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NONGAME FISH AND WILDLIFE PROGRAM

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HEARING

BEFORE THE

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SUBCOMMITTEE ON FISHERIES AND WILDLIFE

CONSERVATION AND THE ENVIRONMENT

OF THE

COMMITTEE ON

MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

ON

H.R. 8606

A BILL TO ESTABLISH A NONGAME FISH AND
WILDLIFE PROGRAM

SEPTEMBER 30, 1977

H.R. 10255 AND H.R. 10919

BILLS TO ASSIST THE STATES IN DEVELOPING COMPREHENSIVE
FISH AND WILDLIFE RESOURCE MANAGEMENT PLANS AND IN
IMPLEMENTING SUCH PLANS WITH RESPECT TO NONGAME FISH
AND WILDLIFE

FEBRUARY 16, 1978

Serial No. 95-25

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CONTENTS

	Page
Hearings held—	1
September 30, 1977-----	137
February 16, 1978-----	
Text of—	3
H.R. 8606-----	139
H.R. 10255-----	139
H.R. 10919-----	
Reports from—	
General Accounting Office (H.R. 8606)-----	18
Interior Department (H.R. 10255)-----	143
Statement of—	
Agee, Philip, staff member, Division of Federal Aid, U.S. Fish and Wildlife Service, Department of the Interior-----	18, 144
Allen, Susan, secretary-treasurer, Association of Interpretive Naturalists-----	74
Prepared statement-----	85
Beckner, Bill, chief naturalist, Fairfax County Park Authority, Virginia-----	74
Prepared statement-----	77
Berger, Michael E., assistant conservation director, National Wildlife Federation-----	88, 182
Prepared statement-----	98, 184
Chabot, Philip L., Jr., representing East Bay Regional Park District, Oakland, Calif-----	74
Prepared statement-----	79
Cooper, Toby, Defenders of Wildlife-----	88, 174
Doig, Herbert, director, Division of Fisheries and Wildlife, Departmental Education, State of New York-----	31
Prepared statement-----	49
Fensterwald, Bud, counsel, Committee for Humane Legislation-----	53
Prepared statement-----	55
Forkan, Patricia, on behalf of the Humane Society of the United States-----	88
Franklin, Thomas M., executive director, Urban Wildlife Research Center, Inc-----	88
Galli, Joan, nongame biologist, Division of Fish, Shellfisheries, State of New Jersey-----	31, 156
Prepared statement-----	44
Geis, Aelred D., chairman, Urban Affairs and Regional Planning Committee, Northeast Section, Wildlife Society-----	53
Prepared statement-----	52
Gottschalk, John, International Association of Fish and Wildlife Agencies-----	31, 156
Greenwalt, Lynn A., director, U.S. Fish and Wildlife Service, Department of the Interior-----	18, 144
Prepared statement-----	24
Henderson, Carrol, wildlife specialist, State of Minnesota-----	31
Prepared statement-----	41
Hodge, Guy R., director, Research and Data Services, the Humane Society of the United States-----	198
Prepared statement-----	88
Hunt, C. Eldridge, chief of wildlife management, Department of Fish and Game, State of California-----	31
Prepared statement-----	36
Hurley, Fred, wildlife resources planner, Maine Department of Inland Fisheries and Wildlife-----	156
International Association of Fish and Wildlife Agencies-----	161

IV

Statement of—Continued	Page
Jengo, Judy, student of Rutgers University and president of the Rutgers Student Chapter of the Wildlife Society-----	193
Kopec, Chris, secretary-treasurer of Rutgers Student Chapter of the Wildlife Society-----	193
Poole, Daniel A., president, Wildlife Management Institute-----	176
Rawson, James, Wildlife resources planner, West Virginia-----	156
Shelton, Jowanda, Committee for Humane Legislation-----	194
Talbot, Lee M., assistant to the chairman for scientific and international affairs, Council on Environmental Quality-----	27
Torres, John, nongame supervisor, Colorado Division of Wildlife-----	156
Prepared statement-----	165
Towell, William E., executive vice president, American Forestry Association-----	190
Prepared statement-----	191
Wambach, Dr. Robert, director, Montana Fish and Game Department-----	156
Williamson, Lonnie L. secretary, Wildlife Management Institute-----	65
Zagata, Dr. Michael, National Audubon Society-----	88, 186
Prepared statement-----	95
Additional material supplied—	
Berger, Michael E.: Resolution No. 9—Funds for Nongame Fish and Wildlife-----	100
Fensterwald, Bud: Proposed bill-----	57
Forkan, Patricia: Wildlife management resolution-----	91
Interior Department:	
Fish and Wildlife Service recommendations for a program of nongame grants to the States-----	202
Five-year costs of H.R. 8606-----	24
Number of species present and number of species harvested in each state-----	152
Proposed amendments to S. 1140-----	218
Relative allocations using apportionment formulas based on population and area in varying proportions (shown as percent of total amount Allocated)-----	221
State estimates of funds needed and species requiring attention 1978 through 1983-----	154
McCloskey, Maxine:	
Action for wildlife on the State level-----	132
Nongame objectives and programs—First Annual Report of Citizens Nongame Advisory Committee-----	106
Torres, John:	
Article from Colorado Division of Wildlife: "Division Nongame Programs Adopt Unusual Approach"-----	166
Article from Colorado Division of Wildlife: "Urban Wildlife Area to be Part of I-76 Extension"-----	166
Williamson, Lonnie L.: Organizations and institutions supporting improved nongame fish and wildlife conservation programs-----	68
Communications submitted—	
Fensterwald, Bernard, Jr.:	
Letter of December 19, 1977, to Cecil Andrus-----	197
Letter of January 25, 1978 to Hon. John Murphy-----	196
Greenwalt, Lynn A.: Memorandum of January 31, 1978, to legislative counsel with recommendations-----	202
Herbst, Robert: Letter of January 16, 1978, to Bernard Fensterwald, Jr.-----	197
Johnson, Charles W.: Letter of September 26, 1977, to Congressman Robert L. Leggett-----	104
Thomas, Earl M.: Letter of February 9, 1978, to Hon. Robert L. Leggett-----	201
Towell, William E.: Letter of September 21, 1977, to Hon. Robert L. Leggett-----	135

NONGAME FISH AND WILDLIFE PROGRAM

FRIDAY, SEPTEMBER 30, 1976

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE
CONSERVATION AND THE ENVIRONMENT,
Washington, D.C.

The subcommittee met at 10:30 a.m., in room 1334, Longworth House Office Building, Hon. Robert L. Leggett, chairman of the subcommittee, presiding.

Mr. LEGGETT. The meeting of the Subcommittee on Fisheries and Wildlife Conservation and the Environment will please come to order.

This morning the subcommittee will hear testimony on H.R. 8606, which would establish a grant-in-aid program to assist the States in developing improved programs for the conservation and protection of nongame fish and wildlife.

The basic purpose of this bill is to benefit those species of fish and wildlife which are not taken for sport or food. These so-called nongame species have received little direct benefit from State wildlife programs up to now, although they are enjoyed by increasing numbers of bird-watchers, students, photographers, and nature lovers.

The continued expansion of our population, with its demand for more living space, better transportation and more food is rapidly consuming wildlife habitat. At the same time, many Americans want and expect a diversity of wildlife to view and enjoy on their weekends or vacation trips. The State wildlife manager is caught in a bind; he is expected to meet these demands and conserve wildlife with inadequate support.

As a result, wildlife experts and conservation organizations have begun to urge the States to give greater attention to the needs of nongame species. Their efforts have been supported by ecologists and scientists who recognize that protection of our wildlife heritage requires scientific management of both game and nongame species and the ecosystems in which they live.

Several calls for action have been made. In 1972, Dan Poole spoke eloquently about the need to strengthen nongame programs during the North American Wildlife and Natural Resources Conference in Mexico City. In the same year, the Wildlife Society, in cooperation with the International Association of Game, Fish and Conservation Commissioners, developed model State legislation for nongame wildlife. In 1973, the Wildlife Management Institute issued a policy statement calling for a balanced approach to the management of game and nongame species. Two years later, a study initiated by the Council on Environmental Quality and the U.S. Fish and Wildlife Service recommended the establishment of a Federal matching grant program.

H.R. 8606 was introduced by my colleague, Ed Forsythe, and myself in response to these recommendations and expressions of concern. The bill would authorize up to \$25 million for matching Federal grants to States to assist them in first developing and then implementing State nongame programs. Under these programs the States would inventory nongame fish and wildlife, locate important nongame habitat and specify the actions necessary to insure their protection and conservation. Opportunities for public participation in the development and implementation of these State programs would be required.

I look forward to today's hearings and learning more about how we might improve existing State wildlife programs.

We now look forward to hearing our first witness.

But, before that, we look forward to hearing from my colleague on my left, Mr. Forsythe, who has introduced this important piece of legislation.

Mr. FORSYTHE. Thank you, Mr. Chairman.

The enactment of the Nongame Fish and Wildlife Conservation Act represents no less than a new era in wildlife management.

Although the Pitman-Robertson and Johnson-Dingell programs have gone a long ways toward fulfilling the conservation needs of game species, the sad truth is that no comparable legislation exists for the protection and enhancement of nongame fish and wildlife. I recognize that the Endangered Species Act does provide protection for nongame species, but I submit that our national goal must be the preservation of wildlife before they become endangered.

Mr. Chairman, what I am talking about is the quality of life in America; the quality of life for 89 million Americans who each year venture into the outdoors to enjoy the wildlife heritage of this great land of ours. Nongame fish and wildlife represent the overwhelming majority of the 3,700 species of vertebrates found in the United States. Unfortunately, at the present time, only 2 percent of these species receive any scientific management to insure their welfare. With few exceptions, these represent the game species.

It is time that we seize the initiative and move forward in an effective manner to insure the full range of wildlife values in America to protect and conserve our wildlife for the enjoyment of present and future generations.

And I thank you, Mr. Chairman, for having these hearings so that we can discuss this legislation and hopefully see its early movement.

[The bill and departmental report follow.]

95TH CONGRESS
1ST SESSION

H. R. 8606

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1977

Mr. FORSYTHE (for himself and Mr. LEGGETT) introduced the following bill;
which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To establish a nongame fish and wildlife program.

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 "Nongame Fish and Wild-
5 life Conservation Act of 1978".

6 **SEC. 2. DECLARATION OF FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds and declares the
8 following:

9 (1) Nongame fish and wildlife are of ecological,
10 economic, educational, esthetic, historical, recreational,
11 and scientific value to the Nation and its people.

1 (2) The improved conservation of nongame fish
2 and wildlife, including maintenance and enhancement of
3 their habitat, would assist in maintaining a diversity of
4 nongame fish and wildlife and assuring a productive and
5 more esthetically pleasing environment for all citizens.

6 (3) Many citizens, particularly those residing in
7 urban areas, have insufficient opportunity to participate
8 in recreational and other programs designed to foster
9 human interaction with nongame fish and wildlife and
10 thereby are unable to have a greater appreciation and
11 awareness of the environment.

12 (4) Existing State conservation programs for non-
13 game fish and wildlife have been supported largely on
14 the basis of hunting and fishing license revenues and
15 excise taxes on certain hunting and fishing equipment,
16 and these traditional financing mechanisms are neither
17 adequate nor fully appropriate to meet the conservation
18 needs of nongame fish and wildlife.

19 (5) The States should be encouraged to develop,
20 expand, and maintain, in urban and nonurban areas, pro-
21 grams for the conservation of nongame fish and wildlife.

22 (b) PURPOSE.—It is the purpose of this Act—

23 (1) to provide financial and technical assistance to
24 the States for the further development and implementa-

1 tion of conservation programs for nongame fish and wild-
2 life; and

3 (2) to direct all Federal departments and agencies
4 to utilize their authorities to conserve and to promote the
5 conservation of nongame fish and wildlife in their habi-
6 tat to the maximum extent practicable.

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act:

9 (1) The terms "conserve", "conserving", and
10 "conservation" mean to use, and the use of, all methods
11 and procedures which are necessary to insure, to the
12 extent practicable and desirable, the continued existence
13 of populations of nongame fish and wildlife. Such meth-
14 ods and procedures may include any activity associated
15 with scientific resources management, such as research,
16 census, law enforcement, habitat acquisition, develop-
17 ment and maintenance, information and education, ex-
18 tension services, propagation, live trapping, and trans-
19 plantation.

20 (2) The term "designated State agency" means the
21 commission, department, division or other agency of the
22 government of a State which has primary legal authority
23 for the conservation of nongame fish and wildlife.

24 (3) The term "nongame fish and wildlife" means

1 any vertebrate species of wild animal within its natural
2 ecosystem which—

3 (A) is native to the United States;

4 (B) is valued for cultural, scientific, educa-
5 tional, esthetic, or nonappropriative recreational
6 benefits by the public;

7 (C) is not ordinarily taken for sport or food;

8 (D) is not listed as an endangered species or
9 threatened species under the Endangered Species
10 Act of 1973 (16 U.S.C. 1531-1543); and

11 (E) is not a marine mammal within the mean-
12 ing of section 3 (5) of the Marine Mammal Protec-
13 tion Act of 1972 (16 U.S.C. 1362 (5)).

14 If under applicable State law, any vertebrate species of
15 wild animal may be taken for sport or food in some, but
16 not all, areas of the State, any animals of such species
17 within any area of the State in which such taking is not
18 permitted shall be deemed to be included under sub-
19 paragraph (C).

20 (4) The term "Secretary" means the Secretary
21 of the Interior.

22 (5) The term "State" means any of the several
23 States, the District of Columbia, the Commonwealth
24 of Puerto Rico, American Samoa, the Virgin
25 Islands, Guam, the Commonwealth of the Mariana

1 Islands, and the Trust Territory of the Pacific
2 Islands.

3 **SEC. 4. STANDARDS FOR STATE NONGAME FISH AND**
4 **WILDLIFE CONSERVATION PROGRAMS.**

5 (a) IN GENERAL. The Secretary shall by regulation
6 prescribe general standards which any State nongame fish
7 and wildlife conservation program must meet in order for the
8 State to be eligible for program operating grants under sec-
9 tion 6. Such standards shall set forth those basic require-
10 ments which the Secretary finds to be necessary and
11 appropriate to achieve a systematic, comprehensive, and
12 effective nongame fish and wildlife conservation program,
13 including, but not limited to—

14 (1) the vesting in the designated State agency of
15 the overall responsibility for the implementation of the
16 program;

17 (2) the identification of nongame fish and wildlife
18 that are within the boundaries of the State and the loca-
19 tion and character of all significant nongame fish and
20 wildlife habitats within the State;

21 (3) the identification and continuing assessment of
22 the nature of those dangers or threats, if any, to non-
23 game fish and wildlife and of those factors, if any, which
24 are diminishing, or may diminish, the quality of their
25 habitats;

1 (4) the specification and continuing evaluation of
 2 those appropriate conservation actions (including, but
 3 not limited to, the acquisition of lands and waters (and
 4 interests therein) for habitats and the implementation of
 5 monitoring, inventory, and protection plans and proce-
 6 dures) which must be undertaken over a period of not
 7 less than 15 years to prevent, remedy, or ameliorate any
 8 adverse effects identified pursuant to the requirements in
 9 paragraph (3) ;

10 (5) procedures for determining priorities for imple-
 11 menting the conservation actions specified pursuant to
 12 the requirements in paragraph (4) and for making esti-
 13 mates of the time and costs required to effect each such
 14 action; and

15 (6) opportunities for the public enjoyment of non-
 16 game fish and wildlife resources.

17 (b) **INITIAL REGULATIONS.**—The regulations required
 18 to be prescribed under subsection (a) shall be issued by the
 19 Secretary as soon as practicable after the date of the enact-
 20 ment of this Act, but not later than 6 months after such date.

21 **SEC. 5. PROGRAM PLANNING GRANTS.**

22 (a) **IN GENERAL.**—Any State may apply to the Secre-
 23 tary for annual grants under this section to assist the State
 24 in developing a nongame fish and wildlife conservation
 25 program.

1 (b) APPLICATIONS.—Application for grants under this
 2 section shall be made in such form and manner as the Secre-
 3 tary shall prescribe and shall contain such information as is
 4 reasonably necessary to enable the Secretary to determine
 5 whether the State meets the eligibility requirements set forth
 6 in subsection (c).

7 (c) ELIGIBILITY.—No State is eligible for any grant
 8 under this section unless the State—

9 (1) gives such assurances that are satisfactory to
 10 the Secretary that—

11 (A) the State will undertake to develop a non-
 12 game fish and wildlife conservation program which
 13 is consistent with the standards prescribed under
 14 section 4,

15 (B) the designated State agency will be respon-
 16 sible for developing the program,

17 (C) the State will pay for such costs (herein-
 18 after in this Act referred to as "State planning
 19 matching costs") of developing the program as are
 20 not covered by grants made to it under this section,
 21 and

22 (D) the public will be afforded sufficient oppor-
 23 tunity to make its views known during development
 24 of the program; and

1 (2) submits to the Secretary a preliminary estimate
2 of the cost, and of the time required, to develop the
3 program.

4 (d) GRANTS.—Subject to section 7, the Secretary may
5 make an annual grant to each State which the Secretary finds
6 to be eligible under subsection (c). Any grant made under
7 this section shall be subject to such terms and conditions as
8 the Secretary may impose under section 8.

9 **SEC. 6. PROGRAM OPERATING GRANTS.**

10 (a) IN GENERAL.—Any State may apply to the Sec-
11 retary for annual grants under this section to assist the desig-
12 nated State agency in implementing an approved nongame
13 fish and wildlife conservation program.

14 (b) APPLICATIONS AND APPROVAL OF PROGRAMS.—
15 (1) Application for grants under this section shall be made
16 in such form and manner as the Secretary shall prescribe and
17 shall contain such information as is reasonably necessary to
18 enable the Secretary to determine whether the nongame
19 fish and wildlife conservation program proposed by any State
20 meets the program standards prescribed by the Secretary
21 under section 4.

22 (2) If the Secretary determines that any such proposed
23 program—

24 (A) meets such standards, the Secretary shall desig-
25 nate the proposed program as an approved nongame
26 fish and wildlife conservation program; or

1 (B) does not meet such standards, the Secretary
 2 shall, within 120 days after the day on which the ap-
 3 plication for the grant is received, give the State con-
 4 cerned a written statement of the reasons why such
 5 determination was made, afford the State opportunity
 6 for consultation with respect to the deficiencies in the
 7 proposed program, and allow the State a reasonable
 8 period of time to make such modifications to the pro-
 9 posed program as may be necessary for designation as
 10 an approved program.

11 (c) GRANTS.—Subject to section 7, the Secretary may
 12 make annual grants to each State which has an approved
 13 nongame fish and wildlife conservation program and with
 14 respect to which the Secretary finds that the State will pay
 15 for such costs (hereinafter in this Act referred to as “State
 16 operating matching costs”) of implementing the program
 17 as are not covered by grants made to it under this section.
 18 Any grant made under this section shall be subject to such
 19 terms and conditions as the Secretary may impose under
 20 section 8.

21 **SEC. 7. AMOUNT AND ALLOCATION OF GRANTS.**

22 (a) AMOUNT.—(1) The amount of any grant made
 23 to any State under section 5—

24 (A) during any fiscal year beginning before
 25 October 1, 1981, may not exceed 90 percent of the

1 cost of developing the State nongame fish and wild-
 2 life conservation program during such year; and

3 (B) during any fiscal year beginning after
 4 September 30, 1981, may not exceed 75 percent
 5 of the cost of developing such conservation program
 6 during such year.

7 (2) The amount of any grant made to any State under
 8 section 6 during any fiscal year beginning after September
 9 30, 1978, may not exceed 75 percent of the cost of imple-
 10 menting the State nongame fish and wildlife conservation
 11 program during such year.

12 (b) ALLOCATION.—Annual grants made under section
 13 5 or 6 for any year shall be allocated among the States eligi-
 14 ble therefor for such year on such basis as the Secretary shall
 15 by regulation prescribe taking into account—

16 (1) the populations and diversity of, and the num-
 17 ber and quality of existing or planned habitats for, non-
 18 game fish and wildlife within the respective eligible
 19 States;

20 (2) the scope of nongame fish and wildlife con-
 21 servation programs of the respective eligible States, and
 22 the degree to which each such State has progressed in
 23 developing or implementing, as the case may be, its
 24 program; and

25 (3) the extent to which, and the manner in which,

1 the respective eligible States provide, or plan to provide,
2 for public enjoyment of nongame fish and wildlife
3 resources.

4 **SEC. 8. TERMS AND CONDITIONS RELATING TO GRANTS.**

5 Each program planning grant made under section 5 and
6 each program operating grant made under section 6 shall be
7 subject to such terms and conditions as the Secretary shall by
8 regulations prescribe as being necessary and appropriate to
9 insure that the proceeds of the grant are applied to carry
10 out the purposes for which made and to protect the interests
11 of the United States. Such terms and conditions shall include
12 but not be limited to the following:

13 (1) The Secretary may allow States to provide
14 State planning matching costs and State operating
15 matching costs in the form of funds or real or personal
16 property; except that no Federal moneys received by
17 any State under any other provision of law may be
18 used, directly or indirectly, by the State for purposes of
19 providing either of such matching costs.

20 (2) Each designated State agency shall keep such
21 records as the Secretary shall require as being necessary
22 and appropriate for fully disclosing the amount and pur-
23 poses of expenditures of grant proceeds made by such
24 agency. The Secretary and the Comptroller General of
25 the United States, or any of their duly authorized repre-

1 representatives, shall have access, for purposes of audit and
2 examination, to such records.

3 (3) Upon a finding by the Secretary, after notice
4 and opportunity for an agency hearing on the record,
5 that a State has used or applied any grant proceeds for
6 a purpose other than that for which granted, the State
7 shall thereafter be ineligible to receive any grant under
8 this Act until restitution satisfactory to the Secretary is
9 made.

10 (4) In the case of any program operating grant
11 made under section 6—

12 (A) not more than 10 percent of State operat-
13 ing matching costs in any year may come from funds
14 derived from the sale of State hunting, fishing, and
15 trapping licenses and permits;

16 (B) not more than 25 percent of the proceeds
17 of any such grant may be used to carry out informa-
18 tion and education services, law enforcement, and
19 extension services; and

20 (C) any construction undertaken in whole or
21 part with the proceeds of any such grant must be
22 under the direct supervision of the designated State
23 agency and is subject to approval by the Secretary
24 as being in compliance with the approved conserva-
25 tion program.

1 **SEC. 9. OTHER ASSISTANCE.**

2 The Secretary may transfer to any State such personnel
3 and equipment of the Department of the Interior, and share
4 such scientific or other appropriate information, as the Secre-
5 tary deems appropriate for purposes of assisting any State
6 which is eligible for annual grants under section 6 to imple-
7 ment its approved nongame fish and wildlife conservation
8 program.

9 **SEC. 10. FEDERAL COOPERATION AND COORDINATION.**

10 (a) IN GENERAL.—Each Federal department and
11 agency shall, to the maximum extent practicable, cooperate
12 with the States in establishing and maintaining programs for
13 the conservation of nongame fish and wildlife.

14 (b) REVIEW OF EXISTING PROGRAMS.—Each Federal
15 department and agency which has management authority
16 over land and water resources or interests therein, shall,
17 within one year after the date of enactment of this Act,
18 review each of its existing programs with respect to such
19 lands, waters, and interests therein to determine which of
20 such programs, if any, can be extended or modified, without
21 jeopardizing the purposes of such programs, to include the
22 conservation measures for nongame fish and wildlife within
23 such lands or waters. Upon finding that any of its programs
24 can be so extended or modified, any such department or
25 agency shall notify the appropriate designated State agency

1 and cooperate with such agency in carrying out any such
2 extension or modification.

3 (c) COOPERATIVE AGREEMENTS.—Each Federal de-
4 partment and agency may enter into cooperative agreements
5 with designated State agencies to carry out subsection (b).
6 Each such cooperative agreement shall—

7 (1) specify those areas in which such nongame
8 fish and wildlife conservation measures will be imple-
9 mented;

10 (2) provide, where appropriate, for habitat im-
11 provements or modifications designed to conserve non-
12 game fish and wildlife;

13 (3) provide, to the extent practicable, for educa-
14 tional and recreational programs to foster greater appre-
15 ciation and understanding of nongame fish and wildlife;
16 and

17 (4) contain such other terms and conditions as the
18 Federal department or agency, or the designated State
19 agency, deems necessary and appropriate to carry out
20 the purposes of this Act.

21 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) FOR PROGRAM PLANNING GRANTS.—There are
23 authorized to be appropriated for purposes of making grants
24 under section 5 not to exceed \$3,000,000 for each of fiscal
25 years 1979, 1980, and 1981.

1 (b) FOR PROGRAM OPERATING GRANTS.—There are
2 authorized to be appropriated for purposes of making grants
3 under section 6 not to exceed \$25,000,000 for the period
4 beginning October 1, 1978, and ending September 30, 1981.

5 (c) ADMINISTRATION.—The Secretary may, for pur-
6 poses of administering sections 5 and 6 during any fiscal year,
7 use not to exceed 8 percent of the amount appropriated,
8 under subsection (a) or (b), as the case may be, for such
9 year to carry out each respective section.

10 (d) NONLAPSE.—Any appropriation made for any year
11 pursuant to section 5 or 6 shall remain available for expend-
12 iture to carry out such section until the close of the fiscal
13 year next occurring after the fiscal year for which the ap-
14 propriation is made.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 17, 1977.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request, dated August 3, 1977, for our comments on H.R. 8606, this is to advise that we have no comment on the subject bill.

Sincerely,

MARTIN J. FITZGERALD,
Director, Office of Congressional Relations.

Mr. LEGGETT. Very good.

Now we will recognize the Director of the U.S. Fish and Wildlife Service.

Your statement will appear in the record as fully read. Can you summarize the highlights for us?

STATEMENT OF HON. LYNN A. GREENWALT, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY PHILIP AGEE, STAFF MEMBER, DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE

Mr. GREENWALT. Mr. Chairman, in the interest of time, I will hit the highlights of my statement. I would like to also introduce Philip Agee, who is on the staff of our Division of Federal Aid.

I would like to begin, Mr. Chairman, by stating that President Carter's administration is fully aware of the desirability of managing all fish and wildlife, nongame as well as game. We support the objectives of H.R. 8606; however, at this time, it is premature to recommend its enactment or the enactment of any alternative approaches to the conservation of nongame animals.

We are in the process of carrying out the directive in the President's environmental message to review existing programs and propose other measures to improve the conservation of nongame species. We ask that you defer action on H.R. 8606 until we have completed this review and can present our result to you in early 1978. In the interim, however, we are encouraging States to utilize existing Federal funds for nongame to the extent allowed by law.

I think, Mr. Chairman, that you are familiar with much of the history of the programs characterized by Pittman-Robertson and Dingell-Johnson. I think it is also important to point out, as you have already elucidated, the scientific attention given to nongame has been virtually, but not entirely, nonexistent in the programs in the past. We in the Fish and Wildlife Service have developed firm evidence of the very strong and high regard which nongame or esthetic wildlife are held by the general public. We agree completely that a program designed to enhance the capabilities of the States to carry out this kind of management is vitally important.

By law the hunter and fisherman have together financed most fish and wildlife management accomplished to date. We do not suggest for a moment that the nonconsumptive user has been unwilling to pay. Suffice it to say he has not been given the opportunity to contribute with any assurance that the proceeds would be dedicated to the resources of interest to him.

Evidence indicates that the needs of nongame animals and non-consumptive uses should be met through a program that maintains the existing partnership between Federal and State conservation agencies—and I would like to stress that point, Mr. Chairman. You have heard me say many times that this difficult job of maintaining the fish and wildlife heritage of this Nation cannot be accomplished without the full partnership of the States. That is a very important factor that must be borne in mind at all times.

I shall leave for the record the historical events leading up to several of the recommendations which you yourself have cited. I will point out that basically the position of the administration and the Fish and Wildlife Service, which is fully aware of the importance of nongame fish and wildlife and their contribution to American life, is that we will be in a position to make positive recommendations to this committee and others early in the 2d session of the the 95th Congress. By that time, some final decisions will have been made on the allocation of fiscal year 1979 resources and there will be completed a collective review of existing programs and how they might be used to carry out this purpose.

Again, we support the objectives of H.R. 8608 but we request that action be deferred.

Mr. Chairman, I would be delighted to answer any questions you may have.

Mr. LEGGETT. You indicate half the money under Pittman-Robertson and Dingell-Johnson had inured to nonconsumptive and nongame species.

As I recall, the figures were something like \$500 or \$600 million, since the 1930's when they were enacted?

Mr. GREENWALT. Substantially more than that, Mr. Chairman, a very large sum, approximately \$1 billion.

Mr. LEGGETT. Well, half of that, or about \$200 million, have in fact, gone into this kind of a program over the past several decades.

Mr. GREENWALT. Mr. Chairman, I think our statement may have been somewhat misleading at least in the context of your comment.

The effects of money applied through PR and DJ have been felt not only by game species but also by nongame species. The management of habitats have produced very substantial benefits to both game and nongame. Similarly the roads, parking areas and boat ramps built for sportsmen have also served nonconsumptive users. It is in that light that we pointed out that about 50 percent of the benefits have accrued to nongame species.

Mr. LEGGETT. All right.

And the reason you are unable to support this legislation at the present time is that you have not thoroughly thought out exactly how the Department would like to implement a nongame program?

Mr. GREENWALT. Beyond the Department, Mr. Chairman. The administration generally has not come down precisely on how it would like to support this kind of a program.

Mr. LEGGETT. Let me ask you this:

If OMB were not opposed, would you support this bill?

Mr. GREENWALT. Certainly, in its major sense we could support it. I must also state, Mr. Chairman, that in the context of the President's

activities, vis-a-vis fish and wildlife and resource preservation, there are a number of things going on about which I am sure you will hear in the next 2 or 3 months, several of which have a direct relationship to the issue at hand.

So I suggest to you that it is not just within the Department that there is a review being made.

Mr. LEGGETT. All right.

Will there be important decisions made between now and the first of the year in this sector?

Mr. GREENWALT. Yes, sir.

Mr. LEGGETT. All right.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

And I thank you, Mr. Greenwalt, for your statement.

Would you agree it would be very helpful in these hearings to focus on the need for this or similar legislation.

Mr. GREENWALT. Oh, absolutely. There is no doubt about that.

Mr. FORSYTHE. Obviously at this point we know that consideration of the legislation is not going to happen before the first of the year. But we do certainly look forward to the support of the administration early in the year.

You mentioned that a number of people have indicated that there is a willingness to pay on excise tax.

Mr. GREENWALT. Mr. Chairman, I have no doubt about that. Just in the relatively short time I have been involved as Director of the Fish and Wildlife Service, it is apparent that the groundswell of interest is growing by leaps and bounds. The general public has, as you know, an increasing interest in fish and wildlife for a variety of reasons. I am convinced that a program that will provide funding in those quarters where it is so badly needed, Mr. Forsythe, will in fact have very strong support throughout the country.

Mr. FORSYTHE. That could be defined as an excise tax and treated very much the same as the taxes that now support the game species throughout the country?

Mr. GREENWALT. Absolutely. That is one of the potential options. It is a very real possibility.

Mr. FORSYTHE. Thank you, Mr. Chairman.

Mr. LEGGETT. Very good.

We are going to have to answer this rollcall.

I am going to leave the record open here for a few minutes. Counsel has worked on this matter and if they wish to ask questions while we are responding to this rollcall they can. And if you finish answering before we get back, certainly feel free to leave.

Mr. GREENWALT. Thank you very much.

Mr. LEGGETT. Thank you very much.

Mr. GUTTING. Thank you, Mr. Chairman.

One of the questions raised by this bill concerns how moneys might be allocated among the States. One school of thought is that there should be a formula similar to the Pittman-Robertson and Dingell-Johnson formula.

Another school of thought is that it is best to leave it to secretarial discretion to decide how the moneys should be allocated similar to the anadromous fish program or the endangered species program. Recog-

nizing that your thoughts are only of a preliminary nature, do you have any comments on which of these two alternatives is most desirable?

Mr. GREENWALT. I think, Mr. Gutting, the fundamental question is the nature of the source of funding. An apportionment in accordance with a formula, Mr. Gutting, seems to be successful, at least historically, because the source and the amount of funding is fairly stable.

In terms of another option, that is to say, a direct appropriation annually, it becomes somewhat difficult to apply the formula approach, in my judgment, because there is no assurance of how much money will be appropriated. Grants under the anadromous fish program and the endangered species program are based on criteria rather than a formula.

I suggest that perhaps the way the funds are apportioned is dependent upon the source of funds. I cannot with any fidelity predict which way the Administration will come down on this, therefore, I cannot recommend which course to use except to suggest that one look at the source of funding.

Mr. GUTTING. You also testified that there is a need to mesh whatever new nongame program is established with existing programs. You mentioned the endangered species program, the anadromous fish program, and I suppose there are others, such as Pittman-Robertson and Dingell-Johnson programs.

Do you have any recommendations as to how we can mesh, as you say, the planning and the implementation of programs under these various acts?

Mr. GREENWALT. Well, one example that immediately comes to mind is the idea of comprehensive planning for fish and wildlife management in a State. One of the vehicles by which the meshing is accomplished, in my judgment, could be a comprehensive planning approach. Comprehensive planning should consider all elements of the fish and wildlife resources in the State, regardless of how a specific aspect is funded.

Another case in which the meshing is quite important is in connection with the Endangered Species Act which, as you know, does not at present provide sufficient grant funding to take care of all endangered species needs nationwide. If properly structured, it seems to me, nongame program could mesh in the sense that it makes it possible to deal with certain of the endangered or threatened species within State that would otherwise not be of sufficiently high priority to warrant the expenditure of the grant funds specifically provided for under the endangered species program. These kinds of approaches, I think, could make the meshing possible without in any way negating the thrust or intent of a nongame program or any of the other existing authority.

In my opinion, the key is careful, thoughtful, orderly preplanning for the entire wildlife spectrum. By planning for the whole spectrum of wildlife and funding the implementation of that planning in ways that get us from here to there most expeditiously, I think we can overcome some of the problems that might otherwise come with singularly identified funding of various kinds.

Mr. GUTTING. I assume that one example of what you are talking about concerns the Pittman-Robertson and Dingell-Johnson Acts

which provide an alternative way of receiving funds: States can either receive funds on a project-by-project basis, or they can receive funds based on a comprehensive plan.

Are you suggesting that if a plan was developed under a nongame program that the plan should also be such as to satisfy the comprehensive planning requirements under Pittman-Robertson?

Mr. GREENWALT. I think that is fair to say. As well it would seem to me any of the other planning requirements of grant programs of this kind.

Mr. GUTTING. Have you undertaken any studies or do you have an opinion as to what amounts of money and what time periods would be involved in the development of a comprehensive plan by the States?

Mr. GREENWALT. We have some impressions that I think in order to provide them accurately, Mr. Agee should answer.

Mr. AGEE. We conducted a telephone survey earlier this year during which the States were asked to indicate what their needs might be. Projected over a 6-year period, they estimated at that time their needs would be approximately \$16.2 million a year.

Mr. GUTTING. What period of time do you believe it would take for a State to prepare such a comprehensive plan—recognizing, of course, that times are going to vary because the needs of the States vary and because States are in different stages of planning already.

Mr. AGEE. First of all, I should point out that the \$16.2 million was for operational activities and not planning.

Mr. GUTTING. I see.

Mr. AGEE. As far as planning is concerned, I believe you used the words "comprehensive planning," meaning for all wildlife, the process will take a considerable length of time. If you mean planning for just nongame the time period required can be reduced to 1 to 3 years.

Mr. GREENWALT. Mr. Gutting, I would amplify by pointing out two things:

(1) Speaking personally, it is my opinion that comprehensive planning is imminently desirable because I can see the need emerging for a statewide comprehensive plan for efficient wildlife and related resources by virtue of the requirements of laws presently on the books as well as other things, such as the legislation we are presently considering.

I favor the comprehensive planning approach for all wildlife.

In terms of funding for planning, I think one must remember that whatever amount is employed, it should be administered in as flexible a way as possible because it is quite clear that, at the outset of such a comprehensive planning program, there will be a relatively limited number of States involved and the peak will arise before the end of the period.

To say it another way, we ought to make it possible to fund, if that is the way the bill goes, State planning with sufficient flexibility that we can cope with the advent of a peak of planning activity somewhere during that period, probably 3 to 4 years, perhaps longer.

Mr. GUTTING. Some of the people who have talked to us about this bill have suggested that it would be desirable that Federal moneys might be made available through the State to local, regional, or private organizations whose activities were consistent with a State program.

Do you have any views on whether such a passthrough of Federal funds would be desirable?

Mr. GREENWALT. Given my knowledge of many of these private activities, I am sure the resource would benefit, it would be very beneficial to the resource. I am not sure precisely how one would handle such things as whether or not the private organization would be expected to match the grant in some fashion or whether it would be a direct grant or an arrangement of that kind.

Suffice it to say that I think those kinds of details can be worked out assuming that sort of thing is provided as an option in the legislation. In terms of the benefits to be accrued, I think that with judicious application, that the resource could not help but benefit.

Mr. LEGGETT. Mr. Mannina?

Mr. MANNINA. Thank you, Mr. Chairman.

Lynn, in response to an earlier question, you endorsed the comprehensive planning concept. I gather—and I know that you are deferring action—that you would endorse the comprehensive planning concept contained in section 4(a) of H.R. 8606.

Mr. GREENWALT. This is a dimension of the comprehensive planning with which I agree completely. The endorsement would be my own, based on a good many years of experience in the administering of fish and wildlife programs.

I think it is an excellent idea in principle.

Mr. MANNINA. Thank you.

It has been suggested that the committee need not enact legislation like H.R. 8606 but could amend the Pittman-Robertson Act directly and place an additional excise tax on nonconsumptive users of wildlife. It has been suggested that the Pittman-Robertson program would be an easier mechanism by which to accomplish this goal.

What would be your reaction to that?

Mr. GREENWALT. Mr. Mannina, I don't deny it might be an easier way to accomplish the objectives, however, let me philosophize for just a moment, if I may.

I think the real purpose that should be served here, first of all, is to increase the funding for the States for the management of nongame species and their habitats. I think there ought to be a mechanism whereby people who are not traditionally classified as consumptive users, said another way, that people other than hunters and fishermen get into this funding act in some fashion, and that the structure of such participation be set up so that there is a clear thrust and objective related to nongame species.

Mr. MANNINA. Thank you.

The definition of "nongame fish and wildlife" includes only those species which are native to the United States.

In your view, should that specification be eliminated?

Mr. GREENWALT. I think as a practical matter it should not be limited to those that are native to the United States.

As you know, there are many established species in the United States which are highly regarded by the public and which are not native originally. To counter the contention that perhaps there ought to be some consideration about the establishment of new populations of nongame species, the administration has recently issued an

Executive order restricting the introduction of exotic species be they game or nongame. Thus, there appears to be little need to make a distinction between nature and nonnature in a nongame bill.

In simplest terms, Mr. Mannina, I think we should not limit such a bill to native nongame species.

Mr. MANNINA. One final question.

Could you submit for the record what you believe legislation such as H.R. 8606 would cost for each of the next 5 year fiscal years?

Mr. GREENWALT. I would be happy to, Mr. Mannina.

[The following was received for the record:]

5-YEAR COSTS OF H.R. 8606

H.R. 8606 as presently written authorizes appropriations as follows:

Planning grants:	Millions
Fiscal year 1979-----	\$3
Fiscal year 1980-----	3
Fiscal year 1981-----	3

Program operating grants: \$25 million for 3 years (or an average of \$8.3 million per year).

In a telephone survey (conducted prior to introduction of H.R. 8606) the States estimated their needs for carrying out nongame projects (operational program as opposed to planning) for the period 1978 through 1983 at \$97,248,300, or an average of \$16.2 million per year for six years. Given the fact that the telephone survey was not made with knowledge of the provisions of H.R. 8606 and there has been no subsequent contact with the States regarding their funding needs, it is difficult to calculate 5-year costs of the legislation with any degree of reliability. It appears however, that the authorizations in H.R. 8606 may be too low and the time limitation too rigid for the program mandated in the bill.

The requirement in H.R. 8606 that planning be accomplished before operating grants can be made will prompt a surge of planning grant requests that may exceed the \$3 million available the first year. The exhaustion of the first year's funds would have the effect of delaying the State's entire nongame program until new funds are appropriated for the second or third year. To overcome this situation, the Committee may wish to consider modifying the legislation to provide a lump sum for planning grants to be available for a specified period, three years (1979-1981) as presently called for in the bill. The Fish and Wildlife Service has no data on which to calculate whether or not a three-year, \$9 million authorization would be adequate for nongame fish and wildlife planning grants.

With regard to program operating grants, it appears that the authorization in H.R. 8606 may need to be increased to a level at least commensurate with the anticipated needs of the States. In addition, the Committee may wish to consider providing for progressive levels in the authorization to accommodate the successive entry of States into the operational phase of the program as their plans are completed and approved. Such an approach could reflect a funding level of \$15 million the first year, \$20 million the second year, and \$25 million the third, fourth and fifth year.

These suggestions do not constitute a recommendation of support by this Administration.

Mr. LEGGETT. Very good.

Thank you.

Your statement, of course, will be inserted into the record.

[The following was received for the record:]

STATEMENT OF LYNN A. GREENWALT, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear here today to discuss H.R. 8606, the "Nongame Fish and Wildlife Conservation Act of 1978."

I would like to begin by stating that President Carter's Administration is fully aware of the desirability of managing all fish and wildlife, nongame as well as game. We support the objectives of H.R. 8606, however, at this time, it is pre-

mature to recommend its enactment or the enactment of any other alternative approaches to the conservation of nongame animals.

We are in the process of carrying out the directive in the President's Environmental Message to review existing programs and propose other measures to improve the conservation of nongame species. We ask that you defer action on H.R. 8606 until we have completed this review and can present our result to you in early 1978. In the interim, we are encouraging States to utilize existing Federal funds for nongame to the extent allowed by law.

Even though we must defer recommendations regarding the "how" of a nongame program and the "what" of funding such a program, I believe we can provide you with some useful data on our experiences and views on certain key elements of a program aimed at non-harvested species.

The need for specific management attention to nongame and nonconsumptive users has, in recent years, become a major concern of conservationists, wildlife managers and the wildlife oriented public.

The scattered voices in the "wilderness" of a decade ago have amplified and solidified. In addition, the philosophy of wildlife management has changed. Today we recognize the need to manage ecosystems as opposed to species, the need to inform and educate people regarding the human role in natural systems, and the need to provide both consumptive and nonconsumptive recreational opportunities.

It is irrefutable that the dominant force impacting fish and wildlife, game and nongame alike, is man's degradation of the environments on which such animals are totally dependent. By law the hunter and fisherman have financed most fish and wildlife research and management accomplished to date, even though there is evidence that recreation derived from nonconsumptive uses and consumptive uses are equal. We do not suggest that the nonconsumptive user has been unwilling to provide funding. Rather, he has not been given the opportunity to contribute with any assurance that the proceeds would be dedicated to the resources of interest to him.

Evidence indicates that the needs of nongame animals and nonconsumptive uses should be met through a program that maintains the existing partnership between Federal and State conservation agencies; a program that utilizes the existing organizational structures and that adhere closely to established operational procedures. This evidence is gleaned from the results and recommendations of a variety of studies, reports and correspondence generated over the past few years and recently confirmed in the testimony of State conservation administrators and representatives of environmental organizations and associations during hearings in the Senate on legislation comparable to H.R. 8606.

In March 1974, through informal agreement with the Council on Environmental Quality and the Department of the Interior, Dr. Roland Clement and a committee of nationally recognized wildlife professionals reported on the development and current status of the needs of nongame species. Six months later, a report prepared by the International Association of Fish and Wildlife Agencies examined the situation further and stressed that specific legislation was needed. Late in 1974, the Council on Environmental Quality and the Department of the Interior contracted with the Wildlife Management Institute to quantify the investments currently being made and to estimate the amount of funds, potential sources of funds, and actions needed to address adequately the problems of nongame fish and wildlife. That report was released in February 1975. These and other more recent discussions have consistently spoken in favor of a national program of grants to States for nongame fish and wildlife patterned after the existing Pittman-Robertson and Dingell-Johnson Federal aid programs.

Mr. Chairman, the mechanism proposed in H.R. 8606 for a Federal/State nongame program is just one of a variety of alternatives we are considering. The Senate companion bill, S. 1140, offers another approach. The question of how a nongame program should be funded and the impact of various funding alternatives on existing programs must also be considered.

In developing a nongame program, we must consider present programs and how they relate to nongame species. State programs have, by the practical necessity of serving the user groups which contribute the funds, directed their programs almost exclusively to game species which compose less than 10 percent of the 3,700 vertebrate species in the Continental United States and its coastal waters. The result has been that only scattered efforts have been specifically directed to nongame. In fairness, however, it must be noted that the management of habitats of game species has generated benefits to many nongame and nonconsumptive uses.

We estimate that about one-half the total benefits from Pittman-Robertson and Dingell-Johnson are indirectly realized by nonconsumptive users and nongame species. For example, acquisition of lands and water and their subsequent development under either Act serve to protect habitat for all game and nongame alike. Research into predator-prey relationships and competition between the various species yields valuable information on the need of nongame species.

It must be remembered that Pittman-Robertson is legally limited to addressing only wild birds and wild mammals. Dingell-Johnson can be used only for fin fishes with material value in sport or recreation.

The Endangered Species Act provides financial assistance to States for conservation of endangered and threatened animals, most of which can be considered "nongame." However, only 19 States have signed a cooperative agreement, and therefore, are eligible for financial assistance. Such assistance is limited to only a very few species, and some States are likely never to enter into a cooperative agreement.

The Anadromous Fish Conservation Act provides Federal funds to certain States and other non-Federal interests for conservation and enhancement of anadromous fish such as salmon, shad, steelhead trout, striped bass and fish in the Great Lakes that ascend streams to spawn. These fish are of commercial and sport value.

All of these programs are species oriented and generally have different administrative requirements. For example, under the Endangered Species Act, the Federal share may not exceed 66% percent of the cost of the project when one State is involved. Under Pittman-Robertson and Dingell-Johnson the Federal share is 75 percent. Thus, in addressing nongame, we must ask ourselves how best to mesh such a program with existing authorities, how to ensure equitable treatment of user groups and yet insure that within manpower and funding limitations, appropriate emphasis is placed on the resource.

A basic consideration in addressing nongame fish and wildlife needs centers on the definition of "nongame." We believe that a wild animal should be considered "game" or "nongame", depending not so much on its species as upon the circumstances in which it lives and the way its users choose to identify it. Nongame fish and wildlife should be defined to mean all wild, unconfined birds, mammals, fishes, reptiles and amphibians which are valued for cultural, educational, aesthetic or nonconsumptive recreational purposes. Within these broad limits, the latitude to responsibly develop the program should rest primarily with the State.

In a survey currently being tabulated covering 1975 activities, people reported their participation in five types of wildlife-dependent recreation. Projections of these data indicate that of about 184 million Americans 9 years and older, over 49 million made trips specifically to observe wildlife; over 14 million made trips to photograph wildlife; over 20 million made hunting trips, 53 million made fishing trips, and some 25 million made trips for purposes of clamming, crabbing or collecting seashells. Thus, the number of nonconsumptive users as defined by this data is approximately equal to consumptive users. Three diagrams are attached to my statement depicting the relationship between various user groups. You will note that they do not bear out the contentions that nonconsumptive users are a totally separate group from consumptive users. In fact, about half of each of the nonconsumptive groups is composed of people who also fish and/or hunt.

A survey completed in April 1977, shows a diversity of potential nongame projects from nearly every State. For example, California proposes a 5-year survey of 17 species of seabirds. Massachusetts proposes, among other things, a 4-year life history and habitat study of shrews. Delaware proposes a public education program aimed principally at school children to convey information about life systems. Eight urban wildlife parks are proposed by New York. Georgia contemplates surveying the status of populations, habitats and ecological relationships for selected nongame species as a basis for the development of management programs. Minnesota proposes, among other things, to direct special management attention to prairie wildlife communities.

We are aware of concern being voiced regarding the States' ability to generate sufficient non-Federal funding to match a new Federal assistance program. There is little doubt that most States will find it necessary to adjust spending patterns and/or seek new sources of money. Some States will need to obtain legal authority to manage nongame or to utilize part of their license funds for nongame management.

To summarize, the Fish and Wildlife Service is fully aware of the importance of nongame fish and wildlife and their contribution to American life. We are also

cognizant that there is currently no program of Federal assistance which adequately addresses all of the needs of nongame. We further note that there is substantial public support for a program for nongame fish and wildlife.

Mr. Chairman, we will be in a position to make positive recommendations to you early in the Second Session of the 95th Congress. By that time final decisions on the allocation of Fiscal Year 1979 resources will be complete as well as our review of existing programs. While we support the objectives of H.R. 8608, we request that action be deferred.

This concludes my prepared statement. I would be pleased to answer any questions you might have. Thank you.

STATEMENT OF LEE M. TALBOT, ASSISTANT TO THE CHAIRMAN FOR SCIENTIFIC AND INTERNATIONAL AFFAIRS

Mr. TALBOT. Thank you, Mr. Chairman.

Mr. LEGGETT. Do you have a prepared statement?

Mr. TALBOT. Yes, sir. I have a brief prepared statement but to save time—

Mr. LEGGETT. That statement will appear in the record and you can highlight it if you wish.

[The following was received for the record:]

STATEMENT OF LEE M. TALBOT, ASSISTANT TO THE CHAIRMAN FOR SCIENTIFIC AND INTERNATIONAL AFFAIRS, COUNCIL ON ENVIRONMENTAL QUALITY

Mr. Chairman, I welcome the opportunity to appear before you today to discuss H.R. 8606, the "Nongame Fish and Wildlife Conservation Act of 1978".

The Council on Environmental Quality warmly welcomes your initiative in this important matter. The need to develop an effective non-game wildlife program, to provide a balance for our presently game-focussed wildlife efforts, has been a strong concern of the Council on Environmental Quality. I personally welcome this opportunity to discuss this issue with you, since much of my personal career has been focussed on conservation of living resources, and in recent years I have devoted much attention to the problem of non-game wildlife.

Since its establishment in 1970, the Council on Environmental Quality has devoted much attention to wildlife issues. While in our earlier years we focused on a variety of separate issues, we have more recently recognized that in truth, we were not dealing with truly separate issues, but were in fact dealing with the symptoms of several basic underlying problems. A major one is focus on game of our wildlife management efforts. Your Committee has before it documentation on the development of wildlife management in this country, and the central role hunters and fishermen have played. Since theirs was the initiative in development of wildlife management, and they provided the primary sources of funding, it is logical that wildlife management, research and training has focussed on their needs. However, while hunters and fishermen were originally the primary—indeed virtually the only—constituency for wildlife management, now this situation has dramatically changed. Much if not most of the "wildlife constituency" is primarily concerned with non-consumptive values of wildlife, and consequently with the whole spectrum of our rich native wild fauna, not with the narrow range of game species.

Unfortunately, our wildlife management has not been able to respond to reflect this change. The study done by the Wildlife Management Institute for this Council and the Department of the Interior in 1974 found that non-game wildlife receives only about three out of each 100 Federal dollars, and one out of each 100 state dollars spent on wildlife management. Obviously, non-game wildlife do receive more benefits from our endeavors than these figures suggest, in part because habitat management efforts focused on game species also benefit many nongame species. But it is clear that there is a major imbalance, and that this imbalance very largely derives from the imbalance in funding.

During the past year this Council has conducted an over-view study of the status of American wildlife and of our efforts to conserve it. In this we have been joined by the Fish and Wildlife Service, the U.S. Forest Service, and the National Oceanic and Atmospheric Administration. Part of this effort involved the collaboration of over 40 national experts, who presented their summary findings at a

national symposium last fall. The final results of this study will be presented in a major book, *Wildlife and America*, which is now at the printers. One of the central themes arising from this effort was the problem of non-game wildlife, and the urgent need to develop a truly balanced management of the nation's wildlife.

This important problem has also received Presidential attention. In his Environmental Message to the Congress this May, President Carter said:

"When explorers and settlers from Europe first came to America, they were astonished at the richness and variety of wildlife in our lands and waters. Faced with such abundance, for years most Americans have valued only game species of wildlife. Our allocation of federal funds for wildlife research and management still reflects this outdated view. Ninety-seven out of every hundred federal wildlife dollars are devoted to the less than one percent of vertebrate species that are hunted or fished for commerce or sport. To the rest, little attention has been given, even though they are part of the biological system that sustains us. To correct this imbalance, I am directing the Secretary of the Interior (1) to encourage states to apply existing federal-aid funds to the management of all species of wildlife, and (2) to propose other measures to improve the conservation of nongame wildlife.

"Our Nation's public lands and waters support a rich wildlife resource which we hold in trust for all Americans, now and in the future. My Administration will assure that this public trust—for all wildlife—is adequately and effectively executed."

With the Department of the Interior, we have considered various approaches to conservation of our non-game wildlife, many of which will have been discussed before your Committee. Possible measures include redirection of present funding sources, direct appropriations for non-game wildlife, state-federal programs and earmarked excise taxes to be used for non-game conservation and management. This latter was the subject of a study done by the Wildlife Management Institute in 1974, for CEQ and the Department of the Interior, the results of which are available to your Committee. The Council updated this report in the consultative process prior to this year's Environmental Message. It appeared that from a practical standpoint it was possible for the Internal Revenue Service to identify specific items of camping and recreational equipment that could be subject to a small excise tax which could be applied to a nongame program.

As directed by the President's Environmental Message, the Council on Environmental Quality is currently studying ways to simplify, coordinate and codify federal wildlife conservation law. The Council's study, expected to be completed by the end of November, will include recommendations on how a federal program for non-game conservation programs in the states should be administered, including recommendations on the method of financing.

In summary, Mr. Chairman, the Council on Environmental Quality vigorously endorses the need to develop a nongame wildlife program to redress the present imbalance and to assure the balanced conservation—for all our people—of this nation's invaluable wildlife resource. In concert with other agencies in Government we are actively exploring ways to accomplish this important aim. For this reason we cannot endorse H.R. 8606 or any other specific approach at the present time. However, we do note with approval that H.R. 8606 seeks to establish state non-game programs on a planned, comprehensive feature which we think represents a significant improvement over existing federal aid programs. Finally, we warmly welcome your initiative and that of your Committee in investigating this important topic and we look forward to cooperating with you in our future efforts to develop a truly balanced, effective management of our wildlife resource.

This concludes my prepared statement, Mr. Chairman, and I should be happy to respond to any questions you may have.

Mr. TALBOT. I shall do just that, sir.

First it is a great pleasure for me personally to appear before you and Mr. Forsythe. The Council on Environmental Quality warmly welcomes your initiative in this important matter.

Our concern institutionally at the Council on Environmental Quality is with the issue of nongame wildlife. And I personally have devoted much of my own career to living resource issues and in recent years have focussed considerably on the issue of nongame wildlife. Hence, we welcome this opportunity. And, again, we warmly appreciate the initiative that your committee is taking.

You have before you the general situation with regard to nongame wildlife, its history, and the arguments for it.

The one point I might make is that in the CEQ since we started in 1970, we have dealt with quite a series of wildlife issues. Recently we have realized that these were indeed issues; that these were, in essence, symptoms of basic underlying causes of problems. And by dealing with these issues, we recognize we were only dealing with the symptoms and not getting at the basic problems.

One of the basic problems has been the focus on game in much of our wildlife endeavors. Consequently, we have come to the conclusion that an approach to developing a nongame Federal-State program is absolutely essential to assure the kind of management of our wildlife resources that I am sure we are all after.

I should note that the President has reflected this view in his environmental message earlier this year. The text of that is in my prepared statement.

In the past several years, we, with the Department of the Interior and other agencies, have looked into ways and means to accomplish the nongame program. We have had several studies done, which I believe are before your committee and have been referred to before or will be referred to again.

As directed by the President's environmental message, the CEQ is currently studying ways to simplify, coordinate, and codify the Federal wildlife conservation law, the body of law. This study is expected to be completed and presented to the President at the end of this November. And it will include recommendations on how a Federal program for nongame conservation programs in the States should be administered, including recommendations on the methods of financing.

In discussions with representatives of the States, private organizations, and the other Federal agencies, it was agreed the approach we would take to this through a contractor was to develop a series of recommendations and send these in draft form to all those concerned, Mr. Chairman, in order to obtain their views.

These are due to be circulated in this draft form for suggestions next week. And your committee, sir, will receive copies of these.

Part of my approach, sir, is that we, the CEQ, vigorously endorse the need to develop a nongame wildlife program to redress the present imbalance and to assure the balanced conservation—for all our people—of this Nation's invaluable wildlife resources.

In concert with other agencies in the Government, we are actively exploring ways to accomplish this important aim. We are in the process of exploring. And for this reason, we cannot at this time endorse H.R. 8606 or any other specific approach at the present time.

However, we do note with approval that H.R. 8606 seeks to establish State nongame programs on a planned, comprehensive basis rather than on an ad hoc project-by-project basis, a feature which we think represents a significant improvement over existing Federal aid programs.

Finally, we warmly welcome your initiative and that of your committee in investigating this important topic and we look forward to cooperating with you in our future efforts to develop a truly balanced, effective management of our wildlife resources.

Mr. Chairman, I would be pleased to try to respond to any questions you may have.

Mr. LEGGETT. Will your study be completed by the end of November so it will mesh with new information that Mr. Greenwalt and his group will be submitting to us?

Mr. TALBOT. That is correct, sir. And we welcome the information that you are developing in the course of these hearings also.

Mr. LEGGETT. Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

Thank you for your interest in this kind of a program. Are CEQ and the Fish and Wildlife Service cooperating regarding the administration position?

Mr. TALBOT. Well, the present course of action with us is that our contractor—who is Michael Bean of the Environmental Law Institute, who prepared the book on the Development of Wildlife Law that was issued earlier this year—he and we have been working closely with the Fish and Wildlife Service and the other agencies.

He has also consulted with many of the individual States. He participated in the meeting of the International out West recently and with many of the nongovernmental organizations.

The initial approach that had been proposed was that all of these organizations be in effect polled and that the suggestions be developed as a result of that.

In preliminary meetings with a combination of Federal agencies, the States and private organizations, it was suggested that it would be better and more focussed if we could prepare a set of recommendations and submit them—specific ones—and submit them to this whole range of concerned organizations and individuals for their comments. And hence that is what we are doing.

So at present, although it is in cooperation and close collaboration with the Fish and Wildlife Service and other agencies, these draft recommendations are going out, Mr. Forsythe, so that they do not represent a coordinated administration point of view or whatever but, rather, draft recommendations.

Mr. FORSYTHE. And this will all come together early in 1978.

Mr. TALBOT. Yes, sir.

The recommendations to the President pursuant to his specific directive to us on the environmental law are due at the end of November.

The specific recommendations that will be the ultimate administration proposal I would imagine will be early 1978. However, the recommendations to the President will include a nongame program.

Mr. FORSYTHE. That is very good.

We have a lot of activities directed toward early resolution in the next session and I hope this legislation does not get lost in the traffic jam.

Thank you.

Mr. LEGGETT. Thank you, Mr. Forsythe.

Thank you, Mr. Talbot. You have been very helpful.

Counsel, do you have a question?

Mr. MANNINA. We would like to ask Mr. Talbot if he can respond to the same series of questions that Mr. Greenwalt responded to.

Mr. LEGGETT. He can submit those answers for the record?

Mr. MANNINA. Yes, sir.

Mr. LEGGETT. Very good. That will be very helpful to us.

[The material was not received at time of printing.]

Mr. LEGGETT. Next, we have a panel of John Gottschalk, International Association of Fish and Wildlife Agencies; Eldridge Hunt, Chief of Wildlife Management, Department of Fish and Game, California; Carrol Henderson, Wildlife Specialist from the State of Minnesota; Ms. Joan Galli, Nongame Biologist, State of New Jersey; and Herbert Doig, Director, Department of Environmental Education, New York.

PANEL CONSISTING OF: JOHN GOTTSCHALK, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES; C. ELDRIDGE HUNT, CHIEF OF WILDLIFE MANAGEMENT, DEPARTMENT OF FISH AND GAME, STATE OF CALIFORNIA; CARROL HENDERSON, WILDLIFE SPECIALIST, STATE OF MINNESOTA; JOAN GALLI, NONGAME BIOLOGIST, DIVISION OF FISH, SHELLFISHERIES, STATE OF NEW JERSEY; AND HERBERT DOIG, DIRECTOR, DIVISION OF FISHERIES AND WILDLIFE, DEPARTMENT OF ENVIRONMENTAL EDUCATION, STATE OF NEW YORK

Mr. LEGGETT. I know that John Gottschalk is on my right and the next gentleman is —

Mr. GOTTSCHALK. In order, Mr. Chairman, there is Mr. Hunt from California; Mr. Henderson from Minnesota; Ms. Galli from New Jersey; and Mr. Doig from New York.

Mr. LEGGETT. Very good.

All of your statements will appear in the record as if read. You can emphasize the portions of them you would like or you can just summarize them.

Mr. GOTTSCHALK. Thank you, Mr. Chairman.

With your permission, I will lead off.

It is a pleasure for us to be here to represent the interests of the State wildlife agencies in this important piece of legislation.

With your permission, I would like to briefly embellish my prepared statement. You will note and the staff will note that at the end of it, we have submitted a series of proposed recommendations for what we consider to be relatively minor, although in some cases, important administrative changes in the way the bill might approach the total problem.

But I would like to discuss the basic question of why have this kind of a bill? In so doing, I would like to quote from Aldo Leopold, the patron saint of wildlife conservation in America. He said:

"American conservation is, I fear, still concerned for the most part with show pieces. We have not yet learned to think in terms of small cogs and wheels."

Your committee has been considering one of the great show-pieces of conservation legislation of this century, probably, the disposition of the D-2 lands in Alaska. That certainly is a very important piece of legislation.

Yet, in its own way, this legislation, in my view, because it deals with a problem that will affect the lives of millions of citizens who will never get to Alaska, is an equally important piece of legislation.

Mr. LEGGETT. We passed out a showpiece yesterday in our organic agriculture bill, and that passed the floor unanimously. It is a very broad and comprehensive piece of legislation.

Mr. GOTTSCHALK. Well, this nongame program is directed at the small cogs in wheels in the American wildlife conservation movement. It would make possible a start, at least, in learning about, doing for, and understanding the wildlife that most people are not even aware of. Because there is a lack of awareness across the country, in thousands of little places—meadows, hedgerows, thickets, bogs, ponds, and brooks—we are losing our wildlife.

I think back on my own life and the things I know have disappeared. The thoughts are depressing.

There was once a bog, a relict of the great Ice Age that advanced down from Canada across the Middle West where generations of young people have gone to study the forms of life that evolved in that acid water environment. There we could find sundews and pitcher plants, which most of us had never even heard about; there you could find a variety of orchids and ferns and a unique collection of snakes and turtles and frogs—all of which served to give us an entirely new insight into the world of nature and the outdoors.

Well, that bog had no really great pecuniary value but, because of it, hundreds of young people were given an insight into another world and some inkling and understanding of the vast forces that have shaped in the face of the Earth.

I don't know if that bog, Urbana Bog, is still in existence today. I hope that it is because if it is, it is the kind of a place that might be saved if this bill is finally passed.

It is a small thing, but yet there are thousands of Urbana Bogs. Some of them are thickets—I use the term generally—some of them are creeks, streams, fields, hedgerows, and what-have-you that support a wide variety of indigenous wildlife. And all of them are in the long run threatened by the burgeoning development of our country.

In the total, then, these losses, I think, constitute a kind of a national catastrophe which we don't even recognize because they are being lost in such small quantities that they don't seem to account for much. That is what makes this bill so significant: It lets the world know that we are ready to recognize these problems, that it is a national problem, and that we are ready to do something about it.

I would like to close these preliminary remarks with one other quotation from Aldo Leopold. In the ardent advocacy for wildlife conservation contained in his essay entitled "Goose Music," he said:

"If then we can live without goose music"—and I choose to say that "goose music," as he used the term, is Urbana Bog and all the other little places that are disappearing—"we may as well do away with the stars, or sunsets, or Iliads. But the point is that we would be fools to do away with any of them."

Mr. Chairman, I think that is what this bill is all about. It will help us quit making fools of ourselves. And I can pledge to you the full support of our organization to see to it that this bill or this concept is ultimately enacted.

Now, I have already introduced the representatives from the States. I am sure that they will be able to give you more specific

ideas as to what the States are interested in doing and what they see as the needs. And it is my pleasure now to yield my time to them. Thank you.

Mr. LEGGETT. Very good.

First, we will hear from Mr. Eldridge Hunt, chief of wildlife management, department of fish and game, of my home State of California.

We are very pleased to have you here.

Mr. HUNT. Thank you, Mr. Chairman.

It is a great pleasure for me to come to Washington and appear before your committee, and particularly for a bill that we in California think is so important not only to us but to the rest of the Nation.

I would like to devote most of my time this morning to talking about what we would do with Federal funds should this piece of legislation be passed. And for the sake of saving time, I would like to just skim through some of the background material that is contained in my statement just to more or less set the stage for how we would go about implementing legislation that is being proposed here today.

California, of course, does have a great variety of wildlife—probably a greater variety than any other State. We have some 1,100 species of birds, mammals, fish, reptiles, and amphibians, 279 of which are involved in some sort of consumptive use; that is, hunting or fishing or whatever.

We have 68 endangered or threatened species. But here is the big one: we have 750 species that are not really the subject of any particular program at this time. These nongame wildlife in California constitute the major segment of our wildlife community.

Now, this great variety of wildlife occurs because of the variety of our habitat and our climate. We have all kinds of climate ranging from the desert in the south and the rain forest in the north.

We also have the largest population of any of the States. Some of the forecasters tell us that by the year 2020, we will have 56 million people in the State of California. Now, these high human needs and demands on the environment have created a continued threat on the fish and wildlife resources. The high number of endangered and threatened species, the 68 that we have in California, supports the fact that these demands have taken their toll.

The wildlife program of our Department of Fish and Game program in California is one of the biggest and we hope one of the best in the United States. We have a strong program for the game species. We feel that we have an adequate program for threatened and endangered species. And we feel we have one of the best overall nongame programs in existence at this time.

Our nongame program, which includes the endangered and threatened species and the other nongame species referred to earlier, constitutes about 8 percent of our current budget. This does not sound like a very substantial part of our overall program, but it is somewhat higher than nongame program in other States.

This represents about \$3.2 million in a \$40 million budget.

I think, Mr. Chairman, we are an example of a wildlife agency that is changing its traditional role from largely game species orientation to all species orientation. We are devoting more effort to nongame.

Our director just recently appointed a citizen nongame advisory committee, made up of citizens in California whose main interests involve the protection and enhancement of the nongame species.

They have prepared a report and reviewed our programs and made suggestions as to how the nongame resource should be handled in the State. I brought a copy of their report for the record.

In addition, the chairman, Maxine McCloskey, has presented a paper at another meeting. She could not be here today but asked me also to submit that paper for the record. It discusses the concepts that we are speaking of in this bill and also the efforts of that committee in looking at the nongame picture in the State of California.

Now, with this little bit of background information, I would like to talk about what we would like to see done with nongame funding.

First of all, there is great need for surveys and inventories to determine the location, the numbers, and the needs of the nongame species. We have done a fair amount of this in our State. We do this mostly with the talent from the colleges and universities. We also have volunteer help from various conservation organizations. Some of the work involves dealing with small mammals, shore birds, amphibians, and reptiles. We've just scratched the surface and need to do much more so that we get an overall picture of the abundance and distribution of our wildlife.

Secondly, we need to research the habitat needs of our nongame species to find out what is required for their well-being; particularly, for those species that are threatened by the loss or degradation of habitat. We also have done some of this and need to do much more.

An example of our recent work was a seabird survey that was conducted by over 200 volunteers, covered 1,500 miles of shoreline and involved 34 species of birds. Habitat requirements were determined and are now taking action to set aside some of the offshore rocks off our coastline that are so important for the perpetuation of these species.

In the great San Joaquin Valley in central California, we are finding that habitat for some of the small mammals and amphibians is disappearing very rapidly. Where 3 or 4 years ago this habitat numbered in the hundreds of thousands of acres for some species, suitable habitat consists of hundreds of acres now. So we are moving as quickly as we can to at least preserve some remanent of this very important valley habitat.

We also see that there is a need for a comprehensive inventory of natural areas of importance to nongame wildlife. This is currently being undertaken by the California Natural Area Coordinating Council, which is a private organization that is being sponsored with some State funds.

They have already listed some 2,300 unique natural areas in California. We need to investigate the wildlife existing in these areas and to develop a program to assure that the wildlife in these unique areas will continue to exist in the future.

There is need to preserve essential habitats for nongame, including setting aside of critical habitat by a program of land acquisition and conservation easement. We are doing some of this now through the

establishment of ecological reserves. These ecological reserves are small pieces of land that have some unique wildlife value. There are 26 of these currently in the State and there is a need for many more.

One of our most pressing needs is to preserve riparian habitat such as the very limited riparian habitat that occurs along the Sacramento and San Joaquin Rivers. This habitat is disappearing very rapidly under the thrust of development of bottom lands for agriculture and the harvesting of soft woods for wood chips.

There is need to preserve coastal marshlands for the shore birds. We have conducted a survey of our coastal wetlands and designated the wildlife values in 26 of our coastal bays and estuaries in the State of California.

One of the most important jobs we have before us is to develop a wildlife habitat atlas of California. This atlas could be used by local, State, and Federal agencies. It would map the location of various kinds of habitat throughout the State and the types of wildlife that live in this habitat.

The purpose of this atlas would be to provide the decisionmakers that control and regulate land-use practice and development with comprehensive information on fish and wildlife values for all areas of California.

An example of progress in this area is the project we have ongoing with the U.S. Forest Service where we are cataloging all wildlife species on forestlands and their habitat requirements.

This information will be used by foresters in determining the trade-offs that can and will be made in logging operations and other land uses on Federal lands. This mapping will be of the birds, mammals, reptiles, and amphibians.

The Department is currently planning for the development of an atlas for other lands in California. This information, as I indicated previously, is in great demand by the planners and developers. We are also redoing our comprehensive wildlife plan for California, with funds provided by the State legislature.

Finally, Mr. Chairman, we would like to expand the public awareness and appreciation of wildlife through extension and augmentation of public information activities. Some of this is being done now on radio in television strips and in popular publications put out by the Department.

But an assessment of the Department's nongame activities by the Citizen Nongame Advisory Committee needed the area of public information extension and improvement.

In conclusion, we are proud of the start we have in managing nongame wildlife in California. This start has been supported by Federal aid, by State general funds, and by hunting and fishing license funds.

We recognize the needs that are not being met by our current efforts. We cannot fully meet these needs without additional Federal support.

In this regard we strongly support the concept set forth in H.R. 8606.

[The following was received for the record:]

STATEMENT OF ELDRIDGE G. HUNT OF THE CALIFORNIA DEPARTMENT OF FISH AND GAME¹

Thank you, Mr. Chairman, for the opportunity to speak in support of H.R. 8606. I am Eldridge G. Hunt, Chief, Wildlife Management Branch, California Department of Fish and Game. It was my pleasure to testify here in Washington, D.C. on August 3, 1977, before the Senate Subcommittee on Resource Protection in support of a companion bill S-1140 "Federal Aid in Nongame Fish and Wildlife Conservation." We are pleased to lend California's support to a bill to provide federal assistance to the states for much needed research and management of nongame species.

California is blessed with a diversity of fish and wildlife and habitat unequalled in any of the other 49 states. There are more than 1,100 species and subspecies of birds, mammals, fishes, reptiles and amphibians native to our state. This is not to mention the thousands of lesser forms of animal life which contribute to the biological enrichment of California. Of these, only 279 species are hunted by sportsmen or commercially fished. The reason for this wildlife diversity is that California by nature of its geology possesses a wide diversity of habitat ranging from the Colorado and Mohave deserts to the boreal forests of the Sierra Nevada Mountains, and from the Great Central Valley of the interior to the Coastal Mountains and plans bordering the Pacific Ocean—mountains dominated in the south by chaparral and in the north by rain forest. These biotic provinces support a flora equally unique in having over 3,700 native plants of which some 1,400 species are found only in California.

While California is so richly endowed with natural features not possessed by other states, we are also the state most populated by people. Faced as we are with continuing economic and industrial development and accompanied by people influx, it is no wonder that concern is now being expressed over the environmental degradation of this great state of ours. We recognize 67 species of animal life as threatened with extinction or endangerment and have over 600 plants proposed as endangered or threatened status by the Smithsonian Institution and the California Native Plant Society.

Obviously, one of the most challenging and difficult responsibilities of the California Department of Fish and Game—and for that matter any state wildlife conservation agency—is to provide the protection and management needed to assure the continuance of the diversity and abundance of wildlife existing today. This is in face of human population pressures and demands for space in which to live and prosper and opportunity for outdoor recreation. Forecasters say that our population could reach 56 million by the year 2020 with most of the people occupying the coastal plains and the interior valley. Such human pressures have a serious impact on our mountainous regions and such is now occurring in the Tahoe Basin where conservationists and concerned people are seeking to halt further development and urbanization of one of the scenic wonders of the world. The impact of our burgeoning human population is the accelerated destruction of habitat and with it the diminishment of wildlife. We are particularly sensitive to this because of our long history of fish and wildlife administration and everyday involvement with wildlife. The destruction of California is occurring at a rapid rate and our anguish over our diminishing wildlife is shared by concerned citizens throughout this nation.

The California Department of Fish and Game is the state agency vested with the responsibility for the protection and management of the states fish and wildlife resources. Since plants and animals are inseparable and we cannot have one without the other, we have directed our efforts to habitat preservation for both game and nongame wildlife.

You are all aware of the contribution to the conservation of game species made by the Wildlife Restoration Act of 1937 and the Federal Aid in Fish Protection Act of 1950. Since enactment of these two acts, California has received over \$43 million in federal grant-in-aid funds for research, management, and acquisition of habitat needed to support game species. Needless to say, if it had not been for the federal funds provided by the above legislation together with other forms of federal assistance, I dare say that a number of the game species in California on the verge of extinction in the early 1900's would no longer be with us. Our big

¹ Presented before Subcommittee on Fisheries and Wildlife Conservation and the Environment, September 30, 1977, Washington, D.C.

game, upland game, and waterfowl populations have been restored to healthy populations and with few exceptions are enduring regulated sport hunting and nonconsumptive use by millions of California residents.

As you know, the 1970's ushered in a worldwide environmental movement which continues to grow. Today another era is emerging in the administration of our wildlife resources. A burgeoning population of urban dwellers—people who neither hunt or fish—have become aware of wildlife. Hardly a night goes by that we do not find an article in newsprint on some threat to our wildlife or a television special on wildlife and the environment. Concern over the disappearance of the natural amenities of which wildlife is an essential part is paramount in the minds of our informed citizens. Wildlife has become man's modern barometer of environmental degradation. The traditional role of the California Department of Fish and Game, like other state wildlife agencies, is changing. Much more concern is being expressed over our nongame species than our management of game species. Much of this change has come about through acts of Congress and the State Legislature in response to a concerned citizenry.

Our Director recently appointed a Citizen Nongame Advisory Committee to critically review the Department's program and to make recommendations directed to nongame wildlife. Among the recommendations made in their first annual report was:

"There should be an increase in attention paid to nongame wildlife until personnel and fiscal resources and programs devoted to nongame are comparable to consumption programs. There should be an annual program of increasing attention to nongame activities over a five year period until this goal is reached."

In view that the Department's current annual budget approaches \$41 million of which \$2.8 million is devoted to nongame, we obviously have a long way to go before we can satisfy this recommendation.

Federal funds provided the state through the wildlife and fish restoration acts previously mentioned has allowed us to develop and maintain a healthy population of game species while sustaining them to both consumptive and nonconsumptive uses including hunting and fishing. In addition, we have developed a strong endangered species program which until recently was largely financed by the state. We were mandated in 1970 to do so by the California Legislature. Federal enactment of the Endangered Species Act of 1973 and recent Congressional appropriations of funds to assist the states in their endangered species programs has provided additional impetus to the endangered species program in California. We feel we have a progressive program supported not only by grant-in-aid funds but by the endangered species efforts of other state and federal agencies.

Our concern now is the inadequacy of our knowledge concerning other nongame wildlife and their habitat needs; particularly, as they relate to the destruction of the native habitat of this state. An example of this is our work on shorebirds in 1969-1974. While we had reports of the occurrence of some 34 species of shorebirds in this state we knew nothing of their populations, movements and habitat needs and how important our coastal beaches and marshes were to the continental population of migratory shorebirds. In 1969, we set up census stations spread along our 1,500 mile coastline and through the some 200 voluntary observers we were able to document the seasonal occurrence and relative numbers of the different species frequenting our shoreline. We were able to learn that California provided the major fall and winter habitat for the entire Pacific Flyway population. With this information and our knowledge of waterfowl we were able to not only support legislation to protect our coastline but to gain funds for the acquisition of critical habitat.

Incidentally, we were able to accomplish this task because of a grant of \$36,000 from the federally funded "Accelerated Research Program for Migratory Shore and Upland Game Birds."

We are now faced with federal leasing of oil exploration and development on the outer continental shelf off our coast. Knowledge of the migratory movements of pelagic birds along our coastline and their habitat needs is sadly lacking. We need to know these populations in order to assess the affects of oil spills which will inevitably occur as oil is produced and transported to shore.

Extensive logging in California is changing the composition of forest habitat considerably. It is important that timber harvest practices are used that provide adequate consideration of the habitat needs of all forest wildlife. Research is needed and partially underway that identifies the location and abundance of forest wildlife and their habitat needs. The needs of wildlife must be reflected

in decisions that affect the how and when our forests are logged. Consideration must be given to the needs of all wildlife including snag dwelling animals, those that reside only in old growth timber and those that flourish in cutover areas.

The above examples serve to illustrate the need to determine the status of nongame species; particularly, those associated with habitats under threat. We do know that there are a number of forms of animal life in California that are threatened with extinction or endangerment if their habitat worsens. Unfortunately, we do not know the extent of their populations or the factors affecting their welfare. Consequently, we are unable to address ourselves to what is needed to assure their survival.

If federal funds are provided to assist us in our nongame wildlife program we would be able to accelerate our nongame program to meet the basic requirements proposed in this legislation by:

1. Conducting necessary surveys and inventories to document the status of nongame fish and wildlife threatened with diminishing populations.

In this respect we have developed an outstanding program of utilizing highly qualified university students and graduate students to carry through with our research needs.

2. Conducting research on specific habitat needs of species threatened by habitat loss or developments.

An example is our 1969-70 seabird breeding ground survey wherein we identified 37 major seabird rookeries from Oregon to Mexico. Measures have been taken to protect these offshore rocks.

3. Compiling a comprehensive inventory of natural habitat areas of importance to nongame fish and wildlife.

In this respect the California Natural Area Coordinating Council with funds provided by the state is completing their extensive inventory of California natural areas.

They have listed some 2,300 such areas. Urgently needed is a nongame assessment of these areas in respect to their wildlife values and establishment of priorities for the protection of those most threatened with land use change.

4. Developing conservation measures to preserve essential habitat for nongame species including the setting aside of critical habitat by a program of land acquisition or conservation easement.

Example of this urgent need is the loss of riparian habitat in the Sacramento Valley which is occurring with recent soft wood lumbering and reclamation of river bottom lands. These are the most valuable nongame habitats remaining in the Great Central Valley.

5. Developing a wildlife habitat atlas of California, for use by local state and federal agencies that shows the location of various types of habitat and lists the animals that occur in each habitat type. The purpose of the atlas would be to provide decision makers, that control or regulate development of land use practices, with comprehensive information on the fish and wildlife values of all areas of the state.

Example: The Department is currently working with the U.S. Forest Service to catalog all fish and wildlife species that occur on forest lands and their habitat requirements. The Department is also considering the development of an atlas depicting wildlife habitat relationships in all of California as part of updating its Fish and Wildlife Plan.

6. Developing public awareness and appreciation of the natural world about them. This is particularly critical in respect to nongame wildlife because these are the forms of wildlife most familiar to urban dwellers.

The Department through the state's ecological reserve act is in the process of acquiring through purchase, easement, or gifts areas of unique terrestrial and aquatic habitat. Most of these ecological reserves are in intense populated areas and are reserved for nonconsumptive use.

In summary, in this nation of dwindling natural resources there is no question of the need to move ahead with a nationwide conservation program for nongame species. Without support from Congress we will be witnessing a diminishing of the natural amenities which our generation of people have been privileged to enjoy. We have a legacy which should not be abandoned.

Mr. LEGGETT. Thank you.

I would just comment that were we to match California's effort, we would have to take half of our first year's authorization. So perhaps we

ought to raise our sights for the balance of the country, and we will consider that.

We now have Carrol Henderson from the Division of Fish and Wildlife, Department of Natural Resources, Minn.

Mr. HENDERSON. Thank you, Mr. Chairman.

On behalf of Commissioner William B. Nye and Director of Fish and Wildlife David Vesall, I thank you for the opportunity to appear before you today. I would like to share with you a few comments which supplement the testimony which I have submitted to you.

Our nongame program in Minnesota is a relatively new program. And as it emerges, it is recognizing some of the various opportunities which lie ahead in nongame management in our central portions of the United States.

In Minnesota, there are 112 species of harvestable vertebrates and three endangered vertebrates; but there are 490 that fall into this intermediate category as nongame.

They provide numerous opportunities for research, management and conservation efforts. Some of these needs are very critical.

We have heron colonies which are currently being destroyed by developers to create lakefront cottages. Some of these problems need to be addressed in the immediate future if conservation for these nongame species is to be effective.

Currently, our funding comes from the game and fish fund. It totals less than \$25,000 per year.

We have estimated that we could use up to \$1.2 million annually through the next 5 years to implement a comprehensive planning effort along with implementing the operation of our nongame programs.

Mr. LEGGETT. How much was that?

Mr. HENDERSON. \$1.2 million.

We have already initiated a data collection system to determine the distribution and abundance of some of our uncommon nongame species. This is being done in cooperation with field personnel of the Department of Natural Resources, personnel of the U.S. Fish and Wildlife Service and the Forest Service; and it is being done with several State universities.

This data is being utilized to help assign species and habitat priorities, so that as money becomes available, we will be able to implement effective plans for species most in need of conservation action.

In the last session of the Minnesota Legislature, there was \$150,000 allocated for acquisition of prairie chicken habitat in northwestern Minnesota. This was a special need which was met by the Minnesota Legislature. But over the long term, the program would benefit from the provisions of H. R. 8606.

Other projects in the State have included an inventory of colonial bird-nesting sites. Colonial water birds are birds that nest in high densities in limited areas, which are therefore environmentally sensitive. In Minnesota, this includes white pelicans, double-crested cormorants, many herons, gulls, and egrets and terns.

So far, we have identified 140 sites in the State where colonial birds nest but now we need to go beyond this identification stage and begin planning for management and conservation of these sites.

We have implemented a sandhill crane report card system for observations of sandhill cranes by professional field personnel. Over

100 sightings have been received through this summer. And we have documented their nesting activities in at least 12 Minnesota counties.

The greater sandhill crane was formerly a threatened species. It was delisted several years ago and it is making an encouraging comeback but the lands on which these birds nest are being subjected to land clearance and drainage. There is a need to implement action to help preserve this habitat so that the birds can continue to exist in reasonable numbers within the State.

We hope to initiate a raptor research and management program which would involve the identification, management, and protection of nesting areas of both the bald eagle and osprey. We have significant numbers of both species in the State.

Land acquisition would be used where necessary.

We are currently helping support the reintroduction effort for peregrine falcons in southeastern Minnesota.

There is also a need to identify needs for reintroduction of the burrowing owl. We know of only one family of burrowing owls which have nested in Minnesota during the past 3 years. Formerly, they were found throughout the western part of the State.

Other raptor populations would also be monitored.

Prairie wildlife would receive special emphasis, with inventory, research, management, and land acquisition all being directed toward conserving viable prairie wildlife communities. Special emphasis would be on the prairie chicken, the Sprague's pipit, the marbled godwit, the upland sandpiper, the long-billed curlew, and small mammals.

We would utilize research and management for maintaining viable populations of the common loon. This is a bird which is doing well in the State, but it is one that is extremely important to people who enjoy the outdoors in northern Minnesota.

The call of the loon is one of the highlights of trips for boaters and fishermen throughout the northern part of the State.

Mr. LEGGETT. Can you simulate that?

Mr. HENDERSON. I am not able to myself.

Field surveys of small mammals, reptiles, amphibians, and fish would be used to identify critical habitat for those species which need special protection.

These are some of the areas which we would be addressing as funding becomes available in the future.

Our program, as I stated, is now at a turning point. We have the mandate from our citizens, the interest and the dedication to develop a comprehensive nongame program. The success of our nongame program will depend, however, on the passage of H.R. 8606.

I sincerely feel this bill will serve as a catalyst to stimulate the development of aggressive and effective nongame fish and wildlife programs in Minnesota and throughout the United States. Without this bill, future nongame efforts in individual States will undoubtedly continue to be limited in funding, scope, and success.

The Minnesota Department of Natural Resources strongly endorses the concepts embodied in H.R. 8606. In the future, all of our fish and wildlife resources must receive the necessary attention, management, and conservation efforts which are currently devoted mainly to game and endangered species.

H.R. 8606 will help achieve that goal.

We look forward to the passage of this bill and to the obvious benefits which will accrue to our citizens and our wildlife as a result of this progressive legislation.

[The following was received for the record:]

STATEMENT OF CARROL HENDERSON OF THE MINNESOTA DEPARTMENT OF
NATURAL RESOURCES

Mr. Chairman, members of this subcommittee, on behalf of Minnesota Commissioner of Natural Resources William B. Nye, Division of Fish and Wildlife Director David B. Vesall, and myself, I thank you for the opportunity to testify at these important hearings on the "Nongame Fish and Wildlife Conservation Act of 1978."

I am Carrol Henderson, nongame supervisor of the Minnesota Department of Natural Resources. The creation of our nongame program has been the result of an emerging concern by professional natural resources managers and private citizens to broaden the scope of our natural resource management activities to include nongame wildlife as well as the game species and endangered species which currently benefit from existing state and federal wildlife conservation legislation. In Minnesota there are 112 species of legally harvestable vertebrates and 3 endangered vertebrates; but there are 490 other nongame fish and wildlife species which receive the incidental benefits of these existing programs.

Minnesota is blessed with an abundance of conspicuous nongame wildlife animals whose presence enhances the quality of outdoor recreation experiences for millions of people annually. Resident populations of greater prairie chickens, greater sandhill cranes, ospreys, common loons, and bald eagles are frequently observed by outdoor enthusiasts. Many other less conspicuous vertebrates are found in Minnesota's prairies, wetlands, and forests and comprise an essential portion of our natural ecosystems.

Our nongame program efforts are currently funded through the game and fish fund and are derived from sales of hunting, fishing, and trapping licenses. Our state's sportsmen derive much enjoyment from nongame animals during their outdoor activities, and we haven't received any objections from them concerning the use of their monies for our nongame program. Future funding, obviously, must be derived from a broader base of support.

Initial projects have focused on collecting basic data about the relative abundance of 82 uncommon nongame species. This is being done through a statewide reporting system that involves professional natural resource persons from the Department of Natural Resources, U.S. Fish and Wildlife Service, U.S. Forest Service, and several state universities. This data will be utilized to help assign species and habitat priorities for nongame projects as more money becomes available. We have initiated a project to restock prairie chickens in west central Minnesota, and we have helped support the reintroduction effort for the peregrine falcon in southeastern Minnesota. Other projects this summer included an inventory of colonial nesting bird sites. Over 140 heronries and gull colonies have been located. A sandhill crane report card program revealed the presence of nesting cranes in at least 12 Minnesota counties.

Management plans now need to be developed to utilize this data base, and new projects need to be developed for the bald eagle, osprey, prairie wildlife and urban wildlife.

Our program is now at a turning point. We have the mandate from our citizens, the interest, and the dedication to develop a comprehensive nongame program. The success of our nongame program will depend, however, on the passage of H.R. 8606.

I sincerely feel that H.R. 8606 will serve as a catalyst to stimulate the development of aggressive and effective nongame fish and wildlife programs in Minnesota and throughout the United States. Without this bill, future nongame efforts in individual states will undoubtedly continue to be limited in funding, scope, and success.

The Minnesota Department of Natural Resources strongly endorses the concepts embodied in H.R. 8606. In the future all of our fish and wildlife resources must receive the necessary attention, management, and conservation efforts which are currently devoted mainly to game and endangered species. H.R. 8606 will help achieve that goal.

One possible change may be that a definite formula be used to allocate the funds to the various states.

We look forward to passage of this bill and to the obvious benefits which will accrue to our citizens and our wildlife as a result of this progressive legislation.

Thank you for this opportunity to testify.

Mr. LEGGETT. Now, we have Joan Galli, who is a nongame biologist for the division of fish, wildlife and shell fisheries, State of New Jersey.

Ms. GALLI. Thank you very much.

Mr. LEGGETT. Are you going to simulate any calls today?

Ms. GALLI. No, thank you.

I am speaking today on behalf of Russell A. Cookingham, director of the New Jersey Division of Fish, Game and Shell Fisheries. I would like to represent our position on H.R. 8606.

Mr. LEGGETT. The full text of your statement will be placed in the record.

Ms. GALLI. OK.

To give you a little of the background of what we have been doing in New Jersey, I am a member of a three-person staff of our endangered and nongame species project. It has been in existence in this State for 4 years now.

We have the legal mandate to make sure through research and management that we assure the continued participation in the ecosystem of 642 vertebrate species of nongame wildlife in the State of New Jersey. They have to share their habitat with 7½ million people.

To meet our legal mandate, we have developed a program of both endangered species management, habitat acquisition, and law enforcement activity.

In addition, we do some exotic species work and have a nongame program.

We know that the people want and need these programs because daily we receive calls for assistance from people who want to know about wildlife biology, wildlife control problems—about what they can do about the bats in the chimney and the skunk in the basement.

They also want to know about wildlife-oriented recreational opportunities in the State. In addition they ask us please to protect certain critical habitats for wildlife in their local areas that are important to them as a township or community.

In addition, private environmental consulting firms are always coming to us asking for data on a nongame resource, where it occurs, and in what numbers. They need this to meet their legal requirements to develop environmental impact statements.

Even the Federal service is requesting data on the nongame wildlife to help them assess the species on a potentially endangered or threatened status.

In New Jersey, we have the distinction of containing the most densely populated city in the world and the fastest growing county in the Nation. Yet our citizens are still committed to open space recreation and they demand it. This is reflected very clearly in the one-half billion dollars worth of bond issues that have been adopted in New Jersey over the past 16 years. I personally feel the value to these people from this open space is very closely tied to the enjoyment that they get from seeing wildlife in these open areas, photographing or hunting

or fishing for it—or maybe just simply knowing that there is an area open in the State where the wildlife can exist in its natural habitat without any disturbance from man.

Our obligation at the State agency is to provide them with these outdoor wildlife-oriented recreational activities that they demand. We are very happy to do this. The only restriction on our ability to do so has been financial.

We have made an estimate that over the next 5 years we will need \$1.5 million to operate a nongame program. We think that we might anticipate about \$530,000 from State revenues—provided we did have a matching fund coming to us from the Federal Government.

This averages out to about \$100,000 a year from the State legislature.

This year, we are operating on a budget of only \$24,000 for nongame work.

Because of this financial limitation, we went to the people in the State of New Jersey and said, "Will you make a commitment to the nongame resource by helping us financially in our work?" They said, "Yes," to the tune of \$10,000 a year's worth of donations to an endangered and nonendangered species decal program that we have. What we have done is to survey these contributors to find out who they are. We found that they represented a cross section of the citizens of New Jersey: they were schoolchildren collecting money as a class project for wildlife, right on down to retired senior citizens living on a fixed income who were willing to put out some of their own hard-earned dollars.

We then asked them a couple of questions—90 percent of them agreed that it was the State's obligation to fund at a guaranteed minimum level at least the nongame resource.

However, our experience has shown over the past 4 years that neither State funding nor private donations in enough for the project that we must have in our State. What we feel is needed is congressional action to provide us with Federal financial aid as an incentive for the State to create and to maintain and even expand our wildlife program. And 60 percent of the citizens that we surveyed agreed that this was an obligation that should be forthcoming from the Federal Government.

Indeed, many of the contributors to our decal program have done so because they knew that their money would be eligible for matching funds from the Endangered Species Act of 1973.

In New Jersey if we had not had the Federal matching funds for the endangered portion of our project, it is questionable whether we would have gotten any State legislative support at all financially for this project.

Eighty-five percent of our wildlife resource in New Jersey is neglected because the State legislature feels that in the face of pressures for money for public health, education, and safety programs—which do receive Federal dollars, that nongame wildlife resources, which do not at this point receive Federal funding, should be given a lower priority.

Because of our past experience, I am here to support this bill. We in New Jersey are particularly encouraged by the section that provides for the inclusion of game animals as a nongame resource in the areas of the State where they are not taken for sport or food.

We have a number of our northern counties which we refer to as "closed counties" and the people in these communities do interact with wildlife.

We would like to be able to provide them more adequately with information about the wildlife resource that they do see in the State.

So just in summary, I would like to say that the ultimate goal that we strive for is to maintain a well-managed and self-perpetuating wildlife resource where no species is endangered but where all are available for the public enjoyment and recreational use.

And as a last comment, if I can steal a line from Dr. Gottschalk's favorite author, Aldo Leopold, who said that "An intelligent tinkerer keeps all the pieces," I think that is exactly the commitment we make here as biologists: to make sure we keep all of the pieces of our wildlife resource.

Mr. LEGGETT. Thank you very much.

[The following was received for the record:]

STATEMENT OF JOAN GALLI OF THE NEW JERSEY DIVISION OF FISH, GAME AND SHELLFISHERIES

My name is Joan Galli, I am the Nongame Biologist for the State of New Jersey, speaking on behalf of Russell A. Cookingham, Director of the New Jersey Division of Fish, Game and Shellfisheries in the Department of Environmental Protection. I appreciate the opportunity to represent the Division's position on H.R. 8606 and on the need for federal assistance to the states for nongame fish and wildlife conservation programs.

I am a member of the staff of the Division's Endangered and Nongame Species Project. The project's objective, as mandated by law, is to insure, through research and management, "the continued participation in the ecosystem" of 642 vertebrate species of nongame wildlife which must compete with 7½ million people for approximately 7,510 square miles of habitat in New Jersey, the third smallest state.

Presently, we are in the fourth year of a program designed to meet this legal mandate. To this end, we have developed an aggressive program of endangered species management, habitat acquisition, legislation and law enforcement activities, exotic species regulations, and nongame management and research. Our conviction that the public wants and needs such programs is reinforced daily by the numerous calls we receive for assistance on matters of wildlife biology, wildlife control, and wildlife oriented recreational opportunities, as well as appeals for the protection of critical wildlife habitat.

The need for data on nongame species distribution and population status is increasing as private environmental consulting firms demand to know which species are occurring where and in what numbers. They must have such information in order to develop the state and federally mandated Environmental Impact Statements. Even the federal service is requesting data on the nongame wildlife resource on a state level that they can assess the status of a potential endangered or threatened species.

New Jersey has the distinction of containing the most densely populated city in the world (West New York, N.J.) and the fastest developing county in the nation (Ocean County, N.J.). Yet the citizens have shown a commitment to, and a demand for, the preservation of open space by the passage of \$500 million dollars in bond issues over the past sixteen years for open space acquisition. Much of the enjoyment the citizens derive from these lands is related to the opportunity to see wildlife, photograph, fish or hunt it, or simply from the knowledge that there is still a place in New Jersey for wildlife to exist in its "natural state". Indeed, the citizens of New Jersey annually participate in an estimated 64 million mandays of nonconsumptive wildlife oriented recreational pursuits.

Our obligation as the state wildlife agency is to maintain and enhance the opportunities for wildlife oriented activities on both state and private lands. Our ability to do so is limited in only one regard—and that is financial. To meet our legal mandate, we estimate a five year program for nongame wildlife management at a cost of \$1,590,000, of which \$530,000, might be anticipated from state reve-

nues provided matching funding was available. We would need at least \$100,000 annually in state funds. Our current budget for nongame is only \$24,000.

The citizens desire to maintain the State's nongame wildlife resource is reflected in their willingness to support the Division's Endangered and Nongame species decal sales program. Within the past year this fund has received \$10,000 in donations from private citizens. A survey of the contributors revealed them to be a cross section of citizens from school children raising funds for wildlife as a class project, to senior citizens on a fixed income; 90 percent of these citizens felt that a guaranteed minimum state appropriation for nongame management should be instituted. Our past experience has shown, however, that neither state appropriation nor funding from private sources is enough to maintain an adequate nongame program. What is needed is congressional action to provide federal financial aid as an incentive for the states to create, maintain, or expand nongame wildlife research and management programs; 60 percent of the citizens we surveyed agreed with us that federal funding to nongame management should be forthcoming. Many of the contributors to our decal fund did so because they knew that their hard-earned dollars were eligible for federal matching funds from the Endangered Species Act of 1973, in their opinion a wise use of their tax dollars. Indeed, had it not been for the two-thirds matching aid available to the State through the Endangered Species Act, it is questionable that a State appropriation for endangered species management would have been forthcoming in this present fiscal year. However, 85 percent of our wildlife resources is essentially neglected because programs for nongame research receive no return on the dollar through federal funding. Because of the demand for State money for programs of public safety, education, housing and health, which do receive federal dollars, the Legislature views non-federally funded wildlife programs with a lower priority.

Consequently, I am here today to represent the N.J. Division of Fish, Game and Shellfisheries support for the intent of H.R. 8606—"The Nongame Fish and Wildlife Conservation Act of 1978". In particular, we are encouraged by the section providing for the inclusion of game animals as a nongame resource in those areas of a State where they are not taken for sport or food. A large percentage of our State residents interact with wildlife in such areas and their need for information and assistance must be more adequately addressed.

We urge adoption and implementation of H.R. 8606 so that we can expand our program of nongame species diversity studies, population and critical area assessments and habitat acquisition. The goal we strive for is a well managed and self-perpetuating wildlife resource, where no species struggles as "endangered" but where all are available for the public's enjoyment and recreational use.

Mr. LEGGETT. The last member of the panel is Herbert Doig, director, division of fisheries and wildlife, department of environmental education, New York.

Mr. Doig. Thank you, Mr. Chairman.

If I could interpret the voice of many species of wildlife, I am sure I would come here today and give you just one word, and that word would be "Help." I think that is the purpose for which we are here today.

In New York we have a number of species of wildlife, 826 in total which are vertebrates, of which only 135 are game species. The remainder of species are considered nongame and although most are protected by New York State law, management of them goes little beyond that.

The total framework for programs in New York State focuses on all wildlife, however. We have developed goals which are as follows: Perpetuate fish and wildlife as a part of the total ecology of the State;

Manage fish and wildlife resources so that their numbers and occurrence will be compatible with the public interest;

Provide maximum beneficial utilization and opportunity for enjoyment of fish and wildlife resources by people.

This develops, therefore, two parameters within which we place fish and wildlife resources: these are (1) to develop programs for the good of the people; and (2) programs that are developed for the good of the resources.

In spite of the very large number of species we have to deal with, programs are forced within the confines of limited funding. The current funding for fish and wildlife programs is predominantly from the sale of hunting and fishing licenses. This limited segment of our public is consistently requesting that we seek new funds to focus on the broader context of wildlife resources that we wish to pursue.

We also recognize that in addition to the many values to game species, we have many values to nongame species resulting from programs funded by the sportsman's dollar.

The New York State Legislature in 1967 recognized these benefits and appropriated \$1,700,000 out of the general tax fund to support fish and wildlife programs in the broader context.

However, since that time, tight budgets have constantly drained these funds away and we are now being forced to live primarily within the funds provided by the sale of licenses for hunting and fishing.

In spite of this reduction in opportunities to provide programs, the needs for protecting wildlife resources and making them available to people become ever more acute, especially in an urbanized State such as New York; we have many social actions that impact directly on fish and wildlife resources. People recognize that fish and wildlife resources are necessary and want them as part of their environment. They have requested action by the legislature and the legislature has responded by mandating that all fish and wildlife resources of the State be the responsibility of the Department of environmental conservation, and within it, the division of fish and wildlife.

However, with this mandate to be broader and more comprehensive, we have not obtained the funding to support the needed program.

Very specifically, these programs will fit within an existing organizational structure of the Division of Fish and Wildlife which focuses on habitat protection, species management, habitat management, public use, and extension and planning.

Each of these programs is identified by very specific objectives. These objectives focus on the needs of people as well as the needs of the resource. In New York we recognize these two needs as being very comparable and often one and the same.

In addition we have been operating within the context of an Endangered Species Act first enacted in New York in 1970 and followed by the Federal Act of 1973. We have a cooperative agreement with the Federal Government and have an active program to protect and preserve habitats for species that have been identified in New York State as being endangered.

However, this is just a small start to meet the total needs of the resource as we see them. On the other hand, it does provide the structure and the framework for an expended program for the benefit of nongame wildlife resources generally.

Specifically, needs for programs have been identified in several categories.

We have in New York a wealth of public lands that are available for public use. These lands include over 6 million acres and are avail-

able for people to go forth and enjoy the natural values that exist on them.

Many of you are familiar with the Adirondack Mountains, which provide one of the last opportunities for wilderness enjoyment in the Northeast. The Adirondacks provide the opportunity for people to go afield and yet there is very little attention being given to the interpretation of what people view when they do go into these wilderness areas.

This same problem exists all across the State. There are public lands within the bounds of cities as well as within easy driving distance or walking distance of major population centers.

The need for interpretive education to help people enjoy the resources that are there we see as essential in our State.

We also see, because of the tremendous pressures being applied to wildlife resources by the people and their actions, a need for monitoring of fish and wildlife resources for the occurrence of various contaminants that exist in the waterways and other habitats where wildlife abound. This monitoring not only benefits wildlife by identifying problems as they develop which key further action, but also is an indicator of the quality of the environment for man. Man should recognize this link between the natural environment and himself and should benefit by this added knowledge.

Contaminant analysis and research to determine the impact of pollutants on species and groups of species is an important element of any new program in the nongame area. We know very little about the impacts of the various contaminants that exist in our environment on species themselves, especially nongame species.

The impact of exotic introductions is a very important factor for us to consider. The effect of these exotics on native species, both game and nongame, is essential if we are going to make good judgments on whether or not these species should be introduced in the future. Also the impact of exotics on man cannot be denied. In these days of increased mobility of people and their animals, it is extremely important that we address these issues.

We must develop a framework for information exchange between government and the public. This information exchange cannot only be at the legislative and head of government levels but it must be at the grassroots level.

This kind of exchange requires that we have people that work with citizens in all parts of the State to provide input into the development of future programs for all wildlife and also provide an avenue for expression on what is planned by government to meet the needs that have been identified by these people.

As was previously mentioned there is a great gap in our knowledge on many species of wildlife. Therefore, research on application of habitat management techniques that may benefit nongame wildlife is absolutely essential.

As we focus on limiting factors, factors that restrict the growth and abundance of various species, we identify ways that we can effect those limiting factors and reduce their impact on the species that are our primary concern. We can then take measures that will reduce the significance of these limiting factors.

For example, we have had firsthand experience with blue birds and by providing blue bird nesting houses we have significantly increased the number of blue birds in parts of our State. We have improved spawning sites in many of our streams not only for game species but for nongame species as well. We have a very important problem in our Adirondack ponds and lakes where acid precipitation is reducing the pH values of these waters and affecting directly many of the fish and wildlife resources that are there.

We have a critical need for inventories of the status of all nongame species. This status identification will be an alert for action if we find that these species are diminishing in numbers to any significant degree.

The osprey, the round white fish, the pine mouse are all species that we ought to be focusing on. The osprey because it was reduced to very low levels in New York and since then has responded to a cleaner environment; the round white fish, which exists in very low numbers and in very restricted waters of the State; the pine mouse because it has become an important pest and we should know its status so we can head off any major economic impact on land uses resulting from its abundance.

Environmental impact review demands major inputs of time and expertise. With the passage of NEPA, the State Environmental Quality Review Act, and the Coordination Act—requirements for inputs from fish and wildlife agencies that identified impacts of various projects on the environment and on fish and wildlife in the environment immediately evolved. These agencies cannot respond adequately without the proper programs to identify the status, occurrence, and location of these many species.

We are starting a significant habitat inventory in New York with current funding. This inventory includes citizen participation and there is a need to develop a method to store these significant habitats in a data system so that they are available for people to use while planning development and future uses of the land. Such a system will enable the protection of wildlife values at all levels in society.

There are needs for major land acquisition projects. A couple of examples include Tide Beach in the city of Buffalo where 186 species of birds have been reported by observers. In 1 day there were 14 species of shorebirds and 15 species of gulls identified. This, within the city limits of a city the size of Buffalo is a unique experience for urban residents.

Warbler Woods in Suffolk County in Long Island is also in close proximity to a large number of people. Here in a hardwood forest with kettle holes there is an opportunity for people to view warbler migration in all its glory. In fact it provides one of the best of locations even though it is in an urban area for people of the State to view these species of birds.

The Upper Cohocton River is a native brook trout water of unusual quality. This river's future is in jeopardy as a result of land-use changes. We feel it is extremely important to the citizens of the State to have this resource preserved and view this as an important aspect of a nongame program.

Urban open space development of course is a very important concept that improves the quality of life in the urbanizing society.

As more emphasis is put on providing open space, we recognize the potential that exists there to bring people in closer contact with the land and the environment in which they live.

In summary, then, as we view that Federal funding is needed now to stimulate State and local commitment for support of fish and wildlife programs; to provide integrated and coordinated management of species of national and international significance; to provide incentives for individual States to become involved in resource programs that benefit these species, that recognize no political bounds and to make these available to the people of the States.

And we also feel that such funding would provide equitable distribution of costs, that would take funds derived from all the citizens of the State for programs that benefit all the citizens of the State.

It is important to minimize the rhetoric; and act now. And we believe that through legislation such as H.R. 8606 we can achieve these objectives.

Thank you.

Mr. LEGGETT. Thank you very much.

Your statement will, of course, appear in the record.

[The following was received for the record:]

STATEMENT OF HERBERT E. DOIG OF THE NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

My name is Herbert E. Doig. I am Director of the Division of Fish and Wildlife of the New York State Department of Environmental Conservation.

Any environment created or preserved for man's benefit will be hollow without fish and wildlife. It is essential therefore that government action and citizen concern address the nation's environmental problems through consideration for all the earth's inhabitants and support financially as well as philosophically programs designed to benefit wildlife resources and the people who use and enjoy them.

Worthwhile goals must therefore be formulated that recognize the need to satisfy resource needs as well as human enjoyment of the values derived from the existence and abundance of wildlife. In New York we have established such goals as follows:

- (1) Perpetuate fish and wildlife as a part of the total ecology of the State;
- (2) Manage fish and wildlife resources so that their numbers and occurrence will be compatible with the public interest; and
- (3) Provide maximum beneficial utilization and opportunity for enjoyment of fish and wildlife resources by people.

For decades, fish and wildlife programs conducted by government have been funded through income provided by sale of hunting, fishing and trapping licenses. Supplemented by returns from fines and taxes on hunting and fishing equipment, State programs have logically focused on management of game species and use of these species by sportsmen.

Many of the projects undertaken to benefit game mammals, birds and fishes, also improved habitats for non-game wildlife and provided opportunities for wildlife viewing and photography that would not otherwise have been available. In 1967 in New York, this contribution by sportsmen to the welfare of all wildlife was recognized and \$1.7 million was appropriated from the General Tax Fund of the State to support fish and wildlife programs. Subsequently, however, lean budget years have drained these funds from the program and operating fish and wildlife projects have been forced back within the fiscal bounds of sportsmen license funding.

Resource needs on the other hand have become more acute. Major environmental impacts have occurred which have threatened the very existence of some species. Unplanned development has claimed wildlife habitat at an accelerating rate and the spewing of poisonous compounds into the environment continues. An environmental awakening has caused citizens to demand sensible treatment

of their environment and the burden of response to exercise responsible stewardship of wildlife has fallen upon fish and wildlife agencies—with no appreciable change in the funding base.

The value of wildlife as indicators of environmental quality has been well documented and the dependence upon fish and wildlife agencies to document detrimental environmental impacts of a wide spectrum of development projects is a matter of record. Society through Congress and State legislatures has determined that fish and wildlife resources and their habitats are important and their integrity must be preserved as one of the important values that benefit mankind.

Fish and wildlife agencies will fail to meet this mandate unless more monies are made available.

Management of the nongame fish and wildlife resource requires that new and innovative methods be developed, that basic fauna inventories be made, that life history and population characteristics be determined and that environmental limitations be defined. These types of positive fish and wildlife programs have been delayed because existing manpower was totally committed to meeting other fish and wildlife management needs. Increasingly greater demands are being made by the public for sophisticated nongame wildlife management techniques for which the biologist presently has very little research and management experience on which to rely. A systematic and well-financed effort is needed to address these less familiar resource questions.

New York is hopeful that HR8606 will not only provide an actual funding base for such a research and management effort, but will also provide the catalyst needed to focus the State Legislature's attention on additional financial support for fish and wildlife programs. The passage of Federal legislation will provide the base upon which the Division can demonstrate the development of a significant program for nongame. An expanded fish and wildlife program will include among many new programs, nongame species investigations, development of urban wildlife parks, fish and wildlife habitat enhancement and environmental contaminant monitoring of fish and wildlife populations.

This June, the Division sponsored a meeting of interested wildlife groups to gather support for non-game funding legislation. Representatives of environmental, humane, sportsmen and professional organizations joined together in expressing their endorsement for the concept and are now obtaining official organization and membership endorsement.

Federal funding is needed now to stimulate State and local commitment to support fish and wildlife programs, to provide integrated and coordinated management of species of national and international significance, to provide incentive for individual states to become involved in resource programs that benefit species that recognize no political bounds and to make available to states, hard dollars from every citizen's pocket to protect and enhance fish and wildlife values enjoyed by all. Congress must act responsively now so that future generations of Americans will have the opportunity to make many of the same value judgments that we are making today. It is in the public interest to do so.

Mr. LEGGETT. Those were five eloquent statements that are immeasurably helpful to the committee. We could discuss for hours, with each of you, how the various aspects of this bill affect your States.

Unfortunately, we are under time constraints.

I will yield to the author of the legislation, Mr. Forsythe.

Mr. FORSYTHE. I hear you very clearly, Mr. Chairman. I fully agree with you that these are very, very fine statements. And I would like to spend the rest of the day expanding on this area but I must ask one short question at least.

Gentlemen, I am going to go to Joan first.

What reaction did you have from the sports interests in New Jersey in response to this kind of a program?

Ms. GALLI. I don't think we would have any problem at all. As a matter of fact, the sportsmen of New Jersey saved this program in the last fiscal year in New Jersey. We got no State legislative funding from our State legislature for nongame and endangered species in New Jersey.

We went to the sportsmen through the New Jersey Federation of Sportsmen Clubs and they agreed that the division should provide \$24,000 from hunting and fishing license revenues to tide our program over during the 1 year that we had gotten no legislative financing.

This \$25,000 made us eligible for Federal funding through the Endangered Species Act and kept us in existence in that 1 year when it looked like we were just going to be on the unemployment line. So they have been supportive, very supportive and helpful.

The beach buggy people and the fishermen along our coast have helped us with our osprey program, our colonial water bird program. They have been tremendously supportive. And I think they appreciate this wildlife resource as much or maybe even more than the people who don't hunt or fish.

MR. FORSYTHE. That is what I would expect, and I am certainly glad to hear that.

I think there are two questions of the panel—and I would ask you to submit this for the record. One question goes to the difference between the House and Senate bill particularly as to the formula allocation versus secretarial discretion.

The second would go to the emphasis on planning in the House bill that is absent in the Senate bill.

Unless, Mr. Gottschalk, you could in one sentence answer that question, I would like you to submit that for the record.

MR. GOTTSCHALK. Well, I can answer for the association, I think.

I would subscribe to the response you got from Director Green in regard to the first question. I think he put the problem very nicely.

As an organization, we are in favor of an apportionment formula, but it puzzles us as to how we could get this if we have an authorization for appropriations as contained in the House bill.

With respect to the second question, we definitely are in favor of the planning aspects in the House bill.

MR. FORSYTHE. Thank you.

MR. LEGGETT. David?

MR. EMERY. I don't have any questions, Mr. Chairman, except to say that I am sure that sportsmen and conservationists of the State of Maine are also very much in support of this type of legislation—in recognition of some of the problems that you pointed out this morning.

We in Maine are fortunate because most of our State is still wilderness; its wildlife is still unspoiled to a very large degree.

Thank you.

At any rate, my office has been contacted several times over the last 2 or 3 years by conservationists and sports groups who have shown interest in species that are not game. I would point out that many species that we neither hunt nor fish are an integral part of the environment and very often may affect the survival and success of game species that may feed upon them, or vice versa. So I am very much in support of the legislation.

I commend the Chairman and the ranking Republican, Mr. Forsythe, for recognizing the need for this legislation.

And I thank the witnesses for coming this morning.

MR. LEGGETT. Very good.

Mr. GOTTSCHALK. Thank you, Mr. Chairman.

Mr. LEGGETT. Thank you.

I thank you all very much. It has been very helpful.

Next we will hear from Dr. Aelred D. Geis, of the Wildlife Societies' Urban Affairs and Regional Planning Committee, and the Nongame-Urban Wildlife Committee of the Northeastern Section and Bud Fensterwald, Committee for Humane Legislation.

You are in a panel with Mr. Fensterwald. I understand you have to leave relatively early.

Go ahead and proceed.

Your statement will be placed in the record.

Mr. GEIS. Fine. I will hit the high points of it.

[The following was received for the record:]

STATEMENT OF AELRED D. GEIS, CHAIRMAN, URBAN AFFAIRS AND REGIONAL PLANNING COMMITTEE OF THE WILDLIFE SOCIETY, MEMBER, URBAN-NONGAME COMMITTEE, NORTHEAST SECTION OF THE WILDLIFE SOCIETY

I am Aelred D. Geis, an Urban Wildlife Specialist conducting research for the U.S. Fish and Wildlife Service. My comments this morning, however, are prompted by my participation in The Wildlife Society's Urban Affairs and Regional Planning Committee, of which I am Chairman, and the Urban and Nongame Committee of the Northeast Section of The Wildlife Society. These Committees are intensely interested in this legislation because of the very important need it addresses. We would like to suggest several ways in which it could be strengthened.

One concern relates to the manner in which the definition of nongame animals is used to control the direction of the legislation. Circumstances could easily exist in which any vertebrate member of the Animal Kingdom could be benefitted by programs carried out as a result of this legislation. Therefore, the definition should remain general as just stated, that is—"any vertebrate member of the Animal Kingdom." Elsewhere the legislation should emphasize that it is not its intention to duplicate programs supported by legislation relating to game animals, endangered species, or marine mammals. It is far easier to judge what activities should be included by noting the nature of the program rather than the species involved. Some of the most enjoyed and common species in urban areas are game animals, such as the squirrel we see in this area. In my own research experience in Columbia, Maryland, I observe the positive impact of deer and woodcock being seen in urban areas.

Note also that this approach would not exclude species that are not native to the United States. Non-native species should not be excluded for several reasons. First, in the ecosystems approach that should be followed in nongame and urban wildlife research and management, it is impossible to work on a native species without recognizing its association with non-native species. Second, some non-native species, such as the ring-neck pheasant and several species of trout, are highly desirable. It seems inappropriate to discriminate against these forms.

Perhaps the most important comments we have relate to emphasizing the widespread benefits of programs funded by this legislation, particularly if implemented in urban areas. The language in the current bill does not adequately emphasize that there are many more potential benefactors than the relatively few who enjoy nongame species for recreational and esthetic purposes. Programs funded by this legislation could yield benefits in improved environmental quality and environmental education opportunities for most of the citizens of the United States, including those who for reasons of background, lack of opportunity, etc., currently do not perceive the significance of wildlife or even its existence.

As society has become increasingly urbanized, it has been difficult for many citizens to understand ecological processes and relationships of great importance. By having wildlife in its natural habitat in close proximity, the public will be able to better understand the importance of such natural phenomena as habitat, food chains, productivity, and mortality, upon which our existence depends.

It has been stated that wildlife management in urban areas is a form of preventive medicine. There is evidence that children reared in an area having wildlife and its supporting habitat are physically, mentally, and socially more competent

than children reared in a more homogeneous, sterile urban environment. There is a special need for wildlife programs in urban areas where the quality of life could be improved for many citizens.

In view of the widespread social implications of this legislation it is certainly logical that its programs be funded from the general fund as opposed to some special tax, as has been frequently advocated.

Wildlife habitat in urban areas also has important indirect environmental and economic benefits. It ameliorates many adverse environmental effects of urbanization by improving air quality slowing storm water discharge rates, reducing heat island effect, noise pollution, etc. Economic benefits include increased property values and reduced open space maintenance costs. For example, if the amount of lawn in the United States could be reduced by 10 percent and replaced with meadows requiring mowing only once every two years, this change alone would not only enhance urban wildlife populations but also result in an annual savings of an estimated 300 million dollars!

We endorse the intent of this legislation because of the many desirable programs it would make possible. However, we strongly urge that the full beneficial effects of these programs, especially as they relate to urban areas, be given fuller recognition and clearer direction.

**STATEMENT OF AELRED D. GEIS, CHAIRMAN, URBAN AFFAIRS
AND REGIONAL PLANNING COMMITTEE, NORTHEAST SECTION,
WILDLIFE SOCIETY; ACCOMPANIED BY BUD FENSTERWALD,
COUNSEL, COMMITTEE FOR HUMANE LEGISLATION**

Mr. GEIS. I am Aelred D. Geis, an urban wildlife specialist conducting research for the U.S. Fish and Wildlife Service. However, my comments this morning are prompted by my participation in the Wildlife Society's urban affairs and regional planning committee, of which I am chairman, and the northeast section of this society's nongame urban wildlife committee.

Both of these committees are intensely interested in this legislation because of the very important need it addresses.

We would like to suggest several ways in which it could be strengthened.

One concern relates to the manner in which the definition of nongame is used to control the direction of the legislation. Circumstances could easily exist where any vertebrate member of the animal kingdom could be benefited by programs carried out as a result of this legislation.

Therefore, the definition should remain general, as just stated; that is, "any vertebrate member of the animal kingdom."

Elsewhere in the legislation it should emphasize that it is not intent to duplicate programs supported by legislation relating to game animals, the endangered species, or marine mammals. It is far easier to judge what activity should be included by noting the nature of the program rather than the species involved.

Some of the most common and enjoyed species in urban areas are game animals, such as the squirrels we see in this area.

My own research experience in Columbia, Md., has demonstrated the great joy the public experiences in being able to see deer and woodcock being seen near their homes.

It has also demonstrated the confusion that exists when we attempt to manage such species for viewing—due to the hunting oriented manner in which the management of such species is now funded.

Note also that this approach would not exclude species that are not native to the United States. Nonnative species should not be excluded for several reasons.

First, in the ecosystems approach that should be followed in research and management activities, it is impossible to work on a native species without recognizing its association with nonnative species.

Second, some nonnative species, such as the ring neck pheasant and several species of trout are highly desirable. It seems inappropriate to discriminate against these forms.

Now, I would like to get on to what I think is the most important comment I have, and this relates to emphasizing the very widespread benefits of programs funded by this legislation—particularly if implemented in urban areas.

The language of this current bill does not adequately emphasize that there are many more potential benefactors than the relatively few who enjoy nongame species for recreational and esthetic purposes. Programs funded by this legislation could yield benefits in improved environmental quality and environmental education opportunities for most of the citizens of the United States.

This includes many people who, for reasons of lack of opportunity, background, et cetera, currently do not perceive the significance of wildlife or even its existence.

As society has become increasingly urbanized, it has been difficult for many citizens to understand ecological processes and relationships of great importance. By having wildlife in its natural habitat in close proximity, the public will be able to better understand the importance of such natural phenomena as habitat, food chains, productivity, mortality, upon which our existence depends.

It has even been stated that wildlife management in urban areas is a form of preventive medicine. There is evidence that children reared in areas having wildlife and wildlife habitat are physically, mentally, socially more competent than children reared in sterile, homogeneous urban environments. There is a special need for wildlife programs in urban areas where the quality of life could be improved for many citizens.

In view of the widespread social implications of this legislation, it is certainly logical that its programs be funded from the general fund as opposed to some special tax, as has been frequently advocated.

Wildlife habitat in urban areas also has important indirect environmental and economic benefits. It ameliorates many adverse environmental effects of urbanization by improving air quality, slowing stormwater discharge rates, reducing heat island effects, etc. I find it rather shocking that you can see the effects of the new town of Columbia, Md., already in the form of a heat island and downstream flooding. If we had more vegetation, more trees, more good wildlife habitat, the adverse effects could be reduced.

There are even economic benefits, including increased property values and reduced open space maintenance costs.

If the amount of lawn in the United States could be reduced by just 10 percent and replaced by meadows or some other situation that does not require routine regular maintenance, this would not

only enhance wildlife habitat but would result in an annual savings of an estimated \$300 million.

We endorse the intent of this legislation because of the many desirable programs it would make possible. However, we strongly urge that the full beneficial effects of these programs, especially as they relate to urban areas, be given more recognition and clearer direction.

Thank you very much for the opportunity to comment on this very desirable legislation.

Mr. LEGGETT. Very good. Thank you very much.

Your statement is very helpful.

Are there any questions of the doctor?

Mr. FORSYTHE. No questions; but I also join in thanking the witness.

I would however make one comment. I fully agree with Dr. Geis on the elimination of the native limitation that is now in the definition section in the bill. I think its inclusion was an oversight. Thank you.

Mr. LEGGETT. I think you can also get a national husbands organization to join with you in eliminating these limitations.

Mr. Fensterwald, your statement will be placed in the record, including a copy of your bill. I want to get any new ideas that you might have, on the replacement of Pittman-Robertson, and more ambitious funding than is included in Mr. Forsythe's legislation.

[The following was received for the record:]

STATEMENT OF BERNARD FENSTERWALD, JR., COUNSEL, COMMITTEE FOR HUMANE LEGISLATION, INC.

We wish to thank the Chairman and the Subcommittee for giving the Committee for Humane Legislation this opportunity to express its views on H.R. 8606. We are very pleased that for the first time, serious consideration is being given to aiding nongame animals and preserving their habitat. In years past, virtually all of the monies spent on wildlife, particularly at the State level, have been spent on game animals rather than on nongame animals. A change in this situation has long been overdue.

At the outset let me say that the Committee for Humane Legislation is opposed to passage of H.R. 8606. Of course, we are not opposed to this bill because we are opposed to aid for nongame animals. Our opposition stems from a number of causes. Basically we believe that all wildlife and ecosystems should be treated as a whole and not piecemeal. We are also struck by the fact that game and nongame animals, very frequently if not always, occupy the same habitat. We also wish to draw attention to certain deficiencies in the Pittman-Robertson Act; there is no question but that this Act was very forward looking and helpful when it was passed in 1937, but we certainly feel that it has become outdated today. One of our major objections to this Act stems from our belief that help for wildlife should be funded out of general treasury funds and not out of excise taxes.

Underlying our opposition to H.R. 8606 is a very strong feeling that this bill, like the Pittman-Robertson Act, represents a piecemeal approach to aid to wildlife, and we believe that such an approach is anachronistic. In our view, dealing with one species of animal (or even several species of animals) at a time, does not make much sense. In the scientific and conservationist communities today, opinion is very rapidly swinging away from piecemeal approaches to these problems and toward policies which deal with ecosystems as a whole.

We are hopeful that this Committee and the Congress will depart from past practices and begin a new approach to the preservation of wildlife in America. Before this can be done, however, it will be necessary to disabuse ourselves of a number of worn out concepts. First among these is the concept that killing animals is "as American as apple pie". There is no question but that this was true for many,

many decades. Americans, in general, depended upon wildlife to provide food, clothing, and often shelter. During these times wildlife was not only plentiful, but abundant in most places in our country. Unfortunately, that is no longer true. Wildlife is very rapidly becoming a rarity in most parts of the country. Further, we no longer need wildlife to provide food, clothing, or shelter. The hunting of wildlife, although no longer a necessity, has now become a "sport". There are approximately 20,000,000 "sports hunters" in the country; however, as large as this figure may seem, the great bulk of the American public are nonhunters and favor the protection of the remaining wildlife in America.

Another misconception which must be shed is that the remaining wildlife is the property of particular individuals, communities, or States. It is true that in times past, when wildlife was very plentiful, there was a general feeling that anyone could shoot any animal at any time. However, as wildlife grew less plentiful, States entered onto the scene and enacted laws which limited the killing of wildlife. And more recently, in the so-called Wild Horse Case, the Supreme Court of the United States propounded a doctrine that wildlife is basically a national asset.

Wildlife populations are dwindling for a number of reasons. First and foremost is the pressure from an expanding population. More and more of the habitat on which wildlife lives is being taken for housing or agriculture or mining or any number of other uses of man. It is a truism that, if our dwindling wildlife is to be preserved, we must preserve the habitat upon which it lives.

Another misconception that must be dropped is that hunters pay virtually all of the cost for the preservation of wildlife through their payment of taxes upon guns and ammunition. It is true that these funds, which are funneled into State programs through the Pittman-Robertson Act, plus the funds derived from fishing and hunting licenses constitute a large percentage of the funds which the States spend on wildlife preservation. However, a very large percentage of the dwindling wildlife in this country lives on Federal lands, and it is the United States taxpayer's money in general, funneled through such agencies as the Department of the Interior and the Department of Agriculture, which supports wildlife. It is general treasury funds which have provided for the acquisition and upkeep of the large areas of National Parks, National Forests, wildlife refuges, wilderness areas, and other such areas upon which much of the remaining wildlife exists. The large sums of money for these purposes do not come directly or indirectly from the hunters.

Further, hunter-supported activities are slanted toward "habitat manipulation" which is designed to result in the raising of more "game animals" at the expense of "nongame animals". The hunters are constantly saying that they are willing to be taxed, but they are quite insistent that the taxes be used for their immediate gain, i.e., they want their money to go to the raising of more animals for them to shoot. This is why, since 1937, very little if any Federal funds have gone into the preservation of "nongame animals". Were this not the case, there would be no reason for this Committee to be considering H.R. 8606 today.

We should not lose sight of the fact that there has been a tremendously rapid acceleration of the extinction of species. In the past it took anywhere from thousands to millions of years for a species to become extinct. The extinction process, unfortunately, has been reduced to a relative handful of years. The result of all of this is the reduction of the genetic bank from which nature can draw to mutate and adapt to new conditions. Unless things change in a very few years this globe will be populated by humans, domestic animals, and a few wild animals which are kept in zoos. In our view, this is a very undesirable result and we believe that the tide can be stemmed only by looking at the problem as a whole and not in a piecemeal fashion.

As an alternative to both H.R. 8606 and the present Pittman-Robertson Act, we wish to submit for the Committee's consideration a draft bill entitled, "The National Conservation Policy Act of 1977". As you will note, this draft Act, would provide financial and technical assistance to the States for development, expansion, and maintenance of conservation programs for all species of native fish and wildlife. It would provide more natural habitat for all wildlife by expanding and upgrading Federal wildlife refuge and wilderness systems, and encouraging State systems to do likewise to include the acquisition of small tracts near human habitation where birds and small animals native to the area may live free and breed unmolested thus helping to preserve air quality and climate. The Act would also provide funds to assist States in their enforcement of hunting laws. It would also provide funds for planning economic growth which will have minimum abruptive impact on ecosystems and provide funds for

ethological studies so that we may know more about the natural world and may come into a better relationship with it.

Our draft Act would repeal and replace the Pittman-Robertson Act, but also, encompass the intent and content of H.R. 8606. I should add parenthetically, that the Act contains a "grandfather clause" which would prevent the disruption of State programs already approved by the Secretary of the Interior prior to passage of the Act.

In addition to placing aid to wildlife under a single tent, the proposed Act would also provide certain new activities for which Federal funds can be spent, as well as certain activities for which funds could not be spent. It would be expected that a large percentage of the funds would be spent on the acquisition of the habitat for all wildlife, both "game" and "nongame". However, States would be encouraged to spend part of the funds to enhance their law enforcement personnel who police game laws; this is something for which Federal funds have not been available in the past. On the other hand, funds provided under this Act could not be used for the establishment or maintenance of gun or target ranges or for hunter safety programs; we believe that these activities should be paid for directly by those who expect to benefit from such projects. Nor would such funds be available to be used to manipulate habitats in such a way as to favor one species over another, except in the case of endangered species.

Borrowing liberally from both the Pittman-Robertson Act and H.R. 8606, the draft Act would provide that States would be asked to prepare and submit a comprehensive wildlife plan to the Secretary of the Interior. This plan would cover the conservation of all native species under the State's jurisdiction. The plan would include a description of all applicable methods of conservation to be used, and it would be based on the State's projections as to the needs of all species for a period of not less than 15 years. States would also have the option of using the funds for specific conservation projects if they did not wish to submit or until they have submitted a comprehensive plan.

If the Secretary finds that a comprehensive plan or a specific project conforms to the standards and criteria established by him by regulation, such plan or project may be approved. However, before such approval is given, the Secretary is required to publish a description of the project or plan in the Federal Register and invite public comment during a 60 day period. We believe very strongly that the public should be given notice of prospective plans and projects and should have some role in whether such projects or plans are approved.

The draft Act would authorize the appropriation of \$30,000,000 in 1978 of \$40,000,000 in 1979 and \$50,000,000 in 1980 and succeeding years. We believe that these would be sufficient funds to greatly improve the future of wildlife in this country. At the same time we would urge that the monies derived from excise taxes on guns and ammunitions be paid into the general treasury funds and not earmarked for any particular purpose. Although no limitations are placed in the Act for such activities as land acquisition, there is a 25 percent limitation of funds to be used for information and education programs, and equally a 25 percent limitation for funds to be used for the purpose of State augmentation of their programs to enforce fish and game laws, to protect private property from unauthorized fishing, hunting, and trapping, and to protect public property from illegal fishing, hunting, and trapping. And such funds may be expended to hire additional State personnel and for State purchase of equipment to carry out the above objectives.

In conclusion, we urge that the objectives of H.R. 8606 be achieved by melding this proposal into an overall proposal which would cover wildlife generally.

PROPOSED BILL

A BILL To encourage and assist the States in the conservation of whole ecosystems including all species of native fish, wildlife, and plants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Conservation Policy Act of 1977".

SEC. 2. DECLARATION OF POLICY

(a) FINDINGS.—The Congress finds and declares the following:

(1) The United States needs an overall national conservation policy which deals with whole ecosystems.

(2) Historically and legally, the wildlife of this country belongs to all of the people of this country and is not the property of any person, community, or State.

(3) Wildlife is now recognized to be a vital part of ecosystems upon which human life and well-being is dependent. The passage of laws to protect depleted, threatened, and endangered species of plant and animal life reflects this recognition, the people, cognizant that man's predation on wildlife and his destruction of ecosystems bring about the extinction of wildlife, are desirous of studying and protecting whole ecosystems as essential to the preservation of species, air quality, climate and life itself.

(4) If fish, wildlife and plants are to be conserved, they must be treated as parts of an interdependent ecosystem and conserved jointly.

(5) Rapid acceleration in the extinction of species from a time frame of thousands or even millions of years to a relatively few years has reduced the genetic bank from which nature can draw to mutate and adapt to new conditions.

(6) In the past, most so-called "fish and wildlife restoration" has been hunter-oriented and directed toward game animals only. It has been supported in part from excise taxes on guns and ammunition. Existing State programs for fish and wildlife species have been supported on the basis of State hunting and fishing license revenues (approximately 25 percent) and federal excise taxes on certain hunting and fishing equipment (approximately 75 percent). These traditional financing mechanisms are not adequate to meet the needs of programs for all fish and wildlife species, and they must be supplemented.

(7) Wildlife plays a large role in the heritage of our country, in that until relatively recent times a large percentage of our population depended upon game for food and clothing and the diversity of wild animals formed no small part of the success of our society, economically, culturally, and esthetically.

(8) For a variety of reasons, wildlife, which was once plentiful, is fast disappearing from our country. Today, only a minute fraction of our people depend upon wildlife for any substantial part of their food or clothing.

(9) Native fish and wildlife are of ecological, economic, educational, esthetic, historical, recreational, and scientific value to the Nation and its people.

(10) Game and nongame animals frequently, if not usually, occupy the same habitat.

(11) Urban dwellers have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with wildlife and, thereby, a greater appreciation and awareness of the environment.

(12) The States should be encouraged to develop, expand, and maintain, in urban and nonurban areas, programs for the conservation of native fish and wildlife.

(13) The vast majority of the people of America do not kill wildlife and favor protection of remaining wildlife.

(14) It would help assure a healthier and more esthetically pleasing environment for all Americans to shift our emphasis from the hunting of wildlife to the preservation of whole ecosystems.

(b) PURPOSE.—It is the purpose of this Act:

(1) to provide financial and technical assistance to the States for the development, expansion, and maintenance of conservation programs for all species of native fish and wildlife; and

(2) to provide more natural habitat for all wildlife by expanding and upgrading the Federal wildlife refuge and wilderness systems and encouraging State systems to do likewise, to include the acquisition of small tracts near human habitation where birds and small animals native to the area may live free and breed unmolested, thus helping to preserve air quality and climate;

(3) to provide funds to assist States in their enforcement of hunting laws;

(4) to provide funds for planning economic growth which will have minimum abrupt impact on ecosystems; and

(5) to provide funds for ethological studies that we may know more about the natural world and may come to a better relationship with it.

(6) to direct that all Federal departments and agencies utilize this statutory and administrative authority, to the maximum extent practicable, actively seek to conserve and to promote conservation of all species of native fish and wildlife and the habitats of such species, in furtherance of the policy of this Act.

SEC. 3. DEFINITIONS

As used in this Act:

(1) The terms "conserve", "conserving", and "conservation" mean to insure the continued existence of populations of all species of native fish and wildlife. Such methods and procedures may include any activity such as ethological studies, law enforcement, habitat acquisition, information and education. Funds provided under this Act shall not be used for the establishment or maintenance of gun or target ranges or for hunter safety programs. Nor shall the funds be used to manipulate habitats in such a way as to favor one species over another species, except in cases of endangered species.

(2) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any species of mammal, bird, fish, reptile, amphibian, mollusk, crustacean, arthropod, or other invertebrate which, with respect to a particular State, is native to that State.

(3) The term "designated State agency" means a commission, department, division, or other unit of a State government which is certified to possess legal authority which occur in such State, as required under subsection 5(e).

(4) The term "plan" means a comprehensive and continuing program for the conservation of all species of fish and wildlife under the jurisdiction of any State.

(5) The term "project" means an undertaking designed to conserve all species of fish and wildlife.

(6) The term "ethological studies" shall be construed to mean and include studies and research of wildlife which shall be accomplished without harassment, take, kill or disruption of life patterns of the wildlife involved including its relation to the earth, vegetation and other wildlife.

(7) The term "Secretary" means the Secretary of the Interior, directly or through the United States Fish and Wildlife Service, as appropriate.

(8) The term "species" means, with respect to fish or wildlife, any species, any subspecies, and any other group of fish or wildlife of the same species in common spatial arrangement which are capable of interbreeding.

(9) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, The Virgin Islands, Guam, the Commonwealth of the Mariana Islands, and the Trust Territories of the Pacific Islands.

SEC. 4. FISH AND WILDLIFE CONSERVATION PROGRAM

(a) PROGRAM.—The Secretary shall cooperate with the States in programs for the conservation of all species of native fish and wildlife by providing, through designated State agencies, financial assistance to carry out approved plans for the conservation of such species. Such assistance shall be provided pursuant to the formula set forth in section 5(c) and in accordance with the requirements of sections 5(e) and (f).

(b) TRANSFER OF PERSONNEL AND EQUIPMENT.—The Secretary may, in assisting the States in carrying out programs under subsection (a), assign or transfer personnel and equipment and share scientific information, in such manner as the Secretary deems appropriate.

SEC. 5. FISH AND WILDLIFE CONSERVATION FUND

(a) UNEXPENDED FUNDS.—Any amount apportioned to a State pursuant to subsection (b) which is unexpended or unobligated at the close of 2 fiscal years may be used by the Secretary, during the succeeding 2 fiscal years, to assist other States in carrying out approved conservation plans. Any amount granted to any State under this paragraph shall be supplemental to, and shall not be charged against, any funds apportioned to such State under subsection (c). Any amount which is not paid or obligated by the Secretary pursuant to this paragraph after the close of the second such two-year period shall be made available for expenditure by the Secretary in carrying out any program administered by the Fish and Wildlife Service which serves the fish and wildlife.

(b) ADMINISTRATIVE EXPENSE.—The Secretary may use not to exceed 8 percent of funds appropriated pursuant to this Act for the expenses incurred in administering this Act. Such sums shall be available until the expiration of the next succeeding fiscal year. If any such amount remains unexpended by the Secretary at the close of such fiscal year, the Secretary shall, within 60 days thereof, apportion such amount to State agencies on the same basis and in the same manner as

is provided for other amounts authorized by subsection (c) to be apportioned among the States for such fiscal year.

(c) APPORTIONMENT.—The Secretary, after making deductions under subsection (b), shall, subject to the provisions of section 6, apportion the remaining appropriated funds among the several States for each fiscal year in the following manner:

(1) one-half in the ratio which the area of each State bears to the area of all of the States; and

(2) one-half in the ratio which the population of each State bears to the population of all States; except that no State shall receive less than one-half of 1 percent, nor more than 5 percent, of the total amount apportioned.

(d) CERTIFICATION.—For each fiscal year, the Secretary shall certify to the Secretary of the Treasury and to each designated State agency the sum which the Secretary has estimated to be deducted for the administration of this Act under subsection (b) and the sum which the Secretary has apportioned to each State.

(e) SUBMISSIONS AND CONSIDERATION:

(1) If a State wishes to avail itself of the benefits of the Act, it shall certify to the Secretary that it has a State agency (which shall be identified) which has adequate statutory and administrative authority and the necessary resources and personnel to conserve all species of native fish and wildlife, and it shall make submissions to the Secretary in accordance with paragraph (2) or (3). The Secretary shall consider any such submissions and make determinations thereon pursuant to paragraph (4).

(2) The State shall prepare and submit a comprehensive fish and wildlife plan to the Secretary, with respect to the conservation of the native species under its jurisdiction. Any such plan shall—

(A) be submitted in such form and with such content as the Secretary shall prescribe;

(B) include a description of all applicable methods of conservation to be used in the plan and projections as to possible future plans.

(C) indicate the general chronological order in which phases of the comprehensive plan should be carried out over a period of years;

(D) be based on the State's projections as to the needs of such species for a period of not less than 15 years; and

(E) provide for such conservation for a period of 5 or more years, and shall include a provision for review and revision at regular intervals, not to exceed 3 years.

(3) A State may elect instead of avail itself of the benefits of this section by preparing and submitting a proposal to the Secretary for a single conservation project. Any such proposal shall be submitted in such form and with such content as the Secretary shall prescribe and shall include a detailed description of the project involved.

(4) The Secretary shall study and evaluate any submission received under paragraph (2) or (3). If the Secretary finds that a comprehensive plan submitted under paragraph (2) or a project submitted under paragraph (3) conforms to standards and criteria established by regulation by the Secretary, such plan or project may be approved. Provided however, before such approval is given, the Secretary shall publish a description of the project or plan in the Federal Register and invite public comment during a sixty day period. In the case of a project or plan, the Secretary shall not grant final approval until the State furnishes such surveys, specifications, and additional information as the Secretary requests, and subject to the Secretary's approval thereof. In the case of a comprehensive plan, The Secretary shall condition approval on substantiality of character and design. Upon approval, the Secretary shall notify the designated State agency of such State and shall immediately set aside, from funds apportioned under this Act, up to 75 percent of the cost of implementing segments of any comprehensive plan involved or of the total estimated cost of the project involved. The non-Federal share may, in the discretion of the Secretary, be provided by the State in the form of money, in-kind contributions, or real property. In-kind contributions may be in the form of personal services rendered by volunteers who possess qualifications, by training or experience, to assist in surveys, or other ethological studies: Provided, That standards for the qualifications of such volunteers and the value of such in-kind services shall be in accordance with regu-

lations issued by the Secretary under this Act. The value of any such real property shall be determined by the Secretary, whose decision shall be final.

(5) If any Federal funds provided for an approved plan are used or applied for any other purpose, the State involved shall replace or return such funds before it may receive any additional apportionment under this Act.

(f) **PLAN FUNDING:**

(1) If a State has prepared a comprehensive plan under subsection (e)(2), which has been approved under subsection (e)(4), the Secretary may, in his discretion and under such rules and regulations as he may prescribe, advance funds to such State for financing the United States pro rata share agreed upon between the designated State agency and the Secretary. The Secretary and the applicable designated State agency may jointly decide at what times and in what amounts payment shall be made under this Act. Such payments shall be made by the Secretary to such official, officials, or depository, as may be designated by such agency in accordance with the laws of such State.

(2) Any construction work and labor performed in conjunction with an approved plan shall be performed in accordance with the laws of such State and under the direct supervision of the designated State agency, subject to the inspection and approval of the Secretary and in accordance with the rules and regulations issued under this Act.

(3) Administrative costs, in the form of overhead or indirect costs for services provided by State central service activities outside of a State agency having primary jurisdiction over the fish and wildlife resources of a State, which may be charged against programs supported by the fund, shall not exceed, in any fiscal year, 3 percent of the apportionment for such year to such State.

(4) Not more than 10 percent of the State's share of program costs in any year may be from funds derived from the sale of hunting, fishing, and trapping licenses and permits.

(5) Not more than 25 percent of a State apportionment under this Act may be used for information and education programs, or extension services.

(6) Not more than 25 percent of a State apportionment under this Act may be used for the purpose of augmenting their programs to enforce State fish and game laws, to protect private property from unauthorized fishing, hunting, and trapping, and to protect public property from illegal fishing, hunting, and trapping. Such funds may be expended to hire additional personnel and to purchase equipment needed to carry out these objectives.

(g) **INCREASED FEDERAL SHARE.**—Whenever two or more States have a common interest in a species of native fish or wildlife and jointly undertake a program agreement with the Secretary for conservation of such species, the Federal share of the cost involved may be up to 90 percent.

SEC. 6. PAYMENT OF FUNDS TO, AND COOPERATION WITH RESPECT TO CERTAIN DESIGNATED AREAS

The Secretary may cooperate with the Secretary of Agriculture of the Commonwealth of Puerto Rico, the Governor of Guam, the Governor of the Virgin Islands, the Governor of American Samoa, and the Mayor of the District of Columbia in the conduct of fish and wildlife conservation programs. Any such program shall be conducted pursuant to such terms and conditions as the Secretary deems fair and equitable, and which are likely to be effective for such purpose. The Secretary may apportion to such jurisdictions, out of the money available for apportionment under this Act, such sums as the Secretary shall determine; except that such sums shall not exceed (1) for Puerto Rico, one-half of 1 percent; (2) for Guam, one-sixth of 1 percent; (3) for the Virgin Islands, one-sixth of 1 percent; (4) for American Samoa, one-sixth of 1 percent; (5) and for the District of Columbia, one-half of 1 percent, of the total amount apportioned for one year. The Secretary shall not require any cooperating agency to pay an amount which will exceed 25 percent of the cost of the project involved. Any unexpended or unobligated balance of any such apportionment shall be available for expenditure in any such jurisdiction in the succeeding fiscal year on any approved plan and, if unexpended or unobligated at the end of such fiscal year, may be made available for expenditure by the Secretary in carrying out any program administered by the Fish and Wildlife Service which serves the wildlife resource.

SEC. 7. COOPERATION AND COORDINATION

(a) **IN GENERAL.**—All Federal departments and agencies shall, to the maximum extent practicable, cooperate and coordinate their programs and activities with the States in establishing and maintaining programs for the conservation of native fish and wildlife.

(b) **REVIEW OF EXISTING PROGRAMS.**—Each Federal department and agency which has management authority over land and water resources shall, within one year after the date of enactment of this Act, review each of its existing programs for lands, waters, and interests in lands and waters subject to its control or authority to determine which of such programs, if any, can be extended or modified, without jeopardizing the purposes of such programs, to include the conservation of native fish and wildlife as authorized by this Act. Upon making an affirmative such determination, any such department or agency shall notify the appropriate State agency and cooperate with such agency in the establishment of conservation efforts with respect to all species of native fish and wildlife.

(c) **COOPERATIVE AGREEMENTS.**—All Federal departments and agencies are authorized to enter into cooperative agreements with State agencies under subsection (b). Each such cooperative agreement shall

- (1) specify those areas in which such programs will be implemented;
- (2) provide, to the extent practicable, for educational programs to foster greater appreciation and understanding of wildlife; and
- (3) contain such other terms and conditions as the Federal department or agency, or the State agency, deems necessary and appropriate to carry out the declaration of policy of this Act.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS

There are hereby authorized to be appropriated to carry out the purposes of this Act for fiscal year 1978, the sum of \$30,000,000, for fiscal year 1979, the sum of \$40,000,000, and for fiscal year 1980, the sum of \$50,000,000.

SEC. 9. ADDITIONAL REGULATIONS

The Secretary is authorized to promulgate any rules and regulations or any amendments to existing rules and regulations or any amendments to existing rules and regulations which are deemed necessary to carry out the provisions of this Act.

SEC. 10. ETHOLOGICAL RESEARCH STUDIES

At least once every year the Secretary shall send a detailed report to Congress (and publish same in the Federal Register) as to the ethological studies funded under this Act.

SEC. 11. EFFECTIVE DATE

This Act shall become effective six months after its adoption.

SEC. 12. REPEALER

Chapter 5B of Title 16 of the U.S. Code is hereby repealed; *Provided, however*, the Secretary is authorized to proceed with and fund any projects previously approved under said Chapter 5B.

Mr. FENSTERWALD. Thank you, Mr. Chairman.

Mr. LEGGETT. As I say, your statement will appear in the record as fully read.

Mr. FENSTERWALD. I am not going to read every word of it, of course.

Mr. LEGGETT. I would parenthetically say you are doing very well with the porpoises these days.

Mr. FENSTERWALD. Thank you.

I am most encouraged by that.

Mr. LEGGETT. You made an immeasurable contribution.

Mr. FENSTERWALD. Mr. Chairman, I am certain that by this time you are very sick—and you, too, Mr. Forsythe—of people coming up and saying they are in favor of the principle of the bill but they don't want it passed.

Mr. LEGGETT. That is what you are saying, though, isn't it?

Mr. FENSTERWALD. In essence, yes, I am very much in favor of the principle of the bill and I hope the substance of it will be passed. And I hope the administration in their studies will come to the same conclusion that we have come to: That wildlife and ecosystems generally should be treated as a whole and not piecemeal.

I am aware of the venerable traditions of the Pittman-Robertson Act and the Dingell-Johnson Act and the rest of them, but I think it is time that this committee and the Congress took another look at the aims of those bills and possibly start in a new direction. And I do propose that we get rid of some of the old acts or at least merge them into one act which would take care of ecosystems as a whole and particularly the wildlife in those systems.

I think there are a number of misconceptions that we have had in the past and of which we must rid ourselves. I have laid these out as clearly as I could in my statement.

Mr. LEGGETT. I read your statement.

Mr. FENSTERWALD. I think one of them is rather unpopular, but I would like to emphasize it; and that is, we have heard all morning that the great emphasis up to this point has been on game animals, on hunting and fishing. And most of the moneys both collected and expended have been for the preservation of those animals.

This stems basically from the idea that hunting is as common in this country as apple pie, or, I guess, the modern phrase is as common as baseball, apple pie, and Chevrolets. I think really that this tradition grew up because hunting at one time was absolutely essential for most of the citizens of this country for food, clothing, and shelter.

Now, that time has long since passed. The idea of killing animals for food is something really of the past. And I think you should take note of the fact that there is somewhere less than 20 million people in any way, shape or form interested in hunting in this country.

On the other hand, there are roughly 200 million people with no interest in it. I am not trying to say that all of these people are against hunting, but they are nonhunters. And I think their interests should certainly be served as much as the minority of the people who are hunters.

It is well known that wildlife in this country is dwindling and in large measure that is because of encroachments of man due to housing, industry, and a lot of other reasons. But if we are to preserve the wildlife that is left, both the States and the Federal Government must have comprehensive planning and put these programs under one tent.

I have proposed for your consideration a bill entitled the National Conservation Policy Act of 1977. I am hopeful that this will be at least the first of a long series of versions of legislation which will try to take Pittman-Robertson and Dingell-Johnson, the endangered species and H.R. 8606 and put them into one act to aid wildlife.

One of the things that we do propose and that I think is particularly important is that the public have a chance to comment on both the single projects and comprehensive plans that will be funded under any of these programs. I brought this up about a year ago, it is that we don't know where the money goes. I produced a whole long list of studies that have been undertaken under Pittman-Robertson, and I

read some of the titles to you. And by any standards they seem pretty far out. And I think that both the Congress and the public, and not just the fish and wildlife commissions of each State, should have some input into what the Federal moneys are spent for.

In conclusion, we would urge, along with the Administration and others, that this bill in itself not be enacted but its principle be enacted in a larger measure, which would be a national conservation act.

I would be happy to answer any questions that you may have.

Mr. LEGGETT. Thank you very much.

The bill you suggested of course is not before us. However, I will have the staff look at that. Obviously there is an undeclared war between the hunters and nonhunters that has gone on for a long period of time and which your organization is in the forefront in.

And so there are really perhaps three important things we might be considering:

No. 1, eroding the hunting program;

No. 2, developing a program just for non-game animals;

No. 3, developing a program for game and non-game animals in such a way that hunting would not necessarily be eroded. And I think that is what some of the previous witnesses have alluded to.

So we will look carefully at your program and determine exactly what we want to do. In the meantime, if you can get somebody to introduce your bill, why we might schedule it at the appropriate time.

Mr. FENSTERWALD. I believe that it will be introduced in the future. We didn't have it finished in time for introduction at this time. And I gather generally from what has been said today, Mr. Chairman, that there will be further proceedings with respect to this whole subject in the next Congress. And I would hope at that time we would have the bill before us.

I think one of the major features and one of the things I would like to stress is the different approach to funding. We would have no objections to excise taxes on bows and arrows and whatever you want to put it on, but we think for the whole Federal program the funding should come straight out of appropriated funds. One of the things in the past that has caused confusion stems from the fact that the hunters are constantly saying "We pay generally for our own freight."

Well, in fact, they do in one sense; under the State programs they do support through the hunting and fishing licenses, Mr. Chairman, a good part of it. But much of the preservation of wildlife in this country—particularly since most of the wildlife lives on Federal lands—is supported with Federal funds at the moment. This idea that the hunters are in fact kicking in the major part of the overall funding through excise taxes just is not factually correct. I think that could be straightened out by simply appropriating funds for the preservation of all wildlife through State and Federal programs—rather than through this excise tax system.

Mr. LEGGETT. Very well.

Dan Poole and others have suggested an excise tax on things other than hunting, recreational facilities, and vehicles. And we thought that rather than get into that at this point, that we would introduce the bill clean, and think about other kinds of rather benign ways of raising taxes at a later time—hopefully with the consent of those folks

that might be taxed. And I think that is one of the things the Fish and Wildlife Service is looking at.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

I don't think I have any questions. I thank you very much for your testimony.

Your bill does open the area into a much wider context, and I don't object to that. I would just say that we recognize that your statement is correct that the support given by the hunter is not all of it, but it has been perhaps a leading support. And it is spreading to the nongame and other environmental values, which I think is a high credit to them. We sure don't want to kick them in the shins.

Mr. FENSTERWALD. I thank you and I certainly don't want to leave the impression that we have any illusions about trying to do away with hunting. We are trying to change the emphasis to protection of other animals which have not received anywhere near their share of the protection that they should be getting.

Mr. LEGGETT. David?

Mr. EMERY. No questions.

Mr. LEGGETT. Very good.

Thank you, Mr. Fensterwald.

The meeting will now stand adjourned. We have to answer a roll-call vote.

We will stand adjourned until 1:30 p.m.

I would say we hope to finish within an hour after we come back.

[Whereupon, at 12:20 p.m., the subcommittee recessed, to reconvene at 1:30 p.m. this same day.]

AFTERNOON SESSION

[Whereupon, at 1:30 p.m., the subcommittee reconvened, Hon. Robert L. Leggett presiding.]

Mr. LEGGETT The subcommittee will come back to order. And the next witness we have scheduled is Mr. Lonnie Williamson, secretary, Wildlife Management Institute.

Mr. Williamson, it is very nice to have you here. Your extensive statement of some eight pages plus supporting papers from some 191 groups that you represent will be included in the record. Do you wish to read your statement?

STATEMENT OF LONNIE L. WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. WILLIAMSON. No, sir, I do not. These are people who have written letters to the Wildlife Management Institute in support of improved nongame wildlife management programs.

Mr. LEGGETT. All right.

All of that material then will be included in the record at this point. [The following was received for the record:]

STATEMENT OF LONNIE L. WILLIAMSON OF WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman: I am Lonnie L. Williamson, secretary of the Wildlife Management Institute. The Institute's program, initiated in 1911, is devoted to the res-

toration and improved management of renewable natural resources. We are pleased to respond to the committee's invitation for comments on H.R. 8606.

The Institute endorses the purposes of H.R. 8606. We applaud the committee's earnest attention to the needs of nongame fish and wildlife and will be pleased to assist in any constructive manner we can.

I should note early on that "nongame" is merely a term of convenience. All wildlife are affected in one way or another by habitat manipulations, and always have been. We are talking here about "nongame" as a separate entity only because that general group of animals has received so little planned and purposeful attention as compared to the relatively few animals that provide recreational hunting.

Wildlife populations in general are in much better condition now than they were in the early 1900's due to the development of scientific management programs. For those species requiring special attention, new authorities have been granted in the Marine Mammals and Endangered Species Acts. Much of the success is a tribute to the fine work of this committee.

The mere fact that Congress determined the Endangered Species Act to be necessary indicates that nongame management programs are not all they should be. The endangered species list is glutted with nongame species while most game species are relatively abundant. Furthermore, the Endangered Species Act is triggered only after a population gets into difficulty. Management of nongame should not be confined to rescue missions. A good nongame fish and wildlife program would prevent them from reaching such a low state.

Increasing pressures on wildlife habitat from a developing society such as ours demand increasing management efforts for all wildlife. The costs rise continuously and programs, including those for game animals, have been pressed severely in recent years. While substantial in monetary terms, the funding for game animal programs is inadequate. And since sportsmen supply most of the states' money, it is understandable why programs are oriented toward those species of greater interest to sportsmen.

While this is an unfortunate fact of life, by no means is it unrealistic. Over the years, sportsmen have worked for necessary laws on both federal and state levels and have put up a disproportionate share of the money to restore and perpetuate wildlife.

In fact, since 1923, when record keeping first began, sportsmen have paid more than \$2.3 billion for state hunting licenses, the principal source of funding for state wildlife programs. Since 1939, they have paid more than \$777 million in excise taxes on sporting arms and ammunition and archery equipment. That too has been apportioned to state agencies for wildlife restoration activities. Hunters also have purchased more than \$175 million in federal duck stamps since 1934. Those funds were used to purchase units of the National Wildlife Refuge System. And, hunters also pay their share of general taxes from which federal wildlife programs are financed. Thus they have provided the burden of financing with which managers enhanced the nation's wildlife resources.

Nongame fish and wildlife unfortunately have lacked a readily identifiable constituency. And until comparatively recent times, there has been little organized public demand for improved programs for nongame. Few individuals and groups have made a strong case for protecting and maintaining this part of our natural heritage. Furthermore, no one has come up with reliable and adequate funding that could finance an adequate effort on a national level. The main recourse for those interested in nongame animals has been the Endangered Species Act, which, of necessity at this point in time, authorizes mainly rescue missions. H.R. 8606 seeks to provide the means whereby federal and state wildlife agencies can take a more positive and fundamental approach to this problem area.

It is important to mention that nongame has not been forsaken to the extent that some might indicate. Many state wildlife agencies do have nongame management programs. They are nowhere near the magnitude needed—and the agencies recognize this fact—because the agencies have not been successful in getting adequate money for that purpose. Furthermore, habitat protection and manipulation on the millions of acres under state ownership and control are of inestimable benefit to certain nongame animals. The public is not aware of this because state agencies have been delinquent in reporting how their programs benefit nongame. They realize, as do all trained wildlife biologists, that habitats for game and nongame are synonymous. For each type of habitat—woodland, wetland,

or grassland—there are certain game and nongame species dependent on it. When habitat is modified, some species of game and nongame inevitably are helped and others are hurt.

A problem is that managers do not know the effects of specific habitat manipulations on all nongame animals. Therefore they may not be able to prescribe habitat alterations with predetermined, desirable effects. Consequently, more must be learned about nongame in order to tailor management programs for the fullest benefit of all species. Specifically, we must learn more about population trends, habitat requirements, impact of habitat alteration, and management techniques on nongame. H.R. 8606 has the potential to provide this knowledge so that all species of fish and wildlife may be treated equitably.

The following are specific changes that we believe could improve H.R. 8606.

1. Section 3(2) appears to limit the definition of a "designated state agency" to one authority in a state. That would work fine in most states. But the States of Pennsylvania and Washington have separate agencies for fish and wildlife. Since the purpose of the definition is to assign this new authority to logical, experienced agencies, care should be taken to assure that such dual agency arrangements are not excluded.

2. Section 3(3) defines nongame fish and wildlife. "Nongame" is a term of convenience, of course, but a definition is necessary to uphold the purposes for which Congress intends that appropriations are to be used. Discussing the separate paragraphs of the definition:

(A) Some groups may urge that the reference to "native" fish and wildlife be deleted. We have no objection to its inclusion, because we believe priority should be given to native fish and wildlife.

(B) OK.

(C) OK, with the qualification contained in lines 14-19.

(D) and (E) OK.

On line 19, following paragraph (C), we believe that it would be desirable to insert: "Such term does not include any domesticated animal that has reverted to a feral existence."

3. Section 5, Program Planning Grants, is a sound addition to earlier drafts. Section 5(c)(1)(C) requires the state to pay for planning costs of developing a program "as are not covered by grants made to it under this section . . ." Considering other provisions in the bill, particularly the "may not exceed" language in Section 7(a) (A) and (B), the full consequence of this language is not clear to us.

Obviously, the intention is that a state shall pay its share of the matching costs. However, there is no set percentage of the costs that those payments would be. The Secretary is not required by the Act to provide any specific percentage or amount, because he would have a cost-share ceiling, not a floor. Therefore, the state's share appears indeterminable. We realize the ceiling approach parallels that in the current Federal Aid in Wildlife Restoration Act. And we know of no problems relating to that ceiling. Considering that H.R. 8606 does not provide for assured funding, however, might a state have to produce more money than originally expected to carry out approved projects or programs if federal appropriations became insufficient to cover ongoing long-range projects or the Secretary were to decide to reduce the federal share for any reason?

That situation may not be in the best interests of the states. It might be an obstacle to a sustained nongame program or good federal-state relations, which are very important in a cooperative venture. We recommend that this paragraph be clarified in line with recommendations received from the states through their International Association of Fish and Wildlife Agencies.

4. Likewise in Section 6(c), it appears that the Secretary is not required to grant any specific amount for program operation, and the states would be required to make up any differences that may occur. That uncertain situation may discourage, rather than encourage, state participation which is the basic tenet of the Act. The paragraph should be clarified.

5. Section 7(a) does not require the Secretary to make planning and operating grants of any specific percentage. The Secretary apparently could make 90 percent grants to one state and 10 percent grants to another for identical nongame planning efforts. There is no need, that we can discern for such broad discretion. In view of the uncertainty of funding for this program, we believe that deletion of the "up to" language, with the Secretary directed to make the 90 percent and 75 percent grants to states with approved requests and when funds are available, would help achieve the objectives of the proposal.

6. Section 7(b) calls for apportionment of available funds for planning and operating grants to be at the Secretary's discretion with very general guidelines. States may be reluctant to attempt any meaningful nongame program under this Act when they have no assurance of sustained federal participation.

Nongame fish and wildlife needs are not unique to any particular state or region. They are nationwide. There is, however, good reasoning for giving more money to the more populous states since, because of social and economic pressures, they have the most habitat-degradation problems. That situation can be handled nicely, we believe, by an apportionment formula which would allocate one-third of the federal money according to area and two-thirds according to population. Any apportionments not used by any state could revert to the Secretary and could be reallocated to other states according to need, at the Secretary's discretion. That approach was developed by this Committee in the pending component parts bill (H.R. 3633).

In any event, use of the initial apportionment should be at the states' discretion, not the Secretary's, so the states would be treated equitably and to encourage their participation. Again, we look forward to the recommendations of the International Association regarding Items 4, 5, and 6.

7. Section 11 calls for general appropriations to fund the program. It is our firm belief that money for this effort should be derived from manufacturers' excise taxes on articles related to the use and enjoyment of nongame fish and wildlife. As listed in the Institute's 1975 report to CEQ and the Interior Department, logical items for such tax would be bird feeders and food, nesting boxes, binoculars, and certain outdoor recreation and camping equipment. That is the only way, to our knowledge, that money can be assured to finance the long range and continuous effort needed to enhance nongame animals.

Success of the current Federal Aid in Wildlife and Fish Restoration Programs is due primarily to their assurance of funds. The excise tax approach offers built-in safeguards against inflation. Receipts keep pace with inflationary trends as well as yield more money as more items are sold to the increasing number of resource users. Funding from the general treasury is not nearly as dependable. One has only to look at the history of "on again-off again" funding for the operation of the National Wildlife Refuge System, Cooperative Wildlife Research Units, and state grants under Section 6 of the Endangered Species Act to see what we mean. The funding record for wildlife programs in the Bureau of Land Management and the U.S. Forest Service offers further evidence.

Should the Committee decide to retain general fund authorizations, we recommend that language be considered whereby monies appropriated during one fiscal year would be apportioned the following fiscal year. This would enable the Fish and Wildlife Service to know ahead of time exactly how much money will be available for apportionment. The states also would know for sure how much money is going to be available in time to refine their programs accordingly. Wildlife research, for example, cannot be turned on and off like a faucet. Should funding be denied midway, an entire project may be sacrificed and earlier investments wasted. Delayed funding also would let the states know how much matching money they need to request from their legislatures.

Again, we commend the Committee for its initiative and interest in this most deserving matter. It is believed that the Committee will find, as it proceeds to process this legislation, that there is considerable national support for its enactment. Enclosed is a list (as of date shown) of organizations and institutions that have written the Institute and relayed their support of improved nongame fish and wildlife conservation programs. Their letters are on file in our office.

ORGANIZATIONS AND INSTITUTIONS SUPPORTING IMPROVED NONGAME FISH AND WILDLIFE CONSERVATION PROGRAMS

1. North American Native Fishes Association.
2. Wild Canid Survival and Research Center.
3. Arkansas Game and Fish Commission.
4. New Jersey Division of Fish, Game and Shellfisheries.
5. Outdoor Writers Association of America.
6. Riverside County, Calif., Fish and Game Commission.
7. University of Wyoming National Park Service Research Center.
8. Western Pennsylvania Conservancy.
9. Portland, Oreg., Journal.

10. Pittsburgh, Pa., Press.
11. American Association for Conservation Information.
12. Scenic Hudson Preservation Conference.
13. Connecticut Wildlife Unit.
14. North Dakota Wildlife Federation.
15. VPI School of Forestry and Wildlife Resources.
16. Texas Conservation Council.
17. Rocky Mountain Forest and Range Experiment Station.
18. Houston Sportsmen's Club.
19. Indiana Division of Fish and Wildlife.
20. Conservation Society of Southern Vermont.
21. Tennessee Conservation League.
22. U.S. Forest Service Fisheries and Wildlife Management Staff, San Francisco, Calif.
23. Connecticut River Watershed Council.
24. Rutgers University Department of Horticulture and Forestry.
25. Marine Environmental Council of Long Island.
26. North Carolina Wildlife Resources Commission.
27. Lycoming Audubon Society.
28. Central Michigan University Department of Biology.
29. Oregon State University Department of Fisheries and Wildlife.
30. Hawaii Division of Fish and Game.
31. Hawaii Audubon Society.
32. Hawaii Institute of Pacific Islands Forestry.
33. Florida Conservation Foundation.
34. U.S. Forest Service Southeastern Experiment Station.
35. New York-New Jersey Trail Conference.
36. Delaware Nature Education Society.
37. Missouri Department of Conservation.
38. Washington Department of Game.
39. Texas A&M University Department of Wildlife and Fisheries Sciences.
40. Tennessee Environmental Council.
41. Utah Division of Wildlife Resources.
42. National Wildlife Refuge Association.
43. Austin Peay State University Department of Biology.
44. International Society For the Protection of Animals.
45. Statesboro Georgia Herald.
46. Michigan United Conservation Clubs.
47. Idaho Nature Conservancy.
48. Whooping Crane Conservation Association.
49. Delaware Division of Fish and Wildlife.
50. Humane Society of the United States.
51. Welder Wildlife Foundation.
52. Utah State University Department of Wildlife Science.
53. Illinois Natural History Survey.
54. University of Montana Wildlife Biology Program.
55. Tennessee Wildlife Resources Agency.
56. American Chemical Society.
57. South Carolina Wildlife and Marine Resources Department.
58. Guam Science Teachers Association.
59. Michigan Department of Natural Resources.
60. American Forestry Association.
61. Florida Game and Fresh Water Fish Commission.
62. University of Florida School of Forest Resources and Conservation.
63. Montana Department of Fish and Game.
64. North American Falconers Association.
65. Game Conservation International.
66. Indiana Conservation Council.
67. Pennsylvania Game Commission.
68. University of Minnesota Department of Entomology, Fisheries and Wildlife.
69. Virginia Cooperative Wildlife Research Unit.
70. Minnesota Ornithologists' Union.
71. Colorado Division of Wildlife.
72. South Dakota Cooperative Wildlife Research Unit.
73. Tallgrass Prairie Foundation.

74. Colorado State University Department of Fishery and Wildlife Biology.
75. J.N. "Ding" Darling Foundation.
76. American Cetacean Society.
77. University of Maine School of Forest Resources.
78. Tennessee Ornithological Society.
79. Citizens For Wildlife Preservation.
80. U.S. Forest Service Wildlife Division.
81. Oklahoma Wildlife Federation.
82. Urban Wildlife Research Center.
83. University of New Hampshire Institute of Natural and Environmental Resources.
84. Florida Wildlife Sanctuary.
85. Arizona Wildlife Federation.
86. Mississippi State University Department of Wildlife and Fisheries.
87. South Dakota State University Cooperative Extension Service.
88. Rhode Island Division of Wildlife.
89. Georgia Wildlife Federation.
90. Wisconsin Department of Natural Resources.
91. Illinois Department of Conservation.
92. Des Moines Iowa Register and Tribune.
93. The Conservation Foundation.
94. Maine Department of Inland Fisheries and Wildlife.
95. Minnesota Department of Natural Resources.
96. Pennsylvania Cooperative Wildlife Research Unit.
97. South Dakota Division of Game and Fish.
98. Arkansas State University Division of Biological Sciences.
99. Pennsylvania Fish Commission.
100. New York Nature Conservancy.
101. North Dakota Game and Fish Department.
102. Utah Cooperative Wildlife Research Unit.
103. Muscatatuck National Wildlife Refuge.
104. Illinois Nature Conservancy.
105. University of Idaho College of Forestry, Wildlife and Range Sciences.
106. American Fisheries Society.
107. Northeast Center For Natural Areas.
108. Idaho Department of Fish and Game.
109. Illinois Wildlife Federation.
110. Buffalo Gap National Grassland.
111. Helena National Forest.
112. Minnesota Izaak Walton League.
113. California Wildlife Defenders.
114. Kansas Wildlife Federation.
115. University of Wisconsin College of Natural Resources.
116. Endangered Species Productions.
117. Payette National Forest.
118. Conservation Federation of Missouri.
119. Missouri Wildlife Society.
120. New Jersey Audubon Society.
121. Western Forestry and Conservation Association.
122. Inland Bird Banding Association.
123. Northeastern Forest Experiment Station.
124. Maryland Environmental Trust.
125. New Hampshire Fish and Game Department.
126. Ohio Division of Wildlife.
127. Society of American Foresters.
128. North Carolina Wildlife Federation.
129. Society for Animal Protective Legislation.
130. Valdosta Georgia Daily Times.
131. Iowa State University Department of Forestry.
132. Eagle Valley Environmentalists.
133. David McKay Publishing Company.
134. Society for the Preservation of Birds of Prey.
135. Max McGraw Wildlife Foundation.
136. Sport Fishing Institute.
137. The Wilderness Society.
138. Boy Scouts of America.

139. West Virginia Wildlife Resources Division.
140. Maryland Wildlife Administration.
141. Wyoming Outdoor Council.
142. The Wildlife Society.
143. Northern Virginia Wildlife Society.
144. Environmental Law Institute.
145. Chesapeake Bay Foundation.
146. Natural Land Institute.
147. Massachusetts Audubon Society.
148. U.S. Forest Service, Region 4.
149. Center For Natural Areas.
150. Oklahoma Ornithological Society.
151. University of Maine School of Forest Resources.
152. Alaska Department of Fish and Game.
153. Arkansas Natural Heritage Commission.
154. Michigan State University Department of Fisheries and Wildlife.
155. Oklahoma Department of Wildlife Conservation.
156. Idaho Wildlife Federation.
157. University of Montana Cooperative Wildlife Research Unit.
158. Massachusetts Wildlife Federation.
159. New York State Department of Environmental Conservation.
160. Ruffed Grouse Society.
161. Delaware Nature Education Association.
162. Connecticut Wildlife Federation.
163. Colorado Cooperative Wildlife Research Unit.
164. VPI Cooperative Extension Service.
165. American Society of Ichthyologists and Herpetologists.
166. Kansas Ornithological Society.
167. Nebraska Game and Parks Commission.
168. Louisiana Wild Life and Fisheries Commission.
169. University of New Hampshire College of Life Sciences and Agriculture.
170. Scenic Hudson Preservation Conference.
171. U.S. Forest Service, Region 8.
172. Southern Illinois University Fisheries Research Laboratory.
173. Federation of Western Outdoor Clubs.
174. Baton Rouge Audubon Society.
175. Vermont Natural Resources Council.
176. Patuxent Migratory Bird Research Laboratory.
177. North Dakota Game and Fish Department.
178. Elsa Wild Animal Appeal.
179. Iowa Department of Public Instruction.
180. Southeastern Cooperative Wildlife Disease Study.
181. University of California, Berkeley College of Natural Resources.
182. Cornell University Laboratory of Ornithology.
183. Arkansas Trappers Association.
184. International Crane Foundation.
185. Oregon Wildlife Commission.
186. Oregon Environmental Council.
187. Sierra Club, Pacific Northwest.
188. Western Illinois University College of Arts and Sciences.
189. Indiana State University Department of Life Sciences.
190. U.S. Forest Service, Blanco Ranger District.
191. Iowa Izaak Walton League of America.

Mr. WILLIAMSON. Thank you, Mr. Chairman. I will be very brief.

We of course endorse very strongly the purposes of H.R. 8606 and applaud the committee's earnest attention to this matter.

We also would like to commend the very capable staff work that has been done on this. The bill we think is a good one and is going to serve a very high purpose.

I won't go into all the comments I have here, Mr. Chairman. I would like to get directly to a couple of points that we have questions about. These are mainly things that we do not understand and would like clarified.

There are two things I would like to point out:

One, in the definition section of the bill, section 32 where it defines a State agency, it appears to us that the definition of a designated State agency limits the program to one authority in a State. That would be fine in most States, but in the States of Pennsylvania and Washington, for example, they have separate agencies for fish and wildlife. And since the purpose of the definition is, we think, the assignment of the new authority to logical experienced agencies, care should be taken to assure that such dual agency arrangements are not excluded.

Mr. LEGGETT. All right. That is a good suggestion. The staff has noted it.

Mr. WILLIAMSON. And another thing we would like to comment on is that we very strongly support the new concept of planning grants.

That concept in the House bill we think is a very fine addition.

Section 7(d), which was talked about this morning, does not have an apportionment formula. We think there should be an apportionment formula in the bill simply because some States we are familiar with may be reluctant to attempt any meaningful nongame program otherwise. They may do this because they really have no assurance of sustained Federal participation.

We only heard from four of the States this morning. There are many others out there who have spoken to me about their concerns in recent days about the absence of an apportionment formula. We think that situation could be handled very nicely with an apportionment formula that we have talked about in the past: One which would apportion the money, one-third on the basis of area and two-thirds on the basis of population.

And we think that the money—

Mr. LEGGETT. The population of animals or people?

Mr. WILLIAMSON. The population of people.

We think the money should be directed in larger amounts toward the more populous States simply because those are the areas that have the most serious wildlife habitat degradation problems.

Another thing, Mr. Chairman, the bill calls for a general appropriation.

As you know, we support very strongly the idea of excise taxes to fund this program. We believe it is the best way to go.

I think that the committee will find as it proceeds with this legislation that there is considerable national support for its enactment. And the list I have enclosed here is merely for the committee's information. It is not a part of my statement. It shows organizations and institutions throughout the country that have written to us and related their support of improved nongame fish and wildlife programs.

These people, these organizations have written on their letterheads to our office relating their support for improved nongame fish and wildlife programs. And their letters are on file in our office, if the committee cares to see them.

This list of organizations represents 47 States and the District of Columbia and Guam. So I think the committee has a very popular item on its hands and we hope for its early enactment.

Mr. LEGGETT. OK.

We appreciate that.

Thank you very much.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

I wish to thank the witness for his interest and the interest of your organizations in this legislation. I don't think I have any questions.

Mr. GUTTING. I have one question which concerns the allocation of moneys to the States.

On the one hand there is the interest of having certainty to the States. On the other hand, there is a problem created by the fact that the proposed program in the bill depends on appropriations and there may be a lot of money in the 1 year and not enough money the next. Mr. Greenwalt has testified that by having a flexible system with some discretion to the Secretary, we could have a system that would respond better to the uneven flow of the money.

Mr. Greenwalt stated that he thought the choice between a rigid formula on the one hand and discretion on the other depended to a great extent upon the flow of money.

Do you agree with Mr. Greenwalt or do you have different thoughts on how we might balance these two opposing interests?

Mr. WILLIAMSON. I certainly agree that it would present a problem. And I have put in my statement here on page 7 thoughts on this matter and our recommendation that the bill include a formula, and if possible, language requiring moneys appropriated during 1 fiscal year to be apportioned during the following fiscal year. This would take care of the problem we are talking about now.

The main concern with the appropriation, as called for in the bill, is that the Fish and Wildlife Service and the States involved would be hard pressed to really plan their efforts with the money maybe coming in so late. They really would not know how much money they would have on hand until very late in the game.

As it now is, the collections of 1 year are apportioned the following year under the excise-tax formula in the PR program. And they have a fairly good idea of how much money they will have on hand. The Service knows how much the collection is and it makes a preliminary apportionment. The States know about how much they are going to get. They can plan their programs and carry them out.

But with appropriations, they do not have this leeway, you see. And that is the reason we made the suggestion that, if it is feasible, the apportionments be delayed for 1 year. I think that would solve the problem.

I don't know if that is possible or not.

Mr. MANNINA. Lonnie, thank you very much.

You indicate that 191 organizations have expressed support for the concepts embodied in this legislation.

Have these groups also expressed their support and the support of their members for an excise tax?

Mr. WILLIAMSON. No, Mr. Mannina, they haven't. Many groups contacted us when this nongame bill became a reality and Congress started moving and asked us to keep them apprised of its progress. After receiving those letters, we sent out a mailing to a large list of organizations saying that if you support improved nongame and wildlife programs and if you would like to be kept abreast of what is going on in the Congress with the bill, would you please notify us on your letterhead.

These organizations did not state their support for this particular bill or any particular provision. They are interested in improved nongame fish and wildlife management programs.

Mr. MANNINA. Let me rephrase the question.

Do you believe that the individuals who would be paying an excise tax would support such a provision in this bill?

Mr. WILLIAMSON. Yes; it is my feeling that they would. I think there is a broad spectrum of people that would willingly pay the excise tax.

I think initially with some of the items, that you would probably not get the support of manufacturers—just as when the Congress began considering the excise tax on archery equipment for the Pittman-Robertson Fund, the archery manufacturers almost unanimously were opposed to it until some work was done and they began to realize, as some of the other taxed manufacturers have, that this is really in their own interest as well as the resources.

Mr. MANNINA. Thank you.

Mr. LEGGETT. Very good.

Mr. FORSYTHE. Could I just ask one question?

Have you any concept of items that you would believe would be attractive for excise tax?

Mr. WILLIAMSON. Yes, sir, I think an obvious group of items would be things connected with song birds, for example; things such as bird feeders, bird food, nesting boxes, and so forth. I think those are the most logical items right off the bat that could be considered for an excise tax. And, in talking with a great many people who are members of the National Audubon Society and other ornithologically oriented groups in the country, these people are interested not in just talking, but they are interested in providing some money. And I think these types of items, at least initially, would be very good to be considered for excise tax purposes for nongame fish and wildlife.

Mr. LEGGETT. Thank you very much, Mr. Williamson. That is very helpful.

Next we have another panel. We have Mr. Beckner of the Fairfax County Park Authority; Philip Chabot, East Bay Regional Park; and Susan Allen, representing the Association of Interpretive Naturalists.

We are glad to have all you folks here.

Let's see; is East Bay in California?

PANEL CONSISTING OF BILL BECKNER, CHIEF NATURALIST, FAIRFAX COUNTY PARK AUTHORITY, FAIRFAX, VA.; PHILIP L. CHABOT, JR., REPRESENTING EAST BAY REGIONAL PARK DISTRICT; AND SUSAN ALLEN, SECRETARY-TREASURER, ASSOCIATION OF INTERPRETIVE NATURALISTS

Mr. CHABOT. Yes, sir.

Mr. LEGGETT. Let's see. Are we going to have ladies first here? All the statements will be included in the record.

Ms. ALLEN. We chose by lot and the men go first.

Mr. LEGGETT. OK. The men will go first. We will hear from Mr. Beckner first.

Mr. CHABOT. I will go first.

Mr. LEGGETT. Very good.

Tell us about East Bay.

Mr. CHABOT. Mr. Chairman, as the representative of a neighboring district, you might well be familiar with it.

Mr. LEGGETT. That is correct. I grew up there.

Mr. CHABOT. I hope when you did you took the opportunity to visit their parks.

Mr. LEGGETT. I did so many times.

Go ahead.

Mr. CHABOT. If you were to visit these parks now, Mr. Chairman, you would discover that the park district administers today 46,000 acres in 38 parks with 10 million visitors.

Mr. Chairman, I am happy to appear today on behalf of the East Bay Regional Park District and on behalf of what many would claim to be another endangered species in this country; regional and local public bodies.

In the San Francisco Bay area—

Mr. LEGGETT. Regional and local public bodies are not endangered in the bay area.

Mr. CHABOT. Well, sir, certainly there are many of them.

Mr. LEGGETT. Yes, there are.

Mr. CHABOT. We are concerned however about the numbers in which they appear in this bill.

The district, as you know, has primary responsibility in the San Francisco Bay area for the administration of public park land. If one compares the number of visitors in the East Bay Park District to those of other States, there are 35 States which have fewer visitors to their parkland than does East Bay.

There are 12 States which administer fewer park acreages than does East Bay.

We are therefore here today to request this committee to consider amending H.R. 8606, which we do favor in principle. We ask that it be amended to include regional and local governments. We believe that unless such an amendment is included, the bill will necessarily fall short of its goal to extend the protection of nongame fish and wildlife to urban areas.

In many of these areas, the people have made a decision to administer such parkland through regional and local bodies rather than through agencies of the State.

Mr. LEGGETT. Can you press that with the Governor?

Mr. CHABOT. Well, there are two points to be made on that, Mr. Chairman.

First, I think historically there is a basis for some fear that the moneys might not find their way to regional and local governments—particularly given the fact that these programs compete with those of the State for public funding.

More importantly, I question whether it would be legally permissible under the language of the present bill for the States to distribute moneys to regional and local governments. If it is the intent of the Chair that be done, we ask it be made explicit because I think there

would be a serious legal question as to the right of the States to distribute money to locations given the present language of the bill.

MR. LEGGETT. All right.

Well, the way the bill is written now, we have \$7 million in funding. That would provide \$700,000 to the State of California, provided that money is appropriated, which would be split by four congressional districts. And so you can see it is a rather lush program.

[Laughter.]

MR. CHABOT. Well, certainly it is not a great deal of money. But we would hope that in distributing whatever amount is made available, recognition would be taken of the responsibilities that these local governing agencies do bear for the maintenance of these kinds of programs and that authority be provided to the States to pass through some of this money when the local governing bodies do have consistent programs that further the State conservation program.

We would note, for example, the very similar funding proposals contained in the Bureau of Outdoor Recreation's provisions, 16 U.S.C. 4601. And we have patterned our recommendations after that section.

Mr. Chairman, if you have any further questions, I would be happy to answer them at this time or at the end of the panel's presentation.

MR. LEGGETT. Well, the staff will be instructed to consider State and local governments as direct grantees under the program. But you have got to face it; you need more dough here. If we are going to be scrapping over more than we have got here.

Now, it may well be that Mr. Forsythe will choose to be more ambitious and lofty with respect to the funding aspiration as time goes on—considering the monumental support he has had or the bill. And so we will have to look at that.

MR. CHABOT. Thank you, Mr. Chairman.

MR. LEGGETT. OK.

Next we will hear from Bill Beckner of Fairfax.

MR. BECKNER, I suspect you probably manage the squirrels on my front lawn.

MR. BECKNER. That is probably true.

As I have noted in my testimony, I am representing the Fairfax County Park Authority. And in the interest of keeping things short, I will have a short summary.

The major thing that we are interested in informing the committee of is the fact that we are currently in the process of developing habitat plans and managing habitats for nongame species. We already have parks where we can do these kinds of things.

One specific example is the Huntley Meadows Parks which is about 40 minutes from here and is near Alexandria. It is a 1,262-acre park which was obtained through the legacy of parks program.

In the natural resource management plan, it is specifically stated that it "seeks to enhance the passive recreational benefits of the site—for nonconsumptive use."

I think that in the park authority in our attempts to manage these things, Mr. Chairman, we have some very special concerns. And these are partly based on our past experience of working with State planning agencies.

One is the bill should contain specific wording that the States will consider local political subdivisions in planning and implementing programs.

Perhaps the most important one is that there should be involved some kind of a carrot with the carrot-stick approach. And in that regard we would like to suggest that you have some kind of a situation where in-kind assistance or appropriated moneys provided by the locals could be used by the States as part of their management share. I think that this would certainly encourage them to include us in their planning program and then in the funding program.

Mr. LEGGETT. Let me ask the staff what we have provided for as in-kind.

Is it all cash that we are to consider?

Mr. MANNINA. It implies appropriate in-kind.

Mr. LEGGETT. Appropriate kind? Which is not necessarily appropriate in-kind.

Mr. MANNINA. It says:

The Secretary may allow States to provide State planning matching costs and State operating matching costs in the form of funds or real or personal property; except that no Federal moneys received by any State under any other provision of law may be used, directly or indirectly, by the State, for purposes of providing either of such matching costs.

Mr. LEGGETT. All right.

We will see that language is put in so that we give consideration to the in-kind effort.

Mr. BECKNER. OK.

In conclusion, for the Fairfax Park Authority, I would like to thank you for the opportunity to speak but I would also like to extend to the committee an invitation to visit the park authority. If you like, the staff could make the arrangements and we would be glad to take you on a tour of these areas.

Mr. LEGGETT. I visit your parks all the time. I am well aware of your work.

Mr. BECKNER. Well, we are glad you do, sir, but perhaps you would like to bring the rest of the subcommittee with you.

Mr. LEGGETT. If they want to do it on their time, it is up to them.

Mr. BECKNER. Thank you.

[The following was received for the record:]

STATEMENT OF BILL BECKNER OF THE FAIRFAX COUNTY PARK AUTHORITY

Mr. Chairman, members of the committee, I am Bill Beckner, Chief Naturalist for the Fairfax County Park Authority, Fairfax County, Va. On Tuesday, September 20, 1977, the Fairfax County Park Authority voted unanimously to support the establishment of a national nongame fish and wildlife program.

I believe this action is indicative of the support such a program would have in other urban areas and I hope this testimony is representative of their concerns. Fairfax County comprises about 400 square miles of land on the western side of the Potomac River. The County currently has a population of 560,000 which is increasing by 25,000 annually.

The Park Authority has 222 parks totaling 12,000 acres of which 9,000 acres are in an undeveloped state. We provide areas for people to play and areas where they can sit and think. We also provide habitat for a wide variety of wildlife.

Our most specific concern is that this bill does not place more emphasis on the local agencies, role in providing wildlife habitat. Although state controlled parks

and game management areas provide habitat for nongame species, it is the towns, and urban areas where the wildlife habitat is most needed and most endangered. It is these same areas where the greatest number of nongame habitat programs are currently being conducted.

Urban agencies such as the Park Authority have been providing wildlife habitat since they established their first park in the early fifties. But, the areas are not just for wildlife; people too need the diversity, the beauty, the cooling effect, the noise absorbing qualities and the oxygen that are not provided by the asphalt deserts. If the future is to bring restricted travel because of higher fuel costs or fuel shortages the need for human and wildlife habitat close to home will greatly increase.

The Park Authority provides habitat for people and wildlife by protecting the stream valleys and acquiring and developing parks in an environmentally sound manner. As an example, Huntley Meadows is a 1,262 acre park near Alexandria, Va. This Park was obtained in 1974 through the "Legacy of Parks" program. The area is currently in a natural state and the Natural Resource Management Plan "seeks to enhance the passive recreational benefits of the site through the protection and improvement of existing habitats and increased diversification of wildlife species for non-consumptive (as opposed to hunting and fishing) use."

Other significant habitat areas include:

1. The 435-acre Lake Accotink which is within a mile of the capital beltway and contains an inland freshwater marsh with a diverse wildlife and bird population;

2. Riverbend and Drainsville District Parks, constituting approximately 750 acres of woodland habitat along the Potomac River. Turkey, bobcat, beaver, deer and a wide variety of flora and fauna have been reported in these parks; and

3. At Burke Lake Park, the Park Authority controls 670 acres of land and works cooperatively with the Virginia Commission on Game and Inland Fisheries since they own the 218 acre lake within the park.

The examples could be continued for quite some time. But, the point is that the Park Authority, along with numerous state and local park agencies, already have wildlife habitat for nongame purposes. In one instance in Fairfax County the citizenry in a bond referendum have noted funds to develop wildlife habitat. This bill, if it properly recognizes those agencies that exclusively provide nongame habitat, will enable agencies to develop habitat programs for existing areas in and around the population centers of America.

To give you some idea of our current efforts in resource management plans and habitat development, the Park Authority has made copies of the Huntley Meadows Preliminary Master Plan Report available to the committee staff for your use.

The Park Authority Board is unanimously in favor of a bill for the establishment of nongame fish and wildlife programs. However, there are specific concerns with House Bill 8606 as drafted.

1. Attempts to distinguish between game and nongame species become too complicated because of the many variables and some species will either be omitted or become a point of contention to be resolved later. For example, the pheasant is aesthetically valuable and is not hunted in most of Fairfax County, but as the bill is presently drafted, habitat development specifically for this non native bird is prohibited. It would be much simpler to restrict the bill to fish and wildlife programs for nongame purposes only; except to exclude species covered by the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972.

2. The bill should contain specific wording that will require states in planning and implementing programs to consider significant wildlife habitats found under the jurisdiction of their political subdivisions.

3. To enhance local participation, in-kind assistance or appropriated monies provided by locals in the planning and implementing process, should be cumulatively accounted as a portion of the States matching share for planning or operating costs.

4. Similar to the funding procedures of the Land and Water Conservation Fund Act of 1965, as amended, the States should be allowed to distribute grant monies to local agencies as needed and justified. In addition, political subdivisions of the states should be allowed to share in the transfer of federal personnel, equipment and information for purposes of implementing approved conservation programs.

5. Since this Bill is inadequately funded, land acquisition should be considered the lowest priority use of grant monies. The land and water Conservation Fund monies can legitimately be used for acquisition of habitat areas.

6. Funding for this program should be increased from the current 25 million dollars over a three (3) year period to at least 90 million dollars for the same period.

7. Once habitat areas have been reserved or developed the most important jobs are promoting public understanding of the resource and protecting the resource from those who would abuse and misuse it. Restricting these programs to 25 percent of the grant monies seems to be defeating the purpose of the bill. Perhaps if a specific limit could be placed on monies available for personnel salaries the 25 percent restriction could be deleted.

In conclusion I would like to say that in Fairfax County we could make use of these funds if they were available now. We are committed to programs that will enhance the wildlife habitat and the human environment. I would hope that the bill in its final form will recognize the importance of local agencies in providing habitat for nongame fish and wildlife.

On behalf of the Fairfax County Park Authority I appreciate being given the opportunity to speak in support of the establishment of a nongame fish and wildlife program, and would like to extend an invitation to the committee to visit the Park Authority. If committee staff will contact us as to convenient dates we will be happy to arrange a tour of some of our nongame habitat areas. This would allow you a firsthand look at the efforts currently being made by local agencies in urban areas. Thank you for your time and attention.

PREPARED STATEMENT OF PHILIP L. CHABOT, JR., ON BEHALF OF THE EAST BAY REGIONAL PARK DISTRICT, OAKLAND, CALIF.

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear today in support of the purpose embodied in H.R. 8606 and to urge the Committee to bring within the intended beneficiaries of the bill those regional and local public bodies which cooperate with State governments in the development of nongame fish and wildlife conservation programs.

For at least a decade, various groups have called attention to the need for Federal and State governments to take a more active role in the management of nongame fish and wildlife. Historically, the involvement of the Federal government has been limited and that of the States has been directed primarily toward fish and wildlife subject to harvest. Various reports, such as those prepared by Dr. Clement with the aid of the Council on Environmental Quality and the International Association of Fish and Wildlife Agencies, have all indicated that the time for specific Federal legislation is at hand.

Those who are concerned about the need for such legislation are encouraged by the leadership of the Chairman who, together with Congressman Forsythe, introduced this legislation. We are further encouraged by the fact that hearings on this bill have been scheduled so promptly. We note with satisfaction that similar legislation is before the Subcommittee on Resource Protection of the Senate Committee on Environment and Public Works. These developments offer positive proof that Congress is ready to consider a comprehensive Federal program to assist states in protecting nongame fish and wildlife.

As our participation in this hearing demonstrates, however, the implementation of such a conservation program is of interest not only to the Federal and State governments, but to local governments as well. Many regional and local public bodies, often without Federal or State encouragement or assistance, have already recognized the need and taken upon themselves the responsibility to implement such a program.

Unfortunately, H.R. 8606 does not take the efforts of regional and local governments into account in the administrative mechanism it seeks to establish. We believe this oversight seriously jeopardizes the bill's goal of encouraging the development of nongame conservation programs in both urban and nonurban areas.

In the San Francisco Bay Area of Alameda and Contra Costa Counties, for example, the primary responsibility for the management of public lands and resident wildlife is not borne by the State of California, but by the East Bay Regional Park District, a special purpose district established pursuant to Section 5500 of the California Public Resources Code. The District is the largest public

land owner in the area. It administers 38 parks comprising over 46,000 acres. These lands serve as the habitat for nearly every species of game and nongame animal to be found in California—from the smallest wren to the largest bird of prey. Within this habitat may be found the salt marsh harvest mouse, the least tern, the Alameda striped racer, and the golden eagle—all on the list of endangered species.

The parklands operated by the District are visited by more than 10 million people annually. In 1976, 77,000 of these visitors had program contacts with one or more of the District's educational interpretive staff. An additional 126,000 visited the District's educational centers.

The District is about to expand its program by employing a wildlife specialist. In addition three new educational centers are being built. In short, the District is already engaged in the development of a comprehensive nongame conservation program including:

- (1) research and monitoring;
- (2) enhancement of species and environment;
- (3) designation of necessary land;
- (4) information and education;
- (5) public liaison and enforcement; and
- (6) development of adequate physical facilities and services.

The District is not unique in its concern for fish and wildlife. Other urban park agencies, including those of Cleveland, Minneapolis, Chicago and Northern Virginia are equally involved.

Unfortunately, none of these regional or local agencies would be assisted by the present bill. As now drafted, the bill provides funds only to that agency in each State which has primary legal authority for the conservation of nongame fish and wildlife. This is apparently based on the assumption that these State agencies bear the principal conservation responsibility in both urban and rural areas of each State. As the example of East Bay demonstrates, however, this assumption is not correct in every region of the nation.

The present administrative provisions of the bill discriminate unfairly against those urban areas that have chosen to administer their public parks through local and regional public bodies rather than through agencies of the State. In these areas States frequently have only a limited role in the administration of public park lands. Consequently, unless some provision for assistance to regional and local governments is incorporated into this bill, it will necessarily fall short of its goal of encouraging the development of nongame conservation programs in urban areas.

Accordingly, I have been asked by the Director of the East Bay Regional Park District to present for the consideration of this Committee a series of amendments which would allow regional and local public bodies to participate in the development and implementation of nongame conservation programs. A copy of these suggested amendments is attached to this statement.

Inherent in these suggested amendments is our recognition of the principle that appropriate State agencies can and should bear primary responsibility for the development and administration of nongame conservation programs. Our suggested amendments would simply authorize and direct State agencies to cooperate with participating regional and local public bodies in the preparation, development, and administration of these programs. Participating regional and local agencies would then become entitled to share in the funds made available through this bill.

Both fairness and sound public policy dictate that those regional and local governments which bear significant responsibility for the establishment and maintenance of wildlife habitat be given the opportunity to share in the responsibilities and benefits of this proposed legislation. With the addition of provisions permitting such cooperation, we urge that this bill to establish a nongame fish and wildlife program be approved by the Committee.

I thank you once again, Mr. Chairman, for the opportunity to submit these remarks and hope they will prove of assistance.

PROPOSED AMENDMENTS TO H.R. 8606

Page 2, line 12: Strike "State."

Page 2, line 19: Strike all before the word "should" and insert in lieu thereof: "(5) States, in cooperation with regional and local public bodies within the States,"

Page 2, line 24: Strike all before the word "for" and insert in lieu thereof: "States and regional and local public bodies within the States."

Page 5, line 16: Add after "program" the words: "with provisions for cooperation with regional and local public bodies in such implementation."

Page 7, line 11: Insert after "State" and before "will," the words: "in cooperation with participating regional and local public bodies within the State."

Page 7, line 16: Add after "program" the words: "in consultation with participating regional or local public bodies within the State."

Page 7, line 17: Insert after "State" and before "will," the words "including participating regional or local public bodies within the State."

Page 8, line 8: Add the following new sentence: "Where regional or local public bodies within a State are cooperating with that State in program planning, the State shall allocate and transfer to such other public bodies an equitable share of its planning grant."

Page 9, line 20: Add the following new sentence: "Where regional or local public bodies within a State qualifying for grants under this section operate or establish a program that is consistent with an approved State program, the State shall allocate and transfer to such other public bodies an equitable share of its program grant."

Page 10 following line 11: Insert a new paragraph (3) reading: "(3) State costs under subparagraph (1) and (2) of this subsection shall include costs of regional and local public bodies in developing and implementing the State nongame fish and wildlife conservation program."

Page 11, line 13: Insert after "State" and before "to" the words: "and participating regional and local public bodies."

Page 11, line 14: Strike "State" each time it appears.

Page 11, line 17: Insert after "State" and before "under" the words: "or participating regional or local bodies."

Page 11, line 18: Insert after "State" and before "for" the words: "or participating regional or local public bodies."

Page 11, line 24: Insert after "agency" and before "the," the words "and shall require each participating regional and local public body to maintain and provide for inspection such records as shall enable the State to comply with the terms of this Act and regulations promulgated thereunder."

Page 12, line 5: Insert after "State" and before "has" the words: "or any regional or local public body."

Page 13, line 2: Strike "transfer" and insert in lieu thereof, "make available." Insert after "State" and before "such," the words: "or regional or local public body."

Page 13, line 3: Insert after "and" and before "equipment," the words "loan or transfer means."

Page 13, line 5: Insert after "State" the words: "or regional or local public body."

Page 13, line 12: Insert after "State" and before "in," the words "and regional and local public bodies."

Page 13, line 25: Insert after "agency" the words: "or regional or local public body."

Page 14, line 5: Insert after "agencies" and before "to," the words "a regional or local public bodies."

Page 14, line 19: Insert after "agency," and before "deems," the words: "or regional or local public body."

Mr. LEGGETT. All right.

Very good.

Now, we are going to hear from Susan Allen, who is an interpretive naturalist.

Ms. ALLEN. And I know the very first question is: What is an interpretive naturalist?

My answer to that is, I wish Mr. Doig from New York was still here because we are doing exactly what he said needed so desperately to be done in the Adirondacks: we are conducting interpretive educational programs for the general public on a large scale.

Chances are I am sure you have run into us somewhere along the line—either in a national park or a forest or a wildlife refuge where you've enjoyed a program with a park ranger. Or hopefully you have visited one of your nature centers or parks, Congressman Leggett, in Fairfax County, such as Lake Accotink Park or Hidden Oaks Nature Center.

We consider ourselves to be the stewards of nature's resources.

But in addition to doing the programs that I will describe later on, we are also managers. And when Mr. Greenwalt said this morning that he couldn't find any very substantive records of what the Federal and State governments were doing as far as managing nongame habitats, my answer to that is, for all practical purposes, it is the interpretive naturalists who are employed by the State and local park systems, Mr. Chairman, who are responsible for the majority of the nongame wildlife management in the country—and particularly in those urban areas where people have the greatest opportunity to interact with nongame wildlife.

For example:

The Los Angeles County Department of Parks and Recreation holds 71,000 acres of land in the vicinity of the second largest city in the Nation. That includes 43,000 acres of land called Catalina Island.

East Bay, as Mr. Chabot mentioned, has about 46,000 acres, 35,000 of which are designated as wilderness or wildlife preserves or natural environment units within major parklands.

The Northern Virginia Regional Park Authority, also in Fairfax County, has 7,000 acres in addition to 12,000 that is administered by the Fairfax County Park Authority.

And as you go into the State systems, the North Carolina State Parks has 122,000 acres of land which is mostly wildlife refuge habitats.

When you come down to the smaller scale, the Somerset County Park Commission in New Jersey just doesn't have as much land but it systematically inventories all of its parklands for critical wildlife habitats and restricts development in that land.

Characteristically, they do it entirely with their park staff with little or no assistance from the State game commissions. We can certainly sympathize with the problems of the State fish and game commissions when they think about not having the personnel to handle nongame programs.

We can attest to that fact because we are the ones who get the calls when the raccoons are caught in the chimney or the snake in the window well or beavers are chopping down the biggest trees in the backyard—it is not the game wardens but the local nature centers that get the calls. And I emphasize that to bring home the fact that we are involved in nongame management not just in Fairfax County but across the entire country.

I don't think that situation is going to change with the passage of this legislation. I think that the game commissions will continue to be concerned, as they very properly should be, with the management of game species, local and county, and regional park systems will continue to acquire wildlife habitats in urban areas; and interpretive naturalists will continue to manage those areas for the benefit of both people and wildlife.

We certainly concur in the statement that there should be provisions in the bill to include local and regional park systems in both the planning and implementation phases of the program.

You said that everybody was scrapping for funds and mentioned very briefly about what kind of in-kind assistance. And if you would consider the landholdings of local and regional park systems as in-kind assistance in a matching program, I think that would contribute substantially to the amount of working money that is available in any particular state.

Mr. LEGGETT. You mean new parks and not existing parks?

Ms. ALLEN. Programs in both existing and new parklands should be considered.

Mr. LEGGETT. Oh; you want credit for what you are doing right now?

Ms. ALLEN. Personnel time and donated equipment involved in implementing specific nongame wildlife management programs on existing parklands should be eligible for funding. In addition new parklands acquired by park agencies which are viable nongame habitats should be considered as in-kind assistance under the State's portion of matching grants.

I want to say that I think the planning is a critical part of it.

We support that and think it is a really good part of this bill. That will enable not only the coordination of wildlife kinds of plans but we would coordinate that hopefully with recreational grants, BOR grants et cetera, at a statewide level—since we are dealing with a comprehensive, systematic program for nongame management, which provides for one of the things that you stress very strongly in that bill, Mr. Chairman, the public educational and recreational benefits of it. And I think there are all kinds of possibilities for working with different kinds of funding at the State level which can get a lot more mileage out of the money that is in this bill currently.

We have a principle of interpretation that says that interpretation aims at the whole rather than the part. And as we look at the whole of this bill, we think it intends to go beyond doing for nongame species exactly what Pittman-Robertson and Dingell-Johnson did for game species; that is, the way you have set up this bill indicates that you are focussing on a much broader look at the general health and welfare of the public. And again we concur.

We think that any kind of experience which brings people into closer contact with that soil, animal and man relationship is going to accrue greatly to the benefit of the public in general and that most of these programs can effectuate a better appreciation of the environment.

And we think that most of these programs can most effectively be initiated by interpretive educational programs and guaranteed by resource management programs close to home.

Now, a lot of those programs are already on line. This is what I am talking about when I say that a lot of it is already there and we can match up these.

You mentioned bird walks. Every Sunday morning for 6 weeks during the spring the Cleveland Metroparks staff takes between 200 and 400 people out on bird walks every spring.

The National Audubon Society centers are well known for their innovative programs involving the public.

East Bay, as Phil Chabot mentioned, has three environmental education centers where they serve about 126,000 people every year at those environmental educational centers.

The Fairfax County Parks Authority's Conservation Division conducts programs for 10,000 elementary age children every year on the subjects of wetland ecology, Virginia wildlife, and man/land relationships. In addition to that, we are also, as Bill Beckner mentioned, developing resource management plans for eight major parklands in the county.

In Michigan, the Huron-Clinton park system conducts programs for 110,000 people at just one of their six nature areas every year. So we have a lot of programs going.

I emphasize programs because not only are they preventive medicine but there is no money for the programs at this time at either the State or local level. I see this as one of the great potential uses of this legislation.

As we mentioned, many of the State and local agencies have large acreages but they lack the staff and the program development funds to make their public awareness campaigns commensurate with the resources they have to offer. Nor do they have access to the material and manpower with which to maintain and enhance their habitats.

Our Huntley Meadows program is a case in point.

The meadows there are very quickly reverting to forests. And compared to a managed meadow, a mature forest is a very lonely place for wildlife. We have the plan but are looking for the money to implement it.

I would say in this regard that while we recognize the criticality of habitat acquisition, that there are other more appropriate means of acquiring habitat other than this piece of legislation.

There is the Land and Water Conservation Fund, HUD block grants, et cetera. One of the key things is land-use planning laws which require the developer to dedicate open space as part of building in any particular area.

To draw a quick analogy, in Pittman-Robertson you are taxing a consumer of the resource. And when it gets down to nongame fish and wildlife, possibly the greatest consumer of that resource is the civilization process, the development progress itself. So when you are saying that there may not be an identifiable constituency for wildlife, I would have to disagree with that. We are all members of that constituency. We are all part of the community that is bounded by the soils and waters and lands and fish and wildlife of this country.

John Gottschalk has quoted Aldo Leopold, who was also one of our founders.

I have to draw on my English literature experience in closing and quote John Donne who comes to mind whenever I see a wildlife habitat lost through progress, through ignorance of its value. John Donne said: "Never send to know for whom the bell tolls—it tolls for thee."

And that is how we regard the loss of wildlife habitat.

We commend the committee for trying to do something about that. Thank you.

Mr. LEGGETT. Thank you very much.
 [The following was received for the record:]

STATEMENT OF SUSAN ALLEN OF
 THE ASSOCIATION OF INTERPRETIVE NATURALISTS

Mr. Chairman and Members of the Subcommittee: I am Susan Allen, Secretary-Treasurer of the Association of Interpretive Naturalists. The AIN was founded in 1961 "for the advancement of education and the development of skills in the art of interpreting the environment" but the beginning of the interpretive profession dates back to 1920 when two "Special Rangers" were appointed at Yosemite National Park. Today our international membership of 1300 includes naturalists, historians, environmental educators, park and recreation administrators and representatives of the private sector. Most members are actively engaged in interpreting natural and historic values to the public in local, state, national and private agencies. We work closely with two sister organizations, the Western Interpreters Association and the Association of Canadian Interpreters.

The Association of Interpretive Naturalists fully supports the purpose and intent of this long needed legislation. As practicing stewards of this nation's natural and cultural resources, we have a professional and personal commitment to a quality environment.

William Brown notes in his book, *Islands of Hope* that "the places we manage are those places where the whole man—physical, thoughtful, joyful—can reach fulfillment. We have a tradition of getting him started toward that fulfillment through educational and interpretive programs. . . not just in special places, but also in the ordinary places where people live their daily lives.

For many people—perhaps yourselves included—the first step toward a greater appreciation of the environment and the values of wildlife resources has been taken through contact with an interpretive naturalist: at a campfire program presented by a park ranger in any one of our national parks, forests, or wildlife refuges; on a trail walk or canoe trip through the marsh at daybreak; by investigating first hand the local wildlife with a school trip to the nature center. Interpretive Naturalists have for many years now been extolling the "ecological, economic, educational, esthetic, historical, recreational and scientific" value of nongame fish and wildlife. It's nice to have Congress on our side!

Let me elaborate more fully on William Brown's reference to "the places we manage". A primary goal of interpretation is to ensure that man's activities are consonant with nature's restraints. Interpretive planning for, and resource management of, wildlife habitats go hand in hand.

For all practical purposes, interpretive naturalists employed by state and local agencies are responsible for the majority of nongame wildlife programs in this country, particularly in those urban areas which afford the greatest opportunity for human interaction with wildlife. We are fulfilling that role on a rather large scale. For example:

The Los Angeles County Department of Parks and Recreation holds 71,000 acres of land in the immediate vicinity of the nation's second largest city, including 43,000 acres of "urban wilderness" called Catalina Island.

East Bay Regional Park District, headquartered in Oakland, California, contains 35,000 acres designated as wilderness, wildlife preserves, or natural environment units within major parks.

The Northern Virginia Regional Park Authority holds 7,000 acres of largely undeveloped land in urban Fairfax County.

North Carolina State Parks manages 122,000 acres in 37 wildlife habitat areas.

Virginia State Parks have 50,000 acres in 26 parks.

On a somewhat smaller scale, the Somerset County Park Commission in New Jersey systematically identifies critical wildlife habitat areas in every park and restricts development in those areas. Characteristically, the identification and inventory of these resources is carried out entirely by the park staff, with little if any assistance from the state game commission.

In that respect we recognize the problems of our colleagues from the Fish and Game Commissions. We can attest to the fact that they do not have personnel to adequately handle nongame wildlife management . . . for when it comes to day to day encounters with urban wildlife, where does the average citizen turn? When the raccoons converge on McLean, or a snake is caught in the windowwell or

beavers are chopping down the biggest tree in the back yard, it's the local nature center, not the game warden, who gets the call!

Nor is that situation likely to change even with the passage of this legislation. State Game Commissions will continue to be predominantly concerned with administering game management programs. Local and state park systems will continue to fulfill their responsibility for acquiring open space, including wildlife habitats; and interpretive naturalists will continue to manage those areas for the mutual benefit of people and wildlife.

State and local park systems and certain private agencies demonstrably play a major role in the conservation of nongame fish and wildlife. As presently drafted, however, HR 8606, while providing for cooperative agreements between federal and state agencies, makes no provision for similar agreements between the designated state agency and local jurisdiction or private organizations. We see this as a major deficiency of the proposed legislation and urge the members of the Subcommittee to rectify this oversight.

Both in the planning and implementation stages of the State Plan, any "systematic-comprehensive, and effective nongame fish and wildlife program" must encompass the programs and areas administered by local jurisdictions. Viable technical assistance in this case is a two way street. Likewise, there should be an equitable distribution of funding to those agencies, especially with regard to "the extent to which and the manner in which, (they) provide or plan to provide for public enjoyment of nongame fish and wildlife resources".

For those of you who may still be puzzling over what exactly an interpretive naturalist does, I offer a further explanation which I think is relevant to today's proceedings. A cardinal principle of interpretation is that it aims to present a whole rather than a part. The AIM perceives that the underlying purpose of this legislation goes far beyond merely doing for nongame fish and wildlife what the Pittman-Robertson and Dingell-Johnson Acts do for game species. The requirement for state-wide planning, the emphasis on areas which afford the greatest degree of public interaction with wildlife resources, and federal appropriations from the General Fund suggest a broader focus on the health and welfare of the general public.

Beyond the benefits of cleaner air and water and open space implicit in the maintenance of wildlife habitats, there is an intrinsic value in any experience that reminds us of our dependency on the soil-plant-animal-man relationship and our distinctive national origins which were shaped by wildlife. For most Americans those kinds of experiences can be most effectively initiated by interpretive and educational programs and guaranteed by sound resource management programs close to home. Many of those programs are already "on line".

Cleveland Metroparks staff naturalists lead birdwalks for 200-400 citizens every Sunday for six weeks in the Spring.

National Audubon Society Centers such as Alwood in Payton, Ohio, Schlitz in Milwaukee and the Corkscrew Swamp Sanctuary in Florida are well known for their innovative programs.

East Bay Park District maintains three environmental education visitor centers which serve 200,000 people per year.

In Michigan, Huron-Clinton Metropolitan Parks naturalists conduct programs for 110,000 visitors to the Kensington Nature Center, only one of six major natural areas in the 25,000 acre system.

In Virginia the Fairfax County Park Authority conducts programs on wetlands ecology, Virginia wildlife and man/land relationships for more than 10,000 elementary age children annually. The Conservation Division staff is also developing natural resource management plans for eight major parklands in the county.

The inclusion of these programs in the development of the State Plan will not only avoid needless duplication of effort but result in quality educational and recreational services consistent with the intent of this legislation.

I emphasize programs because not only are they "preventive medicine" but also because program funding is practically non-existent at the state and local level, and therein lies the great potential of this legislation. We are finding that, although many state and local agencies presently hold large amounts of acreage, they lack the staff and program development funds to conduct public awareness campaigns commensurate with the potential of their resources. Nor do they have access to funding for materials and manpower necessary to maintain and enhance their wildlife habitats. In the natural succession, meadows have a way of becoming forests in a relatively short time with the consequent loss of considerable habitat

and species diversity. Compared to a managed meadow, a homogeneous mature forest is a very lonely place for wildlife.

Without underestimating the criticality of habitat acquisition, we suggest that there are presently other more appropriate mechanisms available to the states—the Land and Water Conservation Fund, land-use planning laws which require dedication of open space by developers, HUD Block Grants, local park referendums, the Greenline Park concept. In any event, the sum of \$25 million will acquire precious little habitat at today's prices, particularly in urban areas. For this reason we urge that funding for program development and implementation take precedence over land acquisition under this legislation.

The Association of Interpretive Naturalists appreciates this opportunity to express its views on H.R. 8606. I must conclude my remarks, however, not as a lobbyist, but as an interpreter.

It has been said that there is no identifiable constituency for nongame fish and wildlife, but that is not true. We are all members of that constituency—although many are not as yet aware of that fact—because we are all members of a community of interdependent parts, the boundaries of which are the soils, waters, plants, fish and wildlife of this planet. Whenever another wildlife habitat is lost through ignorance of its value, in the name of progress, it calls to mind the words of John Donne: “never send to know for whom the bell tolls . . . it tolls for thee”.

We commend the members of this Subcommittee for harkening to the sound of that bell.

Thank you.

Mr. LEGGETT. As you indicate, we probably have more things going in this general subject area than we recognize. Our big problem with this bill is to make sure that the lean amount of funds that we are starting out with get to the animals. There is obviously all kinds of infrastructure and things like that that might sop up the funds.

Ms. ALLEN. That is why we want to stress that there is not enough money for habitat acquisition in that bill at the present time.

Mr. LEGGETT. Mr. Forsythe.

Mr. FORSYTHE. I have no questions.

Mr. LEGGETT. Thank you very much.

We will consider everything you had to say.

Let's see.

Now we have Michael Zagata—is Michael Zagata here?

Mr. ZAGATA. Yes.

Mr. LEGGETT. OK.

You are with the National Audubon Society?

Do you have a statement?

Let's see.

John Grandy is not here.

Patricia Forkan on behalf of the Humane Society is here.

Is the National Wildlife Federation here? Mike Berger?

And finally, is Tom Franklin of the Urban Wildlife Research Center here?

Ms. Phoebe Wray of the Endangered Species Production, is not here.

Mr. Cooper, I understand, is here.

All of you will please come forward as part of our panel. We will take your statements en gros and put them in the record.

I have your statements before me. I have the statement of the Audubon Society, of Patricia Forkan, of Mr. Berger of the National Wildlife Federation, and of Toby Cooper.

Patty, do you have a statement?

Do you want to proceed?

STATEMENT OF DR. MICHAEL ZAGATA, NATIONAL AUDUBON SOCIETY; MICHAEL E. BERGER, ASSISTANT CONSERVATION DIRECTOR, NATIONAL WILDLIFE FEDERATION; THOMAS M. FRANKLIN, EXECUTIVE DIRECTOR, URBAN WILDLIFE RESEARCH CENTER, INC.; PATRICIA FORKAN, ON BEHALF OF THE HUMANE SOCIETY OF THE UNITED STATES; AND TOBY COOPER, DEFENDERS OF WILDLIFE

Ms. FORKAN. As you have noticed, I am not Guy Hodge. However, I have got Mr. Hodge's statement. He apologizes for not being able to be here.

Mr. LEGGETT. That will be included in the record and you can summarize it.

[The following was received for the record:]

STATEMENT OF GUY R. HODGE, DIRECTOR, RESEARCH AND DATA SERVICES, THE HUMANE SOCIETY OF THE UNITED STATES

Historically those, species of wildlife which are lacking in commercial or recreational value have been ignored in wildlife management planning. It is easy to understand and explain the inbuilt bias in game management programs. State fish and game agencies are funded primarily with revenues from the sale of hunting and fishing licenses and from excise taxes upon sporting arms and fishing equipment. These agencies cater naturally to their specialized clientele of hunters, trappers, and fishermen. The syndrome is broadly pervasive. A significant portion, if not a majority, of citizens with an active interest in wildlife favor the non-consumptive management of wild animals. Yet fish and game agencies have been unresponsive and even belligerent toward this point of view. Non-game programs have only recently been elevated to the status of a legitimate focus for wildlife management programming.

Today there is little argument among wildlife biologists as to the necessity for a comprehensive approach to wildlife management. Planning and management must encompass the full spectrum of plant and animal life. Each wildlife species, regardless of its desirability as a hunting trophy, is an integral part of the natural environment. Non-game animals as a collective group comprise the overwhelming majority of all wild animal species. Yet, non-game programs are the direct beneficiary of less than 2% of all state and federal monies expended on wildlife management. Past wildlife management programs could be characterized as superficial. They have dealt with end products and ignore the vast and complex matrix of plant and animal life. Programs which are only incidentally concerned with non-game species are frivolous, shortsighted, and grossly imbalanced.

There are instances in which non-game animals have coincidentally benefited from game programs. Such successes have been the unpredictable result of management by accident rather than by intent. Most frequently, game management activities have worked to the detriment of animals which were lacking in commercial or recreational importance. Wildlife management programs traditionally have been species selective. When habitat is altered or other projects are initiated to benefit a particular species such changes typically occur at the expense of other forms of animal life co-occupying that environment. It is deceptive and erroneous to portray game programs as generally benefiting other species. Programs which are preoccupied with the production of game animals have a decidedly negative impact upon non-game wildlife.

Non-game animals have lacked a unified constituency which possessed a direct and active interest in their wellbeing. Those non-game projects which have been undertaken usually have been directed at the plight of endangered species. While the endangered species banner has served to create and mold a non-consumptive constituency it is too narrowly focused. The urban environment and the more abundant of non-game species have not been recognized as appropriate candidates for the attention of wildlife biologists.

The management of non-game animals will require innovative approaches to censusing, field research, and population control. The evolution of non-game

management as a science offers some hope of at last finding satisfactory alternatives to certain wildlife management activities such as predator poisoning and nuisance bird eradication.

Non-game programs, whether funded through appropriations or excise taxes, should benefit from a less political climate than has been associated with game management activities. Non-consumptive users derive indirect satisfaction from wildlife encounters and they do not regard their recreational pursuits as being heavily influenced by management decisions. Thus the creation of well funded non-game programs may relieve a portion of the political pressures now exerted on game agencies by those special interest groups wishing to influence management decisions. Non-game programs may enable the wildlife biologist to be more concerned with the wellbeing of wildlife species and less concerned with the political implications of his actions.

There are other important aspects to the concept of non-game management. Policy decisions affecting wildlife are now vested in state game commissions whose members are almost exclusively representatives of hunting, trapping, agricultural, and fishing interests. Non-game programs may at last provide a meaningful opportunity for non-consumptive users and members of the public to contribute to the wildlife management planning and policy making process. California has already taken a major step toward achieving the objective of increased citizen participation with the formation of a citizen's non-game advisory committee.

There is, however, one aspect of the non-game management philosophy which has served to dampen the enthusiasm of conservation and animal welfare organizations. Under the proposal before the Congress as well as in current state wildlife management plans, non-game and game animals are being treated as separate and distinct elements of the animal kingdom. At least in their design of non-game programs the wildlife management profession appears to be ignoring the need for an integrated, comprehensive approach to the management of wildlife animals. Plans appear designed as much to appease non-consumptive and consumptive factions as to provide a more comprehensive wildlife management plan. The HSUS hopes that wildlife management is not to develop into a piecemeal system with each segment of the public being awarded its own personal share of wildlife species.

Revenue for the implementation and perpetuation of non-game programs remains a critical aspect of deliberations regarding the future of wildlife management. Thirty-six states have already introduced some form of non-game programming with funds being derived from general appropriations, sale of non-game stamps, and sales of personalized automobile license tags. Yet these revenues have not been adequate to the task of developing successful non-game programs. Voluntary citizen's contributions have not been as productive as was hoped and non-game projects have proven unable to compete successfully for appropriations against social service programs and public projects.

The financial support of the federal government is critical to the success of non-game programs. The matching funds program proposed in S. 1140 appears an effective method of generating adequate local interest to permit state wildlife management agencies to embark upon major non-game programs. I should note that the HSUS is in accord with those persons who have expressed concern with regard to the funding of this proposal. We, too, consider an excise tax to be a more reliable and permanent system of financing non-game activities than through annual appropriations.

The management of non-game wildlife is still in the embryonic stages. There is a paucity of information with regard to even basic aspects of wildlife management planning such as species population dynamics, abundance, distribution, habitat requirements and food preferences. A monumental amount of work still needs to be done preliminary to developing sound management programs. Therefore the support of the Congress is especially important during these formative years of non-game management activities.

The Humane Society's endorsement of S. 1140 is not entirely without reservation. We continue to be concerned with regard to the scope and direction of non-game programs. We are hesitant to encourage adoption of a non-game funding plan without having benefit of reviewing the program options currently being developed by the Council of Environmental Quality and Fish and Wildlife Service. Yet the Society does want to express its enthusiastic advocacy for a more progressive approach to wildlife management as is reflected in S. 1140.

The Humane Society of the United States welcomes the initiative of the Congress in considering the funding of non-game programs. We hope that the committee will do everything within its power to expedite the formulation and implementation of plans for the protection of non-game wildlife.

Ms. FORKAN. Thank you.

First of all, I want to bring out something I have brought here before, Mr. Chairman, and that is the resolution passed at our annual conference by our members. And the last time you saw it, it was tuna and porpoises. This time it is for wildlife management. So I will give that to the clerk.

But I would just like to outline that our conference, representing our membership, said the following—and I will paraphrase it:

That they feel the wildlife management agencies have historically served a narrow-based constituency of hunters, trappers, and fishermen; we believe that we would very much like to be a part of that constituency and we have not been allowed to be involved in a great many of their committees; therefore, the Humane Society of the United States encourages expansion of alternative methods of funding wildlife management programs from general appropriations, taxes upon nonhunting goods and through the sale of wildlife conservation stamps.

So we will give you anything you would like on that. And we want to support it. And for a change we are saying we actually want to pay for it, Mr. Chairman. And I am sure that is good to hear for a change.

Mr. LEGGETT. Very nice.

Ms. FORKAN. We also have resolved that in recognition of the interests of the millions of people whose primary concern in wildlife goes beyond that of hunting and killing, the Federal and State fish and wildlife services should be encouraged to establish vigorous non-game wildlife management protection programs.

So that is the resolution from our membership.

Just to quickly go over Mr. Hodge's statement, who I might add Mr. Hodge is also an interpretive naturalist, he feels very strongly that some of the reasons given for not helping nongame in the past has been because the game programs spilled over and helped nongame. And he feels that it is not fair to really assume that. So that when wildlife management is very species-selective, when habitat is altered or other projects are initiated to benefit a particular species, such changes typically occur at the expense of other forms of animal life cooccupying that environment.

It is deceptive and erroneous to portray game programs as generally benefiting other species.

Programs which are preoccupied with the production of game animals have a decidedly negative impact upon nongame wildlife. And of course we have always been very concerned about the effects of predators and others that are being trapped and hunted in favor of game animals.

We have, we feel, a chance in this bill to really bring together a constituency that has been very nebulous; and we feel that it is time we get some biologists of our own, as it were.

I don't know if Congressman Forsythe knows this but there was a big fight in New Jersey about who would be allowed in the fish and wildlife game commission. We also hope that other States will follow

the path of California and perhaps even set up an advisory committee on nongame animals.

So these are the kinds of things that we are very pleased to see happening.

However, we are bothered by the one nongame versus game. We think that we should separate everything and we should try to have a more comprehensive type approach.

We have been hearing a lot about the ecosystem approach. And we endorse this idea very strongly, that you must have an overall view of where you are going. We are too fast losing our habitats and we need to get an overview and make a comprehensive plan and not a piecemeal type plan.

And I might add that one thing that worries us is that if you have a nongame department and a game department, we hope that they talk to each other. I don't think we can just assume that. We hope that they do coordinate because I wonder where the decision will be made if the choice comes between game and nongame. And I think that is something that needs to be addressed.

Mr. LEGGETT. OK.

I think we better go and answer that rollcall.

That resolution will be placed in the record.

[The following was received for the record:]

WILDLIFE MANAGEMENT RESOLUTION

Whereas, state and federal wildlife management agencies have historically served a narrow based constituency of hunters, trappers, and fishermen; and

Whereas, this problem has its origin in the hunter—game commission—game department fraternity which too frequently denies participation to the general public with regard to policies and programs affecting wildlife; and

Whereas, a significant portion of the funding of wildlife management programs through hunter license fees and excise taxes on sporting arms serves to perpetuate state and federal wildlife agencies' involvement with the commercial and recreational exploitation of wildlife; therefore, be it

Resolved, That The Humane Society of the United States encourage the expansion of alternative methods of funding wildlife management programs from general appropriations, taxes upon non-hunting goods and through the sale of wildlife conservation stamps; and be it further

Resolved, That The Humane Society of the United States seek and encourage the appointment of humanitarians, environmentalists, and other qualified persons to positions on state fish and game commissions and similar regulatory bodies; and be it further

Resolved, That in recognition of the interests of the millions of people whose primary concern in wildlife goes beyond that of hunting and killing it, the federal and state fish and wildlife services be encouraged to establish vigorous non-game wildlife management protection programs.

Mr. LEGGETT. You can go ahead and continue your statement for the record and then we will take the rest of the gentlemen sequentially in making their presentations. The staff will be listening to what you are saying and we will be back in 10 minutes.

Ms. FORKAN. I just have one more point.

We want to make sure the record reflects clearly the intention of this bill. We are concerned that the money not be secured uselessly and routed around to still benefit the game animals. Perhaps what we are thinking about is educational material being put out that would still emphasize hunting and other types of consumptive uses. And hopefully this will be expressed very strongly when the committee report is written.

I think that is really all I have to say.

Thank you.

Mr. GUTTING. Why don't we hear from the next witness.

Who wants to go next?

Mr. COOPER. I will go next.

Thank you very much.

I am Toby Cooper, wildlife programs coordinator for Defenders of Wildlife. The Fund for Animals asked that they be associated with our statement on this issue. I will make two very quick points on the concept of nongame wildlife programs.

The first is the excise tax.

We are strongly in support of an excise tax to fund nongame wildlife programs. This would parallel the Pittman-Robertson approach. It would be most effective if taxes were levied on items that are utilized by people closely associated with nonconsumptive wildlife use patterns. Such items could include birdseed, bird feeders, and perhaps even camping or hiking equipment.

Now, when the Senate attempted this approach, opposition was expressed from the manufacturers of camping and hiking equipment. But we submit that the consumers of such equipment would not necessarily express such opposition.

Certainly, the consumers of birdseed and birdhouses and such items would welcome the opportunity to pay the extra few pennies on each purchase for the purpose of advancement of habitat acquisition and protection of nongame wildlife.

We have been continually reminded that an approach based on excise taxes could not possibly pass but we suggest that it would pass. The members of Defenders Wildlife and other wildlife organizations would almost certainly welcome the opportunity to help fund nongame wildlife programs. And from your point of view, acting as legislators, of course, we could hardly conceive of a more favorable development than finding citizens asking to be taxed and willingly supporting new taxes.

Our second point is that we believe the best approach for this legislation would be to incorporate the existing Pittman-Robertson program into H.R. 8606. The basis for this is simply that Pittman-Robertson itself makes no distinction between game and nongame wildlife.

The original Pittman-Robertson Act mandated that wildlife conservation should be supported and funded and that such programs should be advanced with tax revenues. It does not make any distinction between hunted and unhunted species.

Nevertheless, new funding sources are needed and should be added. But it would be very advantageous for the whole program if Pittman-Robertson were integrated into this new approach.

For one reason, the administration and management would be more time consuming and expensive if two separate but equal kingdoms—game and nongame—must be operated instead of one unified authority.

Second, there is no biological or ecological distinction between game and nongame species. They are all part of the same living ecosystem. We should not set up or encourage management schemes that make artificial distinctions between members of wildlife communities.

By combining Pittman-Robertson with the excise tax approach in this legislation we can greatly help to insure, to the extent possible, a unified approach to the management of all wildlife resources.

Two other brief comments in response to issues already raised at the hearing:

Lynn Greenwalt stated that he felt funds could appropriately be used for nonnative species. I would take exception to this. The funds should be used exclusively for native species.

He supported this by saying there were nonnative species that had great value to the public. I am not sure what species he was referring to, but I could not think of any strictly nongame species that are nonnative and that are recognized for their value to the public. Such species become established in our ecosystems and compete with native wildlife.

If we are going to protect wildlife with public money, we should protect native wildlife.

Lastly, nongame species do not necessarily benefit from game management.

One of the most common habitat manipulations for game species production is the creation of water impoundments for waterfowl. This is one of the most widespread activities of the Fish and Wildlife Service. Impoundments do not necessarily benefit the wildlife that was already there before the impoundments were constructed.

There are many species that live in lowland marsh habitats but get wiped out when impoundments are created.

We recently learned that the BLM in Alaska is creating potholes for water fowl production by using dynamite. This clearly destroys the existing wildlife and wildlife habitat in favor of eventual game species populations.

That is the close of our statement.

If you have any questions we will be glad to respond.

Mr. GUTTING. Why don't we hear from the next witness?

Dr. ZAGATA. I want to thank you for this opportunity to testify in the initial hearings on the Nongame Fish and Wildlife Conservation Act of 1978.

I will give a summary of my statement and ask that the entire statement be entered into the record.

I am Michael Zagata, Washington representative of the National Audubon Society. The National Audubon Society is one of the oldest, largest, and most experienced membership organizations devoted to conservation in general, and specifically to the protection and enhancement of wildlife populations and the ecosystems upon which those populations depend for survival.

The National Audubon Society has and continues to be a supporter of the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Fish Restoration and Management Act and commends the hunters and fishermen of this Nation for the contribution they have made in financing wildlife research, management, and habitat acquisition. The fact that no hunted species has been threatened with extinction in recent times and that game species continue to abound attests to the success of these programs.

It is well documented that the major threats to all wildlife are habitat loss and environmental degradation. These threats are not partial to game or nongame species.

They impact both with equal force.

Therefore, the National Audubon Society urges Congress to pass enabling legislation for a program specific for nongame fish and wildlife similar to that existing for game species via the Pittman-Robertson and Dingell-Johnson programs. H.R. 8606 offers a vehicle for the development of such a program.

The intent of this nongame legislation is not to create a dichotomy of wildlife management programs, but rather to provide a complimentary program for the Endangered Species Act of 1973 and to expand the existing Pittman-Robertson and Dingell-Johnson programs to include law enforcement, information and education and extension activities. This overall package will enable the fishery and wildlife professionals to manage total communities in recognition of a concept stated by Leopold in the 1930's that "as the community goes, so goes the species."

In testimony given before the Senate on resource protection during the July 20 to 22, 1977 oversight hearing on the Endangered Species Act of 1973, the statement was made that "the purpose of the act was not to list species, but to provide positive programs for their delisting."

The primary objective of this proposed nongame legislation and of existing wildlife legislation should be to prevent a population of any fish or wildlife species from becoming so depressed as to cause it to be regarded as threatened or endangered in the first place.

The National Audubon Society strongly endorses the concepts embodied in H.R. 8606. We feel it paramount that all fish and wildlife be afforded the necessary protection and management to insure their continuation as viable populations. There are, however, some specific points in H.R. 8606 that we wish to comment upon:

(1) The source of funding. Much of the success of the Pittman-Robertson and Dingell-Johnson programs can be attributed to the continuity and dependability of their funding source; that is, an excise tax on hunting and fishing equipment. This stable base, coupled with the policies and standards prescribed in those acts provides for very workable, successful programs for our Nation's game fish and wildlife.

On the other hand, the Endangered Species Act and the Marine Mammals Protection Act, which rely on appropriated moneys, do not share the same success. It is from this historical perspective that the National Audubon Society encourages this subcommittee to consider the adoption of an excise tax on certain recreational equipment, and wild bird foods as vehicles for establishing the Federal grant-in-aid funding requested in this act. The Wildlife Management Institute in 1975 estimated that, at 1972 prices, a total of \$149,623,000 could be produced annually from excise taxes on these items.

In justifying this proposal, we point out that the nonconsumptive recreational use of existing wildlife management areas exceeds the consumptive use by severalfold. We feel that these recreationists, which include both consumptive and nonconsumptive users, would be willing to pay their share of moneys if for no other reason than to be

able to dispute the hunter's claim to "being the only group that puts its money where its mouth is."

If an excise tax can not be adopted, we urge that the funding levels requested for 1978, 1979, and 1980 be considered as the bare minimum and encourage you to raise them.

As you already mentioned this afternoon, they are not going to go very far, especially if we begin to find interpretive programs.

Mr. LEGGETT. All right.

We have your statement. It will appear in the record. We are going to go over the point you made.

We will consider that when we make our decision.

[The following was received for the record:]

STATEMENT OF DR. MICHAEL D. ZAGATA OF THE NATIONAL AUDUBON SOCIETY

Mr. Chairman, members of this subcommittee, thank you for this opportunity to testify during these important, initial hearings of the "nongame fish and wildlife conservation act of 1978", (H.R. 8606.)

I am Dr. Michael D. Zagata, Washington representative of the National Audubon Society. The National Audubon Society is one of the oldest, largest and most experienced membership organizations devoted to conservation in general, and specifically to the protection and enhancement of wildlife populations and the ecosystems upon which those populations depend for their survival.

The National Audubon Society has and continues to be a supporter of the Pittman-Robertson Wildlife Restoration Act (P-R) and the Dingell-Johnson Fish Restoration and Management Act (D-J) and commends the hunters and fishermen of this Nation for the contribution they have made in financing wildlife research, management and habitat acquisition. The fact that no hunted species has been threatened with extinction in recent times and that game species continue to abound attests to the success of these programs.

However, the scope of these programs is limited, by legal restriction, to addressing only wild birds and mammals (P-R) and fin fishes with material value in sport or recreation (D-J). In addition the available P-R and D-J funds are insufficient to accommodate the full range of activities required to manage whole ecosystems and to respond to the needs of both consumptive and nonconsumptive users. Therefore, those vertebrate species not included (reptiles and amphibians) and those that do not qualify as "game" receive only the incidental "spinoff" benefits from these programs. In fact, of approximately 3,700 species of birds, mammals, fish, reptiles, and amphibians in the Continental U.S., it is likely that less than 10 percent receive the specific management attention needed to assure their continued welfare.

It is well documented that the major threats to all wildlife are habitat loss and environmental degradation. These threats are not partial to game or nongame species. They impact both with equal force. Therefore, the National Audubon Society urges Congress to pass enabling legislation for a program specific for nongame fish and wildlife similar to that existing for game species via the P-R and D-J programs. H.R. 8606 offers a vehicle for the development of such a program.

The intent of this nongame legislation is not to create a dichotomy of wildlife management programs, but rather to provide a complimentary program for the Endangered Species Act of 1973 and to expand the existing P-R and D-J programs to include law enforcement, information and education and extension activities. This overall package will enable the fishery and wildlife professionals to manage total communities in recognition of a concept stated by Leopold in the 1930's that "as the community goes, so goes the species".

To illustrate this concept, consider the shrub, pole, and mature tree stages of succession in the northern hardwood forest (beech, birch, maple, hemlock climax species). All 3 vegetational stages have certain associated game and nongame wildlife species. Briefly, we might expect to find the following game and nongame species in the shrub stage: Song sparrow, yellow throat, blue bird, mourning dove, cottontail rabbit, quail, and pheasant. Study of the pole stage would reveal the ruffed grouse, grey fox, white-tailed deer, robin, bluejay, woodcock, scarlet tanager, and the hare. Within the mature forest we might find

the black bear, lynx, pileated woodpecker, fisher, porcupine, barred owl, nuthatches, and the goshawk.

I make this illustration for two reasons. First, when we study entire communities we will be able to better recognize these plant-animal community associations. Second, once we recognize them we will be better able to predict the impact of man induced environmental perturbations on the species involved. For example, if we wish to manage an area for deer, we will be better able to predict the impact of that action on early and late successional species, game as well as nongame. Such knowledge will enable us to make decisions that better reflect the interest of the public and of the fish and wildlife involved.

In testimony given before the senate on resource protection during the July 20-22, 1977 oversight hearing on the Endangered Species Act of 1973 the statement was made that "the purpose of the act was not to list species, but to provide positive programs for their delisting." The primary objective of this proposed nongame legislation and of existing wildlife legislation "should be to prevent a population of any fish or wildlife species from becoming so depressed as to cause it to be regarded as threatened or endangered in the first place" (WMI, 1975). The Wildlife Management Institute's 1975 report on nongame fish and wildlife programs states further that: "the attainment of this objective is to convert programs for the conservation of animals not commonly or traditionally regarded as "game" or "commerical" species from rescue missions to an ongoing program to uniformly husband all species of animals so that none, through man's ignorance, or indifference or inattention, ever again reaches the state where its continued existence as a life form is in jeopardy."

In 1974-75, 36 states and one territory were funding specific nongame fish and or wildlife programs. These programs represented only about 1 percent of the States' annual budgets and manpower expended on all fish and wildlife. However, it must be emphasized that the 99 percent expended for the direct benefit of "game" species also indirectly benefited nongame species. For example, from 1937-72 the States have acquired about 38.5 million acres for wildlife. Among those acquired lands were 1,622 wetland waterfowl areas which directly benefited 16 species of ducks. They also benefited 162 species of nongame birds requiring wetland habitat.

It is estimated that, on the average, each State would, under this nongame legislation, be in a position to manage 279 nongame species of birds, mammals, reptiles, and amphibians. This represents a threefold increase in the number of fish and wildlife species currently under direct management in each State.

Forty-one percent of the nongame projects being funded by the States and 29 percent of those funded by Federal agencies involved threatened and/or endangered species. Thus the intent of this current legislation to reduce the need to list species was clearly not being met. It should be noted however that increased funding for the implementation of the Endangered Species Act and the Marine Mammals Protection Act, coupled with new funding for nongame are necessary if our nation's overall program to protect and enhance fish and wildlife is to be successful.

The National Audubon Society strongly endorses the concepts embodied in H.R. 8606, we feel it paramount that all fish and wildlife be afforded the necessary protection and management to ensure their continuation as viable populations. There are, however, some specific points in H.R. 8606 that we wish to comment upon:

1. *The source of funding.*—Much of the success of the P-R and D-J programs can be attributed to the continuity and dependability of their funding source, that is, an excise tax on hunting and fishing equipment. This stable base, coupled with the policies and standards prescribed in those acts provides for very workable, successful programs for our nation's "game" fish and wildlife.

On the other hand, the Endangered Species Act and the Marine Mammals Protection Act, which rely on appropriated moneys, do not share the same success. It is from this historical perspective that the National Audubon Society encourages this subcommittee to consider the adoption of an excise tax on certain recreational equipment, and wild bird foods as a vehicle for establishing the Federal grant-in-aid funding requested in this act. The Wildlife Management Institute (1975) estimated that, at 1972 prices, a total of \$149,623,000 could be produced annually from excise taxes on these items.

In justifying this proposal, we point out that the nonconsumptive recreational use of existing wildlife management areas exceeds the consumptive use by several

fold. We feel that these recreationists, which include both consumptive and non-consumptive users, would be willing to pay their share if for no other reason than to be able to dispute the hunter's claim to "being the only group that puts its money where its mouth is".

If an excise tax cannot be adopted, we urge that the funding levels requested for 1978, 1979, and 1980 be considered as the bare minimum and encourage you to raise them. Also, we encourage that the funds be earmarked for the purpose for which they were generated—nongame fish and wildlife.

2. *Sec. 5(c)(1)(C) and sec. 6(c).*—We applaud the bill's incentive to develop comprehensive planning for the management of nongame fish and wildlife by providing for up to 90 percent matching money for this purpose. We also favor the provision for 75 percent matching for the implementation phase of nongame fish and wildlife management. However, it is going to be difficult for the States to produce the moneys necessary to match the Federal dollars provided for in this legislation unless they expand their funding sources. It is estimated that, with a 75–25 matching ratio, 42 States would need much expanded sources for funding to take full advantage of a nongame program federally funded at \$20 million. At a 90–10 ratio and the same level of funding, 35 States would need expanded funding sources.

The history of producing new sources of funding for nongame wildlife programs at the State level is not marked by a large number of successes. Missouri, with its new one-eighth of 1 percent sales tax for wildlife is the exception. California, Colorado, Washington, Ohio, Michigan, and New Hampshire have offered wildlife stamps, decals or initialized license plates to benefit wildlife, but none of these programs have generated the amounts of money, at the State level, necessary to do the job. Hopefully, this program will provide the inducement necessary to significantly expand funding for wildlife, possibly from the States' general funds.

Because it is so important to encourage States to develop the funding sources necessary to participate in this proposed nongame program, we encourage the committee to consider the following amendments to sec. 5(c)(1)(C) and sec. 6(c) of H.R. 8606:

1. This section presently reads "the State will pay for such costs of developing the program as are not covered by grants made to it under this section, and". This might better be phrased to say that the State will pay its share of matching costs for the program. As presently worded, the proposed bill states that the Federal share may not exceed 90 percent (75 percent) of the cost of developing the States program. This leaves the State "holding the bag" for two reasons: *a.* What does "up to 90 percent mean". *b.* What if the Federal Government does not provide the necessary appropriations?

2. As written, the bill states that the "States will provide the necessary money and that the Federal Government may provide the necessary money. It is going to be difficult for the States to develop new sources of revenue to provide for matching moneys for nongame fish and wildlife when they have no guarantee that the Federal matching share will be available.

3. In addition, the State and Federal budgetary processes do not dovetail. The Federal budget is decided in October but moneys may not be appropriated for up to 1 year or more after the budget is accepted. Thus, a State program for generating matching moneys from the general fund is left to speculating what the Federal share of matching moneys will be at the time they are developing their budget. It might be advisable to devise a framework whereby the Federal budgetary process would be initiated 1 year in advance of the State's process. Once the necessary moneys were appropriated then the States would have 1 year to plan in advance based upon known appropriations.

3. *Sec. 3(3)(a).*—Delete the description under item A and insert in its place the following phraseology: Is indigenous to a State or a nonindigenous species that the State agency responsible for fish and wildlife management recognizes as well established in that State.

4. *Sec. 8(1).*—After the word property on line 16, insert the phrase "or in-kind contributions." In-kind contributions may be in the form of the personal services rendered by volunteers who possess qualifications, by training or experience, to assist in surveys, censuses, or other scientific studies of nongame species: *Provided*, that standards for the qualifications of such volunteers and the value of such in-kind services shall be in accordance with regulations issued by the secretary under this act. The value of any such real property shall be determined by the secretary, whose decision shall be final. No Federal moneys received by any

State under any other provision of law may be used, directly or indirectly, by the State for purposes providing for such matching costs.

5. *Sec. 7(b).*—This section is somewhat nebulous and the National Audubon Society feels that the language in S. 1140, which sets out specific criteria for allocation of funds to the States based upon area and population, is more appropriate. Such criteria would provide for the participation by all States and help assure a more reliable source of revenue.

In addition, the P-R program provides for the States to use 2 years in which to obligate funds. If any obligated or unexpended project funds remain after that time, the excess reverts to the U.S. Fish and Wildlife Service.

We desire that any unexpended funds associated with this legislation be kept in wildlife conservation rather than reverting to the general fund. Therefore, we suggest that a reverter clause be added to this section that would make such monies available to, in the following order, States with priority programs but insufficient funding and to nongame programs of the U.S. Fish and Wildlife Service.

6. *Sec. 11(a) and (b).*—We recommend that the moneys appropriated, if this method has to be implemented, be equal to those requested in S. 1140. However, we strongly recommend that an excise tax be authorized for the funding of this program. Otherwise, the stability necessary for proper planning by the States will not be available.

As we understand it, the current budgetary process makes it difficult to initiate new programs for earmarked funds. However, it might be possible to expand the existing Pittman-Robertson programs by extending the excise tax to cover new items under the already existing program. If this were done, it would be mandatory that moneys generated from the excise tax on firearms and ammunition be earmarked for existing purposes and that moneys generated from the new excise taxes be earmarked for nongame fish and wildlife.

In summary, Mr. Chairman, it is Audubon's philosophy that the existence of diverse ecosystems is essential to insure a healthy living environment for all species—man included. Self-sustaining populations of a diversity of fish and wildlife species are essential parts of such ecosystems and the public is demanding that greater attention be given to the nongame components of those ecosystems. Therefore, the National Audubon Society supports the Nongame Fish and Wildlife Conservation Act of 1978 because it addressed the following tenets:

1. All wildlife deserves living space for its own intrinsic values and for its role in perpetuating healthy environments. Wildlife populations also function as barometers of the well-being of ecosystems.
2. Fish and wildlife agencies should reorient their philosophy and programs to achieve complete integration of game and nongame programs.
3. Habitat destruction, primarily man induced, is the major cause for the decline of all wildlife.

Thank you for this opportunity to testify, and we welcome the invitation to participate in future deliberations on this bill.

Mr. LEGGETT. Now I think it is fair we hear at this point from Mr. Berger.

Mr. BERGER. Thank you, Mr. Chairman.

Mr. LEGGETT. Likewise, your statement will appear in the record. If you want to expand on that, you may.

[The following was received for the record:]

STATEMENT OF MICHAEL E. BERGER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Michael E. Berger, assistant conservation director for the National Wildlife Federation which has its headquarters at 1412 Sixteenth Street, N.W., in Washington, D.C. I am a professional conservationist with degrees in wildlife management and resources development.

Ours is a nonprofit, nongovernmental organization which has independent affiliates in all 50 States, Guam, Puerto Rico, and the Virgin Islands. In turn, these affiliates are made up of local groups and individuals who, when combined with associate members and other supporters of the Federation, number an estimated 3½ million persons.

We welcome and appreciate the opportunity to speak to you concerning H.R. 8606, to establish a nongame fish and wildlife program.

In the years to come, wildlife management and conservation will face formidable challenges as habitat requirements compete with growing American demands for necessities such as energy, food, housing, and living space. Increased emphasis on coal production and resultant stripmining will remove vast acreages of land in the Western states from what was once habitat for prairie falcons, prairie dogs, and badgers. New Offshore oil drilling and its concomitant transport and refining will pose increased threats to oystercatchers, ospreys, dolphins, and other members of coastal ecosystems.

Developments for first and second homes, and recreation areas will continue to encroach on woodlands, wetlands, and agricultural borders important for many small mammals and songbirds. These and other challenges to the continued abundance and diversity of species can only be met through research designed to determine species needs and ecosystem requirements, and development of programs which assure the fulfillment of those needs and requirements.

For many years sportsmen have been the principal supporters of wildlife management programs that have benefited game species. In large measure, revenue for game management programs, and even what little is directed toward nongame programs, are provided by hunting and fishing license revenues and by the Pittman-Robertson Wildlife Restoration Act (P-R), and the Dingell-Johnson Fish Restoration and Management Act (D-J), which tax hunting and fishing equipment respectively. The positive results of P-R programs include the restoration of once dwindling numbers of deer, pronghorn, and wild turkey to healthy and growing populations. D-J funds have assisted the States in improving habitat for and increasing numbers of a variety of game fish, including black bass and rainbow trout, in addition to financing recovery efforts for Gila and Apache trout.

Although the general populace has been somewhat hesitant to recognize it, proper management programs for game have often benefited a number of nongame species. But recognition of the scientific, cultural, and nonconsumptive value of all wildlife has led to a growing awareness of the need for management programs that focus on the nongame segment. Although the Endangered Species Act was a significant response to growing support for management and protection of nongame wildlife, more than a rescue oriented approach to near depleted species is needed. The nation's wildlife experts, including those in the federal and state governments, are now beginning to recognize the ineffectiveness of a "rescue mission" approach as a general procedure and the desirability of conservation programs which uniformly include all species of wildlife. S. 1140 is welcome and necessary legislation to provide this uniform protection.

States have demonstrated a strong interest in nongame programs. California, which began a nongame wildlife program in 1968 with \$56,400 in P-R funds currently focuses its \$2.5 million nongame management program on 67 species of native fish and wildlife that have been declared rare or endangered in that state.

Colorado provides another excellent example of interest in nongame management programs. Colorado's Division of Wildlife is currently conducting programs for such diverse species as the river otter which is being introduced in the state after a 75-year absence, and the white pelican for which efforts are being made to preserve necessary breeding habitat. Many more states have begun nongame programs which could be expanded in strength and diversity, and other states are eager to begin, once adequate resources are available.

The National Wildlife Federation is a strong supporter of the intent of the Nongame Fish and Wildlife Conservation Act. However, we believe that some changes would strengthen the legislation. First, we question whether an authorization of general tax revenues is the best approach to funding nongame programs and suggest that an excise tax on outdoor recreation equipment, birdseed, or other appropriate items would provide a more reliable source of funding. One reason for urging an excise tax for funding new wildlife conservation programs is the clear success of this approach in the past. As previously mentioned, the Pittman-Robertson and Dingell-Johnson Acts have funded game and fish management through excise taxes on sporting equipment for many years, producing \$113 million last year alone.

When the success of the P-R and D-J Acts is contrasted with the failure of Congress in the past to appropriate money which has been authorized for wildlife programs, the need to consider an excise tax to support nongame management becomes evident. The Marine Mammal Protection Act of 1972 and the Endangered

Species Act of 1973 were both funded by a direct appropriation. They were enacted to complement the very successful P-R and D-J programs, but historically have been seriously underfunded with either no funds appropriated or a great disparity between the authorization level and the actual appropriation. The major portion of the important State grant-in-aid program (Sec. 6) under the Endangered Species Act, administered by Fish and Wildlife Service, was authorized for \$10 million through fiscal year 1977. However, the actual appropriation was zero for fiscal years 1973, 1974, 1975; \$2 million for 1976 and only \$1 million for 1977. Fortunately the lack of continuity offered by this underfunding and the resulting lack of commitment to implement a program in the states was recognized and a \$3 million supplemental appropriation was approved for 1977, and the current 1978 budget included \$4 million for the program. The National Marine Fisheries Service program for this section of the Endangered Species Act was never funded until 1978 when \$1 million was finally appropriated. Attached to our testimony is a recent resolution endorsing the principle of imposing excise taxes to fund nongame fish and wildlife programs.

Another of our concerns is the absence of an allocation formula for grants to the States. We praise and support your 90-10 planning ratio and 75-25 operating ratio, but feel that by allowing the Secretary of the Interior almost total discretion in the allocation of funds to the States, nongame becomes a Federal rather than a State program. We feel the allocation language contained in the present senate version, which sets out criteria based upon area and population, is more appropriate. This would provide for participation by all States, and assure a more reliable source of funds even under the general tax appropriations procedure.

Other problems occur in sec. 8(4)(A). As written it is unclear, and seems to compel nonparticipation by those States without income other than from hunting, fishing, and trapping license sales. We would prefer that all States have the option of participation by allowing the 10 percent restricted share to be used as the State's total matching share of a restricted cooperative program. Of course such a change is impossible with the present allocation language. In addition, sec. 8(4)(A) makes no restriction, nor even provision, concerning the State matching share of program planning grants. This is an oversight which needs correction.

Finally, sec. 11(d) seems inadequate since it makes no provision for disposal of unexpended funds following the close of the initial 2-year period following appropriation. Some type of rollover provision, allowing unexpended funds to be apportioned to other states and finally to the Fish and Wildlife Service for nongame purposes, should be included. Language similar to that contained in the Senate bill seems appropriate.

In conclusion, we once again thank the committee for the opportunity to testify concerning this important legislation. The National Wildlife Federation reiterates its support for the intent of H.R. 8606 and urges the committee to fully and objectively consider our recommendations for improvements. We will be pleased to cooperate with the committee and the states in the development and improvement of programs for the conservation of nongame species of wildlife.

Resolution No. 9

FUNDS FOR NONGAME FISH AND WILDLIFE

Whereas, nongame species of fish and wildlife (including those which are threatened or in danger of extinction) merit scientific management; and

Whereas, wildlife agencies in most States devote significant amounts of money and effort to the management of nongame species; and

Whereas, most State fish and wildlife resource management agencies are supported primarily by licenses, fees, and permits for fishing and hunting, activities which are concerned with game and other species of economic value; and

Whereas, governmental administrations and legislatures in most States are reluctant to commit from general tax revenues the funds necessary for the acquisition of suitable habitat and effective management of nongame species; and

Whereas, most outdoor recreational activities are enhanced by the opportunity to view abundant numbers of nongame fish and wildlife; Now, therefore, be it

Resolved, That the National Wildlife Federation, in annual meeting March 19-21, 1976, in Louisville, Ky., hereby expresses its support of the principle of imposing Federal excise taxes upon sales of selected categories of outdoor recreational equipment, with the funds to be allocated to the States for approved nongame fish and wildlife projects.

Mr. BERGER. Thank you, Mr. Chairman.

As Ms. Forkan did, we too attach our resolution on this matter to our testimony and hope that it will be included in the record.

Mr. LEGGETT. It will be included in the record.

Mr. BERGER. As you are aware, sportsmen for many years have been the principal supporters of wildlife management programs for game species in this country. And as Mr. Forsythe already mentioned this morning, in large measure revenues for game management programs, and even what little has been directed towards nongame programs, are provided by hunting and fishing license revenues and by the Pittman-Robertson and Dingell-Johnson Acts.

And although the general populace has been somewhat hesitant to recognize it, proper management programs for game often benefited a number of nongame species.

H.R. 8606 is welcome and necessary legislation to provide a comprehensive wildlife program.

You have already heard this morning of the great interest that the States have in nongame programs and I will not elaborate on them. I would like to say that the National Wildlife Federation is a strong supporter of the intent of the Nongame Fish and Wildlife Conservation Act. However, we believe that some changes in this legislation would improve it.

First, we question whether the authorization of general tax revenues is the best approach to funding these nongame programs and suggest that an excise tax on outdoor recreational equipment, birdseed, and other appropriate items would provide a more reliable source of funding.

Mr. LEGGETT. We will consider that between now and the first of the year.

Mr. BERGER. Thank you, Mr. Chairman.

Another of our concerns is the absence of an allocation formula for grants to the States. We appreciate and support the 90-to-10 planning ratio and the 75-to-25 operating ratio but feel that by allowing the Secretary of the Interior almost total discretion in the allocation of funds to the States, nongame becomes a Federal rather than a State program.

We feel the allocational language contained in the present Pittman-Robertson and Dingell-Johnson Acts is more appropriate. You have already heard testimony on this earlier today.

Other problems occur in section 8(4)(a).

As written, it seems unclear. It seems to compel nonparticipation by those States without any income other than from the sale of hunting, fishing, and trapping licenses. We would prefer that all States have the option of participation by allowing the 10-percent restricted share to be used as the State's total matching share of a restricted total program.

Of course, this change is impossible with the present allocation language but would be possible with revised allocation language.

In addition, that same section makes no restriction, nor even provision, concerning the State matching share of program planning grants. That oversight does need correction.

Finally, section 11(d) seems inadequate, since it makes no provision for disposal of unexpended funds following the close of the initial

2-year period following appropriation. Some type of rollover provision, allowing unexpended funds to be apportioned to other States and finally to the Fish and Wildlife Service for nongame purposes, should be included.

That summarizes my comments, Mr. Chairman.

Mr. LEGGETT. Very good. We get your point.

We are supposed to have an automatic allocation but it seems to me that sometimes if you have a discretionary program where we are thinking about what we are doing rather than just automatically disbursing, it seems to me we might be able to target into some areas that actually will show some change—rather than just replacing local dollars with Federal dollars.

Mr. BERGER. I agree. That is a good point. It has been very successful in the anadromous fish program. And I think the planning portion of this bill will help to alleviate some of the problems you are talking about.

Mr. ZAGATA. Mr. Chairman, on that point one thing I think is important and that is that we are asking the States in this proposal to provide for matching moneys, which means that they are going to need a mechanism for planning in order to generate those matching moneys.

There already are moneys for the Pittman-Robertson program that are reverting back. In other words, the States are not able to match all the existing Pittman-Robertson money. If we don't have an apportionment formula, States are not going to know in advance how much they are going to have to raise if they have to go to a general fund measure.

This is one of the reasons that our testimony concurred with Lonnie Williamson from the Institute and that the Federal moneys might be appropriated a year in advance, Mr. Chairman, so that the States would have the leadtime necessary to generate the moneys they will need to match.

Mr. LEGGETT. Mr. Forsythe will consider that when he determines what he wants to do with the bill.

Mr. Franklin, as I understand it, you are the last witness here.

Mr. FRANKLIN. The Urban Wildlife Research Center, Inc. supports H.R. 8606 in order to encourage the development of improved programs for the conservation of all of our fish and wildlife resources which are not supported by existing legislation.

The Urban Wildlife Research Center, Inc., established late in 1973, is a private, nonprofit, tax-exempt organization located near Columbia, Md., about midway between Washington, D.C. and Baltimore. It was organized to conduct research primarily on relationships between people and wildlife under urban and urbanizing conditions and to make the results of such research available to urban designers, planners, and developers in a usable form. By working and cooperation with these people and others, such as landscape architects and engineers, we hope that living conditions for both fish and wildlife and man can be enhanced in developed or developing areas.

Most research done to date on fish and wildlife species has been on wildlife in rural or wildland areas. In recognition of this, and the fact that about three-quarters of our people no longer live in rural areas,

but in towns and cities, the Urban Wildlife Research Center is striving to develop planning and management techniques which will afford these urban dwellers with better opportunities to enjoy fish and wildlife, outdoor recreation, and a higher quality environment, without impeding desirable economic development. Instead of opposing all development as ruinous to fish and wildlife habitat, we are attempting to be constructive. We hope to be able to demonstrate how biological information and ecological principles can be used constructively in developments to reduce undesirable environmental impacts or, perhaps, to improve the environment.

Financial support for this type of research is not readily available. There is a tendency for most people, including many biologists, to write off as destroyed for wildlife, urban areas and other developed areas, including highways and highway rights-of-way. Although a few of the State Fish and Wildlife or conservation agencies are beginning to employ one or more nongame biologists, a very high percentage of these agencies' budgets is for game species. This is because their funds come largely from the sale of hunting and fishing licenses, rather than from general appropriations.

The U.S. Fish and Wildlife Service also has a modest program dealing with urban wildlife in addition to its program on rare and endangered species. Much of the limited support the Urban Wildlife Research Center as received to date has come from contracts with the U.S. Fish and Wildlife Service and the Federal Highway Administration, the latter being interested in highway-wildlife relationships. Other support has come from agricultural land owners in Howard County, Md. These farmers, faced with high property taxes and pressures of urbanization, want to promote good land use, including preservation of agricultural land and enhancement of fish and wildlife.

At present, we do not have adequate scientific and managerial capability to provide for the conservation of nongame—and urban—wildlife which can be enjoyed by all Americans whether it be in a backyard or in a wilderness area. This legislation would stimulate research and management of wildlife for a neglected and extremely valuable component of our fish and wildlife heritage.

However, we offer three suggestions which we feel would strengthen the bill in terms of its effectiveness for conserving these resources.

One, a distinction should be made between nongame and urban wildlife. By definition, nongame funds as provided for in H.R. 8606, could not be used for research and management of game species in urban areas. Animals such as quail, doves, squirrels, raccoons, and deer, which may provide considerable enjoyment for urban dwellers, would not be benefited by this bill as presently written. We feel it is not appropriate to use "game" moneys for research and management of these species in urban areas because these moneys are provided by the sportsman who quite logically is primarily interested in supporting game programs offering hunting opportunities.

Therefore, it is important that we provide for both game and nongame fish and wildlife which occur in urban areas in the proposed legislation. Urban wildlife can be considered the "window" through which the majority of Americans have daily contact with their natural surroundings. These interactions are especially important due to the

shortage of energy in this country. We can no longer afford to travel great distances to experience wildlife in natural environments as we have in the past. It is becoming increasingly important to provide adequate recreational and educational facilities in close proximity to our homes.

Two, nonnative fish and wildlife should be included within the provisions of this bill but only where broad management programs involving such species enhance positive wildlife values.

Three, last, we feel this legislation should provide direct funding for private nonprofit organizations with a demonstrated capacity to conduct wildlife research and management programs on a professional level. These organizations tend to operate efficiently and consistently produce high quality work.

In conclusion, we hope these suggestions will be incorporated into H.R. 8606 in order to broaden this important legislation to include urban wildlife including game and nongame wildlife; nonnative wildlife where broad management programs involving such wildlife species enhance positive wildlife values; and direct funding for qualified nonprofit organizations.

Thank you.

Mr. LEGGETT. Thank you very much.

Mr. Forsythe.

Mr. FORSYTHE. Thank you, Mr. Chairman.

I thank all of the witnesses for their testimony. We will certainly give them every consideration. Insofar as the first point in Mr. Franklin's testimony I think your point is well made.

The second point I am very positive was an oversight by the staff. But we appreciate your comments very much.

Thank you, Mr. Chairman.

Mr. LEGGETT. Very good. Sorry to be a little rushed today. We are trying to hold hearings on a large number of subjects at the close of this session. Unfortunately Fridays have to be used, and so we appreciate the quality and quantity of statements presented by the witnesses.

As has been indicated, we probably will not be marking up this legislation for several months, and perhaps until the next session. This has been very helpful. The meeting is now adjourned.

[The following was submitted for the record:]

STOWE, VT., September 26, 1977.

Congressman ROBERT L. LEGGETT,
Chairman, Subcommittee on Fisheries & Wildlife Conservation and the Environment,
Committee on Merchant Marine and Fisheries, House Office Building, Wash-
ington, D.C.

DEAR MR. LEGGETT: Would you please include this letter as part of the public testimony for the September 30 hearing on H.R. 8606, a bill to establish the "Nongame Fish & Wildlife Conservation Act of 1978."

I put my wholehearted support behind establishment of this bill. This includes a system of taxation on outdoor recreation equipment and supplies to fund the programs over a three-year, initial period.

I believe proper management programs for nongame species will result in better overall conservation of our entire wildlife populations . . . and their habitats. I believe recognition of all forms of life will be enhanced, and the critical problems of loss of habitats can be dealt with on a more unified front.

I also believe that this bill will go far to unite true conservationists—hunters and nonhunters alike—and help them work together towards a common goal. This kind of unity is sorely needed today.

Thank you for your consideration of this.

Sincerely,

CHARLES W/ JOHNSON.

NONGAME OBJECTIVES AND PROGRAMS

FIRST ANNUAL REPORT

OF

CITIZEN NONGAME ADVISORY COMMITTEE

February 1976

TO

Charles Fullerton, Director
California Department of Fish and Game

Members of the Committee:

Maxine McCloskey, Chairman
Piedmont

Rodolfo Ruibal, Vice Chairman
Riverside

Robert Hassur
San Jose

Arden Brame, Jr.
Pasadena

Ursula Faasi
Petaluma

Peter Moyle
Davis

Paul Howard
Sacramento

INTRODUCTION

For too long the welfare of wildlife and its need for habitat has been ignored by the general public. If it was considered at all by those who wished to convert habitat into other uses, they easily shrugged off responsibility by saying: "Let them live somewhere else." Even a state as large as California is now running out of the "somewhere else" for many species. But out of the greatly increasing public awareness of the degradation of nature by human activity has come a sensitivity to the plight of mankind's fellow travelers on earth--the living resources of fauna and flora.

Persons who have recently become concerned with wildlife problems are not the first ones to care. Fish and game agencies of the states and the Federal Government, along with many wildlife organizations, including those of hunters and fishermen, have been working for a long time to provide programs to enhance wildlife. More careful study, however, reveals that game programs have achieved good results for game species, but there are few programs for other species. In the meantime the plight of threatened and endangered species has come to the attention of experts, the managing agencies, and the public.

People concerned about the survival of all life forms at self-sustaining population levels and the continued existence of diverse ecosystems, of which wildlife is a key component, began to question the value of continuing the traditional consumptive use orientation of state wildlife agencies. Many people feel that since all wildlife is owned by the state to be managed by the state for the public, all wildlife should receive equal attention in management programs. This shift in policy requires new sources of funding for expanded programs since heretofore purchasers of hunting and fishing licenses and equipment have provided the major financial support for wildlife programs. It is hardly surprising that the fees for consumptive use go primarily to provide enough fish and game for the consumers.

While the California Department of Fish and Game is a leader among the states in developing programs for management of the state's nongame fish and wildlife, these programs still constitute a minor proportion of total departmental efforts. Clearly the time had come by the 1970's for the department to evaluate its objectives and programs in order to achieve a better balance between game and nongame species.

When E. C. Fullerton, Director of the California Department of Fish and Game, wrote in late 1974 to the persons who were to become the Citizen Nongame Advisory Committee, he asked them to do the following:

1. Become familiar with all ongoing departmental programs and objectives dealing with nongame fish and wildlife.
2. Review and recommend needed changes in all existing programs dealing with nongame fish and wildlife.
3. Recommend new programs dealing with nongame fish and wildlife.
4. Define objectives for the Department of Fish and Game to attain in nongame fish and wildlife programs.
5. Recommend a financial base for implementing the department's nongame fish and wildlife programs.

The committee has worked on each of these five tasks during nine meetings of the first year of the committee's existence. Much of the committee's time was devoted to the first task of becoming familiar with all ongoing departmental programs and objectives dealing with nongame fish and wildlife. We also enjoyed the opportunity to become better acquainted with each other and to develop a harmonious working relationship. Some of the work of the first year provides the background needed for evaluation of departmental programs in succeeding years and will appear in future reports. The remainder of the first year's efforts is contained in this First Annual Report. It consists of a comprehensive set of ten objectives for nongame species in California. It also contains some specific program recommendations, including funding. Some of the recommendations for implementation of the objectives are lengthier than others. This is merely the result of the committee's not being able to handle the whole assignment in one year. The future work of the committee will include completing the recommendations for implementation.

The order of listing these recommendations of nongame objectives does not indicate priority. The committee agrees that the function of salvaging and restoring presently endangered and threatened species merits priority to the extent practical. The remaining nine objectives are all equally important. The committee urges their implementation as quickly as sound planning will allow.

The committee looks forward to an exchange of information with Director Fullerton about implementation of these objectives. The committee also looks forward to working with the department in all phases of the processes of implementation.

Readers of this report should keep in mind that the role of the committee is to advise the director of the department on nongame objectives and programs. The director, of course, retains the final authority for implementation of these recommendations.

There are three central themes in these objectives: (1) All wildlife deserves living space for its own intrinsic values and for its role in perpetuating healthy environments. Wildlife populations also function as barometers of the well-being of ecosystems. (2) The department should reorient its philosophy and programs to achieve complete integration of game and nongame programs. We anticipate that this goal can be accomplished with the adoption of a five-year plan of reorientation. (3) Habitat destruction, primarily by mankind's activities, is the major cause for the decline of wildlife.

I would like to express the committee's appreciation of the cooperative and encouraging spirit of department personnel. Requests by committee members for information, documents, budgets, and personal presentations to the committee were met promptly. In particular, E. G. Hunt, who was assigned by the director to work with the committee, has been responsive and helpful.

Decisions of the committee were achieved by consensus. The committee members represent the public as follows: three are university professors of biological sciences; one is a community college instructor of the social sciences; one is supervisor of a nature center, and two are spokespersons for national conservation organizations.

MAXINE McCLOSKEY, Chairman
Citizen Nongame Advisory Committee

RECOMMENDED OBJECTIVES AND PROGRAMS

	<u>Page</u>
Preamble	v
1. Nongame Policy	1
All native animal and plant species in the state should be protected by the department for their own intrinsic values and to insure their perpetuation as viable components of their ecosystems. Efforts should be directed toward achieving self-sustaining population levels of all native species.	
2. Equal Attention to Nongame Wildlife	2
There should be an increase in attention paid to nongame wildlife until personnel and fiscal resources and programs devoted to nongame species are comparable to consumption programs. There should be an annual program of increasing attention given to nongame activities over a five-year period until this goal is reached.	
3. Funding for Nongame Programs	3
New funding sources for expanded nongame programs as well as larger allocations from the state's general fund should be obtained as necessary.	
4. Clarification of Authority for Management and Protection	5
There should be no statutory or regulatory impediments that serve to prevent the department from adequately managing and protecting nongame wildlife.	
5. Protection	6
To provide effective protection for nongame wildlife, there should be enough enforcement personnel to cover the state adequately. These officers should have the most effective equipment and techniques, including improved twenty-four hour communications, so that they can respond quickly to most situations.	
6. Endangered Species	7
Programs to restore presently endangered or threatened species to healthy, self-perpetuating population levels should be strengthened. These efforts, of necessity, should have priority over other programs insofar as is practical.	

	<u>Page</u>
7. Monitoring of Populations	8
In order to prevent any further decline of native species into endangered or threatened status, a systematic monitoring of the populations of selected species should be established.	
8. System of Protected Areas and Ecosystem Management	10
A series of protected areas or reserves should be established that will be large enough to insure the continued existence of natural ecosystems or biotic communities with all their constituent species.	
9. Exotic and Feral Species	12
There should be no further introductions of exotic animals for release or propagation for release purposes, unless it can be reasonably demonstrated that such exotic animals will not be detrimental to native wildlife populations or ecosystems. Particular attention should be paid to the affect on rare and endangered species. In cases of conflict between native and exotic or feral animals, the interests of the native species shall predominate. Intrastate relocation of exotic and native wildlife should be regulated so that such transfers will not be detrimental to the native wildlife of the relocation area.	
10. Education	14
There should be an aggressive program of public and intra-departmental education aimed at developing an awareness of the importance and fragility of natural ecosystems and a concern for all wildlife.	

ON THE COVER - Great blue heron photo by
John Hummel. Other artwork by Paul B. Johnson.

PREAMBLE

The existence of diverse ecosystems is essential to insure a healthy living environment for all species--man included. Self-sustaining populations of a diversity of organisms are essential parts of such ecosystems. In order to facilitate achievement of the foregoing, the committee recommends the following objectives for the California Department of Fish and Game.

Objective 1 Nongame Policy

All native animal and plant species in the state should be protected by the department for their own intrinsic values and to insure their perpetuation as viable components of their ecosystems. Efforts should be directed toward achieving self-sustaining population levels of all native species.

BACKGROUND

The California Department of Fish and Game now has the statutory authority to protect native wildlife within the state. Heretofore, most of the department's efforts have been directed to protecting and enhancing populations of those species of wildlife that are preferred for various forms of consumption. The success of these programs can be seen in the fact that none of the managed species has been reduced to threatened or endangered status, while many nonmanaged species are in serious trouble, primarily because of habitat destruction. The dichotomy in management programs between game and nongame species often does not foster diverse and stable ecosystems.

It can be assumed that each organism fills a role in the maintenance of stable habitats, even if people have not yet been able to accurately assess the contribution by each species. The Department of Fish and Game should therefore recognize the intrinsic worth of each species by acting on its present obligation to be concerned for the welfare and survival of all wildlife.



KIT FOX

Objective 2 - Equal Attention to Nongame Wildlife

There should be an increase in attention paid to nongame wildlife until personnel and fiscal resources and programs devoted to nongame species are comparable to consumption programs. There should be an annual program of increasing attention given to nongame activities over a five-year period until this goal is reached.

BACKGROUND

While public concern for wildlife has traditionally revolved around game species (reflected in wildlife management budgets in all the states), greater numbers of people are demanding that the nongame resources be given comparable management attention. Achievement of this broader emphasis is the central aim of this committee's recommendations. This view is recognized in the conclusion of the Wildlife Management Institute report of 1975 that "should present trends continue, nonconsumptive wildlife programs will be the dominant force in state wildlife management programs within the next decade." This situation is nothing short of revolutionary. Significant and fundamental changes in departmental activities must be initiated now if policies and programs are to keep pace with this growing public involvement with nongame wildlife. Fundamental change includes the need for new and increased sources of funding, which is discussed in Objective 3. Furthermore, a great sense of urgency and priority is dictated by the state's endangered species. Without increased attention, many of these may be forced into extinction, and it is feared that other species may be further reduced to endangered status.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The department should begin immediately to take measures whereby game and nongame species will receive equal departmental attention. This can be accomplished by establishment of a five-year timetable that provides for an orderly and planned reorientation of the department; annual shifts in the allocation of resources will be a major aspect of this effort. Five years should be an adequate transition period over which to accomplish the changes necessary for complete integration of game and nongame programs. As an important part of the effort to be made toward achievement of the transition, personnel in the central headquarters and in the field should experience incremental changes in their work objectives. Hiring of additional staff with expertise in nongame species will undoubtedly be necessary. This committee should have the opportunity to evaluate annually the progress toward achievement of this goal and to recommend any necessary adjustments in the plan to keep it on target.
- B. As a visible symbol of the goal of total integration of game and nongame programs, the name of the department should be changed to "Department of Wildlife Conservation," or "Department of Wildlife and Fisheries." This will bring public awareness of the new policy, and will reinforce to department personnel the shift in emphasis to equal concern for nongame and game animals.

Objective 3 - Funding for Nongame Programs

New funding sources for expanded nongame programs as well as larger allocations from the state's general fund should be obtained as necessary.

BACKGROUND

The department is in need of greatly increased financial support if California is to have a truly comprehensive program of wildlife management that includes both game and nongame species. The success of any agency is related to its financial support. While planning and good management are also essential, inadequate financing will inevitably hinder progress in these two areas. Also, since historic funding practices have been the primary rationale for the department's bias toward game species, it is at this underlying point that change must be sought.

The department has traditionally received the bulk of its financial support from the revenue derived from involuntary taxes paid by the consumptive users of the fish and wildlife resource, specifically, hunters and fishermen. As a result of this financial base, the department has, in some sense, been constrained to concern itself primarily with game species. However, now that wide sectors of the public are demanding that more attention be given to the management of nongame species, the department is clearly faced with the need for a restructuring of funding methods. The increased responsibilities entailed by a truly comprehensive wildlife program would render the limited, special interest income provided by hunting and fishing licenses totally inadequate. Also, the small percentage of consumptive users of wildlife should not (nor could not) be expected to bear the burden of a more complete state wildlife management program.

A number of states have attempted to provide nongame wildlife programs on the basis of voluntary public support. California's nongame decal program is an example of this approach. The revenue obtained from such a program will be inadequate to support a greatly expanded nongame emphasis; no voluntary tax has ever contributed significant amounts of money in the economic history of any state. Assuming that people want positive results, there is no substitute for a mandatory funding program.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The wildlife resource is legally the property of and concern of the state, and it is therefore appropriate that contributions for wildlife programs come from the state's general fund. For the past two years some money has been made available from this source. However, the magnitude of effort required to bring nongame activities up to a more acceptable level will require still greater general fund support. Equity demands that the public's nongame wildlife be managed by public money.

One difficulty with general fund allocations should be mentioned here. For a nongame program to be truly viable, an ongoing and constant source of monies is required. General fund monies are subject to such pressure from other worthwhile state programs that this source cannot be completely relied upon to dependably supply the needs of a well-rounded nongame program. For instance, the State of

New York's wildlife program proved very successful while receiving allocations from the state general fund. However, when this funding was withdrawn, their programs suffered disastrous setbacks. Thus while it is certainly necessary that the department receive even more major allocations from the general fund, this source of funding should not be the sole basis for an expanded nongame program.

- B. A new federal-state nongame financing program is the additional recommendation for a stable funding source. At least three major studies of nongame activities have reached this conclusion: Missouri Department of Conservation, 1970; President's Council of Environmental Quality, 1973; and Wildlife Management Institute, 1975. Specifically, the WMI said, "The general recommendation ... is to raise necessary funds for nongame programs by assessing costs against those who benefit most directly. This means that program costs, at least in the 'start-up' phase, logically should be borne by the millions of outdoor recreationists whose enjoyment is based on natural habitat and its associated fish and wildlife. This includes hikers, campers, picnickers, birdwatchers, nature photographers, and others who seek and appreciate fish and wildlife in natural areas, as well as in their communities and backyards." Such revenue would be obtained through a manufacturer's excise tax levied by the federal government on designated products made for and used by outdoor recreationists. Revenues would be allotted to the states on a matching basis similar to the existing federal-state wildlife and fisheries restoration programs.



BROWN PELICAN

Objective 4 - Clarification of Authority for Management and Protection

There should be no statutory or regulatory impediments that serve to prevent the department from adequately managing and protecting nongame wildlife.

BACKGROUND

It is essential that the laws and regulations on activities that involve wildlife, either directly or indirectly, do not contain gaps that provide opportunity for nongame wildlife to be inadvertent victims of lawful consumption programs.

There is understandable confusion stemming from the multiple classification lists of California species. There are lists for fully protected, furbearing mammals, certain exotics, rare and endangered species, and a separate category for nongame mammals. While flexibility in management is usually a good administrative practice, the number of categories of animals and the differences in the degree of protection they are accorded undoubtedly creates confusion for the public, wildlife users of all kinds, and for the department personnel. It is likely that such confusion results in diminished protection for the animals.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. There should be a thorough review of the California codes to determine the existence of any gaps in statutory direction that may result in the inability of the department to adequately protect wildlife.
- B. All regulations of the department should be reviewed to determine the existence of ambiguity, confusion, and contradiction that may serve to obscure the department's responsibility and regulations for nongame wildlife. If ambiguous, confusing, or contradictory regulations are discovered, the department should take steps to have them corrected.

AMERICAN KESTREL



Objective 5 - Protection

To provide effective protection for nongame wildlife, there should be enough enforcement personnel to cover the state adequately. These officers should have the most effective equipment and techniques, including improved twenty-four hour communications, so that they can respond quickly to most situations.

BACKGROUND

The human pressures on California wildlife continue to increase for several reasons. These include population growth, increasing interest in outdoor recreation, the spread of populations into suburban and rural areas, the influx of visitors, and the mobility of the public. Popularity of off-road vehicles and boating also have a tremendous impact on wildlife, even in areas and at seasons formerly relatively immune from human impact. Even though California has more wardens on a per capita basis than any other state, a force of some 250 wardens in a large state of over twenty million population is clearly not adequate protection for wildlife or its habitat. If a warden is sick or on leave, the animals in that territory may be virtually without protection.

We also need to find ways to obtain increased public participation in enforcement problems. More participation by responsible persons, better communications systems, and more enforcement personnel will help achieve strict enforcement of all laws pertaining to wildlife.

When people observe infractions of the laws, or what appears to be questionable practices concerning wildlife, it is difficult for them to directly contact a departmental office or a warden. It is impossible to do so at night.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The department should review its enforcement structure (regulations, numbers of personnel, administrative procedures, communications, and public education) in order to strengthen its ability to protect wildlife and its habitat from law violators.
- B. The department should establish a toll-free, 800 phone number, in order to better facilitate public reporting of observed infractions of the law.

Objective 6 - Endangered Species

Programs to restore presently endangered or threatened species to healthy, self-perpetuating population levels should be strengthened. These efforts, of necessity, should have priority over other programs insofar as is practical.

BACKGROUND

Considering the overwhelming work and study that is necessary to safeguard and expand populations of endangered and threatened species, a list of priorities for the various species is necessary. Funding is limited, and consequently the work undertaken should provide maximum results for the time and money expended. In some cases habitat preservation may be of paramount importance while in others habitat manipulation or reestablishment of populations may be necessary.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The department should establish a clear set of guidelines on how it will proceed to improve the status of populations of endangered and threatened animals.
- B. The department should establish a clear set of objectives for each endangered or threatened species and a list of priorities so that funds and labor may be utilized where most needed or where the maximum results can be obtained.
- C. The department should evaluate the present process for placing new species on the state endangered or threatened lists. It should establish a set of clear guidelines and it should clarify the kind of supportive data that is necessary to achieve such additions.



RINGTAIL CAT

Objective 7 - Monitoring of Populations

In order to prevent any further decline of native species into endangered or threatened status, a systematic monitoring of the populations of selected species should be established.

BACKGROUND

The department has the responsibility for maintaining the well-being of natural populations of animals in the state. Because there is no means by which the status of most species is regularly assessed, the department is seldom aware of the decline of a native nongame species until its population has reached a critical level.

It is surprising how little is known about the distribution and ecology of most of California's fauna and flora. Studies have tended to concentrate on species of economic importance or, more recently, on threatened species. Studies of other species or of ecosystems have largely been performed by faculty and students of colleges and universities with little coordination with agency management needs. Such studies are sporadic and underfinanced, yet they are often responsible for pointing out that particular species or habitats are threatened. In recent years the need for environmental impact reports has resulted in many studies of local habitats. While these studies are often hasty in their execution, emphasize impact on economically important or threatened species, and are seldom able to properly relate the areas studied to the ecosystems of which they are part, they nevertheless often contain much useful information. In addition, there is ecological data in the unpublished reports, files, and minds of agency biologists. Although knowledge of California ecosystems from all these sources is limited in amount and scope, it could form the beginning of a systematic monitoring of populations of native species and the effect on them of diminishing habitats and potentially harmful environmental modification programs.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The fundamental need is for population data that will allow, over a period of years, the assessment of the growth or decline of populations. It is clearly impossible to monitor all species. Consequently, careful consideration must be given to compiling a list of species (including all categories--threatened, endangered, game, etc.) that could be monitored and used as indicator species. If we have precise and substantial population data of this kind, it may be possible to determine trends, predict declines or growth, and become aware of changes in the ecology that are affecting the populations.
- B. The department should join with other agencies to establish a computerized information retrieval system from which information on ecosystems could be obtained by location (county, township and range, etc.), ecosystem type (Douglas fir forest, Hudsonian life zone, etc.), or by drainage system (McCloud River, Death Valley, etc.). Such a system could be partially paid for by charging environmental impact firms for use of the information retrieved. An information retrieval system would: (1) reduce the duplication of effort that often occurs when many agencies and individuals are interested in the same problems or area, (2) permit more rational wildlife management and land use decisions and (3) point out areas where information is most sorely lacking.

- C. It is obvious that even if an information retrieval system were to be instantly available and all the information on California ecosystems fed into it, there would still not be enough information available to manage most of the ecosystems and species effectively. There is thus a need to begin a systematic inventory of the state's biota. Initially, the inventory should focus on (1) detailed studies of the natural areas listed by the California Natural Area Coordinating Council (a private nonprofit organization), and (2) distribution and ecological requirements of vertebrates. The scope of the inventory would be broadened as time and funding permitted. One of the main objects of the inventory would be to find areas, species, or groups of species that could act as indicators of environmental quality. These indicators would then be studied in detail and monitored on a regular basis. The initial surveys should also be repeated on a regular basis, perhaps every ten years, or even more frequently in some areas.
- D. To accomplish the above objectives, the department should establish a natural history survey branch. Initially this branch would consist of biologists whose main responsibility would be to compile information already available for the information retrieval system, to make preliminary judgments as to ecosystems, species, and species groups that are in particular need of study, and to coordinate studies already underway by agencies and schools. Although the ultimate responsibility for systematic ecosystem inventory should lie with the department, much of the actual field work could be done by students and teachers. The mere publication of a list of ecosystems and species in immediate need of study would stimulate work on them by educational institutions and make the securing of outside funds for the studies easier.



SEA LION

Objective 8 - System of Protected Areas and Ecosystem Management

A series of protected areas or reserves should be established that will be large enough to insure the continued existence of natural ecosystems or biotic communities with all their constituent species.

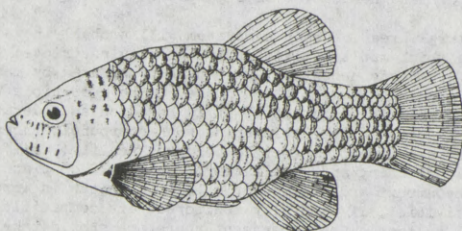
BACKGROUND

It is becoming increasingly apparent that our wildlife resources are best managed by taking a habitat or ecosystem-management approach, rather than the traditional species approach. However, one of the problems with the ecosystem management approach is the enormous number and variety of ecosystems in California, all of which interconnect with other systems both in and out of the state. Nevertheless efforts must be made to find ways to insure the perpetuation of these systems, since each contains a particular combination of organisms adapted for utilizing in concert a particular set of environmental conditions. Each such combination of organism-environment interactions is as unique as the species that are normally the focus of wildlife management.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The first step toward developing an ecosystem management approach for California is to identify the ecosystems and categorize them according to management priority (e.g., stable, rare, endangered, etc.). In conjunction with recommendation 7.B., the department should therefore develop an ecosystem map of California that outlines the major and minor biotic communities of the state. This task should not be too difficult since various classification schemes are already available.
- B. The next step is to determine the minimum area each ecosystem needs so that its natural qualities and biological diversity can be maintained. The science of ecology is becoming sufficiently sophisticated so that predictions can be made as to the amount of land needed for this purpose.
- C. While part of the "natural area" of each ecosystem will probably have to be a series of preserves in which man's activities are greatly restricted (see below), much of it, because of economic necessity, will have to be used by man in one way or another (e.g., grazing, logging). Such use can be compatible with the maintenance of an area's biotic resources if it is based on an understanding of the area's ecology and its interrelationships with surrounding areas. Therefore, if true ecosystem management is ever to become a reality, California must have statewide land use planning and, ultimately, zoning. Such planning should recognize that both the amount and quality of wildlife habitat is important and that many of man's activities, if carefully monitored, are compatible with the maintenance of natural systems. The department therefore should take a leadership role in efforts to develop statewide land use plans and then work towards having these plans implemented.

- D. Although the ultimate goal of the ecosystem management approach is to identify and manage entire ecosystems, there is also an immediate need to identify and protect smaller representative natural areas that are irreplaceable in terms of their aesthetic and biotic characteristics. The California Natural Areas Coordinating Council (CNACC) is leading the way in the identification of such natural areas. CNACC maintains a county by county descriptive list of irreplaceable natural areas, which should form the basis for a systematic program of acquisition of unique natural areas.
- E. Since time is critical in the acquisition of irreplaceable natural areas and since land prices are inflating rapidly (often in response to the department's interest in an area), the department should utilize the power of eminent domain. It should be used only when necessary in the acquisition of habitat for endangered or threatened species and unique natural areas. The department should coordinate such acquisition efforts with those of other agencies and private organizations such as The Nature Conservancy.
- F. Programs of ecosystem management undertaken by the department should involve minimal manipulation of the environment wherever possible. Aldo Leopold wrote in 1933 that low-intensity management of all lands requires lower costs and results in lesser artificiality. The department should be working toward managing ecosystems on a self-sustaining basis (as much as this is possible under current conditions). The less human effort required, the more likely it is that the ecosystem will survive in perpetuity. The department should avoid the pitfall of producing populations that are dependent on constant human manipulation and therefore subject to the uncertainties of competition for funds and availability of functioning machinery, energy, and water supplies subject to constantly increasing human demands. Because so much of the land of California has already been subjected to manipulation, the objective of low-intensity management may only be partially achievable. Certainly, extraordinary measures may be required for the preservation of endangered species or to prevent endangerment.



DESERT PUPFISH

Objective 9 - Exotic and Feral Species

There should be no further introductions of exotic animals for release or propagation for release purposes, unless it can be reasonably demonstrated that such exotic animals will not be detrimental to native wildlife populations or ecosystems. Particular attention should be paid to the affect on rare and endangered species. In cases of conflict between native and exotic or feral animals, the interests of the native species shall predominate. Intra-state relocation of exotic and native wildlife should be regulated so that such transfers will not be detrimental to the native wildlife of the relocation area.

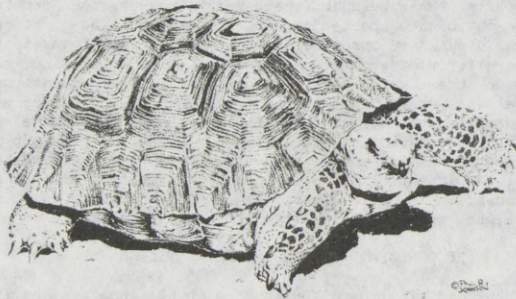
BACKGROUND

The lesson should have been well learned by now regarding the problems caused by exotic animals that become established in the state. Exotics such as feral goats and burros, European wild boar, African clawed frogs, bullfrogs, and carp are well known for the negative impact they have on native wildlife and habitats. Of course, most exotics were introduced before the present concern and appreciation for native wildlife developed, and many recent introductions have been accidental or done without the department's knowledge or permission. However, the department has recently played an active role in the introduction of some exotic animals, particularly birds and fish, although most recent introductions approved by the department have been cautious and accompanied by detailed studies and careful analyses prior to release. As careful as the department has been in recent years, the precise long-term ecological impact of the introduced species is largely unknown. The question should be asked: is there any documented instance where an exotic animal was introduced and released in numbers for whatever purpose (food, hunting or fishing, esthetics, etc.) that did not have some adverse effect on native wildlife populations or ecosystems? Conversely, to what extent does the release of exotics for hunting and fishing purposes relieve pressures on California's game and nongame species? While the introduction of some exotics, such as the ring-necked pheasant and striped bass, has added to hunting and fishing opportunity and the esthetic enjoyment of the outdoors, the impact on the ecosystems in which they are now well established is not known. It is obvious that the immediate advantages of an introduction need to be weighed against their long-term disadvantages.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. The department should initiate detailed studies on all game exotics it continues to release, or that have become established in or outside of their direction, so that the precise ecological impact will be known. These studies would form the sound basis for either justification of the continued presence or condemnation (extermination) of such exotic species.
- B. The Fish and Game Code requires written notification at least ten days in advance to the director by anyone intending to import into the state any live fish, reptile, amphibian, or aquatic plant. This regulation should be enforced and it should be extended to cover live birds, mammals, and certain invertebrates.

- C. Present law prohibits importation for purposes of propagation any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased or parasitized fish, reptile, amphibian, or aquatic plants are known to exist. This prohibition should be extended to include mammals, birds, and certain invertebrates.
- D. Because the department's authority on control of destructive exotics such as goats, pigs, and sheep in feral situations on private land is not clear, the department should explore means of gaining better control of such exotics.
- E. The department should develop a precise set of procedures for determining whether a planned introduction of an exotic should be permitted or prohibited. The procedures should include some biologically reasonable and feasible criteria for evaluating the potential harm of any planned introduction. The burden of proof of the lack of detrimental affects of an introduction should fall on the introducing agency or individuals, who should be required to follow the departmental procedures.
- F. The department should expand its efforts in regulation of intrastate transfers of animals.



DESERT TORTOISE

Objective 10 - Education

There should be an aggressive program of public and intradepartmental education aimed at developing an awareness of the importance and fragility of natural ecosystems and a concern for all wildlife.

BACKGROUND

In order to accomplish the goals of this resolution as well as the others outlined in this First Annual Report, the entire staff of the department should reorient their thinking and values to include nongame species in all phases of their operations. This can be accomplished by building on useful programs already operating, as well as by starting new ones.

However concerned and active the department is, it can not accomplish these goals by itself. It must have the support and cooperation of a well informed and concerned public. Further, an informed public will be of great aid toward achieving more effective law enforcement from the standpoints of responsible behavior, and reporting of observed infractions.

The following recommendations are made in two sections:

- A. In-house reorientation and education programs.
- B. Public education programs.

RECOMMENDATIONS FOR IMPLEMENTATION

- A. In-house reorientation and education. In the past, department efforts have almost totally been directed toward the management of game species. In this it has done a commendable job and is encouraged to continue in the future so long as these activities do not adversely affect nongame species. With its new charge, however, the department should include nongame species in all its study and management programs. In addition, the nongame uses of game species should be a recognized component of game management programs.

Actions that could be taken to help overcome the department's game orientation should include:

1. Conduct an extensive in-house training and reorientation program designed to familiarize all personnel with nongame species, their problems, and the department's management plans. This continuing program should be required of each employee (especially field personnel) on a rotational basis, and may be conducted by departmental personnel, experts from outside the department and/or established courses or curricula offered by a number of educational institutions.
2. Involve department personnel at all levels with the public education programs outlined in section B.
3. Promote and recruit trained personnel for openings in leadership positions and in other categories who have a broad view of the importance of all wildlife.

B. Public Education. By far the most powerful force in achieving an effective program for California wildlife is a concerned and informed public. Presently the department's education efforts are directed mainly at informing the sportsmen of specific regulations regarding hunting and fishing and of safety procedures while pursuing game. Concerning the rest of wildlife, the department has a great deal to say but no effective means of communication. The following are recommendations for six programs that will get the vital wildlife message across to the public.

1. Outdoor California. This publication is well done and very informative, but it seems to be one of the department's best kept secrets. A recent telephone interview of 40 fifth through twelfth grade science teachers from sixteen school districts in nine San Francisco Bay area counties revealed only three who had heard of Outdoor California, and only one of these subscribes. Wider distribution can be accomplished by the following means:
 - a. The bottom of the last page or the back cover should contain a self-addressed tear-off subscription application that clearly states the purpose for the magazine, number of issues per year, cost, etc., and the suggestion that it would make a nice birthday or Christmas gift for a youngster or friend.
 - b. Use free TV spots advertising subscriptions to Outdoor California.
 - c. Provide copies free or at subscription rates to public libraries.
 - d. Either directly or through the "Superintendent's Bulletin" of the Department of Education, send an informational note concerning Outdoor California to all school districts. The note would explain the publication's value as a teaching resource in conservation education. Teachers could encourage students to earn money for a class subscription.
 - e. A colorful brochure containing a subscription blank (and perhaps a sample copy) advertising Outdoor California should be sent to every hospital and physician's, dentist's, and veterinarian's office in the state. (Lists are available from the appropriate professional organizations.) The brochure should emphasize that the presence of the magazine in the office demonstrates the doctor's concern and support of the wildlife programs of the state.
 - f. Include a subscription with every hunting and fishing license sold. This would not add a great deal to the cost of the license but would provide an effective continuing channel of communication with the sportsmen beyond the "Rules and Regulations" booklets.
2. Native Species Conservation Program (the decal program). Although this program is an excellent idea, the results so far indicate that the help of a first-rate public relations firm or team is needed. Here are a few suggestions:

- a. **Decal Design:** Since part of the reason for the decal program is to get people involved in wildlife issues, they then should have a hand in the heart of the program--they should be able to offer suggestions for the design of the decal. Children, as the citizens of tomorrow, and who have tremendous influence on their parents today, should be the most involved. An announcement, carried either directly to the teachers or to them through the "Superintendent's Bulletin," would explain the program: "An Investment in the Future - A Wildlife Savings Program." Students could, through cookie sales, car washes, paper and aluminum drives, etc., earn money to buy a class "Wildlife Decal." This would include a subscription to Outdoor California, and a chance to enter the decal design contest for the following year. Each class could submit a decal design. The subject or topic could be of a general nature or of some specific organism of their concern (perhaps one from their area), plant or animal. The entry form to accompany submission of the design would explain why that subject was chosen and what specific things should be done to solve the problems related to it. Also to be included would be some appropriate motto for the decal. Entries would be judged on a regional basis (the department has six regions). Judges in each region would be selected by the regional director from interested citizens representative of the region. They could include civic leaders, educators, officers or representatives of sportsmen's and conservation groups, etc. Two to five finalists from each region and their teachers would be invited to Sacramento for a two-day expense paid awards program. The program could include meeting the governor, a banquet, VIP tours, TV coverage, etc. (California Conservation Council as well as other organizations and industries could help to make it an impressive occasion and support the cost.) The teachers would be eligible for awards in recognition of their efforts toward the success of the program. They would also be the strongest boosters of the program in the future. Each class submitting a design, winner or not, would receive a handsome certificate of participation and a letter of encouragement for next year. While the finalists are in Sacramento, or shortly before, a selection committee composed of the department director, fish and game commissioners, and citizens would select the winner or winners. To provide for fair competition among the entries, finalists and winners should be selected from each of three grade levels; lower elementary, junior high, and high school. The three winning designs would be used for decals, a purchaser could choose one or a set of all three. The particular survival needs of the organisms on the three winning designs would help set the priorities for expenditures from the decal fund for that year.

Since this promotional campaign is tied so closely to the schools, the planning and timing of the Native Species Conservation Program should coincide with the academic year.

b. Decal Advertising and Distribution:

- (1) Better use of free TV spots. Some of the later ones this year are good. The storyline should emphasize that some of our wildlife need help because of our actions. We can correct some of this by taking actions to correct the problems, but this takes money. Contributions from the public are needed, and the decal acknowledges their concern and advertises that fact to others. We are not in the business of selling decals. The department should request that the TV stations show the spots during prime time and during wildlife programs.
- (2) Colorful posters given free to businesses, post offices, sport shops, and schools to advertise the decal program. If the poster is attractive and has a wildlife message it would be of value and, hence, would be displayed long after a year's program is over and would serve as a continuous advertisement of future programs.
- (3) Have decals available for purchase by mail, from any of a number of cooperating banks, and wherever licenses are sold.
- (4) Offer industries and organizations annual "sponsor" status in the decal program for contributions of \$100, \$500, or more, with appropriate certificate, medallion, or plaque. In this way industries, civic, social, and environmental groups could express and demonstrate to the world their concern for our wildlife. The "sponsor" participation includes a subscription to Outdoor California.
- (5) Buy ad space in appropriate educational journals (Science Teacher, Science and Children, NEA Journal, etc.) to better reach the teachers with information concerning the educational values of participating in the program.

3. Audio/Visual Services. Although the department now has a number of excellent films available for public use, they are almost totally game oriented. The topic selection should be broadened to include nongame wildlife. Since a large number of schools and other institutions now have videotape playback facilities, this means of providing public instruction should be explored. The cost can be considerably less than 16mm film and while doing the same thing (color or black and white, motion and sound), it offers a number of decided advantages.

- a. Secure a wider variety of films/videotapes covering wildlife and conservation topics including but not restricted to: soil and water; pollution and conservation; life histories of California wildlife (elephant seal, sea otter, gray whale, etc.); deer management problems; reservoir management; snake bite first-aid; "Know your California" - reptiles, amphibians, marine fishes, tidepool plants and animals, marsh birds, waterfowl, song birds, larger mammals, smaller mammals, marsh animals, etc.; "Enjoying the California High Country - What it takes to Keep it That Way;" "Predation-A Way of Life;" "Build a Better Mousetrap" (owl, fox, or coyote life history). These are only

a few suggestions accumulated recently, some are already available for sale, most would have to be made. Funding for this could be obtained in part from the Department of Education as aids to the implementation of conservation education curricula or through private and federal educational grants. Major TV network news teams often do documentaries on wildlife. Copies of the videotapes can often be had free or for only the cost of transcribing them onto 1/2-inch tape. Free public service TV time should be extensively used to communicate with the public on timely and important issues. If these productions are of high quality so that they reflect favorably on the station, they would be shown at prime time.

- b. Advertise more widely the films and tapes and other visuals (slides, charts, posters, etc.) by prepared release to superintendents of schools throughout the state, requesting that it be published in the bulletins going out to the teachers. Send catalogs of materials available, with instructions for obtaining them, to public libraries, and the audio/visual departments or coordinators of all school districts, community colleges and universities.
- c. Develop a series of large very attractive wildlife posters or charts that would be both decorative and educational. Topics could include: wild flowers of spring, the desert, the Sierra, valleys, or vernal pools; ducks; marsh birds; marine fishes; freshwater fishes; snakes; lizards; frogs and salamanders; plant and animal indicators of typical California biotic communities; etc. These could be sold at a reasonable price to the public and be available to teachers at cost or through the Department of Education as supplemental teaching materials for conservation education.
4. Hunter Safety Training Program. This program which is now required as a prerequisite to obtaining a license for minors, should undergo a change in basic philosophy. The firearm safety aspects should continue to be stressed but emphasis should be increased on developing in the youngsters an appreciation for and an interest in all wildlife, not just game species. Identification of game and nongame species under field conditions should be stressed and tested as well as an understanding of the reasons for the laws and regulations which they are expected to observe. The program should strive to develop the concept that each animal plays an important role in a community. It should strive to eliminate the popular misconceptions of some species being undesirable varmints or predators.

Visual materials described in 3 above would be a great help in this important training program. A series of workshops and training sessions would be necessary to retrain the present instructional staff (mostly volunteer) concerning this reorientation of goals.

5. Speakers Bureau and Wildlife Auxiliary. On a par with the need for good visual aids, the teachers interviewed were unanimous in their opinion that guest speakers, who are experienced in working with youngsters and who could answer questions about a variety of conservation and wildlife topics, would be a most valuable asset to their conservation education program. To this end the following actions are suggested.
 - a. The department should establish a speakers bureau consisting of department personnel and/or carefully selected and trained volunteers. There is a great untapped resource of talented and interested people in every community (teachers, sportsmen, environmentalists, students, housewives, and senior citizens) who could do a terrific job given the training and the opportunity. Department personnel or outside specialists would conduct training sessions for the volunteers in much the same manner as the very successful zoo and museum docent programs. These volunteers, "The Wildlife Auxiliary," should be identified in some appropriate way (jacket, vest, hat, shoulder patch, etc.) to give them appropriate recognition. They should be provided with appropriate visual aids and, when possible, live animals. A speakers bureau could operate out of the main office or out of each region. The activities must be supervised by a staff person but the coordination and scheduling could be done by volunteer help.
 - b. To provide direct experience for students and extra hands for vital department work, an intern program involving high school and college students should be initiated. These could include both volunteers and students working for course credit, and persons employed by the California Conservation Corps. The interns could help with department activities including: speakers bureau, field, office, and laboratory assistants, census takers, warden aids, etc. The students could gain valuable training and experience as well as course credit from participating institutions. The credit giving institution would handle the evaluation and other paperwork aspects of the program. The department could derive many benefits beyond just extra hands. It could capitalize on the many special skills that the students could offer including: trained office help, computer programmers and data processors, artists, mechanics, photographers, writers, law enforcement candidates, public relations trainees, prelaw students, trained biologists and chemists, etc., all at virtually no expense to the department. These interns should be given some sign of recognition while on duty (jacket, vest, hat, shoulder patch, etc.) to identify them and the service that they are providing. Employees of the California Conservation Corps could find worthwhile and satisfying work in these various wildlife and habitat related functions. This would be especially true for the many biological science and social science majors and graduates of the colleges and universities who have difficulty finding jobs in these fields. We need people who are sensitive to wildlife and ecological values.

6. Public Meetings. Presently Region 5 conducts quarterly Fish and Wildlife Conservation Council meetings. These public meetings provide an excellent opportunity for the department to inform the public on wildlife problems and values. The department should establish a similar series of regular public meetings in all the regions. They should be well publicized in the press and among interested organizations.



BALD EAGLE

ACTION FOR WILDLIFE ON THE STATE LEVEL

By Maxine McCloskey, Chairman, Citizen Nongame Advisory Committee
California

Who looks after the needs of woodrats, sparrows, garter snakes, spotted frogs, or suckers in your state? Probably no agency does, for these creatures fall between the cracks in most state fish and game departments. They are neither moving targets, nor sport fish. They are representative of the class of wildlife termed "nongame." In almost every instance they receive zero attention, whether they live on state, private, or federal land. There are three ways for animals to get attention from state wildlife agencies.

If the animals I mentioned should happen to be the Morro Bay Kangaroo Rat, Belding's Savannah Sparrow, San Francisco Garter Snake, Santa Cruz Long-Toed Salamander, or Unarmored Threespine Stickleback—then, in California, they are on the state endangered species list, and therefore they do receive attention. For example, the Morro Bay Kangaroo Rat is receiving significant attention in the form of study and purchase of fifty acres for some \$300,000 of critical habitat. This area will be combined with adjacent lands recently purchased by the state Department of Parks and Recreation.

The second category of wildlife that has received great attention by state management agencies and by federal grant-in-aid programs is game and sport fish. These animals are both fortunate and unfortunate—a case of good news and bad news. The good news being that they receive a great deal of attention, on state and federal lands in particular. Habitat is manipulated, other species can be "controlled" or even exterminated in their favor. Examples of this in California are plans to reduce the blue herons that have taken up residence at a state fish hatchery where the fishing is easy, or the poisoning out of native fish in order to plant introduced sport fish. So good news for game species is that they are looked after, and there appears to be no record of a managed species now on or about to be on the endangered or threatened lists. The bad news for them, of course, is that when hunting or fishing season comes around, then they are the targets. Nationwide, game mammals, birds, and fish receive 97 to 98 percent of the average state's wildlife budget. Yet nationwide, only about 1 percent of all vertebrate species are sought by hunters and anglers.

The third category of species that gets attention is represented by those that attract the concerted devotion and energy from an individual or group, and who, through their efforts, force state agencies to pay attention. Examples of those would be the tule elk and Beula Edmiston; the southern sea otter and Margaret Owings; or the bobcat whose suffering and decline under severe trapping pressure is enlisting a large number of persons working on its behalf. Examples of organizations would be the wolf and the Wild Canid Survival and Research Center. These are only a few examples of the many people and groups who take up the cause of a species. Usually this interest occurs because the species is in trouble.

While wildlife law continues to evolve through a growing number of court decisions, the practical fact is that wildlife is generally subject to regulation and management by the several states. They designate a management agency, and depending on the state, give that agency varying amounts of mandate and authority. The fate and welfare of most species is in their hands. While the states have clearest authority over wildlife on state and private land, they also dominate most wildlife management on most federal land through mandated cooperative agreements.

The most challenging opportunity for wildlife is at the state level because that is where the animals and the management authority are. But state wildlife agencies have been and continue to be dominated by those interests that pay its bills—the licensed sportsmen. They get what they pay for—moving targets. The state's obligation to oversee all wild creatures is ignored for the most part. But even if the states want to expand programs, they can do it only if they cut back on existing programs to meet present budgetary restrictions, or if they find increased revenues to pay for new programs. Since the states are primarily dependent on revenues from sportsmen, they are not going to reduce those kinds of programs in order to make room for other wildlife if the revenue base remains the same. The only alternative is to find new sources of revenue in order to expand state wildlife programs.

The challenge deepens. When environmentalists review the existing wildlife programs in the states, they may be inclined to give up any thought that the

wildlife agency would use new sources of money for broad new programs. They fear new money would just continue to be channelled through the old deer and duck mentality into game programs.

This is a dilemma of elephantine proportions. But the opportunities and the need are there. Here are some suggestions for action directed toward turning your state wildlife agency around.

Wildlife interests must publicize within their communities and statewide the existing disparities in the programs now offered by their wildlife agency. You may quickly learn that your state constitution limits the scope of your wildlife programs. Or you may learn that your state legislature has not authorized the wildlife agency to include all wildlife. If that is the case, your political tasks are clear. You must take action to amend the state constitution or to get authorizing legislation passed.

If there are no constitutional or legislative barriers to broad wildlife programs in your state, then your work will be directed to convincing the governor to appoint persons to the regulatory board or commission who see wildlife as an important component of a healthy ecosystem. Find out when vacancies will occur, compile a list of responsible people who could serve wildlife well, and then influence the governor that it is now time to rid the board of persons with outmoded and narrow views on wildlife. Then give him your list.

You will need to bring all the pressure you possibly can over a long period of time on the director of your agency. There is no substitute for continued public clamor for broad programs for nongame wildlife. You have the advantage of arguing not from the position of vested private interest that expropriates the public's wildlife, but instead you argue from the position of caring for the public interest in the public's wildlife and for environmental soundness. Do not hesitate to resort to the legislature and to law suits if necessary to get broad programs.

There is a rumor in wildlife management circles that the trend to broad nongame programs and an ecosystem approach is coming. It is inevitable, they say. These matters are discussed at the annual North American Wildlife and Natural Resources Conferences sponsored by the Wildlife Management Institute, and by the International Association of Fish and Wildlife Agencies.

Beginning steps are already underway.

A poll of the states conducted by James F. Applegate of Rutgers University in 1976 shows that half the states already have at least a nongame biologist or supervisor. All but four of the western states have some sort of nongame program (those western states not having one are Alaska, Hawaii, Nevada, and Wyoming).

The May 31, 1977 report from the Office of Endangered Species, U.S. Fish and Wildlife Service shows that twenty-eight states have submitted programs or demonstrated that they have the authority to participate in federal-state cooperative agreements for endangered species.

The hurdle of the limited financial base has to be confronted. Environmentalists have to be willing to support and work for new sources of revenue for new state wildlife programs. This is very difficult for no one wants to see taxes increase. If you promote the argument that the public's wildlife is an obligation of the state and should be supported from general revenues, then you are competing with all the other legitimate programs of the state that are supported from general revenues.

The voters of the State of Missouri may have solved this dilemma by authorizing the small increase in the sales tax that is earmarked for environmental programs. Other States have instituted so-called vanity automobile license plates, or voluntary contributions that provide a decal or certificate testifying to the donor's contribution to wildlife that year, and other efforts, none of which are producers of sufficient revenue. The states must recognize their obligation toward wildlife and solve the funding problem. They can do it with your help.

There is a new opportunity for a federal grant-in-aid program that will distribute federal money to the states through formulas similar to the present Pittman-Robertson and Dingell-Johnson funds. Senator Gary Hart of Colorado has introduced again this year S. 1140, the Federal Aid in Nongame Fish and Wildlife Conservation Act. It would authorize the Department of the Interior to distribute \$20 million, \$30 million, and \$40 million to the States in fiscal years 1978, 1979, and 1980 for nongame fish and wildlife conservation programs. Under this bill the Federal Government would fund from general appropriations 75 percent of the cost of the programs, with the remaining 25 percent to be funded by the States. Further, no more than 10 percent of the State's share could be derived from

hunting, fishing, and trapping licenses. Other restrictions insure that the primary emphasis will be placed upon fundamental research and management activities. Federal departments and agencies would be authorized to enter into cooperative agreements with the States to carry out these programs on federal lands.

Enactment of this legislation can be seen as an encouragement to the states to come up with a new source of funds in order to make their 25 percent share of the matching money. It will also encourage them to develop the programs that would qualify for this support. And since only a small part of the 25 percent state share can come from hunting, fishing, or trapping licenses, sportsmen cannot make a strong case in opposition. In fact, responsible sportsmen agree with the purposes of this program anyway.

The subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Committee on Merchant Marine and Fisheries is now drafting legislation similar to the Hart bill, except that the source of Federal funds would be a Federal excise tax on selected outdoor equipment, nature books, and perhaps on bird seed and off-road vehicles. This approach needs your careful consideration. It is an attempt to identify the direct but nonconsumptive user of wildlife on which to place the financial burden. This is the same approach in the present Pittman-Robertson and Dingell-Johnson funds which identify and tax the direct consumer. The logic of it is that in the case of PR and DJ funds, this system works. A good question is whether the public's wildlife should be supported only by those who go backpacking, ride and destroy in ORV's, or feed wild birds.

Some version of the Federal grant-in-aid program for nongame wildlife should be enacted. It should serve as a great stimulus to the states to find the resources for broad wildlife programs. Further, a national campaign to pass the Hart bill, or some version of this approach, would also be a significant addition to the public clamor that must bear on State agencies and legislatures to get them to gear up in order to participate. A national campaign would a so help environmentalist in those states that are still firmly entrenched in the frontier attitude toward wildlife. The Hart bill deserves your active support.

I would like to tell you about the California nongame program. Because of pressures by environmentalists, and also because the current director of the Department of Fish and Game recognizes the state's obligations, the state has made important strides toward broad wildlife programs. The department and the Fish and Game Commission have about all the constitutional and legislative authority necessary to manage all wildlife. This includes an endangered species program that is moving along in a responsible manner, especially with the help of \$467,000 for fiscal 77 in a cooperative agreement with the Federal Government. Of a total departmental budget of \$40 million, the department gets \$2,635,000 in general funds. Its total nongame budget for this fiscal year is \$3,258,000, or about 8 percent of the total departmental expenditures. The nongame program includes population and habitat studies, basic research, endangered species, and overseeing mitigation and environmental impact statements.

The Director of the California Department of Fish and Game appointed a seven-member Citizen Nongame Advisory Committee which began deliberations in February, 1975. Our role is to advise the director on state nongame objectives, programs, and funding. Our first annual report, issued in February, 1976, attracted attention because we made a series of comprehensive recommendations. The director has agreed with almost all of our recommendations, and we see signs of action on some of them. Many require additional funding before implementation. The heart of the recommendations is the goal of achieving equal attention for all wildlife by means of a scheduled five-year plan of reorientation of every aspect of the department's work. The department is about to receive funds to update its wildlife management programs, and the committee will have a representative on the planning team. We intend to work vigorously to achieve the goal of equal attention to game and nongame species.

Six states have such a citizen nongame advisory committee. They are California, Colorado, Florida, New Hampshire, New Jersey, and Tennessee.

If the director of your state wildlife agency won't appoint such a committee, then go to your state legislature for a bill that will mandate creation of one. Just having a committee will not solve all your problems. The director of the department will be more inclined to take action on its recommendations if he or she knows the public is behind them.

Environmentalists must work at the state level to overcome tradition-bound attitudes and funding limitations in order to achieve the kind of programs that

all wildlife deserve. This becomes more important with each passing year as more and more wildlife habitat and water is converted to other uses.

You might say the game is on the state level—with some of the cards in the hands of the federal government through prods and inducements that are sugar-coated with federal funds. The rest of the cards are in the hands of the states, and in your hands as citizens of those states.

President Carter, in his environmental message of May 23, 1977, addressed the imbalance in wildlife programs that I address today. He said: "To correct this imbalance, I am directing the Secretary of the Interior (1) to encourage states to apply existing federal-aid funds to the management of all species of wildlife, and (2) to propose measures to improve the conservation of nongame wildlife."

Can you help this campaign for wildlife? You can demand that your state agencies and legislature do their part. They won't do it without your tireless insistence.

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., September 21, 1977.

Hon. ROBERT L. LEGGETT, *Chairman, Subcommittee on Fisheries and Wildlife, Conservation and the Environment, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Although The American Forestry Association has previously gone on record in support of H.R. 8606, a bill to establish a nongame fish and wildlife program, I want to reaffirm that support and comment in greater detail than my August 29 letter. Since we are unable to testify in person on September 30, I request that this letter be made a part of the hearing record.

As pointed out in my August 29 letter, programs for game and nongame species of fish and wildlife cannot be operated separately. The habitat conditions that affect one will affect the other, so nongame activities must be coordinated closely with existing state fish and wildlife activities. Sec. 3(2) places the responsibility in a "designated state agency" that has authority over nongame fish and wildlife. In some states this should be more than a single agency because fish and wildlife programs are handled by separate commissions or departments.

Sec. 3(3) attempts to define nongame fish and wildlife too explicitly. Why not make it simply "any vertebrate species of wild animal which is valued for its cultural, scientific, educational, esthetic, or nonappropriative public benefits and is not ordinarily taken for sport or food." I see no conflict for nongame programs for either endangered species or marine mammals.

The funding provisions of H.R. 8606 are designed to encourage planning programs on the part of state agencies. This is desirable, but the grants should be clearly 90% for planning and 75% for federal program matching without the qualifying phrase "may not exceed." This leaves some doubt as to the actual funding levels and might imply a Secretary discretion for funding at lower levels.

There is full justification for funding nongame fish and wildlife programs from general revenue funds, but I would feel much more confident with earmarked funding from an excise tax source just as Pittman-Robertson and Dingell-Johnson are funded. There have been proposals for such taxes on outdoor equipment related to nongame wildlife species and their use and enjoyment by the nonhunting and fishing public.

These sources could and should provide a source of money for nongame programs. All in all, however, we support this legislation and urge prompt approval by your Committee.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

[Whereupon, at 2:40 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

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NONGAME FISH AND WILDLIFE PROGRAMS

THURSDAY, FEBRUARY 16, 1978

HOUSE OF REPRESENTATIVES, COMMITTEE ON MERCHANT MARINE AND FISHERIES, SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT,

Washington, D.C.

The subcommittee met at 10:25 a.m. in room 1334, Longworth House Office Building, Hon. James L. Oberstar presiding.

Mr. OBERSTAR. The meeting of the Subcommittee on Fisheries and Wildlife Conservation and the Environment will please come to order.

This morning, the subcommittee will receive testimony on H.R. 10255 and H.R. 10919, which propose a matching Federal grant program to assist States in developing and improving their nongame fish and wildlife programs. These bills incorporate many of the comments and suggestions made during our earlier hearings on H.R. 8606.

Several of the conservationists, wildlife experts, and public officials who testified on H.R. 8606 during our September hearings noted that each species, regardless of its desirability as a hunting trophy, is an integral part of the natural environment and should be a part of a comprehensive management program. My father would say they ought not to be shot.

They agreed that there was a need to assist the States in preparing comprehensive fish and wildlife management plans. These long-term plans would help assure that State management would not evolve into a piecemeal system in which each category of fish and wildlife is awarded its own separate share of attention. Such plans would help coordinate and make more efficient our existing grant-in-aid programs and provide a sound basis for nongame activities.

The subcommittee was also told that adequate revenue was critical. Several States have already introduced some form of nongame programing with funds being derived from general appropriations, sale of nongame stamps, and sale of personalized automobile license tags. Yet these revenues have not been adequate to the task. The matching fund program of H.R. 8606 therefore was strengthened in H.R. 10255 and H.R. 10919 to authorize additional appropriations to meet State wildlife conservation needs.

Several regional and local parks testified in our hearings that their nongame activities should qualify for assistance under a State nongame program. H.R. 8606 was modified in response to this testimony.

Subsequent to the hearings, Congressman Forsythe and Chairman Leggett wrote to over 700 conservation organizations throughout the country and all 50 States soliciting their views and comments on H.R. 10255. The response has been impressive. Altogether 38 States and over 100 conservation organizations expressed their support for the concepts in the bill. Letters of support continue to arrive each day from organizations and individuals. Many of these letters contain helpful suggestions and recommendations on how to improve the bill.

We hope these hearings today will be valuable in not only further examining the needs for the bill, but also in exploring ways in which this important legislation might be further improved and strengthened.

At our last hearing, the subcommittee was asked to defer action on nongame legislation to allow the administration time to make its proposals. These proposals were promised early this year. We will see what the administration has to say.

Our first witness this morning is Lynn A. Greenwalt, Director of the U.S. Fish and Wildlife Service.

Before Mr. Greenwalt begins, I would defer to my colleague, the ranking subcommittee member of the minority, Mr. Forsythe.

Mr. FORSYTHE. Thank you very much. I have just a short statement I would like to read at this point.

The Nongame Fish and Wildlife Conservation Act of 1978 represents a bold new initiative which will provide this Nation with a comprehensive and effective wildlife conservation program. Existing programs have done an outstanding job of protecting game species, yet the vast majority of the 3,700 vertebrate species found in the continental United States are nongame species and no specific program exists for their direct benefit. H.R. 10255 meets this deficiency by providing matching grants to the States for nongame conservation.

A recent survey by the Fish and Wildlife Service revealed that over 89.7 million Americans over 9 years of age venture into the out of doors to participate in nonconsumptive wildlife experiences. A second study showed that if legislation, such as H.R. 10255, were enacted, an average of 279 species of fish and wildlife in each State would benefit. Given the level of public involvement with nongame wildlife and considering the vast benefits to be derived from this legislation, it is no surprise that 38 States and over 300 environmental organizations across the Nation are on record as supporting nongame legislation.

Mr. Chairman, it is time that we as a nation recognize that preserving the quality of life in America requires an integrated and effective program to protect the full range of wildlife values in the United States. H.R. 10255 meets this need, and I am looking forward to the prompt passage of this measure.

Thank you very much.

Mr. OBERSTAR. I particularly want to commend our colleague, Mr. Forsythe, for his continuing interest in support. He has a very personal direct and vigorous involvement in the legislation. It is one of the fine qualities of this committee that we work on more than a partisan basis. We really work on a bipartisan basis on issues of this kind.

[The bills and departmental report follows:]

[H.R. 10255 and H.R. 10919, 95th Cong., 2d sess.]

BILLS to assist the States in developing comprehensive fish and wildlife resource management plans and in implementing such plans with respect to nongame fish and wildlife

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Nongame Fish and Wildlife Conservation Act of 1978".

SEC. 2. DECLARATION OF FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Fish and wildlife are of ecological, economic, educational, esthetic, historical, recreational, and scientific value to the Nation and its people.

(2) The improved conservation of fish and wildlife, particularly nongame fish and wildlife, would assist in maintaining a diversity of fish and wildlife and assuring a productive and more esthetically pleasing environment for all citizens.

(3) Many citizens, particularly those residing in urban areas, have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with nongame fish and wildlife and thereby are unable to have a greater appreciation and awareness of the environment.

(4) Existing State conservation programs for nongame fish and wildlife have been supported largely on the basis of hunting and fishing license revenues and excise taxes on certain hunting and fishing equipment, and these traditional financing mechanisms are neither adequate nor fully appropriate to meet the conservation needs of nongame fish and wildlife.

(5) Each State should be encouraged to develop, expand, and maintain, in urban and nonurban areas, and in consultation with the local governments concerned, a management plan for the conservation of fish and wildlife, particularly those species which are indigenous to the State.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide financial and technical assistance to the States to enable them to develop comprehensive fish and wildlife resource management plans that are consistent with this Act;

(2) to provide financial and technical assistance to the States to enable them to implement such management plans with respect to nongame fish and wildlife; and

(3) to direct all Federal departments and agencies (A) to assist the States to develop such management plans; and (B) to the maximum extent practicable, to administer programs under their jurisdiction in a manner consistent with approved management plans.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The terms "conserve", "conserving", and "conservation" mean to use such methods and procedures which are necessary to ensure, to the extent practicable and desirable, the health and productivity of fish and wildlife and their habitats for the educational, esthetic, historical, recreational, and scientific enrichment of the public. Such methods and procedures may include any activity associated with scientific resource management, such as research, census, monitoring, law enforcement, habitat acquisition, development and maintenance, information and education, extension services, propagation, live trapping, and transplantation.

(2) The term "designated State agency" means the commission, department, division or other agency of a State which has primary legal authority for the conservation of fish and wildlife. If any State has placed such authority in more than one agency, such term means each such agency acting with respect to its assigned responsibilities.

(3) The term "fish and wildlife" means any wild vertebrate animal which is in an unconfined state and is valued for cultural, scientific, educational, esthetic, or recreational benefits by the public.

(4) The term "management plan" means a comprehensive fish and wildlife resource management plan referred to in section 4.

(5) The term "nongame fish and wildlife" means any fish and wildlife which—

(A) is not ordinarily taken for sport or food, except that if under applicable State law, any such fish and wildlife may be taken for sport or food in some, but not all, areas of the State, any of such fish and wildlife within any area of the State in which such taking is not permitted shall be deemed to be nongame fish and wildlife;

(B) is not listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); and

(C) is not a marine mammal within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)).
Such term does not include any domesticated animal which has reverted to a feral existence.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

SEC. 4. STANDARDS FOR COMPREHENSIVE FISH AND WILDLIFE RESOURCE MANAGEMENT PLANS.

(a) IN GENERAL.—The Secretary may make grants under section 5 to any State for the purpose of assisting such State to develop a comprehensive fish and wildlife resource management plan which is consistent with the plan standards referred to in subsection (b).

(b) PLAN STANDARDS.—The Secretary shall prescribe by regulation such standards as the Secretary deems necessary and appropriate to provide that management plans developed by the States under this Act result in the conservation of fish and wildlife and their habitats in a systematic and comprehensive manner. The plan standards prescribed under this subsection shall set forth the format in which the plans shall be prepared and shall include, but not be limited to, standards requiring—

(1) the vesting in the designated State agency of the overall responsibility for the development of the management plan;

(2) the identification of fish and wildlife within the State;

(3) the determination of the range and distribution of the populations of significant fish and wildlife identified under paragraph (2);

(4) the determination of the extent, location, and carrying capacity of significant fish and wildlife habitats;

(5) the determinations of those actions which must be taken to conserve the fish and wildlife populations and habitats determined under paragraphs (3) and (4), and the estimated time and cost required to effect each such action;

(6) the determination of priorities for implementing the conservation actions determined under paragraph (5);

(7) the monitoring, on a continuing basis, of the fish and wildlife identified under paragraph (2), and the effectiveness of the conservation actions determined under paragraph (5);

(8) that plans be for a period of not less than 5 years and be based upon projections of the desires and needs of the public for a period of not less than 15 years;

(9) that plans be updated at intervals of not more than 3 years;

(10) that the public be provided reasonable opportunity to make its views known, and considered during the development, revision, and implementation of the plan; and

(11) the designated State agency to consult, as appropriate, with local and regional governments in the State during the development, revision, and implementation of the plan.

All identifications and determinations required to be made under management plans pursuant to paragraphs (2), (3), (4), (5), and (6) shall be made on the basis of the best scientific evidence available at the time when made.

(c) REGULATIONS.—Interim regulations to carry out subsection (b) shall be issued by the Secretary as soon as practicable after the date of the enactment of this Act, but not later than 6 months after such date; except that before proposing such interim regulations, the Secretary shall consult with the States and give them opportunity to submit comments with respect to the content of the regulations. Final regulations to carry out subsection (b) shall be issued by the Secretary not later than 18 months after such date of enactment.

SEC. 5. GRANTS FOR THE DEVELOPMENT OF MANAGEMENT PLANS.

(a) IN GENERAL.—Any State may apply to the Secretary for annual grants under this section to assist the State in developing a management plan.

(b) APPLICATIONS.—Application for grants under this section shall be made in such form and manner as the Secretary shall by regulation prescribe and shall contain such information as is reasonably necessary to enable the Secretary to determine whether the State meets the eligibility requirements set forth in subsection (c).

(c) ELIGIBILITY.—No State is eligible for any grant under this section unless the State—

(1) gives such assurances as are satisfactory to the Secretary that the State will develop a management plan which is consistent with the standards prescribed under section 4; and

(2) submits to the Secretary a preliminary estimate of the cost, and of the time required, to develop the plan.

(d) GRANTS.—Subject to section 8, the Secretary may make an annual grant to each State which the Secretary finds to be eligible under subsection (c). Any grant made under this section shall be subject to such terms and conditions as the Secretary may impose under section 9.

SEC. 6. PLAN APPROVAL.

(a) DETERMINATION BY SECRETARY.—(1) Any State which had developed a management plan may apply to the Secretary for approval of the management plan.

(2) Application for the approval of a management plan shall be made in such form and manner as the Secretary shall by regulation prescribe and shall contain such information as is necessary to enable the Secretary to determine whether the management plan proposed by the State meets the plan standards prescribed by the Secretary under section 4.

(3) Upon receipt of an application for approval, the Secretary shall—

(A) make copies of the proposed management plan available for public inspection at such offices of the Department of the Interior as he deems appropriate;

(B) cause to be published in the Federal Register a notice which—

(i) states that application for approval of the management plan has been made,

(ii) lists those offices of the Department of the Interior at which copies of the proposed management plan are available for public inspection, and

(iii) invites the submission, within 90 days after the date of the notice, of written comment by the public on the proposed management plan.

(4) If the Secretary determines, after taking into account any public comment which may have been submitted under paragraph (3) (B) (iii), that any proposed management plan—

(A) meets the plan standards prescribed under section 4, the Secretary shall designate the proposed plan as an approved management plan; or

(B) does not meet such standards, the Secretary shall, within 120 days after the day on which the application for approval is received, give the State concerned a written statement of the reasons why such determination was made, afford the State opportunity for consultation with respect to the deficiencies in the proposed management plan, and allow the State a reasonable period of time to make such modifications to the proposed plan as may be necessary for designation as an approved management plan.

(b) EFFECT OF APPROVAL.—If the Secretary approves the management plan of any State under subsection (a)—

(1) that portion of the management plan which pertains to wildlife conservation shall be deemed to be an approved plan for purposes of section 6(a)(1) of the Act of September 2, 1937 (16 U.S.C. 669e(a)(1), commonly referred to as the Pittman-Robertson Wildlife Restoration Act);

(2) that portion of the management plan which pertains to fish conservation shall be deemed to be an approved plan for the purposes of section 6(a)(1) of the Act of August 9, 1950 (16 U.S.C. 777e(a)(1), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act); and

(3) that portion of the management plan which pertains to nongame fish and wildlife shall be deemed to be an approved nongame fish and wildlife program for purposes of section 7.

SEC. 7. GRANTS FOR IMPLEMENTING APPROVED NONGAME FISH AND WILDLIFE PROGRAMS.

Subject to section 8, the Secretary may make annual grants to each State which has a nongame fish and wildlife conservation program approved under section 6(b)(3) to assist such State to implement the program. Any grant made under this section shall be subject to such terms and conditions as the Secretary may impose under section 9.

SEC. 8. AMOUNT AND ALLOCATION OF GRANTS.

(a) AMOUNT.—(1) The amount of any grant made to any State under section 5—

(A) during any fiscal year beginning before October 1, 1982, may not exceed 90 percent of the cost of developing the State management plan during such year; and

(B) during any fiscal year beginning after September 30, 1982, may not exceed 75 percent of the cost of developing such plan during such year.

(2) The amount of any grant made to any State under section 7 during any fiscal year beginning after September 30, 1978, may not exceed 75 percent of the cost of implementing the State nongame fish and wildlife conservation program during such year.

(b) ALLOCATION.—Annual grants made under sections 5 and 7 for any year shall be allocated among the States eligible therefor for such year on such basis as the Secretary shall by regulation prescribe taking into account—

(1) the area, and number of residents of each of the eligible States; and

(2) the fish and wildlife and their habitats within the respective eligible States.

SEC. 9. TERMS AND CONDITIONS RELATING TO GRANTS.

Each annual grant made under section 5 or 7 shall be subject to such terms and conditions as the Secretary shall by regulation prescribe as being necessary and appropriate to insure that the proceeds of the grant are applied to carry out the purposes for which made and to protect the interests of the United States. Such terms and conditions shall include but not be limited to the following:

(1) During the year for which any grant is made under this Act to a State, the State shall make appropriate expenditures (hereafter in this section referred to as "matching contributions"), other than from the proceeds of the grant, for the carrying out of the management plan development, or program implementation, as the case may be, for which the grant was made. The matching contributions expended by any State during any year may not be less than an amount equal to—

(A) one-ninth of the amount of grant made for such year, if section 8(a)(1)(A) applies to the grant; and

(B) one-third of the amount of the grant made for such year, if section 8(a)(1)(B) or (2) applies to the grant.

(2) States may provide matching contributions in the form of funds, in-kind contributions, and real or personal property. In-kind contributions may be in the form of, but are not limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies regarding fish and wildlife. The Secretary shall by regulation establish (A) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as in-kind contributions; and (B) the standards under which the Secretary will determine the value of in-kind contributions and real and personal property provided by the States. Any valuation determination made by the Secretary shall be final and conclusive. No Federal moneys received by any State under any other provisions of law may be used, directly or indirectly, by the State for purposes of providing matching contributions.

(3) States may allocate grant moneys among local and regional governments of the State and private persons in cases where services provided by such governments and persons will assist in achieving the purposes for which the grant was made.

(4) Each State and each designated State agency shall keep such records as the Secretary shall require as being necessary and appropriate for fully disclosing the amount and purposes of expenditures of grant proceeds made by such agency. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to such records.

(5) Upon a finding by the Secretary, after notice and opportunity for an agency hearing on the record, that a State has used or applied any grant proceeds for a purpose other than that for which granted, the State shall thereafter be ineligible to receive any grant under this Act until restitution satisfactory to the Secretary is made.

(6) With respect to any approved nongame fish and wildlife program for which an annual grant is made under section 7—

(A) not more than 10 percent of State matching contributions for the program in any year may come from funds derived during such year from the sale of State licenses and permits which authorize hunting, fishing, and trapping;

(B) not more than 25 percent of the proceeds of any such grant may be used to carry out law enforcement and information and extension services; and

(C) any construction undertaken in whole or in part with the proceeds of any such grant must be under the direct supervision of the designated State agency and is subject to approval by the Secretary as being in compliance with the approved program

SEC. 10. FEDERAL ASSISTANCE.

(a) **PLAN DEVELOPMENT ASSISTANCE.**—The Secretary and the chief executive officer of any other appropriate Federal department or agency may transfer to any State such personnel and equipment of the department or agency, share such scientific or other appropriate information, and provide such other assistance as the Secretary or officer deems appropriate for purposes of assisting any State which is eligible for annual grants under section 5 to develop its management plan.

(b) **PLAN IMPLEMENTATION ASSISTANCE.**—Each Federal department and agency shall, to the maximum extent practicable, upon the request of any State which has a management plan approved under section 6—

(1) assist such State to implement its nongame fish and wildlife conservation program; and

(2) administer Federal programs under its jurisdiction in a manner which is consistent with, and not in derogation of, the management plan.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) **FOR GRANTS.**—(1) There are authorized to be appropriated for purposes of making grants under section 5 not to exceed \$10,000,000 for each of fiscal years 1979, 1980, and 1981.

(2) There are authorized to be appropriated for purposes of making grants under section 7 not to exceed \$90,000,000 for the period beginning October 1, 1978, and ending September 30, 1981.

(b) **ADMINISTRATION.**—The Secretary may, for purposes of administering this Act during any fiscal year, use not to exceed 8 percent of the amount appropriated under paragraphs (1) and (2) of subsection (a).

(c) **NONLAPSE.**—Any appropriation made for any year pursuant to subsection (a) shall remain available for expenditure to carry out this Act until the close of the fiscal year next occurring after the fiscal year for which the appropriation is made. Any appropriations not expended at the close of such second fiscal year shall be transferred to the migratory bird conservation fund for use in the acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715-715r).

U. S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. March 14, 1978.

HON. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 10255, a bill "To assist the States in developing a comprehensive fish and wildlife management plan and in implementing such plan with respect to non-game fish and wildlife."

As the Director of the Fish and Wildlife Service of this Department stated in his testimony before your Subcommittee on Fisheries and Wildlife Conservation, on February 16, 1978, pursuant to the directive in the President's Environmental Message of last May, the Administration has been studying various options and

evaluating alternatives for the funding and administration of a non-game oriented program. As a result of this review, the Administration has concluded that a new categorical grant program is not warranted.

This conclusion is based on the lack of quantifiable data to indicate the existence of a need for such a program, the benefits which might accrue from such a program and thus the need for a new categorical grant program at this time. Further, interested States may establish such non-game programs as they deem necessary to meet the needs of nonconsumptive users within the States and may also use Pittman-Robertson funds for non-game wildlife. Moreover, the Administration is opposed to the creation of new categorical grant programs unless there is a clearly justified need for such a program.

For these reasons, we recommend against enactment of any non-game categorical grant legislation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID F. HALES,
Acting Assistant Secretary.

Mr. OBERSTAR. Mr. Greenwalt, will you please proceed?

STATEMENT OF HON. LYNN A. GREENWALT, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY PHILLIP AGEE, WILDLIFE MANAGEMENT SPECIALIST, DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE

Mr. GREENWALT: Before I begin, I would like to introduce my associate, Phillip Agee, who is an expert on the Federal aid programs being operated by the U.S. Fish and Wildlife Service in the event any particular questions are presented.

Mr. Chairman, I am pleased to meet with this committee today to consider the Nongame Fish and Wildlife Conservation Act of 1978. Through recent years the subject of nongame has evoked progressively greater concern, not only by the Fish and Wildlife Service, but by the State fish and wildlife agencies as well. Our agency shares the responsibility not only to assure the continued well-being of the nongame resource, but also to serve the public's diverse desires for benefits from it.

As President Carter noted in his environmental message last May, nongame wildlife is not always accorded a level of attention by public agencies commensurate with that given game species. In earlier years the emphasis on harvested species was fully understandable for it reflected the sentiments of the people. However, as the social and economic status of Americans has changed, there also have been changes in the perceptions and values regarding wildlife. Today, there are approximately as many Americans who engage in nonconsumptive wildlife-based recreation as in traditional hunting and fishing. The voices of these photographers, viewers, and students of wildlife are making it abundantly clear that we must give balanced attention to the full spectrum of fish and wildlife.

There are approximately 3,700 species of birds, mammals, fish, reptiles, and amphibians in the continental United States. Probably fewer than 10 percent of these receive any specific management attention to assure their welfare. The remaining species and the people who desire to benefit from nonconsumptive use of fish and wildlife receive no services by any national program except that which

occurs in a spinoff from Pittman-Robertson, Dingell-Johnson, and certain other resource management programs. Such incidental benefits are virtually absent from urbanized areas where the need is most acute.

While the Fish and Wildlife Service bears much of the responsibility to advance a national program for nongame, a large share also must be carried out at the State level. It is the States who bear primary responsibility for resident wildlife and render invaluable support to the Fish and Wildlife Service regarding migratory species. And it is the States who daily attend to the direct management of fish and wildlife and its association with people where they live and work. We view the States as an essential partner in any successful program for nongame fish and wildlife.

Mr. Chairman, when I appeared before you in September, I indicated that we were in the process of carrying out the directive in the President's environmental message to review existing programs and propose other measures to improve the conservation of nongame species. We asked that you defer action on nongame legislation until we had completed the review. I also stated that we would present our result to you in early 1978.

We have completed an initial draft of a study outlining the options and alternatives for administration, management, and funding of a nongame program. This study is currently under review within the Administration. The purpose of this continuing review is to study these options and evaluate the alternatives for administration and funding. In light of this, the administration is committed to a critical analysis of all new programs that involve existing Federal activities, to insure such programs are truly needed, and that the program can efficiently accomplish its stated goals.

Accordingly, Mr. Chairman, we must continue to recommend deferral of action on this legislation because we do not believe that we are in a position to make specific recommendations at this time.

The Fish and Wildlife Service firmly believes that the States have the desire, vision, and expertise to institute measures for the conservation of nongame species as the President recommended in his environmental message.

We hope to complete our review early this year, and to be in a position to make recommendations to the President and to the Congress in the very near future.

This concludes my prepared statement. As always, I will be pleased to answer any questions you might have.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Are there any questions that the Office of Management and Budget allows you to answer.

You do not have to comment on that.

First of all, you referred to an initial draft of a study at the bottom of page 2 in your testimony, and you say further that the study is under review within the administration.

Would it be possible to make a copy of that study available to the committee?

Mr. GREENWALT. I think the committee must understand, Mr. Oberstar, that the document is still being looked at and carefully reviewed and it does not have the imprimatur of the administration. Of course, I will provide whatever the committee requests.

Mr. OBERSTAR. That we understand. Even the Catholic Church's on morals which receive the imprimatur of the bishop are not final. They are always subject to review by the Pope.

Mr. GREENWALT. You have made an interesting analogy.

Mr. OBERSTAR. I thought I might make that observation.

Mr. GREENWALT. Thank you, sir.

Mr. OBERSTAR. But you go ahead and provide that for us, and we will accept it with the caveat that it has not made its way through all the administrative maze and succumbed to the ultimate wisdom of the Office of Management and Budget.

But I am puzzled. We first had hearings on this topic early in the first session, and here we are past the midpoint of February and we still do not have a Departmental recommendation on this legislation.

I am just curious. Is this a problem within the Fish and Wildlife Service?

Are there unresolved conflicts within your own agency?

Mr. GREENWALT. Mr. Chairman, there are none within the Fish and Wildlife Service.

Mr. OBERSTAR. Are there conflicts within the Department?

Mr. GREENWALT. There still remains some uncertainties within the Department. In the judgment of both the Office of Management and Budget and the Department, the analytic review of the issue is not complete.

Mr. OBERSTAR. Is there a further disagreement, or a viewpoint beyond the Department, a little further north?

Mr. GREENWALT. I am not absolutely certain that there is a fundamental disagreement as to the virtue or value of the information we have provided. It is perceived as not being complete. As I understand it, the analysis we have provided does not answer all of the questions that should be answered.

Mr. OBERSTAR. So much for the form of the problem.

How about the substance? Seriously, let us get down to that. Enumerate the issues of conflict.

Mr. Greenwalt.

I can enumerate them.

Mr. OBERSTAR. Without necessarily going into too much detail. We do not want to pry too much into Pandora's box.

Mr. GREENWALT. These are the issues.

Is there a need for a nongame program? If so, should the Federal Government be involved? If that is true, then in what form and to what degree should the Federal Government be involved?

These are routine analytical questions. The Fish and Wildlife Service did not address all of those in its analysis. We did not begin with the premise of questioning the need for a program. The Department has asked that fundamental question.

Mr. OBERSTAR. So this is really a policy question, then, not a matter of how many dollars, or the kind of involvement?

Mr. GREENWALT. Yes.

Mr. OBERSTAR. When you raise the point, is there a need?

Mr. GREENWALT. It is something that has to be demonstrated conclusively.

In all candor, we in the service accepted the premise that there is a problem, and that there are ways to deal with it.

However, I have great respect for the analytical approach, and we are willing to explore analytically whether or not there is a need. We did not do so and, therefore, our previous effort was deficient.

Mr. OBERSTAR. The Office of Management and Budget is the Government's nay sayer, and we need one. They perform a useful service. They make us think things through more carefully. Sometimes we think the thing through so much that the problem is over and done with, and people are irreparably damaged before any help can come to them.

Let us take a look at this question of whether there is a need for a nongame program, and whether there is a need for Federal involvement.

You rightly pointed out the role of the States, a very significant one of which States are very proud, and of which your new Assistant Secretary, coming from my State of Minnesota, is very much aware and justifiably proud.

It is a big problem and the Fish and Wildlife Service has not been given the resources to deal with all the new responsibilities shouldered upon it by the Congress over the last several years. You gave us the benefit of your views on that matter sometime last year when you were testifying on the budget and on the future role of the Fish and Wildlife Service.

You said you cannot do it alone, and yet the States have their resources stretched to a breaking point. Let us first of all take a look at the arguments for and against a nongame program from your standpoint. Just lay them out.

Mr. GREENWALT. The arguments against a nongame program as such are difficult to express. One can demonstrate that the efforts made in behalf of game species do have an indirect bearing and contribute to the well-being of nongame species.

But this does not assure the balance that such a program should have. So far as I know, no hunted species under modern management has ever become a candidate for the threatened or endangered species list. Someone always pays attention to the consumed species.

It is largely from the nongame species that the ranks of the endangered and threatened species lists are filled. This indicates that not enough attention is paid to nongame species.

The need to manage properly the ecosystem in which all creatures appear is important, because damages to the ecosystem harm all species, including nongame species. In many cases, nongame species are highly susceptible to environmental degradations. An example of this is the DDT problem with eagles and other raptors, none of which are game species.

It is difficult to state a clearly defined objection to a nongame program. One can say that there are contributions made to nongame by the present array of wildlife management techniques but the balance is very poor.

Most of the funding, and therefore most of the activity, is directed toward game species.

Mr. OBERSTAR. It seems to me that that last train of thought goes right to the heart of this issue.

I think it is a very revealing and devastating point that none of the game species are on the endangered species list. Take the situation of the deer in northern Minnesota a few years ago. You have got the

hunters out there cutting trees, the shrubs, and bringing hay out into the woods to feed the deer. They were not worrying about any of the other species. No one lifted a finger for the wolf.

Mr. GREENWALT. I am quite sure that people have an interest in what happens to nongame species but, unhappily, the concern relates primarily to the obvious problems. For example, the sale of bird seed goes sky high when there are snow problems, but no one thinks of the toxicants or the degradation of the habitat that are continuing hazards.

The next question is who should administer a nongame program and how it should be done. I think these are perhaps the most important questions. I have no problem in demonstrating a need for a nongame program. The fundamental policy questions are who should do it and how it should best be done.

The States clearly have the technical capability. They have a preponderance of the skills in terms of the number of people who are experts in our sometimes esoteric field. They also have the fundamental legal responsibility.

The problem, I think, is that they lack the wherewithal to manage nongame species.

I think, Mr. Chairman, we discussed this in our colloquy the last time. There is a political/psychological problem that confronts the States. In almost all cases the source of their revenue is from fishing and hunting licenses, and similar sources. It creates a constituency which the State agency is understandably compelled to serve. It also creates a situation wherein the game species are managed and the nongame species are not.

The Federal Government administers the Pittman-Robertson and Dingell-Johnson Federal aid programs which support projects in States. These projects have a demonstrable value to nongame species in the sense of what is done properly for game species is likely to benefit nongame species. But in relatively few cases is specific attention focused on nongame species.

The law as presently constructed allows the State to use Pittman-Robertson funds for nongame species. But the psychological/political phenomena that I mentioned earlier limits the States. Their constituents are concerned lest it be done at the expense of game management and the State's ability to manage wildlife resources in order to have a harvestable surplus of game species.

I see this as a cycle that must be broke so that the nongame species can share the attention that is given to wildlife that is harvested in the States. I think it must be done in such a way that it does not impair the ability of the State to do its job for the hunter and fisherman. Unfortunately, most States have little enough funding of their own or from the Federal Government to do that job properly.

The basic question is whether or not and to what degree the Federal Government should be involved.

All this, of course, is a deliberation in which I shall participate. Much will depend on the Assistant Secretary, the Secretary, and the people in the White House.

Mr. OBERSTAR. You make the case very well.

Mr. Forsythe.

Mr. FORSYTHE. Thank you, Mr. Chairman.

Thank you very much, Lynn. I think it is important that you made that case this morning. Not that you have to convince any members present, but I think it is a very significant part of the record so far as this hearing is concerned. So I thank you.

Mr. GREENWALT. Thank you.

Mr. FORSYTHE. In your comments you appeared to be leaning toward an excise tax as the primary funding mechanism.

I am sure that you are aware that both Mr. Leggett and I have cosponsored a companion bill that establishes an excise tax.

Mr. GREENWALT. Yes, sir, Mr. Forsythe.

Mr. FORSYTHE I think it is important that it be given consideration, and I would appreciate your view regarding the merits of the excise tax.

Mr. GREENWALT. I can answer in the sense that it is a very fundamental question. The practice of asking those who benefit to pay is very appropriate. The sticky question is how to identify those people who are indeed the beneficiaries. Our own studies have suggested there are a great many of them. There are even many people who benefit without active participation. It is a fascinating phenomenon that many people view wildlife in this country today very much as some folks view wilderness areas. They like to know they are there even though they do not actively participate.

It may be very difficult to identify the full array of people who, in fact, benefit and who perhaps are willing to pay for it. I think the stickiest analytical question, the stickiest biopolitical question is whether it should be a program supported by direct appropriations which gets everybody involved or a program supported by an excise tax which is directed at an identified group of people.

This is a quandary I have mulled over in my own mind for some time, and I really have not settled on an approach.

Mr. FORSYTHE. I assume this is part of the analysis that you are now involved with?

Mr. GREENWALT. Yes, and it strikes me as perhaps being the toughest question to deal with.

Mr. FORSYTHE. It does seem to me that we may have to reach for a pragmatic solution rather than the ultimate because I fully appreciate that it may be very difficult to enact an excise tax at this time.

Mr. GREENWALT. I might make the observation that what we are discussing is subject to change when the time is appropriate, Mr. Forsythe.

Mr. FORSYTHE. Thank you very much.

Mr. OBERSTAR. I would like to pursue this further.

Habitat is an essential factor in the survival of all game and particularly the nongame species, and you referred to that earlier in your extemporaneous remarks. Habitat is inseparable from the survival of the wildlife species itself.

How much importance can you attribute to habitate modification and how much to other pressures on nongame species?

Mr. GREENWALT. It is a little hard to separate, Mr. Chairman.

Mr. OBERSTAR. If you had to put money on something, where would you invest your money, Mr. Greenwalt?

That then becomes a factor in determining from where you get your money, and I am going to come back to your comment about excise tax and so forth.

Mr. GREENWALT. If you were constrained to put your money in a single area, I think that would be unfortunate.

For example, the well-being of a nongame species may depend upon your ability to stop the unwarranted use of the wrong kind of pesticides in a farming operation which would have nothing to do with the acquisition of habitat. It has to do with how people use the environment which is as much a part of maintaining habitat quality.

Said another way, I would be reluctant to suggest that money for habitat acquisition alone is the answer. One must have a variety of tools to do the job.

It is clear, for example, that one of the expenditures must be made in the direction of ascertaining exactly what the status of this array of nongame species is. I am sure you understand that we do not know a great deal about this because nobody pays any attention until some species almost slips into oblivion. So there is a great deal of fundamental work that must be done to identify what the problem is.

It is possible in some cases, for example, to manage the land to help a species. It is possible, of course, to buy land to preserve the habitat, but that may not be the most cost efficient way to do the job. For example, it does little good to buy habitat that is subject to pollution. It is not a straightforward issue and sometimes I lie awake at nights pondering this problem.

Mr. OBERSTAR. We are running into conflicts concerning land use. Part of the resolution of conflict is the purpose to which the land will be put and then subsequent uses, such as whether a powerline should run through a wildlife refuge. Similar land use questions keep coming up.

Mr. GREENWALT. Yes, that is a very good point. The solution of those problems warrants expenditures as well.

I can cite you an example. In eastern Oregon there has been the chronic problem of the electrocution of eagles on the powerlines. They are situated so that eagles perch on the poles and survey their domain and look for prey. If the eagles are not careful, they are electrocuted. If they modify the arrangement of the wires, the eagle does not have a problem.

Yesterday, in another context, we talked about this with respect to the Endangered Species Act and its impacts on the things that society requires. It should never become an either/or situation. Either we put in a powerline or we have wildlife. We have to be more skillful than we are in identifying the ways to avoid these confrontations. The way you spend money, the way you use resources to preserve fish and wildlife in this country may vary dramatically from one section to another.

An ironical example is that the way to preserve wolves in Minnesota is to maybe kill a few of them.

Mr. OBERSTAR. That is right. Thereby lies the vital matter of the Fish and Wildlife Coordination Act, the need to think these things through carefully before we get involved in the process so that we have a plan before we go out to put up our powerlines or establish a wilderness area that prohibits logging and interrupts the food chain and so forth.

Therefore, back to the question of the need for a nongame program, the need for Federal involvement, the need for participation with the States. The States cannot do it alone. The Federal Government is already involved in the wildlife protection program and must continue to be. We cannot pull out at this time.

Mr. GREENWALT. Absolutely.

Mr. OBERSTAR. So I think we have answered our question as to the need of Federal involvement in a nongame program. If these are the questions that are being asked elsewhere in the Department and further north up there closer to Pennsylvania Avenue, they are asking the wrong questions. There ought not to be any question as to whether we need a program and whether the Federal Government ought to be involved in it.

The only question is: How ought we to be involved? What should be the relationship between the Federal Government and the States? And how should it be funded?

We have a number of other witnesses, but before letting you go or turning back to my colleague for some followup, I would like to ask for your technical assistance in drafting and marking up the pending legislation as a service to the committee, and not as an expression of policy viewpoint on your part or on the part of the administration.

Mr. GREENWALT. I would be delighted to do that as always, Mr. Chairman.

Mr. OBERSTAR. Mr. Forsythe.

Mr. FORSYTHE. No questions.

Mr. OBERSTAR. Mr. Mannina.

Mr. MANNINA. In April 1977, the Service undertook a survey of the States as to their comments on nongame legislation.

Could you provide for the record the raw responses from the States? This information has been provided to the committee.

Mr. GREENWALT. Yes; we shall.

Mr. MANNINA. Thank you.

Mr. OBERSTAR. Thank you very much for a very frank and straightforward presentation. I know the circumstances are very difficult for you.

Mr. GREENWALT. Thank you.

[The following was received for the record:]

APPENDIX 2
TABLE 1.—NUMBER OF SPECIES PRESENT AND NUMBER OF SPECIES HARVESTED IN EACH STATE

State	Species recorded in State					Species reported harvested				
	Birds	Mammals	Fish	Reptiles	Amphibians	Birds	Mammals	Fish	Reptiles	Amphibian
Alabama	378	61	252	60	74	35	20	38	1	1
Alaska	357	83	100	1	6	47	4	30	0	0
Arizona	478	137	77	94	22	48	132	26	73	9
Arkansas	316	68	193	75	48	36	21	43	6	14
California	517	209	698	83	47	57	28	193	0	1
Colorado	396	105	103	61	17	60	41	55	1	1
Connecticut	209	52	59	15	40	38	17	12	0	2
Delaware	300	50	206	37	28	38	9	55	2	1
Florida	550	127	354	153	64	50	19	250	19	5
Georgia	400	80	450	110	90	35	15	65	1	1
Hawaii	130	35	600	15	8	43	8	300	1	1
Idaho	316	106	64	23	15	37	101	64	1	1
Illinois	370	60	189	58	11	32	15	65	2	1
Indiana	325	54	167	50	31	15	13	30	2	1
Iowa	110	70	155	47	24	32	16	27	1	1
Kansas	346	74	131	45	46	43	24	35	2	2
Kentucky	300	60	212	54	46	37	13	63	3	1
Louisiana	413	62	203	75	43	34	5	35	1	1
Maine	265	54	57	19	18	38	21	15	2	4
Maryland	400	73	365	46	37	45	19	7	2	7
Massachusetts	300	64	75	29	21	44	27	38	1	1
Michigan	352	68	150	27	19	36	20	64	3	2
Minnesota	330	81	150	26	18	46	25	37	3	3
Mississippi	330	58	157	71	53	37	20	48	1	3
Missouri	366	75	197	84	52	33	18	54	13	3
Montana	345	101	80	16	16	44	16	40	0	0

Nebraska.....	391	74	115	46	10	36	58	100	1	2
Nevada.....	408	116	51	20	15	12	5	25	0	1
New Hampshire.....	350	65	60	18	19	40	11	16	0	0
New Jersey.....	314	82	250	42	34	37	15	62	0	0
New Mexico.....	450	143	103	86	23	40	25	34	1	1
New York.....	433	92	230	50	31	35	23	74	0	2
North Carolina.....	429	108	268	58	101	25	14	50	1	2
North Dakota.....	312	80	90	16	11	41	16	14	0	1
Ohio.....	286	54	166	38	37	35	15	32	1	2
Oklahoma.....	369	79	135	32	44	27	15	20	3	1
Oregon.....	335	165	400	40	33	37	14	90	0	0
Pennsylvania.....	340	100	170	41	39	20	14	16	1	2
Rhode Island.....	360	46	33	19	16	38	8	9	0	0
South Carolina.....	467	89	139	78	69	30	12	20	18	4
South Dakota.....	315	89	187	40	13	37	26	34	0	2
Tennessee.....	322	71	285	59	25	38	27	60	3	1
Texas.....	521	135	215	141	90	58	27	207	136	53
Utah.....	353	114	85	20	12	39	15	21	0	0
Vermont.....	185	60	65	60	20	28	19	20	0	0
Virginia.....	305	69	328	66	69	43	24	116	1	1
Washington.....	377	141	172	28	22	52	22	29	0	1
West Virginia.....	298	41	147	41	39	37	14	25	0	3
Wisconsin.....	336	74	174	38	21	43	13	49	5	9
Wyoming.....	329	102	78	29	11	40	32	31	0	0
Guam.....	18	8	673	3	2	3	2	300	0	0
Puerto Rico.....	260	20	386	50	23	14	2	100	0	0
Virgin Islands.....	159	24	450	27	7	1	1	150+	0	0
American Samoa.....	51	12	500	10	1	5	2	50	0	0
Total.....	18,002	4,319	12,179	2,629	1,698	1,924	1,133	3,166	301	151
Average per State.....	333	86	255	40	31	56	21	59	6	3

APPENDIX 3
TABLE 2.—STATE ESTIMATES OF FUNDS NEEDED AND SPECIES REQUIRING ATTENTION 1978 THROUGH 1983

State	Birds		Mammals		Fish		Reptiles		Amphibians		General funds required (thousands)
	Funds required (thousands)	Number of species	Funds required (thousands)	Number of species	Funds required (thousands)	Number of species	Funds required (thousands)	Number of species	Funds required (thousands)	Number of species	
Alabama	235.0	8	235.0	1	235.0	24	117.5	9	117.5	10	
Alaska	1,200.0	20	120.0	12							
Arizona	600.0	37	150.0	6	270.0	13	138.0	11	132.0	7	108
Arkansas		7		7		7		7		7	
California	350.0	151	100.0	36	325.0	200	50.0	25	50.0	25	
Colorado	1,000.0	352	750.0	73	1,000.0	48	200.0	61	50.0	16	
Connecticut		4		3			10.0	2	10.0	1	
Delaware	80.0	262	50.0	41	50.0	151	51.0	35	10.0	27	
Florida	2,050.0	300	525.0	50	185.0	20	100.0	20	55.0	10	
Georgia	2,775.0	50	200.0	10	150.0	10	150.0	10	75.0	5	
Hawaii	1,000.0	108	40.0	1	333.0	300	20.0	14	20.0	7	
Idaho	510.0	8		9		7		5		3	600
Illinois	180.0	330	60.0	20	400.0	25	40.0	20	20.0	11	
Indiana		10		12		3		8		5	2,425
Iowa	300.0	10	300.0	10	300.0	155	40.0	2	40.0	2	1,000
Kansas	15.0	34	38.0	6	12.0	34	10.0	11	10.0	11	305
Kentucky	550.0	200	60.0	20	90.0	18		18		24	
Louisiana	300.0	1	540.0	5	180.0	3		1		1	
Maine	195.0	17	95.0	8	60.0	5	300.0	2	90.0	2	
Maryland	400.0	50	240.0	8	462.0	1	5.0	1	5.0	1	
Massachusetts	400.0	12	300.0	9	100.0	5	120.0	5	150.0	9	
Michigan	1,525.0	7	325.0	5	100.0	316	100.0	6	100.0	5	
Minnesota	4,200.0	47	1,500.0	21	420.0	10	240.0	3	210.0	1	
					600.0		600.0	12	300.0	5	

Mississippi	161.0	16	32.0	3	240.0	32	48.0	10	20.0	3
Missouri	3,150.0	333	2,000.0	57	1,050.0	143	420.0	82	420.0	50
Montana	701.0	134	429.2	60	71.5	24	123.3	10	123.3	11
Nebraska	500.0	35	280.0	15	70.0	7	125.0	8	19.5	3
Nevada	400.0	200	170.0	75	70.0	7	30.0	2		
New Hampshire	75.0	14	75.0	8						
New Jersey	550.0	277	300.0	69						
New Mexico	580.0	410	150.0	127						
New York	1,200.0	398	500.0	15						
North Carolina	781.0	271	395.0	19	450.0	220	190.0	42	90.0	34
North Dakota	147.5	330	100.0	64	80.0	69	100.0	86	25.0	22
Ohio	100.0	342	100.0	151	3,555.0	156		39	105.0	29
Oklahoma	3,050.0	292	1,570.0	151	1,200.0	60	400.0	10	400.0	10
Oregon	250.0	20	250.0	10	825.0	76	27.0	16	27.0	9
Pennsylvania	775.0	10	250.0	10	124.0	134	10.5	3	17.5	5
Rhode Island	280.0	427	160.0	67	520.0	100	50.0	92	25.0	43
South Carolina	287.5	278	150.0	63	400.0	88	425.0	40	400.0	33
South Dakota	140.0	322	130.0	71	175.0	32	100.0	7	80.0	5
Tennessee	235.0	47	75.0	15	180.0	4	500.0	3	300.0	6
Texas	340.0	36	550.0	36	150.0	98	80.0	55	80.0	63
Utah	90.0	157			150.0	65	50.0	34	50.0	11
Virginia 1	3,032.0	325	1,376.0	119	120.0	285	50.0	59	65.0	55
Washington	27.0	2	260.0	16	120.0	25	140.0	28		13
West Virginia	92.5	19	71.1	10	20.0	3	150.0	20	20.0	20
Wisconsin	688.9	375	170.1	70	638.0	43		28	160.0	21
Wyoming	30.0	12	30.0	6		122	17.0	6	12.0	3
Guam	100.0	3	20.0	1		47	70.0	29	33.4	14
Puerto Rico	50.0	11	20.0	5		200	10.0	3	5.0	2
Virgin Islands	80.0	10	60.0	3		14	90.0	7	25.0	3
American Samoa						2	15.0	6	10.0	3
Total	33,768.1	6,994	15,242.8	1,602	13,794.6	3,550	6,320.3	980	4,048.2	682
										24,074

1 Not needed at present, except enforcement.

Mr. OBERSTAR. Next we have Mr. John Gottschalk, executive vice president of the International Association of Fish and Wildlife Agencies; Mr. John Torres, nongame supervisor, Colorado Division of Wildlife; Mr. Fred Hurley, wildlife resources planner, Maine Department of Inland Fisheries and Wildlife; Dr. Robert Wambach, director, Montana Fish and Game Department; Mr. James Rawson, wildlife resources planner, West Virginia; and Ms. Joan Galli, nongame biologist, New Jersey Division of Fish and Game.

Mr. Gottschalk, we are very happy to have you here with us today. I think I have identified most of the people with you. If you would identify them from your right to your left, we would appreciate it.

STATEMENTS OF A PANEL CONSISTING OF JOHN GOTTSCHALK, EXECUTIVE VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES; JOHN TORRES, NONGAME SUPERVISOR, COLORADO DIVISION OF WILDLIFE; FRED HURLEY, WILDLIFE RESOURCES PLANNER, MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE; DR. ROBERT WAMBACH, DIRECTOR, MONTANA FISH AND GAME DEPARTMENT; JAMES RAWSON, WILDLIFE RESOURCES PLANNER, WEST VIRGINIA; AND MS. JOAN GALLI, NONGAME BIOLOGIST, NEW JERSEY DIVISION OF FISH AND GAME

Mr. GOTTSCHALK. First, on my right, is Dr. Robert Wambach from Helena, Mont.

John Torres of the Colorado Division of Wildlife.

Mr. James Rawson of the West Virginia Division of Wildlife.

On his left is Ms. Joan Galli of the New Jersey Division of Fish, Game and Shell Fisheries, and on my extreme left is Mr. Fred Hurley of the State of Maine Department of Inland Fisheries and Wildlife.

Mr. OBERSTAR. Thank you.

Please proceed.

Mr. GOTTSCHALK. We planned that I would lead off, but unfortunately, Mr. Rawson has found that unless he catches a plane at 12:30 today, he will have to stay in Washington until 12:30 on Saturday.

Mr. OBERSTAR. That is a penalty worse than death.

Mr. GOTTSCHALK. With your permission, we would ask him to make his remarks first.

Mr. OBERSTAR. Please proceed.

Mr. RAWSON. Thank you, Mr. Chairman, and Mr. Forsythe.

I would like to say, if passed, H.R. 10255 will represent a milestone in nongame management.

I convey the wishes of the West Virginia Wildlife Resources Division in supporting this bill.

The provision of this bill that provides comprehensive planning will result in meaningful programs to accomplish realistic goals and objectives.

Based on experience in comprehensive planning in the States, I believe that the period during which the Federal Government will provide 90-percent funding for planning should be extended to include

10 rather than 5 years. This will allow more States not presently engaged in comprehensive planning the opportunity to participate.

I would also support substituting the word "status" for the term "carrying capacity" on line 22, page 6, because obtaining estimates of carrying capacity are often technically not feasible, expensive, and not as useful as we would like them to be.

Determination of status allows a more flexible parameter, and provides the desired information.

I support the testimony of Dr. Gottschalk, and I am referring to the testimony that he will offer.

I also feel that the additional funding suggested, to be offered by Mr. Torres in Colorado, is an excellent one.

Rather than go over these now, I will wait and defer to them, as I was going to follow them in the normal procedure.

This concludes my prepared statement.

Thank you very much.

Mr. OBERSTAR. Thank you, and before you retire to make your dash for the airport, I would like to have your comment on the policy question of need for a nongame program, need for Federal involvement, and the extent of that Federal involvement.

Mr. RAWSON. In regard to the need for the program, I can speak for my State. I feel the need is extensive.

Several points brought out by Mr. Greenwalt have brought up that we have not devoted the time and effort to nongame which it deserves. Many times there is a powerline going through a raptors area that we do not know is a raptor area. We simply do not have the information at hand. We are not certain of the list and type of number, and even names of nongame species that exist in our State.

As far as the Federal participation is concerned, I think as the bill points out, it is more or less handled in a similar manner as the Pittman-Robertson, Dingell-Johnson Acts, and I think this has worked well. I think the benefits of the program speak for themselves.

We have attempted to get a nongame bill through our State legislature for the past 4 years. We have thus far been unsuccessful. That also demonstrates, we feel, that there is a need for it.

I frankly think that this bill, this Federal bill that is proposed, will meet the needs the best, and will provide really an excellent climate for nongame management in West Virginia, and the entire country as well.

Mr. OBERSTAR. I was trying to refresh my memory as to the amount we anticipate. It is a Federal contribution of something like \$16 million a year on an average basis.

Do you think that would elicit matching responses from the States?

If we had some Federal seed money invested in a program of this kind, would that prove an incentive to overcome the barrier in your State that you just alluded to?

Mr. RAWSON. When you said \$16 million, is this annually?

Mr. OBERSTAR. Yes. We project a need from 1978 to 1983 at more than \$97 million. That averages \$16 million a year. These are the needs of States, as estimated by the Fish and Wildlife Service?

Mr. RAWSON. Yes.

Mr. OBERSTAR. In other words, if Congress acts, the States are likely to respond with a similar program, perhaps not as great an amount of funding, but certainly in other aspects?

Mr. RAWSON. Yes; I definitely agree.

We have submitted covenants to your committee to that effect. We feel strongly that we would participate. I feel that other States would feel the same way.

Mr. OBERSTAR. Mr. Forsythe?

Mr. FORSYTHE. I think I have no questions.

Mr. OBERSTAR. Thank you very much.

Mr. RAWSON. Thank you.

Mr. OBERSTAR. Please proceed, Mr. Gottschalk.

Mr. GOTTSCHALK. Thank you, Mr. Chairman.

As you are aware, we have appeared before this committee, and before the Senate, to try to make the case that the nongame program is the next logical step in the development of the national wildlife conservation effort.

To go back in history just a moment, I direct your attention to the fact that the first wildlife responsibility that the Federal Government became involved in was the protection of migratory birds. There were obvious reasons for its involvement in that kind of program. No State could do an adequate job of conserving a species or group which not only flew across many States, but indeed across several countries.

The second area in which the Federal Government became involved dealt with wild horses and burros. We considered this to be a controversial program. It shows that the hand of the Federal Government can reach far afield to do things for wildlife, or alleged wildlife, if it is so moved by the concerns of the citizens.

Next we find the Federal Government being concerned about marine mammals, with the passage of the Marine Mammal Act several years ago.

In 1973 the Congress enacted laws which gave support to threatened and endangered species. There is only one area in which the Federal Government is not supporting needed programs, and that is in the area of nongame wildlife.

Frankly, we have put so much attention on these other forms that we think that there is a glaring oversight in not doing something more specifically for the general kinds of wildlife which so many of our people depend upon for enjoyment, and for recreation. For that matter, these species are important for scientific utilization, for education, and we should not forget either that many of these forms have a distinct economic value from the standpoint that they trigger the expenditure of a lot of money for those who pursue the enjoyment of nongame wildlife.

I am not going to elaborate further. We think that it is high time that we bring this program on at the Federal level in order to provide greater incentives to the States, to encourage them to get into the act, and thus to round out the total national wildlife conservation effort.

There are several specific things in the bill that I would like to draw your attention to. As you are well aware, there has been a considerable concern over the potential failure of the direct appropriation process in providing the needed funds for this program. The States are apprehensive about this, because they feel that to depend upon the appropriation authorization route would be to place themselves

at the hands of the changes in fiscal policy that affect the Federal Government, which may or may not have anything to do with the needs of the wildlife.

For that reason, the members of the International Association of Fish and Wildlife Agencies would dearly love to see some kind of a financing arrangement which is based on an excise tax approach similar to that which has supported the Pittman-Robertson, Dingell-Johnson programs over the past 25 years and, as you are well aware, has become one of the mainstays of the conservation effort today.

Mr. OBERSTAR. On that point, are you aware that using a dedicated fund would mean going through one more committee?

Mr. GOTTSCHALK. Yes; I think we are quite aware of the innate problems. We would have to make sure that the House Ways and Means Committee on this side gave its support to that idea.

I am also aware it is counter to your current administrative policies. I see lots of problems with it.

I leave you with the thought that we would like to see an excise tax, but more importantly, is seeing a nongame program authority which is covered by the kind of legislation we see in front of us. I would say yes, we want an excise tax but, even more we, want to see a nongame program, and if it comes to that, we will cheerfully take an authorization program rather than the excise tax approach.

Mr. OBERSTAR. I am glad to hear that.

I agree with you that it is nice to have a dedicated fund, but then you have a problem in establishing it in the first place. Even those dedicated funds have been subject, in the past, to what we used to call impoundments, which now have a variety of names. The difficulty exists in getting that legislation through a Congress, which is very sensitive to taxes, in a year.

Mr. GOTTSCHALK. We are well aware of the fact that dedicated funds sometimes give birth to sacred cows, and we recognize this problem. We are going to do what we can, perhaps a few years down the road, if we cannot get it this year, do what we can to work for an excise base.

Mr. OBERSTAR. All right.

Mr. GOTTSCHALK. The next question I would like to raise has to do with the apportionment formula. Presumably this would be on a basis of needs which the States developed also under the stimulation of this act.

This raises additional questions. It means that it is possible for a Secretary to not apportion any funds to a particular State if, in his wisdom, some other State might have greater need for it. The States are very apprehensive about this. They like the idea of an apportionment formula because of the success they had in working under an apportionment formula under the Pittman-Robertson, Dingell-Johnson Acts, therefore we would like to suggest that the committee consider a legislative apportions formula that would divide the money among the States, two-thirds on the basis of the population of the respective States, and one-third on the basis of the area of the States.

We think this would reflect the fact that our primary problems are those due to habitat shrinkage and deterioration, and that habitat change is due in turn to greater human population densities; therefore, it would be better to put a larger share of the money in the more populated area.

Along with that we would recommend a maximum of 5 percent of the funds going to any particular State, and a minimum of 1 percent. We think this would protect the smaller States, and prevent the larger States from getting an inordinately large share of the money, and would serve to balance out the whole program.

There will be other specific points that will come along in some of the other comments that you will hear. I am not going to dwell on all of these.

The next one, however, that I want to mention is that we think that the period for the utilization of planning funds on the 90-to-10 basis, 90 percent Federal and 10 percent State funds, should be extended. You have heard Mr. Rawson indicate he feels it should go to 10 years. We agree it should probably go to 10 years.

As a matter of fact, in thinking about this kind of a program, and the planning effort that is going to have to go into it, it seems to me that a pretty good case could be made as long as a State was carrying out a legitimate planning effort and not indulging in planning just for the sake of planning, but to develop concrete programs dealing with nongame wildlife, if that were the case, in the discretion of the Secretary, it might be possible for the State to continue to receive planning money at the 90-to-10 ratio ad infinitum.

A lot of people are apprehensive about it because they see planning going on ad infinitum. But planning is a continuing process. It never gets completed. When you complete one segment, you look at the next segment. Planning should go on continually.

If we can work out a process by which we are assured that States do not just spend all their time planning, but rather plan and then put programs into execution, it might not be too bad to think about the 90-to-10 applying to planning whenever it occurs in the future.

Another point has to do with a question that we are not necessarily in agreement on. I cannot speak with assurance that I speak for all the States. There is at least one State represented by the gentleman on my left that does not agree with me on this point. It has to do with the question of defining fish and wildlife as vertebrate wildlife. One could say these are the days of ecology, a word which is widely misunderstood, and even more widely misused, but the fact remains that in looking at how we go about things, I think we are aware of the fact that that basic context of ecology does hold true. Everything is tied to everything else.

Therefore, it seems to me, and I think it seems to a majority of our members, that it would be good to broaden this act, and to make it optional for the States to work on species other than vertebrate wildlife if a problem evolves that should be handled in that way.

I realize that you could have some individual who is greatly concerned about some rather obscure species put a lot of pressure on the State to spend money on something that really has relatively little material value, but I submit that many times it is hard to tell where you need to draw a line in a program that covers the breadth that this program does.

My next to the last point has to do with the problem that I have harped on before, and that is the way the law is drafted, it will place a 10-percent limitation on the matching share that will come from the States.

This produces an impossible situation, which I will not dwell upon, but merely suggest, with all the emphasis I may employ, that we would be very satisfied if the law were changed to make the limitation on the use of license money 10 percent of the total State program, rather than ten percent of the State matching share.

This is rather more liberal, but nevertheless puts a realistic limitation on what the States could use from their license revenues. We think those should be protected.

What the sportsmen pay should primarily go into the work that supports the interest that he himself is financing, and that these monies that are being devoted to nongame work should come from the general public.

Well, that is all I have to say and, with your permission, Mr. Chairman, I will ask that each one of the members of the panel make a few remarks, on anything they might wish to, and then you can ask any questions that you might have.

[The following was received for the record:]

STATEMENT OF INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. Chairman, I am John S. Gottschalk, Executive Vice President of the International Association of Fish and Wildlife Agencies. We appreciate this opportunity to support, once again, this legislation which would establish a needed federal program for the conservation of nongame species of wildlife. The International Association is a voluntary association whose governmental members include the wildlife agencies of all 50 states, as well as the wildlife agencies of the Dominion of Canada, 6 Canadian provinces, the Commonwealth of Puerto Rico, and the Republic of Mexico. The Association promotes rational management of fish and wildlife and coordinates efforts of public agencies responsible for protection and management of the fish and wildlife of North America.

Mr. Chairman, our Association, along with most if not all the other national conservation organizations, has presented extensive testimony in past hearings and in separate letters to both the House of Representatives and the Senate in support of the philosophy and general approach embodied in this legislation. We do not believe it necessary to further embellish the record in this regard. The program is needed to produce a balanced federal wildlife conservation effort and to provide incentives to the states to elicit the support of the general public in wildlife conservation activities now largely supported by anglers and hunters.

What we hope to do today is first to draw your attention to several issues that we believe you should consider before taking final action on this bill and then to comment on how the states see the program being administered most effectively if authorized.

We continue, in spite of the warnings we have had as to the difficulties involved, to urge that a means be found to put the funding of this program on a sounder basis than the traditional authorization of funds as H.R. 10255 presently calls for. You are aware of the success of the Pittman-Robertson and Dingell-Johnson programs in terms both of restoration of fish and wildlife and close state-federal cooperation in administration. If there is any way it can be accomplished, the states would dearly like to see the same pattern established, that is, funding made available from an excise tax on articles used by persons who enjoy nongame wildlife.

Our next major interest is in seeing the distribution of funds made through a legislated formula rather than leaving the allocations to the changeable whims of the Secretary of the Interior and the Office of Management and Budget. We recognize that there is less flexibility in such an approach, but it guarantees funds that can be counted on. We might add that while we have great confidence in Secretary Andrus and his associates there is no guarantee that their positions will always be filled with men of such vision and keen sense of justice.

As we have continued to study the language of H.R. 10255, we have come to realize that the stringent requirements for planning may indeed do a disservice to the cause of conserving nongame wildlife. We believe it is essential that there be a means for the states to be given greater freedom to initiate conservation of

nongame wildlife in advance of completion of comprehensive plans. This could be accomplished by permitting a certain amount of the implementing funding to be made available in the first few years of the program.

While talking about the planning phase, it has been suggested that a period of five years is clearly inadequate to do the comprehensive job this bill mandates. We, therefore, would urge that planning funds on the 90/10 ratio be made available over a ten-year rather than a five-year period.

Currently the bill has a rather restricted definition of fish and wildlife limiting its application to vertebrate species. We are as apprehensive as anyone lest funds made available under this bill be frittered away in pursuit of little known or appreciated forms of life. But as drafted the bill could not apply to the molluscs and crustaceae or the many other invertebrates. While it exposes the future programs of this legislation to some risk of diffusion into all sorts of arcane biota, we nevertheless believe that at the very least the states be given the option of deciding where to place the emphasis. We suggest that the Secretary in his regulations could well include needed provisions to guard against diversion of funds into activities of little real value to the public.

My penultimate point is one on which I have been harping for a long time. It has to do with the 10 percent limitation on the use of license funds for matching purposes. I have previously described how this limitation would effectively prevent the establishment of a nongame program in any state where there was no other source of matching funds. There are such states some limited by policy, others by law, and at least one by a constitutional provision. We recognize and support the intent of this proviso. But it is counter productive to adopt language which may prevent some states from accomplishing the very objective the bill seeks to attain.

After all the worry over this issue we recommend, very simply, that the 10 percent limitation be applied not to the states' matching share but to the total cost of the nongame program. This would prevent raids on the states' hunting and fishing license revenues while retaining an option several states could not otherwise enjoy. While on this subject one of our members has urged that the limitation apply only to revenues from "sport" hunting and fishing licenses. That would protect funds paid into state coffers by sportsmen while leaving other sources of funds from trapping, fines, forfeitures, etc., available for matching federal dollars.

With me today are representatives of four state wildlife agencies. You may wish to call upon them for comments or to question us as to the problems, if any, which they foresee if this bill were to be enacted and implemented.

Thank you for this opportunity to be heard. We greatly appreciate the effort the committee has put into producing an acceptable bill.

Mr. OBERSTAR. I notice that Mr. Torres has a printed statement, which will appear in the record in full. So if you summarize it, that will be fine.

Mr. GOTTSCHALK. Would you like to start, Dr. Wambach? Dr. Wambach is from Montana.

Dr. WAMBACH. Mr. Chairman, I am Dr. Robert Wambach, director of the Montana Fish and Game Department, and I am here this morning to support H.R. 10255.

I want to endorse the statement presented by Mr. Gottschalk, and I will be happy to answer any questions which you may have. I do not have a prepared statement, but I want to take a minute to tell you a little about the program in my State and describe the current status of my nongame program.

Montana is pleased to have a rich and diverse array of long-life resources and, through our management, we have not only protected and maintained these resources, but for most game species we have actually enhanced or increased their population levels.

It is important to note that much of the credit for the success of our management can be attributed to Federal aid programs, Pittman-Robertson and the Dingell-Johnson bills are acts.

I can say the same thing about outdoor recreation in the State of Montana. In Montana it is administered in the fish and game department. The success is tied directly to the encouragement received from the Bureau of Recreation and money we received from the land and water fund. We are doing a good job, and a great deal of the credit for our success is attributable to the Federal aid programs.

The one glaring weakness is my inability to mount a significant effort relating to nongame wildlife. It does not fit in terms of finances and politics and public acceptance in my State at this point. We have not been successful in generating a Federal source of funding.

A Federal assistance program will get us off dead center. I have every reason to believe that it would meet with the same high degree of success as those other Federal aid programs relating to wildlife and outdoor recreation.

My nongame program consists of one biologist and one man working in information and education. This is an embarrassingly small effort considering the abundance and importance of nongame species and the rapidly growing public interest in such species. We have recent surveys that show that the number of nonconsumptive users, those who like to observe, study, or photograph wildlife, far exceeds the number of hunters and fishermen, and the rate of growth is much more rapid among these nonconsumptive users. For these people, nongame species are just as important as the game species.

My nongame program is currently funded partially by hunting and fishing license money, partly by general revenue through my recreation program, and partly through a nongame sticker.

In my efforts to try to build the nongame program, I am using every device and tactic but, at the rate I am going, it will be 10 years or more before my department can even reach its minimum goal. The pressure on the resource is much too great to tolerate this delay.

The only way to accelerate the process is through a Federal incentive and assistance program of the type proposed in H.R. 10255.

I could accept it in its present form. The modification proposed by Mr. Gottschalk would make it stronger and better. I endorse all his recommendations. There is no need to repeat them.

I would like to mention one point by way of emphasis. I am a strong advocate of comprehensive planning and I like the feature of this bill, although I know some States do not. It would be highly desirable if some of the implementing funds could be made available during the planning process. The resources in need of attention should not have to wait while we plan.

Thank you.

Mr. OBERSTAR. Those are very thoughtful comments and very helpful suggestions.

Mr. Torres.

Mr. TORRES. Mr. Chairman and members, I am John Torres, nongame supervisor, Colorado Division of Wildlife.

I support the statements made by Dr. Gottschalk and Dr. Wambach.

We had an opportunity to consult late yesterday afternoon, and I think that most of the statements that were made by Dr. Gottschalk earlier represent the feeling of the States, at least those that are represented here today.

There is one additional item that I would like to suggest, at least for the record, if nothing else, primarily because funding seems to be an overriding problem for nongame programs in existence across the country.

I would recommend, if at all possible, that the matching ratio of 90 to 10 percent which is allowable for the planning portion be also included for the management in implementation portion, primarily because many of the States are still going to be seriously inhibited because of the lack of State matching money.

We currently have probably the largest nongame staff in the country. There are seven full-time people assigned to the nongame program. We are addressing the entire spectrum of wildlife.

In the program we include the fish, the birds, the mammals, the reptiles, amphibians, the mollusks, and crustaceans. Although we have what I consider to be rather generous funds which amount to a total of about \$250,000 from the general fund, it still limits very seriously what can be done for all of those wildlife that I have just mentioned. And I am deeply apprehensive that if the ratio is not changed or if it continues as now proposed in the bill, that many of the States are not going to be able to come forth with sufficient matching money to meet the needs of the bill.

It is merely a suggestion, I certainly would like to have it considered for the record. Because Dr. Gottschalk has briefly summarized what I have included, I would like to give you what has transpired in the nongame program in the State of Colorado.

The sport game program generates approximately \$20 million and, as I indicated earlier, we are receiving \$250,000 which is a serious imbalance.

I must indicate that we are receiving Federal assistance from the Endangered Species Act of 1973. We receive approximately \$250,000 which makes our total program less than \$500,000.

We have 25 species that are classified as threatened and endangered on the State list. This list includes federally listed species. There are 20 that have no recovery potential. We received approval from the Fish and Wildlife Service for recovery of endangered species, many of which have better recovery potential than State species. We are moving along in that respect.

We do not have sufficient matching funds to match what is available to us from the Endangered Species Act. Most of our funds at the current time come from general fund revenues, if you will, and we are very limited. The demand for general fund moneys is great. It is very keen. When you put people concerns along wildlife concerns, you generally know what loses out. It is wildlife.

A question was asked earlier as to whether the State would see incentive Federal moneys were made available. In the State of Colorado, this was not the case. I was recently discussing this particular bill with some of our legislators in Colorado and the feeling was the State, the general assembly, is not going to go out and chase Federal money if there is not an excise tax.

I do not see them giving me any additional money to match this bill. My only hope is if the ratio is lower, I will be able to obtain a greater portion.

The other possibility is that we use money generated from sports followers. The philosophy in Colorado is that that is not available for nongame wildlife.

Then there is the monitoring of nongame species of which there are 750. This is really the bulk of the program. We have identified the species. Many are in common and many in uncommon and undetermined categories and so on and so forth. We spent a great deal of time on it. The program is 7 years old. It became official in 1972.

The third priority relates to nonconsumptive wildlife activities that relate to all wildlife, not only nongame. It seems to fall in the program. It has to do with nonhunting. Although we do not have much money there, we seem to be making what I consider to be an excellent program. We have been able to obtain lanes through the State highway department. In areas where they know a highway is going to be developed, they have condemned sufficient lands in key habitat areas and they have allowed the division of wildlife to manage it for nonconsumptive purposes. Again, I think we are moving along quite well.

I must stress that money continues to be the overriding problem for the management of nongame wildlife in the State of Colorado.

Thank you.

Mr. OBERSTAR. I might note for the record that Mr. Torres provided us with this very interesting and exceptionally well-done pamphlet by the Colorado Department of Natural Resources that is "The Strategy for Wildlife."

I might also note that it is so fitting with the position of nongame programs that while even the typist gets mentioned in the forward, the nongame program manager does not. I looked in vain for just a little evidence of notoriety.

Mr. TORRES. We do have a section in there, Mr. Chairman, that is entitled "The Nongame Program."

Mr. OBERSTAR. Yes; I read through it as you were talking. I was listening and reading and admiring the tremendous work.

Thank you very much for your presentation.

[The following was received for the record:]

STATEMENT OF JOHN R. TORRES, COLORADO DIVISION OF WILDLIFE

Mr. Chairman, members, I am John R. Torres, Nongame Wildlife Supervisor, Colorado Division of Wildlife, Department of Natural Resources, Denver, Colorado. Thank you for scheduling this hearing and giving Colorado and other states the opportunity to comment on House Resolution 10255, The Nongame Fish & Wildlife Conservation Act of 1978. A review of this bill indicates a marked improvement over the one originally introduced in the Senate by Colorado Senator Gary W. Hart (S. 1140) in 1977 and the more recent bill (H.R. 8606) sponsored by Congressman Forsythe (N.J.).

A major improvement in H.R. 10255 over the earlier versions relates to the provision for matching grants to state wildlife agencies for both planning and program implementation. The new matching formula will encourage many states to expeditiously develop conservation programs for nongame wildlife where planning funds have been a barrier. Another favorable aspect of the bill also relates to the clarity of the allocation formula which provides for equal grants to states with identical program plans.

Our greatest concern in H.R. 10255 is in regard to the apparent lack of a solid and permanent funding base. Although the total funds to be allocated annually are comparatively generous, participating state wildlife agencies have no assurance that general treasury funds will be available indefinitely. As demands become greater for general treasury funds, one must suspect that the needs of our wildlife resource will not be able to compete with the increasing human needs of the country.

In view of this, we recommend that future financing efforts for nongame fish and wildlife programs seriously address the idea of imposing an excise tax on

recreational items which are clearly associated with nonconsumptive uses of wildlife. We are pleased with the efforts of the House Subcommittee in their endeavors to provide for the future of our nongame wildlife resource.

[From the Wildlife News, February 1978, Denver, Colo.]

URBAN WILDLIFE AREA TO BE PART OF I-76 EXTENSION

It is possible that the Division of Wildlife can begin managing a portion of a 60-acre tract of land in northwest Denver as an "urban wildlife area" by this summer. True, a lot of details—both big and small—remain to be worked out, but it looks like all the systems of all the federal and state agencies involved are

go. At issue is the I-76 Urban Wildlife Area lying south of the planned extension of Interstate 76 (connecting it with Interstate 70 at Wadsworth Blvd.) and between Lowell and Tennyson Sts. The plan is for the Colorado Department of Highways (DOH), with the Federal Highway Administration (FHA), to purchase the land as right of way for the extension. The area would then be turned over to the Division of Wildlife to be managed as an urban wildlife area.

"As soon as we own it," Phil Demosthenes, DOH land use planner, explained, "The Division of Wildlife can proceed with their plans."

Those plans call for managing of the area so that residents can walk through the area and "get something from it." That means building a *permanent interpretive center*, and putting in *unpaved trails with interpretive signs* along the way. With an eye toward that goal, the Division has promised to pay special attention to taking students in urban elementary schools on tours of the wildlife area. Other uses of the proposed wildlife area might include *warm water fishing*, bike trails, etc., all depending on their compatibility with the wildlife area itself.

Called one of the "finest pieces of *urban wildlife habitat* in the country" by wildlife officials, the area is cut by Clear Creek which provides typical riparian habitat for innumerable species of songbirds, raptors, beavers, foxes, squirrels and waterfowl.

Purchasing the area from landowners and relocating present residents will take up about \$400,000 of the \$75 million allocated for the extension of I-76. Depending on when and how much funding is available, the I-76 project is expected to be completed in 1982. With final approval from the FHA all but assured, the Department of Highways has already purchased one parcel of land in the area and is negotiating for another, which seems the Division of Wildlife will be involved with before the entire project itself is finished. Approval from the FHA represents a milestone in itself in that it marks one of the few areas that the highway money will be used to protect wildlife habitat.

We saw it as a resource that shouldn't be wasted," Jack Gillespie, FHA pre-construction engineer, said. "It's a pretty unique piece of property . . . If we hadn't purchased the land, it probably would have gone the way the other property in the area has gone—to light industrial use."

Thanks to the work of the Federal Highway Administration, the Colorado Department of Highways and the Division of Wildlife, that latter prospect now appears unlikely.

DIVISION NONGAME PROGRAM ADOPTS UNUSUAL APPROACH

(By Steve Bissell, Nongame Wildlife Biologist)

The lynx. The Eastern mole. The peregrine falcon. The Colorado squawfish. The California gull. As different as these species are, they do have one thing in common: they all fall under the auspices of the Colorado Division of Wildlife's nongame program.

But the Division of Wildlife has taken an unusual approach to that program. Rather than take the traditional approach of working with a single species or group of species such as big game, we have broken down the program into three main areas: threatened and endangered species, preservation of other species and the nonconsumptive use of wildlife.

Fifteen species of mammals, birds and fish are considered to be endangered in Colorado and ten species of birds and fish are considered to be threatened.

The river otter, for example, is considered to be endangered in Colorado, and Division nongame programs are intended to improve that status. Toward that end, the Division of Wildlife has acquired 20 otters from outside Colorado and released them within the state in the last year. If all goes well, this species will be declassified to threatened in five years and taken off the list altogether within 20 years.

The white pelican is considered threatened in Colorado; and again, nongame programs have been designed to help these birds. A large white bird, the pelican nests on a single island near Greeley. In the past, winter storms badly eroded this island. It was in such bad shape that the Colorado Wildlife Commission declared the white pelican to be endangered. The Division of Wildlife undertook to stabilize the island. These efforts were successful to the point that the Division was later able to declassify the white pelican to the more secure threatened status.

But the vast majority of animals are neither threatened or endangered. They probably live in numbers consistent with the amount of available habitat. However, it is important to insure that destruction of their habitat does not cause them to become threatened or endangered. And that comes under the heading of preservation of other nongame species.

In order to do this, basic information must be gathered about the animals themselves and about those animals in habitats likely to be disturbed by man.

For example, many of the 16 species of bats in Colorado are poorly known. After one season of work, the Division determined that at least one species of bat, the Yuma myotis, is fairly common throughout the state.

Other programs in this area are directed at habitat. For instance, the Division of Wildlife is currently looking at the effects of removal of sagebrush on small mammals and birds. We will also soon begin to investigate the use of artificial nesting structures as habitat for burrowing owls since the state's population of this species has been greatly reduced over the last several years.

The last major area of nongame work is in nonconsumptive use of wildlife. In other words, people use wildlife in ways other than hunting, fishing or trapping. These uses include bird watching, feeding wildlife, studying wild animals and simply knowing that the animals are there.

An important aspect of this centers on urban wildlife. To increase nonconsumptive opportunities in this area, the Division of Wildlife hopes to begin development of a "wildlife park" along Clear Creek near Lowell Blvd. and W. 56th Avenue soon. When completed, this area will allow people living in the greater Denver area to observe wildlife near their homes.

In the past, funding for all of the state's nongame programs has come from the state's General Fund and from private contributions. In 1977, such funding produced a budget of about \$125,000 for the state's 783 nongame, threatened and endangered species—about \$160 per species.

The Colorado General Assembly has established a special fund in the State Treasurer's Office designated as the Nongame Wildlife Cash Fund. The purpose of this fund is to provide revenue to the Colorado Division of Wildlife, Department of Natural Resources, to be used for the purpose of preserving and enhancing nongame, threatened and endangered wildlife species in Colorado. Line 23 on the 1977 Colorado Income Tax Return (and line 20 on the short form) allows Colorado taxpayers an opportunity to contribute \$1, \$5 or \$10 from their overpayment (refund) to this fund. The amount contributed may be reported as a tax-exempt, charitable contribution on the 1978 income tax return.

Division of Wildlife officials are hoping that, this year, Colorado taxpayers will "Do something wild" and give to the Nongame Wildlife Cash Fund.

Mr. OBERSTAR. Ms. Galli.

Ms. GALLI. My name is Joan Galli. I am the nongame biologist for the State of New Jersey. I am speaking on behalf of Russell A. Cookingham, Director of the New Jersey Division of Fish, Game, and Shellfisheries.

New Jersey has been actively involved in the management of the nongame wildlife resource since December 1973. At that time the States' endangered and nongame species conservation act was unanimously adopted by the New Jersey State Legislature. And we feel this initial enthusiastic support was a reflection of the public's interest in the wildlife resources of New Jersey.

Unfortunately the legislature has been less supportive, particularly in regard to the money they deem appropriate to give to us. I have sat here on a previous occasion to urge adoption of legislation for Federal funding to aid the States' nongame programs. And what I would like to do now is just briefly reiterate some of the things I have presented before.

We have always been in favor of some type of Federal assistance to the nongame program and since September our conviction in that regard has not lessened at all, nor has our need for the Federal money and, if anything, both the conviction and the need have increased because of our public awareness of nongame wildlife in New Jersey has increased and with that has come a greater demand for them to interact with this wildlife.

If I may briefly go over three points, as to the vertebrate, we are speaking about 642 species. I am not able to count the invertebrate wildlife. I think I am afraid to do that. Neither the State money nor the private funds which have been donated to our project have been enough to support the work that we feel that is necessary for us to do.

We have found that Federal funding, particularly to the endangered species program in New Jersey has stimulated the State legislature to support our programs financially and, if I may give an example, there is a piece of property in the southern end of New Jersey that the State has been trying to acquire for 10 or 15 years and the initial efforts were defeated locally.

Within the last 5 years we have come back to this piece of property and we have justified its acquisition on the basis of its potential for wildlife and it seemed that our program of acquisition was stalled until the Federal endangered species money became available and this has stimulated that acquisition. It is a culmination of about 15 years of work. It is an indication that in New Jersey Federal support has been helpful to our wildlife programs. I have no doubt that Federal aid will promote a more comprehensive wildlife program both for the game and nongame wildlife.

I wish to particularly applaud the planning criteria in this bill which talks about a comprehensive program of both nongame and game wildlife which is the ultimate goal of wildlife managers in New Jersey.

I am here today to represent the New Jersey Division of Fish and Game and Shellfisheries support for H.R. 10255. We urge its rapid adoption and implementation as a first step in meeting the needs for nongame wildlife management and research.

We could then look forward to expanding our programs of species diversity studies, population assessments and critical habitat designation with the ultimate goal of a well-managed and self-perpetuating wildlife resource available for the public enjoyment and recreational use.

As a final comment, I would urge that we leave open the option to work on invertebrate wildlife. I urge that this be maintained as an option for the States to take.

Thank you very much.

Mr. OBERSTAR. Thank you.

That is a very fine presentation.

Mr. Hurley.

Mr. HURLEY. Mr. Chairman, my name is Fred Hurley and I am a wildlife resource planner for the State of Maine Department of Inland Fisheries and Wildlife.

I think it would be most appropriate at this time for us to go on record as totally endorsing very strongly the comments, many comments of this panel as they have been brought up today.

We have discussed these and we do feel that they are all justified.

The Maine Department of Inland Fisheries and Wildlife has been involved in a very active game and fur bearer project for many years now. This project is very similar to that process involved in this bill. We have found by following such a process that our technical administrative functions of the department have been vastly improved. We feel that planning is an integral part of any endeavor and that it would be in the best interests of any nongame endeavor to have this as an integral part of the whole process.

When I say planning, I mean asking where are we today; where are we going; where are going in the future, what problems will be facing us in the future, and exactly where our funds would be best spent on nongame efforts.

Currently, we have no nongame program. We have no funds to support such an endeavor, but I do think by developing a strong nongame plan as a result of this 90-10 section of the bill, we would have a very strong foundation to go out and try to establish a nongame program and acquire State funds on a matching basis.

I think that funding is going to be a problem though. I am not sure whether we would be able or in a position to acquire the funds at the end of our planning process.

The comments that have been brought forth are very true. There is much resistance in the State capitols to creating new programs, especially when the future moneys from those programs are not based upon a solid reoccurring type of formula that we could expect to work with and within for a significant length of time.

Basically, these are my comments.

Mr. Chairman, I would be more than willing to answer any questions you may have to address to me. Maybe I can be of more assistance.

Mr. OBERSTAR. Thank you very much.

I appreciate the comments of all the members of the panel. I think they have been to the point and addressed the issues of concern to our subcommittee.

If I may just go back a moment to the point that you touched on, Mr. Hurley, and which Mr. Torres mentioned earlier, and that is your expectation of the response of the State legislatures. Is it your consensus that, if there are dedicated funds rising from an excise tax on which legislatures can count to be available in the future, you anticipate little or no problem to their responding to the State program?

If they have to depend on appropriated funds, you think there may be less enthusiasm and possibly no response for a State match?

Mr. HURLEY. Yes; there will be problems. If we could develop a strong plan as a result of the 90-10 match, obviously we would have to use agency funds to match the 10 percent. With a strong plan, we have a real basis to go out and try to get a nongame program going, as long as there was some assurance that there would be funds available for a reasonable length of time.

Obviously, the various administrations in different States are not going to be willing to staff a nongame function if there is not adequate assurance that the money will be available for any significant amount of time.

Mr. OBERSTAR. Would that be the situation in New Jersey as well?

Ms. GALLI. For the past 4 years, we managed to scrape by to get some State appropriations going. We spent more effort trying to get funds than doing research and fieldwork that we feel is necessary. Certainly to have a guarantee fund for some time, for a substantial number of years, would make our job easier in the sense that we could direct more time to function as biologists rather than as accountants and lobbyists and so forth.

Mr. OBERSTAR. That is a very pertinent point.

On the other hand, biologists and foresters make lot better lobbyists than some of those who professionally hold themselves out as lobbyists. That is no reflection on Mr. Gotteschalk & Co.

But I think those of you who are closer to the programs and more familiar with the subject, do a better job of getting the people's hearts and minds.

Ms. GALLI. That we aren't willing to wait 3 years for an excise tax if we can get an appropriation this year. We need something as soon as we can get it to keep us going.

Mr. OBERSTAR. If we are going to get this legislation into the fiscal 1979 process, we better try to move it soon, certainly before May 15, which is the magic date for getting things under the congressional budget resolution and into the appropriation process. We are going to have to move very fast, and that means that we will not have time to wait for the Ways and Means Committee.

I wondered if any of you had a reaction to some specific points? I will try to go through them quickly.

We covered excise tax versus appropriation. Supposing you had your druthers of using the 75-25 matching as we propose in the legislation as against 100 percent Federal funding of your State needs; do you think it would be more workable and realistic?

Do you think the 75-25 match is a good one given its historical precedent, or would you suggest something else?

Mr. HURLEY. It is going to be the same problem. The precedence is there, but we are talking about different resources, different users, and different interest levels. It will be very difficult to come up with those matching funds. As an exact example, we have an agreement under the Endangered Species Act. We have a problem getting State funds.

Mr. OBERSTAR. Dollarwise, what are your needs for the nongame program?

Mr. HURLEY. We do not have a program. We would like to put together a planning effort using these funds. It would take 2 or 3 years.

Mr. OBERSTAR. Do you have an estimate?

Mr. HURLEY. For the record, I can give you a copy of our type of plan which we have put together. We have put one together for the bald eagle. It indicates what we have assessed, how we assessed, what decisions were made, and how and what the operational plan is. We have a nongame planning program which is currently being funded under Pittman-Robertson. It is strictly a planning program. We have not made much progress because of staff problems. We have recently been given one man to work on the job so, hopefully, the whole process will continue.

This outlines exactly what we hope to do over a 2-year period, and the total cost is in the order of \$15,000. That was done several years ago.

Mr. OBERSTAR. For the plan?

Mr. HURLEY. For the plan.

We tried to write a nongame plan several years ago, and we did not have the money. This would cover broad brush as to surveys and providing basic information and coming up with management goal objectives, defining problems and defining specific activities or jobs to focus on those problems. When I say "plan," I am talking about an assessment, a decisionmaking process, and the development of specific activities that we would design to solve the problems at hand.

Our whole program would be designed toward solving problems. I think the priorities that would come out of this process would be similar to the one that John has previously outlined to you. It would be identifying species in a habitat or other problems that deserve special consideration for one reason or another, trying to assess the problems surrounding those species, developing recovery plans for those species to get the population up to objective plateaus, to monitor the resource and have enough data to continue to plug into the planning process so you know where you are at any one time and get into peripheral urban-type wildlife programs.

Mr. OBERSTAR. Thank you very much. Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman. There are quite a number of things I was interested in commenting on.

Joan, of your \$48,000, how much of that is in State appropriations?

Ms. GALLI. When we started in 1973 with the State legislation, they appropriated \$100,000 to the project. It has since declined to at its lowest level zero-State funding. This was last year. At that point the fish and game council and hunting and sportsmen in New Jersey provided us with enough money so we could squeak through with matching funds.

Presently, our budget is \$72,000 of which \$48,000 is from the State of New Jersey—\$24,000 of that \$48,000 is for nonendangered, nongame, and the remainder of the \$72,000 is spent on endangered species, so right now we are only spending \$24,000 of State money on nongame.

We have Mr. Forsythe, through the mail, submitted an anticipated cost analysis of what it might cost to run a nongame program in New Jersey. It averages over 5 years to be about \$400,000 a year of which we feel by 1982 we might be able to convince the legislature that a State appropriation of \$100,000 a year would not be excessive for nongame wildlife in New Jersey. They started us out. This would be based on 75-25 matching fund to that \$100,000 from the State and \$300,000 from the Federal Government for a total of \$400,000 a year. We feel that would do a major portion of the job for us and allow us to expand from a staff of two, from what we currently have, to perhaps 10 from special expertise.

Mr. FORSYTHE. The donated funds are not private, but donated from other governmental sources?

Ms. GALLI. OK, the \$24,000 that we got, we had no State appropriation, came from the division's hunting and license moneys. We also have a program which is a way to allow the general public to participate in our endangered and nongame species program.

This is a decal sale. If you want to support nongame wildlife, you get a small decal. The last one had an osprey on it. The new one will have a bog turtle on it. This goes into a slush fund. In the 2-year period, we have raised about \$10,000. That certainly will not support the entire program. We feel it is very beneficial in that it has given the public a direct way to show that commitment to wildlife. We thought \$10,000 was a great outpouring of public support.

One of the selling points for them to give us the \$5 was when we said—for endangered species—for each dollar the Federal Government will match it with two. This encouraged the people to support our project. They felt good about it.

Mr. FORSYTHE. I commend you. I am always glad to have you come up here.

Mr. GOTTSCHALK. Mr. Torres has some information about costs for their program.

For your total program needs, what are you spending?

Mr. TORRES. Frankly, at this point in time we are geared to \$3 million and, very definitely, this is what it would take to accommodate the need of the nongame resource in the State of Colorado. We are operating at around \$250,000 from general fund money.

I did say earlier that we had another \$200,000 from the Endangered Species Act, but it is way below optimum. It is very unfortunate. We have a conservation program which began in 1974. In 4 years, we have only been able to generate \$15,000. It is a totally voluntary program. To my knowledge, no voluntary program has ever supported the wildlife program.

Mr. FORSYTHE. I am not suggesting it will support it, but it is a commendable way to educate the public.

Mr. OBERSTAR. You know where you are headed. You only have \$250,000 of actual spendable funds?

Mr. TORRES. True.

Mr. OBERSTAR. With Federal funding under legislation, you could receive additional State appropriations to expand your program, but you probably would not come near the \$3 million?

Mr. TORRES. No; we could not match that type of money, Mr. Oberstar.

Mr. FORSYTHE. If you will yield, we have in our folder the results of a survey asking the States for this very information.

I am sure there will be changes as we go down the road, people really begin to think about this and it does change. This document should be made a part of the record.

Mr. OBERSTAR. If it is not a part of the subcommittee hearing record, it will be made a part of the record at this point because I think it is a significant matter and an important issue in our deliberations.

[Previously submitted.]

Mr. OBERSTAR. Does counsel have any questions?

Mr. GUTTING. Yes; we have been provided a copy of the material which you requested from Mr. Greenwalt earlier, namely that draft study which was the subject of your colloquy with him. Attached to that draft study is a copy of a document which projects the needs of the various States. With your permission, Mr. Chairman, it might be helpful to the subcommittee if that document was inserted into the record.

Mr. OBERSTAR. That will be made a part of the record at this point. Any other questions?

Mr. Mannina.

Mr. MANNINA. One question for the record. Each of you has supported an excise tax.

Could you submit your views on which items you believe should be subject to the excise tax.

If invertebrate species were included in the comprehensive plan; on an optional basis, do you think it would so expand the program that you would lose the focus presently possible for vertebrate species?

Would you be so mired in working with the invertebrates that you would not be able to accomplish the full goals of the program?

Mr. HURLEY. I don't know that I can answer. I think it would have to come over a period of time and I want to say that many States have responsibilities over these other type animals and over time we would have to direct some emphasis to find if we had any problems and direct some resources to solve those problems. I don't perceive it coming all at once. It will take a long time.

Mr. WAMBACH. Mr. Chairman, could I address that question?

Mr. OBERSTAR. Certainly.

Mr. WAMBACH. Gottschalk, when he commented, use the word "optional." That is very critical to my support. If we combine comprehensive planning with the whole animal kingdom, we are going to be in trouble, so it is important for the record that we are talking about important invertebrates and that they be incorporated in this program at the States' option.

Thank you.

Mr. GOTTSCHALK. May I comment?

Mr. OBERSTAR. Certainly. Please comment.

Mr. GOTTSCHALK. We have been spending time talking about the need and those aspects of nongame that perhaps we slighted the other part of the bill which I think is very important and very crucial in terms of the States' interest. That is the planning aspect of the program. That comes up in this context, namely, that the essence of planning, and I won't go into a big, long lecture for fear I will be accused of lobbying for planning, but the essence is to establish first the objectives of the program. We have got to decide what it is we want to achieve for the citizens of each individual State.

In order to get those objectives, criteria are established. The animals that would be placed in a high-priority situation with respect to action under this bill, if it becomes law, would be those which were sorted out in the planning process, those which according to well-established criteria were meritorious of conservation attention by the State agency, and it seems to me with that planning process in place, these problems we are concerned about, automatically become something we can deal with.

Mr. OBERSTAR. Mr. Forsythe?

Mr. FORSYTHE. First, as I look at the bill, I do not think there is a flat cutoff on planning. The funding provisions are not continued beyond 5 years, but I do not think this is a limiting factor. I think you are right that plans must be limited, but the initial plan has to be the basis for starting. I have fears such as Mr. Mannina expressed as to trying to do too much at once. But to get this show on the road and started, we might start with vertebrates alone. Then, since no law

is sacred from being amended, we could go further. If we try to do too much we might find more resistance in moving the bill and we will face the danger that some States might find themselves mired trying to find out all about the butterflies and all the rest that we will not get started.

Mr. GOTTSCHALK. Mr. Torres might have a comment. They have had this experience in Colorado of, in effect, having an authority which deals with the entire animal kingdom. I do not know how many species there are in the animal kingdom, but it is a myriad.

How did you resolve it?

Mr. TORRES. It has not been much of a problem. I will be happy to comment on it. It has been the result of the planning problem and we identified those species that we felt required immediate attention based on biological need. We have not had a whole lot of upset people coming to us and prescribing what we should do. We include mollusks and crustaceans. We do not include insects. That could be a problem in many States. It has not been a problem with us.

We have identified all of the mollusks and crustaceans in the State of Colorado in a short period of time. They are in fairly good shape and we are not going to be involved in any type of recovery.

Mr. MANNINA. John, do you or other members of the panel, have a comment as to how long it would take the States to do the initial plan in H.R. 10255?

Mr. HURLEY. It depends upon the status of the States. States actively involved in wildlife resource planning would have little difficulty incorporating this in their planning process. I would guess in 3 to 5 years the State of Maine could go through the whole planning gyration as far as nongame. Other States not involved will have to get cleared up. They will have to get the whole process involved which is needed to plug into the process and this is going to take some time. We would say maybe 10 years for the State just getting involved in a planning process.

Mr. OBERSTAR. Thank you.

I want to thank all the members of the panel for helpful and thoughtful presentations. You have shared with us the wealth of your experience and wisdom in your various professions, and we thank you for taking the time and making the effort to come here and be with us today.

Our next witness represents Defenders of Wildlife. Mr. Toby Cooper.

STATEMENT OF TOBY COOPER ON BEHALF OF DEFENDERS OF WILDLIFE

Mr. COOPER. Mr. Chairman and members, we have been pleased with the degree of unanimity that has been expressed on the concept of nongame wildlife legislation. Previous hearings have also produced a strong record of support on this issue. The States, private organizations and the public are all enthusiastic about this concept.

Of course, we were quite distressed to hear Director Greenwalt recommend deferral on this legislation. We all look forward to the day when the administration will direct its budget planners in the Office of Management and Budget to wholeheartedly support conservation measures such as this. Perhaps it is just a sense of fiscal

conservatism, or a desire to restrict the growth and expenditures of the Federal Government that leads to statements such as we heard earlier today.

Mr. OBERSTAR. Maybe they just don't know where they are.

Mr. COOPER. Maybe not. This is an important and well-supported program and should not get bogged down for reasons unrelated to the program needs we are discussing.

Concerning the legislation itself, the people we represent would be, I believe, enthusiastic in support of an excise tax on certain products if they knew the money was going to be used to benefit wildlife.

The excise tax is one of the more controversial aspects of this issue and we are grateful to Congressman Conable for introducing this provision. We very definitely support that and would like to see a variety of items taxed in order to provide a special fund to be allocated for this program.

If the bill passes without the excise tax, the program will be in competition with a variety of other conservation-oriented programs and, as such, will run a gauntlet every year and may come out second best at times. The strongest possible direction is to approve an excise tax.

Mr. OBERSTAR. Yes.

I note the suggestion on page 2 of your printed remarks which, of course, will appear in full in the record, that you have optimism that an excise tax program will pass. I would tend to agree with that.

When presented fully both in committee and on the floor, we could win support. The question of footdragging on the part of the administration, what is the most expeditious way to move, recognizing constraints of our project, and the appropriation process compel us to take more soundings. You can help us do that by contacting members of the Ways and Means Committee about what prospects we have.

Mr. COOPER. That is right. We will do that.

We come down the same as the States in asking the Congress to authorize a program even if it means no excise tax. The program should be the first priority. We intend to work for the excise tax since we see it as the strongest way to go.

We see other benefits as well. The legislation will encourage the States and the U.S. Fish and Wildlife Service to plan around whole ecosystem and whole wildlife system concepts. I think that is an important distinction to make. There is no biological distinction between game and nongame species. To the extent this encourages the Government to think along broad lines, this bill represents a substantial benefit for all wildlife.

The amendments which were suggested by the States are generally the kinds of things that we have no objection to.

However, I ask that this Congress and the committee stand by the requirement as written in H.R. 10255 to have each State complete its plan and have it approved before any funds are allocated. The money is intended in part to be an incentive to plan. To allocate funds before the plan is complete and approved will seriously weaken the program.

Since the concept of a plan is widely supported, that program should not be compromised to allow the money to be allocated before the plan and the planning process is completed. That is not to say that

the planning process cannot be ongoing but our initial plan should be completed before the money is allocated.

We are enthusiastic about the legislation. We all want to fight for the excise tax and support passage of the bill.

Mr. OBERSTAR. You go right ahead and get your horses lined up, knock on the doors and help us. This committee will be most grateful and very much in sympathy with that approach. We needed a little help and you have got the resources to do that aspect.

In the legislative process, we have to do these things step by step. If we can get this one passed and moving, that would more likely be the subject of the future legislative effort by this committee. I think the best tactical approach would be to make this step and once we have this one working then we can combine two similar programs.

And as you well state, we are dealing with a single ecosystem and we ought to be dealing with wildlife and not differentiate it into different kingdoms. I think you make a very valid point in your paper.

Mr. COOPER. Thank you.

I would only point out that recently a lawsuit has been prepared—one which we are not a part of—and I am not prepared to discuss the substance of it but this lawsuit threatens to terminate the Pittman-Robertson program for this year. It seems to me the committee has an opportunity to look at the whole program and meet some needs on a very broad front; in other words, the Pittman-Robertson and non-game concepts can be brought together under a single umbrella in a way that will promote the objectives of the planning processes outlined in H.R. 10255 as well as legislatively correct the barriers to implementation of the Pittman-Robertson programs set up by the lawsuit.

I will leave that to your future deliberations.

Mr. OBERSTAR. Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

Thank you very much for your statement. I have no questions, but I appreciate your comments.

I thoroughly agree with the chairman, If we find a way to go with the excise tax, I'm all for it. We are working very much for this, the chairman of the committee and myself.

Mr. OBERSTAR. Thank you for your testimony.

Next, we will hear Mr. Daniel A. Poole, who is president of the Wildlife Management Institute.

STATEMENT OF DANIEL A. POOLE, PRESIDENT OF WILDLIFE MANAGEMENT INSTITUTE

Mr. POOLE. Thank you, Mr. Chairman.

In the interest of time, I would like to have my statement submitted in full for the record.

Mr. OBERSTAR. It will appear in the record in full at this time.

[The following was received for the record:]

STATEMENT OF DANIEL A. POOLE, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman: I am Daniel A. Poole, president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute's program has been dedicated to the restoration and improved management of renewable natural resources in the public interest since 1911.

It is a pleasure to appear before the committee again on the subject of authorizing a national nongame management program. We appreciate the interest of the chairman and the ranking minority member and other committee members. We also appreciate the many hours of committee staff time that have been devoted to developing draft language that responds to this national need. We are encouraged by the committee's desire to construct the framework of this new program on the proven foundation of the existing American wildlife conservation effort.

I will not comment on the national interest in nongame fish and wildlife or on the facts that demonstrate the need for such a program. The Committee's earlier hearings amply cover those facets, including levels of funding and manpower currently devoted to nongame fish and wildlife and the additional capability needed to bring state programs up to an adequate level. Instead, I want to turn directly to the proposals to identify provisions which, in my opinion, merit the committee's further attention. Except for the method of financing, the bills are essentially identical, so my comments apply equally. Page citations apply to H.R. 10255.

Turning first to the definition of nongame fish and wildlife—Sec. 3(5)—it appears desirable, in paragraph (A), to add the word "fur" on line 23 of page 4 and line 1 of page 5, to make the appropriate language read "for sport, fur, or food" in both cases. Animals nominally classed as fur bearers comprise an important part of our fish and wildlife heritage and the language also should make clear where they stand with respect to this new authority.

A principal deficiency in the present language is the requirement that a state complete and have approved a comprehensive management plan for all fish and wildlife before it may qualify for financial assistance for implementing a nongame fish and wildlife conservation program. That is, the required comprehensive plan would cover all fish and wildlife species in a state, but the funds authorized to be issued for program implementation under the bill would be for nongame purposes only.

While this objective is desirable, it may be unattainable in any relatively brief period of time in even the most progressive states. And as long as it remains an inflexible requirement, it will deny most states necessary funding for moving ahead to acquire basic data for planning and to devise and initiate management actions for even the most deserving nongame species.

It seems to us that the best way to give some impetus to nongame fish and wildlife conservation on a truly national scale would be for the committee to (1) authorize 90% federal financial assistance for preparing comprehensive fish and wildlife management plans for a period of up to ten years, with the federal share to decrease thereafter, while (2) at the same time authorizing 75% federal cost sharing to initiate approved state nongame projects for such priority work as inventorying and identifying nongame species, determining their range, distribution and habitat status and obtaining other information essential to comprehensive planning. Authority should be provided to grant immediate federal financial assistance for the initiation of approved state projects, that is, projects found by the Fish and Wildlife Service to be necessary, desirable and in keeping with the purpose of the Act. We suggest that 90% planning assistance be authorized for the first 10 years, with the level dropping to 75% thereafter. Program implementation assistance would be at the 75% level.

We endorse the concept of comprehensive planning. We supported that feature in the comprehensive planning option that was inserted in the Federal Aid in Fish and Wildlife Restoration Acts a few years ago. While this concept is not new, the planning option amendment having been in force for several years now, no state has chosen to elect that option. Approximately 30 states are known to be engaged in comprehensive planning, but the two that have developed comprehensive plans, Colorado and Maine, currently choose to participate in the Federal Aid in Wildlife Restoration program on a project by project basis. I am sure that the Committee realizes that, theory aside, many other factors enter into a state's decision about submitting to further extension of the nose of the federal camel into what long has been regarded as the exclusive areas of a state's tent.

The planning requirement of the 1972 Coastal Zone Management Act, with which this Committee is familiar, has a similar history. Of the 34 states regarded as being coastal, only Washington, Oregon and California, have completed the required plans. For many reasons, and as the Committee knows, states are generally slow to move from the starting blocks on federally supervised undertakings of this kind. Nonetheless, financial encouragement for comprehensive planning has many good effects in terms of improved resources management.

The change we suggest would enable the states that wish to proceed with comprehensive planning to go ahead and benefit from the higher federal assistance

level. Those states not prepared to get into such planning on such a vigorous schedule also would not be penalized, but the federal assistance available to them would be less after the initial start-up period. Additionally, and most important, in the absence of a federally approved comprehensive plan, no state would be prevented from receiving federal financial assistance for nongame species projects, providing such projects are found to be sound and meet the requirements that the Secretary of the Interior would lay down for need, substantiality and all the rest. This would be consistent with the central thrust of the bills, which is to stimulate—rather than to block—field programs to assist nongame species.

We also question the proposed grants allocation authority, Section 8 (b) (pages 12 and 13) for nongame program implementation. We believe that grants should be based on a formula rather than the discretion of the Secretary.

Human density is a useful measure of society's impact on the natural habitat of fish and wildlife. Therefore, we favor a grants apportionment formula that gives most weight to population density, possibly two-thirds to this factor and one-third to land and water area. Some may argue factually that nongame species are not distributed equally among the states, and that discretionary granting authority would permit more funds to be invested in areas supporting the greatest diversity of species. Such an argument overlooks important factors:

1. Human population density is a more accurate indicator of the cost of land, and hence the potential cost of nongame species projects, than is an intangible such as the number of nongame species.

2. An allocation made on the basis of the numbers of species completely overlooks the needs of the species. Some species have very narrow environmental tolerances; others prevail under a wide range of conditions. In some areas, habitat is secure; in others it is under great pressure for development.

3. In order to undertake budget preparation, including the securing and segregation of matching funds, the states must know well in advance how much money will be required of them to cost-share federal nongame apportionments. They cannot build reliable and adequate sources of state funding and undertake responsive programs without early notification of the federal funds they reasonably can expect to receive.

On page 15 (Sec. 9 (6) (A)) there appears a reservation that not more than 10% of a state's annual matching contributions may come from funds derived "during such year from the sale of state licenses and permits which authorize hunting, fishing and trapping..." First, we suggest that the words "fines and forfeitures" be added to the proscriptions. These constitute a sizeable sum nationally and currently are being credited to fish and wildlife programs in most states. Secondly, we suggest that the words "during such year" (line 25, page 15) be deleted. Characteristically, funds collected from licenses, permits, etc. seldom are used fully in the same year of collection. Deletion of the noted words would remove future technical difficulty in administering the Act.

The purpose of the limitations in Sec. 9(6)(A) and (B) is to encourage states to come up with new funding for nongame fish and wildlife work. Nothing will be gained if the state legislatures, faced with public demand for state fish and wildlife agencies to implement the provisions of this nongame Act, simply force the agencies to draw on their already severely limited funding. In its Declarations of Findings and Purpose the committee pointedly and correctly observes that the "traditional financing mechanisms" already used by the state fish and wildlife agencies "are neither adequate nor fully appropriate to meet the conservation needs of nongame fish and wildlife."

The argument can be made, and correctly, we believe, that the cited paragraph (A) will work a hardship on a few state agencies that presently find their legislatures reluctant to approve any general funding or other support for their programs. Such states are decreasing in number, however, and we firmly believe that, as a means of protecting monies already available for state fish and wildlife work, including for nongame, that this new national nongame authority should be built on the capability of the many states to proceed rather than on the problems of the few. A possible compromise on this point might be to insert a dollar limitation as well as a percentage limitation in Sec. 9(6)(A), wherein up to a specific dollar amount, but in no case more than 10%, could be used from a state's traditional funding received from the sale of licenses, permits and fines and forfeitures. Such a dollar ceiling most appropriately could be suggested by the International Association of Fish and Wildlife Agencies.

Finally, Mr. Chairman, we support the imposition of manufacturers' excise taxes on certain items of outdoor recreation equipment and goods as a means of

financing this program. Along the items and materials that we favor having taxed to support this program are camping equipment, birdseed, birdhouses, binoculars, spotting scopes, and certain photographic equipment.

In its 1975 study of federal, state and educational institutions' nongame programs for the Council of Environmental Quality and the Fish and Wildlife Service, the Institute obtained estimates of income, based on 1972 sales information and various tax levels, of more than enough money to launch this program.

We favor the excise tax approach, as opposed to general appropriations, because of long experience with the successful Federal Aid in Fish and Wildlife Restoration Acts. Because of its nature, the manufacturers' excise tax reflects population growth and more use of the products taxed as well as the inflation factors that are taken care of by periodic price adjustments. For example, the collections under the Federal Aid in Wildlife Restoration Act were \$15.6 million in 1960 and were \$50.2 million in 1977. The excise tax approach also avoids the Federal Government's 'stop and go' history of funding resources programs. By developing a reliable source of funding and by authorizing an allocation formula that will enable the state agencies to know what they can expect over the years ahead, the committee will have moved a great stride forward in launching a national nongame fish and wildlife conservation program.

A final point. Both bills provide for the transfer to the Migratory Bird Conservation Fund of any state apportionments remaining unexpended or unobligated at the end of their 2-year period of availability. We would much prefer to have any such money returned to the Nongame Fish and Wildlife Conservation Fund for re-apportionment among the states. While we support the Migratory Bird Conservation Fund, we believe the needs of nongame are so urgent as to warrant retention of the money in this new program.

Mr. POOLE. With your permission, I would like to offer several thoughts.

Thanks first also to Chairman Leggett, to Mr. Forsythe, to you, Mr. Oberstar, and to Mr. Conable for their interest in the subject and also to the committee staff members. They have been extremely helpful and I know that the interest of all you gentlemen is widely appreciated throughout the wildlife conservation community.

I would plan to submit in writing some further details that I won't comment on here.

[The material was not received at time of printing.]

Mr. POOLE. My page references are to the H.R. 10255, although the bills are essentially identical with the exception of the system of financing.

On page 4, I would strongly recommend that the word "economic" be added in the definition in paragraph 3. Both the sporting kind of animals and fur bearers, as well as nongame, can be considered to have direct and indirect economic benefits.

With reference to the definition of the words "fish and wildlife," we would have no objection to the inclusion of invertebrates if it is made clear that it is at the option of the States. The word "vertebrates" was initially inserted by the legal people. They wanted to leave no doubt about what the committee had in mind so that the whole program would not get bogged down in harassing law suits about the comprehensiveness of plans submitted for approval.

If the option is given in the new law, the committee should leave no doubt that the scope of comprehensive plans, that is to include more than vertebrates, is to be the decision of the individual States.

In section 3, line 5, "fur" should be added where it says "for sport or food." It should read for "sport, fur or food." This would be both on page 4 and in line 1 on page 5.

If fur is not included, it leaves out a very important group of animals. Fur bearers are the third largest general group of animals and they should be included.

I agree with what the States said about authorizing comprehensive planning and project work to proceed at the same time.

Some people approach the committee from the standpoint that a comprehensive plan is something that once done is all over with. Truly comprehensive planning goes on forever. This bill, as presently worded—it is not intentional—would prevent States from moving ahead with projects until a comprehensive plan was developed, submitted and approved.

Of course, in the case of some States that would create a terrible hiatus with respect to getting the actual program on the way.

Mr. OBERSTAR. How should we deal with the issue?

That is a very important question from a management standpoint.

Mr. POOLE. I do not have the specific wording.

Mr. OBERSTAR. Could you suggest some language along that line? It would be helpful.

Mr. POOLE. I will be pleased to do so.

The 90 percent planning assistance should be authorized for the first 10 years rather than 5 years as currently contemplated.

If the committee will look at the record of the States in comprehensive planning under the 1970 option that was put in the Fish and Wildlife Restoration Acts, they will see the need for additional time.

This committee also is thoroughly familiar with the 1972 Coastal Zone Management Act in which there is planning authority. There are some 34 States which are regarded as being coastal, and only 3 of them have been able to do the required planning to this date.

This problem was explained quite well by the gentleman from Maine. It takes time to gear up, getting everything assembled to get the bugs worked out and to get everyone thinking equally on the point and moving in the same direction.

The bill would give the Secretary discretionary authority to make grants to the States. We would prefer that the bill spell out a specific grants apportionment formula. Population density should be favored because human population is what is causing the most serious impact against the aquatic and terrestrial habitats needed by wildlife. It is the most sensitive of wildlife's needs.

With respect to the limitation on 10 percent of the State's annual matching contribution, we hope that the wording will be clarified to make sure that the 10-percent limitation applies to the cost of the overall annual State program rather than 10 percent of the State's matching contribution. There is a substantial difference.

I call your attention to line 25, page 15. We suggest that the words—and this again pertains to the State's financial participation—we suggest that the words “during such year” be deleted.

As it reads now, it suggests that the funds collected in 1 year by a State are spent in that same year. That is not the case in any State that I know of.

A State's annual appropriation comes from receipts of the current year as well as funds from the previous year. Dropping those three words would certainly help clarify it.

Mr. Chairman, I would like to say a few words on behalf of the excise tax approach. I know you gentlemen are familiar with it, and I am not saying it for your benefit, but for the benefit of the record. I get fed up with people who talk about the Pittman-Robertson and Dingell-Johnson programs in terms of Federal money. The Federal Govern-

ment is only the handler of the money. That same situation would prevail in the case of an excise tax of the type that we would prefer to support this nongame fish and wildlife program.

Essentially, the people who want this program are asking the Federal Government to impose a tax, collect the money for them, and dispense it to the States on some kind of a rational basis for approved programs that the experts and the Federal Government would have an opportunity to review with consistency and so forth. These excise tax programs pay for the Federal expenses.

The Pittman-Robertson and the Dingell-Johnson Acts pay for all the fellows in the Fish and Wildlife who are in the Federal aid division. It pays their salaries, their travel, their retirement, the administration cost of the program—the whole ball of wax.

The people who are paying the tax are paying all the costs incurred in the program. It would be the same way with this nongame proposal.

Now, the opposition to this type of approach does not arise from a disease of Democrats and Republicans. It is a disease of bookkeepers and those bookkeepers are all largely over in the Office of Management and Budget. They opposed the Dingell-Johnson proposal. President Truman vetoed it the first time around on the advice of the bookkeepers. The second time around he finally was persuaded of its logic.

In 1970, their recommendation was against the handgun tax. In 1972 or 1973, their recommendation was against the archery tax.

Now, you gentlemen in your much superior wisdom decided we should have these things, and we have them. That money is going to good, sound fish and wildlife conservation purposes. I would hope you would keep up your thousand-percent batting average and let us have it again in the case of the support of the nongame program.

Many items of outdoor recreational equipment clearly can be attached to enjoying wildlife. The manufacturers of none of those items today are contributing to their own future by virtue of excise tax support of the wildlife program. The camping industry and recreational vehicles industry, they are making no contribution to their future.

Firearms, archery, the fishing tackle industry—they are all making a contribution to their own future by making a contribution through excise tax support to the well-being of the resources in which they are interested. We should give the manufacturers of certain of these other items that are quite clearly identifiable, an opportunity to participate in their own future as well as doing something worthwhile for mankind.

Mr. OBERSTAR. Thank you very much, Dan. It is always a delight to hear you. You speak from fullness of knowledge and years of experience in this field, where you have gained such a wide and justifiable reputation.

Mr. POOLE. Mr. Chairman, one oversight.

We do not agree in any of the bills with the authority that after the end of the 2-year availability of the funds to the State; that is, if a State's apportionment for year 1 has not been committed or expended within year 1 or in the second year, that this money should revert to the migratory bird conservation fund. We think that the needs of nongame are so great that the money really ought to be recycled in the nongame program.

One other thing, I thought the Chair was leading the gentleman a little while ago into a discussion of the values of habitat manipulation

in the Boundary Waters Wilderness Area. It is a biological fact of life that the greatest abundance of wildlife, both in numbers and species, will occur in areas where the vegetative cover is manipulated.

Mr. OBERSTAR. My only regret is that Mo Udall, Phil Burton, and other members of the Interior Committee were not present to hear those words of wisdom.

We will address the question of the migratory birds later on.

There are questions about the matter of excise tax that, of course, this committee would not deal with since we do not impose tax. Ways and Means would have to deal with it. I don't know whether we ought to pursue that matter any further. Maybe you would like to give some thought to the subject of that tax and give us some suggestions in writing at your convenience.

You open a rather intriguing avenue of thought when you talk about the camping industry and the manufacturers of recreational vehicles. Minnesota probably has the largest number of fishing licenses sold in any State of the Union. When you think of the relationship there to an excise tax and the distribution of funds so raised, you get in some questions of equity that may pose problems for us later on.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

I do not have a question.

We appreciate your testimony. Your points are very well made.

Mr. POOLE. Thank you.

Some comment had been made previously about a possible integration of receipts for nongame into the Federal Aid Fish and Wildlife Restoration Act funds.

That would have to be approached with great care. We are all, I am sure, keenly alert to the political realities of life and I believe that I could assure you darn near 18 million letters against the integration of any nongame money with the Federal Aid money.

Mr. FORSYTHE. I think as the chairman said, the step is somewhere down the road, not in this bill.

Thank you.

Mr. OBERSTAR. Thank you very much, Dan.

Our next witness is Dr. Michael E. Berger of the National Wildlife Federation, 3 million members strong.

STATEMENT OF MICHAEL E. BERGER, ASSISTANT DIRECTOR FOR BIOLOGICAL MATTERS, NATIONAL WILDLIFE FEDERATION

Mr. BERGER. 3½ million members and supporters.

Thank you, Mr. Chairman.

I think we have had a good discussion so far this morning and I think the State representatives have done an admirable job in describing their nongame wildlife programs' and the needs of their States. I think they have adequately justified, with Mr. Poole's strong endorsement, the excise tax approach, so I will not belabor that point here except to say that we are aware and very appreciative of the introduction of H.R. 10915 by Mr. Conable and co-sponsored by Mr. Forsythe and Mr. Leggett.

We support the excise tax approach to funding. We feel that it is the only reasonable way to go and we encourage this committee to endorse that approach.

In the interest of time, I will mention a few of the things that I think may improve the bill, some of which may have been mentioned already, but which require reiteration.

One of our concerns is the absence of an allocation formula. We feel that to leave the allocation of these funds to the discretion of the Secretary of the Interior makes this a Federal program rather than State. It should definitely be a State program.

We should like to see in the legislation an indication of how this money should be allocated to the States, perhaps one-third on area and two-thirds on population would be appropriate.

We congratulate the authors of 10255 for making provision for comprehensive planning and we support the availability of funds in the 90-10 ratio for such planning, but we feel the length of time these funds are available in this bill is inappropriate—only 5 years.

Since only a few States have initiated any planning activities and since the planning standards outlined in section 4 are so comprehensive, it would be nearly impossible to expect all the States to comply in that time frame.

The availability of 90-10 matching funds must be for a 10-year period.

Also the present wording of the bill would prohibit the States from implementing nongame conservation programs until the comprehensive plan is accepted by the Secretary of the Interior. We think such a restriction is counterproductive. In fact, it is highly probable that some States will have need of implementing funds for immediate and urgent needs and we would like to see such funding be made available from day 1 of the program.

In addition, we believe that States should be allowed continued participation in the nongame program, whether or not they have completed a comprehensive plan. This is not to say that we don't believe that planning is important or that it should not be encouraged. I believe the availability of the 90-10 funding encourages such planning.

We would like to say that we feel this planning should be optional. Any efforts done in planning during this 10-year period are certainly valuable, but they may not be acceptable to the Secretary of the Interior depending on what regulations he accepts.

We believe there should be no stipulation which would preclude the participation of any of the States regardless of the status of their planning efforts.

Our final concern is with the provision that Mr. Poole mentioned, the nonlapse provision of the bill. We too would not like to see the unexpended funds go to the Migratory Birds Conservation Fund, but would prefer that they go into a special fund to be apportioned by the Secretary to those States which have urgent needs for programs where costs exceed the normal availability of funds.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much.

I note also that your printed statement, which of course, will appear in full in the record, raises the same concern to which Mr. Poole

alluded, that being that there should be no stipulation which would preclude the participation of States regardless of the status of their planning efforts.

I think that is a valid and important point. Your comments and the support of the National Wildlife Federation are very important to our subcommittee and to the success of this legislation. We thank you for your presentation today.

Mr. Forsythe?

Mr. FORSYTHE. I enjoyed your statement very much. Thank you.

Mr. BERGER. Thank you.

[The following was received for the record:]

STATEMENT OF MICHAEL E. BERGER, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Michael E. Berger, Assistant Conservation Director for the National Wildlife Federation which has its national headquarters at 1412 16th Street, N.W., in Washington, D.C. I am a professional conservationist with degrees in wildlife management and resources development.

The Federation is a nonprofit, nongovernmental organization which has independent affiliates in all 50 states, Guam, Puerto Rico, and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the Federation, number an estimated 3½ million persons.

We welcome and appreciate the opportunity to appear and present testimony in support of H.R. 10255, to establish a state-federal cooperative program for the conservation of nongame fish and wildlife.

In the years to come, wildlife management and conservation will face formidable challenges as habitat requirements compete with growing American demands for necessities such as energy, food, housing, and living space. Increased emphasis on coal production and resultant stripmining will remove vast acreages of land in the Western states from what was once habitat for prairie falcons, prairie dogs and badgers. New offshore oil drilling and its concomitant transport and refining will pose increased threats to oystercatchers, ospreys, dolphins and other members of coastal ecosystems.

Developments for first and second homes, and recreation areas will continue to encroach on woodlands, wetlands and agricultural borders important for many small mammals and songbirds. These and other challenges to the continued abundance and diversity of species can only be met through research designed to determine species' ecological requirements, and development of land acquisition and other programs which assure the fulfillment of those requirements.

For many years sportsmen have been the principal supporters of fish and wildlife management programs that have benefited game species. And although the general populace has been somewhat hesitant to recognize it, proper management programs for game have benefited a number of nongame species as well. In large measure, revenues for game management programs, including what little is directed toward nongame programs, are provided by hunting and fishing license revenues and by the Pittman-Robertson Wildlife Restoration Act (P-R), and the Dingell-Johnson Fish Restoration and Management Act (D-J) which tax hunting and fishing equipment respectively. The positive results of P-R programs include the restoration of once dwindling numbers of deer, pronghorn and wild turkey to health and growing populations. D-J funds have assisted the states in improving habitat for and increasing numbers of a variety of game fish, including black bass and rainbow trout, in addition to financing recovery efforts for Gila and Apache trout.

Recognition of the scientific, cultural, and nonconsumptive value of all wildlife has led to a growing awareness of the need for management programs that focus on the nongame segment. Although the Endangered Species Act was a significant response to growing support for management and protection of nongame wildlife, more than a rescue oriented approach to near depleted species is needed. The nation's wildlife experts, including those in the federal and state governments, are now beginning to recognize the ineffectiveness of a "rescue mission" approach as a general procedure and the desirability of conservation programs which uniformly include all species of wildlife. H.R. 10255 is welcome and necessary legislation to provide a comprehensive wildlife program.

States have demonstrated a strong interest in nongame programs. California, which began a nongame wildlife program in 1968 with \$56,400 in P-R funds currently focuses its \$2.5 million nongame management program on 67 species of native fish and wildlife that have been declared rare or endangered in that state.

Colorado provides another excellent example of interest in nongame management programs. Colorado's Division of Wildlife is currently conducting programs for such diverse species as the river otter which is being introduced in the state after a 75-year absence, and the white pelican for which efforts are being made to preserve necessary breeding habitat. Many more states have begun nongame programs which could be expanded in strength and diversity, and other states are eager to begin, once adequate resources are available.

The National Wildlife Federation is a strong supporter of the intent of the Nongame Fish and Wildlife Conservation Act. However, we believe that some changes would strengthen the legislation. First, we question whether an authorization of general tax revenues is the best approach to funding nongame programs and suggest that an excise tax on certain items of outdoor recreation equipment, birdseed, binoculars, or other appropriate items would provide a more reliable source of funding. One reason for urging an excise tax for funding new wildlife conservation programs is the clear success of this approach in the past. As previously mentioned, the Pittman-Robertson and Dingell-Johnson Acts have funded game and fish management through excise taxes on sporting equipment which produced \$113 million last year alone.

When the success of the P-R and D-J Acts is contrasted with the failure of Congress in the past to appropriate money which has been authorized for wildlife programs, the need to consider an excise tax to support nongame management becomes evident. The Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973 were both funded by a direct appropriation. They were enacted to complement the very successful P-R and D-J programs, but historically have been seriously underfunded with either no funds appropriated or a great disparity between the authorization level and the actual appropriation. The major portion of the important State grant-in-aid program (Sec. 6) under the Endangered Species Act, administered by Fish and Wildlife Service, was authorized for \$10 million through FY 1977. However, the actual appropriation was zero for FY's 1973, 74, 75; \$2 million for 1976 and only \$1 million for 1977. Fortunately the lack of continuity offered by this underfunding and the resulting lack of commitment to implement a program in the states was recognized and a \$3 million supplemental appropriation was approved for 1977, and the current 1978 budget includes \$4 million for the program. The National Marine Fisheries Service program for this section of the Endangered Species Act was not funded until 1978 when \$1 million was finally appropriated.

It is our understanding that Representative Conable earlier this week introduced a nongame bill incorporating the excise tax approach to funding. The National Wildlife Federation urges this committee to support this approach. In support of this action, attached to our testimony is a recent resolution endorsing the principle of imposing excise taxes to fund nongame fish and wildlife conservation programs.

Another of our concerns is the absence of an allocation formula for grants to the states. We feel that by allowing the Secretary of the Interior almost total discretion in the allocation of funds to the states, nongame becomes a federal rather than a state program. A very successful precedent is established in the P-R and D-J programs, and should be continued in the nongame program. Available funds should be distributed to the states one-third based on area, and two-thirds based on population, with the stipulation that no state shall receive less than $\frac{1}{2}$ of 1 percent or more than 5 percent; Puerto Rico should not receive in excess of $\frac{1}{2}$ of 1 percent; and American Samoa, the Virgin Islands, Guam, the Commonwealth of the Mariana Islands, and the Trust Territory of the Pacific Islands should not receive more than $\frac{1}{6}$ of 1 percent. Such an allocation formula, written into the law, would provide for participation by all states and territories, and assure a more reliable source of funds even under the general tax appropriations procedure.

While the Federation commends the sponsors of H.R. 10255 for making provision for comprehensive planning and supports the availability of funds for such planning in the ratio of 90 to 10, we feel that the availability of such funds in such ratio for only five years is inappropriate. Since only a few states have as yet initiated any planning activities, and since the plan standards outlined in Section 4 are so comprehensive, it would be nearly impossible for the states to comply adequately in only five years. We recommend that the committee lengthen the planning period and the availability of 90-10 funding to ten years.

Also, the present wording of the bill would prohibit the states from implementing nongame conservation programs until the comprehensive plan is accepted by the Secretary of the Interior. Such a restriction is counterproductive. It is conceivable, in fact highly probable, that some states will have need of implementing nongame programs immediately upon passage of this legislation. Therefore provision must be made for funding such urgent programs. Funding would be matched in a 75-25 percent ratio, and programs would be subject to approval of the Secretary of the Interior, as is the present practice under the P-R and D-J programs.

Further states should be allowed to continue participation in the implementation portion of the nongame program even if they have not completed a comprehensive management plan. This is not to say that planning is not important, or should not be encouraged, but is to say that it should be optional. Planning funds made available to the states will not have been wasted if a plan is not completed since some planning will surely have been accomplished, but may not be adequate to meet the requirements of the Secretary of the Interior. There should be no stipulation which will preclude the participation by the states regardless of the status of their planning efforts.

Our final concern is with the nonlapse provision of the bill which provides that funds unexpended or unobligated at the end of the second fiscal year following appropriation shall be transferred to the Migratory Bird Conservation Fund. It would seem more reasonable and appropriate to transfer such funds back into the nongame fund so that the Secretary could distribute the funds to states for urgent or special nongame projects requiring monies in excess of the amounts available under the usual apportionment formula.

The National Wildlife Federation reiterates its support for the intent of this important legislation and urges the subcommittee to fully and objectively consider our recommendations for improvements. We will be pleased to cooperate with the subcommittee and the states in the development and improvement of programs for the conservation of nongame species of wildlife.

Mr. OBERSTAR. National Audubon Society, Michael D. Zagata.

STATEMENT OF MICHAEL D. ZAGATA, WASHINGTON REPRESENTATIVE OF THE NATIONAL AUDUBON SOCIETY

Mr. ZAGATA. Mr. Chairman, members of this subcommittee, thank you for this opportunity to testify during this second round of hearings on the Nongame Fish and Wildlife Conservation Act of 1978, H.R. 10255 and H.R. 10915. I am Dr. Michael D. Zagata, Washington representative of the National Audubon Society, a nonprofit conservation organization with about 400,000 members organized into 402 chapters throughout these United States. I will summarize my statement and ask that the full statement be entered into the record.

The National Audubon Society, Friends of the Earth, the Garden Club of America, Sierra Club, the Wilderness Society, the Wildlife Society, and the World Wildlife fund strongly support this legislation and wish to thank you, Mr. Chairman, Mr. Forsythe, Mr. Conable from Ways and Means and the majority and minority council from this committee for taking the leadership on this issue and for working with a myriad of conservation organizations to develop it.

These National organizations represent some of the oldest, largest and most experienced membership organizations devoted to conservation in general, and specifically to the protection and enhancement of wildlife populations and the ecosystems upon which those populations depend for their survival. It is for that reason that we are here testifying in support of this necessary and monumental wildlife-conservation legislation.

The National Audubon Society has and continues to be a supporter of the Pittman-Robertson Wildlife Restoration Act (P-R) and the Dingell-Johnson Fish Restoration and Management Act (D-J)

which are funded via an excise tax on certain fishing equipment, sporting arms, and ammunition. These programs have provided the funding for traditional research and management programs which have been directed primarily at game species.

As a result, the hunters and fishermen are visible contributors on behalf of fish and wildlife. However, their contribution is not entirely suited to nor adequate to meet the glaring need for research and management programs for all wildlife, especially nongame fish and wildlife.

There is a vast constituency that desires to make a direct contribution on behalf of nongame wildlife, but there is no existing mechanism by which they can do so. To illustrate my point, I'd like to quote from a letter sent in from the Stanislaus, Calif. Chapter of the Audubon Society concerning an article about birdwatching in their newsletter:

After an article on birdwatching in our newsletter, we got a letter to the editor saying that birdwatching is great, but that hunters carry the (financial) load in California. True—how can birdwatchers help carry the load?

The legislation we are discussing today, H.R. 10915 provides that mechanism and we strongly endorse it. In addition, the excise tax on certain outdoor recreational equipment and birdseed and related paraphernalia has the advantage of keeping pace with the funding needs to handle increases in pressure on fish and wildlife caused by the people enjoying those resources.

THE NEED FOR A NONGAME FISH AND WILDLIFE PROGRAM

It is well documented that the major threats to all wildlife are habitat loss and environmental degradation. These threats are not partial to game or nongame species. They impact both with equal force. Therefore, the National Audubon Society urges Congress to pass enabling legislation for a program specific for nongame fish and wildlife similar to that existing for game species via the P-R and D-J programs. H.R. 10255 and H.R. 10915 offer a vehicle for the development of such a program.

The intent of this nongame legislation is not to create a dichotomy of wildlife management programs, but rather to provide a complementary program for the Endangered Species Act of 1973 and to expand the existing P-R and D-J programs to include law enforcement, information and education and extension activities. This overall package will enable the fishery and wildlife professionals to manage total communities in recognition of a concept stated by Leopold in the 1930's that "As the community goes, so goes the species."

To illustrate this concept, consider the shrub, pole, and mature tree stages of succession in the northern hardwood forest (beech, birch, maple, hemlock climax species). All three vegetational stages have certain associated game and nongame wildlife species, briefly, we might expect to find the following game and nongame species in the shrub stage: song sparrow, yellow throat, blue bird, mourning dove, cottontail rabbit, quail and pheasant. Study of the pole stage would reveal the ruffed grouse, gray fox, white-tailed deer, robin, blue jay, woodcock, scarlet tanager, and the hare. Within the mature forest we might find the black bear, lynx, pileated woodpecker, fisher, porcupine, barred owl, nuthatches, and the goshawk.

I make this illustration for two reasons. First, when we study entire communities we will be able to better recognize these plant-animal community associations. Second, once we recognize them we will be better able to predict the impact of man induced environmental perturbations on the species involved. For example, if we wish to manage an area for deer, we will be better able to predict the impact of that action on early and late successional species, game as well as nongame. Such knowledge will enable us to make decisions that better reflect the interest of the public and of the fish and wildlife involved.

In testimony given before the Senate Committee on Resource Protection during the July 20-22, 1977, oversight hearing on the Endangered Species Act of 1973, the statement was made that "The purpose of the act was not to list species, but to provide positive programs for their delisting." The primary objective of this proposed nongame legislation and of existing wildlife legislation "Should be to prevent a population of any fish or wildlife species from becoming so depressed as to cause it to be regarded as threatened or endangered in the first place" (Wildlife Management Institute, 1975). The Wildlife Management Institute's 1975 report on nongame fish and wildlife programs states further that:

The attainment of this objective is to convert programs for the conservation of animals not commonly or traditionally regarded as "game" or "commercial" species from rescue missions to an ongoing program to uniformly husband all species of animals so that none, through man's ignorance, or indifference, or inattention, ever again reaches the state where its continued existence as a life form is in jeopardy.

In 1974-75, 36 States and one territory were funding specific nongame fish and/or wildlife programs. These programs represented only about 1 percent of the States' annual budgets and manpower expended on all fish and wildlife; however, it must be emphasized that the 99 percent expended for the direct benefit of "game" species also indirectly benefited nongame species. For example, from 1937 to 1972 the States have acquired about 38.5 million acres for wildlife. Among those acquired lands were 1,622 wetland waterfowl areas which directly benefited 16 species of ducks. They also benefited 162 species of nongame birds requiring wetland habitat.

It is estimated that, on the average, each State would, under this nongame legislation, be in a position to manage 279 nongame species of birds, mammals, reptiles, and amphibians. This represents a threefold increase in the number of fish and wildlife species currently under direct management in each State.

Forty-one percent of the nongame projects being funded by the States and 29 percent of those funded by Federal agencies involved threatened and/or endangered species. Thus the intent of this current legislation to reduce the need to list species was clearly not being met. It should be noted however that increased funding for the implementation of the Endangered Species Act and the Marine Mammals Protection Act, coupled with new funding for nongame, are necessary if our Nation's overall program to protect and enhance fish and wildlife is to be successful.

The National Audubon Society strongly endorses the concepts embodied in H.R. 10255 and H.R. 10915. We feel it paramount that all fish and wildlife be afforded the necessary protection and manage-

ment to insure their continuation as viable populations. There are, however, some specific points in H.R. 10255 that we wish to comment upon:

(1) Section 8(A).—We applaud the incentive to develop comprehensive planning for the management of nongame fish and wildlife by providing for up to 90 percent matching money for this purpose during the first 5 to 10 years of the program, after which 75 percent would be provided. We also favor the provision for 75 percent Federal matching money for the implementation of nongame fish and wildlife programs. However, as the legislation now reads, a plan would have to be in place before any project money would be made available to the States. This could delay the implementation of programs already identified as being critical to nongame wildlife. Therefore, we would favor language that would allow project-by-project approval during the first 5 to 10 years of the program. After that, an approved comprehensive plan should be in place before projects are funded.

(2) Section 9(6)(2).—We suggest a technical amendment that would alter the sentence reading "Not more than 10 percent of the State matching contributions for the program in any year may come from funds derived during such year from the sale of State licenses and permits which authorize hunting, fishing, and trapping—" to read as follows: "Not more than 10 percent of the funds derived in any year from the sale of State licenses and permits which authorize hunting, fishing, and trapping may be used as the State's matching contribution—."

(3) Section 6(b).—On lines 13 and 14 request the words "Dingell-Johnson Sport Fishlife Restoration Act" be replaced with "Pittman-Robertson Wildlife Restoration Act."

(4) Section 3(5)(a).—On lines 23, inert after the words, "is not ordinarily" the words, "treated by the State agency responsible for fish and wildlife as a game animal which allows for its regulated taking for sport, food, or fur."

In summary, Mr. Chairman, it is Audubon's philosophy that the existence of diverse ecosystems is essential to insure a healthy living environment for all species—man included, self-sustaining populations of a diversity of fish and wildlife species are essential parts of such ecosystems and the public is demanding that greater attention be given to the nongame components of those ecosystems. Therefore, the National Audubon Society supports the Nongame Fish and Wildlife Conservation Act of 1978 because it addresses the following tenets:

(1) All wildlife deserves living space for its own intrinsic values and for its role in perpetuating healthy environments. Wildlife populations also function as barometers of the wellbeing of ecosystems.

(2) Fish and wildlife agencies need this new source of funding in order to reorient their philosophy and programs to achieve complete integration of game and nongame programs.

(3) Habitat destruction, primarily man induced, is the major cause for the decline of all wildlife.

Thank you for this opportunity to testify, and we welcome the invitation to participate in future deliberations on this bill.

Mr. OBERSTAR. Excellent statement. It addresses some of the concerns the subcommittee has about the legislation, in fact most of the concerns we have about the program and its needs.

I noted with interest your suggestion of project-by-project approval until a comprehensive plan has been developed, and I think that is a reasonable suggestion.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

I want to thank you for an excellent statement and an awful lot of hard work. Your statement made our staff members look good. I want to compliment you.

Mr. ZAGATA. Thank you.

Mr. OBERSTAR. American Forestry Association, Mr. William Towell.

**STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT
ON BEHALF OF THE AMERICAN FORESTRY ASSOCIATION**

Mr. TOWELL. In the interest of your time, I will file my statement for the record and make just a couple of points that have not been made or I think need further emphasis.

I was a former State fish and game director and I speak with a little bit of experience in this field. Every State, whether they realize it or not, is already engaged in nongame fish and wildlife programs. There is no way that you can separate the activities, particularly dealing with fish and wildlife habitat, between game and nongame species. We need to recognize that States are already in this business and give them some support for what they are already doing.

The two programs are inseparable in terms of completely differentiating between them, and they should be made as similar as possible in operation. This is why I strongly recommend that the nongame effort be patterned as closely as possible after the Pittman-Robertson and Dingell-Johnson programs. This is one of the principal reasons that I would support the excise tax funding route.

It is almost imperative that this route be followed if we are going to expect the same degree of success in nongame programs that we already have in Pittman-Robertson and Dingell-Johnson. I think it is imperative that we build on excellence. I don't know of any activity in the Federal establishment which has proven more worthy than the Pittman-Robertson and Dingell-Johnson programs.

Even if we cannot get the excise route now, I strongly recommend that we keep it in the back of our minds for future addition. Let us get the nongame program authorized even if we can't get the excise tax now.

I do have real concern about the allocation formula. As a former administrator, it should be based upon need, program need, and program plans rather than area and population, although these might have some bearing on the allocation formula.

Also, I would strongly recommend that there be a floor, that there be a minimum allocation to every State that has a nongame operating plan so they can all participate up to a certain level of funding.

By the same token, I would recommend a ceiling so that no large area or large population would get a disproportionate share. In between, I would base the allocation largely on program plans and needs. I can't comment any better than my friend Dan Poole on the importance of an excise tax. Anything beyond that would be anticlimatic. I support his statement in full.

Mr. OBERSTAR. Thank you very much. It is a well-stated and properly delivered statement.

I would like your thoughts on approaching the allocation or apportionment on the basis of need with a floor and a ceiling, distributing the funds somewhere in between. Before comprehensive State plans are developed, we need your suggestion on how to proceed in that interim period.

Mr. TOWELL. In my prepared statement, Mr. Chairman, is a comment that I would emphasize, too. The Secretary is authorized to determine the allocation formula consulting with, or with the advice of a committee of the State wildlife and fishery directors. That committee should be formally constituted and the State fish and wildlife directors have a voice along with the Secretary in the determination of that formula.

As Mr. Poole pointed out, the Federal Establishment is a handler of these funds and the States have just about as much voice, or should have just about as much voice, in their allocation as the Federal Establishment.

I would formally constitute that committee so that both the Federal and State administrators had a voice in the allocation formula and make it flexible so it can change from time to time based upon need.

Mr. OBERSTAR. Mr. Gutting has a question following up on that point.

Mr. GUTTING. Yes, Mr. Chairman, you anticipated my question.

I would, however, invite the witness, if he will, to submit to the committee possible statutory language which might implement his suggestion.

Mr. TOWELL. I will be happy to try. I am a forester and not a lawyer, but I will be happy to furnish the information.

Mr. OBERSTAR. Lawyers do not make better laws than foresters. Please do not let that intimidate you in any way.

Mr. Forsythe?

Mr. FORSYTHE. Thank you, Mr. Chairman.

I too want to thank you for your statement. I think this particular allocation idea gives us some new insight.

Mr. OBERSTAR. Thank you very much.

[The following was received for the record:]

STATEMENT OF WILLIAM E. TOWELL, THE AMERICAN FORESTRY ASSOCIATION

I am William E. Towell, Executive Vice President of the American Forestry Association, a citizen conservation organization of 80,000 members with a broad interest in all renewable resources and environmental matters. We appear in support of H.R. 10255 or other legislation to establish a federal role in nongame fish and wildlife activities. We have worked closely with our conservation allies in fish and wildlife oriented groups to develop and refine this legislation. To further establish our credibility in this field, I served 27 years with the Missouri Department of Conservation and 10 years as its Director.

It is difficult to understand how we have come this far without a federal nongame fish and wildlife program. Many of the states have been active in nongame protection for a long time and should be more involved in management. Federal involvement is recent and limited mostly to rare or endangered species. It is past time for all Americans to support some program for wild creatures that are neither hunted nor fished, but which comprise an important part of our natural ecosystem. For too long the hunting and fishing license buyer has provided about the only funds for habitat management that benefits game and nongame species alike.

It appears, Mr. Chairman, that the only way the states will respond fully to nongame needs is with federal support in planning and program cost-sharing. Certainly, more financial help other than that now provided by state hunting and fishing licenses is required. Federal encouragement can come from either of two sources, general revenue appropriations or special earmarked excise taxes. Although H.R. 10255 goes the general revenue route, I would strongly recommend an excise tax and earmarked funding. The reason, of course, is the highly successful Pittman-Robertson and Dingell-Johnson programs that fund sports game and fish programs. The outdoor user who enjoys game as well as nongame species should have a part in supporting management programs for both.

To be successful, state nongame wildlife programs must be fully integrated with game fish and wildlife activities. In fact, the two are inseparable because habitat conditions and manipulations for one are bound to affect the other. I can well recall a multiflora rose program in Missouri that did more for songbirds than it did for game species, yet it was supported entirely by hunters. A state should be able to plan its habitat programs for game and nongame species together and be eligible for comparable funding for both. An excise tax on nonfishing and hunting outdoor equipment, with a 75-25 comparable federal-state cost sharing formula, would make the nongame portion much more workable—and fairer to all users.

I have gone over this legislation with my conservation colleagues in the Wildlife Management Institute, the National Wildlife Federation, the International Association of Fish and Wildlife Agencies, and the National Audubon Society, and we are almost unanimously in agreement on the provisions of H.R. 10255. I will not discuss its many provisions in detail, but rather associate myself with their testimony. However, I have concerns about the allocation formula for annual grants to the states for nongame programs. This is vital to the states and should be very carefully spelled out. I would strongly advise against a formula that considers only area and population or one that is left entirely to the Secretary to prescribe. The most important factor in fund allocation should be program needs, as detailed in state plans or project requests. I would recommend also a minimum allocation or floor for every state participating in the nongame program as well as a maximum or ceiling for those more affluent or aggressive states. Between these extremes, I would suggest a formula, based upon program needs and perhaps area, but with a voice in its formulation by both the Secretary and the state fish and wildlife administrators. Again, I think we can look to other successful operating programs, such as Pittman-Robertson and Dingell-Johnson, as well as Clarke-McNary and other forestry cost-sharing formulas.

The one major obstacle I see for nongame fish and wildlife projects at the state level is the difficulty of separating them from on-going game programs. The best answer to this would be to make them as similar as possible in program planning and approval, as well as funding source and allocation formula. With new sources of revenue to reflect the nonhunting and fishing interest in wild animals, the two could be meshed together to the mutual benefit of both. And, it would greatly simplify state administration and federal supervision.

With these few comments, let me again register strong support for this legislation and urge the Committee to take prompt and favorable action.

Mr. OBERSTAR. We have as our next witness Judy Jengo who is a student of Rutgers University.

You had someone with you?

Ms. JENGO. Yes; Chris Kopec.

Mr. OBERSTAR. She is welcome to come and join you at the table if she is not too bashful to do so.

Welcome. We are delighted to have you here.

Mr. Forsythe adds that you are from New Jersey.

STATEMENT OF JUDY JENGO, STUDENT OF RUTGERS UNIVERSITY
AND PRESIDENT OF THE RUTGERS STUDENT CHAPTER OF THE
WILDLIFE SOCIETY, ACCOMPANIED BY CHRIS KOPEC, SECRETARY-TREASURER OF RUTGERS STUDENT CHAPTER OF THE
WILDLIFE SOCIETY

Ms. JENGO. Hi.

My name is Judy Jengo. I am a student in the wildlife management program at Cook College of Rutgers University. For the past year, I have been president of the Rutgers student chapter of the wildlife society as well as a national park employee involved in resource management. The secretary-treasurer of the same wildlife society chapter, Chris Kopec, is here with me and we appreciate the opportunity to express our position on H.R. 10255.

Compared to the majority of people testifying here today, we as students are newcomers to the wildlife profession. Because we have just recently become sensitive to the needs of nongame wildlife, we still remain just as sensitive to the public view of this resource and therefore feel that our testimony is somewhat unique in two respects.

First, it represents the viewpoint of people who are new to the field of professional wildlife management.

Second, we speak for the first generation of citizens who will realize the benefits of a Federal nongame program.

Generally speaking, there are still a lot of people who do not recognize the value of nongame as a wildlife resource. This value, though, is often expressed through educational, recreational, historical, and esthetic benefits they derive from the great number of species involved. Because of the recent training we've had in our major field of study, we realize something else most citizens do not—that Federal assistance is absolutely essential to the development of programs for nongame wildlife in the States.

We believe that if the public were more educated and therefore more aware of the need for Federal funding for nongame, this bill would be supported to an even greater extent than it is already. While most citizens may never realize the importance of the legislature that is being considered here today, we are certain that passage of this bill will have a profound effect on their future awareness as far as nongame wildlife is concerned.

So, as citizens, and especially as young citizens, we can testify for a large and growing segment of the population whose principal interest is in nongame or more accurately, appreciative use of wildlife.

Finally, then, as wildlifers and as citizens, we strongly urge the adoption and implementation of H.R. 10255, so that States may establish and maintain effective nongame wildlife programs. Only with the funds appropriated through the passage of this bill can these programs be developed to the fullest extent possible.

Thank you.

Mr. OBERSTAR. Thank you very much.

Miss Kopec, do you want to make some comments?

Ms. KOPEC. No; I think that says it all.

Mr. OBERSTAR. You agree in full with this statement which has been presented, and you probably helped draft it?

Ms. JENGO. She did.

Mr. OBERSTAR. What we need is more people like you, who are knowledgeable on the issues to be involved and make a personal commitment. I am delighted to have you here.

Now, if we could just send you down to the Ways and Means Committee, I think we would get those votes without two like Oberstar and Forsythe around.

Mr. FORSYTHE. Thank you, Mr. Chairman—I think.

It is wonderful that you are here. How large is your wildlife society at Cook College?

Ms. JENGO. Probably we have 50 wildlife society members.

Mr. FORSYTHE. That is good news.

I thoroughly agree with the chairman. We need more of you who are willing to involve yourself and help spread the word. We are rather limited by what our constituents support.

Thank you.

Ms. JENGO. Thank you.

Mr. OBERSTAR. Thank you for being with us today.

The Committee for Humane Legislation, Ms. Jowanda Shelton.

STATEMENT OF JOWANDA SHELTON, ON BEHALF OF THE COMMITTEE FOR HUMANE LEGISLATION

Mr. OBERSTAR. Welcome to our Subcommittee. I see that you have a very extensive statement.

Ms. SHELTON. Just documents. The statement is not very long.

Mr. OBERSTAR. You may proceed.

Ms. SHELTON. Mr. Chairman and Mr. Forsythe, I am the Washington director of the Committee for Humane Legislation.

We commend you and your staff for your continued efforts to legislate in the name of wildlife.

However, the Committee for Humane Legislation finds the bill we have before us today, H.R. 10255, just another obscure blanket covering a multitude of sins historically committed in the name of wildlife conservation under the guise of the Pittman-Robertson Act.

An umbrella act calling for comprehensive planning is redundant. Comprehensive plans have been mandated under both the Pittman-Robertson Act, see 16 U.S.C., 669(e)-(a)(1), and NEPA, 42 U.S.C., 4321 et seq. The Department of the Interior as yet has not complied with either of these requests for plans.

Congress must give explicit direction to the States to the use of money provided to them. Until a program is enacted to stop the ill-fated ventures of habitat manipulation projects and the continual harassment of animals permitted under the Pittman-Robertson Act, we cannot expect the remaining species of nongame animals to survive. The Pittman-Robertson programs have manipulated nongame animals into the State of threatened or endangered. There is no direct prohibition against the use of Pittman-Robertson funds to protect nongame or endangered animals. And yet, the States have

made very little effort to either protect those creatures or provide habitat for them. We have previously submitted letters to you from the State governments which list the endangered animals within each State. The Pittman-Robertson programs have brought us, straight as the proverbial arrow, to the place where we stand today. Also, like a misdirected arrow, it leaves us limping and injured for lack of a pure environment and total ecosystem.

I might say I was pleased to hear in earlier testimony that some of the plants should be considered. They are food for the animals. They too have been destroyed through habitat manipulation programs.

In previous testimony both before this subcommittee and the House Ways and Means Committee, we have submitted lengthy documentation in support of our views. I won't repeat those today. We have copies in our office if anyone should need them.

I am here today to request that a copy of our letter of January 25, 1978, to the chairman of the full Merchant Marine and Fisheries Committee, John Murphy, be included in the record of these hearings at the conclusion of my statement.

Mr. OBERSTAR. Without objection, it will be included.

Ms. SHELTON. Although I realize that Congressman Forsythe's bill was not introduced as the recommendation of the Department of the Interior, we do feel that any legislation enveloping so wide a range of wildlife acts should be considered for enactment by Congress only after an environmental impact statement is completed by the implementing agency or agencies and open hearings are held on those environmental impact statements.

After Mr. Greenwalt's statement agreeing on so many of our philosophies, I am sorry to pick on him. Nevertheless, it is our intention to file a lawsuit which would enjoin any further actions under the Pittman-Robertson Act until Secretary Andrus complies with NEPA. A letter from Secretary Andrus to our committee is attached which confirms the fact that the Department of the Interior has never complied with NEPA.

Additionally, after an almost 2-year effort to obtain access to Pittman-Robertson files we have now been granted access to the Department of Interior's regional office files under the Freedom of Information Act. After perusing the files allowed to us, we believe violations of the act have occurred. We believe it would be helpful to this committee and to the public taxpayer if representatives of the States' fish and game commissions were called before you to explain the uses they have made of Pittman-Robertson funds.

Mr. Chairman, in concluding my statement today, I would like to say that we are grateful to our own membership for their financial support of our investigations into the States' uses of Pittman-Robertson funds. In spite of the fact that all Pittman-Robertson records are supposed to be available to the public, the total cost of my 2 days in Boston amounted to \$634.66. I suggest this would be prohibitive to the ordinary citizen.

I still have not received copies of all the files I requested. However, those that I do have are available to you or your staff to review, and it would be at a much lower cost.

I would like to request that the invoice which I received from the Fish and Wildlife Service in Boston "for services rendered, providing

technical and clerical assistance and xeroxed copies of Pittman-Robinson program documents" be inserted into the hearing record.

You may note, with some degree of skepticism, this agency mistakenly referring to its own program as Pittman-Robinson, R-o-b-i-n-s-o-n, rather than its correct, common title, Pittman-Robertson.

Thank you.

Mr. OBERSTAR. Thank you very much for your presentation and for your suggestions. I think we will look with interest on the lawsuit that you filed and on the outcome of that effort.

Mr. Forsythe, do you have any questions or comments?

Mr. FORSYTHE. Thank you, Mr. Chairman, no.

Ms. SHELTON. I would like to respond, Mr. Chairman, if I may, to one of the editorials which was presented by previous witnesses about the hunter's contribution to all of the wildlife. I think there are no laws on the books that say all of the wildlife belongs only to the hunters. A great number of the animals that live in the United States live on public lands and in the refuges which are still Federal property. I also wonder where all the people are that bought the guns who wanted the wildlife funds for restoration to be used for target ranges who said they were not hunters?

Mr. GUTTING. Do I understand your testimony correctly to be that you are not opposed to Federal assistance being given to States for nongame efforts, it is just that you question exactly how it might be done?

Ms. SHELTON. In the Boston files, I found that a great number of projects had already been completed or in the works for the nongame animals. Some of those projects were for other commercial uses of animals the fur bearers and predators on game. We would favor funds for nongame animals for habitat purposes and law enforcement to protect the animals from people.

Mr. GUTTING. So to the extent that H.R. 10255 would make available funds for the activities, you would favor the bill?

Ms. SHELTON. We would not say they needed the money until some qualification is given as to what the State fish and commissions are going to use the moneys for. They have misused the money already. Before they are given any more, we should look into the ways in which they spend that money.

Mr. GUTTING. Thank you Ms. Shelton.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much for being with us today. We appreciate your contribution.

[The following was received for the record:]

COMMITTEE FOR HUMANE LEGISLATION, INC.,
Washington, D.C., January 25, 1978.

HON. JOHN MURPHY,
Chairman, Merchant Marine and Fisheries Committee, Rayburn House Office
Building, Washington, D.C.

DEAR MR. MURPHY: In preparation for a lawsuit which we hope to file in the near future, and which would enjoin any further actions under the Pittman-Robertson Act until Secretary Andrus complies with the National Environmental Policy Act, we received confirmation (see attached letter from Interior) of the fact that (with one very minor exception) Interior has never complied in any way, shape, or form with NEPA. All of which brings me to my text: 42 U.S.C. 4332(c) says that every federal agency shall prepare an Environmental Impact Statement to accompany "every recommendation or report on proposals for legislation."

In view of this requirement, we would hope that you would hold off on hearings on any proposals for changes in the federal aid to wildlife field until such time as Interior may have completed, filed with the Committee and made public, an EIS on such proposals. We believe this is the minimum necessary for compliance with the National Environmental Policy Act. The Committee should know the environmental impact, the adverse environmental effects, and alternatives to the proposed legislation, and I am certain that you would not want to act before receiving the necessary information.

We would like very much to come up and discuss this matter with you.

Sincerely yours,

BERNARD FENSTERWALD, Jr.,
Counsel, Committee for Humane Legislation.

Enclosures.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1978.

Mr. BERNARD FENSTERWALD, JR.
Counsel, Committee for Humane Legislation, Inc., Friends of Animals, Inc., Washington, D.C.

DEAR MR. FENSTERWALD: The Federal Aid Program to which you refer in your December 19, 1977, letter to Secretary Andrus has been responsive to the requirements of the National Environmental Policy Act and to the CEQ Guidelines and Departmental Manual portions relating to it.

You have a copy of the Federal Aid Manual. Section 4.15 provides the basic requirements, and section 3.2(1) of the Appendix provides the detailed procedures. An environmental assessment is prepared for each proposed project which may affect the environment. Based on a review of the environmental assessment, a determination is made whether the proposed project will have a significant impact on the quality of the human environment. In nearly all cases, it has been determined that the proposed project does not require an environmental impact statement (EIS), and a negative declaration is prepared and becomes a part of the project records.

One project proposed for funding under the Fish Restoration Program was judged to have a significant impact on the quality of the human environment. This project involved the rehabilitation of the fishery in the Rock River of Wisconsin. An EIS was prepared and signed on April 14, 1975.

We are currently preparing a programmatic EIS for both the Federal Aid in Fish and Wildlife Restoration programs on a nationwide basis. The draft should be filed in May or June 1978. This Statement should satisfy NEPA compliance requirements for the national programs and for some of the State activities. The impacts of site-specific activities of significance to the environment will continue to be evaluated from assessment reports to determine whether a negative declaration can be issued or whether an environmental impact statement must be prepared.

We hope the above adequately explains the questions raised in your letter. Please let us know if further information is desired.

Sincerely yours,

ROBERT HERBST,
*Assistant Secretary for
Fish and Wildlife and Parks.*

DECEMBER 19, 1977.

Hon. CECIL ANDRUS,
*Secretary of the Interior,
Department of the Interior,
Washington, D.C.*

DEAR MR. SECRETARY: Friends of Animals, Inc., and the Committee for Humane Legislation, Inc., have been studying the effects of the Pittman-Robertson Act in conjunction with hearings in the House of Representatives with respect to changes in so-called federal-aid-to-wildlife legislation. One very relevant factor in our study would, quite naturally, be the various environmental impact statements with relation to the overall Pittman-Robertson program and the myriad projects approved and funded under it.

Very frankly, we were shocked when we were unable to unearth a single environmental impact statement which had been prepared or filed with respect to the huge federal aid program or any of the numerous specific projects funded thereunder.

As you know, the National Environmental Policy Act (42 U.S.C., section 4321 et. reg.), which was adopted in 1970, requires preparation of a formal impact statement with respect to all "major Federal actions significantly affecting the quality of the human environment." Failure of your department to prepare such statements under NEPA on the overall and continuing federal aid program and the individual projects funded under it raises most serious questions. Furthermore, the absence of impact statements would appear to fly in the teeth of CEQ's Guidelines (40 C.F.R., Part 1500) and your own departmental manual (Part 516). Very frankly, we do not see how you can continue to operate the Pittman-Robertson program without proper impact statements.

Would you be kind enough to respond promptly to the following questions:

(a) Why have no environmental impact statements been filed since passage of NEPA with respect to the huge overall federal aid program (Pittman-Robertson) or a single project, large or small, financed thereunder?

(b) Are any impact studies currently under way which, when finalized into impact statements, would place the Department in compliance with NEPA, and if so, the details thereof?

(c) If any studies are currently under way, when may we expect the filing of draft impact statements?

Your prompt answers to these questions will be greatly appreciated, especially in view of the pending changes in legislation.

Respectfully yours,

BERNARD FENSTERWALD, Jr.,
Counsel, Committee for Humane Legislation, Inc.
Friends of Animals, Inc.

Mr. OBERSTAR. Our final witness today is Guy Hodge who is appearing on behalf of the Humane Society of the United States.

Mr. Hodge.

STATEMENT OF GUY R. HODGE, DIRECTOR, RESEARCH AND DATA SERVICES, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. HODGE. Thank you, Mr. Chairman.

In the interest of time, I, too, will summarize my written comments and I do ask with your consent the full text of my statement be made a part of the record.

Mr. OBERSTAR. It will appear in full at this point in the record.

[The following was received for the record:]

STATEMENT OF GUY R. HODGE, DIRECTOR, RESEARCH AND DATA SERVICES, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. Chairman, in September 1977 testimony before this subcommittee The Humane Society of the United States offered support for federal legislation providing federal assistance toward the development and enhancement of nongame fish and wildlife programs. I will not reiterate today the substance of The Humane Society's previous testimony. It is apparent from the December 27th joint letter of the Chairman and ranking minority member that the committee members fully appreciate the value and necessity of nongame wildlife management programs. Rather I will specifically address my brief comments to the provisions of the redrafted bill, H.R. 10255, which is the topic of this hearing.

As redrafted, the term "nongame fish and wildlife" has been defined so as to allay The Society's concern that trophy animals not truly deserving of nongame status might be made primary beneficiaries of this legislation. We are satisfied that the definition of nongame animals unambiguously identifies those wildlife species intended by the Congress to benefit from nongame programs.

The revised standards governing nongame management plans provide that projects must address the conservation of wildlife in a systematic and comprehensive manner. As The Humane Society of the United States noted in previous testimony, the classification of wildlife into game and nongame categories is a distinction born of human convenience rather than biological differentiations among species. To segregate wildlife species into artificial groupings would be contrary to the principle of sound ecosystem management. Wildlife species exist

as integrated and interdependent elements of their environment. As the authors of H.R. 10255 have emphasized there is a fundamental need for a comprehensive approach to the management of wildlife species.

The standards governing wildlife management planning provide that project plans encompass a period of not less than five years. Yet the Act provides for a funding system based upon annual appropriations. This method of financing does not easily lend itself to long-range wildlife management planning. Historically, nongame projects have fared poorly when forced to compete for funding against public projects and social service programs. This problem has been particularly acute during periods of budgetary restraint.

The Humane Society of the United States continues to regard an excise tax system as a preferable plan for financing nongame programs. Direct taxation would provide a dependable and permanent funding base. Moreover, an excise tax would more directly reflect intensified public interest in nongame wildlife. The Humane Society is acquainted with the deterrents toward the inclusion of an excise tax provision in H.R. 10255. Yet, we would urge subcommittee members to explore all possible options which might create a dependable and permanent source of funding for nongame programs.

I hold professional membership in the Association of Interpretive Naturalists. For the past four and one half years I have served, in my free time, as a consultant and volunteer naturalist with the Conservation Division of the Fairfax County Virginia Park Authority. During this period I have come to appreciate the special expertise and innovative planning strategies which municipal parks departments can lend to nongame wildlife programming. These agencies have an impressive history as custodians of nongame wildlife on millions of acres of parklands. Parks departments are uniquely qualified to provide meaningful input into the development and implementation of nongame management plans. Therefore, The Humane Society of the United States wants to make particular mention of our support for Section 4 subpart (11) which requires state agencies to consult, as appropriate, with local and regional governments during the preparation of management plans.

I also regard as appropriate the provision of this Act, Section 9 Subpart (3), which allows state wildlife agencies to allocate funds among local and regional governments of the State. Many parks departments have well structured, sophisticated nongame wildlife management programs. These agencies are wholly deserving of financial assistance which would permit the further refinement of their nongame programming. I would ask that the subcommittee clarify the grant eligibility status of privately funded, non-profit conservation organizations incorporated and operating within a state funded under this Act. I interpret the Act, as presently written, to preclude the allocation of grants to wildlife sanctuaries and state or community conservation organizations. Several of these groups, if provided with funding, may provide a significant contribution toward attainment of the objectives stated in the preamble to H.R. 10255.

Mr. Chairman, The Humane Society of the United States shares with you the hope that this hearing will provide a catalyst for prompt passage of a nongame bill by the 95th Congress. The Humane Society is committed to the protection and conservation of nongame wildlife. We stand ready to render all possible assistance toward enactment of the Nongame Fish and Wildlife Conservation Act of 1978.

Thank you for providing The Humane Society of the United States with this opportunity to comment upon H.R. 10255.

Mr. HODGE. In previous testimony, the Humane Society of the United States has commented upon the necessity and potential benefits of nongame wildlife management programs. Today, I want to address my comments to the provision and language of H.R. 10255.

The Human Society of the United States also regards an excise tax system as a preferable system for financing nongame programs. Direct taxation of users would provide a dependable and permanent funding base. I am confident that an excise tax would be accepted and welcomed by the many local humane societies and the SPCA members who actively enjoy nongame wildlife.

At the same time, we regard the need for implementing the nongame programs as a matter of urgency. The Humane Society would not want to sacrifice the enactment of legislation by this Congress for the purpose of further exploring the matter of dedicated funds.

As a professional member of the Association of Interpretive Naturalists, I bring a different prospective to deliberations in regard to H.R. 10255. For the past 4½ years I have served, in my free time, as a consultant and volunteer naturalist with the Conservation Division of the Fairfax County, Virginia Parks Authority.

During this period I have come to appreciate the special expertise and innovative planning strategy which municipal parks departments can lend to nongame wildlife programing. These agencies have an impressive history as custodians of nongame wildlife on millions of acres of parklands.

Parks departments are uniquely qualified to provide meaningful input into the development and implementation of nongame management plans.

Therefore, the Humane Society of the United States wants to make particular mention of our support for section 4, subpart (11), which requires State agencies to consult, as appropriate, with local and regional governments during the preparation of management plans.

The Humane Society also regards as appropriate the provision of this act, section 9 subpart (3), which allows State wildlife agencies to allocate funds among local and regional governments of these States. Many parks departments have well-structured, sophisticated nongame wildlife management programs. These agencies are wholly deserving of financial assistance which would permit the further refinement of their nongame programing.

I would ask the subcommittee to clarify the grant eligibility status of privately funded nonprofit conservation organizations incorporated and operating within a State funded under this act. I interpret the act, as presently written, to preclude the allocation of grants to wildlife sanctuaries and State or community conservation organizations.

Several of these groups, if authorized funding, may provide a significant contribution toward attainment of the objectives stated in the preamble to H.R. 10255.

Mr. Chairman, the Humane Society of the United States shares with you and the other members of this committee the hope that this hearing will provide a catalyst for the passage of a nongame bill by the 95th Congress. The Humane Society is committed to the protection and conservation of nongame wildlife. We stand ready to offer all possible assistance for enactment of the Nongame Fish and Wildlife Conservation Act of 1978.

Thank you.

Mr. OBERSTAR. Thank you very much for a very thoughtful presentation, and the support of your own organization. Your own efforts will be most valuable in winning the votes we need to get the legislation passed.

Mr. HODGE. Thank you.

Mr. OBERSTAR. Mr. Forsythe?

Mr. FORSYTHE. I want to thank you also.

Mr. OBERSTAR. I want to thank all those witnesses who have given their time and effort, some at considerable expense having traveled long distances to be here with us.

We will proceed with this legislation with as much dispatch as possible in the legislative process.

I thank all of you for your help.

The subcommittee stands adjourned.
[The following was submitted for the record:]

THE STATE OF WYOMING,
GAME AND FISH DEPARTMENT,
Cheyenne, Wyo., February 9, 1978.

Hon. ROBERT L. LEGGETT,
U.S. Representative,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: On December 30th, 1977, we received from you, a copy of the "Nongame Fish and Wildlife Conservation Act of 1978" (H.R. 8606). In your cover letter, you request comments and suggestions prior to conducting hearings on this legislation before the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

We have reviewed, rather carefully, the provisions of H.R. 8606 and have compared it to S. 1140 which we were given the privilege of commenting on previously. It appears to us that many of the suggestions which we made relative to S. 1140 have been incorporated in H.R. 8606 and we feel it is a much better bill as a consequence thereof.

There are several provisions which we feel merit further consideration and comment. These are as follows:

1. Page 4, Section 3(2): The "designated state agency" is defined as that agency with primary legal authority for the conservation of fish and wildlife and provides for more than one "designated agency" to participate in the program if the state has placed authority in more than one agency. Our State Department of Agriculture has legislative authority for predator control and while we doubt that this program would qualify as a conservation program as intended by the Act the possibility does exist for them to be eligible for participation. We interpret the intent of this wording to cover those situations where responsibilities for fish and wildlife or fresh and salt water wildlife are split.

2. Page 4, Section 3(3): The definition of "fish and wildlife" is restricted to vertebrates. This definition may prove to be too restrictive as it would not include mollusks and crustaceans as provided for in S. 1140.

3. Page 15, Section 9(6) (A): Provides that not more than ten percent of state matching contributions may come from funds derived from the sale of licenses and permits which authorize hunting, fishing, trapping. This is the same percentage provided for in S. 1140.

4. Page 16, Section 9(6) (B): Limits law enforcement, information and extension services to 25 percent of the grant. While we do not have any particular problems with this restriction, we have, as a philosophical matter, opposed statutory limitations on the use of funds for specific purposes and have generally favored language which gives us the flexibility needed to permit program modifications responsive to changing needs of either the resource or the public.

5. Page 18, Section 11(2) (C): Provides for unused appropriations to be transferred to the migratory bird conservation fund to be used under provisions of the Migratory Bird Conservation Act. We feel this is a good provision and alleviates the concerns expressed in our letter of May 5, 1977, about S. 1140 which specified that unused funds revert to the Fish and Wildlife Service for use in nongame programs.

We sincerely believe that H.R. 8606 is a greatly improved bill over S. 1140 which we last reviewed and certainly "fits our pistol" and interests. The section pertaining to the preparation and approval of a nongame fish and wildlife plan is much more straight forward and does not, in our opinion, require more than could reasonably be expected in a management plan. As always, we will not know the final requirements until the Secretary of Interior's regulations are prepared and we always have series reservations about additional regulations which often exceed provisions of law.

We appreciate very much being afforded the opportunity to comment on this most important piece of legislation and if we can be of further assistance to you in the promotion and passage of it, please feel free to call upon us.

Sincerely,

EARL M. THOMAS,
Director, Wyoming Game and Fish Department.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C., January 31, 1978.

Memorandum to: Legislative Counsel.

Through: Assistant Secretary for Fish and Wildlife and Parks.

From: Director, U.S. Fish and Wildlife Service.

Subject: Fish and Wildlife Service Recommendations for a Program of Congress Grants to the States.

Attached find a copy of the subject report which responds in part to the President's environmental initiative to examine alternative measures for responding to the needs of nongame fish and Wildlife and OMB's instructions to defer any Service position on nongame bills in Congress pending a report on this subject. The full examination of alternatives is not possible at this early date. However in view of the attention currently being given by Congress to providing grants to the States for nongame, the attached report examines the major alternatives that must be considered in developing such a program and presents the Service's recommendations.

Commitment was made in House and Senate hearings to deliver a report to Congress early in calendar year 1974. The House Merchant Marine and Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and Environment, has scheduled additional hearings for February 16, 1976. Therefore, we would appreciate your expeditious processing of this report.

As you know, at least three bills to address nongame and its users are now in Congress. These are S. 1140 and H.R. 6606 as well as H.R. 10255. We find that S. 1146 most closely approximates our concept of a truly workable Federal Aid program for nongame fish and wildlife. We are attaching for your reference a copy of S. 1140 on which we have marked changes we consider desirable together with an explanation of those changes.

LYNN A. GREENWALL.

FISH AND WILDLIFE SERVICE RECOMMENDATIONS FOR A PROGRAM OF NONGAME
GRANTS TO THE STATES

TABLE OF CONTENTS

Executive summary and recommendations.	
Current initiatives for Federal action.	
Defining "nongame".	
Need and the types of actions required:	
Restore declining species or populations.	
Manage populations at key locations.	
Manage habitats.	
Facilitate public use.	
Necessary capabilities of the State.	
Alternatives to be considered in a nongame grant program:	
Strategies to stimulate State action.	
Source of Federal funds.	
Amount of Federal funds needed.	
Criteria for allocating funds among the States.	
State population.	
State area.	
Number of beneficiaries.	
Various nonquantifiable criteria.	
Payment to the States—annual grants versus reimbursements.	
Percent of costs to be underwritten.	
Procedural format—New versus established.	
Consolidation of grant programs.	
Comprehensive planning—Optional versus mandatory.	
Effects of a nongame grant program on the administering agencies:	
Employment impact on Federal and State agencies.	
Economic impact on Federal and State agencies.	
Impact on resource management approach.	
Relevance of a nongame grant program to the mission of the fish and wildlife service.	
Literature cited.	
Appendices:	
Appendix A—Size and interrelationships of user groups.	

Appendix B—A partial listing of projects suggested by the States for consideration if nongame funds become available.

Appendix C—Numbers of species in Continental United States and the attention accorded them by the States.

Appendix D—Relative allocations using apportionment formulas based on population and area in varying proportions.

Attachments:

Federal aid in Nongame Fish and Wildlife Conservation Act of 1977: S. 1140 with proposed amendments noted.

Description of proposed amendments to S. 1140.

FISH AND WILDLIFE SERVICE RECOMMENDATIONS FOR A PROGRAM OF NONGAME GRANTS TO THE STATES

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Of approximately 3,700 species of birds, mammals, fish, reptiles, and amphibians in the continental U.S., probably less than 10 percent receive any specific management attention to assure their welfare. With few exceptions, these represent harvested species. However, it is well known among scientists that the forces which threaten the welfare of wildlife are normally environmental in character and affect nongame species as readily as game.

Those who benefit directly from nongame fish and wildlife constitute a body of Americans whose numbers compare favorably with the total number of fishermen and hunters, and their numbers are expected to grow further. These people and the nongame wildlife receive no services by any national program except those realized incidentally as spinoff from PR, DJ, and certain other resource management programs. Such incidental benefits are virtually absent from urbanized areas where the need is most acute. The States have demonstrated both the desire and the ability to undertake the conservation of nongame but lack the funds to do so.

The Fish and Wildlife Service recommends the enactment of legislation providing for grants to the States for purposes of nongame conservation and to provide for the nonconsumptive uses of fish and wildlife. We recommend that such a program include the following:

1. "Nongame" should be construed to mean all wild, unconfined birds, mammals, fish, amphibians and reptiles which are valued for cultural, aesthetic, educational or other nonappropriative purposes.
2. Grants should be made available to each of the 50 States plus Guam, Puerto Rico, the Virgin Islands, American Samoa, Mariana Islands, the Trust Territories of the Pacific and the District of Columbia.
3. Funding should be authorized at \$20, \$30, and \$40 million respectively, for the first, second, and third years. The source of funding should be general fund appropriation during this period. The source of funding subsequent to this period should be reconsidered by Congress at the end of the second year, taking into account the results of a study proposed to be completed by the Fish and Wildlife Service during the first two years.
4. Following the making of authorized deductions for administration, each year's funds should be apportioned according to a formula which provides:
 - 1/6 of 1 percent each to Guam, Virgin Islands, American Samoa, Mariana Islands, and Pacific Trust Territories.
 - 1/2 of 1 percent each to Puerto Rico and the District of Columbia.

The remainder divided among the 50 States, two-thirds in proportion to their relative populations and the final one-third in proportion to their relative State areas, no State receiving less than 1/2 of 1 percent or more than 5 percent of the apportioned amount.

5. Activities authorized under a nongame program should include:

- Acquisition of real property.
- Construction, development and improvement of real property.
- Manipulation of habitats and animals populations.
- Research and inventories.
- Information and education.
- Enforcement of laws and regulations.
- Planning, programming and coordination.

Each undertaking would require justification in terms of fulfillment of priority needs of nongame fish or wildlife or of nonconsumptive users.

6. To assure that it is fully manageable and readily implementable by the States, the nongame program should be operationally compatible with PR and DJ.

7. Payment to the States should be as reimbursements of incurred costs, not as annual grants.

8. The Federal share for the Territories and the District of Columbia should be not less than 75 percent, the rate to be set by the Secretary (this is consistent with P.L. 95-134, Sec. 501). For the States, the rate should be not more than 75-percent Federal, except in the case of approved planning projects and approved multi-State research projects, for which the Federal share should be not more than 90 percent.

9. Consolidation of a nongame program with existing PR and DJ grant programs should be accomplished administratively by establishing regulations and administrative procedures which allow the programs to be merged operationally. This requires that the format of the Act be parallel to the PR and DJ Acts.

10. Planning should be an approved and encouraged activity; however, we do not recommend that a State be required to prepare a formal plan for nongame fish and wildlife before receiving operational grants.

INTRODUCTION

The development of our technological society has precipitated many changes. With the migration of people from rural to urban areas has come the separation of a large portion of Americans from personal association with natural processes and with wild animals. The dependence of humans on the life processes has been obscured and society's perception of wildlife has changed. The changes have not dampened the desire of people to experience association with these things but have precipitated a leveling or decline in consumptive forms of recreation and a heightened regard for nonconsumptive pursuits.

In recent years numerous individuals and groups, through letters, editorials and resolutions, have expressed the need for a program of national scope to serve nongame and nonconsumptive users. These groups include those which are harvest-oriented as well as those which are protection-oriented. They include the National Audubon Society, National Wildlife Federation, Humane Society of the United States, Wildlife Management Institute, Wilson Ornithological Society, International Association of Fish and Wildlife Agencies, Committee for Humane Legislation, and many others.

Surveys, both national and regional, have confirmed the participation by Americans in these activities. A 1977 survey in Colorado showed 69 percent of the residents 10 years and older go afield and take part in wildlife-related activities other than consumptive uses. Among these are field observations (64 percent), backyard viewing and feeding (49 percent), field feeding (20 percent), photography (16 percent), bird watching (7 percent), nature study (5 percent) and art (3 percent). A 1972 survey in the southeastern states showed nonconsumptive values of fish and wildlife to be \$12.3 billion compared to \$11.8 billion for fishing and hunting combined.

The willingness of people to pay for programs to benefit nongame and nonconsumptive uses has been expressed in referenda. In 1973, conservation groups in Washington placed the funding of nongame programs on the ballot, resulting in passage by 2.1. In 1977, Missouri voters supported a $\frac{1}{8}$ of 1 percent sales tax to expend for the conservation of wildlife, including nongame (Nongame Committee, International Association of Fish and Wildlife Agencies, 1977.)

According to the National Hunting and Fishing Survey (U.S. Fish and Wildlife Service, 1977), consumptive uses are not experiencing growth. In fact, while fishing was practiced by 29 percent of all persons nine and older in both 1970 and 1975, hunting appeared to decline from 12 percent in 1970, to 11 percent in 1975. During this same period there was an apparent increase in the number of persons who engaged in non-consumptive uses of fish and wildlife.

The 1975 Survey showed that roughly half of the U.S. population made trips to participate in fish- and wildlife-related recreation. About 25 percent of these took part in only consumptive activities (hunting or fishing), about 38 percent took part in only nonconsumptive activities (observation, photography, etc.), and about 37 percent were active in both consumptive and nonconsumptive pursuits. The patterns of use probably reflects not only the inclination of individuals but also the availability of the opportunities.

The numbers of Americans who took part in these activities and the overlap that occurred among these user groups are shown in Appendix A.

These data clearly indicate that the desire to interact with wildlife is widespread. They also show that consumptive and nonconsumptive users are not in separate groups. The controversy which purportedly rages between them is apparently between certain narrow factions and ignores the observation over many years of

wildlife management experience that under proper management, one group has no more impact on wildlife populations than the other; that participation in appropriative recreation can elicit aesthetic appreciation just as non-appropriative recreation does; and that with proper management, the two user groups can be complementary, not in opposition.

CURRENT INITIATIVES FOR FEDERAL ACTION

In his environmental message dated May 23, 1977, President Carter directed the Secretary of the Interior (1) to encourage States to apply existing Federal Aid funds to the management of all species of wildlife; and (2) to propose other measures to improve the conservation of nongame wildlife.

The first of these initiatives has been accomplished through direct communication with the States. As a result, the Pittman-Robertson Federal Aid in Wildlife Restoration Program is giving increased attention to nongame. A recent sampling suggested that currently these monies are being allocated about 82 percent to game species, 10 percent to other (including endangered) species, and 8 percent to endeavors designed to benefit wildlife without reference to its game or nongame status. Also, more than half of the use of facilities developed under PR and DJ is believed to be by nonconsumptive users. Nevertheless, States recognize the need to give far greater attention to nongame species and nonconsumptive users in the future, but most lack the funds to do so (Wildlife Management Institute, 1975).

The second Presidential initiative requires the examination of all viable alternatives by which nongame conservation can be advanced. Such an examination must consider (1) the nature and dimensions of the need, (2) the corrective measures needed, (3) the body(ies) (government or private status) best able to carry out the needed program, and (4) the amount and source of monies to underwrite the cost.

Without rejecting any of the alternatives, the present paper presumes that any new nongame legislation enacted would be expected to include a program to enhance the capabilities of the States in this regard. This assumption is predicated on broadly based and continuing requests from the public for such a program, the sensitivity of the States (compared to Federal agencies) to local needs, the States' demonstrated capability to provide the desired products and services (compared to private and other governmental agencies), and the States' legal jurisdiction over resident wildlife. The use of grants is supported by the favorable record of accomplishments by existing grant programs for fish restoration (Dingell-Johnson) and wildlife restoration (Pittman-Robertson), as well as the existence of basic administrative mechanisms to set a nongame grant program into motion.

As of the time of this writing at least three bills have been introduced in the House (H.R. 8606, H.R. 9615 and H.R. 10255), and at least one in the Senate (S. 1140), proposing grants to the States for nongame fish and wildlife.

DEFINING "NONGAME"

It must be established at the outset what is meant by the term "nongame fish and wildlife." The designation "game" has by tradition been applied to those species pursued by hunters or fishermen, but the term "nongame" cannot be equated to only those species which are not pursued. Instead, it refers to all species which are of interest to nonconsumptive users. Game species are harvested only at specified times and/or places and virtually all are also nongame at other times or places.

To avoid conflicts and to give the program an area of focus, the list of species eligible for primary attention under a nongame grant program should be representatives of animal groups specified in the Act. Each specified group should (1) be scientifically definable, consistent with taxonomic classification; (2) encompass species which hold broad interest and values for people; and (3) not be characterized by species which, because of their roles as pests (e.g. flies, ticks, etc.) or as disease vectors (e.g., mosquitoes, etc.), are normally under the control of agencies other than the State fish and wildlife agency.

We believe a nongame program should be directly applicable only to vertebrate species (birds, mammals, fish, amphibians, and reptiles), but we recognize that the management of these species (which occupy positions high in their respective ecosystems) would inevitably entail benefits to a vast array of lower species on which they are dependent. Thus, the term "nongame fish and wildlife" as used here is defined as "all wild, unconfined birds, mammals, fish, amphibians and reptiles which are valued for cultural, aesthetic, educational or other non-appropriative purposes."

NEED AND THE TYPES OF ACTIONS REQUIRED

Although fish and wildlife grant programs have been underway for many years, they have tended to focus primarily on the needs of fishermen and hunters who provided the funds. As a result, nongame and the growing body of nonconsumptive users have received only limited attention. There is a serious shortage of locations, especially near population centers, where these persons can participate in quality viewing, study and photography of wildlife.

In a telephone survey in April 1977 (U.S. Fish and Wildlife Service, unpublished), the States detailed specific areas of need which would be addressed, given the required financial resources (a partial tabulation is attached as Appendix B). Certain States documented this need for locations where urban residents could observe wildlife and the natural processes. Other States noted the need to develop interpretive centers; to provide extension services to advise property owners on the management of wildlife; to carry out intensive management programs to avert the further decline of certain species; and to make available public education which would convey a rational and accurate perception of wild animals.

These diverse needs require that attention be directed at both the nongame resource and the people who utilize it. Programs must be carried out at several levels, varying from the management of a single species or a minor ecosystem on a small urban reserve to participation in national or international undertakings. The types of actions required include:

(1) Restore declining species or populations—A nongame program must seek to sustain fish and wildlife experiencing significant declines. Many such species, previously neglected due to the lack of inventories, research and management, are now classified as threatened or endangered. Attention is needed before this critical level is reached, not only to reduce the chances of endangerment or extinction, but to permit management in a systematic, planned, non-crises context.

(2) Manage populations at key locations—Since a nongame program must yield specific benefits to the public, it is essential that the agency assure the welfare of key populations or ecosystems which are locally accessible to the using public. These may be in or near urban areas and may involve management to favor native songbirds, squirrels, chipmunks, etc., and to discourage starlings, rats, and house sparrows. Measures to increase populations, especially in non-rural settings, must avoid creating serious problems of depredation, predation, disease, etc.

(3) Manage habitats—Existing habitats must be protected and maintained at desired stages of natural succession and degraded habitats will need to be altered by direct improvement of vegetation complexes, water distribution, etc. It will also be necessary to improve them indirectly by influencing the people who manipulate them. This latter effort will focus on lands not primarily dedicated to wildlife and will involve individual land operators as well as private and foundation groups, companies and agencies. Non-public holdings not only make up a large portion of the lands usable by nongame; they also provide habitats uniquely productive of many highly valued wildlife species.

(4) Facilitate public use—It will be necessary to provide areas and facilities by which the public can gain access to nongame fish and wildlife. This will entail acquisition of real property, development of roads, trails, parking areas, sanitary facilities, viewing structures, etc. It will also require efforts to prepare and control the users through guidance and education.

NECESSARY CAPABILITIES OF THE STATE

Accomplishment of programs needed for nongame will be possible only in the presence in the States of adequate policy-making bodies and the exercising of certain legal authorities.

Policy in most States is articulated by a commissioner or board of commissioners named by the Governor. Serving in place of or accessory to the commissioners, approximately 23 States utilize advisory boards to consider specific functions or resources. A commissioner or advisor is normally selected based on his/her interests and participation in fish and wildlife matters. In the past this has most often involved consumptive uses but this is currently undergoing change and further change is expected. Being an elected office, it is assumed that the Governor will make appointments responsive to the expressions of the public. We do not recommend any effort to use nongame legislation to prescribe the composition of policy-making bodies in the States.

If the State agency is to proceed effectively in a nongame program, it must have certain legal authorities. Among these are:

(1) The agency must possess adequate jurisdiction over those species to be addressed under this program to effect their conservation. (The members of species occurring and the managements attention as it currently exists and as proposed by the States is presented in Appendix C.)

(2) The agency must be able to acquire, hold and manage real property for the benefit of this program.

(3) The agency must be able to protect and/or restore key habitats or to cause things to be done. It must be able to manipulate lands under its direct control. It must be free to enter into discussions and agreements to affect favorably lands held by other entities.

(4) The agency must be able to assure the enforcement of laws which affect the welfare of nongame fish and wildlife. This must include not only laws pertaining to killing and harassment, but also to pollution, dredging, and other activities which affect the nongame or its users.

(5) The agency should be able to enter into agreements or subcontracts with other entities (including countries and municipalities) to accomplish activities under this program.

(6) Since understanding and cooperation by the public are essential to wildlife conservation and its beneficial use, the agency must be at liberty to carry out measures to inform and educate as needed.

ALTERNATIVES TO BE CONSIDERED IN A NONGAME GRANT PROGRAM

Consideration of a program of nongame grants to the States requires that certain alternative requirements and provisions be examined. Among the factors to be considered are the following:

Strategies to stimulate State action

Measures by which the States might be enabled or induced to undertake greater efforts on behalf of nongame include (1) persuasion (direct and indirect), (2) provision of technical assistance and coordination, (3) provision of financial assistance, or (4) a combination of these measures.

In most States there appears to be little need for persuasion since they have been constrained not so much by inclination as by limited funds and the ethical necessity to serve the user groups which contributed them. There may, however, be a need for indirect persuasion whereby nongame representation would be included in the policy-making bodies, thus complementing the sportsmen constituency. However, as noted in the preceding section, it is believed that the composition of policy-making bodies will shift as the priorities of the people change.

The provision of technical assistance to the States in behalf of nongame is already a part of the Pittman-Robertson program and is inappropriate to the Dingell-Johnson¹ program. Also, the generally high competence of State personnel and their familiarity with local conditions and needs precludes most need for this. There is, however, a need to provide greater coordination, not only among the States, but also between the States and the FWS and other Federal agencies.

The provision of financial assistance to the States is clearly a potentially beneficial alternative. The need for additional funds to undertake nongame work was evaluated in studies by the Wildlife Management Institute (1975) and was expressed in testimony pertaining to S. 1140 (August 3, 1977) and H.R. 8606 (September 30, 1977). Such need was also indicated by 49 of the 50 States in a telephone survey (unpublished) in April 1977. In the latter survey, some States noted that provisions of such grants not only would supply needed Federal funds but would also serve as a stimulus to them to generate their own sources of funds for nongame, part of which would be used for matching.

Source of Federal funds

Federal funds for a nongame grant program could be derived through annual appropriation from general funds or through a special tax earmarked for this purpose. (It is assumed that such a tax would consist of an excise tax levied on the manufacturers or importers of selected supplies or equipment typically used by those who would benefit from this program.)

There are certain advantages which can be attributed to the general appropriation since it:

¹ This program is presumed to be exclusively for the benefit of fishing as expressed by Congressman Johnson when he introduced it into the House as H.R. 6533. He described the proposal as "... a carefully planned effective program to make better fishing." (U.S. Congress, 1950). The D-J Act limits the use of grants to addressing "... species of fish which have material value in connection with sport or recreation...."

(1) Permits a continuing involvement by Congress in program evaluation through budgetary review.

(2) Is borne by the tax-paying public at large, thus easing the burden on the beneficiaries of the program.

(3) Relies on established tax collection procedures, avoiding the expense of collecting and accounting a special tax.

Advantages of funding through a special earmarked tax include:

(1) Funds are contributed principally by the people who benefit from the program which tends to create a clientele of participants who identify with the program.

(2) Appropriation of collected taxes can be made automatic and indefinite in initial legislation, thereby assuring a relatively stable and predictable source of funds.

(3) Assuming taxed items are properly selected, the amount derived from the tax would rise or fall according to the public's interest and use of nongame. Since the level of need relates in part to the extent of public use, tax collections would tend to fluctuate with program need.

(4) The stability and predictability of funds would permit States to acquire personnel and equipment to undertake long-range projects.

(5) In deference to equity, nonconsumptive users should be the source of nongame funds just as consumptive users are the source of existing P-R and D-J funds. Bills currently before Congress provide for funding by annual appropriation.

S. 1140 (Sec. 10) instructs the Director of the Fish and Wildlife Service, in consultation with the Chairman of the CEQ, to conduct a study during the first two years of the program which will include consideration of the best means of funding nongame grants. In view of the need to consider this question in the context of Service budgeting procedures and State needs, we concur in the proposals contained in S. 1140.

Amount of Federal funds needed

Any new nongame program must permit each State to make a significant effort beyond that presently being made. If, as estimated, about 10 percent of P-R funds are being purposely directed into species other than game (including endangered species) the amount being so invested in FY 1978 is approximately \$7 million. In view of the calls for increased attention to nongame and nonconsumptive use by the President, the Secretary, the Congress, and the conservation community, this amount must be considered inadequate.

Estimates by individual States plus our understanding of the national needs leads us to believe the Federal funds required would approximate \$20 million the first year of the program. At this point emphases would be on State funding, staffing and program development. This need would be expected to double by the third year as surveys, acquisition, development and research activities become operational. Thus, we estimate the need for Federal monies to be \$20 million, \$30 million and \$40 million for the first, second and third years of a nongame grant program.

Criteria for allocating funds among the States

It is to be expected that allocation procedures would seek to distribute available monies among the States in proportion to their respective needs and/or to offer incentives to the States to address certain priorities perceived by Congress.

Several criteria have been proposed as a basis for allocating funds. We view these as follows:

State population.—The need for a nongame program rests largely upon the desire of non-rural citizens for opportunities to observe and study wildlife. The need tends to vary directly with urbanization which is generally greatest among States having the highest populations. In addition to the numbers of people to be served, the costs of land, developments and services to carry out a nongame program tend to be higher in urban areas.

We consider State population to be a useful factor in allocating nongame grant funds among the States.

State area.—As noted earlier, the States bear a responsibility to the conservation of nongame not only to serve nonconsumptive users but also to assure the welfare of the nongame resource. Thus, the State must carry out certain surveys, inventories and research beyond those relatable to identifiable use demands, perhaps as a cooperator in a national or international effort. The demands on the State regarding such work would tend to vary with the size of the area over which the inventories, etc., were conducted.

The relative area of each State is a useful factor in the allocation of funds; However, it is suggested that area be considered secondary to population.

Number of persons benefited by nongame conservation.—This is a very desirable datum on which to base the allocation of grant funds. However, in lieu of any system of registration or licensing of nonconsumptive users, there is presently no known basis by which States could provide reliable information of this type.

Various nonquantifiable criteria.—Several criteria for allocation have been proposed which are indicative of the levels of relative needs among the States. Such criteria are proposed in H.R. 8606 (Sec. 4) and include:

- (a) The States' populations and diversity of nongame fish and wildlife;
- (b) The number and quality of existing or planned habitats for nongame;
- (c) The scope of nongame fish and wildlife programs;
- (d) The degree to which each State has progressed in developing or implementing its program; and
- (e) The extent and manner in which States provide or plan to provide for public enjoyment of nongame fish and wildlife.

We believe subjective criteria are invaluable in judging whether an action proposed by a State addresses a legitimate, high-priority need and sets forth a sound and efficient plan by which to proceed. However, the initial allocation of funds against which the State may make proposals for funding should be based on hard figures which are not subject to manipulation and which can be confirmed by audit.

Based on these considerations, we recommend apportionment by a formula based $\frac{2}{3}$ on State population and $\frac{1}{3}$ on State area (the approximate share each State would receive under this and other weightings of population and area is shown in Appendix D). We further suggest that none of the 50 States should receive less than $\frac{1}{2}$ of one percent or more than five percent of the apportioned amount. Territories should be allocated a fixed percentage of the fund, consistent with P-R.

Payments to the States—Annual grants versus reimbursements.—It is necessary to consider whether the Federal contributions should be made available to the States as a single, annual advance or as a reimbursement of costs already incurred.

Basic to these questions is the fact that an effective grant program necessarily requires that the State carry out specified obligations as a condition for receipt of Federal grants. The time at which the State receives the Federal contribution is significant if it creates an unnecessary burden on the State or tends to compromise the States accomplishment of its obligations.

The advance grant is understandably favored by some States since it provides them with operating funds and may eliminate certain accounting and vouchering procedures associated with requesting reimbursement. However, the advance grant also relieves the State of the urgency to carry documented activities to planned levels of progress or to completion so that full reimbursement can be claimed.

In the existing P-R and D-J programs, Federal funds are remitted as reimbursements of costs already incurred by the States for approved activities. Experience has shown that this method assures consummation of the project without serious inconvenience to the States. Each reimbursement transaction is initiated by the State at its convenience. The time required for Federal processing of a voucher is 30 days or less. The letter-of-credit method is reducing this time to less than 10 days for those States using it.

Percent of costs to be underwritten.—The rate of Federal cost-sharing must be considered in the context of rates authorized under other programs for which State matching funds might be used. Cost-sharing rates under the present Fish and Wildlife Service grants are as follows:

Pittman-Robertson (wildlife restoration)—up to 75 percent Federal, except in territories where the Secretary cannot require more than 25 percent non-Federal.

Dingell-Johnson (sport fisheries restoration)—same as Pittman-Robertson.

Anadromous Fish—up to 50 percent Federal except up to 66 $\frac{2}{3}$ percent where two or more States enter into cooperative agreement to undertake work jointly.

Endangered Species—up to 66 $\frac{2}{3}$ percent Federal, except up to 75 percent Federal for work undertaken jointly by two or more States.

Marine Mammals—up to 50 percent.

It is recommended that the Federal share authorized under the nongame program should be 75 percent for general operation work. The 75 percent participation has proven to be adequate as an inducement to the States. They have tended to participate less actively in programs having lower rates. Also, nongame is expected to operate very closely with P-R and D-J, part of it being interchangeable with

P-R. To adopt a different rate could cause confusion, especially in projects involving two or more programs.

We find no hazard, however, in offering a higher rate of reimbursement where two or more States jointly undertake a project or to cover the cost of developing a projected State plan for the management of nongame wildlife. These offer rational, coordinated, and systematic approaches to meeting nongame needs at a higher level, justifying the higher Federal rate.

Procedural format—New versus established

For a new program, there is a temptation to specify grant procedures which are unique in order to correct certain perceived inefficiencies or to elicit certain desired actions by the State. However, the adoption of requirements which conform to existing programs is highly desirable since such requirements permit the State to utilize patterns with which they are already familiar and for which they already have control and accounting procedures.

A nongame program should complement P-R and D-J. Conformance to existing grant procedures could greatly expedite its operation in concert with these programs. Through past years, as a result of parallel procedures in P-R and D-J, States have commonly undertaken "combination projects" in which costs have been shared by the two programs according to expected benefits for sport fish (D-J) and wildlife (P-R). This has been done without dual documentation. Given similar projects, the same option for "combination projects" could be available for nongame.

Consolidation of grant programs

Consideration of a new grants-in-aid program inevitably elicits suggestions to consolidate two or more of the grant programs. Among the benefits intended by such a move would be (1) restoring to the State the full authority to address its wildlife-related needs as it perceives them; (2) standardization of program requirements; (3) elimination of multiple applications, documents and reports; and (4) the encouragement of "combination" developments designed to serve more than one type of wildlife or user.

Consolidation could be accomplished in either of two ways:

- (1) Legislatively, by incorporating two or more acts under a single statute; or
- (2) Administratively, by merging the requirements and procedures of two or more programs under a single administrative format.

The statutes to be considered for consolidation with a nongame act are:

Pittman-Robertson Act
Dingell-Johnson Act
Endangered Species Act of 1973
Marine Mammal Protection Act
Anadromous Fish Conservation Act

In our view, neither the marine mammals program nor the anadromous fish program could feasibly be consolidated with a nongame program. Each has a specific constituency to be served and specific goals to be attained. Also, the State-to-State needs vary widely. While only 31 States and none of the Territories qualify to receive anadromous fish grants and only 23 have marine mammals recorded within their States or adjacent territorial waters, all of the States and Territories would come within the purview of the nongame program. Under these circumstances we question whether consolidation could result in simplification and still continue to give the intended emphasis to the specified target species.

The remaining programs present fewer problems in this regard. Pittman-Robertson and Dingell-Johnson address essentially the same States and Territories as proposed for the nongame program. The groups of species served may be separately identified, and although overlapping, they would tend to be complementary. Taken collectively, the species addressed by P-R, D-J and Nongame would constitute all vertebrate fish and wildlife. In contrast, the Endangered Species grant program addresses an aggregation of species drawn from the entire animal kingdoms, the eligibility of each based on its jeopardized status.

Any consolidation of these programs by legislation would require special care to assure that the consolidated fund (composed of two or more separate funds identified with different constituencies) would be allocated among the States equitably and could be utilized by them without burdensome restraints or accounting requirements.

It must be recognized that each of these programs (P-R and D-J) exists because it serves the interests of a defined constituency or addresses a specific public need as would the proposed nongame program. Consolidation would dilute these constituencies bringing about a loss of needed public support.

By being given the full responsibility for the pattern of spending a consolidated fund, the State would become the target of criticism and lobbying by those competing constituencies. But more crucial, consolidation of the Acts could precipitate in-fighting between factions regarding the share of the resources allocated to their respective areas of interest. This would work to the detriment of fish and wildlife conservation.

From the viewpoint of the States, consolidation of programs can be satisfactorily realized by merging them administratively and, where desirable and appropriate, operationally. This has been practiced for more than 25 years under P-R and D-J which are authorized by separate but compatible acts to give flexibility and efficiency in administration. A nongame program could extend this administrative consolidation. Among the benefits would be:

(1) Standardized administrative and procedural requirements utilizing established processes familiar to the States.

(2) Flexibility permitting the State to structure program components to its own capability and need. (Undertakings could be carried out as individual projects under each program, combination projects under two or more programs, or as an integrated effort under a comprehensive plan.)

(3) Minimal competition and polarization among constituencies. (Each separate component of the using public could continue to identify with its program but programs would not be isolated from the broader picture of wildlife conservation.)

(4) Amendment of existing statutory authorities (P-R and D-J) would be unnecessary.

Comprehensive planning—Optional versus mandatory

In recent years comprehensive planning has become recognized as a process by which programs can be focused more systematically upon the resolution of complex problems. In 1970, the P-R and D-J Acts were amended, offering the States the option of developing comprehensive plans which would be accepted in lieu of project-by-project documentation and control. By definition and by application, the term comprehensive planning is accepted to encompass all aspects of a fish and wildlife agency's responsibilities. It requires detailed statewide and regional analyses of resource supply, user demand, management problems and strategies as they relate to objectives for managing all species and their habitats. It is an open-ended, continuing process of analyses and updating, involving game and nongame alike.

Today at least 25 States are operating under plans or are engaged in the planning process. Relatively few of the plans can be described as "comprehensive" since most States have found it advisable to undertake less extensive efforts. To date no State has chosen to submit its completed comprehensive plan in place of the conventional project-by-project documentation. This indicates to us that these States probably would have developed plans had they been given only the technical assistance provided. It also indicates that the project-by-project documentation is not viewed as a burden.

Among the States many wish to engage in planning for nongame fish and wildlife but do not possess a sufficient data base to evaluate the resource supply or the level of demand or to establish the needed historical perspective. Before such a State could proceed with planning, this data base would need to be established through inventories requiring three to five years to complete. Only at that time could such a State develop a meaningful plan for nongame.

Planning is considered to be a highly desirable tool in a nongame program and should be an authorized activity. However, we do not recommend that it be made a prerequisite to a State's participation in operational nongame grants. Such a requirement would make it extremely difficult for States which lack the data base to prepare themselves to begin planning. Also, it would tend to encourage only the minimum planning to qualify for grants and could not assure the needed commitment by the agency. If offered as an option, the State can undertake planning in a well-informed, orderly manner and with the commitment of its top administrators which is essential to its implementation.

EFFECTS OF A NONGAME GRANT PROGRAM ON THE ADMINISTERING AGENCIES

Employment Impact on Federal and State Agencies

For a nongame program funded at a level of \$20-40 million, approximately 14 additional positions would be required to provide adequate program administration and assistance to grantees. The following would be our proposed staffing requirements:

Washington office:

Program Administrator (1)-----	GS-14
Assistant Program Administrator (1)-----	GS-13
Staff Biologist (1)-----	GS-11/12
Clerical support (1)-----	GS-5/6

Responsible for development of regulations and policies, program planning and evaluation, coordination, agency liaison, and program information.

Regional offices and Alaska:

Staff biologist (7)-----	GS-12
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Responsible for general assistance to grantees, project review and inspection, and intra-agency coordination at the regional level.

Planning specialist (3)-----	GS-12
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Responsible for providing assistance to grantees in development and integration of plans for management of nongame species. Assistance would be provided on a nationwide basis, though personnel would be headquartered only in regions 2, 3, and 4.

Total new Federal positions-----	14
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In the States, the number of personnel employed would increase over the first three to six years as new projects became operational and as State hiring authorizations were cleared. The States have estimated the need to employ 657 persons on a full-time basis by 1983.

Economic impact on Federal and State agencies

It is currently proposed in S. 1140 and H.R. 8606 that the costs of Federal administration would be deducted from the nongame appropriation (up to 8 percent) prior to making allocations to the States. At an appropriation of \$40 million, the Service could deduct actual costs up to a maximum of \$3.2 million. Thus, approximately \$37 million would be allocated to the States. When matched by the States, this amount would approximate \$49 million. This amount would enable the average State to increase its nongame efforts to approximately seven times the present level. However, nearly all of the States would find it necessary to seek new non-Federal funds to match the Federal allocation received at this level of appropriation.

Impact on resource management approach

It is reasonable to speculate that inauguration of a nongame grant program would not merely provide funds for one more group of species but would also bring about changes in the basic approach to all wildlife conservation. An analogous benefit was realized from the P-R Act which obviously enabled the States to accomplish many specific measures in land acquisition, management, research, etc., for the benefit of selected species. But probably of equal importance, it precipitated a reshaping of the conservation agencies of the 1930's to our present highly professionalized organizations. A nongame act would stimulate State agencies to expand their attentions to a broader list of species no longer dominated by the harvested forms. But we anticipate that this program also would bring about a transition in the broad purposes those agencies pursue. Generally speaking, for many decades, State agencies have been charged by constitution or legislation with custody for all of the States' wildlife and fish; however, being funded almost wholly by sportsmen, they have focused mainly on those species which served the hunter and fisherman. A nongame act would for the first time make funding available for the State to address the entire spectrum of species for which they are legally responsible and to serve the full array of public interest. In place of species management, we would expect to see greater emphasis on ecosystem management which utilizes the dynamic interdependence of species complexes and their habitats. If our expectations prove correct, the fish and wildlife agencies would be on a more secure footing, ecologically and operationally. The beneficiaries would be the wildlife and the users.

RELEVANCE OF A NONGAME GRANT PROGRAM TO THE MISSION OF THE FISH AND WILDLIFE SERVICE

The stated mission of the Service is "to provide the Federal leadership to conserve, protect and enhance wildlife and their habitats for the continuing benefit of the people." This conveys a broad area of responsibility not only in the types of wildlife to be accorded attention, but also in the interest groups of people to be served. It is imperative that the Service design its programs to be fully responsive to this mission.

Subordinate to this mission is the goal—"to strengthen the ability of the State and Territorial fish and wildlife agencies to meet effectively the consumptive and nonconsumptive needs of the public for fish and wildlife resources." To date, the strengthening of the States has been heavily weighted to the game birds, game mammals, and sport fisheries.

A nongame grant program is fully consistent with the responsibilities of the Fish and Wildlife Service and we believe that such a measure is essential if the Service is to meet its stated obligation to the fish and wildlife resources and the people.

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- Appendix A—Size and Interrelationships of User Groups:

Based on the 1975 Survey (U.S. Fish and Wildlife Service, 1977), the numbers of Americans nine years and older who made trips specifically for the following types of recreation were:

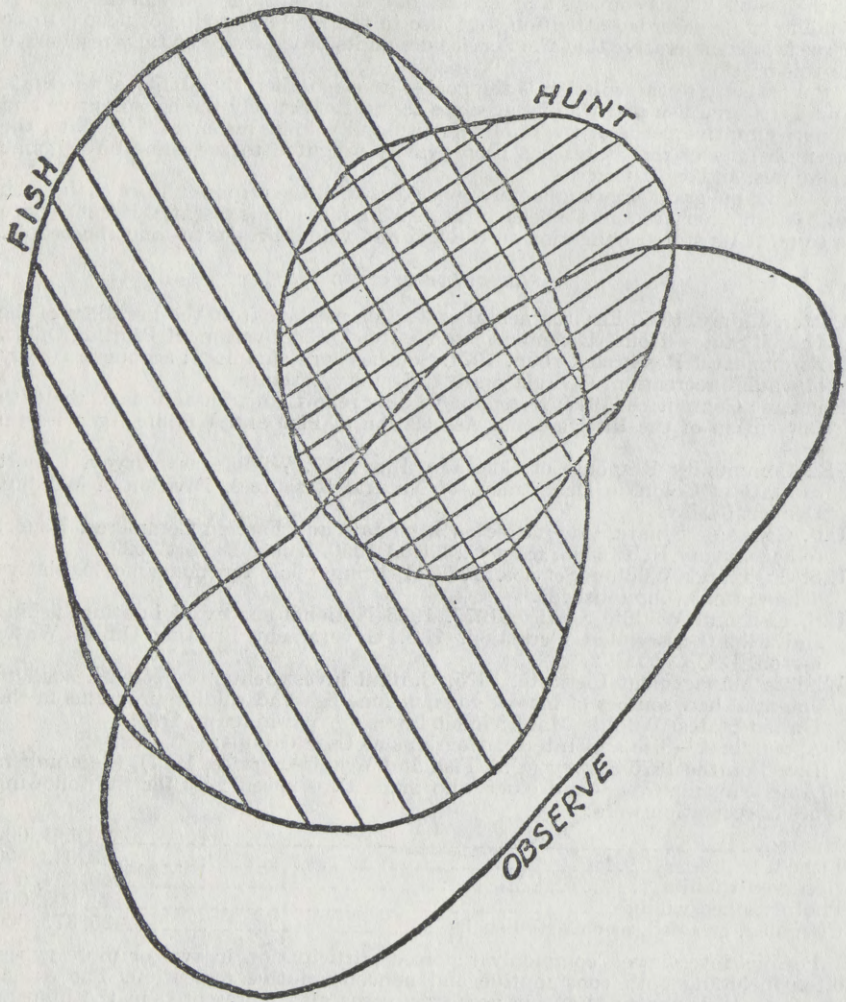
Hunted	20, 591, 000
Fished	53, 923, 000
Observed wildlife	49, 314, 000
Photographed wildlife	14, 992, 000
Clammed, crabbed, or collected shells	25, 373, 000

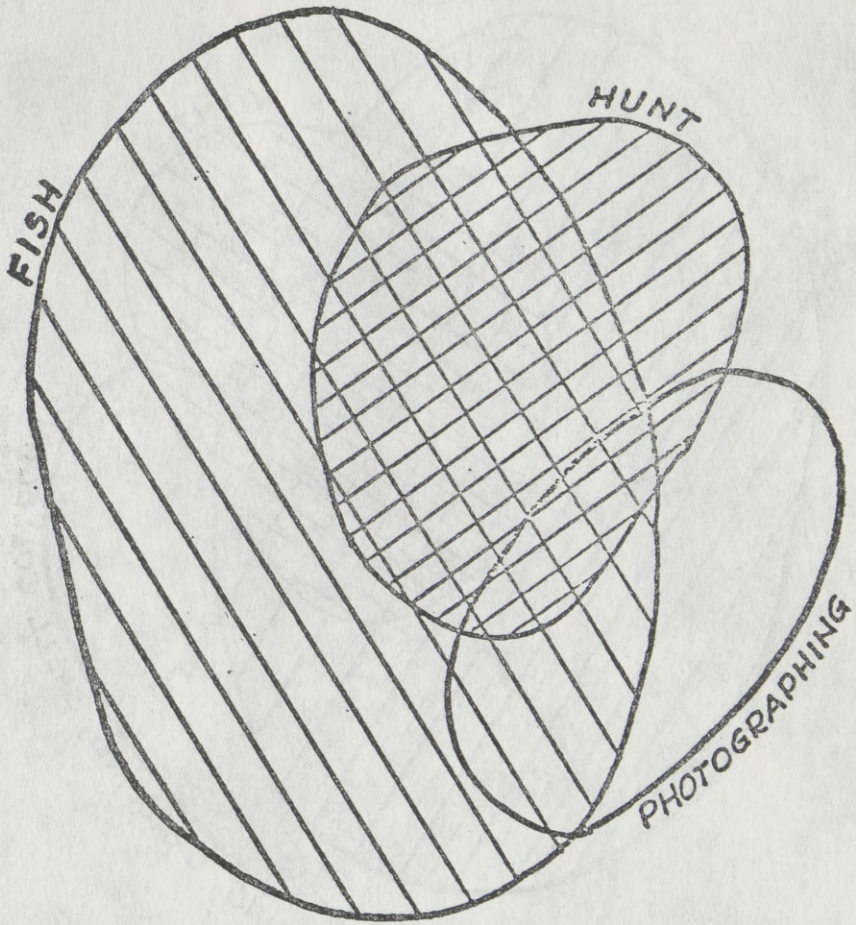
Persons interviewed commonly reported participation in two or more types, often including both consumptive and nonconsumptive recreation. The extent to which each nonconsumptive user group was also represented in the hunting and fishing groups was as follows:

People who reported	Percent who also—			
	Hunted	Fished	Hunted and/ or fished	Neither
Wildlife observation	18	44	48	52
Wildlife photography	20	48	52	48
Clamming, crabbing and shell collecting	13	48	51	49

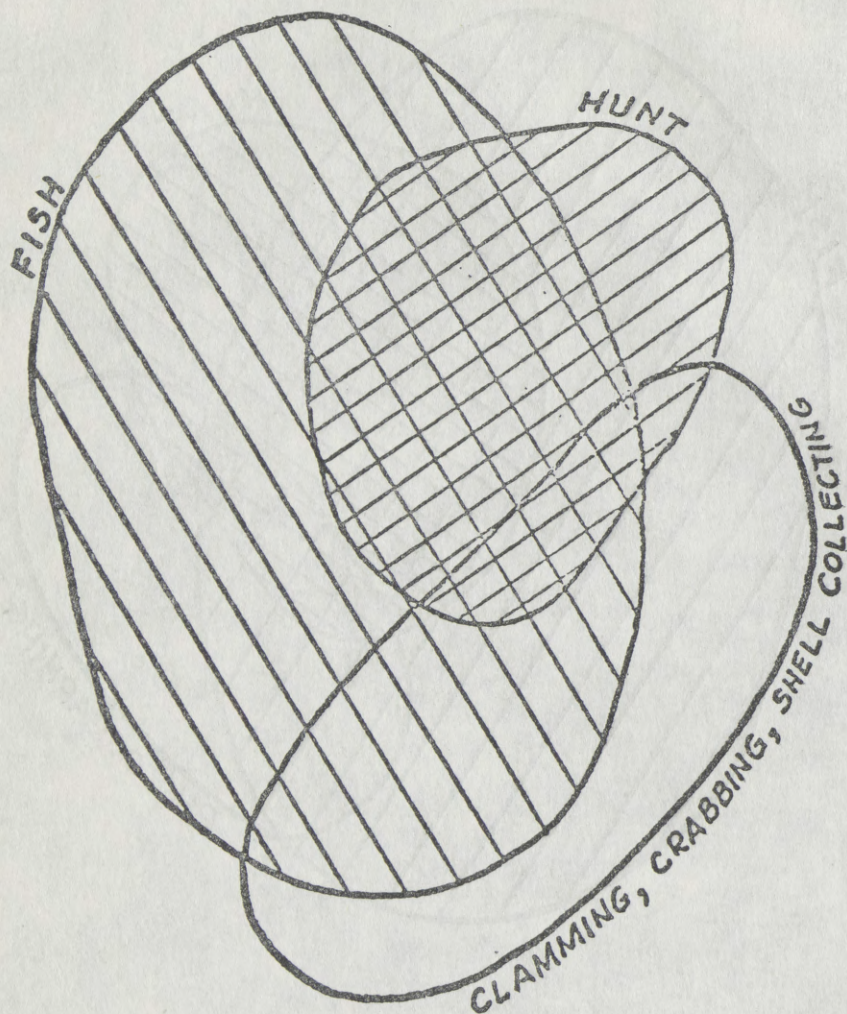
The following diagrams depict the size of each of these user groups relative to the total U.S. population and the extent to which the groups overlapped.

ENTIRE U.S. POPULATION





ENTIRE U.S. POPULATION



Appendix B—A Partial Listing of Projects Suggested by the States for Consideration of Nongame Funds Become Available:

Michigan

A study of loons, stressing population status, migration patterns, food habits, and vulnerability to botulism.

The development of marshland interpretive centers at Point Mouille, Saginaw Bay, Lake St. Clair and Munuscong Bay.

Wisconsin

Evaluate the role of harvest in the decline of certain populations of snapping turtles.

Minnesota

Identification, management and protection of nesting areas for bald eagles and ospreys, and study into the feasibility of reintroducing burrowing owls and Mississippi kites.

Delaware

Public education programs aimed principally at school children to convey factual information about life systems.

New York

Locate and develop eight urban wildlife parks distributed among New York City, Albany, Syracuse, Rochester, Buffalo, and Utica.

Pennsylvania

Determine the distribution and abundance of selected species of fish, reptiles, and amphibians and identify the factors necessary for their conservation.

Missouri

Development of publications and movies for public education.

Nebraska

Populations, ecologic relationships and management of small carnivores, jackrabbits, bats, and small rodents.

North Dakota

Evaluate depredations by nongame birds.

Iowa

Conduct statewide survey of fish populations, specifying habitat needs of each species and classifying each stream.

Wyoming

Identify declining species of nongame and actions needed to ensure their survival.

Maine

Reestablishment of peregrine falcons and osprey.

Determine the distribution and habitat requirements of five species of salamanders.

New Jersey

Study distribution of otters, porcupines, coyotes, bats, and marine mammals.

Alaska

Study the response to shore birds to oil pollution along coastal areas.

Georgia

Survey status of populations, habitats, and ecologic relationships for selected nongame species as a basis for their conservation.

Mississippi

Studies into the population and distribution of the diamondback terrapin.

California

A 5-year survey of 17 species of seabirds.

Oregon

Acquire 10 heronries to assure their protection.

Washington

Develop program of public education on selected species of nongame wildlife.

Texas

Determine the status and distribution of 47 species of birds, 15 species of mammals, 25 species of fish, 28 species of reptiles, and 13 species of amphibians.

Appendix C—Numbers of Species in Continental United States and the Attention Accorded Them by the States:

In the continental U.S., and its coastal waters, there are approximately 3,700 species of vertebrates (birds, mammals, fish, reptiles, and amphibians). From these species, each State designates those resident species which may legally be taken for purposes of recreation or control. About one-sixth of the species in an average State may legally be taken for harvest or control, only part of these species being of interest to the sportsman.

The number of species recorded by each State and the number which may be legally taken (consistent with either State or Federal authorization) are shown below.

	Total species in the United States	Average number of species—	
		Recorded per State	Per State which can be legally taken
Birds.....	780	333	36
Mammals.....	400	80	21
Fish.....	2,080	255	59
Reptiles.....	265	49	6
Amphibians.....	174	31	3

In appraising their needs for a nongame program, the States have expressed the desire to give new or increased attention to an average of 279 species in each State. This number represents more than twice the number of species which are legally harvested or controlled and probably more than three times the number of species which are currently under scientific management in those States. Of the 279 species, 137 were birds, 31 were mammals, 77 were fish, 20 were reptiles and 14 were amphibians. If the funds needed for a nongame program became available, the States estimate they would be expending about 35 percent on birds, 16 percent on mammals, 14 percent on fish, 6 percent on reptiles and 4 percent on amphibians with the remaining 25 percent going to general undertakings.

U.S. FISH AND WILDLIFE SERVICE

S. 1140

PROPOSED AMENDMENTS

Page 1, title and line 8; page 2, lines 21 and 22; page 3, lines 1, 2, 6, 7 and 15; page 8, line 4; page 14, lines 6, 15 and 20; Strike "species of native".

Elimination of the word "species" is necessary in order to conform to changes in definitions (sec. 3); the word "native" excludes introduced species which have non-consumptive value.

Page 2, line 3: Strike "these species" and insert in lieu thereof "non-game fish and wildlife".

Elimination of the word "species" is necessary in order to conform to changes in definitions (sec. 3).

Page 2, line 9; page 4, line 21, page 13, line 23: Insert "fish and before "wildlife".

Conforming amendment as "fish and wildlife" is used more frequently throughout the bill then "wildlife".

Page 2, line 18; page 5, line 20; page 8, line 12; page 10, line 12; page 15, lines 5 and 8: Strike "species" and insert in lieu thereof "fish and wildlife".

Elimination of the word "species" is necessary in order to conform to changes in definitions (sec. 3).

Page 3, lines 7 and 8: Strike "the" before "habitats" and insert in lieu thereof "their"; strike "of such species".

Conforming amendments.

Page 3, lines 7 and 8: Strike "the" before "habitats" and insert in lieu thereof "their"; strike "of such species".

Conforming amendments.

Page 3, lines 18 through 20: Insert ", maintenance" after "acquisition" on line 18; insert "propagation, population manipulation," before "live" on line 19; strike "pings" before ", and" and insert in lieu thereof "ping" on line 20; strike "transplantations" and insert in lieu thereof "transplanting" on line 20.

Maintenance of habitat should be considered a valid activity under the definition of conservation not just acquisition and development of such habitat. Propagation and population manipulation of nongame fish and wildlife are useful, if not sometimes essential management activities. To improve the conditions of some animals it may be necessary to control other animals.

Page 3, lines 21 through 24, page 4, lines 1 and 2: Strike all of paragraph (2) and renumber remaining paragraphs accordingly.

A separate definition of fish and wildlife is unnecessary and has been included within the definition of "nongame".

Page 4, line 6: Strike "animal" and insert in lieu thereof "fish and wildlife".

Page 4, lines 8 through 16: Strike all of paragraph (3) (paragraph (4) prior to renumbering) and insert in lieu thereof "(3) The term 'nongame fish and wildlife' means all wild, unconfined birds, mammals, fishes, reptiles and amphibians which are valued for cultural, educational, aesthetic, or non-consumptive recreational purposes, provided that such fish and wildlife classified as endangered or threatened pursuant to the Endangered Species Act of 1973 are excluded."

The proposed new definition of nongame animals accomplishes a number of objectives. First, it eliminates the need for a separate definition of fish and wildlife. Second, it eliminates the inclusion of captive animals (in zoos and other facilities). Third, it allows for the exclusion of injurious animals, feral animals and endangered or threatened species.

Page 4, lines 17 and 18: Strike "a comprehensive and continuing" and insert in lieu thereof "an adequate and active".

There is no such thing as a "comprehensive" plan for just "nongame" fish and wildlife. A plan to be comprehensive or all inclusive must cover all fish and wildlife.

Page 4, line 19: Strike "species of".

Page 5, lines 4 through 8: Strike all of paragraph (7) (paragraph (8) prior to renumbering) and renumber remaining paragraph accordingly.

Definition of the term "species" is unnecessary and has been accommodated in the new definition of "nongame fish and wildlife".

Page 7, line 25: Insert "(A)" at the end of the line.

Page 8, line 6 and line 8: Insert "of this subsection" before the period.

Page 8, line 9: Strike "shall" and insert in lieu thereof "may"; strike "comprehensive".

Subsection 5(e)(3) indicates that a State may submit to the Secretary either an overall plan or a project proposal. Therefore, use of the word "shall" in subsection 5(e)(2) is not appropriate.

Page 8, line 10: Strike "fish and wildlife resource management".

Editorial amendment.

Page 8, line 11: Strike "native".

Page 8, line 20: Strike "comprehensive".

For same reason as given for amendment on page 4, lines 17 and 18, above.

Page 8, line 22: Strike "species" and insert in lieu thereof "nongame fish and wildlife".

Page 8, line 23: Strike "and" and insert in lieu thereof "educational or"; strike "en-".

Plans should be designed to perpetuate the educational as well as the cultural, aesthetic, scientific or recreational benefits of nongame fish and wildlife.

Page 8, line 24: Strike "richment" and insert in lieu thereof "benefits"; insert "people of the" before "State"; strike "and its residents and visitors".

Editorial amendments.

Page 8, line 25, page 9, lines 1 through 3: Strike all of paragraph (E) and reletter remaining paragraph accordingly.

It would be very difficult, if not impossible, for a State to obtain the type of data contemplated in this paragraph.

Page 9, line 10: Strike "native".

Page 9, lines 14 through 25: Strike all on lines 14 through 25 and insert in lieu thereof "(4)(A) Upon a finding that a plan submitted under paragraph (2) of this subsection or a project submitted under paragraph (3) conforms to standards and criteria established by his regulations, the Secretary shall approve such plan or project. (B) Upon approval of a plan or project".

The requirements which must be met prior to the Secretary's approval are regulatory in nature and need not be enumerated in legislation.

Page 10, lines 4 and 5: Strike "comprehensive"; strike "involved".

Page 10, line 11: Strike "surveys, censuses, or other scientific studies" and insert in lieu thereof "the conservation".

By definition the term "conservation" includes surveys, censuses, etc.

Page 10, lines 21 through 25, page 11, lines 1 through 15: Strike all of subsection (f) through the word "Act" on line 15 of page 11 and insert in lieu thereof "(f) Project or Plan Funding.—(1) When the Secretary finds that any approved project or plan has been completed or is being conducted in accordance with such plan or project, the Secretary shall pay the Federal prorated share of the cost incurred in conducting such project or plan".

The Office of Management and Budget and the Department of the Treasury have specific requirements which are adequate for control of the payment process.

Page 12, lines 1 through 7: Strike all of paragraph (3) and renumber remaining paragraphs accordingly.

A limit on State central services is neither necessary nor desirable. The Office of Management and Budget requirements for recovery of indirect costs of State central services is adequate.

Page 12, lines 22 through 24, page 13, line 1: Strike "the Secretary of Agriculture" on lines 22 and 23; strike "the Governor of" on lines 23, 24 and 25; strike "and the Mayor of" on line 1.

It is unnecessary to specify the official with whom the Secretary should cooperate.

Page 13, line 2: Insert ", the Trust Territories of the Pacific Islands, and Mariana" before "in".

The Trust Territories and Mariana are included in the definition of "State" and therefore should be included in this section regarding funding and cooperation with certain areas.

Page 13, line 12: Insert before "and" the following: "for the Trust Territories of the Pacific Islands, one-sixth of 1 percent; (6) for Mariana, one-sixth of 1 percent; (7)".

For same reason as given for amendment on page 13, line 2, above.

Page 14, line 9: Insert "or interests therein" before "shall".

The review should include more than fee title lands and waters.

Page 14, line 17: Strike "such" before "determination".

Editorial amendment.

Page 15, lines 12 and 13: Strike "declaration of policy" and insert in lieu thereof "purposes".

Editorial amendment.

Page 15, lines 16 through 18: Strike all of lines 16 and 18 and insert in lieu thereof "out the purposes of this Act for the first full fiscal year after enactment, the sum of \$20,000,000, for the second fiscal year after enactment, the sum of \$30,000,000, and for the third fiscal year after enactment, the sum of \$40,000,000."

These changes will delay funding, and therefore implementation, of a program until the first full fiscal year after enactment of the bill.

Page 15, line 22: Strike "or any amendments to existing rules and regulations".

The phrase is a repeat of the preceding line.

Page 16, lines 3 and 4: Strike ", in consultation with the Chairman of the Council on Environmental Quality,".

There are many agencies interested in nongame wildlife programs including but not limited to the Departments of Commerce and Agriculture. It is not necessary to specify CEQ in legislation. The Secretary of the Interior, acting through the Fish and Wildlife Service, will consult with all interested agencies.

APPENDIX D—RELATIVE ALLOCATIONS USING APPOINTMENT FORMULAS BASED ON POPULATION AND AREA
IN VARYING PROPORTIONS

[Shown as percent of total amount allocated]

State	Percent		Relative weights accorded populations and land area				
	Population	Area	$\frac{1}{4}$ popula- tion, $\frac{3}{4}$ land area	$\frac{2}{5}$ popula- tion, $\frac{3}{5}$ land area	$\frac{1}{2}$ popula- tion, $\frac{1}{2}$ land area	$\frac{3}{4}$ popula- tion, $\frac{1}{4}$ land area	$\frac{3}{4}$ popula- tion, $\frac{1}{4}$ land area
Alabama.....	1.684	1.428	1.492	1.513	1.556	1.599	1.620
Alaska.....	.147	16.221	12.203	10.863	8.184	5.505	4.166
Arizona.....	.874	3.151	2.582	2.392	2.013	1.633	1.443
Arkansas.....	.941	1.469	1.337	1.293	1.205	1.117	1.073
California.....	9.845	4.390	5.754	6.208	7.118	8.027	8.481
Colorado.....	1.087	2.884	2.435	2.285	1.986	1.686	1.536
Connecticut.....	1.492	.139	.477	.590	.816	1.041	1.154
Delaware.....	.271	.057	.111	.128	.164	.200	.218
Florida.....	3.331	1.620	2.048	2.190	2.476	2.761	2.903
Georgia.....	2.243	1.629	1.783	1.834	1.936	2.038	2.090
Hawaii.....	.373	.178	.227	.243	.276	.308	.324
Idaho.....	.348	2.311	1.820	1.657	1.330	1.002	.839
Illinois.....	5.482	1.560	2.541	2.867	3.521	4.175	4.502
Indiana.....	2.568	1.003	1.394	1.525	1.786	2.046	2.177
Iowa.....	1.393	1.557	1.516	1.502	1.475	1.448	1.434
Kansas.....	1.109	2.276	1.984	1.887	1.693	1.498	1.401
Kentucky.....	1.578	1.117	1.232	1.271	1.348	1.424	1.463
Louisiana.....	1.779	1.342	1.451	1.488	1.561	1.633	1.670
Maine.....	.488	.919	.811	.775	.704	.632	.596
Maryland.....	1.934	.293	.703	.840	1.114	1.387	1.524
Massachusetts.....	2.811	.228	.874	1.089	1.520	1.950	2.165
Michigan.....	4.383	1.610	2.303	2.534	2.997	3.456	3.690
Minnesota.....	1.881	2.325	2.214	2.177	2.103	2.039	1.992
Mississippi.....	1.078	1.320	1.260	1.239	1.199	1.159	1.139
Missouri.....	2.315	1.928	2.025	2.057	2.122	2.186	2.218
Montana.....	.340	4.070	3.138	2.857	2.025	1.583	1.273
Nebraska.....	.733	2.136	1.785	1.668	1.435	1.201	1.084
Nevada.....	.240	3.057	2.353	2.118	1.649	1.179	.944
New Hampshire.....	.360	.257	.283	.291	.309	.326	.344
New Jersey.....	3.538	.217	1.047	1.324	1.373	2.431	2.708
New Mexico.....	.489	3.366	2.649	2.410	1.932	1.454	1.215
New York.....	8.978	1.371	3.273	3.907	5.175	6.422	7.076
North Carolina.....	2.477	1.455	1.711	1.796	1.966	2.136	2.222
North Dakota.....	.304	1.955	1.542	1.405	1.130	.854	.717
Ohio.....	5.264	1.140	2.171	2.515	3.202	3.889	4.233
Oklahoma.....	1.247	1.934	1.762	1.705	1.591	1.476	1.419
Oregon.....	1.026	2.683	2.269	2.131	1.855	1.578	1.440
Pennsylvania.....	5.827	1.254	2.397	2.778	3.541	4.303	4.684
Rhode Island.....	.460	.034	.141	.176	.247	.318	.354
South Carolina.....	1.259	.859	.959	.992	1.059	1.126	1.159
South Dakota.....	.330	2.131	1.681	1.531	1.231	.930	.780
Tennessee.....	1.916	1.169	1.356	1.418	1.543	1.667	1.729
Texas.....	5.487	7.395	6.918	6.759	6.441	6.123	5.964
Utah.....	.529	2.349	1.894	1.742	1.439	1.136	.984
Vermont.....	.218	.266	.254	.250	.242	.234	.230
Virginia.....	2.268	1.129	1.414	1.509	1.699	1.888	1.983
Washington.....	1.674	1.886	1.833	1.815	1.780	1.745	1.727
West Virginia.....	.849	.669	.714	.729	.759	.789	.804
Wisconsin.....	2.180	1.553	1.710	1.762	1.867	1.971	2.023
Wyoming.....	.164	2.709	2.073	1.861	1.437	1.012	.800

[The committee adjourned at 1:05 p.m., subject to the call of the Chair.]



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