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Testimony

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Problems With Incompatible Uses
on National Wildlife Refuges

Statement of
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Before the
Environment, Energy, and
Natural Resources Subcommittee,
Committee on Government Operations
and the
Fisheries and Wildlife Conservation
and the Environment Subcommittee,
Committee on Merchant Marine
and Fisheries
House of Representatives



Dear Mr. Chairmen and Members of the Subcommittees:

I am pleased to be here today to discuss our views on the management of the national wildlife refuges. My remarks today are based on the findings in our September 8, 1989, report to your subcommittees that is being released today.¹ Our work leads us to conclude that many nonwildlife-related uses occurring on national wildlife refuges are incompatible with the basic wildlife conservation and enhancement purposes of refuges. Previous refuge system studies over 2 decades have reached the same conclusion. In our opinion, vigorous pursuit of several management actions by the Fish and Wildlife Service (FWS) can begin to reduce the impacts of this problem on the refuges' performance. Let me briefly summarize the compatibility mandate and then discuss in more detail the findings of our report.

THE COMPATIBILITY MANDATE

National wildlife refuges are the only federal lands to be managed primarily for the benefit of wildlife. Since the first national wildlife refuge was created in 1903, the nation's wildlife refuges have grown into a loosely structured system of 452 refuges covering nearly 89 million acres. Because individual refuges have been created under many different authorities with a variety of funding sources, not all refuges serve the same specific function. However, the refuges' common primary purpose is providing habitat to conserve and enhance many diverse and sometimes endangered wildlife species.

Beyond their value to wildlife conservation, however, refuges are also sought after as locations for a variety of recreational, economic, and military activities (that we have collectively called

¹National Wildlife Refuges: Continuing Problems With Incompatible Uses Call for Bold Action (GAO/RCED-89-196, September 8, 1989).

secondary uses) because of their aesthetic qualities, high wildlife concentrations, exploitable natural resources, and open spaces. While acknowledging the demand for these secondary uses, in the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668 dd et seq.), the Congress established a clear mandate that FWS cannot approve secondary refuge uses unless they are compatible with the refuges' primary purposes of conserving and enhancing wildlife and their habitat. In implementing this mandate, FWS defines a compatible use as one that will not materially interfere with or detract from the purposes for which the refuge was established. Further, FWS' Refuge Manual requires that determinations of compatibility be based upon a site-specific biological evaluation of the anticipated impacts of the proposed activity on wildlife populations and their habitat. Finally, the manual calls upon refuge managers to perform periodic reviews of ongoing secondary uses to ensure continued adherence to the compatibility standard.

INCOMPATIBLE SECONDARY USES WIDELY HAMPERING
REFUGES' WILDLIFE ENHANCEMENT EFFORTS

Our work found that national wildlife refuges are frequently not the pristine wildlife sanctuaries implied by their names. To determine how wildlife refuges were being used nationwide, we sent a questionnaire to all refuge managers. On the basis of the refuge managers' responses, it is apparent that while the refuges serve their common primary purpose by providing habitat and safe haven for wildlife, almost every refuge also hosts many other uses. These secondary uses include a wide variety of wildlife- and nonwildlife-related public recreational activities (such as hunting, power boating, and horseback riding), economic activities (such as grazing, farming, and mining), and military exercises. Managing these secondary uses is diverting management attention from the professional wildlife management functions that refuge staff have been trained to perform. Moreover, despite the clear

mandate that only compatible secondary activities be permitted, refuge managers report that at least one secondary activity they consider harmful to wildlife resources is occurring on nearly 60 percent of the wildlife refuges. Many refuges have more than 1 harmful use and 12 refuges were each experiencing more than 10 harmful uses.

Although individual refuge managers regarded many different activities as harmful to their specific refuges, certain types of activities were more likely than others to be considered harmful overall. For example, among economic activities, refuge managers viewed mining as being harmful in the highest percentage of cases where it occurred. Among public recreational activities, refuge managers generally regarded off-road vehicle use, waterskiing, and power boating as being incompatible with wildlife conservation and enhancement purposes. Military air exercises over refuges were also singled out as being especially harmful to wildlife interests. These uses adversely affect wildlife habitat by disturbing the refuges' ground surface, agitating refuge waters, or scaring the wildlife.

FWS does not identify each refuge's wildlife enhancement and production potential. Without such a standard to measure against, it is not possible to precisely quantify the effect of these harmful secondary uses on the refuges' performance in most cases. However, on the basis of our numerous conversations with refuge managers and our visits to more than a dozen refuges, there is no doubt that the consequences are substantial. At one refuge, for example, managers believe duck and other bird production could be 50 percent higher if the refuge was not being managed to afford power boating and waterskiing opportunities. At another refuge, low altitude military flight training is adversely affecting the fawning and calving of desert bighorn sheep and the endangered Sonoran pronghorn antelope.

CAUSES OF COMPATIBILITY PROBLEMS

Our work has identified two main reasons why harmful secondary uses are occurring. First, FWS has, in many cases, allowed these uses in response to sometimes intense political or community pressures. FWS' susceptibility to these pressures has much to do with the way it has managed secondary uses. Specifically, it has (1) allowed nonbiological factors to be considered in its management and control of secondary uses and (2) contrary to requirements set forth in its Refuge Manual, not reevaluated ongoing uses on a periodic and systematic basis. Compatibility decisions in the past have often been made in an ad hoc manner, maximizing the leverage of those interests pressing FWS to approve their particular use.

Second, in many other instances, FWS is powerless to prohibit the harmful uses because it does not have full ownership of, or control over, the refuges' land, water, or other resources. In particular,

- FWS does not own the refuges' subsurface mineral rights, often making it impossible to eliminate mining and drilling activities on refuges;
- the military in a number of instances has coexistent and sometimes dominant rights to the use of refuge lands for conducting ground and air exercises;
- FWS in some cases has to share jurisdiction over navigable waters within or adjoining refuge boundaries hampering refuge managers' ability to control boating and heavy recreational use of refuge waters; and
- FWS often owns only easement privileges limiting managers' ability to control a variety of agricultural practices on many refuges.

CORRECTIVE MANAGEMENT ACTION CAN BE TAKEN

We believe the problems of incompatible refuge lands can be substantially mitigated within FWS' existing authorities. The compatibility mandate is unambiguous both in the National Wildlife Refuge System Administration Act and FWS' Refuge Manual--FWS cannot allow secondary uses that are incompatible with the refuges' primary purposes of conserving and enhancing wildlife. Rather than establishing new requirements, what is needed more than anything else, is more vigorous implementation of existing requirements.

Specifically, FWS needs to (1) ensure that it bases future compatibility decisions solely on biological criteria to prevent nonbiological considerations from influencing such decisions, (2) reevaluate the compatibility of existing secondary uses on a periodic basis, and (3) eliminate those uses found to be incompatible. FWS should also compile financial data on the cost of managing secondary uses to determine their impact on limited refuge resources. We believe these steps will place the compatibility determination process on a more systematic, agencywide basis thereby helping to insulate refuge managers and other FWS decisionmakers from external pressures. We also believe that if the costs of managing secondary uses were fully disclosed, the pressure to continue them or to allow new uses may be diminished.

These actions will help FWS deal with harmful secondary uses allowed in response to external pressures. We also believe FWS can take constructive actions, within its existing authority, to address those harmful secondary uses resulting from the lack of clear ownership or control of refuges' land, water, or subsurface mineral rights. FWS should systematically identify those refuges where less than full control over refuge resources is hampering the refuges' wildlife conservation performance. For those refuges

found not to be able to effectively accomplish their wildlife-related purposes, FWS should determine whether these refuges should be improved through the acquisition of needed property rights or other steps, or as a step of last resort, be removed from the refuge system. Resources freed from this process could then be used at other refuges.

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Mr. Chairmen, this concludes my prepared statement. I would be pleased to respond to any questions you or other members of your Subcommittees may have.