STATEMENT OF THE UNDER SECRETARY OF THE INTERIOR BEFORE
THE SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES OF THE
SENATE COMMERCE COMMITTEE ON S. 2217, AUGUST 11, 1965.

Last year Congress enacted the Land and Water Conservation
Fund Act, landmark legislation in the outdoor recreation and
conservation field. One provision of the Fund Act makes available
monies to finance the cost of acquisitions of lands for threatened
species of fish and wildlife.

The President's budget for fiscal year 1966 recommended that
$3.1 million be appropriated pursuant to the Fund Act for our
endangered species program. The Appropriations Committee of the
House of Representatives, however, deleted this amount, strongly
indicating that new authorizing legislation should be obtained for
the program before any funds were appropriated. The Senate Committee
concurred.

S. 2217 is an outgrowth of that action. It authorizes the
Department to initiate a comprehensive program for conserving,
restoring, and propagating endangered species of fish and wildlife.
In addition, the bill corrects deficiencies, and, in some cases,
consolidates present authorities relating to the administration of
the National Wildlife Refuge System.

The Congress has demonstrated its awareness of the need to
protect the Nation's fish and wildlife, especially those valuable
species which are threatened with extinction. The concern for the possible loss of any kind of vertebrate animal is expressed by naturalists, conservationists, hunters, and even the individual who has little or no contact with the out-of-doors. Witness the interest shown in the welfare of the whooping cranes, whose semi-annual migrations and current population numbers have rated front-page reporting for 25 years and continue to do so.

The Department has studied the problem of vanishing wildlife for many years, trying to find the best methods for providing and protecting habitat for species threatened with extinction. The Department of Agriculture has also been active in this field. Special efforts, directed in some cases by Acts of Congress, have been made by Federal agencies, conservation organizations, and some State fish and game departments to save such threatened species or subspecies as the whooping crane, the trumpeter swan, the prairie chicken, the Key deer, and the American bison, usually by providing refuge areas.

One unfortunate result of economic growth in the United States has been the extermination of some species of wildlife, such as the great auk, the heath hen, and the passenger pigeon. These animals, and many others, are gone, and before very long so will some 30 to 40 birds and some 35 species of mammals, unless special conservation efforts to acquire and maintain sufficient habitat are initiated.
There is an enormous challenge to meet the requirements of the 78 kinds of mammals, birds, reptiles, amphibians, and fish classed as endangered by over 300 experts to insure against disturbance, depletion of food or habitat, and other adverse factors.

The bill before you will provide such protection.

The bill directs the Department to use existing authorities, such as the Migratory Bird Conservation Act and the Fish and Wildlife Act of 1956, and to cooperate with the States in carrying out this new program. It also directs us to utilize other existing programs, such as park and public land management programs, to further the endangered species program. In one respect the bill gives new land acquisition authority: it authorizes land and water acquisition for endangered species of fish which are not covered by existing law.

One feature of this program will be increased research effort, on the ecological life histories of endangered species of fish and wildlife, to aid in devising appropriate management plans.

Another feature of the bill recognizes that other Federal agencies and State agencies can and should provide measures for the protection of endangered species.

Endangered species are now considered in the management of our Federal lands.
The State fish and game departments have a stake in this program, and many of these agencies now actively support the preservation of endangered forms.

State and Federal agencies can and should cooperate in the determination of the status of endangered species and in measures for their protection.

Private organizations have active programs of habitat preservation and protection, including the World Wildlife Fund, devoted entirely to threatened species, the National Audubon Society, the North American Wildlife Foundation, and the Nature Conservancy.

The program authorized by this legislation is not solely a land acquisition program. Emphasis will also be placed on research and administration of existing Federal and State areas. A relatively small number of species require immediate purchase of land and water areas.

S. 2217 also corrects deficiencies in existing authorities relating to the administration of the many areas that comprise our National Wildlife Refuge System. The purpose of these changes is to permit more effective and efficient management.

The major deficiencies relating to the administration of the System which S. 2217 corrects briefly are:
1. We lack authority to acquire for the entire System lands or interests therein by exchange. Present exchange authority can only be used in connection with wildlife refuges. In addition, we lack, even in the case of wildlife refuges, authority to receive cash from, or pay cash to, the grantor to equalize the values of the properties to be exchanged which are not approximately equal in value.

2. We are not now authorized to accept and use donated funds to acquire lands and interests therein for any part of the System. We do, however, have authority to accept donated lands. This additional donation authority could be very useful in our migratory bird program.

3. We lack express authority to enter into concession contracts. Our present authority is implied from the recently amended revenue sharing Act which provides for the disposition of receipts from various activities, including concessions.

4. We are not now authorized to permit the hunting of non-migratory game birds on more than 40 percent of any area within the System which is reserved as an inviolate sanctuary for migratory birds. This limitation is not consistent with the primary purpose of the Migratory Bird Conservation Act which is to protect migratory birds. No similar limitation applies to other wild animals.
5. Under the Migratory Bird Conservation Act, we lack authority to acquire lands by purchase or rental for migratory non-game birds. Our present authority is limited to the purchase or rental of lands for migratory game birds only. This limitation is not consistent with the purposes of the migratory bird treaties which are intended to conserve all migratory birds.

6. The present sanctions and enforcement and management provisions of law applicable to the System are in negative terms. Provision should be made for adequate sanctions and enforcement and management of the endangered species areas to be acquired, which will be integrated by this bill into the entire System. It would be administratively unsound to have one set of sanctions and enforcement and management provisions for endangered species areas and a different set of such provisions for the other areas of the System.

7. We now lack authority to control the surface and surface resources in the case of mining locations and patents. The general problem of control of the surface in connection with mining will probably be studied by the Public Land Law Review Commission. While we think this control authority is desirable in connection with the System, you may wish to defer consideration of it until the Commission has acted.

These are the principal deficiencies in present law which will be corrected by the bill. They will enable us to administer the
National Wildlife Refuge System better and, most importantly, they will help us in carrying out a better program of conserving and enhancing our fish and wildlife populations, including those that are endangered.

I strongly urge your Committee to act early and favorably on this legislation, so that we may begin this important and urgently needed program.