxi-

mately, 350 of these species, the so-called neotropical migrants, migrate between the Caribbean, Latin America and North America.

Unfortunately, despite our best efforts, many of these birds continue to decline, some quite markedly. For example, 124 species of migratory birds are currently on the Service's list of migratory nongame birds of management concern. If population trends of these birds continue on their present downward slope, the next list these species may appear on will be the endangered species list. That list currently contains 90 species of North American birds, and Mexico presently lists some 390 species as endangered, threatened or rare.

Birds are important to us for many reasons, whether we reside in North America, Latin America or the Caribbean. Bird watching and other forms of bird-related recreation are highly valued pastimes in North America, with a growing interest in the Caribbean and Latin America as well. Nearly 70 million Americans spend approximately \$20 billion each year participating in bird-related recreation. Bird watching is America's fastest growing form of major outdoor recreation.

Additionally, birds prevent billions of dollars of economic losses each year by eating crop-damaging insect pests and weed seeds. They are important pollinators of many commercially valuable plants. Neotropical birds are an important shared component of the biological diversity of the Western Hemisphere.

Neotropical birds spend approximately five months of the year in the Caribbean and Latin America, four months in their North American breeding sites, and another three months migrating in the fall and autumn between the two. The nature of this shared trust makes migratory bird management an international issue.

Our most immediate challenge is to halt the precipitous declines of many of these species due, in major part, to habitat destruction and degradation. H.R. 39 is a major step in the right direction, in that it will reverse these trends. Severely declining bird species are causing great concerns among natural resource managers, both in the public and private sectors of Caribbean and Latin American countries, as well as in North America.

H.R. 39 will help the U.S. and our international partners reverse species declines, conserving bird populations before they reach the point of endangerment. Equally as important, this legislation will help keep our common birds common. This visionary Act will help unite all of the Americas in a coordinated effort to protect a vital component of our shared biological heritage.

Mr. Chairman, that concludes my comments right now. I would be happy to answer any questions that you may have.

[The prepared statement of Mr. Rogers may be found at the end of the hearing.]

Mr. SAXTON. Thank you, Mr. Rogers.

Can you enlighten us on what Federal efforts are currently underway to carry out the same general objectives as this proposed legislation.

Mr. ROGERS. Our budget contains approximately \$2.5 million, for which we look after the problems of neotropical birds. Much of this has been spent, in our international efforts, has been spent in capacity building; that is, training of biologists, development of

ecotourism efforts in Latin America. We have not had the resources to invest in the kind of habitat-related work in Latin America, outside of this country, that we have been able to. We have, however, had some limited activity, directly through the Fish and Wildlife Service, on our National Wildlife Refuges, et cetera, to manage habitat that would benefit these birds.

Mr. SAXTON. Well, there is, as a matter of fact, a fairly significant effort, is there not, through the Fish and Wildlife Service, particularly in our refuges, to protect habitat and protect species?

Mr. ROGERS. Correct. The mission of the National Wildlife Refuge System is, among other things, to restore and maintain habitat for the variety of wildlife.

One of the unfortunate things about the ability of the National Wildlife Refuge System to unilaterally deal with some of these issues is that many of these species are dependent on large, undivided, unfragmented blocks of habitat that are much larger than our National Wildlife Refuges can protect unilaterally right now.

Mr. SAXTON. We have had some success in New Jersey with regard to the piping plover, in terms of protecting its habitat and in terms, as well, of watching the nesting pairs numbers grow, and I am wondering if you can point to other success stories such as that.

Mr. ROGERS. Well, all of our efforts on trying to increase endangered species, in general, such as they are birds, have met with similar successes. The peregrine falcon, for example, is a neotropical migrant that, through intense effort over the last many years, has produced benefits to the point where we are proposing delisting.

One of the other issues that we have, by asking and responding to that kind of question, we are talking about individual species. What we need to be worried about and what this bill will help us do is to worry about larger blocks of habitat that will take care of the needs of multiple species with single actions as opposed to the kind of historic excruciating and labored species-by-species activity.

Mr. SAXTON. Will this authorization, which amounts to \$8 million per year, make a real difference in terms of conservation of our target species?

Mr. ROGERS. Mr. Chairman, I suppose, as a good government witness and meeting the conventional wisdom, I am supposed to say that, no, there is not enough money. We need a lot more. But, in fact, an authorization of \$8 million will give us the opportunity, over the next few years, to demonstrate the utility of the program and the sorts of benefits that can accrue to neotropical migrants through it. And then, if justified, at the end of the current authorization, we might explore further appropriations. But \$8 million should be sufficient.

Mr. SAXTON. Let me ask you this: It seems to me that many of the species that we are interested in, particularly those which we protect here, try to protect here, suffer because of conflicts between human beings and species. I am wondering if there might be an opportunity to use some of these monies to bring awareness of these conflicts and to try and provide some level of awareness, education to people who, for example, I have a lot of surf fishermen who think we are being pretty mean to them because we won't let them

fish in certain areas during certain times of the year because the plovers are there. And yet, there seems to be a lack of understanding as to why these types of actions are necessary.

Mr. ROGERS. You are exactly right, Mr. Chairman. Habitat work, we believe, should be the emphasis of this. But quietly going on about doing our business with partners of saving big chunks of habitat, or trying to, and doing that alone, is not going to be successful. The public has got to understand why birds are important, that birds are important and need to join with us in both understanding it and doing something about it. So education and public outreach are going to be an important part of that.

Mr. SAXTON. Thank you. Let me ask one final question for the record. Is there a need to stipulate in statutory language that the Secretary of Interior may convene an advisory committee to assist him in the conservation of neotropical migratory birds and, if so, why?

Mr. ROGERS. We think it is very important to involve the conservation community in this effort broadly and that an advisory committee, laid out in the legislation, would be very helpful to us in that regard. We would hope that, if the Committee decides that the advisory committee is the appropriate way to go, it would also provide us the appropriate regulatory flexibility so we could do it quickly with a minimum of administrative burden.

Mr. SAXTON. So you would favor some statutory language?

Mr. ROGERS. Yes, sir.

Mr. SAXTON. Thank you very much. We appreciate you being with us this morning, and we look forward to working with you in the days ahead on this legislation.

Mr. ROGERS. Thank you very much, Mr. Chairman. As always, it has been a pleasure.

Mr. SAXTON. Thank you.

I will now introduce our second panel. We have Mr. Robert McDowell, Director of Fish, Game and Wildlife at the New Jersey Department of Environmental Protection, someone whom I know very well. We fish together, almost hunted together this year, but didn't quite make it.

Mr. McDOWELL. Almost drowned together.

Mr. SAXTON. Almost got hit by lightening together and almost sunk the boat; that is right.

[Laughter.]

Mr. SAXTON. Welcome. Glad we are both here, by the way.

[Laughter.]

Mr. McDOWELL. Yes, so am I.

Mr. SAXTON. In addition, Dr. Daniel Beard, the Senior Vice President of the National Audubon Society; Dr. Peter Stangel, the Director of Neotropical Migratory Birds at the National Fish and Wildlife Foundation; Mr. Christopher Williams, the Director of the U.S. Species Conservation at the World Wildlife Fund; Mr. Ken Reininger, the Curator of Birds at the North Carolina Zoological Park; and Mr. Gerald Winegrad, the Vice President for Policy of the American Bird Conservancy.

I just want to welcome you. And please, if you will, take note of the lights in front of you, inasmuch as there are several witnesses,

all of whose testimony is very important, and we will begin with Mr. McDowell.

STATEMENT OF ROBERT McDOWELL, DIRECTOR, DIVISION OF FISH, GAME AND WILDLIFE, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. McDOWELL. Thank you very much, Congressman Saxton, for this opportunity. I am here representing the International Association of Fish and Wildlife Agencies, and I appreciate this opportunity to comment on H.R. 39.

The Association supports strongly H.R. 39, and it is a good start to address the conservation needs of this important group of migratory birds, especially in Latin America and the Caribbean. But I will also point out the unfulfilled conservation needs for those species, these species in the United States and our domestic programs to address those needs.

All 50 State Fish and Wildlife Agencies are a member of this Association. As you are aware, the Association has long played an active role in migratory bird conservation, from 1916, with the Migratory Bird Treaty, and the passage of the Migratory Bird Treaty Act in 1918, to the North American Wetlands Conservation Act.

The Association has also given the highest priority of securing necessary funding to enable our State Fish and Wildlife Agencies to address the conservation needs of the so-called nongame species, such as neotropical migratory birds, and their habitats before they reach a point where we have to apply the Endangered Species Act. We hope we will be able to fulfill those objectives with the passage of the Conservation and Reinvestment Act from Chairman Young and Congressman Dingell in Congress.

Most of our member State Fish and Wildlife Agencies participating in the North American Waterfowl Management Plan are currently sending matching funds, to both Canada and Mexico, to facilitate the conservation objectives of this plan. Our agencies in the border States of California, Arizona, New Mexico and Texas are already engaged in conservation efforts in Mexico and other Latin American countries to restore indigenous fauna. We anticipate that our State Fish and Wildlife Agencies would likewise participate in a matching fund protocol for H.R. 39 and this established fund for the migratory bird species in Latin America and the Caribbean. So it is a good first step.

The Association recognizes that effective conservation of the 800-plus species of birds that occurred in the United States during some part of their life cycle requires cooperative efforts of conservationists at international, national, regional, state and local geographic levels. The Association has recently created an ad hoc committee on migratory bird funding to make progress in the effort to improve our abilities to effectively conserve these birds.

Let me relate to you a few examples of demonstrating that, in order to successfully secure the conservation in these neotropical migrants, we need to address their life needs and the habitat requirements in both the United States, which encompasses mostly the breeding range, stopover habitats, where they stop on their way to the Arctic, in the cases of some species, to nest, and the

southern terminus of their migration, which is their winter range in South America and the Caribbean.

The Cerulean Warbler is a neotropical migratory bird that breeds across the United States and winters in Northern South America, mostly to the east of the Andes Mountains. The North American Breeding Bird Survey indicates this species declined significantly between 3.5 and 4 percent each year for the past 30 years in the breeding grounds in the United States, primarily as a result of the loss and fragmentation of bottomland hardwood forest during the nonbreeding season. The species is known to frequent coffee farms in Latin America where it forages in the mid-story and the canopy vegetation that provides cover and shade for growing coffee plants. However, much of that acreage is being converted into sun-tolerant varieties of coffee. Sun-tolerant coffee plantations do not provide the kind of habitat needed for over-wintering warblers.

On the West Coast of the continent, the Alaska shorebird working group is developing a statewide comprehensive monitoring program. Since nearly the entire world population of Western Sandpipers breeds in Alaska, monitoring of population numbers and productivity is very important.

There are many, many of these examples. In our own State of New Jersey, we are the spring stopover for shorebirds in Delaware Bay, one of the top three in the world, and includes over 15 species, some making round-trip flights over 20,000 miles. Both fall and spring migrants gain weight while stopping over and can be crucial to the success of their migration. Shorebirds double their body weight. Cape May Peninsula and Delaware Bay is one of the most used ecotourism designations—desti—people come there—in the country.

[Laughter.]

Mr. McDOWELL. An estimated \$30 million in the fall, an estimated \$5- to \$10 million in the spring are spent each year by people visiting the area to see birds.

A major portion of world population lives in that area. Nearly 15 percent of the people living in the United States live within a three-hour drive of this area. It adds to a tremendous amount of pressure on the area. If we are not able to work with local landowners, provide habitat in the area, have projects that deal with conserving this area and conserving the habitat in that area, we are not going to be able to keep this thing going in the State of New Jersey.

I have submitted written testimony to this effect in far more detail, and I appreciate the opportunity to talk to you today.

[The prepared statement of Mr. McDowell may be found at the end of the hearing.]

Mr. SAXTON. Thank you very much, Mr. McDowell.

We are going to deviate from our regular order now. At this point, I would like to introduce the gentleman from North Carolina, my friend, Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman. I appreciate that.

Ken, my good friend, Jimmy Saxton, and I continue to try to "outbrag" each other concerning our respective districts. So I want to do a little boasting, if I may, Mr. Chairman.

Ken Reininger is here to testify in support of H.R. 39, and he is a Curator of Birds for the North Carolina Zoological Park in Asheboro. Mr. Chairman, I would like to extend an invitation to you and to the gentleman from the Eastern Shore, as well as all other members of your Committee to come to Carolina because this is one of two state-owned and operated zoos in the country, and I think we are second to none.

Ken has a total of 24 years' experience as an agriculturist and an avian collection manager in public zoological park setting, including six years as the Bird Curator at the North Carolina Zoo. He came to our zoo from the Burnette Park Zoo in Syracuse and earned his B.S. in Multiple Science from Le Moyne College in Syracuse, New York. And, Ken, I apologize for my belated arrival. I have got to go to another meeting probably before you finish.

But, Mr. Chairman, I thank you for letting me present Ken to you.

Mr. SAXTON. Mr. Reininger, we are pleased that you are here today. And if all of those nice things that Mr. Coble said, obviously, inasmuch as he said them, they must be true—

[Laughter.]

Mr. SAXTON. And so why don't you proceed at this time, sir.

**KEN REININGER, CURATOR OF BIRDS, NORTH CAROLINA
ZOOLOGICAL PARK**

Mr. REININGER. Thank you, Mr. Coble and Mr. Chairman. Thank you for the opportunity to testify in support of H.R. 39, the Neotropical Migratory Bird Conservation Act. My name is Ken Reininger. I am Curator of Birds at the North Carolina Zoological Park in Asheboro. The North Carolina Zoo is an accredited member of the American Zoo and Aquarium Association. It has been since 1974. The AZA represents 183 accredited zoos, aquariums, oceanariums and wild animal parks in North America, as well as most of its professional employees.

As Mr. Coble said, I have a number of years' experience as an avian collection manager in a public zoo setting. I have also had the pleasure of participating in a number of bird recovery programs, including those for the Hawaiian Nene Goose, the South African wattled crane and the Indonesian Bali mynah. I have worked on field programs from North Carolina to South Africa and other points around the world and also serve on several AZA scientific advisory committees.

Mr. Chairman, I would like to take this opportunity to thank you, Congressman Miller and Chairman Young of reintroducing H.R. 39 and for conducting this hearing so early in the session. I also thank the Chairman for making some of the recommended changes offered by the administration in 1998.

As you are well aware, one of the greatest threats to many species is habitat loss and degradation. One of the more successful practices to reduce these pressures has been to encourage habitat conservation in the form of public-private partnerships, such as those mentioned earlier; the African and Asian Elephant, Rhino and Tiger Conservation Acts. I believe H.R. 39 will continue this relatively new formula of success and, at the same time, complement existing conservation programs and initiatives, such as

Partners in Flight and the North American Waterfowl Management Plan.

Although migratory birds are protected by the Migratory Treaty Act and the United States is party to four other bilateral treaties, as has been mentioned previously, a number of migratory songbird species continue to face increasing challenges throughout North America. These species face challenges from forest fragmentation, a loss of habitat on wintering areas and the loss of habitat at key migration stopover sites.

I know from personal experience the importance of these key areas, such as the Outer Banks of North Carolina, to birds making the long migratory journey. Moreover, as previously stated, over 90 North American bird species are listed as endangered and threatened under the ESA, while another 124 are currently on the list of Migratory Nongame Birds of Management Concern. Mexico lists some 390 bird species as vulnerable or endangered. So much more needs to be done.

There needs to be a commitment from many at both ends of the migratory route, from the wintering grounds in more tropical regions, to the cooler northern breeding habitats and all of the critical habitat in between to conserve these species. Preserving habitat for neotropical migratory birds is truly a team effort. We cannot allow continued fragmentation of habitat to occur.

I know and understand the importance of community involvement and the value of partnerships and educational outreach for a wildlife conservation program to be successful. Whether it is balancing the needs of bald eagles with logging interests, land developers and power companies, as I had the pleasure to participate in, in the Yadkin PeeDee Lakes region of Central North Carolina, or involving South African trout farmers in wetlands and wattled crane preservation, I have learned the value of ensuring that all stakeholders are brought into the problem-solving process.

I believe H.R. 39 is a step in that direction. The legislation and its subsequent fund create a cooperative atmosphere and the foundation for a win-win situation for neotropical migratory birds and their important migratory habitat, also for our international partners in conservation and the millions of Americans who spend an increasing amount of time bird-watching and on other bird-related activities.

H.R. 39 continues the innovative cost-sharing formulas from early conservation measures, utilizing both Federal and non-Federal support. Most of all, by establishing the Neotropical Migratory Bird Conservation Fund, the United States elevates the importance of protecting critical migratory bird habitat in Latin America, and the Caribbean and throughout the Americas. Moreover, from a biological perspective, H.R. 39 will help to ensure that the ecosystems which neotropical birds and humans depend on, are managed in a more sustainable way.

In conclusion, H.R. 39 represents the best in conservation legislation—a targeted strategy to protect critical habitat and biodiversity, a proven formula to foster public-private partnerships through a competitive grant process and a program that complements existing national and international programs.

As John Rogers stated last year in his testimony before the Senate Committee on Environment and Public Works, "The nature of this 'shared trust' resource makes migratory bird management a true international challenge."

Mr. Chairman, thank you for the opportunity to appear before you today. I would be happy to answer any questions you might have.

[The prepared statement of Mr. Reininger may be found at the end of the hearing.]

Mr. SAXTON. Thank you, Mr. Reininger, very much.

The National Audubon Society is most ably represented today by Mr. Dan Beard.

**STATEMENT OF DANIEL BEARD, SENIOR VICE PRESIDENT
FOR PUBLIC POLICY, NATIONAL AUDUBON SOCIETY**

Mr. Beard. Thank you, Mr. Chairman. I am pleased to appear before you today on behalf of the one million members and supporters of the National Audubon Society throughout the Americas, in strong support of H.R. 39.

This legislation, plus H.R. 381, introduced by Congressman Jim Greenwood, are major steps forward in our efforts to protect and enhance bird habitat in Latin America and the Caribbean. I want to compliment Chairman Young, Mr. Greenwood, yourself, and Mr. Miller for introducing these bills and giving this matter the important attention it deserves.

I would like to express our wholehearted support for the Neotropical Migratory Bird Conservation Act. This bill addresses the important needs of protecting and enhancing populations of neotropical birds, using effective and, we think, relatively inexpensive means.

While neotropical migratory birds are beautiful and an important part of our natural heritage, they have also become fundamental components of our local economies. According to surveys completed by the Fish and Wildlife Service, more than 63 million Americans watch and feed birds, and each year more than 24 million Americans travel to watch birds. In 1991, the last year we have specific data available, bird-watchers spent more than \$5 billion on goods and services related to these activities and these expenditures generated more than \$600 million in tax revenue for local, state and Federal governments. Nonconsumptive bird use supports almost 200,000 American jobs.

Many of these remarkable creatures are disappearing due to the loss and declining quality of habitat in the United States, Canada and throughout Latin America and the Caribbean. If we want to protect these birds, we must protect their habitat here in the United States as well as Latin America and the Caribbean.

H.R. 39 is an efficient bill because it does not rely solely on the taxpayers for the funding of these programs. The bill would encourage leveraging Federal dollars by helping to build partnerships with the business community, nongovernment organizations and foreign governments. The flexible matching fund requirements of this bill will give the Department of Interior greater flexibility to choose the appropriate projects.

I would like to offer some suggestions to the Committee, should the decision be made to move the bill. First, we would urge that the Committee substitute the purposes language contained in H.R. 4517, in the 105th Congress, for the language that is currently in H.R. 39. The language in H.R. 39, as it currently exists, especially in subsection (2), is overly broad and does not include language calling for protection of neotropical birds. We think that this is important.

Second, if a decision is made to report H.R. 39, I would urge the Committee to consider adding language authorizing the establishment of a neotropical migratory bird advisory committee. H.R. 381 authorizes such a committee and we really believe that it could be an important focal point for raising the visibility of this issue among Federal agencies but more importantly, in Latin America and in the Caribbean within the institutions that exist there.

Third, the bill should be amended to make it clear that a majority of the funds appropriated should be spent in Latin America and the Caribbean. Habitat in these areas is in dire need of restoration. Dollars spent in these areas will, in many cases, have greater impact because of the lower cost of land and labor. It would be a tragedy if we passed this bill and a majority of the funds were spent in the United States. We don't see that as the fundamental purpose of this legislation.

Finally, as currently drafted, H.R. 39 could potentially allow the Secretary to make available all of the funds for neotropical projects to U.S. Federal agencies. I would urge you to revise the language to ensure that a majority of the funds be made available to foreign governments and nongovernmental organizations to promote conservation projects in Central America and the Caribbean.

If a bill passes and a majority of the funds are diverted to U.S. Federal agencies, our efforts to save neotropical birds will have been curtailed, and I think we will have lost a great opportunity.

Mr. Chairman, again, I want to express to you our strong support for this legislation. We appreciate you holding this hearing and we look forward to working with the members of the Committee to move this bill forward.

Thank you.

[The prepared statement of Mr. Beard may be found at the end of the hearing.]

Mr. SAXTON. Thank you very much, Mr. Beard.

The National Fish and Wildlife Foundation, better known around here as the Foundation, is represented today by Dr. Peter Stangel. You may proceed, sir.

**STATEMENT OF PETER STANGEL, Ph.D., DIRECTOR OF
NEOTROPICAL MIGRATORY BIRD CONSERVATION INITIA-
TIVE, NATIONAL FISH AND WILDLIFE FOUNDATION**

Dr. STANGEL. Thank you, very much. Good morning, Mr. Chairman, and thank you for the opportunity to appear this morning and express our support for this initiative. We would like to commend you, and Mr. Young and your colleagues for your leadership in this effort.

I think this initiative is one of the most exciting opportunities we have had in bird conservation in recent history, and if the program

described in this bill is fully developed, it will go a long way towards preventing dozens of species of neotropical migratory birds from ever reaching the endangered species list.

As you well know, the Fish and Wildlife Service and others have estimated that about half of all of the neotropical migratory birds are declining, and if these declines are allowed to continue, literally dozens of species could reach the endangered species list, creating an environmental disaster the likes of which the conservation community has never witnessed.

Despite this possibility, I don't think we are in a situation where the sky is falling. I think there is a lot of optimism, and I would liken the situation more to that what occurs when you are driving down the road and the red light on the dashboard of your car comes on, indicating that it is time for an oil change. That red light suggests that, if you make a small investment now and change your oil, you will save your engine. I think that is exactly where we are with migratory birds. The red light is on, and a modest investment now will prevent disasters further down the road.

For the past ten years, the Foundation, the Fish and Wildlife Service, Audubon Society, American Bird Conservancy have been working cooperatively to develop a comprehensive strategy for neotropical migratory birds called Partners in Flight. We launched this effort because we felt it was critical that we take a hemispheric approach to conservation of neotropical migrants and that we take a cooperative approach. Quite simply, the issue is too complex for any one organization or agency to save migratory birds on their own, no matter how much money they have. The only answer is to work cooperatively. And after a decade of efforts on behalf of migratory birds, we are convinced that this is still the best approach.

Over the past ten years, we have also had the opportunity to run a grant program very similar to that which you propose in this legislation, and we would like to offer a few suggestions, based on our experience, that we think will assist you with development of this bill.

First of all, we urge you to make this process as cooperative as possible. As I said before, it is not possible for any one organization or agency to fix this problem on their own, and the only chance we have for these birds and their habitats is to work cooperatively. At the Foundation, we do this through a series of advisory committees that are informal. We bring together experts from Federal agencies, State agencies, industries and our nonprofit partners to work with us to identify trends in conservation, help us select projects and develop programs that benefit migratory birds. These advisory committees help us foster partnerships and leverage our Federal funds.

We think it is critical that the Service establish a similar sort of advisory committee. It doesn't have to be a bureaucratic exercise. We don't pay our committee members. We don't fly them around the country to meetings. We simply meet two to three times a year to exchange ideas and build partnerships, and we think it would be particularly helpful if the Service were allowed or excused from some of the FACA responsibilities that might prohibit this sort of interaction.

Second, we fully support the idea of match for the Federal funds in this program. Over the past ten years, the Foundation has awarded 470 grants to benefit migratory birds. We are required to have a one-to-one match for these grants. But, in reality, on average, we obtain better than a three-to-one match domestically and almost one and a half-to-one for international programs. We think the Service is fully capable of the same sort of match. This match not only leverages taxpayer dollars, but it also strengthens the ability of the grantees to continue the programs long after their grant funds are gone because they develop a network for obtaining funds for future projects.

Third, we think it is very important that this Act include continued opportunities to bring industry into this program. When we launched Partners in Flight, we made sure that the forest products industry, and the grazing industry and other industries were present at the very beginning because we felt that the future of neotropical migratory birds was on private lands. Private lands dominate our landscape; 70 percent of the country nationwide, 90 percent here in the eastern United States. No matter how good our National Wildlife Refuge System is, unless we reach out to private landowners, our efforts will not be successful.

Two years ago, we established a cooperative agreement with 17 of the largest forest products companies to work with us in conservation of neotropical migratory birds. We have awarded over a million dollars of grants to these companies to leverage their considerable financial resources and to establish cutting-edge projects on private lands. These projects will not only benefit industry, but will benefit Federal agencies and other landowners, and we see it as critical that industry continue to be an important component of this program.

And, finally, and perhaps most importantly, we would like to recommend that the funds from this Act be used to implement the conservation recommendations from Partners in Flight. For the past decade, hundreds and hundreds of people from Federal agencies, State agencies, industries and nonprofits have been working together to develop comprehensive plans not just for neotropical migratory birds, but for all birds. And these plans are breaking the barriers between game and nongame management, and they are building partnerships between agencies, and nonprofits and industries that we only dreamed of in the past.

Quite simply, these are the best conservation plans for birds that have ever been developed, and we think it is essential that these funds be used to implement the recommendations from those plans. We don't need more funds to develop studies or to prioritize. That has already been done. And we think the most effective use of these funds would be to implement these programs.

Thank you for letting us appear in support of this initiative, and we look forward to working with the Service and other partners to help conserve these species.

[The prepared statement of Mr. Stangel may be found at the end of the hearing.]

Mr. SAXTON. Thank you very much, Dr. Stangel. We appreciate your optimism, and we believe that this legislation will go a long

way towards carrying out the kinds of objectives that you have just mentioned.

Christopher Williams, with the World Wildlife Fund, is our next witness.

You may proceed, sir.

**STATEMENT OF CHRISTOPHER E. WILLIAMS, DIRECTOR OF
U.S. SPECIES CONSERVATION, WORLD WILDLIFE FUND**

Mr. WILLIAMS. Thank you, Mr. Chairman. Thank you for the opportunity to come and talk to the Committee today.

I am here on behalf of the 1.2 million members of World Wildlife Fund to express support for H.R. 39, the Neotropical Migratory Bird Conservation Act of 1999.

Mr. Rogers and my fellow panelists have done a terrific job of describing the plight of migratory birds and the need for this legislation. So I would like to spend a few minutes talking about what World Wildlife Fund considers to be the strong points of this legislation and then make recommendations that we believe will make it even stronger.

One aspect of the bill that we feel makes it a strong, creative, and very useful tool for conservation is that it encourages proactive conservation measures that go beyond regulation to conserve neotropical migratory birds. Regulation is an important tool for conserving wildlife, endangered species, and migratory birds and, in fact, it may be that more regulation is necessary to really achieve the goal of conserving neotropical migrants.

However, it has become obvious, over the past 25 years of environmental law and regulation, that regulation is not enough to do the job. We must enlist private landowners, corporations, entities all across the spectrum in voluntary, proactive measures to conserve and restore wildlife habitat and populations. This bill, with its expansive language of who is eligible for funding and the types of projects that can be funded, goes a long way toward moving us toward those proactive conservation approaches.

A second strong point of the legislation, in our view, is its fostering of partnerships: fostering partnerships across international borders, fostering partnerships between agencies, local communities and private landowners to conserve migratory bird populations and habitat.

With that, I would like to suggest a few recommendations that would make the bill still stronger, in our view.

First, we believe that the bill should be amended to explicitly include Canada in the program. While there is no language right now in the bill that explicitly eliminates or prohibits funds from going to Canada for the conservation of migratory birds, the language of the bill, as written, suggests that its scope be limited to the United States and Latin America. As we all know, there are many migratory birds that make the long journey from the Arctic Circle deep into South America during their migratory route. If we want to make this a truly hemispheric initiative benefiting birds, such as the American golden plover, the semipalmated sandpiper, or the American peregrine falcon, Canada should be included in the program.

The second recommendation that we would make is to raise the ceiling that now limits the Federal cost-share to 33 percent. I believe that cost sharing is an important tool and the funds from the Act should be used to leverage conservation resources from other sources. However, poorly funded conservation agencies or local communities in Latin America or local NGOs who are strapped for resources are going to have a very hard time coming up with a 67-percent match to qualify for funds coming from the program. So I believe that the match limitation should be on a sliding scale from 33 percent up to as much as 75 percent, again, to empower communities and agencies with fewer resources to be involved in the program.

And the third recommendation that I would make is that the annual appropriations in the later years of the program be increased. We heard from Mr. Rogers that \$8 million was adequate for our immediate purposes, and I will take him at his word. But in my view, during the out-years of the program, the appropriation should be increased as the program gets its legs under it and more projects could potentially come on-line.

That is the extent of my oral comments today. I am happy to answer any questions you may have, and thank you for the opportunity for World Wildlife Fund to express our thoughts on this important issue.

[The prepared statement of Mr. Williams may be found at the end of the hearing.]

Mr. SAXTON. Thank you very much.

I would now like to ask the gentleman from the gorgeous Eastern Shore of Maryland if he would like to make an introduction.

Mr. GILCHREST. Thank you, Mr. Chairman.

Turner's Creek and the Sassafras River.

I would like to introduce Mr. Winegrad, Gerald Winegrad, Delegate from the State of Maryland to the General Assembly for a number of years, and pretty much—I know we are calling for partnerships here, but partnerships require leadership, and I am not going to say totally singlehandedly, but Mr. Winegrad is responsible for just countless numbers of environmental policies that have proven to be very successful in preserving the beautiful Chesapeake Bay and habitat for a number of species.

So, Jerry, it is good to have you in the Nation's capital this morning, and it is good to see you again. We are glad that you are participating in this panel this morning. I see you have, at least to me, anyway, it is a new job. So that is good.

Welcome, Jerry.

STATEMENT OF GERALD WINEGRAD, VICE PRESIDENT FOR POLICY, AMERICAN BIRD CONSERVANCY

Mr. WINEGRAD. Thank you. Thank you, Mr. Chairman, and thank you very much, Representative Gilchrest. Mr. Gilchrest is my Congressman. I am proud to be one of his constituents, and his environmental leadership is known throughout our great State and throughout the United States.

I am Gerald Winegrad. I represent the American Bird Conservancy. I am Vice President for Policy and, as Representative Gilchrest said, I am a recovering politician as well. I did serve in

the Maryland legislature for 16 years and chose not to run again. So I have dedicated myself to working in conservation, and here I am.

We are a nonprofit conservation group dedicated to the conservation of wild birds in the Americas. We operate with many different programs run by excellent ornithologists, including the National Coordinator for Partners in Flight who works for us. We do the Important Bird Areas program in conjunction with National Audubon. We have a Pesticide and Birds Campaign and a full-time coordinator working on pesticides impacts on wildlife, as well as a CATS INDOORS! coordinator and a collaborative partnership through a 78-member organization Policy Council. That includes groups such as National Audubon and World Wildlife Fund, present here, as well as groups such as the New Jersey Audubon Society, the Maryland Ornithological Society, Del Marva Ornithological Society and groups all over the country.

We are very pleased to support H.R. 39 and hope that this is a beginning of a recognition by the Congress of the need for a comprehensive approach to resolve the very serious threats to migratory bird populations in this country and in nations to our south. These threats include habitat loss, habitat degradation, habitat fragmentation, pesticides and other contaminants, introduced exotic species, human-constructed barriers to migration, such as communication towers, free-roaming domestic cats, and insufficient funding, both in this Nation, as well as nations to our south, and incentives to better manage existing habitat.

This legislation is particularly opportune because of the very significant increase in people's concerns over birds. Bird watching is big business. You have heard the figures from 1991. Over \$5 billion in direct expenditures related to feeding, watching, viewing and traveling to watch birds.

In fact, the studies show that through the year 2050, it is expected to be the only outdoor recreation that actually grows greater than the increase in population. There are over 70 million Americans that participate in some manner of bird activities.

Having said that, the decline is significant in many of our neotropical migratory birds and other migratory bird species. You have heard the figures. There is data in my statement. But of serious concern to this subcommittee, this committee and the Congress should be the fact that, of the 800-and-some species in our country, 778 of which are nongame species, of these species, fully more than one-quarter are either listed as endangered or threatened under our Endangered Species Act—that is 90 species—and another 124 on the Migratory Nongame Birds of Management Concern list published by the Fish and Wildlife Service. There is grave concern that these species may, one day, be listed or are in decline or need specialized local help to keep them from going into decline.

And many of those species you would recognize. They include species that are common to the Eastern Shore, such as the marsh hawk, also known as the northern harrier. That is a species of concern. The common loon is a species of concern, the snowy plover, the red-shouldered hawk, the American bittern, the black tern, the short-eared owl, the red-headed woodpecker that we see here in the East, all of these are species of concern, coupled with the 90 species

that are on the endangered species list, from whooping cranes to the piping plover that you have mentioned, Mr. Chairman, that New Jersey shares with Maryland's Eastern Shore, as well as the Aleutian Canada Goose and the Everglade snail kite.

We see this legislation as a beginning of a great movement forward of the Congress and the United States to protect and conserve these neotropical migratory bird species.

We would suggest in the legislation, having as a background Senator Abraham's bill of last year, Senate Bill 1970, and S. 148 this year, as well as the other iterations that went back and forth near the end of the last Congress, that, number one, that we would like to see—joining some of our colleagues—the funding increased for the percentage share. It would really help if we could go to 50 percent for U.S. projects from the Federal money and 50 to 75 percent, depending on the priority needs, as the Secretary determines, for funding south of the border.

We would also suggest that there be an advisory committee spelled out in the legislation. The Partners in Flight program is excellent. The North American bird conservation plan is nearing completion. They should be completed this year for 51 geophysical regions of the country, with very specific planning for priority species that will need to be funded. And that expertise has burgeoned into a Partners in Flight program in Canada, and now the North American Bird Conservation Initiative, which also involves Mexico. There were very successful meetings just last year in Puebla, Mexico. These programs are extant, need to be funded and should be recognized in the legislation.

With that, we urge the Congress to pass this legislation expeditiously and, most importantly, to fund, in this fiscal year, the full \$8 million or else this will be another nongame bill that never makes a difference because of no funding.

[The prepared statement of Mr. Winegrad may be found at the end of the hearing.]

Mr. SAXTON. Well, thank you very much.

Before I ask Mr. Gilchrest for his questions, let me just make note, in my opening statement, I noted that our Subcommittee has been very productive over the past four years; that we have held 82 hearings, 22 markups, and 60 of our bills have ended up being law.

The road to doing that, in today's environment, can be bumpy at times. But we, as a Committee, have been able to move forward, and the members and the Chairman have been able to take credit, but we didn't do the hard work. We have folks in back of us here who have made it possible for Neil Abercrombie, and Jim Saxton, and Don Young, and George Miller, and Gary Studds to go to the floor on a bipartisan basis and do the work of the country, usually in the conservation sense.

Today, I would just like to say that two of the people who have made this possible are soon to leave us. It is Chris Mann, who came to the committee as a Sea Grant Fellow in the late 1980s and then, actually, the Merchant Marine and Fisheries Committee, at the time, and worked with the Merchant Marine and Fisheries Committee and is now in his fifth year here. We have had a great working relationship with Chris, and he is going over to the State

Department, where we will continue to work together on conservation issues and, hopefully, continue the same kind of progress, only in a more far-reaching way, even, than we have been able to do here.

Chris, it has been a pleasure to have you with us, and we look forward to continuing the great relationship, and we will miss you, to say the least.

Also, soon to depart Washington, DC, is the young lady to my right who came to us after a short stint working as a staffer in the Senate, came to work on my personal staff, and has been making me look smart ever since, I think.

[Laughter.]

Mr. SAXTON. And Sharon has, obviously, been with this Committee since the Merchant Marine and Fisheries Committee went away and was a staffer on the Merchant Marine and Fisheries Committee before that. She and her family, two kids and Mike, have already actually moved back to New Jersey. Mike is working for the Atlantic City Press, and Sharon will be going back. You won't see as much of her, but I will because she is going to be living in my district, fortunately, and I will miss Sharon a great deal as well.

I just wanted to make note of these two individuals because they have been such a key part of the successes that we are able to claim, and we will miss you both here in Washington very much. But I am sure we will see you both in different capacities very often.

So, with that, Mr. Gilchrest, if you would like to ask whatever questions you think are pertinent.

Mr. GILCHREST. Thank you, Mr. Chairman.

I don't have any real specific questions. I appreciate the testimony with their clear direction for recommendations, which I think will help continue to improve the legislation. Some of them, for example, cooperate with a whole range of partners, including the public and the private, the ag community, the forestry logging community, the subdivision community, the construction industry and so on. So I think these are all very helpful recommendations that we can take and, to the extent that it is possible, turn into law and appropriate the kind of funds that will be needed. Funds around Washington are becoming increasingly more scarce, so it does take a lot of effort on the part of us, the staff and all of you to make these things happen.

I would like to describe a situation that I am working on in Maryland, if I can be parochial for a second, that will include a section of New Jersey, and Virginia and a piece of Pennsylvania, and I have talked to Frank about this—LoBiondo. He has Cape May, doesn't he?

I would like to solicit some of your help in creating a long-term project, and which I am going to refer to as a habitat conservation corridor that will go from the lower Eastern Shore of Virginia up through the DelMarva Peninsula, including Delaware, a piece of Pennsylvania, and the flyway of New Jersey, right across the Delaware River. It has been in the discussion stage right now. We are going to meet with Governor Carper I believe the latter part of March, the first part of April. The Department of Natural Re-

sources in Maryland, we have had a number of discussion with them, Jerry. We have had some brief discussions with their counterpart in Delaware.

We have not had any discussions with anybody in New Jersey. So it is really an opportunity, Mr. McDowell, that you are here today because when we set up the time frames for these meetings, we would really like your participation. And we stuck New Jersey in there, besides the fact that it is a beautiful state, the Garden State, because we did recognize that those are some of the areas where these neotropical birds migrate through, and it is some pretty beautiful habitat up there that could be preserved.

So it is a long-range plan. It is something that will have to be done with conservation easements, with voluntary easements, with maybe open-space or preservation purchase of property, environmental trusts, a whole range of people we feel could participate in this.

Two other quick things, we realize that the coastal areas of New Jersey, Maryland and Virginia are very important to preserve and so are the shorelines of the Chesapeake Bay. Several of you mentioned the idea that the problems with neotropical birds is fragmentation of their habitat. What we want to do with this habitat conservation corridor is to make sure there is nothing fragmented. So if you can picture, perhaps, a tree and its roots, with the center trunk going up the middle of Del Marva, but the roots reaching out to the shorelines of the bay and the coastlines of the ocean, not fragmented. And our DNR has a number of really good maps to show the most prioritized areas that can be preserved.

So this is something that it was an opportunity that you all came here this morning. We would like to send you the information as we progress. And the concept is like the Appalachian Trail. We know it is not going to happen in two years, but the Appalachian Trail and its similar counterparts around the country, the Long Trail in Vermont, the Sierra Nevadas and those things, it took a long time to actually connect, put together. And so this is what we are going to try to do here.

Mr. BEARD. Mr. Chairman, I wonder if I might be able to comment?

Mr. SAXTON. Please proceed.

Mr. BEARD. Mr. Gilchrest, I think this is an absolutely fascinating idea. The one analogy I thought of was the historical corridors that we have done through park legislation. Mr. Regula, for example, has been very supportive of that in his State, and we have also done a number of historical trails, such as the Underground Railroad legislation.

The importance of what you can bring to this kind of a concept is a framework within which State governments, local governments, private nonprofit organizations and private-sector interests can operate within that overall framework. A designation as a habitat conservation corridor is an exciting concept because what that can do is provide the framework, the structure, within which the rest of us can do individual projects.

It also offers us an opportunity to make some headway in dealing with some very difficult issues. The one that comes immediately to mind is horseshoe crabs. One of the difficulties we are having is

getting people's attention that horseshoe crabs are fundamentally important to the ecotourism. It is a business issue, as well as an issue of migratory birds. Having a habitat conservation corridor like that, with some designation, would give us the context within which we can work.

It will also improve the relationship between Delaware, Maryland, New Jersey and Virginia. Horseshoe crabs are, again, the classic example. Governors of the States of New Jersey, Delaware and Maryland have been very aggressive in managing those horseshoe crabs and protecting birds, but Virginia hasn't. As a result, in organization, for example, we have to run from state to state to try to make some headway, and right now we are not making as much as we would like in Virginia.

Mr. GILCHREST. We'll put them all in the same room for you.

Mr. BEARD. That is great. We would love it. It would be a great opportunity for us.

Mr. GILCHREST. Thank you.

Mr. McDOWELL. Could I comment?

First of all, we would welcome any opportunity to get involved in some coordinated State effort to protect habitat. Our governor just passed through the legislature the Open Space Initiative in the State of New Jersey which, in the end, we are about 4.8 million acres, we will protect about 2 million of that total, whether it be a conservation easement or a direct purchase or a farmland preservation.

One of the focus areas in our State is Cape May and the Delaware Bay. Between the Wildlife Refuge System, our Wildlife Management Area System, we own most of the Bay shore of Delaware Bay. Currently, we are protecting two joint venture areas under a water fowl plan, both the Morris River and the Salem River, and we have initiated what is called the Landscape Project, and its focus is Cape May County. The Landscape Project uses the GIS mapping system. It identifies critical wildlife habitats and the linkages and takes that down to the Planning Board level and the landowner level of saying, "Hey, watch out. This is an important area. How can we work around it?" So that there is continuity in the habitat.

So anything we could do to continue that, advance that, participate in with other States, we would be welcome and open to doing it.

Mr. GILCHREST. That is great.

Mr. Chairman, I do see the need, after a few newspaper articles, to increasing habitat for the wildlife in New Jersey because you have tigers there now, so—

[Laughter.]

Mr. GILCHREST. [continuing] you will probably have to increase it.

Mr. SAXTON. That is a subject—

Mr. GILCHREST. Bengal tigers—

Mr. SAXTON. [continuing] of different stripes, sir.

[Laughter.]

Mr. GILCHREST. I would like to make, just very quick—Jerry, in Kennedyville, there is an increase of marsh hawks. In the last few years, we have really seen them rise, a few extra nesting bald ea-

gles, even a golden eagle came through at one point—I haven't seen it for quite a while, and I guess it was migrating—and Baltimore orioles. I got a couple of Baltimore orioles' nests in the front yard last summer.

Mr. SAXTON. Would you care to comment on your nutria?

Mr. GILCHREST. The nutria, well, I will say this, Mr. Chairman: And I don't have the exact date, but I will get it to everybody. Nutria is a nonindigenous species that is a real pest that we would like to send back to Latin America, in some capacity, or to restaurants because they are taking away a lot of our wetlands.

And, Mr. Chairman, I will get you the specific date that we are going to Blackwater Refuge to have a meeting on nutria, and the meeting will end with a meal of nutria. So anybody that would like to participate in that, we will get you the dates.

Thank you.

Mr. SAXTON. I will look forward to the meal.

[Laughter.]

Mr. SAXTON. Well, I would just like to thank all of you for taking your time to travel here and to share your ideas relative to this issue.

Once again, it appears that we are working with the conservation community, with other members, on a bipartisan basis, to do something that obviously has general agreement in a very broad way. And while there may be some differences and tweaking of language that we will do between now and the time this bill passes the House, to the extent that you have added to this conversation, we appreciate it very much.

We look forward to working with you on this and other issues as we move forward. Thank you very much.

The hearing is adjourned.

[Whereupon, at 11:13 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF JOHN ROGERS, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR

I am pleased to be here to comment on H.R. 39, the Neotropical Migratory Bird Conservation Act, which will aid in the international conservation and management of neotropical migratory birds by supporting conservation programs and providing financial resources. The Administration supports the legislation, as it provides a mechanism for coordination and funding to promote the conservation of neotropical migratory birds and their habitats throughout Latin America, the Caribbean and North America. We acknowledge that other House members have introduced another bill. In addition, the Senate has their own version of this legislation which we could also support. We will be happy to work with the Subcommittee, other House members and the Senate to resolve the differences in the bills and to ensure that the final legislation serves the needs of neotropical migratory birds with the best program possible.

We would like to thank Chairman Saxton of the Subcommittee and Chairman Young and Ranking Member Miller of the full Committee for co-sponsoring this important legislation. H.R. 39 incorporates many of the comments and suggestions the Fish and Wildlife Service (Service) and Administration had provided to the Subcommittee last year.

H.R. 39 establishes a grants program to provide financial assistance to Federal, State, local and Latin American/Caribbean government agencies, non-profit and international organizations, and others to fund projects for the conservation of neotropical migratory birds. The legislation recognizes the need for international cooperation for these conservation efforts and establishes a grant selection process to ensure that projects focus on long term sustainability of local conservation efforts. The bill establishes a Neotropical Migratory Bird Conservation Account in the Multinational Species Conservation Fund and limits the Federal cost-share of the projects to 33 percent. We are pleased with the flexibility this legislation provides and with the increase in authorization of appropriations to \$8 million per year through fiscal year 2004 to enable the Service to increase the size and scope of the program during the next 4 years.

The Service—through four bilateral treaties—has responsibility for maintaining healthy populations of some 778 species of migratory nongame birds and 58 species of migratory game birds, approximately 350 species of which (the so-called “neotropical migrants”) migrate between the Caribbean/Latin America and North America. Migratory birds continue to face enormous and increasing challenges. Thus, the Service has identified migratory bird conservation as one of our four highest priorities for the coming year.

Despite our best efforts to date, many populations of migratory birds continue to decline, some quite markedly. For example, 124 species of migratory birds are currently on the Service’s List of Migratory Nongame Birds of Management Concern. If population trends of these birds continue on their present downward course, the next place for these species may be on the List of Endangered Species. Ninety species of North American birds currently are listed under the Endangered Species Act (ESA). Mexico presently lists some 390 bird species as endangered, threatened, vulnerable, or rare. These current and projected future losses have far-reaching implications: economic, social, ecological, and recreational.

Birds are important to us for many reasons—whether we reside in North America, Latin America, or the Caribbean. Birdwatching and other forms of bird-related recreation are highly valued pastimes in North America, with a growing interest in the Caribbean and Latin American countries. Nearly 70 million Americans spend approximately \$20 billion each year participating in bird-related recreation. Birdwatching is America’s fastest growing major form of outdoor recreation. Additionally, birds prevent billions of dollars of economic losses each year by eating crop-damaging insect pests and weed seeds in North and Latin America and the Caribbean. They are important pollinators of many commercially valuable plants. Neotropical migratory birds are thus an important component of biological diversity in the Western Hemisphere.

Neotropical migratory birds spend approximately five months of the year at Caribbean and Latin American wintering sites, four months at North American breeding sites, and three months en route to these areas during spring and autumn migrations. The nature of this “shared trust” resource makes migratory bird management a true international challenge. Our greatest challenge is to halt the precipitous declines of many of these species—due in major part to habitat destruction and degradation. H.R. 39 is a major step in the right direction in helping to reverse these detrimental trends. Severely declining bird species are causing grave concerns among natural resource managers and the public in both Caribbean and Latin

American countries and in North America. H.R. 39 will help the U.S. and our international partners reverse species declines, conserving bird populations *before* they reach the point of requiring protection under the ESA. Equally as important, the legislation will help keep our “common” birds common, minimizing the expenditure of tax dollars and precluding the legal and public relations battles that have been known to surround endangered species listing issues.

Furthermore, H.R. 39 does much to promote the effective conservation and management of neotropical migratory birds by supporting conservation programs and providing financial resources. H.R. 39 would require the Secretary of the Interior to develop and enter into agreements with other Federal agencies. The Department of the Interior is committed to coordinating with other agencies, including the Department of State and the U.S. Agency for International Development (USAID), in efforts to conserve neotropical migratory birds. USAID manages large ongoing programs in conserving neotropical migratory birds as well as habitats in general.

We support this legislation because it will provide conservation benefits to all of our migratory birds, from shorebirds to raptors, marine birds and grassland birds. This visionary Act will help to unite all of the Americas in a coordinated effort to protect a vital component of our shared biological diversity. In conclusion, Mr. Chairman, we look forward to working with the House and Senate committees of jurisdiction throughout the legislative process to ensure that we develop a strong program for the conservation of birds throughout the Western Hemisphere. Again, thank you for the opportunity to provide our views on this important legislation.

STATEMENT OF ROBERT McDOWELL, DIRECTOR, NEW JERSEY DIVISION OF FISH, GAME AND WILDLIFE FOR THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Thank you, Mr. Chairman. I am Robert McDowell, Director of the New Jersey Division of Fish, Game and Wildlife, representing the International Association of Fish and Wildlife Agencies, and I appreciate the opportunity to share with you the Association's perspectives on H.R. 39, the Neotropical Migratory Bird Conservation Act. The Association supports H.R. 39 as a good start to address the needs of this important group of migratory birds at the southern terminus of their migratory route, but will also point out the unfulfilled conservation needs for these species in the United States and for domestic programs to address those needs.

The International Association of Fish and Wildlife Agencies, founded in 1902, is 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.

As you are aware, Mr. Chairman, the Association has long played an active role in migratory bird conservation, from the negotiation and ratification of the Migratory Bird Treaty in 1916 and passage of the MBTA in 1918, to the North American Wetlands Conservation Act. The Association has also given the highest priority to securing the necessary funding to enable our State fish and wildlife agencies to address the conservation needs of the so-called nongame wildlife species (such as Neotropical migratory birds) and their habitats *before* they reach a point where the application of the Endangered Species Act is necessary. I know that you are familiar with our “Teaming with Wildlife” proposal, Mr. Chairman, to accomplish those objectives. We hope to be able to fulfill those objectives with the passage of the Conservation and Reinvestment Act from Chairman Young and Congressman Dingell in this Congress. The Association and our member State fish and wildlife agencies are also very active in Partners-in-Flight, the Western Hemisphere Shorebird Reserve Program, the North American Waterfowl Management Plan, and other international endeavors to conserve migratory birds throughout their range. The Association therefore supports H.R. 39 as another measure to facilitate the conservation of migratory birds, particularly in Latin America and the Caribbean.

Most of our member State fish and wildlife agencies participating in the North American Waterfowl Management Plan are currently sending matching funds to both Canada and Mexico to facilitate the conservation objectives of this plan. Our agencies in the border States of California, Arizona, New Mexico and Texas are already engaged in conservation efforts in Mexico and other Latin American countries to restore indigenous fauna. We anticipate that our State fish and wildlife agencies would likewise participate in the matching fund protocol that H.R. 39 would estab-

lish for neotropical migratory bird species conservation in Latin America and the Caribbean.

The Association recognizes that effective conservation of the 800+ species of birds that occur in the United States during some part of their life cycle requires the cooperative efforts of conservationists at international, national, regional, state and local geographic levels. The efforts of these conservationists should be guided by a logical framework of planning (population and habitat surveys, inventory, monitoring actions and development of conservation strategies and measurable conservation objectives), implementation (on-the-ground habitat conservation actions, education, training and research) and evaluation (assessment of effectiveness of implementation actions and progress toward conservation objectives). This process of planning, implementation, and evaluation, coordinated at multiple geographic scales (from local to international), provides an adaptive approach to delivery of migratory bird conservation that identifies priorities, measures progress, and constantly refines the efficacy of conservation efforts. This approach, however, cannot be fully realized without a firm foundation of technical and administrative capability, strengthened and integrated partnership cooperation, and a clear recognition that migratory bird conservation must be managed within a continental and international context. The Association has recently created an ad hoc Committee on Migratory Bird Funding to make progress on the effort to improve our abilities to effectively conserve migratory birds within a continental and international context.

Let me now relate to you a few examples demonstrating that in order to successfully secure the conservation of these neotropical migrants, we need to address their life needs and habitat requirements both in the United States which encompasses their breeding range, in stopover habitats these species use during migration, and in the southern terminus of their migration, which is their winter range.

The Cerulean Warbler is a neotropical migratory bird that breeds across the eastern United States and winters in northern South America, mostly to the east of the Andes mountains. The North American Breeding Bird Survey indicates that this species has declined significantly between 3.5 and 4 percent each year for the past 30 years on the breeding grounds in the United States, primarily as a result of loss and fragmentation of bottomland hardwood forest. During the non-breeding season, the species is known to frequent coffee farms in Latin America where it forages in the mid-story and canopy vegetation provided as shade for the growing coffee plants. However, much of that acreage is being converted to sun tolerant varieties of coffee. Sun tolerant coffee plantations do not provide the kind of habitat needed by overwintering Cerulean Warblers. The effects of widespread loss of habitat on the wintering ground are likely to only compound the threats to survival faced by this species. Protection of both existing breeding and overwintering habitat is critical, and restoration of extensively forested landscapes and river bottoms is encouraged.

On the west coast of the continent, the Alaska shorebird working group is developing a statewide comprehensive monitoring program. Since nearly the entire world population of Western Sandpipers breeds in Alaska, monitoring of population numbers and productivity of this abundant species must occur in Alaska. Funding is critically needed for state participation in monitoring of breeding populations. Much of the habitat in significant migration staging areas such as the Copper River Delta, Kachemak Bay, and Stikine River flats is state owned tidal flats. Funding is needed for management and conservation of these significant habitats.

Western Sandpipers winter along the Pacific coast from California to Peru, and also to a lesser extent on the Atlantic and Gulf coasts of the U.S. During migration, they have spectacular congregations at staging sites. Major stopover sites during spring migration include San Francisco Bay, Grays Harbor, the Fraser River delta in British Columbia, and the Copper River Delta in Alaska. At the Copper River, it is estimated that as much as 90 percent of the world population of the species collects to feed before moving on to the breeding grounds—almost 2 million individuals were counted on one day, and 6.5 million were estimated during migration in one spring. Conservation risks now are mainly due to threats to habitat at staging sites on this species migration route.

I would like to close with a few observations relative to the significance of familiar New Jersey habitats to neotropical migratory birds. Many of the neotropical migratory bird species use the Atlantic coast as a major north-south thoroughfare. Along this migration highway weather and the need for food often force birds to delay their journey. The areas where they delay, or stopover areas, are the most important habitats along a migrant flight path. For many species, especially those making long flights like the red knot, scarlet tanager and osprey, the protection of quality stopover habitat can make the difference between a species survival and extinction.

The Delaware Bay and Cape May Peninsula are among the most important stopovers in the world. The reasons are numerous:

- The fall flight through Cape May not only includes over 150 species of passerines and 21 species of raptors, but also woodcock and over 30 species of migratory butterflies and dragonflies.
- The spring stopover of shorebirds through the Delaware Bay, one of the top three in the world, includes over 15 species, some making round trip flights of over 20,000 miles.
- Both fall and spring migrants gain weight while stopping over and this weight can be crucial to the success of their migration. Shorebirds double their body weight before flying non-stop to arctic breeding grounds. The primary resource is horseshoe crab eggs and the bay is the only place in the world where crabs occur in sufficient number to produce enough eggs for birds to gain more than 3-5 percent of their body weight/day.
- The Cape May peninsula and the Delaware Bay is one of the most used ecotourism destinations in the country. An estimated \$30 million in the fall and an estimated \$5-\$10 million in the spring are spent *each year* by visiting birders alone.
- The wide diversity of bird species requires a wide array of habitats, distributed over a large part of the bayshore and peninsula. In other words, the birds require a functioning ecosystem right in the very heart of the New York-Washington megalopolis.

A major portion of the U.S. human population, nearly 15 percent, is within a three-hour drive of this area. This adds incredible pressure in almost all areas of potential impact: land development, disturbance, contamination, and catastrophic oil spills. But if we are to protect this stopover habitat, we must also conserve the integrity of the ecosystem in which these habitats occur.

In consequence, the bay and peninsula have been the subject of numerous protection attempts. In the last 15 years we have seen nearly every major national program play some role in protection. The bay has been designated a RAMSAR site, a WHRSN Hemispheric site, an EPA Estuary of National Significance, and a TNC Last Great Place, to name a few. It has been ranked near the top of several land acquisition programs including the Land and Water Conservation Fund program, a North American Waterfowl Management Plan Joint Venture, as well as the New Jersey state Green Acres Program. The areas include four National Wildlife Refuges including the recent Cape May National Wildlife Refuge, three different wild and scenic rivers (two sections of the river and one tributary), many state Wildlife Management Areas on both sides, and a large number of parcels held by private conservation organizations.

Yet despite this extraordinary protection, there are clear signs of major needs for these wildlife species that remain unsatisfied. The fall migration is threatened because nearly 40 percent of all migratory bird habitat has been lost between 1972 and 1992, the period of greatest protection activity.

These problems can only be corrected with a significant increase in conservation efforts and programs directed at these problems. The New Jersey Division of Fish, Game and Wildlife has piloted a number of projects using funds from private foundations and mitigation agreements that with stable and significant funding can lead to permanent protection. These pilot projects suggest the conservation of both the spring and fall flight of migratory birds can be accomplished with new programs aimed at an increased involvement of citizens, municipal and local governments, and an additional emphasis by state fish and wildlife and land management agencies.

The first job would be to create landscape level mapping of significant wildlife habitat areas that would be made widely available, and characterized not only as key habitat for wildlife, but as indicators of our community quality of life. These maps can be based on satellite imagery and could be redone regularly to provide feedback to community organizations on the real impact of the conservation of these habitats.

This regional scale mapping can be used to facilitate the coordination of state and Federal level activities that include consideration of migratory birds such as land acquisition, and application of conservation and habitat management programs.

At the county and municipal level, state fish and wildlife agencies can assist land use planners in the development of land use ordinances that reduce impact to migratory birds and recommend zoning classifications to protect areas of greatest importance. This could include, for example, changes to the minimum amounts of land cleared for each new house or the width of setbacks for roads and property.

At the private landowner level, state fish and wildlife agencies can affect habitat in two ways. For large private landholdings, we can develop management plans that allow bird habitat protection while still achieving landowners' goals. To encourage protection, we would take advantage of existing financial incentives from other

agencies such as farmland conservation programs under the Federal farm bill and other state and Federal programs. We can also refer landowners of valuable wildlife habitat to programs of land acquisition, conservation easements, or purchase of development rights if they are interested in long-term conservation.

Backyard habitat for migratory birds can also be created or enhanced by working with individual homeowners. We can target developments that are adjacent to important areas and have created a state program to certify backyard wildlife habitat. We can also use additional funding to create incentives to manage backyards. State fish and wildlife agencies can also work with developers to certify entire new developments as migratory bird sanctuaries. Working with homeowners has the additional benefit of creating habitat in areas where habitat has already been lost, namely housing developments.

These project elements were embraced by the Northeast Partners in Flight working group as a realistic way to conserve stopover habitat throughout the mid-Atlantic region, from New Jersey to Virginia. Unfortunately, funding is currently unavailable for this forward-looking endeavor.

I share these examples with you, Mr. Chairman, to highlight the very vital needs that these species have in both their northern and southern habitats. Towards addressing those needs, the Association certainly supports H.R. 39 as a good first step in the right direction. We also look forward to working closely with you to successful passage of the Conservation and Reinvestment Act, which will position the state fish and wildlife agencies to fulfill our conservation obligations to these species in the United States.

Thank you for the opportunity to share the Association's perspectives with you, and I would be pleased to address any questions.

STATEMENT OF KEN REININGER, CURATOR OF BIRDS, NORTH CAROLINA ZOOLOGICAL PARK, ASHEBORO, NORTH CAROLINA

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify in support of H.R. 39, the Neotropical Migratory Bird Conservation Act. My name is Ken Reininger. I am the Curator of Birds for the North Carolina Zoological Park in Asheboro, North Carolina, an accredited member of the American Zoo and Aquarium Association (AZA) since 1974. The AZA represents 183 accredited zoos, aquariums, oceanariums, and wild animal parks in North America, as well as most of their professional employees.

I have a total of twenty-four years of experience as an aviculturist and avian collection manager in a public zoological park setting, including six years as the bird curator at the North Carolina Zoo. I have participated in a number of bird recovery programs, including the Hawaiian Nene Goose, wattled crane, and Bali mynah, and have worked on field programs from North Carolina to South Africa. I also serve on a number of AZA scientific and advisory committees.

Renowned as the first American zoo designed and built from its inception around the natural habitat philosophy, animals at the North Carolina Zoo wander through large indoor and outdoor habitat that stimulate their wild environments. The mission of the North Carolina Zoo is to encourage understanding of and commitment to the conservation of the world's wildlife and wild places through the recognition of the interdependence of people and nature. We believe the sustainable use of natural resources is a vital concern for humans as well as wildlife. We are proud of our efforts to give our visitors information they can use to make wise choices about the use and management of natural resources.

Included in the zoo's collection is the R.J. Reynolds Forest Aviary, a miniature tropical forest with 100 rainbow-colored exotic birds. Opened in 1982, it was selected by USA TODAY as one of the 10 best exhibits in American zoos. It was also the zoo's first indoor exhibit. The zoo is very proud of its tradition of excellence in the conservation of threatened and endangered bird species.

Mr. Chairman, I would like to take this opportunity to thank you, Congressman Miller, and Chairman Young for reintroducing H.R. 39, and for conducting this hearing so early in the session. I also thank the Chairman for making some of the recommended changes offered by the Administration in 1998.

As you are well aware, one of the greatest threats to many species is habitat loss and degradation. One of the more successful practices to reduce these pressures has been to encourage habitat conservation in the form of public-private partnerships (e.g. the African and Asian Elephant and Rhino and Tiger Conservation Acts). I believe H.R. 39 will continue this relatively new formula of success, and at the same time, complement existing conservation programs and initiatives, such as Partners in Flight and the North American Waterfowl Management Plan.

Although migratory birds are protected by the Migratory Bird Treaty Act (the United States is a party to four bilateral treaties, one each with Great Britain (on behalf of Canada), Mexico, Russia, and Japan), a number of migratory songbird species continue to face increasing challenges throughout North America. These species face challenges from forest fragmentation, the loss of habitat on wintering areas and the loss of habitat at key migration stopover sites. I know from personal experience the importance of these key areas such as the Outer Banks of North Carolina to birds making the long migratory journey.

Moreover, over 90 North American bird species are listed as endangered or threatened under the Endangered Species Act while another 124 species are currently listed on the list of Migratory Nongame Birds of Management Concern. Should many of these birds maintain their historic migratory routes, their next stop will most likely be to the list of endangered and threatened species. Their important wintering and feeding grounds are simply under attack. While Mexico lists some 390 bird species as vulnerable or endangered, much more is needed. There needs to be a commitment from many at both ends of the migratory route, from the wintering grounds in the more tropical regions to the cooler northern breeding habitats and all the critical habitat in between to conserve these species. Preserving habitat for neotropical migratory birds is truly a team effort. We cannot allow continued fragmentation of habitat to continue.

I know and understand the importance of community involvement and the value of partnerships and education outreach for a wildlife conservation program to be successful. Whether it is balancing the needs of the bald eagles with logging interests, land developers and power companies as done in the Yadkin PeeDee Lakes region of Central North Carolina, or involving South African trout farmers in wetlands and wattled crane preservation, I have learned the value of insuring that all stakeholders are brought into the problem solving process.

I believe H.R. 39 is a step in the right direction. The legislation and its subsequent Fund create a cooperative atmosphere and the foundation for a win-win situation for neotropical migratory birds and their important migratory habitat, our international partners in conservation, and the millions of Americans who spend an increasingly amount of time bird watching and on bird-related activities. H.R. 39 continues the innovative cost-sharing formulas from earlier conservation measures utilizing both Federal and non-Federal support. Most of all, by establishing the Neotropical Migratory Bird Conservation Fund, the United States elevates the importance of protecting critical migratory bird habitat in Latin America, the Caribbean and throughout the Americas. Moreover, from a biologic perspective, H.R. 39 will help to ensure that the ecosystems, which neotropical birds and humans depend on, are managed in a more sustainable way.

In conclusion, H.R. 39 represents the best in conservation legislation—a targeted strategy to protect critical habitat and biodiversity, a proven formula to foster public private partnerships through a competitive grant process, and a program that complements existing national and international programs.

As John Rogers, Deputy Director for FWS stated last year in his testimony before the Senate Committee on Environment and Public Works, “The nature of this ‘shared trust’ resource makes migratory bird management a true international challenge.”

Thank you for the opportunity to appear before you today. Mr. Chairman, I will be happy to answer any questions from the Committee.

STATEMENT OF DANIEL P. BEARD, SENIOR VICE-PRESIDENT FOR PUBLIC POLICY,
NATIONAL AUDUBON SOCIETY

Mr. Chairman, I appreciate the opportunity to testify to the Subcommittee on H.R. 39, the “Neotropical Migratory Bird Conservation Act.”

The National Audubon Society has nearly one million members and supporters throughout the Americas who are dedicated to the preservation and protection of birds, other wildlife and their habitat.

Mr. Chairman, I am pleased to appear before you today in strong support of H.R. 39, the “Neotropical Migratory Bird Conservation Act.” This legislation, plus H.R. 381 introduced by Congressman Jim Greenwood, are major steps forward in our efforts to protect and enhance bird habitat in Latin America and the Caribbean. I want to compliment Chairman Young and Mr. Greenwood, for introducing these bills and giving this matter the important attention it deserves.

For the reasons I will detail below, I would like to express our wholehearted support of the Neotropical Migratory Bird Conservation Act of 1999. This bill addresses

the important need for protecting and enhancing populations of neotropical migratory birds, using effective and relatively inexpensive means.

• Why is it important to protect neotropical migratory birds?

Birds are a beautiful and important part of our natural heritage. Perhaps more than any other kind of wildlife, birds are highly visible and thus easy for us to enjoy. Hundreds of species of migratory songbirds link the Western Hemisphere. In their journeys from breeding grounds in the United States and Canada to winter homes in Latin America and the Caribbean, the annual spectacle of migration is a source of fascination for the millions of Americans who watch and feed birds.

Migratory birds have become fundamental components of many local economies. According to surveys completed by the U.S. Fish and Wildlife Service, more than 63 million Americans watch and feed birds. Each year, more than 24 million Americans travel to watch birds. In 1991, birdwatchers spent \$5.2 billion on goods and services related to bird feeding and watching. These expenditures generated nearly \$600 million in tax revenue for states and the Federal Government. Non-consumptive bird use supports almost 200,000 American jobs.

But many of these remarkable creatures are disappearing due to loss and declining quality of habitat in the United States, Canada, and throughout Latin America and the Caribbean. Forest fragmentation and the development of grasslands and wetlands in North America mean fewer breeding areas for birds. Deforestation and development in Latin America and the Caribbean have left migratory birds with fewer places to stop on their long migrations and fewer places to spend the winter. For example, Central America, which plays winter host to as many as one-third of all migrants, lost about 2.3 million acres of forest cover per year between 1990 and 1995. The Audubon/Partners in Flight Watchlist documents the decline of many once common neotropical migratory birds like the Cerulean Warbler and the Red Knot.

• Why is this bill a good way to protect neotropical migratory birds?

The neotropical migratory birds Americans enjoy watching and spending money to see spend part of each year in Latin America or the Caribbean. If we want to protect these birds, we must protect their habitat here in the United States, as well as in Latin America and the Caribbean. Protecting wintering habitat is a way of protecting our investment in wildlife conservation here in the United States.

We believe this is not only a good investment, but an efficient one. By supporting proactive conservation measures such as those that would be covered by the bill, we can help avoid the costly process of helping endangered species recover.

This is also an efficient bill because instead of relying solely on taxpayer dollars, the bill would encourage leveraging Federal dollars by helping to build partnerships with the business community, non-governmental organizations and foreign nations. The flexible matching fund requirements of this bill will give the Department of the Interior greater flexibility to choose appropriate projects.

As a leading bird conservation organization, the National Audubon Society looks forward to facilitating the partnership process by identifying need areas, sources of private funding, and local groups potentially able to manage and conserve habitat.

I would offer the following suggestions for the Committee, should the decision be made to move the bill:

- We would urge the Committee to substitute the purposes language contained in H.R. 4517 (105th Congress) for the language currently used in H.R. 39. The language in H.R. 39, especially subsection (2) is overly broad and does not include language calling for "protection" of neotropical birds.
- If a decision is made to report H.R. 39, I would urge the Committee to consider adding language authorizing establishment of a neotropical migratory bird advisory committee. H.R. 381 authorizes such a committee and we believe it could be an important focal point for raising the visibility of this issue among Federal agencies and Latin American and Caribbean governments.
- The bill should be amended to make it clear that a majority of the funds appropriated should be spent in Latin America and the Caribbean. Habitat in these areas is in dire need of restoration and dollars spent in these areas will in many cases have greater impact because of the lower cost of land and labor.
- Finally, as currently drafted, H.R. 39 could potentially allow the Secretary to make available all the funds for neotropical projects to U.S. Federal agencies. I would urge you to revise the language to ensure that the majority of the funds are made available to foreign governments and non-governmental organizations to promote conservation projects in Central America and the Caribbean. If a majority of the funds are diverted to U.S. Federal agencies, our efforts to save neotropical birds will have been curtailed.

Mr. Chairman, we are pleased to support this legislation and look forward to working with you and other Committee members to enact it into law. Thank you for this opportunity to testify today. I would be happy to answer any questions you might have.

STATEMENT OF CHRISTOPHER E. WILLIAMS, SENIOR PROGRAM OFFICER, WILDLIFE
CONSERVATION POLICY U.S. PROGRAM, WORLD WILDLIFE FUND

World Wildlife Fund is an international organization dedicated to the conservation of wildlife and wildlands worldwide. On behalf of WWF's 1.2 million members in the U.S., I am here to express support for H.R. 39, the Neotropical Migratory Bird Conservation Act of 1999 (NMBCA).

The term "neotropical migratory bird" conjures images of exotic species perched amid the vines of a distant jungle. In fact, some of the most beloved birds of America's forests, grasslands, and backyards, such as the Baltimore oriole, indigo bunting, scarlet tanager, and bobolink, are neotropical migrants. Bird enthusiasts across the eastern U.S. know that February brings the woodcock and the redwing blackbird back from their winter habitat in Florida. In March, the phoebes and tree swallows return from Mexico. April brings sandpipers, plovers and a spectacular array of warblers back from the West Indies, central, and South America.

As wondrous as the spring return of the neotropical migrants is today, it is hard to imagine what it must have been like 200 years ago. The majority of the over 300 neotropical migrant species of the U.S. find mates, breed, and fledge their young in the remnants of the once great forests of the eastern United States. It is estimated that before they began to fall to European settlement, the eastern forests in the U.S. and Canada were home to over *two billion* migratory birds. Sadly, habitat alteration in North America alone probably reduced that number by greater than half, and loss of habitat in the wintering areas of Latin America and other threats have further reduced the great migrations to a trickle.

The tall-grass prairies of the Great Plains were likewise home to tremendous populations of grasslands migrants. Studies have determined that a square kilometer of tall grass prairie and oak/hickory forests that once dominated the central U.S. will support 100-200 individual neotropical migrant birds. However, scarcely 1 percent percent of that habitat still exists, and the cornfields that have largely replaced it support no neotropical migrants at all.

Populations of neotropical migrants in the west have always been much smaller, confined to canyons, montane forests, and riparian habitats. What the west lacks in sheer numbers it more than makes up in the spectacular diversity of species within such isolated habitats. The riparian habitat along the San Pedro River in Arizona, for example, provides safe haven for over 250 species of migratory birds. Unfortunately, the canyon and montane habitats on which the birds depend are those most attractive to development. Riparian forests such as the San Pedro have all but disappeared in the southwest, threatening to sever the great migration routes of the western U.S.

Exacerbated by habitat loss and habitat fragmentation, others threats to neotropical birds in the U.S. are taking a heavy toll. Nest raiders such as raccoons, squirrels, blue jays, and crows, thriving in urban and suburban settings where natural enemies are few and food sources plenty, are putting heavy predation pressure on many populations. Common housecats and their feral cousins are a devastating threat to birds of all kinds, killing as many as three billion birds a year.

Extensive forest clearing and ready food sources in agricultural fields have caused explosive growth in the population and range of the parasitic cowbird. Cowbirds lay their eggs in the nests of other species, sometimes rolling the rightful owner's eggs out of the nest. The unwitting hosts then raise the cowbird chicks. The larger cowbird chicks out-compete, and sometimes even kill, the nestlings of the host parent. While the extent of the impact of cowbird parasitism on bird populations is unclear, it is undoubtedly substantial. One species of neotropical migrant, the Kirtland's warbler, is kept from extinction today only by human intervention to protect its nesting areas from a relentless assault by cowbirds.

This catalogue of ills covers only the bird's northern habitats. In their wintering habitat in Latin America and the Caribbean, neotropical migrants also face the loss and fragmentation of forest habitat. Although it is difficult to establish the link between tropical habitat loss and population declines of neotropical birds, the evidence is strongly suggestive. A case in point is the Bachmann's warbler, a species on the threshold of extinction, if not lost already. Though the warbler's southern bottomland breeding habitat in the U.S. has been drastically reduced, other migrants dependent on the same habitat still thrive in what remains. The cause of the

Bachmann's warbler's demise most likely lies in Cuba, where virtually all of the species' wintering habitat has been destroyed.

Neotropical migrants, like other birds, also face the pervasive threat of toxic chemicals. Pesticides banned or heavily regulated in the U.S. are still heavily applied in Latin America. In one horrific example, thousands of Swainson's hawks have been killed in recent years by misapplications of pesticides in Argentina. Evidence is mounting that even pesticides lawfully applied in the U.S. are having a devastating impact on bird populations.

Given the battery of threats facing neotropical birds, the wonder is not that they are declining, but rather the stubborn resilience with which they survive. Pervasive threats such as these require concerted conservation action at all stages of the migratory cycle. The Neotropical Migratory Bird Conservation Act (NMBCA) would provide opportunities for such action. World Wildlife Fund supports passage of the Act to create an important new tool to leverage action to conserve important habitat, promote research, support law enforcement and protected area management, and foster education and outreach throughout the range of neotropical migratory birds.

One of the strengths of the Act is its emphasis on promoting cooperative work in the field to conserve and restore neotropical migrant populations and habitat. Though the proposed appropriation for the program is relatively small given the enormity of the threat, the program can provide much needed leverage for a wide range of public and private conservation projects, creating goodwill and a spirit of cooperation that go beyond the immediate benefits of the individual project. For precedent, one can look to the U.S. Fish and Wildlife Service's highly successful Partners for Wildlife program which promotes cooperation between Federal and state agencies and private landowners to conserve Federal trust species. H.R. 39 proposes a similar model of cost sharing for projects aimed at neotropical migrants. It would create a program of great versatility that would operate across the range of the species, creating partnerships for conservation regardless of international borders.

The NMBCA could provide matching funds for projects as diverse as restoring a sea grass bed in the Chesapeake Bay, preserving a nesting area in a private woodlot in West Virginia, planting cottonwoods and willows to restore degraded habitat on both sides of the Rio Grande, protecting a playa in northern Mexico vital to migrating waterfowl or a desert scrub area in Venezuela important for wintering songbirds. The Act's expansive language regarding who may apply for funds and the types of activities that promote conservation allows considerable creativity and innovation. Importantly, the Act provides that the Secretary coordinate activities under the Act with existing efforts in order to ensure maximum benefit for neotropical migrants.

The evidence demonstrating the dramatic declines in at least some species of neotropical migrants is overwhelming, but much research is needed to ascertain the true extent of those declines and their causes. Studying neotropical migrants as they move throughout their range, identifying important habitats, and pinpointing causes of decline of individuals species, present daunting challenges. For example, many migrants, while preferring one kind of habitat in the summer months—say, deep forest—may favor a completely different terrain when wintering in South America. Thus, it is true of many neotropical migrants that we do not even know exactly where their wintering habitats are located. Money from the fund established by the NMBCA could provide invaluable support to the work of scientists in Latin America, the Caribbean, and the U.S. to gather the information necessary for successful conservation efforts.

In Latin America particularly, money from the NMBCA could provide a tremendous boost to protected area management and law enforcement actions to protect migratory bird habitat. Mexico, for example, has an outstanding system of designated protected areas, many of which provide important habitat for neotropical migrants. However, personnel in many of these areas lack the basic equipment and training necessary to manage them effectively and enforce the laws and regulations that protect them. In many cases, a relatively modest infusion of resources could dramatically improve the situation. Even in the U.S., funds from the NMBCA program could boost protection efforts in places of unique importance, such as large, intact habitat areas like Great Smoky Mountains National Park or key migratory stopovers like the San Pedro River Riparian National Conservation Area.

Education and outreach are vitally important in any conservation effort. For decades, WWF has operated on the principle that we cannot be successful unless local people are willing participants in our conservation projects. The NMBCA account could provide funding for education efforts in schools, interpretation services in parks and protected areas, and instruction for private landowners who want to vol-

untarily manage their property for neotropical migrants. It could fund outreach programs to rally support for local protected areas and establish fora for creating community-based conservation projects.

One of the most important and laudable aspects of H.R. 39 is its emphasis on conserving neotropical migrant populations and habitat at all points of their lifecycle. This represents an expansive view of conservation similar that adopted by WWF as the organization has shifted its emphasis from individual species to the conservation of habitat and ecological processes that sustain them. In the United States, WWF is concentrating its resources in five ecoregions: the Chihuahuan Desert of the U.S. southwest and Mexico, the Bering Sea, the rivers and streams of the southeastern U.S., the Klamath-Siskiyou forests of northern California and southern Oregon, and south Florida including the Everglades. Each of these has been identified as an area of globally outstanding wildlife and plant diversity and richness. WWF is working with conservationists, landowners, corporations, Federal and state agencies, and other stakeholders to develop strategies for conserving the whole range of flora and fauna within them. Similarly, H.R. 39 would promote cooperative efforts to conserve the full range of neotropical migrants throughout their range.

Towards that end, WWF recommends that H.R. 39 be amended to include Canada specifically in the program. While the Act as written does not preclude funding for projects in Canada, the language of the bill suggests that its scope is limited to the U.S. and Latin America. Many neotropical migrants, such as the American golden plover, semipalmated sandpiper, and suribird annually make the long journey from the Arctic Circle to South America and back again. Amending the Act to provide eligibility for cash or matching funds to neotropical migrant conservation projects in Canada would make the NMBCA a truly hemispheric initiative, and make the Act an even more effective instrument for honoring our international commitments to conserve migratory birds.

We also recommend that the limit on the Federal share of each project be scaled depending on the financial resources of the applicant, from 33 percent to a maximum of 75 percent. This would provide greater access to the program for individuals and entities with scant resources.

Finally, we recommend that the annual authorized appropriation be increased to \$12,000,000 in fiscal year 2001, and to \$15,000,000 in fiscal years 2002, 2003, and 2004. This would provide greater resources for including Canada in the program, increasing the Federal cost share, and supporting more projects as the program develops over the next five years. Partners for Wildlife was appropriated almost \$25,000,000 for fiscal year 1999. Given the ambitious goals and international reach of the NMBCA, its funding level should at least approach those of analogous programs of more limited scope.

Thank you very much for considering WWF's views on this important topic.

STATEMENT OF THE GERALD WINEGRAD, VICE PRESIDENT FOR POLICY, AMERICAN
BIRD CONSERVANCY

I am Gerald W. Winegrad, Vice President for Policy of the American Bird Conservancy. ABC is a national organization dedicated to the conservation of wild birds in the Americas. Our staff of ornithologists and other specialists work on programs critical to avian conservation including Partners in Flight, the Important Bird Areas (IBA) program, Pesticides and Birds Campaign, CATS INDOORS!, and our collaborative partnership through a 78 member organization Policy Council. The Policy Council includes conservation groups from across the U.S. such as National Audubon Society, World Wildlife Fund, Environmental Defense Fund, International Association of Fish and Wildlife Agencies, Cornell Laboratory of Ornithology, American Ornithologists Union, and the Peregrine Fund. ABC also administers a small grants program to foster bird conservation in Latin America and the Caribbean. We thank you for the opportunity to testify and submit these comments in support of H.R. 39, the Neotropical Migratory Bird Conservation Act. This legislation authorizes \$8 million annually for matching grants (33 percent Federal share) to be made through the Secretary of the Interior for the conservation of neotropical migratory birds. At least 50 percent of the funds would be used for projects outside the U.S.

This legislation is important in its Congressional recognition of the serious decline in many populations of migratory birds and through its efforts to help finance conservation projects both in the U.S. and in Latin America and the Caribbean, where most U.S. birds spend their winters. American Bird Conservancy has been pleased to have worked with Senator Spencer Abraham's office on the original introduction of last session's S. 1970 and this session's Senate counterpart to H.R. 39, S. 148. We are hopeful that the introduction and passage of such legislation, with biparti-

san support, will begin an era of Congressional recognition of the need for a comprehensive approach to resolve the serious threats to migratory bird populations in this country and in nations to our South. These threats include: habitat loss; habitat fragmentation; pesticides and other contaminants; introduced exotic species; human constructed barriers to migration such as communication towers; free-roaming domestic cats; and insufficient funding and incentives to better manage existing habitat.

We support the passage of H.R. 39 and would ask that the full \$8 million funding be appropriated in the FY 2000 budget to implement the migratory bird grants program as soon as possible, as is envisioned in the legislation. There are critical needs for this funding both in the U.S. and in Latin America and the Caribbean. We would request that the bill be amended to provide for an advisory panel to help guide the Secretary of Interior in decisions for funding under the Act. Such a provision exists in S. 148. Further, the legislation should specify the U.S. Fish and Wildlife Service as the administering agency under Interior as is done in the Senate bill. The Fish and Wildlife Service has significant experience in migratory bird conservation through its Office of International Affairs and its Migratory Bird Management Office. We also suggest that the match from the U.S. funds be increased to at least 50 percent of a project's cost for U.S. projects from the bill's 33 percent. We would suggest that the U.S. match be at least 50 percent for projects in Latin America and the Caribbean, with discretion in the Secretary to increase that to 75 percent dependent on the priority of a project. This would facilitate the involvement of NGO's and other agencies, particularly in Latin America and the Caribbean.

This legislation is before the Congress at an opportune time in bird conservation. Partners in Flight bird conservation plans are being completed this year for all areas of the U.S. These plans, developed by a unique partnership of Federal and State agencies, private corporations and landholders and conservationists, detail the needs for avian species in 52 distinct geophysical units. Priority species are described and the plans specify on-the-ground management measures necessary to enhance populations of migratory birds. In addition, the United States National Shorebird Conservation Plan and the North American Colonial Waterbird Conservation Plan are under development. Most importantly, this large scale planning process is being combined into a North American Bird Conservation Initiative with the full participation of Canada and Mexico. Excellent meetings have been held recently in Puebla, Mexico on the North American Initiative and other nations are joining in these efforts. Passage of the Neotropical Migratory Bird Conservation Act and the appropriation of the full \$8 million will indicate to U.S. planners and to the international community that the U.S. is serious about acting to conserve avian species.

Today, there are approximately 9,040 species of birds on Earth with about 852 found in the U.S. Of these U.S. birds, 90 are listed as endangered or threatened under the Endangered Species Act. Another 124 additional species are listed by the U.S. Fish and Wildlife Service as being of management concern, meaning that they may become candidates for listing under the ESA without additional conservation action or that special attention is warranted to prevent declines. Listed as species of concern are the Common Loon, American Bittern, Reddish Egret, Red shouldered Hawk, Snowy Plover, Black Tern, Short-eared Owl, Red-headed Woodpecker, Bell's Vireo, and Golden-winged Warbler. Largely due to loss of habitat, habitat fragmentation, introduced species including domestic cats, and contaminants, many bird species are experiencing serious declines. From 1966 to 1993, the Breeding Bird Survey has detected: a 90 percent decline in Black Skimmers; a 40 percent decline in Wood Thrushes; a 90 percent decline in Black chinned Sparrows; and a 50 percent decline in Cerulean Warblers and Loggerhead Shrikes. Already listed under the ESA are such avian species as the California Condor, Stellar's Eider, Piping Plover, Whooping Crane, Aleutian Canada Goose, and the Everglade Snail Kite. Gone forever is the Passenger Pigeon, once one of the most numerous birds in North America. Also gone forever is the once relatively plentiful Carolina Parakeet.

Of the 852 species found in the U.S., 778 are migratory nongame birds and roughly 350 are migratory songbirds species. About 250 of these songbirds are neotropical migrants. Many of these neotropical migratory song birds are in serious decline with documentation of an overall 50 percent decline in the volume of annual flights over the Gulf of Mexico in the last twenty years. Songbirds found in grasslands are experiencing some of the largest and most consistent declines, including the Bobolink and Meadowlarks. Many forest-dwelling species also are in serious decline.

With our nation growing and sprawling and consuming huge chunks of open space, it is imperative that we assure our citizens that we will not continue to erode our natural heritage and directly contribute to the decline in biodiversity, especially of avian species. With over 50 percent of America's wetlands gone, with over 95 percent of our prairie grasslands gone, and with the continued fragmentation and con-

version of forest land, wildlife resources, especially birds, are at risk. More localized impacts of great significance to avian species can be found throughout our Nation. The counties around Washington D.C. have lost over 50 percent of their forest cover in the last 20 years. Iowa has lost 99 percent of its original marshes. And, according to the Smithsonian Institution, "less than 1 percent of the native woodlands along rivers in the arid southwest remains and much of that is damaged by grazing cattle or dominated by exotic vegetation. Riparian woodlands in California's Central Valley have lost most of the neotropical migratory bird species that were once abundant there." Habitat loss and fragmentation continue to pose grave threats to many species of migratory birds. Hence, ABC supports continued acquisition of public lands and their prudent management for birds and other wildlife.

Even protected lands in our National Wildlife Refuge system have been degraded by poorly managed economic activities outside their boundaries. For example, the Blackwater National Wildlife Refuge near Cambridge on Maryland's Eastern Shore has lost over 5,000 acres of essential salt marshes from rising water levels caused in part by wetland drainage and channelization outside of the Refuge primarily for agricultural activities. And, the Kesterton National Wildlife Refuge in California has been contaminated by runoff from farm land to the point that feeding migratory waterfowl risk poisoning and must be chased from the Refuge.

Recent studies and surveys document the huge economic impact of birdwatchers. Over 76 million Americans are birdwatchers, both backyard and non-residential viewers. A recent study found that birders spend over \$8.5 billion yearly in birding activities. This does not include the hunting of migratory birds which generated an additional \$1.3 billion. This same study found that birding and the hunting of birds in the U.S. created 191,000 jobs in 1991. Ecotourism, much of it related to birders, is growing. At Chincoteague National Wildlife Refuge in Virginia, a study was conducted from 1993 to 1994 focusing on birding ecotourism. The study found that 95,970 birders visited Chincoteague during the year spending a total of \$33.2 million, \$9.7 million in the local community. At the Santa Ana National Wildlife Refuge in south Texas, over 99,000 birders visited in one year from all 50 States to view the 388 species of birds found there. The visitors spent \$14.4 million in McAllen, Texas and many bird festivals are promoted in this area of Texas and around the nation by local chambers of congress. Birding is big business.

Often overlooked economic benefits from birds are their major contributions to the health and functioning of ecosystems. Scott Robinson has pointed out these benefits in his widely quoted article, *The Case of the Missing Songbird*. Forest birds eating insects result in greater tree growth and a longer period between insect outbreaks, with these services worth as much as \$5,000 per year for each square mile of forest; in addition, birds are valuable as seed dispersers and pollinators of plants.

The passage, full funding and implementation of H.R. 39 could help prevent further declines in avian species. Habitat loss and fragmentation, while serious in this country, is growing in Latin America and the Caribbean. Population growth, economic development activities, and spreading agriculture are resulting in destruction of forests, wetlands, and critical riparian areas, all essential for birds. For example, the Dickcissel is a common grassland neotropical migratory bird, found in the American mid-west during spring through fall. The Dickcissel population declined mysteriously by 40 percent from 1966 to 1994. Researchers launched a study and tracked the migrating birds to the *llanos* of Venezuela where they spend the winter months. This wetland area has been partially converted to intensive rice and sorghum agriculture and the Dickcissels had learned to feed upon the crops. Researchers found the cause of the decline rooted in lethal controls employed by these rice and sorghum farmers in Venezuela. Known as the "rice bird" in Venezuela, the Dickcissel is considered an agricultural pest and some farmers use pesticides to kill hundreds of thousands of birds. Organophosphates such as parathion and azodrin are used to intentionally kill the birds at feeding and drinking areas and by spraying roost sites that may contain three million birds (30 percent of the entire population). These lethal control methods are continuing, leaving the Dickcissel exposed to potentially catastrophic mortality. Responding to this problem, ABC's Policy Council has stimulated a game plan to resolve this issue under the leadership of Gian Basili of Florida Audubon, the key researcher on the Dickcissel. In June 1998, ABC and the National Fish and Wildlife Foundation funded a workshop held at the heart of the bird's wintering ground in the *llanos*. Attending were representatives from Venezuelan government agencies, local universities, conservation groups, farmers' cooperatives and biologists from agricultural extension services. The U.S. delegation included representatives from ABC, National and Florida Audubon, National Fish & Wildlife Foundation, and The Nature Conservancy, plus the U.S. Department of Agriculture's top expert on bird damage to rice. The Venezuelans were positively impressed by the strong U.S. showing, which underscored the importance of

the issue. The group formed an alliance, and crafted a statement of their mission: to promote, develop and execute actions necessary to implement an integrated management strategy for Dickcissels in rice and sorghum fields of Venezuela. Producers of these crops also signed a letter of intention with Venezuela Audubon. The group determined the need to hire someone to implement on-the-ground actions that would help farmers while also reducing the risk Dickcissels face from catastrophic mortality. There is considerable urgency to obtain funding and launch this program to protect the Dickcissel. Funding is needed for \$20,000 to employ a full time director in the *llanos* but has yet to materialize. H.R. 39 and its funding could be used to provide one-third of the cost of such a position.

ABC also was involved in the protection of another neotropical migratory bird, the Swainson's Hawk. Scientists were puzzled by declines in this Hawks' numbers and used telemetric devices placed on the Hawks to trace their migration and ascertain their wintering locations. It was learned that the Swainson's Hawks migrate from the American West and Canada to winter in the pampas of Argentina. During this study, an estimated 20,000 Swainson's Hawks were killed by pesticides in Argentina in 1995-1996. The land in the pampas region studied had been converted to alfalfa, sunflowers and other crops and the Hawks fed voraciously on grasshoppers inhabiting these fields. Monocrotophos was sprayed to kill the grasshoppers and was killing the Hawks as well. This acutely toxic insecticide had been taken off the U.S. market in 1988. ABC urged Ciba-Geigy (now Novartis) to stop the manufacture and distribution of monocrotophos globally. Ciba-Geigy agreed to a meeting at the Washington, DC headquarters of ABC, and the Governments of Argentina, Canada, and the U.S. sent representatives to try and resolve these mortalities. At this August 1996 meeting, a formal agreement was reached and later signed that included a withdrawal plan for monocrotophos from the pampas and an extensive advertising campaign involving the farmers. The International Office of the U.S. Fish and Wildlife Service helped fund the cooperative venture and training sessions were conducted in Argentina for toxicologists and field personnel. ABC's Argentinean partner, the Asociacion Ornitologica del Plata, also was involved in the effort. Subsequent to the agreement, Swainson's Hawk mortality from pesticides was reduced to a few dozen birds. Novartis is now withdrawing monocrotophos globally on a phased basis and ABC has begun a Pesticides and Birds Campaign. Working with leading toxicologists from the U.S. and Canada on a pesticides work group, ABC hopes to reduce the mortality of birds and other wildlife from pesticides in this nation and in Latin America and the Caribbean. A small grant to help promote safer agricultural practices could prevent incidents such as the killing of thousands of Swainson's Hawks.

We are pleased to support H.R. 39 and to work with the Congress in beginning a concerted campaign to assure that the remaining bird species in the U.S. flourish and that none go the way of the Passenger Pigeon and the Carolina Parakeet. American Bird Conservancy offers our complete support and assistance in developing and implementing such a campaign, including the Neotropical Migratory Bird Conservation Act. ABC is uniquely poised and already involved in many efforts to conserve neotropical migratory birds and looks forward to the partnerships that could be initiated under this legislation.



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TESTIMONY OF PETER STANGEL, Ph.D.
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THE NATIONAL FISH AND WILDLIFE FOUNDATION

BEFORE
THE SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

CONCERNING H.R.39

FEBRUARY 11, 1999

Mr. Chairman, my name is Peter Stangel, Ph.D., and I am Director of the National Fish and Wildlife Foundation's Neotropical Migratory Bird Conservation Initiative. I want to thank you for the opportunity to appear before the Subcommittee and provide testimony on H.R. 39, a bill introduced by Chairman Young to assist in conservation of Neotropical migratory birds.

I consider the Neotropical Migratory Bird Habitat Conservation Act to be one of the most exciting opportunities for bird conservation in recent history. For the past decade, the conservation community has been developing cooperative management plans for Neotropical migratory birds and their habitats across the Western Hemisphere. The critical element missing in these plans has been a sustainable source of funding to implement on-the-ground conservation. This proposed bill addresses that need. Furthermore, this bill will send a strong message to the bird conservation community that proactive, cooperative approaches to conservation will be the model for the future. The National Fish and Wildlife Foundation supports this initiative, and we look forward to continued opportunities to work cooperatively with the U.S. Fish and Wildlife Service (FWS) and other partners on conservation of Neotropical migratory birds. We commend Chairman Young and other members of the Subcommittee for their leadership in sponsoring the Neotropical Migratory Bird Habitat Conservation Act.

As you know, the National Fish and Wildlife Foundation was established by an Act of Congress in 1984 as a private, 501(c)(3) organization created primarily to assist the U.S. Fish and Wildlife Service and other agencies in undertaking activities and programs that further the conservation of fish, wildlife, and plant resources. The Foundation creates public/private partnerships using federal funds that are matched with non-Federal funds for on-the-ground conservation. Chairman Young's bill provides an excellent opportunity for the Foundation to continue its long history of effective partnerships with the U.S. Fish and Wildlife Service by working cooperatively with it to conserve Neotropical migratory birds and their habitats.

The Foundation plays a leadership role on behalf of the FWS and other federal agencies with regard to conservation of Neotropical migratory birds and their habitats. In the late 1980's and early 1990's, when evidence for long-term declines in Neotropical migrants was reported, the Foundation launched a major new initiative called Partners in Flight to address the conservation needs of these species. The Foundation's goal in creating Partners in Flight was not simply to award grants to benefit Neotropical migratory birds, but to create an entirely new approach for bird conservation in the Western Hemisphere.

In assessing the causes for declines of Neotropical migratory birds, the Foundation recognized that the problem went well beyond habitat loss, pesticide poisoning, fatal collisions with man-made structures, and other sources of bird mortality. The problem, in a very broad sense, was that the conservation community was ill-prepared to address a challenge as complex as that of declines of Neotropical migrants. Conserving Neotropical migratory birds and their habitats is an enormous challenge. There are more than 350 species of Neotropical migratory birds, and they occupy virtually every habitat in the Hemisphere at some point during their life-cycle. During migration, an individual bird may cross the boundaries of a dozen or more countries, each with its own conservation priorities and challenges. The habitat in each of these countries is critical for the bird's survival-- the loss of suitable areas in even one country or region can result

in mortality. And, to top it all off, we know very little about the ecology and management needs of most Neotropical migrants.

When the Foundation assessed the conservation community's preparedness to successfully address a challenge of this magnitude, we found many gaps in the safety net for Neotropical migratory birds and their habitats. For example, we found there was no strategic plan for conservation of Neotropical migratory birds. We found relatively little cooperation on conservation programs among or between federal and state agencies, nongovernmental conservation organizations, and corporations. This included limited involvement of one of the largest private landowners in the United States--the Forest Products Industry. Communication about conservation priorities and ongoing programs among these groups was lacking. Very little funding was available for Neotropical migratory birds and their habitats. Virtually no one was devoting attention to conservation in the tropics, where these birds spend the majority of their lives. The birding public was largely unaware of the problems facing Neotropical migrants. Given these findings, we considered it miraculous that Neotropical migratory birds were doing as well as they were.

Partners in Flight was created by the Foundation, the FWS, other federal and state natural resource agencies, nongovernmental organizations, and the forest products industry to address the problems I have just described. We recognized that there were many agencies and organizations doing good work, but that these efforts were uncoordinated and underfunded. Our goal with Partners in Flight is to develop a planning framework to improve communication, enhance cooperation, bolster funding resources, and to create a long-term strategy that would conserve Neotropical migratory birds as important parts of our culture, economy, and environment. Partners in Flight created the framework within which any organization--federal or state, corporate or nonprofit--could work cooperatively on strategic programs to benefit Neotropical migrants.

We also believe that Neotropical migratory birds offered an excellent opportunity to literally change the basic approach to conservation. Through Partners in Flight, we have shown that the most effective time to do conservation is when problems and declines are first detected, not when species were in a crisis situation and being considered listed as threatened or endangered. Although many Neotropical migrants are declining, most were still relatively common. If we acted quickly, we can do conservation when it should be done--when species were still common, but showing signs of concern.

It is important to note that our goal with Partners in Flight is not to create yet another conservation organization, or to increase bureaucracy, but instead to streamline and create opportunities for partnership and cooperation.

The forest products industry provides a good example of our success. Many conservationists view the timber industry as a villain. We took a different approach. We recognized that in the eastern United States, and parts of the west, industrial and nonindustrial forest lands dominate the landscape. We also recognized that many aspects of bird conservation are compatible with responsible forest management.

Partners in Flight was designed in part to draw the forest products industry in as a proactive partner. Industry representatives were at the table when we created Partners in Flight, and they continue to be key players. The Foundation recently signed a Memorandum of Agreement with 17 of the largest forest products companies to work cooperatively on forest management issues as they relate to birds. The Foundation has invested more than \$1 million in research, management, monitoring, and education projects on industrial forest lands. It is our firm belief that private timber lands are a critically important component of bird conservation at the landscape level. Prior to Partners in Flight, this sort of cooperation was unheard of.

Other industries have also become involved. Exxon, for example, was an early supporter of the program, and featured a full-length story on Partners in Flight in its shareholder's magazine.

We also use Neotropical migrants to refocus conservation efforts on habitats, rather than single species. Although the single species approach can be very effective and appealing, it is completely impractical for the hundreds of species of Neotropical migrants that needed attention. Instead, we need to conserve habitats, which would benefit dozens of species simultaneously. And, we want to highlight the value of managed lands, not just pristine habitats. Natural habitats do need to be conserved. But, the reality is that our landscape is dominated by highly managed lands, such as industrial forests. It was our opinion that commercial timber lands, grazing lands, agricultural areas, and other managed lands can play a complementary and critical role in conserving Neotropical migrants. The fact that the timber industry has been a key player in Partners in Flight is testimony to our efforts in this regard. By having Partners in Flight run through a private sector institution rather than a regulatory branch of government this conservation has been possible.

Neotropical migrants also demanded simultaneous conservation on the North American nesting sites, the Latin American wintering areas, and the migratory routes that connect the two. Quite bluntly, even the most effective U.S. based conservation programs would be for naught if we did not simultaneously conserve these birds throughout their ranges. Developing a conservation program for the neotropics is a proactive way to protect and complement the increasingly large investments we make on behalf of these birds here in the United States. The rate of habitat loss in Latin America is critical and its impact on species is tremendous.

We also believed that concern for Neotropical migrants energizes the enormous, growing constituency of birders in North America into an effective force for conservation. Sportsmen have a long and rich tradition of on-the-ground conservation and support the species they seek. This tradition is less well-developed among birders. Our goal is to capitalize on the dynamic appeal of Neotropical migrants to stimulate America's estimated 60 million birders to become more active conservationists.

Most importantly, however, Partners in Flight is designed to build strong, effective partnerships for conservation among federal and state agencies, nongovernmental conservation organizations, corporations, and the public. We remain convinced that no single agency, organization, or even country can save Neotropical migrants. The problem is simply too large and complex. The traditional approach-many groups working independently-is doomed to fail. The traditional

approach also seems to be based on creating and perpetuating a crisis--like the decline of migratory birds. We took a different, proactive approach. We firmly believed, and continue to believe, that conservation of Neotropical migratory birds is an objective that can be achieved. It will take cooperation at an unprecedented level, but it is possible through Partners in Flight.

Implementing the Partners in Flight strategy described above has not been easy, but progress has been steady, and each year more and more partners see the value of this approach. The face of bird conservation now is very, very different than it was eight years ago when we launched Partners in Flight. Although much important work remains to be done, our results speak to the effectiveness of a cooperative approach.

Today, there are more than 250 agencies and organizations that have signed on to the Partners in Flight program. This includes 17 federal agencies, 60 state and provincial agencies, 17 of the largest forest products companies in North America, and more than 150 nongovernmental conservation organizations. A new campaign is beginning this month to enroll the support of nearly 2,000 additional bird clubs, Audubon chapters, garden clubs, and others in Partners in Flight.

Partners in Flight participants are organized into regional and state level working groups. Working groups provide a neutral atmosphere in which federal and state biologists, Audubon chapter members, timber company representatives, and potential donors can work cooperatively to develop bird conservation strategies. Over the past several years, Partners in Flight working groups have been developing conservation plans for all birds and their habitats across North America. These plans are being developed cooperatively with the North American Waterfowl Management Plan, the Western Hemisphere Shorebird Reserve Network, and other conservation programs. These plans set specific habitat and population targets for birds that will provide land managers with specific goals for future action. This is an unprecedented undertaking that sets the stage for a new Century of bird conservation.

The Foundation has used its challenge grant program with great effectiveness to "prime the pump" for this new approach to bird conservation. To date, we have awarded 470 grants specifically to benefit Neotropical migratory birds, committing \$14,613,250 of Federal funds, matched by \$26,225,457 from the private sector, for a total of \$40,838,707 in just nine years. Our grants to more than 200 organizations include everything from research to education to economic development projects. A good example of the latter has been our support for birding festivals such as the Shorebird Festival in Cordova, Alaska. In many rural communities, these festivals are a major source of income for local business-people. They also foster greater appreciation for natural resources, and help stimulate conservation programs.

In 1991 we helped secure the first ever federal funding from the U.S. Agency for International Development (USAID) specifically for Neotropical migratory bird conservation projects in Latin America and the Caribbean. This small grant program, funded by USAID and managed by the Foundation, sends up to \$500,000 to Latin America and the Caribbean annually. To date, we have committed \$2,951,291 of USAID funds to this program, matched by \$4,477,113 from the

private sector-a total of 74 projects in Latin America and the Caribbean committing \$7,428,409 for Neotropical migratory bird conservation in the tropics.

Two important components of this partnership with USAID are of interest to this Subcommittee. First, these USAID funds are awarded as challenge grants. All grantees are required to match the federal funds on at least a 1:1 basis. In fact, we are able to achieve nearly a 2:1 match, and this ratio is improving all the time. Challenge grants are effective for several reasons. First, they leverage federal dollars, providing greater value to the taxpayers who support this program. Even more importantly, challenge grants require that local conservation groups make an investment of their own in their conservation projects. In our experience, when all the funding for a project is provided from an outside source, there is reduced ownership on the part of the grantee. By requiring grantees to put some of their own funds into the project, there is a better chance that the project will be completed satisfactorily.

Raising matching challenge funds can be difficult for grantees, particularly small conservation groups in Latin America. Our experience suggests, however, that most groups can successfully raise matching funds. Furthermore, raising matching funds helps many groups develop stronger fundraising skills, which will only benefit them in the long run.

Second, the Foundation has created an advisory committee that helps guide our USAID grant program. This advisory committee includes representatives from USAID, FWS, Forest Service, The Nature Conservancy, World Wildlife Fund, American Bird Conservancy, and other conservation organizations. This committee provides background and guidance that dramatically increases the effectiveness of our grant program. Perhaps even more importantly, by involving others in the project review process, we enhance opportunities for cooperation and partnership. Our advisory committee is a volunteer group that works efficiently and effectively to improve our grants program in Latin America. We consider this advisory group to be an essential part of our program review and development. They are not a bureaucracy, they are part of our team, and help us achieve the maximum success for our program.

To summarize, the success of the Partners in Flight program over the past nine years has created a foundation of communication, cooperation, and partnerships of unprecedented scale in the history of bird conservation.

In fact, in my opinion, there has never been a more opportune or exciting time in which to launch a major conservation program such as that proposed by Chairman Young. Three key factors create this opportunity.

First, most of our Neotropical migrants and their habitats are still common. Only a handful of the 350 species of birds in this category are Threatened or Endangered. Many are declining, but most are still common. If we act now, we can prevent the political, financial, and biological complications that invariably accompany Endangered species controversies.

Second, never before has there been such a groundswell of interest in birds and birding. A recent survey revealed that birding is the fastest growing outdoor recreation, with an increase in

participation of 155% over the past decade. While the numbers of hunters and fishers holds steady or decreases, the number of birders is increasing dramatically, even outstripping growth in golfing, biking, and other popular sports. These new activists will demand conservation of birds and their habitats, and will also become the core of new fundraising and awareness efforts.

Finally, and critically, as a result of Partners in Flight there is now a framework within which all interested agencies and organizations can participate in strategic conservation programs for Neotropical migratory birds both here and in Latin America. Through development of the conservation plans discussed above, there is now a strategy toward which all groups can contribute.

The one ingredient lacking in this otherwise successful formula is funding. Although the Foundation, USAID, FWS and many other partners have increased funding for Neotropical migratory birds, the needs far outstrip what is available.

Mr. Chairman, the bill proposed by Chairman Young will go a long way toward meeting the need for critical funding of Neotropical migratory bird conservation needs. I would like to extend a word of appreciation to Chairman Young for his leadership in development of H.R. 39, the Neotropical Migratory Bird Habitat Conservation Act. This Act provides a framework for the Secretary of the Interior to provide funds for projects that assist in the conservation of Neotropical migrants and their habitats. Activities that support implementation of conservation programs, the development of sound scientific information on populations, habitats and threats, and partnerships with foreign governments and local communities are all envisioned in the bill.

I believe it is important to note that if implemented, funding for the Neotropical Migratory Bird Habitat Conservation Act will have immediate application in the field. As a result of Partners in Flight activities over the past several years, there are already strategic plans for bird conservation being developed. In many cases, all these plans lack is start-up funding. In Latin America alone, there have been recent meetings in Mexico and Central America to develop conservation programs modeled after Partners in Flight. By making funds available for implementation of projects identified as priorities in these areas, you will be sending a strong signal of support to our partners in Latin America.

As I have stated above, the Foundation has considerable experience implementing a program such as that described in Chairman Young's bill. Although we are fully supportive of the Neotropical Migratory Bird Habitat Conservation Act, we would like to make some suggestions, based on our experiences, that may make the bill more effective.

In particular, we would like to stress five points: the value of matching funds to leverage federal funds, the critical importance of an advisory committee of some type to encourage partnerships and cooperation in implementing conservation programs, the value of using the Act to implement the conservation planning process developed through Partners In Flight, the critical role of industry in conservation of Neotropical migratory birds, and the importance of including a diversity of many species in this Act.

The Foundation has been very successful leveraging federal funds; we believe that the FWS must be equally effective doing so through the Neotropical Migratory Bird Habitat Enhancement Act. In our grant program at the Foundation, we have a Congressional mandate to match each \$1 in federal funds with \$1 from the private sector. In reality, each \$1 in federal funds is leveraged with at least \$2.50 from our partners. It has taken us several years for us to reach this match level. Our much newer partnership with USAID for Neotropical migratory birds requires a 1:1 match from partners, but is currently returning better than 1.5:1 ratio of nonfederal to federal funds. We anticipate that this ratio will continue to increase.

We believe that a match ratio of 1:1 would be very practical for funds disbursed through the Neotropical Migratory Bird Habitat Enhancement Act. We also suggest that FWS encourage its grantees to continually strive to improve this ratio. Cash matching funds should be required of U.S. and Canadian groups requesting funds, and either cash or in-kind services and products can be required of grantees in Latin America. This formula has worked quite well for the Foundation. Further, for projects in Latin America we suggest that a significant portion of the match originate from local sources.

Second, we strongly urge that the Neotropical Migratory Bird Habitat Conservation Act be used to further strengthen the partnerships and cooperation that has developed through the Partners in Flight program over the past eight years. We believe that it is impossible to effectively conserve Neotropical migratory birds and their habitats without proactive partnerships. We also believe that it is critical for the FWS to reinforce cooperative behavior among its federal, state, and nongovernmental partners through this proposed Act.

We encourage you to use the Neotropical Migratory Bird Conservation Act to enhance the collaboration of the many other federal and state agencies, nongovernmental conservation groups, and even industries whose activities have a bearing on Neotropical migratory birds. The difficulties that face Neotropical migratory birds are simply too complex for any one organization or agency to work in isolation. Over the past nine years, the Foundation, the FWS, and our many other partners have built an impressive coalition to address conservation needs for these species. Funding through this proposed Act could send a very strong signal to these groups that collaboration will be rewarded through increased funding. We also believe it is to the success of this Act that the FWS actively seek the input of key groups that are involved with conservation of Neotropical migratory birds and their habitats.

At the Foundation, we solicit this cooperation through our advisory committee described above. This advisory committee works very efficiently and effectively, and greatly assists our program. I believe that a similar arrangement could be used by FWS. Drawing in key partners will assist FWS in project review, reducing program overlap and redundancy, stimulating partnerships, increasing matching funds, and improving the effectiveness of on-the-ground conservation programs. Committees such as the one we formed can be established with minimal effort, and can serve to build a strong coalition among key partners in conservation of Neotropical migratory birds.

In fact, I suggest that FWS could use such an advisory committee to further increase cooperation

among the several large bird conservation programs that now exist-the North American Waterfowl Management Plan, Western Shorebird Reserve Network, Partners in Flight, and several fledgling programs that are now developing. It is imperative that these programs be closely coordinated. The FWS could accomplish this through an advisory committee established as part of the Neotropical Migratory Bird Enhancement Act. We also urge you to exempt FWS from FACA in establishing this Committee.

Third, we strongly suggest that you use the NMBCA to direct funds and resources to implement the continent-wide conservation plans being developed through Partners in Flight. The scope of these plans is unprecedented, and their goal remarkable. Through national and local coalitions, The FWS and many other partners are developing plans that address the conservation needs of all birds. This is the first time that conservation of all birds has been integrated into a single plan. This approach builds on the remarkable success of the North American Waterfowl Management Plan, and seeks on-the-ground efficiency in delivering habitat conservation. It eliminates redundancy of separate plans for different species that live in the same habitats. It is a practical, logical approach to broad scale conservation. These plans will be finished in the next several months. We consider it critically important that funds from the NMBCA be used to directly implement the recommendations of these plans.

Although conservation planning for Neotropical migratory birds is not as advanced in Latin America, cooperative approaches are developing. It is equally important that NMBCA support and reinforce the intent of these conservation efforts.

Fourth, we would like to point out the critical role that industry, particularly the forest products industry, plays in conservation of Neotropical migratory birds. In many parts of the United States, industrial and non-industrial forests dominate the landscape. For example, in many southeastern states, these two landowners combined manage 90% or more of the forest lands. It is absolutely essential that the forest products industry play an integral role in conservation plans for Neotropical migratory birds. As described above, through Partners in Flight the Foundation has created a cooperative agreement through which we and our partners can work with the forest products industry. By sharing the cost of research, monitoring, management, and education programs with industry, we can leverage our funds and bring literally tens of millions of acres into our conservation plans.

Similar opportunities exist in Latin America. For example, through our grants the Foundation has demonstrated that coffee grown in the shade of native canopy trees can provide critical habitat for Neotropical migratory birds and other species. In many parts of Latin America and the Caribbean there are similar opportunities to integrate bird conservation with agriculture and other forms of industry.

We encourage you to incorporate partnerships with the forest products industry and other groups as an essential component of the Neotropical Migratory Bird Conservation Act. We believe that the benefits will be great for both the FWS and the birds and their habitats.

Finally, we encourage you to be as inclusive as possible when considering the species to be

included in this Act. There are more than 350 species of birds classified as Neotropical migrants. These include waterfowl, shorebirds, raptors, and songbirds. Although waterfowl have received a great deal of attention in the past, these other groups have not, and their conservation needs are considerable. Not just forest birds are declining. Some of the most dramatic declines are in grassland birds and shorebirds. We encourage you to give the FWS flexibility to address the most pressing needs of any species considered Neotropical migrants.

Mr. Chairman, I want to again congratulate Chairman Young and the other members of the Committee for their leadership on the Neotropical Migratory Bird Habitat Conservation Act. Over the past several years, the conservation community has come together as never before to develop a coordinated and cooperative approach to conservation of Neotropical migratory birds. New funding through this bill would reward these partnerships, and launch a new era in nongame bird conservation. The National Fish and Wildlife Foundation fully supports this effort, and we look forward to providing the Subcommittee and the FWS with any assistance that might be needed. Thank you very much for the invitation to testify on this important bill.

**Peter Stangel, Director, Neotropical Migratory Bird Conservation Initiative
The National Fish and Wildlife Foundation**

Peter Stangel is Director of the Neotropical Migratory Bird Conservation Initiative at the National Fish and Wildlife Foundation, where he oversees a grant portfolio of over \$25 million. He earned a Ph.D. in Ecology from the University of Georgia's Savannah River Ecology Laboratory, where he studied the population genetics of the Red-cockaded Woodpecker. While at the Savannah River Ecology Laboratory, Peter was also involved with research projects on the Snail Kite, Wood Stork, Wild Turkey, and amphibians. Peter was an undergraduate at Furman University, in Greenville, SC. Peter has also served as President, VP for Conservation, Program Chairman, and Field Trip Coordinator for Fairfax Audubon Society, and as Director of Chapter Development for the North American Butterfly Association. Peter is an avid birder, and frequent contributor to *WildBird* magazine, *Living Bird*, and other publications.



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National Fish and Wildlife Foundation

Who We Are

The National Fish and Wildlife Foundation is a private, non-profit, 501(c)(3) tax-exempt organization, established by Congress in 1984 and dedicated to the conservation of fish, wildlife, and plants, and the habitat on which they depend. Its goals are environmental education, natural resource management, habitat protection and restoration, and conservation policy development. The Foundation meets these goals by creating partnerships between the public and private sectors and strategically invests in conservation and sustainable use of natural resources. The Foundation does not support lobbying, political advocacy, or litigation.

What We Do

Challenge Grants The Foundation identifies conservation needs, reviews proposed projects, fosters cooperative partnerships, and commits a mixture of federal and non-federal funds to on-the-ground conservation projects. The Foundation commits funds in the form of challenge grants – the Foundation's funds are matched. Awarding challenge grants multiplies the investment in conservation and enables grantees to use the Foundation's funds to challenge others to join the partnership.

Building Partnerships The Foundation creates partnerships among federal, state, and local governments, corporations, private foundations, individuals, and non-profit organizations. Creating partnerships facilitates strategic identification of problems and efficiency and cooperation in the delivery of solutions through challenge grants. Funds have been awarded to more than 880 grantees, including federal, state, and provincial agencies; colleges and universities; and domestic and international conservation organizations. Projects have been supported in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. territories of Guam and American Samoa, the U.S. trust territory of Micronesia, Canadian Provinces, and more than 40 other countries.

Leveraging Funds Challenge grants are partially supported by Congressionally appropriated dollars that must be matched by a ratio of one to one. However, the Foundation strives to maximize dollars invested in conservation and we currently average better than a 2:1 return on funds entrusted to the Foundation. For every Congressionally appropriated dollar given to the Foundation, an average of \$3.17 in on-the-ground conservation takes place. The Foundation has made more than 2,900 grants, committing over \$127 million in federal funds, matched with non-federal dollars, delivering more than \$367 million for conservation.

Program Initiatives Challenge grants are awarded through the following initiatives: Conservation Education, Fisheries Conservation and Management, Neotropical Migratory Bird Conservation, Wetlands and Private Lands, and Wildlife and Habitat Management.

★ **The Conservation Education Initiative** promotes conservation through innovative and effective education programs targeting young people, educators, community leaders, and private landowners. The Foundation has taken the lead in changing the face of conservation education by identifying and diversifying the critical audiences responsible for the future management and conservation of our natural resources. The Conservation Education Initiative supports an active, hands-on approach to education that allows students to learn through experience and encourages both children and adults to think for themselves about wildlife and natural resource issues.

★ **The Fisheries Conservation and Management Initiative** addresses resource and habitat depletion issues for marine, estuarine, and inland fisheries. Assuming that solutions to fisheries conservation problems must begin at the local level, grants are awarded to projects that stress community involvement. This initiative primarily awards grants to organizations that build partnerships to develop cooperative solutions to fisheries conservation problems. The other and equally important focus of the Fisheries Initiative is to create partnerships between federal natural resource agencies and the private sector.

★ The **Neotropical Migratory Bird Conservation Initiative** was launched with the express purpose of preventing these declining species from ever reaching the endangered species list. It brings public and private partners together to conserve migratory birds and the habitats on which they depend. The Foundation's approach to the decline of Neotropical migrants epitomizes our ability to respond rapidly with an innovative solution by creating partnerships. Rather than starting a new organization, we instead committed resources to creating a framework within which private conservation groups, federal and state agencies, and the forest products industry could work cooperatively to seek mutually beneficial solutions. This framework, known popularly as *Partners in Flight*, has changed the face of bird conservation in North America.

★ The **Wetlands and Private Lands Initiative** funds projects resulting in wetland, floodplain, aquatic, and riparian habitat restoration, acquisition (fee title and conservation easement) and wetland and riparian research with strong management implications. The Wetlands and Private Lands Initiative supports restoration and acquisition projects that conserve the nation's wetland resources and their varied functions and values, such as providing wildlife habitat, controlling erosion, improving water quality, and reducing flooding. The initiative strongly encourages projects of regional or national importance, that address a demonstrated threat or need, promote innovative partnerships, and serve as a model. The initiative recognizes the importance of incorporating private landowner needs, economic interests, local community involvement, and governmental conservation priorities.

★ The **Wildlife and Habitat Management Initiative** encompasses the Foundation's broad interests in fish, wildlife, and plant conservation, including biodiversity conservation, threatened and endangered species recovery, and traditional game management. It addresses these issues through the following five goals and objectives: supporting wildlife and habitat protection through conservation planning; facilitating access to technologies for integrated species and habitat management; administering funds and supporting habitat-based programs for the protection and restoration of endangered species; engaging private landowners in species and habitat protection and restoration efforts; and distributing law enforcement fines to injured resources.

The **Communications Policy Group** provides conservation policy counsel and issues special topic documents, including the annual publication of the *Fisheries and Wildlife Assessments* prepared for Congress, the Executive Branch, and conservation organizations. These documents provide the only comprehensive, nongovernmental budget analysis of the major federal agencies with significant natural resource management and stewardship responsibilities.

Operating Funds

Though the Foundation receives Congressionally appropriated funds, and builds partnerships that leverage these funds, none may be used for operating expenses. Every penny of these funds must be put into projects. The Foundation depends upon private contributions to provide its operating funds. For each dollar spent on operations, the Foundation and the partners it cultivates commit over seventeen dollars for on-the-ground conservation projects. Tax-deductible gifts to the Foundation for operations are used to identify conservation priorities, develop project and management solutions, thoroughly review proposals and administer grants, forge partnerships, conduct project evaluations, publish and disseminate conservation policy papers and fund the day-to-day operations of the organization. The Foundation welcomes the generous support of new contributing partners.

Strategic Growth

The Foundation strives to build partnerships at the local level and to use limited resources efficiently by identifying distinct geographic areas and resource challenges for program activities. Focusing attention strategically helps the Foundation maximize the impact of our programs and policy analyses and allows us to establish models. The Foundation has responded to requests and opportunities to build creative partnerships that will bring more resources to conservation and facilitate efficacy, efficiency, coordination, and cooperation. Partnership offices have been opened in close proximity to grantees and partners to facilitate strategic investments and increase the level of service to grantees and partners. The Foundation has opened partnership offices in California, Maine, Massachusetts, the Southeast, and Texas. These new offices provide the necessary regional presence for the Foundation to further develop our current and future efforts to promote conservation and sustainable use of our nation's natural resources through partnerships.

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