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# U.S. FISH AND WILDLIFE SERVICE, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND THE NATIONAL MARINE FISHERIES SERVICE BUDGET REQUESTS FOR FY'03

## OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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# OVERSIGHT HEARING ON THE U.S. FISH AND WILDLIFE SERVICE, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND THE NATIONAL MARINE FISHERIES SERVICE BUDGET REQUESTS FOR FY'03

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**Thursday, March 7, 2002**
**U.S. House of Representatives**
**Subcommittee on Fisheries Conservation, Wildlife and Oceans**
**Committee on Resources**
**Washington, DC**

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The Subcommittee met, pursuant to notice, at 2:08 p.m., in room 1334, Longworth House Office Building, Hon. Wayne T. Gilchrest [Chairman of the Subcommittee] presiding.

## STATEMENT OF THE HON. WAYNE T. GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. GILCHREST. The Subcommittee on Fisheries Conservation, Wildlife, and Oceans will come to order. I want to welcome our witnesses here this morning, and Mr. Underwood and the staff. I will ask unanimous consent that my statement be submitted in full to the record, after the time it took for the staff to write it, and it is a good statement.

[The prepared statement of Mr. Gilchrest follows:]

**Statement of The Honorable Wayne T. Gilchrest, Chairman, Subcommittee on Fisheries Conservation, Wildlife and Oceans**

Good afternoon, today, the Subcommittee will examine the budget priorities of the National Oceanic and Atmospheric Administration (NOAA) and the U. S. fish and Wildlife Service for the upcoming fiscal year. I would like to warmly welcome the Undersecretary for Oceans and Atmosphere, Vice Admiral Conrad Lautenbacher and the newly confirmed Director of the U. S. Fish and Wildlife Service, Mr. Steve Williams.

I want to commend the Undersecretary for submitting a Fiscal Year 2003 budget request for NOAA that addresses various long-term agency needs. The request proposes construction of the second in a long delayed class of new fishery survey vessels; continues the efforts started last year under Scott Gudes interim leadership to make much needed and, again, long delayed adjustments to base program funding; and seeks to further close the hydrographic survey backlog.

That is the good news.

Unfortunately, the request also follows the long standing pattern of dry side increases and wet side reductions. The National Ocean Service is cut by $100 million,

the National Marine Fisheries Service by $60 million and the Office of Oceanic and Atmospheric Research by $80 million. On the other hand, both the National Weather Service and NOAA's satellite service receive generous increases. These cuts do not show the commitment we should be seeing from the Administration to long term conservation and sustainable management of our nation's marine resources.

I am particularly concerned about two of the proposed wet side cuts. First, the request eliminates the National Sea Grant College Program Office, effectively orphaning the existing Sea Grant colleges including those in Maryland, Alaska, Louisiana, New Jersey, North Carolina, Hawaii and Texas.—I am sure the relevance of that list isn't lost on the Undersecretary.

This purported "transfer" of the Sea Grant program is simply a transfer of dollars concocted to portray a genuine increase in funding for the National Science Foundation. The proposal boosts funding for the NSF from five-billion–35-million-dollars to five-billion–91-million- dollars but, in doing so, dismantles an effective and important research and education enterprise. NOAA's entire budget is only $3.2 billion—this "transfer" is truly a case of robbing the poor to benefit the rich—all to the detriment of our coastal resources.

Since you heard my comments on Sea Grant at length last week, I will just remind you that Sea Grant provides links between marine resources researchers, and those who manage and use those resources. Severing that link is short sighted and counterproductive to our goal of protecting of U.S. marine resources.

The second area of particular concern is much closer to home. The request cuts in half the amount of money available for NOAA's Chesapeake Bay office. The office is located in Annapolis, MD. These cuts will hinder research on blue crabs; development of meaningful multi-species management plans; slow the assessment of the bay's living marine resources; and reduce vital efforts to restore viable oyster reef habitat. These cuts occur at a time of crisis for the Chesapeake Bay, when forward-thinking approaches and effective management are required to preserve the integrity of this resource. I look forward to an explanation of these devastating cuts.

In terms of the U. S. Fish and Wildlife Service, I am pleased that the Administration has requested an increase of $57 million for the National Wildlife Refuge System and full funding for the Multinational Species Conservation Fund, the North American Wetlands Conservation Fund and migratory bird management. My biggest concerns are decreases in funding for ecological services, fisheries and the huge reduction in the land acquisition account. It is essential that critical habitat for endangered species be acquired in a consistent and systematic way each year and this funding level is not sufficient to satisfy the need.

I would also note that during the upcoming fiscal year, the National Wildlife Refuge System will celebrate its 100th birthday. The refuge Centennial Commission will hold its first meeting next week and it is appropriate that the Bush Administration has requested $107 million to help reduce the maintenance backlog. This is an historic level of commitment and it will produce positive results for not only wildlife but the nearly 40 million people who visit our refugees each year. As a result, of the investments we have made during the past few fiscal years, the maintenance backlog has dropped from $886 to $660 million. While this level is still too high, we are moving in the right direction and this request will continue the process of moving toward the vision of President Theodore Roosevelt that the refuge system become a showcase of public lands.

Finally, we will be submitting a number of follow-up questions to both Admiral Lautenbacher and Director Williams. I would request that every effort by made to respond to these inquires within 90 days. Frankly, it does us little good to receive your thoughtful responses, seven or eight months, after the hearing. I would urge my colleagues to utilize this hearing to ask about any programs under the jurisdiction of these agencies.

I am now pleased to recognize my friend and colleague, the Ranking Democratic Member of the Subcommittee, Congressman Robert Underwood.

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Mr. GILCHREST. Admiral Lautenbacher, we look forward to engaging you this afternoon with your priorities for the budget and hope that as we go through the process with the authorization and the appropriations that we can find some meeting of the minds as far as setting priorities are concerned, using this budget as a vehicle to address the needs of the nation.

I would make the statement that your two agencies are fundamentally the chief advocates for the biosphere for the citizens of

the United States, and so I would hope as we go through the process we can make the priorities in such a way that we understand the nature of the mechanics of the natural processes that sustain life on earth and that as we pursue our goals to achieve a healthier biosystem, we will be key to those aspects that your agencies can provide. It is an enormous responsibility and I hope that, collectively, with the pervasive wisdom that is available to all of us, we can accomplish great things.

Mr. GILCHREST. I will yield now to Mr. Underwood.

## STATEMENT OF HON. ROBERT A. UNDERWOOD, A DELGATE IN CONGRESS FROM GUAM

Mr. UNDERWOOD. Thank you, Mr. Chairman, and I, too, would like to enter a statement for the record after your opening statement. I just wanted to talk about Guam, but now that you have broadened the scope a little bit—

Mr. GILCHREST. Please feel free to talk about Guam.

Mr. UNDERWOOD. Quite in concert with your statement, as we look at Mr. Williams and Admiral Lautenbacher in front of us today, it does occur, I think, the importance and the gravity of their efforts in terms of land, sea, and air. These are all the critical elements that we tried to understand life and human and very imperfect efforts sometimes to sustain it in all its manifestations. Certainly, the gravity of that effort has to be matched by real policy commitment and it also has to be matched by dollars and that is the nature of the enterprise.

So certainly we do have a number of questions that we would like to raise today regarding specific programs and we will do so and I look forward to this hearing. Thank you.

Mr. GILCHREST. Thank you, Mr. Underwood.

[The prepared statement of Mr. Underwood follows:]

### Statement of The Honorable Robert Underwood, a Delegate to Congress from Guam

Good afternoon, Mr. Chairman, and thank you for holding this hearing on the Fiscal Year 2003 budget requests for the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to learn more about these requests and to ask questions on those areas of particular relevance to my constituents.

As you can understand, Guam has a definite interest in the funding of both these agencies and their many important programs. And as a Committee, we have a firm responsibility to ensure that the funds appropriated to these agencies are spent wisely and for the benefit of all the people of the United States.

These agencies are responsible for numerous important environmental programs. Coastal zone management, coral reef protection, the National Wildlife Refuge System, the Marine Sanctuary Program, migratory bird management, all of these programs provide for the long-term stewardship of our Nation's natural resources.

In general, the amount of reprogramming of funds within NOAA's budget is unsettling, especially those transfers without a clear basis. I am interested in learning more about the background and justification for these changes and new initiatives.

In similar fashion in the Fish and Wildlife Service budget, funding has been shifted from established programs to support the Cooperative Conservation Initiative. While there is no reason to doubt the potential merit of the Cooperative Conservation Initiative, why can't the Administration accomplish these objectives through established programs?

It would appear on the surface that the Fish and Wildlife Service fared well when compared to other programs in the Department of the Interior.

Unauthorized programs, however, come at the expense of other important programs to protect endangered species or the unmet needs of the National Wildlife

Refuge System. Vital programs like these should not be treated like poor step children.

I would like more details regarding the creation and execution of new programs that take money away from existing worthwhile programs.

The Congress must continue to provide sufficient funding to ensure that authorized programs are able to fulfill their missions. Only by paying now and spending wisely will we ensure that we do not incur greater costs in the future for protecting and utilizing our natural environment and its resources.

Thank you.

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Mr. GILCHREST. I think, Admiral Lautenbacher, you are first on the agenda. You may begin, sir.

**STATEMENT OF VICE ADMIRAL CONRAD C. LAUTENBACHER, JR., UNDER SECRETARY FOR OCEANS AND ATMOSPHERE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE**

Admiral LAUTENBACHER. Thank you very much. Mr. Chairman, Mr. Underwood, members of the staff, it is a great pleasure and a privilege to be here with you this afternoon to discuss the aspects of our Fiscal Year 2003 budget for the National Oceanic and Atmospheric Administration.

I want to echo the comments of the Chairman, Mr. Underwood. I take this responsibility very seriously. I look forward to working with you with this budget to try to do the best that we can for the people of the country and for our biosphere.

The budget that we have submitted this year, it is a tight budget but I believe it is a good budget. For NOAA, it represents $3.33 billion in total budget authority. That is roughly level with last year's request. It represents a slight decrease, but in effect, it is what I would call an even budget. There are realignments within that budget, some of which I think are very critical that I would like to ask your support for.

We have highlighted such areas as people and infrastructure. There are basically $129 million in that $3.3 billion, which we call "adjustments to base" and that provide for our human capital, our greatest asset. Without the treasure trove of scientists and interdisciplinary teams and knowledge that has been built up over the years, the organization would not be able to meet its responsibilities in protecting the biosphere. So we are asking for help in approving that part of our budget that keeps us up with inflation for pay raises and for supporting the people that do the good work for our country.

We have asked for roughly $90.9 million in additional funding for fisheries modernization. Modernization of our infrastructure is extremely important. As you well know, there are a number of areas in our infrastructure that need help and that have been at the bottom of the priority list for many years.

Within that $91 million, we ask for fishery science $75 million of that increase and half of that, basically $45 million, a little more than that, is for the second fisheries research vessel. This will replace the 39-year-old Albatross IV in the North Atlantic. This is the second of our series to modernize our fisheries research vessels and desperately needed.

We are also asking for $10 million to modernize our annual stock assessments. We believe that we need to step up our efforts to conform to the national stock assessment standards of data quality, assessment frequency, advanced modeling. This will help us to recover endangered species and to recover fisheries.

We also have an increase of about $3 million for an observer program. That is very important to level the playing field to ensure that our fisheries regulations are done fairly and will allow the recovery of fisheries as fast as possible.

In the fisheries management area, we have requested about a $6 million increase. Three million dollars of that is to improve our management of the NEPA, or National Environmental Protection Act, process. As you are aware, we have had many suits in the past based on process. We need to stiffen the rigor of our procedures in order to ensure that we do things correctly as we are working through the process of improving fisheries.

We also have $2 million for improving the workload, responding to increased workload for our regional fisheries management councils. They, too, have become burdened over the years with the increase in regulation and the need to build management plans and interface with various sectors of our local and regional economies.

We are also asking for $1.5 million to provide for more complete and timely environmental and economic analysis. We have in the past neglected to ensure that we understand the impacts of what we are doing and what our laws and regulations are doing socially and economically within the regions.

We are asking for about a $10 million increase to our enforcement programs within NMFS. This includes $5.4 million for additional support for the Vessel Monitoring System program. This is an automated system to help replace human observers. Essentially, technology will allow us to tell where all of the fishing vessels are, to tell whether they are violating any of the closure areas and that they are uniformly obeying our procedures, and that has room to grow because you will have the advantage of being able to send a lot more data through these systems as they get installed.

We are also asking for $4 million to expand and modernize our protected species and fisheries enforcement programs. This will bring our agents up to date and provide them with modern technology and training to improve uniform enforcement.

There is $36 million for climate services, including $18 million for NOAA's piece of the President's climate change research initiative announced several weeks ago at NOAA headquarters. Of particular interest to this Committee is $4 million to improve global ocean observing system components. We believe that is critical, both for the ocean piece of our responsibility as well as improving our ability to forecast climate.

We have also asked for $2.5 million to outsource UNOLS and other vessels to help NOAA meet its research requirements. We have a backlog in days at sea and we are trying to take advantage of all the assets available to the Federal Government.

We are continuing to ask for $14 million for ocean exploration. We have stated many times before, our oceans remain largely unexplored. This is an initiative that was started a couple of years

ago very successfully and is beginning to produce some excellent results for us.

We have also requested about $10 million for a vessel lease time charter in order to improve and expand our hydrographic surveying capacity and decrease the backlog in our charting and biometry requirements.

Now, of our coastal ocean conservation activities, we have requested—well, of the total, it is about $350 million for coastal conservation activities. Seventy-six-million of that is for coastal zone management activities and another $10 for non-point pollution implementation grants. These are very important parts of our budget for managing our coastal resources.

The National Marine Sanctuary program request is at $46 million. We believe this continued investment will enhance our operating and technical capacity in our 13 National Marine Sanctuaries.

We are also requesting $26 million for the National Estuarine Research Reserve System. We expect that there will be 26 of these reserves in 21 States and territories by the end of Fiscal Year 2003, given the process as it is moving.

We have also asked for $28 million for programs that will impact conservation, research, and monitoring of coral reefs. We have a national treasure to protect there.

Also part of coastal conservation, we are requesting $24 million for fisheries and other habitat restoration programs, another vital piece of our management and service of the biosphere.

The Pacific salmon recovery effort is requested at a total of $127 million this year, and that concludes what I would like to highlight in terms of the pieces of our budget that are either increases or special need.

Let me close with a couple of comments on the National Sea Grant program, which was asked in the request for this hearing. The Administration is proposing to transfer the Sea Grant College program from NOAA to NSF. The basic tenet here is that NSF is our premier manager of research efforts in our country. They are very efficient in how they do it. Their record of achievement, I think, has been stellar.

The management of that program could assume management of the National Sea Grant College program. The basic and applied research pieces of it could be taken and managed underneath the NSF umbrella. We would work with the NSF through this coming year in order to build mechanisms to continue the outreach and education extension, the two legs of the three-leg triangle or stool on which Sea Grant is based in order to ensure that the intent of the program is continued. The Administration believes that it is a good program and wants to see it continued. The intent would be to manage it more efficiently under the NSF umbrella.

Let me say again how much I appreciate the support of this Committee and the members and the staff and I look forward to working with each one of you as we go forward to build the best possible program for our country. Thank you very much, Mr. Chairman.

Mr. GILCHREST. Thank you very much, Admiral.

[The prepared statement of Admiral Lautenbacher follows:]

**Statement of Conrad C. Lautenbacher, Jr., Under Secretary of Commerce for Oceans and Atmosphere, Vice Admiral, U.S. Navy (Ret.)**

Thank you, Mr. Chairman, and members of the Subcommittee, for this opportunity to testify on the President's Fiscal Year 2003 Budget Request for the National Oceanic and Atmospheric Administration (NOAA). I will focus my remarks today on the budget items of particular interest to this Committee. I will start by discussing programs with proposed funding increases.

Let me begin by saying that this budget supports and enhances the goals of the President and the Department of Commerce. NOAA has established itself as one of the world's premier scientific and environmental agencies. We are an agency that deals with environmental change. We are an agency whose products form a critical part of the daily decisions made by Americans across the Nation and have economic impacts which affect our Nation's Gross Domestic Product. From our climate predictions that impact farming and financial decisions, to our hydrological products that affect public utilities and energy consumption, NOAA is a critical part of our Nation's economic security.

We are experts in climate, with its cooling and warming trends. We are an agency that manages fluctuating fisheries and marine mammal populations. We observe, forecast and warn the public about the rapidly changing atmosphere and especially severe weather. We monitor currents and tides, and beach erosion. We survey the ocean bottom and provide mariners with products to maintain safe navigation. We operate the Nation's most important constellation of earth-observing satellites. Lastly, we provide all this knowledge and exploration to citizens everywhere, especially to schools and young people across our Nation through our website www.noaa.gov. We provide this as a result of our mission to advance environmental assessment, environmental prediction, and natural resource stewardship for our great Nation.

This budget supports products that are essential for decision makers in every part of our economy. NOAA's budget will continue to fund products that assist in protecting the health and safety of this Nation's citizens from both routine and severe environmental changes. This budget supports our research, science and services from the local weather forecast offices around the Nation to our Fisheries Research Vessels that ensure sustainable stocks of our Nation's fisheries. It provides for technology infusion and critical infrastructure protection to reduce single points of failure for our satellite and weather prediction programs; continues our special partnerships with universities, states, and local governments around the Nation; and invests in education and human resources. This budget also supports our vast infrastructure, which will allow NOAA to continue its mission in years to come.

In a period of strongly competing Presidential priorities for our national defense, and economic security, the President's Fiscal Year 2003 Budget Request for NOAA is $3,330.5 million in total budget authority, and represents a decrease of $45.4 million below the Fiscal Year 2002 Enacted level. Within this funding level, NOAA proposes essential realignments that allow for a total of $148.8 million in program increases, and $129.0 million in base adjustments. NOAA's request highlights critical areas such as People and Infrastructure, Improving Extreme Weather Warnings and Forecasts, Climate Services, Modernization of NOAA Fisheries, and other key NOAA programs such as Energy, Homeland Security, Ocean Exploration, and Coastal Conservation.

*People and Infrastructure: $129.0 million adjustment-to-base*

NOAA's people and infrastructure are at the heart of what NOAA is and does. From our National Marine Sanctuary in the Florida Keys to NOAA's fisheries offices in Juneau, these are the underlying and interconnecting threads that hold NOAA and its programs together. Investments in NOAA's scientific and technical workforce as well as NOAA's facilities and equipment is essential for us to carry out our mission into the 21st Century.

*Modernization of NOAA Fisheries: $90.9 Million Increase*

The Fiscal Year 2003 President's Budget Request for NOAA, invests in core programs needed for our National Marine Fisheries Service (NMFS) to meet its mission to manage fisheries, rebuild stocks, and protect endangered species such as sea turtles and whales. NMFS modernization funds will be allocated to ensure that existing statutory and regulatory requirements are met for fisheries and protected species management programs (including the Magnuson–Stevens Act, National Environmental Protection Act, Endangered Species Act, Marine Mammal Protection Act, and other statutory requirements). This budget request continues NOAA's effort to modernize NOAA's Fisheries. The Modernization of NMFS encompasses a long-term commitment to improve the NMFS structure, processes, and business approaches. In addition to this budget request, the Administration will propose that any reau-

thorization of the Magnuson–Stevens Fisheries Conservation and Management Act include authority for fishing quota systems within regional fisheries, including transferable quotas, where appropriate. This initiative focuses on improving NMFS' science, management, and enforcement programs and begins to rebuild its aging infrastructure. These improvements will result in measurable progress in the biological and economic sustainability of fisheries and protected resources. To continue this modernization program, NOAA's Fiscal Year 2003 President's Budget Request includes the following program investments in Science, Management, and Enforcement.

*Science: $74.8 Million Increase*

Fisheries Research Vessel: NOAA requests an increase of $45.5 million for a total of $50.9 million for NOAA's second Fisheries Research Vessel (FRV2). This vessel will replace the 39-year old ALBATROSS IV in the North Atlantic. Costs of maintaining the aging ALBATROSS IV for the five years needed to construct the replacement FRV and to allow side-by-side missions for calibration purposes are escalating. Moreover, replacing the aging fleet is required to provide research platforms capable of meeting increasingly sophisticated data requirements for marine resource management.

Modernize Annual Stock Assessments: NOAA requests an increase of $9.9 million to modernize annual stock assessments. Funding will allow NMFS to conform to new national stock assessment standards of data quality, assessment frequency, and advanced modeling. An increase of $5.1 million is requested to provide for the recruitment and training of stock assessment biologists and supporting staff to produce annual stock assessments that meet the new standard for Federally managed stocks. This request would also add an increment of 260 Fisheries vessel/charter days at sea toward the balance of 3,000 days identified in the NOAA Fisheries Data Acquisition Plan at a cost of $2.4 million. The initiative includes $0.9 million for advanced sampling technologies. This element targets improvements and innovative uses of existing technologies, including the application of new and advanced sampling systems and approaches. Also, included in this request is $1.5 million to enhance fisheries oceanography studies, principally, the Fisheries and the Environment program (FATE).

Endangered Species Act Sea Turtle Research: NOAA requests an increase of $2.0 million for a total of $6.5 million to continue the recovery of highly endangered sea turtles. Of the $2.0 million increase, $1.4 million is to provide the necessary research to recover highly endangered marine turtles. This program is designed to help us collect information on biology and habitats and share that information with other range countries. The remaining $0.6 million is requested to implement management strategies to reverse population declines, implementation of multi-lateral international agreements, and building capacity through domestic and international educational and outreach programs.

Columbia River Biological Opinion (BiOp) Implementation: NOAA requests an increase of $12.0 million to provide for the research, monitoring, and evaluation (RM&E) necessary to continue implementation of measures included in the Columbia River Biological Opinion. The RM&E program will provide the scientific information necessary to assess whether BiOp performance measures are being achieved at 2003, 2005, and 2008 check-ins. This funding also provides for the research needed to address key uncertainties identified in the BiOp in the areas of estuary and near-shore ocean survival, delayed effects related to dam passage, and the effects of hatchery programs on the productivity of naturally spawning fish.

Recovery of Endangered Large Whales: NOAA requests an increase of $1.0 million to provide resources to scientifically determine whether two key endangered whales—humpbacks and bowheads—have recovered and are candidates for delisting. This information will enable NOAA to detect changes in the status of large whales and prevent any long-term irreversible damage to these populations.

Socioeconomics: NOAA requests an increase of $1.5 million for a total of $4.0 million to support the on-going development of a multi-year comprehensive social sciences program to support NMFS policy decisions. The approach is 3-tiered, augmenting the integral components of a successful social sciences program that includes staffing ($0.6 million and 7 FTE); data collection ($0.5 million); and research activities ($0.4 million). In combination, the funding will be used to continue addressing shortcomings in economic and social assessments of policy alternatives by improving the economic and social science staff capability, and initiation of data and applied research programs.

National Observer Program: NOAA requests an increase of $2.9 million for a total of $17.0 million for the National Observer Program. Funding will be used to expand the collection of high quality fisheries and environmental data from commercial and

recreational fishing vessels to assess impacts on marine resources and fishing communities and to monitor compliance with marine resource laws and regulations. This request will primarily provide for approximately 4,000 observer sea days spread over 11 fisheries, most of which are currently unobserved.

*Management: $6.4 Million Increase*

NMFS National Environmental Policy Act (NEPA) Implementation: NOAA requests an increase of $3.0 million for a total of $8.0 million to continue striving to enhance its management of the NEPA process. This funding will provide NMFS with the necessary resources to continue to support agency-wide NEPA activities and will allow NMFS to strengthen its decision-making and documentation process to more fully take advantage of the decision making tools provided by NEPA.

Regional Fishery Management Councils: NOAA requests an increase of $1.9 million for a total of $16.0 million for the Regional Fishery Management Councils. This request will provide needed resources for the Councils to respond to increased workload in developing, implementing, and supporting management measures to eliminate overfishing and rebuild overfished stocks; identify and protect essential fish habitats; reduce fisheries' bycatch to the maximum extent practicable; minimize the impacts of fishing regulations on fishing communities; and to implement programs that result from the next reauthorization of the Sustainable Fisheries Act. These results will be achieved through the development of amendments to and creation of new Fishery Management Plans and regulations and corresponding and supporting international management measures to control fishing activities.

Statutory and Regulatory Requirements: NOAA requests an increase of $1.5 million to provide for thorough, complete, and timely environmental and economic analyses to NOAA customers and for its recovery programs. Funds will support personnel in all NMFS regions, science centers and headquarters to conduct required data gathering, analysis, and document preparation to assess the impacts of human activities that affect protected species. These include the range of Federal actions, including management of marine fisheries. This funding will also support assessments of the environmental and socioeconomic impacts, costs and benefits of implementing conservation programs for protected species.

*Enforcement: $9.7 Million Increase*

Enforcement and Surveillance: NOAA requests an increase of $4.3 million for a total of $39.3 million to expand and modernize NMFS' fisheries and protected species enforcement programs. These programs include Alaska and west coast groundfish enforcement, protected species enforcement, state and local partnerships, specialized Magnuson–Stevens investigatory functions, community oriented policing and problem solving, and swordfish/Patagonian toothfish import investigations.

Vessel Monitoring System (VMS): NOAA requests an increase of $5.4 million for a total of $7.4 million for additional support and continued modernization and expansion of the vessel monitoring system (VMS) program. These resources will create a program which will monitor approximately 1,500 vessels and is readily expandible. VMS technology is an invaluable tool for modern fisheries management. It provides outstanding compliance without intrusive at-sea boardings, enhances safety at sea, and provides new tools to managers for real time catch reporting.

*Climate Services: $36.2 Million Increase*

NOAA maintains a balanced program of focused research, large-scale observational programs, modeling on seasonal-centennial time scales, and data management. In addition to its responsibilities in weather prediction, NOAA has pioneered in the research and operational prediction of climate variability associated with the El Nino Southern Oscillation (ENSO). With agency and international partners, NOAA has also been a leader in the assessments of climate change, stratospheric ozone depletion, and the global carbon cycle. Our confidence in our recent El Nino prediction is based upon a suite of robust observing systems that are a critical component in any forecast.

The agency-wide Climate Services activity represents a partnership that allows NOAA to facilitate the transition of research observing and data systems, and knowledge into operational systems and products. During recent years, there has been a growing demand from emergency managers, the private sector, the research community, and decision-makers in the United States and international governmental agencies for timely data and information about climate variability, climate change, and trends in extreme weather events. The economic and social need for continuous, reliable climate data and longer-range climate forecasts has been clearly demonstrated. NOAA's Climate Services Initiative responds to these needs. The following are a few efforts supported by this initiative:

Climate Change Research Initiative: NOAA request a total of $18M to study areas of scientific uncertainty and to identify priority areas where investments can make a difference. In line with recent recommendations by the National Academy of Sciences, the CCRI promotes a vision focused on the effective use of scientific knowledge in policy and management decision, and continual evaluation of management strategies and choices. Included in the CCRI, NOAA requests $4.0 million to work towards the establishment of an Global Ocean Observing System that can accurately document climate scale changes in ocean heat, carbon, and sea level changes.

Arctic Research: NOAA requests a total of $2.0 million in support of the Study of Environmental Arctic Change (SEARCH) to improve monitoring of the elements of the Arctic environment. NOAA's SEARCH activities are part of a coordinated interagency and international program, begun in response to evidence of an alarming rate of environmental change occurring in the Arctic. The SEARCH initiative will substantially increase understanding of long-term trends in temperature, precipitation and storminess across the U.S., with potential improvements in forecasting and planning for energy needs, growth seasons, hazardous storm seasons and water resources.

University–National Oceanographic Laboratory System (UNOLS): NOAA requests a total of $2.5 million to outsource with UNOLS and other sources for ships in the Pacific to support long-time series research for Fisheries–Oceanographic Coordination Investigations (FOCI), VENTS, Oregon/Washington Groundfish Habitat and maintenance of the Tsunami moorings in the Gulf of Alaska and Pacific Ocean. The increase will enable NOAA to continue to meet research requirements in the Pacific Ocean, Gulf of Alaska, and Bering Sea utilizing time aboard UNOLS and other vessels.

Climate Monitoring and Ocean Observations: NOAA requests an increase of $5.4 million for a total of $54.6 million to upgrade the laboratories that conduct climate research, which includes $0.6 million for purchasing equipment and improving the scientific activities that contribute to the long-term observing systems that directly support the President's Climate Change Research Initiative (CCRI) initiative. These observing systems are the Global Ocean Observing System (GOOS); the Global Air Sampling Network; and the Tropical Atmosphere Ocean (TAO) array which is the cornerstone of the El Nino/Southern Oscillation (ENSO) Observing System and other ocean observing systems.

*Other Key NOAA Programs*

NOAA is constantly pursuing areas where the expertise of our researchers, scientists, and staff can contribute to solving problems. Therefore, NOAA has other key programs that respond to these challenges. They are Energy, Homeland Security, Ocean Exploration, and Coastal Conservation.

*Energy: $8.7 million Increase*

Energy Initiative: As part of this initiative, NOAA requests a total of $2.0 million to support the establishment and implementation of a streamlined energy permit review process. This proposal responds to an Executive Order directing Federal agencies to expedite permits and coordinate Federal, state, and local actions needed for energy-related project approvals on a national basis and in an environmentally sound manner. The goal of this request is to reduce, by 25%, the time required to adjust the permits of licensed energy projects/facilities. Currently, re-licensing of existing facilities takes 6–10 years. It is anticipated that the combination of regular re-licensing and permit adjustments to implement the new National Energy Policy will result in thousands of new actions for NOAA nationally.

*Homeland Security: $23.1 million Increase*

On September 11, 2001, the Nation experienced an unprecedented attack on the World Trade Center and the Pentagon. NOAA immediately implemented its agency-wide Incident Response Plan, and was able to rapidly deploy critical assets, capabilities, and expertise to support response and recovery efforts. NOAA personnel in weather offices, satellite and remote sensing teams, hazardous materials units, marine transportation and geodesy offices, and fisheries enforcement teams provided a wide range of products and services.

NOAA's response to the September 11 attacks was rapid and focused. However, the attack fundamentally altered the context of NOAA's incident response planning. The threats resulting from attacks on the nation may be different in nature, and larger in scale and scope. Thus, NOAA's Homeland Security efforts are focused on enhancing its response capabilities and improving internal safety and preparedness. NOAA is working quickly to improve its ability to coordinate emergency response, to evaluate its existing capabilities, and to identify products and services that will meet the challenge of new response realities. NOAA's Homeland Security activities

are dedicated to advancing the coordinated efforts within the Department of Commerce, the Office of Homeland Security and assisting NOAA's many Federal, state, and local partners.

In Fiscal Year 2003, a $23.1 million increase is requested to address the most immediately recognized areas of programmatic vulnerabilities to ensure the continuity of the most critical of NOAA's services and information products in the event of natural or man-made emergencies. Of particular interest to this committee is the increase for a Vessel Lease/Time Charter. NOAA's base resources will allow NOAA to continue assisting DOD in mapping and charting key port areas.

Vessel Lease/Time Charter: NOAA requests a total of $9.9 million for a Vessel Lease/Time Charter. NOAA will initiate a vessel time charter to expand its hydrographic surveying capacity. While having the capability to operate throughout America's Exclusive Economic Zone (EEZ), initial emphasis during Fiscal Year 2003 will be in the Gulf of Mexico. Ninety five percent of America's non–NAFTA economic trade moves through the marine transportation system. Any interruption in the flow of goods through our nation's marine transport system yields immediate and dire impact to the national economy. Four of the top seven port areas are found on the Gulf of Mexico, including: (1) New Orleans and South Louisiana, (2) Houston/Galveston, (3) Port Arthur, TX and Lake Charles, LA; and (4) Corpus Christi, TX. The combination of high traffic, hazardous cargos and vessels operating close to the ocean bottom make waterways and ports particularly vulnerable to terrorist activities including those utilizing low technology mines. Requested funding provides critical survey data to directly enhance safety of mariners, passengers, and the national economy from threats both natural or human in origin.

*Ocean Exploration: $14.2 Million*

NOAA requests a total of 14.2 million for Ocean Exploration. This program seeks to increase our national understanding of ocean systems and processes through partnerships in nine major voyages of discovery in Fiscal Year 2003. Ocean Exploration is investment in undersea exploration, research, and technology in both the deep ocean and areas of special concern, such as the U.S. Exclusive Economic Zone (EEZ), and National Marine Sanctuaries (NMS). The Ocean Exploration program consists of four key objectives: 1) Mapping the physical, geological, biological, chemical and archaeological aspects of the oceans, 2) Exploring ocean dynamics and interactions at new scales to improve our understanding of the complex interactions in this vital component of the planet's life support system, 3) Developing new sensors and systems for ocean exploration to regain U.S. leadership in marine technology, 4) Reaching out in new ways to stakeholders to improve the literacy of learners of all ages with respect to ocean issues. Ten percent of all Ocean Exploration funds is used for education and outreach to teach America's school children and stimulate their interest on ocean sciences. The data and knowledge is also available to all researchers and the general public quickly so they may be better informed on ocean issues.

*Coastal Conservation: $348.5 Million*

NOAA's coastal conservation activities are central to accomplishing the mission of environmental monitoring, and underscore a commitment to coastal, estuarine, and marine ecosystems. NOAA's activities are coordinated by Coastal Zone Programs; Marine Sanctuaries, Estuarine Research Reserves, and Marine Protected Areas; Coral Reefs, Habitat, and Other Coastal Conservation & Restoration Programs; and Pacific Salmon.

*Coastal Zone Programs: $85.6 million*

Coastal Zone Management: NOAA requests a total of $75.6 million for Coastal Zone Management Activities. The purpose of the national Coastal Zone Management (CZM) Program is to maintain and improve the quality and utility of the Nation's coastal lands and waters through a national network of Federally-approved, coordinated, and supported state management programs that seek to maintain the balance between the needs of resource protection and coastal-dependent economic activity. These programs are state developed and implemented. The plans recognize the significance of coastal resources to our Nation's population and economy, and promote improved management of these important assets. Federal matching funds are provided as cooperative agreements to support state staff and community projects that address the broad spectrum of coastal management issues ranging from habitat conservation and protection of life and property from coastal hazards, to urban waterfront and port revitalization (Section 306/306A CZMA). The $75.6 M includes grants and administration.

Nonpoint Pollution Implementation Grants: NOAA requests a total of $10.0 million for Nonpoint Pollution Implementation Grants. This investment will provide

states with resources to reduce nonpoint pollution, the greatest single threat to coastal water quality. Coastal waters are increasingly impacted by polluted runoff. Symptoms include the impacts of Pfiesteria in coastal waters of the eastern seaboard, nutrient over-enrichment in the Gulf of Mexico, the loss of salmon fisheries in the Pacific Northwest and local closures of shellfish beds and beaches throughout the country. NOAA will provide grants to states with approved plans to address the causes of these and other symptoms of the degradation of our coastal water quality.

*National Marine Sanctuary Program, National Estuarine Research Reserves, and Marine Protected Areas: $75.0 million*

National Marine Sanctuary Program: NOAA requests a total of $45.6 million for the National Marine Sanctuary Program. This continued investment will allow for upgrading support to the operating and technical capacity in the thirteen national marine sanctuaries. Congress has required NOAA to invest in providing adequate resources for the management and protection of existing sanctuaries prior to designating new sanctuary sites. Congress has called for sufficient resources for operational staff, facilities and equipment, effective implementation of management plans, enforcement, and particularly for site characterization including cultural resources and inventory of existing natural resources. The Fiscal Year 2003 increase will support implementation of management changes identified through the revisions of sanctuary management plans. These efforts will improve protection of important sanctuary resources, including coral reefs, endangered marine mammals, sensitive habitats, and significant cultural resources. NOAA will be implementing a comprehensive facilities plan that prioritizes needs and opportunities at individual sites for constructing sanctuary visitor centers, collaborative education projects, and operational needs. In order to help establish an appreciation of sanctuary resources by the public, the program will begin to construct a network of regional visitor centers.

National Estuarine Research Reserve System: NOAA requests a total of $26.4 million for the National Estuarine Research Reserve System ( NERRS). NERRS (Section 315 CZMA) is a national network of estuarine protected areas representing the diverse biological and physical characteristics of estuarine systems of the United States. Reserves are owned and operated by state governments and serve as local, regional, and national sources of technical information and testing grounds for the improvement of coastal resource management. By the end of Fiscal Year 2003, it is expected that there will be 26 designated reserves in 21 states and territories covering over one million acres of estuarine lands and waters, with one more site in the designation process. Supplementing or updating facilities at the 26 reserves will be carried out in conjunction with the development of system-wide construction plans. All construction activities are carried out based on the current needs for implementing core NERRS program and external opportunities for partnerships. The facilities and land of the reserves are owned and managed by the states in this Federal-state partnership.

Marine Protected Areas (MPA): NOAA requests a total of $3.0 million for the Marine Protected Areas Program. NOAA's Marine Protected Areas Program, in coordination with the Department of the Interior, coordinates and shares information, tools and strategies, and provides guidance to enable and encourage Federal, state, territorial, tribal and local agencies in the exercise of their respective authorities to enhance the protection of marine protected areas.

*Coral Reefs, Habitat, and Other Coastal Conservation & Restoration Programs: $60.6 million*

*Coral Reef Programs: $28.2 million*

NOAA requests $28.2 million for its Coral Reef programs that impact the conservation, research, and monitoring of coral reefs. The NOAA Coral Reef Program implements priority actions identified by the U.S. Coral Reef Task Force's National Action Plan to Conserve Coral Reefs. NOAA is undertaking a series of activities to reduce human impacts on coral reefs and restore reef environments. We work closely with many external partners to ensure that resources and capabilities are utilized to improve coral reef management and protection, including mapping, monitoring, education and designation of marine protected areas. NOAA is also engaged in improving the understanding of coral reef ecosystems through environmental monitoring and predicting future change. Long-term in situ coral reef monitoring stations will provide information essential for sound management decisions, long-term planning, and important research. The data collected will allow for improved understanding of coral reef ecosystem response to changes in the physical environment, and prediction of coral bleaching. Lastly, NOAA has developed a Coral Reef Watch Program. The programs focus is to (1) transition existing experimental satellite reef

health monitoring capabilities into a viable operational capability, to (2) formalize the existing U.S. leadership in the emerging global "Virtual Coral Reef Ecosystem Monitoring Laboratory," and, (3) provide for a solid scientific basis for future monitoring and assessment products/capabilities.

*Habitat Conservation: $22.4 million*

NOAA requests a total of $22.4 million for fisheries, and other habitat restoration programs. These funds will continue to support NOAA Restoration Center activities and the community-based restoration programs which provides seed money and links NOAA technical expertise to grass-roots restoration projects. This highly successful national effort encourages partnerships with groups outside of NOAA and regularly has leveraged appropriated funds by factors of five to six, and by as much as 10 to 1. These activities are a part of NOAA's strategic goal for sustaining healthy coasts.

*Other Coastal Conservation & Restoration Programs: $10.0 million*

South Florida: NOAA requests $2.1 million for South Florida. The South Florida Initiative is an integrated effort among Federal, tribal, state and non-governmental partners to halt the degradation and restore the function of the South Florida ecosystem. Funding will support scientific investigations in the South Florida coastal ecosystem to better understand and restore the coastal areas as part of the overall restoration effort. When coupled with monitoring efforts, these investigations show the interactions between restoration efforts and oceanographic, atmospheric, geologic, hydrologic, and fisheries processes.

Response and Restoration: NOAA requests a total of $3.7 million for response and restoration. NOAA fulfills the natural resource stewardship mandate of the Secretary of Commerce to protect and restore coastal resources by countering and responding to environmental threats and promoting sound coastal decisions. Environmental threats addressed include oil and hazardous material spills, hazardous waste sites, and contaminated sediments. NOAA also addresses activities that affect coastal environmental quality such as vessel groundings, coastal storms that mobilize contaminants, and port infrastructure development and maintenance to promote safe navigation.

Estuarine Restoration Program: NOAA requests $1.2 million for the Estuarine Restoration Program. NOAA works with other partners to implement a national estuary habitat restoration strategy designed to ensure a comprehensive approach towards habitat restoration projects. NOAA's activities include the development of scientifically sound monitoring protocols and standards for coastal habitat restoration projects. In addition, NOAA is developing restoration databases that provide quick and easy access to accurate and up-to-date information regarding all projects funded under the Estuary Restoration Act of 2000, as well as information on projects throughout the country that meet the standards established as a part of the Act for monitoring and data collection. This effort will provide scientists and resource mangers with information critical to successful estuary habitat restoration efforts.

Cooperative Conservation and Recovery with States: NOAA requests a total of $1.0 million to provide funds to state partners under the Endangered Species Act Section 6 cooperative conservation program. These agreements will provide the means for states and local communities to undertake local initiatives in the management and recovery of ESA-listed and candidate species by providing the legal authority to make the decisions about how best to protect species at risk of extinction. The agreements would provide funding on a matching basis to accomplish conservation activities. Funding provided to the states would support local researchers, non-governmental organizations and volunteers to accomplish monitoring, restoration, science and conservation activities.

*Pacific Salmon: $127.4 million*

Pacific Salmon Recovery: NOAA requests a total of $17.4 million for this program. This investment will provide for continued investment for the recovery of these species because the threats of extinction come from a variety of activities including fishing, hatchery operations, grazing, irrigation, and timber harvest.

*Pacific Salmon Recovery Fund and Treaty: $110.0 million*

Funding at this level will allow the states and tribes to continue support for habitat restoration and protection, research and enhancement, monitoring and evaluation, and salmon recovery planning and implementation efforts. Fiscal Year 2003 funding for the Pacific Salmon Treaty at $20.0 million, along with a smaller amount in the State Department, will also capitalize the Northern and Southern transboundary funds at $75.0 million and $65.0 million respectively.

*Sea Grant*

I have been asked to address the Administration's proposal to transfer funding for the National Sea Grant College Program from NOAA to the National Science Foundation (NSF).

I would like to begin by explaining the Administration's proposal. The Sea Grant program plays an important role in marine and coastal research and is a cost-effective way to address new problems in marine research management. Under the Administration's proposal, the current Sea Grant structure would be replaced with a university-based coastal and ocean program modeled after the NSF centers, with input from researchers, educators and practitioners, through workshops. NSF will retain the Sea Grant College designation for qualified centers. The program will be open to all public and private institutions of higher education through a fully competitive process. NSF also has a lower matching requirement, so state and local funds will be freed up to address outreach and extension needs of local communities. NOAA will have a strong role in setting research objectives for the program. To ensure the program transfer does not adversely affect current awardees, NSF will transfer funds to NOAA to support the current award commitments through the duration of their grant period.

Several studies of the Sea Grant Program have noted its effectiveness, as well as its problems. In 1994, the National Research Council (NRC) found that NOAA's Sea Grant Program has played a significant role in U.S. marine science, education, and outreach. The review's recommendations included better defining the roles of the National Sea Grant Office, the Sea Grant College programs, and the Sea Grant Review Panel, and streamlining the proposal review and program evaluation processes. Many of the recommendations of the NRC report have been adopted by the program and were also incorporated in the 1998 Amendments to the National Sea Grant College Program Act. In a November 2000 study, entitled "A Mandate to Engage Coastal Users," a committee led by Dr. John Byrne of Oregon State University and the Kellogg Commission indicated Sea Grant has been effective in facilitating the Nation's sustainable development of coastal resources by helping citizens make better informed and wiser decisions. Twenty-two of the 30 state Sea Grant Programs have undergone performance evaluations by teams of outside reviewers and Sea Grant peers. Sixteen were graded "excellent" in achieving significant results. A program was graded "excellent" if it produced significant results, connected Sea Grant with users, and was not found to need improvement in areas such as long-range planning and management. Sea Grant's 1999 Hammer Award-winning program in seafood safety training and the national marina management effort are examples of other successful national programs.

Through the years, a number of successful partnerships have been established between NOAA and the National Science Foundation (NSF), such as the Teacher-at–Sea Program, our partnerships with NSF on the U.S. Global Change Research Program and the U.S. Weather Research Program, as well as the Study of Environmental Arctic Change (SEARCH) program. And, NSF supports some applied research programs, such as the Small Business Innovation Research and Technology Transfer programs.

The Administration's proposal to transfer funding for the Sea Grant Program from NOAA to NSF includes a decrease of 20 Full Time Equivalents (FTE) and $62.4 million in NOAA;$57 million would be requested by NSF. In this proposal, the current Sea Grant structure, which funds centers largely on a formula basis, would be replaced with a university-based coastal and ocean program. Under the proposal, Federal funding for the extension component of Sea Grant may be reduced and extension would not be administered by NSF. The details of the partnership proposal have not been finalized at this time, and we are working with NSF to ensure an appropriate role for NOAA. As noted previously, we expect NOAA will have a key role in establishing research priorities.

*Conclusion*

NOAA's Fiscal Year 2003 Budget request invests in people, climate, energy, homeland security, infrastructure, and high priority research, science, and services. This budget maintains NOAA on its course to realize its full potential as this nation's premier environmental science agency. NOAA is also doing its part to exercise fiscal responsibility as stewards of the Nation's trust as well as America's coastal and ocean resources. And, in the same way that NOAA is responsible for assessing the Nation's climate, we are responsible for assessing and improving our management capabilities. NOAA will continue to respond to key customers and stakeholders, and will continue to leverage its programs and investments by developing those associations that most efficiently and economically leverage resources and talent, and that

most effectively provide the means for successfully meeting mission requirements. Thank you for the opportunity to present NOAA's Fiscal Year 2003 budget.

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Mr. GILCHREST. Mr. Williams?

**STATEMENT OF STEVEN A. WILLIAMS, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF INTERIOR; ACCOMPANIED BY MARSHALL JONES, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF INTERIOR; AND KENNETH STANSELL, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF INTERIOR**

Mr. WILLIAMS. Thank you, Mr. Chairman. I appreciate the opportunity to appear before the Subcommittee to present the President's Fiscal Year 2003 budget request for the Fish and Wildlife Service. This is my first appearance before this Subcommittee, but I am advised that for many years, you have been a champion of the National Wildlife Refuge System and have advocated increased use, cooperative and partnership efforts in carrying out the Service's responsibilities.

From that perspective, I am pleased to be here with a great deal of good news. The Service's Fiscal Year 2003 budget request totals nearly $2 billion, the largest ever. It stresses programs that provide direct financial and technical assistance to States, local communities, land owners, and conservation groups, including a new cooperative conservation initiative, and provides a major increase for the operation and maintenance of the National Wildlife Refuge System.

There is a detailed explanation of all elements of the request in my formal statement and I will only highlight just a few examples.

We are requesting nearly $377 million for the National Wildlife Refuge System for operations and maintenance, which is an increase of nearly $57 million above the Fiscal Year 2002 enacted level and $76 million above the 2001 amount. These sustained increases are substantially enhancing wildlife protection and public use opportunities at our National Wildlife Refuges and address the Secretary's commitment to reducing maintenance backlogs as the system approaches its centennial in 2003.

The request includes a $12 million increase for refuge operations, a $5 million increase to our highly successful Challenge Cost Share program, and $2 million for a new initiative for visitor facilities. It also includes an increase of approximately $31 million to reduce the number of deferred maintenance projects and fund other maintenance needs. We plan to maintain these increased funding levels for at least 4 years, which would eliminate approximately $100 million of the maintenance backlog.

I want to acknowledge and express my deep appreciation for the support this Subcommittee has provided to the refuge system over the years, both under Chairman Gilchrest and former Chairman Saxton. Your efforts have laid the groundwork for these proposals and I am hopeful we can build upon this in future budgets.

The request also includes $283.9 million for programs assisting States, tribes, local communities, and land owners, including $50 million for the Landowner Incentive Grant program, $10 million for the Private Stewardship Grant program, $91 million for the Coop-

erative Endangered Species Conservation Fund, $43.6 million for the North American Wetlands Conservation Fund, $60 million for State and tribal wildlife grants, and $29.3 million for the Partners for Fish and Wildlife program.

Also included is a proposal for a new flexible incentive-based program to implement the Secretary's goal of conservation through cooperation, consultation, and communication. Half of the funds will be available to the Service and the other Interior agencies for projects of benefit to Federal lands and resources. The other half will be allocated to States through the National Park Service's Land and Water Conservation Fund State grants program.

The Service is requesting $18 million to implement this initiative. A minimum of $5 million will be directed toward the refuge system Challenge Cost Share program and the remaining $13 million is available competitively to nearly all Service programs, including refuges.

The Service plays a major role in implementing the Federal effort to prevent the introduction and to control the spread of invasive species. Our activities are conducted through our refuges, fisheries, Partners for Fish and Wildlife, and international affairs programs. We both address our own problems—invasive plants affect about 38 percent of refuge system lands in the lower 48 States—and we offer assistance to others. The overall Federal strategy is in the National Invasive Species Management Plan. Our budget request includes nearly $2.7 million within refuges, $2 million within the Partners for Fish and Wildlife program, $4.7 million within fisheries, and approximately $200,000 within the international affairs program.

We are requesting a total of $125.7 million for endangered species programs, and this includes a $1.1 million increase for candidate conservation efforts and a $2.3 million increase for consultations, technical assistance, and habitat conservation plan efforts.

For recovery of listed species, we enter into some budget speak. The request shows up as a decrease of $3.4 million from the enacted level. However, this is primarily due to the proposed discontinuation of earmarks, about which we have all heard, I think, quite a bit recently, and if the Congress accepts this, would actually result in a $2.5 million increase in funding for Service priorities.

We are asking for an increase of $1.5 million for our law enforcement program. This will continue our efforts to strengthen the law enforcement program by filling current agency vacancies and providing funds to support enforcement activities for existing staff.

We are requesting $94.8 million for the fisheries programs, a net decrease of $9.1 million below the Fiscal Year 2002 enacted level. On an issue of concern to many members, this includes a net decrease of $1 million from the hatchery operations program in order to implement the Administration's management reform initiatives. I want to stress our continued commitment to work with Congress and all other stakeholders to determine how to apply this reduction and to address the future of the hatchery system.

The land acquisition request totals $71.1 million, which would acquire approximately 49,000 acres of fee and easement interests.

Lastly, we request $5 million for the Multinational Species Conservation Fund, in that, including $1 million for the Neotropical Migratory Bird Conservation program.

Although this budget request was finalized prior to my confirmation, it is one I am proud to recommend to you. There are significant increases for important priorities and I urge the Subcommittee to support it.

This concludes my remarks. I am accompanied today by Marshall Jones, Deputy Director Stephen Guertin, Cheif, Division of Budget, and by our Assistant Directors. I trust that between us all, we can fully respond to our questions. I would beg your indulgence on some of your questions as I am not fully up to speed with the entire budget, but I have folks who know this inside and out, so with your permission, I would call on them when I am stumped. Thank you.

Mr. GILCHREST. Thank you, Mr. Williams. We all need somebody to call on when we are stumped or confused or out of sorts, so that is good. So all these people back here go to "Cheers" after this hearing where everybody knows your name—

[Laughter.]

Mr. GILCHREST. —and they are going to stand behind you.

[The prepared statement of Mr. Williams follows:]

**Statement of Steven A. Williams, Director, U.S. Fish and Wildlife Service**

I would like to take this opportunity to present the President's Fiscal Year 2003 Budget Request for the U.S. Fish and Wildlife Service to the House Appropriations Subcommittee on Interior and Related Agencies.

The Service's Fiscal Year 2003 budget requests a total of $1.976 billion, consisting of $1.316 billion in current appropriations and $660.1 million in permanent appropriations, and including $32.8 million for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employee health benefits program. Excluding the legislative proposal, the Fiscal Year 2003 budget for current appropriations is $6.9 million, slightly above the Fiscal Year 2002 enacted level. The 2003 request for the Resource Management account totals $903.6 million, $53.0 million above the Fiscal Year 2002 enacted level. Federal acquisition of land and easements from willing sellers is funded at $70.4 million, a decrease of $28.8 million below Fiscal Year 2002, which reflects a focus on existing lands and facilities and a transfer of the land acquisition planning function to refuge operations. The Construction account is funded at $35.4 million in accordance with the Department's five-year plans for construction and maintenance.

The proposal to transfer to agencies the full costs of the Civil Service Retirement System and Federal Employees Health Benefits program will more nearly show the true costs of Federal programs, allowing managers to make decisions based on better cost information. This reform adds $32.8 million to the Service's 2003 current appropriation request. For comparability, the Service has estimated the amounts that this change would have added to the budget in 2001 (+$29.1 million) and 2002 (+$31.9 million).

The President's budget highlights programs that exclusively provide direct financial and technical assistance to states, local communities, landowners, and conservation groups, as well as three multi-bureau cross-cutting initiatives: the new Cooperative Conservation Initiative, and continued support for Pacific Northwest salmonid conservation and Everglades restoration.

FINANCIAL AND TECHNICAL ASSISTANCE TO STATES, TRIBES, LOCAL COMMUNITIES AND CONSERVATION GROUPS

The request includes $283.9 million in programs that exclusively provide direct financial assistance to states, tribes, local communities, landowners, and conservation groups, including $50.0 million for the Landowner Incentive grant program; $10.0 million for the Private Stewardship Grant program; $91.0 million for the Cooperative Endangered Species Conservation Fund; $43.6 million for the North American Wetlands Conservation Fund; $60.0 million for State and Tribal Wildlife

grants; and $29.3 million for the Partners for Fish and Wildlife Program, funded within the Resource Management account.

COOPERATIVE CONSERVATION INITIATIVE

This will be a flexible, incentive-based program to implement the Secretary's goal of conservation through cooperation, consultation and communication. It will fund cooperative conservation challenge projects that seek to achieve the actual restoration of natural resources through innovative means or practices; the establishment or expansion of habitat for wildlife; or the collection of information which has as its purpose the conservation of natural resources or protection of wildlife. Half of the funds will be available to the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service for projects of benefit to Federal lands and resources. The other half will be allocated to states through the National Park Service's Land and Water Conservation Fund State Grants program.

The Service is requesting $18.0 million to implement this initiative. A minimum of $5.0 million will be directed toward the National Wildlife Refuge System (which will build on its ongoing Challenge Cost Share program to prioritize proposals). The remaining $13.0 million is available to nearly all Resource Management programs.

The Service, using its conservation grant program management experience and capability, will reach out to new constituencies and encourage innovative new conservation proposals under the CCI program. The CCI program will focus on citizen-centered natural resource stewardship and recognize innovative new ideas and expansion and replication of existing successful activities.

PACIFIC NORTHWEST SALMONID CONSERVATION

The Service requests an additional $3.7 million in our Resource Management account to carry out the Service's requirements for implementing the Reasonable and Prudent Alternatives for several biological opinions in the Columbia River Basin to address declining species such as bull trout, Kootenai white sturgeon, 12 salmon and steelhead populations, and others. The Service will continue to work with states, Federal agencies, tribes, and other stakeholders in the Pacific Northwest.

This request will implement a broad range of activities, including instream flows, estuary protection and restoration, passage and habitat for bull trout, evaluation of hatchery reform plans, and completion of Section 7 consultations on many Federal actions. In total, $9.7 million will be available to implement the Service's responsibilities under the biological opinions.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

The Service requests a total of $6.3 million to acquire lands at J.N. "Ding" Darling, National Key Deer, and Pelican Island National Wildlife Refuges to support the Comprehensive Everglades Restoration Plan (CERP), the most far-reaching and ambitious ecosystem restoration project ever undertaken in the U.S. The 30-year restoration effort is designed to restore the Everglades' hydrological and ecological functions, which have been seriously degraded by 50 years of flood control and drainage projects. We will work with the Corps of Engineers and other interagency partners to ensure ecosystem benefits consistent with long-term CERP project goals. These efforts, a major Service focus in South Florida, will restore habitat for wetland-dependent and other aquatic species; restore native aquatic species, recreational and commercial fisheries, and other aquatic resources. In addition, the Service's budget includes $3.4 million for CERP implementation and operating costs.

SUMMARY OF REQUEST

*Resource Management*

The Fiscal Year 2003 budget request for current appropriations totals $934.7 million including $31.1 million for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employee health benefits program for current employees. Without the legislative proposal, the request is $903.6 million a net increase of $53.0 million.

Ecological Services—The Service requests a total of $211.1 million, a net decrease of $8.6 million below the Fiscal Year 2002 enacted level (primarily due to elimination of one-time projects), but an increase of $1.3 million above Fiscal Year 2001, for Ecological Services programs:

Endangered Species—The Service requests a total of $125.7 million, $6,000 above the Fiscal Year 2002 enacted level and $4.8 million above Fiscal Year

2001. The program funding will support operations that enhance implementation of the Endangered Species Act, including:

Candidate Conservation—The Service requests $8.7 million, a $1.1 million increase over the Fiscal Year 2002 level. The request includes a $1.5 million program increase to support an additional 38 Candidate Conservation Agreements (CCAs) with private landowners, states and local governments, which will keep at least three species from being listed. These agreements help better manage threats to species and their habitat before they become critically imperiled. Eighty-one CCAs have been completed and signed as of December 31, 2001.

Listing—The Service requests $9.1 million, which includes a $77,000 increase for uncontrollable costs. This program determines whether to list wildlife and plant species. If listed, a species is protected under the ESA, including prohibitions on taking the (e.g. killing or harming) species. The budget continues the listing cap language and the critical habitat sub-cap language as enacted in the 2002 appropriations act. In the 2003 proposal, funding for critical habitat is set at $5.0 million, $1.0 million below Fiscal Year 2002, to ensure additional resources are available for new listings, critical habitat designations, and responding to citizen petitions.

Consultation/HCP—The Service requests $47.8 million, an increase of $2.3 million above the Fiscal Year 2002 enacted level, to respond to the greatly increasing demand for consultations, technical assistance, and habitat conservation plan (HCP) permits.

A $2.0 million program increase will allow the Service to review an estimated additional 2,000 actions for a total of more than 77,000 actions. In addition, the Service will finalize 75 new HCPs in Fiscal Year 2003. The President's energy plan is expected to increase the consultation and HCP workload as coal, natural gas, and oil resources are developed. Also, in the section 7 program, the Bureau of Land Management has identified approximately 70 management units that require consultations on their Resource Management Plans due to newly listed species, critical habitat designations, or outdated plans. The Service is also providing technical support in the development of about 200 new HCPs as well as oversight and implementation assistance for roughly 400 approved HCPs.

In addition, as part of the $3.7 million Service-wide increase for Pacific Northwest salmonid, the Service requests $0.8 million to address consultation needs from a variety of customers and ensure that the Service and other Federal agencies are in compliance with Federal Columbia River Power System Biological Opinions.

Recovery—The Service requests $60.2 million, a decrease of $3.4 million below the Fiscal Year 2002 enacted level, primarily due to discontinuance of one-time projects. The request includes a $2.5 million program increase for direct actions to stabilize at least 40 critically endangered species that are on the brink of extinction, delist or downlist 8 species whose status has improved, increase work with partners to recover listed species, and complete the recovery planning process for at least 50 species that lack recovery plans.

Actions that will stabilize these species and prevent their extinction will be a priority. The emergency-listed Columbia Basin pygmy rabbit has fewer than 50 individuals in the wild in Douglas County, Washington. Preventing the extinction of this species will require addressing threats posed by disease, predation, loss of genetic diversity, and loss of its sagebrush habitat. Another species on the brink of extinction is the Mississippi gopher frog, once found throughout the Lower Coastal Plain from Louisiana to Florida, but currently only known from one pond in Mississippi. Preventing the extinction of this unique frog will require the restoration of ponds and surrounding habitats and the reintroduction of frogs from the one remaining population.

In addition, as part of the $3.7 million increase for Pacific Northwest salmonid, a $0.6 million program increase will help the Service meet its obligations as set forth by the Federal Columbia River Power System Biological Opinions. These actions will further the recovery of bull trout and Kootenai white sturgeon.

Habitat Conservation—The Service requests a total of $74.6 million for Habitat Conservation programs, $8.8 million below the Fiscal Year 2002 en-

acted level, and $3.7 million below Fiscal Year 2001, primarily due to the elimination of one-time projects.

Partners for Fish and Wildlife—The Service requests $29.3 million, a net decrease of $7.3 million (primarily due to the elimination of one-time projects) to continue this highly effective program for voluntary habitat restoration on private lands. The 16-year-old Partners program has quietly worked with 27,000 private landowners through voluntary partnerships to implement on-the-ground habitat restoration projects across the country. The program provides cost-sharing and one-to-one restoration expertise to assist restoration of wetlands, grasslands, streams and other habitats important to migratory birds, anadromous (migratory) fish, and declining species. These habitat restoration projects will enhance habitat for fish and wildlife while recognizing the need to maintain profitable agriculture, sustainable communities, and the nation's overall quality of life.

Project Planning—The Service requests $30.9 million, a net increase of $125,000 over the Fiscal Year 2002 enacted level and $3.1 million above Fiscal Year 2001. The request includes a $180,000 program increase to help facilitate hydropower licensing activities in the Columbia River basin while addressing the need to protect and conserve Pacific Northwest salmonid species as part of the $3.7 million Service-wide increase for Pacific Northwest salmonid. The Service will only have this unique opportunity to participate in the FERC relicensing of 45 dams in the Columbia River Basin over the next several years and include conservation measures in these relicensing actions that will have an impact on the area for the next 30 to 50 years.

Coastal Program—The Service requests $9.7 million, a decrease of $1.6 million below the Fiscal Year 2002 enacted level (primarily due to the elimination of one-time projects), but $0.3 million above Fiscal Year 2001, to work with partners to protect public and private coastal lands in 15 high-priority coastal watersheds. Maps, habitat surveys, and grant application assistance are helping communities plan and implement projects that balance economic development and the protection of coastal resources that make these communities desirable places to live and work.

The request includes a $180,000 program increase as part of the $3.7 million Service-wide increase for Pacific Northwest salmonid. The increase will be used to implement actions in the Columbia River estuary identified in the National Marine Fisheries Service Federal Columbia River Estuary program, will restore tidal wetlands and improve water quality to aid in rebuilding native aquatic species populations in the lower 46 miles of the Columbia River.

National Wetlands Inventory—The Service requests $4.7 million, a net increase of $18,000 over the Fiscal Year 2002 enacted level and $85,000 above Fiscal Year 2001, to continue strategically producing maps and updated digital resource information. Emphasis will be on areas of the nation experiencing substantial developmental growth and change. Contemporary habitat maps in digital format will also assist in the planning for needed energy and infrastructure development projects in a way that avoids potential adverse effects on fish and wildlife trust resources.

Environmental Contaminants—The Service requests $10.8 million a net increase of $201,000 above the Fiscal Year 2002 enacted level, and $135,000 above Fiscal Year 2001. The request includes an additional $120,000 as part of the $3.7 million Service-wide increase for Pacific Northwest salmonid. The increase will be used to address requirements of the Service and National Marine Fisheries Service Biological Opinions on Operation of the Federal Columbia River Power System.

National Wildlife Refuge System: Fulfilling the Promise—The Service requests $376.5 million for National Wildlife Refuge System operations and maintenance, a net increase of $56.5 million above the Fiscal Year 2002 enacted level and $75.8 million above Fiscal Year 2001. This increase will direct new resources toward enhancing wildlife protection and public use opportunities at our National Wildlife Refuges and address the Secretary's commitment to reducing maintenance backlogs as the system approaches its Centennial anniversary.

Refuge Operations—The request includes a $12.0 million program increase for 96 refuge operations projects, including base start-up costs on 13 recently established or expanded refuges (refuges added to the system after the refuge operations needs database was prioritized in 1999). The Service's

priority operating needs define wildlife and habitat management critical to fulfilling the system's conservation mission. Operations priorities also reflect a commitment to provide the highest quality visitor programs called for in the National Wildlife Refuge System Improvement Act of 1997. Refuge operations include numerous activities that foster resource stewardship, visitor services, refuge planning and support throughout the system.

Visitor Facility Enhancement—The Service requests $2.0 million for a new initiative to reinforce our commitment to refuge visitors through enhanced access to and quality of outdoor experiences. Enhancements include construction and maintenance of boat launches, observation decks, hunting and photography blinds, trails, boardwalks and overlooks, fishing piers, and informational signs and kiosks. All facilities would be accessible to persons with disabilities.

Comprehensive Conservation Plans—As mentioned above, the Service requests a $1.0 million program increase to complete CCPs at 11 stations and initiate CCPs at 6 stations. The National Wildlife Refuge System Improvement Act of 1997 requires the Service to complete a Comprehensive Conservation Plan (CCP) to cover every unit of the National Wildlife Refuge System within 15 years of its passage (2012). To date, we have worked with the states and local communities to complete 28 CCPs, covering 35 stations. Another 85, covering 166 stations, are currently underway. In Fiscal Year 2002, we expect to complete 32 CCPs, covering 68 stations.

Cooperative Conservation Initiative—The Service requests a $5.0 million program increase to allow the National Wildlife Refuge System to build on its highly successful Challenge Cost Share program through projects to further strengthen refuge management by completing projects that benefit refuge lands with state and local partners. In addition, the refuge system is eligible to compete for the $13.0 million in CCI funds requested within General Operations.

Acquisition Planning—In Fiscal Year 2002, the Service will transfer $3.7 million from the Land Acquisition Management Account to the Resource Management Account for land acquisition planning. Of this amount, $0.5 million is for estimated cost allocation methodology (CAM) charges and $3.2 million is for staffing and related costs.

Refuge System Centennial Maintenance—The Service requests a $30.7 million program increase to reduce the number of deferred maintenance projects and fund other maintenance needs in order to ensure safe visits, protect wildlife, enhance habitats. Over a four year period, the Service would retire an estimated $100.0 million in deferred maintenance projects. This historically significant effort is the first major step for the refuge system Centennial.

The refuge system requests funding for several bold, innovative programs that will provide savings to the government, greater accountability, economic benefits to local communities, and improved refuge facilities.

Annual Preventative Maintenance—The Service requests a $0.5 million program increase for annual preventive maintenance to prevent small maintenance problems from becoming deferred maintenance projects; and a $2.0 million program increase to ensure proper and efficient implementation of preventive maintenance projects for those refuges piloting the Service Asset and Maintenance Management System and Maximo software.

Improved Equipment Management—The Service requests a $.05 million program increase in the refuge system's new Equipment Rental and Leasing Fund to preclude the purchase of costly heavy equipment and benefit local economies, and a $0.5 million program increase for a new Alternatively Fueled Vehicle Fund to provide an incentive for refuge managers to purchase fuel-efficient vehicles.

Deferred Maintenance—The Service requests a $25.3 million program increase to reduce the number of deferred maintenance projects and improve our facilities and infrastructure, including visitor centers, historically significant buildings and on-site staff housing. The Service plans to complete over $20.0 million in projects (i.e., fixing broken boardwalks, repairing parking areas and roads, and providing trails) that directly contribute to visitor access and enjoyment of refuges.

Migratory Bird Management—The Service requests $28.3 million for migratory bird management, a net decrease of $0.3 million below the Fiscal Year 2002 enacted level, but $2.6 million above Fiscal Year 2001. Program increases are primarily offset by the elimination of one-time projects.

Conservation and Monitoring—The request includes a $0.6 million program increase to determine band reporting and harvest rates of waterfowl. Estimation of survival, harvest rates, and reproduction rates is critical to the sound management of waterfowl populations, and the estimate of band-reporting rates allows direct estimation of waterfowl harvest rates in support of hunting programs. When actual harvest rates are unknown or poorly estimated, a more conservative decision-making process occurs and consequently more restrictive regulations are used than would be necessary if accurate harvest-rate estimates were available.

Partnerships in Action: The North American Waterfowl Management Plan—The Service requests a $0.4 million program increase for the Joint Venture program. This successful program protects and restores critical habitats for diverse migratory bird species across all of North America, both on and to a greater extent off Service lands. As of December 2001, Plan partners have contributed approximately $1.5 billion to protect, restore, or enhance almost six million acres of U.S. wetlands, grasslands, forests, and riparian habitat, more than one-third of the 17 million acres of U.S. habitat objectives under the Plan. The Service and more than a thousand communities, governments, nonprofit organizations, ordinary citizens, Federal agencies in 49 states, and academia have participated in this program to date.

Law Enforcement—The Service requests $51.9 million, an increase of $1.5 million over the Fiscal Year 2002 enacted level and $2.3 million above Fiscal Year 2001. The request includes a $1.0 million program increase to provide additional core law enforcement capability for this program (refuge law enforcement is addressed within the National Wildlife Refuge System activity). The Service is actively strengthening the Law Enforcement program by filling current agent vacancies and providing funds to support baseline enforcement activities of on-board staff. This increase would enhance agent mobility through additional funding for investigative travel and vehicle operation essential to detecting, documenting, and deterring wildlife crime. The program continues to protect imperiled species worldwide by addressing a growing docket of wildlife crimes.

Fisheries—The Service requests $94.8 million, a net decrease of $9.1 million below the Fiscal Year 2002 enacted level and $2.7 million above Fiscal Year 2001, to continue supporting activities that restore the nation's waterways, native aquatic species, and habitats. Program increases are offset primarily by the hatchery reform reduction and reductions to non-recurring projects.

National Fish Hatchery System—The Service requests $50.0 million, a net decrease of $5.4 million below the Fiscal Year 2002 enacted level.

The request includes a $1.0 million program decrease to the Hatchery Operations program in order to implement needed reforms to the system to help focus on the priority restoration and recovery efforts. The reduction is consistent with the Administration's management reform initiatives. The Service will work with stakeholders to determine how to apply this reduction.

In addition, the Service requests a $0.7 million program increase as part of a $3.72 million Service-wide increase for Pacific Northwest salmonid. As an action agency under the National Marine Fisheries Service draft Artificial Propagation Biological Opinions, the Service will improve fish propagation strategies for 12 species of salmon and steelhead reared in hatcheries in the Columbia River Basin.

Fish and Wildlife Management—The Service requests $44.8 million, a net decrease of $3.7 million below the Fiscal Year 2002 enacted level, primarily due to the elimination of one-time projects.

The request includes a $1.1 million program increase as part of the $3.7 million Service-wide increase for Pacific Northwest salmonid. This funding will be used to restore and recover aquatic species, increase efforts to enhance instream flows and passage, restore habitat, and improve water quality in the Columbia River Basin. The additional funds will be used to monitor and evaluate salmon produced at National Fish Hatcheries in the Basin to facilitate reforms required under the National Marine Fisheries Service draft Biological Opinions on Artificial Propagation.

General Operations—The Service requests $141.0 million, a net increase of $13.0 million above the Fiscal Year 2002 enacted level and $12.0 million above Fiscal Year 2001, for Central Office Operations, Regional Office Operations, Servicewide Administrative Support, National Fish and Wildlife Foundation, National Conservation Training Center, and International Affairs. The request includes a $13.0 million

program increase to implement the Secretary's Cooperative Conservation Initiative as discussed above.

International Affairs—Within General Operations, the Service requests $8.2 million for the International Affairs program, $3,000 above the Fiscal Year 2002 enacted level and $37,000 above Fiscal Year 2001. The International Affairs program will continue working with others to protect, restore, and enhance the world's diverse wildlife.

Streamlining—The Service will implement $3.4 million in across-the-board travel and moving cost reductions. Other streamlining reductions include $0.8 million for elimination of regional ecosystem coordinator positions and $0.45 million for elimination of headquarters ecosystem coordinator positions and consolidation of the Division of Civil Rights into the Division of Human Resources.

CONSTRUCTION

The Fiscal Year 2003 request for current appropriations totals $36.2 million, including $0.8 million for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employee health benefits program for current employees. Without the legislative proposal, the request is $35.4 million, a net decrease of $20.1 million below 2002.

Construction Projects—The request includes $25.2 million for 15 dam safety, road and bridge safety, and other priority projects at national wildlife refuges, fish hatcheries, and law enforcement facilities, including dam and bridge safety inspections. Rehabilitation and replacement projects will address the most critical health, safety, and resource protection needs in the Service's Five–Year Construction Plan.

Nationwide Engineering Services—The Service requests $7.2 million to support the Nationwide Engineering, Seismic Safety, and Environmental Compliance programs. The request includes a $1.0 million program decrease for elimination of the Demolition Fund.

LAND ACQUISITION

The Fiscal Year 2003 request for current appropriations totals $71.1 million, including $0.7 million for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employee health benefits program for current employees. Without the legislative proposal, the request is $70.4 million, a net decrease of $28.71 million below 2002. This request would acquire approximately 49,347 acres of fee and easement interests. Major focus areas for 2003 include the Everglades ecosytem (J.N. "Ding" Darling, National Key Deer and Pelican Island NWRs in FL) and Baca Ranch (CO).

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The Service requests $91,000,000 for the Cooperative Endangered Species Conservation Fund, $5,235,000 below the Fiscal Year 2002 enacted level. The proposed funding level would provide $56,471,000 to support Habitat Conservation Plan Land Acquisition; $17,759,000 for Recovery Land Acquisition grants to help implement approved species recovery plans; $7,520,000 for traditional grants to states; and$6,650,000 for HCP planning assistance to states.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The Service requests $43.6 million for the North American Wetlands Conservation Fund, $60,000 above the Fiscal Year 2002 enacted level. This Fund protects and restores wetland ecosystems that serve as habitat and resting areas for migratory game and non-game birds, and supports non-regulatory private-public investments in the U.S., Canada, and Mexico.

To date, nearly 1,750 partners have worked together on nearly 976 projects in 48 states, the U.S. Virgin Islands, 13 Canadian provinces, and 24 Mexican states to protect, restore and enhance more than 8.7 million acres of wetlands and associated uplands in the U.S. and Canada and benefit vital habitat on more than 25 million acres within Mexico's large biosphere reserves. This request is expected to generate approximately $295.0 million in total partner funds and resources and protect and enhance 953,500 acres of wetland and upland habitat.

MULTINATIONAL SPECIES CONSERVATION FUND

The Service requests $5.0 million for the Multinational Species Conservation Fund (MSCF), $1.0 million above the Fiscal Year 2002 enacted level. The Service requests a $1.0 million program increase for technical and cost-sharing assistance for neotropical migratory bird conservation under the MSCF. The Service will continue providing technical and cost-sharing grant assistance to African and Asian nations for conserving elephants, rhinoceros, tigers, great apes, and their habitats; and, begin providing funding to Western Hemisphere nations for neotropical migratory bird conservation.

Many neotropical migratory birds, as well as African elephants, Asian elephants, rhinoceroses, tigers and great apes, are endangered species protected from take and trade by CITES and U.S. laws. The Fund provides successful, on-the-ground support to range countries for protecting at-risk populations, habitat and ecosystem conservation and management, applied research that includes surveys and monitoring, conservation education, protected area management, developing conservation action plans, and decreasing human-wildlife conflicts. The Fund also generates local matching resources from partners.

NATIONAL WILDLIFE REFUGE FUND

The Fiscal Year 2003 request for current appropriations totals $14.6 million, including $144,000 for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employee health benefits program for current employees. Without the legislative proposal, the request is $14.4 million, level with 2002.

There are no net increases above the enacted level for receipts from the sale of products, other privileges, and leases for public accommodations or facilities on the refuges. The Fiscal Year 2003 estimate for payments to counties is $18.1 million. The Service estimates that refuge visitors contribute more than $400.0 million to local economies each year. These benefits will continue to grow with projected increases in visitation.

STATE AND TRIBAL WILDLIFE GRANTS

The Service requests $60.0 million (including a $5.0 million tribal set-aside) for State and Tribal Wildlife Grants, the same as the Fiscal Year 2002 enacted level (the Fiscal Year 2002 budget provided new appropriations of $85.0 million, but rescinded $25.0 million in carryover balances for a net level of $60.0 million).

PERMANENT APPROPRIATIONS

In Fiscal Year 2003, receipts into the Service's permanent appropriations are projected to total $660.1 million, a combined $7.8 million decrease from Fiscal Year 2002 deposits, to the following accounts: National Wildlife Refuge Fund, North American Wetlands Conservation Fund, Cooperative Endangered Species Conservation Fund, Recreational Fee Demonstration program, Migratory Bird Conservation Account, Sport Fish Restoration Account, Federal Aid in Wildlife Restoration Account, Miscellaneous Permanent Appropriations, and Contributed Funds. The major changes are:

- Sport Fish Restoration Account—Receipts are expected to decrease by $18.6 million due to lower receipts from gasoline excise taxes on motor boats and small engine fuels and anticipated decreased interest on invested tax collections. Tax receipts and interest earned are available for obligation in the year following deposit into the Aquatic Resources Trust Fund.
- Federal Aid in Wildlife Restoration Account—Tax receipts available in Fiscal Year 2003 for Wildlife Restoration projects are expected to slightly increase by $9,300,000 above Fiscal Year 2002 levels, and due to increased interest rates, interest earned is estimated to increase by $4.0 million. Tax receipts become available for obligation in the year following their deposit to the U.S. Treasury, although interest earned in the current year is available during the year in which it is earned.

U.S. FISH AND WILDLIFE SERVICE MANAGEMENT REFORMS AND ACTIVITIES TO IMPLEMENT THE PRESIDENT'S MANAGEMENT AGENDA

In August of 2001, the President released his Management Agenda to help rethink and reform the Federal Government. The President's vision for reform is guided by three principles: it should be citizen-centered, not bureaucracy-centered; results-oriented; and market based. The President identified five government-wide initiatives to help achieve this vision:

- Strategic Management of Human Capital;
- Competitive Sourcing;
- Improved Financial Performance;
- Expanded Electronic Government; and
- Budget and Performance Integration.

The Service supports the President's Management Agenda and continues to create a citizen-centered organization by evaluating and implementing strategies to integrate budget and performance management, conduct workforce planning, competitively out-source with the private sector, and provide greater accountability to the American people. Approximately 8,736 full time permanent staff, supported by a volunteer force of 36,000, will work with others to conserve and protect fish, wildlife, plants and their habitats for the continuing benefit of the American people.

*Strategic Management of Human Capital*

Agency Restructuring—Although the Service's headquarters are in the Washington, D.C. area, more than 80% of the workforce is located in local communities across the nation at approximately 700 field stations (75% employ fewer than 10 employees) supported by seven regional offices. The Service continues to evaluate potential restructuring options to provide better decision making and have more front line staff in direct contact with the public. Specific actions included in this budget request include a workforce planning study, a regional and Washington office study, and divisional consolidations.

Workforce Planning—The Service will address strategic management of human capital through a comprehensive process that provides managers a framework for making staffing decisions based on our mission, strategic plan, budgetary resources, and desired workforce competencies. A study is currently underway to help develop this process.

Regional and Washington Office Study—The Service is analyzing various aspects of its organization, including functions, internal work processes and responsibilities. The focus is on issues, problems and needs rather than a comprehensive classical organizational assessment. This study involves a review of Washington operations as well, with a particular focus on the relationship to regional office issues.

Streamlining Consolidations—The Service has consolidated the Division of Diversity and Civil Rights into the Division of Human Resources to improve coordination and communication on human resource issues of common interest to the offices, such as diversity, recruitment, retention, student employment, and workforce planning, and will achieve $250,000 in savings, beginning in Fiscal Year 2003, from this move. In addition, the Service will save $1.0 million through the elimination of ecosystem coordinator positions. And, in ongoing efforts to provide better service and have more staff in direct contact with the public, the Service has already consolidated the Juneau, Alaska, fish and wildlife office, the Panama City, Florida, field office and the Klamath Falls, California, fish and wildlife office and is preparing to consolidate two offices in Fairbanks, Alaska.

Comprehensive Human Capital Investment Strategy—The Service will implement a comprehensive Human Capital Investment Strategy to assess the current and future workforce skills needed to deliver the Service mission.

Competitive Sourcing—The Service has contracted with a GSA-approved firm, Management Systems International, to review, evaluate, and make recommendations for the most appropriate delineations of Service positions with respect to those that are "inherently governmental" and those that could be considered commercial activities. It will include a listing that clearly shows the commercial activities positions in the Service, is consistent among regions regarding similar positions, and is versatile enough to apply to current OMB codes.

Improved Financial Performance—The Service continues to strengthen its financial performance through the improvement of financial management processes, particularly financial transaction, cost recovery, and cost allocation processes. In addition, the Service is ensuring similar progress on electronic funds transfer payments and credit card payments. In Fiscal Year 2001, the Service made 84% of its payments via electronic funds transfer, an 8% increase over Fiscal Year 2000. The Service has achieved one of the highest on-time credit card payment records in the Department and the Federal Government as a whole.

Budget and Performance Integration—The Service has been making continuous progress in linking performance goals to program activities in our budget requests. As an initial step to integrate the Service's performance structure with the budget in Fiscal Year 2001, we adopted a strategy of consolidating, aggregating or disaggregating the budget program activities into component parts and applying performance goals and indicators to those parts. The second step to better link plans and budgets can be seen in our efforts to show the performance consequences of requested levels of incremental funding for each of the annual performance goals accompanying the budget requests. Finally, important for the linkage of budgetary resources to results to occur is the connection with the base line of Service operations.

This concludes my testimony. I will be pleased to answer your questions.

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[The Department of the Interior's response to questions submitted for the record follows:]

HOUSE RESOURCES COMMITTEE

SUBCOMMITTEE ON FISHERIES, CONSERVATION, WILDLIFE AND OCEANS

U.S. FISH AND WILDLIFE SERVICE BUDGET OVERSIGHT HEARING

QUESTIONS AND ANSWERS FOR THE RECORD

**Question 1. Does the Bush Administration intend to send to Congress its own legislative proposal to amend the Endangered Species Act?**

Answer: No, the Administration does not intend to send to Congress a legislative proposal to amend the Endangered Species Act. We prefer to work with Congress, building on past legislative proposals, to comprehensively review the Act and modify where needed to improve clarity and efficiency.

**Question 2. Why has funding for habitat conservation for endangered and threatened species been reduced by $8.7 million?**

Answer. The fiscal year 2003 President's Budget request for U.S. Fish and Wildlife Service (Service) operations totals $903.6 million, a net increase of $53.0 million over fiscal year 2002. The request redirects $28.0 million in unrequested projects from fiscal year 2002 and reflects $12.6 million in administrative efficiencies, of which $7.0 million will be realized by absorbing fixed cost increases and $3.4 million by curtailing unnecessary travel and relocation costs. Within this total, increased funding reflects the Administration's priorities: the Secretary's Cooperative Conservation Initiative; National Wildlife Refuge system operations and maintenance; endangered species; Pacific Northwest salmon; and law enforcement and migratory birds.

Within the operations account, the "Habitat Conservation" budget sub-activity of the "Ecological Services" budget activity has a net overall decrease of $8.7 million. This is the result of the request eliminating approximately $9.48 million in fiscal year 2002 Congressional adds and pass-through funds; a reduction of $376,000 related to travel; an increase of $710,000 associated with fixed costs; and a program increase of $360,000 for the Administration's Pacific Northwest Salmon initiative.

Specifically, the budget eliminates $9.48 million in fiscal year 2002 Congressional adds and pass-through funding identified below. These items were eliminated to enable the Service to pursue other higher priority activities; fish and wildlife issues addressed through these funding mechanisms will be supported to the extent possible through normal Service funding and priority setting processes. Many provide funding to non-government entities (those highlighted with an asterisk), and while they contribute to conservation efforts in general, they are not necessarily Service priorities Alternative funding sources are available for these organizations and programs, including the Service grant programs such as the State and Tribal Grants and Landowner Incentives programs, the Federal Aid in Wildlife and Sport Fish Restoration programs, and the Cooperative Conservation Initiative.

| | |
|---|---|
| Partners for Fish and Wildlife | |
| Washington State Salmon Enhancement * | - $1,000,000 |
| Private Landowner Assistance | - $ 248,000 |
| Fairfield Marsh WPA, Wisconsin | - $ 100,000 |
| Invasive Species Control (Nutria control on Blackwater NWR) | - $ 550,000 |
| Hawaii Community-based Endangered Species Conservation Initiative | - $ 750,000 |
| Bull Trout Conservation in Washington State * | - $1,100,000 |
| Nevada Biodiversity Research and Conservation Initiative * | - $1,250,000 |
| Columbia River Estuary Research Program * | - $ 500,000 |
| Montana Water Center * | - $ 400,000 |
| Washington State Ecosystems Project * | - $1,483,000 |
| Project Planning | |
| Middle Rio Grande Bosque Program | - $ 250,000 |
| Coastal Program | |
| Long Live the Kings * | - $ 449,000 |
| Tampa and Florida Panhandle Field Offices | - $ 200,000 |
| Cook Inlet, Alaska * | - $1,000,000 |
| King Salmon Restoration * | - $ 200,000 |
| Total | - $9,480,000 |

* *Non-governmental organizations*

**Question 3. How much does the Federal government anticipate spending on ESA lawsuits in the current fiscal year?**

Answer: The costs for Endangered Species Act lawsuits are not tracked on a government-wide basis. In addition, it is difficult for the Service to provide complete or precise estimates of these costs. However, we can provide the expected spending on ESA section 4 listing and critical habitat litigation based on fiscal year 2002 allocations. In fiscal year 02, the Service allocated about $100,000 to each of our seven regions for costs associated with the management of the listing program in the regions, including litigation support costs. In addition, we allocated about $1.1 million for our Washington Office listing support, including program management, policy development, package review, and litigation support. While we do not track expenditure of these funds so closely to determine exactly the amount spent on litigation support, we expect that more than half of this $1.8 million will be expended on litigation support.

Of the $700,000 allocated to the regions, as much as $500,000 may be spent on litigation support. This includes reviewing court cases to recommend future actions; responding to notices of intent to sue; reviewing and preparing answers to complaints; drafting declarations; reviewing briefs; assembling administrative records; and participating in the development of litigation strategy. In fiscal year 2002, at least one region will devote an FTE as a dedicated position for litigation coordination. The percentage of the Washington Office allocation devoted to litigation support is lower, perhaps half. The Washington Office also has a dedicated position for listing litigation support, and participates in all the same kinds of actions as the regional offices, with greater emphasis on drafting and finalizing declarations and developing litigation strategy and approaches in response to court decisions and pending litigation. Combined regional and Washington Office litigation support costs likely exceed $1 million annually.

In addition, this addresses only litigation support costs; it does not include costs required to implement court orders or settlement agreements. This year, the entire $6 million available under the critical habitat subcap will be spent complying with court orders or settlement agreements. We expect to spend at least $730,000 complying with court orders and settlement agreements for listing actions such as petition findings and final rules not covered under the critical habitat subcap. This amount could increase with additional court orders before the end of the fiscal year. While the impact is not yet fully understood, court orders for petition findings could increase considerably following a recent decision in the 9th Circuit Court of Appeals (Biodiversity Legal Foundation, et al., v. Badgley, et al., 9th Circuit, March 21, 2002).

**Question 4. How will the U.S. Fish and Wildlife Service spend the proposed $57 million increase for wildlife refuge maintenance?**

Answer. The National Wildlife Refuge system is funded at $376.5 million, a $56.5 million or 18 percent increase over fiscal year 2002. Refuge operations funding is increased by almost $26.0 million and refuge maintenance funding is increased by almost $31.0 million. Details follow:

*Refuge Operations (+$25.8 million)*

The request for Refuge Operations focuses on "taking care of what we have" by addressing critical operating needs and preparing for the 2003 Centennial.

- Improving Stewardship to Wildlife and People (+ $12 million)
  $12 million request for 96 operational projects, representing the highest priority needs in the Refuge System and identified as such in the Refuge Operations Needs System (RONS). These priorities reflect a commitment to wildlife (+ $3.2 million), habitat (+ $4.4 million), people (+ $2.6 million), and recently established and expanded refuges (+ $1.8 million).

*Cooperative Conservation Initiative (+ $5 million)*

The budget includes a minimum of $5 million for implementing the Cooperative Conservation Initiative on or adjacent to National Wildlife Refuges. This initiative will implement the Secretary's goal of conservation through cooperation, consultation and communication. Building on the Refuge System's successful Challenge Cost Share Program, we will work with a wide range of partners to implement innovative, community-based projects that restore natural resources and foster wildlife habitat.

- Visitor Facility Enhancements (+ $2 million)
  These projects combine construction of new visitor facilities such as duck blinds, visitor contact stations, and observation decks with the maintenance of existing facilities to improve visitor experiences.
- Comprehensive Conservation Plans (+ $1 million)
  The budget includes a $1million increase to initiate and complete comprehensive conservation plans (CCPs) and help the refuge system meet its 2012 deadline for the completion of CCPs to cover every unit of the NWRS.
- Other Program Increases/Decreases (+ $5.8 million net)
  The budget request also includes an increase of $3.2 million for fixed pay costs, an increase of $3.7 million from an internal transfer for land acquisition planning, and a reduction in travel and transportation costs of $1.1 million.

*Refuge Maintenance (+ $30.7 million)*

The Refuge System will "take care of what we have" by modernizing and improving our maintenance program to ensure safe visits, protect wildlife, enhance habitats, and support our commitment to commemorating a century of conservation. Regular care of the infrastructure, technology, and tools of professional wildlife stewardship is the essential foundation to future conservation efforts.

The fiscal year 2003 budget requests funding for several bold, innovative programs that will increase accountability, provide economic benefits to local communities, and improve facilities. The following is a summary of the proposed fiscal year 2003 maintenance request:

- Annual Preventative Maintenance
  $2.0 million increase in annual preventive maintenance funds for those refuges implementing the Service Asset and Maintenance Management Systems (SAMMS) and Maximo software and ensure proper and efficient implementation.
  $500,000 increase for annual preventive maintenance projects on all refuges to preclude them from deteriorating and being added to the deferred maintenance backlog.
- Equipment Repair and Replacement
  $500,000 increase to rent and lease equipment, which would offset the purchase of costly heavy equipment and benefit local communities.
  $500,000 increase for an alternatively-fueled vehicle fund to provide incentives to managers for the purchase and use of fuel-efficient vehicles.
- Deferred Maintenance
  $25.2 million increase for deferred maintenance projects to reduce pending projects and improve facilities and infrastructure, which will increase total annual funding for projects to over $60 million.
  $2.0 million increase for implementation of the SAMMS and Maximo software.

**Question 5. The refuge maintenance backlog has been reduced from $886 million to $663 million. What are your projections for the number of**

**projects and total dollar amount of the refuge maintenance backlog that will remain at the end of FY 03?**

Answer: The refuge system deferred maintenance backlog as reported in the fiscal year 2002 budget justification was $831.0 million; however, this amount does not compare directly to the $663.0 million amount in the fiscal year 2003 budget justification. The $831.0 million amount from fiscal year 2002 also included $171 million for equipment repair and replacement. Changes have been made to comply with new federal accounting standards which no longer categorize equipment repair and replacements as deferred maintenance. Therefore, the comparable number for deferred maintenance (facilities projects only) between the fiscal year 2002 budget request and the fiscal year 2003 budget request are $660 .0 million and $663.0 million, respectively.

The deferred maintenance backlog at the beginning of fiscal year 2002 (the baseline for the fiscal year 2003 request) consisted of 12,526 projects with a combined value of $663.0 million. The fiscal year 2003 request will complete 583 deferred maintenance projects with a total value of $62.5 million. This will reduce the backlog by that amount; however, new deferred projects are also being identified through condition assessments and a new database update will be assembled by about August 1, 2002.

The Refuge System is currently developing the Five Year Plan with the Department, and will assemble fiscal year 2003 accomplishment information once this process is complete. It will be late October 2002 at the earliest before the Refuge System will have a refined backlog number. The overall backlog is expected to grow substantially due to the Federal Highway Administration inventory of our road system entered in the database in fiscal year 2002 and to a change in the reporting process. We will be able to report backlog in the old process and the new process for comparison purposes.

**Question 6. It is the Subcommittee's understanding that the Wallkill River National Wildlife Refuge has recently completed its compatibility analysis. The Subcommittee has been advised that over 2,300 comments were submitted supporting the use of the Galesville airport for model airplane enthusiasts. Are there any circumstances, any time, or any limited area within the Refuge that could accommodate model airplane users?**

Answer. The National Wildlife Refuge System Improvement Act of 1997 (Act) provides a clear hierarchy of uses for the NWRS: (1) Wildlife and wildlife conservation, (2) compatible wildlife-dependent uses, and (3) all other uses. This legislation also directs the Service to ensure that other uses are compatible with the "wildlife first" mission of the system and the purposes of each refuge. A compatible use is that which, in the sound professional judgement of the Refuge Manager, will not materially interfere with or detract from the fulfillment of the NWRS mission and the purposes of the refuge. After public review as specified by the Act, a final Compatibility Determination (CD) is issued.

The Service released the draft CD on model airplane flying and related competitive events at Shawangunk Grasslands NWR on November 26, 2001. The final CD, approved on February 20, 2002, concludes that model airplane flying and related competitive events are incompatible with the purpose of the refuge and the mission of the NWRS.

The Service completed a careful and thorough investigation of the impact of model airplane activities upon wildlife. During the 75-day period for public review of the draft CD, the Service received and carefully read more than 2,300 written comments. (Of these, 1,650 comments were form letters; comments from the local area supported the Service position >2:1; and the Service position was supported by 32 local and national conservation organizations).

The Service conferred with state conservation agencies and the leading grassland bird researchers in the Northeast and completed an extensive review of the scientific literature. In fact, the final CD includes more than 50 citations from the ornithological literature. The Service consulted local experts on field identification of birds with a thorough knowledge of the history of bird populations at the site, balanced with the observations of model airplane enthusiasts across the country.

Consequently, the Service found substantial evidence that this activity will yield direct and indirect negative impacts to the migratory birds of the refuge such as individuals walking through grassland areas to retrieve or launch model planes create a direct liability for grassland birds. While adult birds are fleeing or attempting to lure a perceived predator from their nests, their eggs and young are exposed to increased risk of nest predation and exposure to adverse temperatures. In fact, predation of eggs, young, and attendant adults occurs as a result of predators following scent paths and disturbed vegetation to the nest area. Further, modelers will unwittingly trample nests.

The refuge is also an important site for migrant and wintering grassland birds. Thus, modelers traversing fields will inadvertently disrupt the feeding and resting activities of birds which are attempting to maintain the fitness necessary to complete long-distance migrations or survive the winter. Moreover, in-flight model planes will cause birds to flee the Refuge or deter birds from using the refuge at all times of the year. Small planes flown at low altitudes and unpredictable frequencies cause the most disturbance to wildlife. Also, the noise of radio-controlled planes can be heard over one mile away. (Model planes are used at airports to deter birds from using runways). The Service concluded that this activity will materially interfere with and detract from the purpose for which the refuge was established—migratory waterfowl and protection and management of habitat for grassland dependent migratory birds and concentrations of wintering raptors.

The Act defines six wildlife-dependent uses of the NWRS, including wildlife observation and nature photography. When determined compatible, these six uses become the priority general public uses of the NWRS, and are given priority in planning and management. Numerous refuge visitors, local bird clubs, and national wildlife conservation organizations have expressed concern over the ability of the visiting public to enjoy a quality, wildlife-dependent experience at the refuge. Further, the vast majority of comments received from people living near the refuge expressed support of the Service's position. Model airplane flying can be a positive family activity; however, the refuge cannot support all recreational uses. Model airplane flying and related competitive events could create a substantial disturbance to refuge visitors engaged in other public uses.

The refuge is small (566 acres) and has no limited areas where model airplane activities can be accommodated. The noise generated by radio-controlled models is equal to or greater than the decibel level of a chainsaw or lawnmower, and can carry for approximately one mile, exposing wildlife and visitors to this noise throughout the refuge. Also, modelers have little control over free-flight planes. Consequently, these planes will land throughout the refuge, necessitating retrieval by modelers in areas occupied by disturbance-sensitive wildlife such as northern harrier, short-eared owl, Henslow's sparrow, grasshopper sparrow, vesper sparrow, bobolink, and eastern meadowlark.

In addition, there is no time period that model airplane activities can be accommodated. The refuge provides habitat for several species of rare and declining grassland bird species—including many of those listed above, like the northern harrier, upland sandpiper, short-eared owl, horned lark, Henslow's sparrow, grasshopper sparrow, vesper sparrow, and bobolink—that are sensitive to disturbance. These birds use the refuge during breeding, wintering, and both spring and fall migration seasons, that is, throughout the year. Further, the refuge is used by visitors seeking a quality wildlife-dependent experience throughout the year such as wildlife observation (birdwatching), nature photography; several comments from individuals concerned with disruption while hiking, cross-country skiing, or otherwise enjoying peaceful, quiet natural area.

**Question 7. What is the status of the completion of comprehensive conservation plans for each Refuge unit? How many have been completed? How many are underway and how many have not been commenced?**

Answer: By 2012, we need to complete Comprehensive Conservation Plans (CCP) for 551 national wildlife refuges (NWR) and wetland management districts (WMD). (This is the number of refuge units in existence at the time of passage of The National Wildlife Refuge System Improvement Act of 1997). As of September 30, 2002, we have worked with state and local communities to complete CCPs for 59 NWRs and WMDs, which represents 11 percent of our total workload. CCPs are currently underway on 172 stations; another 320 stations have yet to initiate CCP planning.

The President's budget for 2003 requests an additional $1 million to complete or initiate CCPs. While the 2003 President's Budget stated that we would complete 32 CCPs in fiscal year 2002, a subsequent status assessment indicates that we would actually only complete 15 CCPs covering 24 stations in fiscal year 2002. We are unable to complete the remaining 17 CCPs in fiscal year 2002 because many of these planning efforts are of a complex nature and involve multiple stations, extensive public involvement, and the resolution of highly controversial issues. Hence, completion of these CCPs will occur in fiscal year 2003. Currently, we plan on completing CCPs for 42 stations (see attached list - Attachment 1).

**Question 8. What is the Service's budget for invasive species control within the Refuge system?**

Answer. The President's 2003 budget requests $3.717 million in dedicated funding for control of invasive species within the National Wildlife Refuge System, an increase of $1.023 million over 2002. In addition, the budget includes $18.0 million for the Service's share of the Cooperative Conservation Initiative. These funds are

available for invasive species control and other natural resource restoration activities.

**Question 9. How much money has been set aside to remove non-native nutria at the Blackwater National Wildlife Refuge in Maryland?**

Answer: The fiscal year 2003 President's Budget request includes $498,000 to remove non-native nutria at the Blackwater National Wildlife Refuge in Maryland. This includes $299,000 of Refuge Operations Habitat Improvement funds and $199,000 from the Partners for Fish and Wildlife program to implement fiscal year 2003 management activities to begin removal of invasive alien nutria at the Blackwater National Wildlife Refuge (NWR) in Maryland. A portion of the Refuge Operations funds provided will be used to analyze the Blackwater NWR Pilot Program Data in fiscal year 2003 and determine the feasibility of eradication, and the requirement for additional funds from other sources in the future.

**Question 10: What is the justification for reducing spending for fisheries by $9.1 million?**

Answer: The budget includes $94.8 million for the fisheries program, a decrease of $9.1 million from 2002. Most of the reduction is attributable to elimination of unrequested earmarks ($10.4 million). Many of these reductions are pass-through grants to State and local communities that are more appropriately funded through 2003 grant programs such as the Cooperative Endangered Species Conservation fund or the State Wildlife and Landowner Incentive grant programs. Other earmarks establish levels of funding that the Service must allocate toward certain species-related efforts. These earmarks limit the Service's flexibility to allocate funds in a rational manner based on nationwide workloads.

The 2003 request for fisheries also reflects: a $1.0 million program reduction in hatchery operations; $1.8 million for earmarks related to Pacific Northwest salmon recovery; a $387,000 travel and transportation reduction; and an increase of $848,000 for fixed costs.

| | |
|---|---|
| Details of budget changes follow: | |
| National Fish Hatchery System | |
| Pacific Northwest Salmon | $720,000 |
| Fixed costs (pay and retirement) | 538,000 |
| Subtotal | $1,258,000 |
| | |
| Washington Hatchery Improvements Project | -4,000,000 |
| Leadville National Fish Hatchery, CO | -1,500,000 |
| Hatchery Operations | -1,000,000 |
| | |
| Travel and Transportation | -168,000 |
| | |
| Subtotal | -$5,410,000 |
| | |
| Fish and Wildlife Management Assistance | |
| Pacific Northwest Salmon | $1,101,000 |
| | |
| Fixed costs (pay and retirement) | 310,000 |
| Subtotal | $1,411,000 |
| Travel and Transportation | $ -219,000 |
| University of Idaho Salmon and Trout Recovery Program | $ -100,000 |
| Regional Mark Processing Center | $ -248,000 |
| Yukon River Escapement Monitoring | $ -100,000 |
| Yukon River Fisheries Management Studies | $ -200,000 |
| Yukon River Salmon Treaty Information/Education | $ -160,000 |
| Yukon River Treaty Implementation | $-1,000,000 |
| Great Lakes Fish and Wildlife Restoration | $ -500,000 |
| Washington State Reproductive Biology | $ -500,000 |
| Wildlife Enhancement | |
| Economic Development | $ -850,000 |
| Alaska Marine Mammals | $-1,270,000 |
| Subtotal | -$3,736,000 |
| Total | -$9,146,000 |

**Question 11. How will this reduction affect the National Fish Hatchery System? How many hatcheries will be closed in FY 03? How many hatcheries will be transferred to the states and have any states expressed interest in obtaining title to a Federal fish hatchery?**

Answer. The National Fish Hatchery program is funded at $50.0 million, including a net decrease of $5.4 million as detailed above. Hatchery operations are funded at $35.7 million, including a net decrease of $1.4 million and hatchery maintenance is funded at $14.4 million, including a net decrease of $4.0 million. In general terms, most of these reductions are achieved by eliminating one time Congressional adds, though within the net decrease the hatchery system is slated to receive $0.7 million increase as part of the larger Pacific Northwest salmon funding package.

The 2003 budget includes a $1.0 million general reduction to hatchery operations. The $1.0 million reduction will be allocated by increasing reimbursements from non-reimbursed, non-native fish for mitigation or by reducing production at these facilities ($711,000) and discontinuing channel catfish production ($289,000). Potential impacts on a hatchery by hatchery basis follow at the end of this answer.

The Service has been working with its stakeholders to identify the appropriate role for the Service Fisheries Program in fish and other aquatic resource conservation.

There are 10 National Fish Hatcheries that predominately produce non-reimbursed, nonnative fish for mitigation. Mitigation production programs at Jones Hole and Hotchkiss NFHs, which are currently funded by the Service, mitigate Bureau of Reclamation projects. The Service will work with the Bureau of Reclamation and the Department over the next few months to try to obtain cost recovery for this mitigation production. It is unlikely that full cost recovery will be achieved in fiscal year 2003, therefore, the Service and Bureau of Reclamation are currently reviewing management and funding options for operations and maintenance of these two hatcheries. As way of background, fiscal year 2001 Service funds spent on mitigation production were $288,000 at Jones Hole NFH and $302,000 at Hotchkiss NFH, for a total of $590,000.

The Service plans to end its catchable channel catfish production. Channel catfish production is not necessary to accomplish recovery goals for T&E species and ranks as a low priority based on the Service performance goals and priority objectives. Channel catfish are currently produced at six NFHs. Cessation of channel catfish production at Inks Dam NFH, which is the only hatchery that is predominately (81%) producing catfish, will place the facility in caretaker status and necessitate the transfer of the regional fish distribution truck, its operational budget, and one FTE to another regional facility.

The Service plans to begin phasing out channel catfish production and placing Inks Dam in caretaker status in 2002. The Service estimates that 2002 costs associated with placing Inks Dam in caretaker status will total $400,000 (to move the fish distribution unit and associated FTE; potential moves or separation packages for the other FTEs; possible bumping of personnel; securing the facility; and moving other production programs). Funding will be reprogrammed from hatchery maintenance projects included in the Five Year Plan, under the Secretary's authorities to reprogram funding up to $500,000, and, after consultations with the Tribes. Specifically, the Service will reprogram from two fiscal year 2002 deferred maintenance projects at Inks Dam, including $323,000 to replace rusted drain valves and kettles in 13 ponds and, $100,000 to replace fencing.

Discontinuing catfish production may affect one FTE at Tishomingo NFH. Catfish production at Harrison Lake, Genoa, Private John Allen, and Mammoth Springs NFHs is incidental and can be terminated with minimal effects on staff. A portion of the Service production of catchable channel catfish is provided to Tribes. Tribes affected by these proposals include the following at Tishomingo NFH (Chickasaw Nation 50 lbs., Choctaw Nation 115 lbs., Seminole Nation 40 lbs) and at Inks Dam NFH 22,000 lbs. to the Acoma, Fort Apache, Isleta, Jemez, Jicarilla, Navajo, San Carlos, Sandia, San Ildefonso, San Juan, Zia, and Zuni Indian reservations. The Service will consult with the affected Tribes to discuss how they could turn to other sources for catchable channel catfish, but, the Service will not buy the fish for the Tribes.

Any remaining reduction that may be needed will be distributed across the 10 National Fish Hatcheries that predominately produce non-reimbursed, nonnative fish for mitigation. These hatcheries include Willow Beach NFH (AZ), Neosho NFH (MO), Chattahoochee NFH (GA), Dale Hollow NFH (TN), Greers Ferry NFH (AR), Norfolk NFH (AR), Wolf Creek NFH (KY), Hotchkiss NFH (CO), Jones Hole NFH (NFH), and Leadville NFH (CO). Care will be taken to distribute the reduction in ways that will not adversely impact the Service's efforts to negotiate full cost recovery with the entity responsible for the federal water project associated with the mitigation production. Funding information related to hatcheries that may be impacted by the reduction follows:

**National Fish Hatcheries predominately producing non-reimbursed, nonnative fish for mitigation:**

| FY02 Field Station List Data | % non-reimbursed, nonnative |
|---|---|
| Willow Beach NFH (AZ) | $593K / 8 FTE 65% |
| Neosho NFH (MO) | $356K / 5 FTE 80% |
| Chattahoochee NFH (GA) | $370K / 4 FTE 97% |
| Dale Hollow NFH (TN) | $843K / 7 FTE 78% |
| Greers Ferry NFH (AR) | $379K / 5 FTE100% |
| Norfork NFH (AR) | $654K / 9 FTE100% |
| Wolf Creek NFH (KY) | $323K / 3 FTE 68% |
| Hotchkiss NFH (CO) | $353K / 5 FTE 62% |
| Jones Hole NFH (UT) | $409K / 4 FTE 88% |
| Leadville NFH (CO) | $177K / 2 FTE 76% |

**Catchable channel catfish**

| | | |
|---|---|---|
| Region 2 | | |
| | Inks Dam NFH | $208,000 |
| | Tishomino NFH | $ 24,000 |
| | Regional office | $ 25,400 |
| Region 3 | | |
| | Genoa NFH | $ 100 |
| Region 4 | | |
| | Mammoth Springs NFH | $ 1,000 |
| | Private John Allen | $ 2,000 |
| | Regional office | $ 300 |
| Region 5 | | |
| | Harrison Lake NFH | $ 2,000 |
| | Regional office | $ 200 |
| Region 9 | | $ 26,000 |
| | **Total** | **$289,000** |

No states have expressed an interest in obtaining title to a federal fish hatchery and there are no plans to transfer Service hatcheries to states.

**Question 12. What is the current maintenance backlog for the National Fish Hatchery System?**

Answer: The current fiscal year 2002 estimated comprehensive maintenance backlog for the National Fish Hatchery System is $328.0 million, with 38% in Resource Management needs and 62% in Construction needs. The program is conducting condition assessments as part of Department-wide efforts to improve the accuracy of the backlog estimates.

**Question 13. How many confiscated or forfeited items are currently stored at the National Wildlife Property Repository in Denver, Colorado?**

Answer. The National Wildlife Property Repository receives only forfeited and abandoned wildlife items and donates materials to appropriate public institutions for use in conservation education on a continuing basis. Approximately 300,000 items are currently stored at the Repository.

**Question 14. Does the Service anticipate the need for a second wildlife auction to free up space at the Wildlife Repository in FY 03?**

Answer. The Service plans to auction seized or forfeited wildlife items from the National Wildlife Property Repository in fiscal year 2002 or 2003. Approximately 15,000 items are currently available for auction. These items represent an accumulation of common commercial products, such as boots, belts, paint brushes, and shell and coral products, made from species that can lawfully be sold.

**Question 15. In the current fiscal year, Congress appropriated money to hire twenty new special law enforcement agents for the U.S. Fish and Wildlife Service. What is the status of those agents and how many current special agents are enforcing our wildlife laws?**

Answer. The Service announced openings for new special agents in late February 2002, starting the selection process that will add 24 officers to the Division of Law Enforcement. However, the court order that disconnected all Interior Department agencies from the Internet in early December 2001 forced us to delay announcing these positions until special arrangements could be made allowing remote utilization of the Office of Personnel Management's "Quick Hire" electronic application system.

The volume of anticipated applications (last year's announcement saw more than 1,400 applicants) makes use of Quick Hire imperative since the system performs initial screening that reduces the number of applications that must be reviewed by the agency. We anticipate that our new agent class will report for basic training in September 2002.

As of April 1, 2002, the Service has 215 special agents enforcing our national wildlife protection laws. This number includes 35 new agents hired in July 2001. Duty stations for Service special agents are located throughout the country and in Puerto Rico and Guam.

**Question 16. What is the extent of a bear viscera poaching problem in this country?**

Answer. The Service places a priority on investigating violations that involve unlawful commercialization of federally protected wildlife. Although black bear (the domestic species most frequently targeted for viscera) is not a federally protected species, Service special agents pursue cases involving bear poaching and viscera sales when a federal enforcement nexus exists, such as illegal take of bears on federal lands or the unlawful sale of viscera in interstate commerce. These violations are investigated fully and referred to the appropriate court for prosecution.

Most bear poaching investigations, however, are completed by state wildlife agencies and involve violations of state law. In many cases, crimes involving bear poaching and viscera trafficking fall outside of federal jurisdiction and the Service's investigative authority. The Service, therefore, cannot provide an accurate assessment of the full extent of the bear viscera poaching problem in this country.

**Question 17. What is the status of black bear populations in the U.S.?**

Answer. Recent surveys of state fish and wildlife agencies indicate the number of black bears is increasing in the U.S. Based on these surveys, the total number of black bears in the U.S. is estimated to range from 325,000 - 448,000. At least 41 states have resident black bear populations and it is likely that black bears are present at least occasionally in 44 states. Much of the black bear population is in Alaska, where the bear's population is estimated to range from 100,000 - 200,000. The state of Washington, with an estimated population of 27,000 - 30,000, supports the largest population in the contiguous U.S. Nine states, because of low populations, consider the black bear state protected, threatened or endangered. The Louisiana population is considered threatened under the federal Endangered Species Act.

Currently 28 states have black bear hunting seasons. Approximately 16,000 - 19,000 bears are harvested by hunters annually. Several states have over 1,000 bears harvested annually including Alaska, California, Idaho, Maine, Michigan, Minnesota, Montana, Oregon, Pennsylvania, Washington, and Wisconsin.

After reviewing the state laws and policies pertaining to the U.S. native bear species, we believe the states are adequately managing our native bear populations. We are working with the state fish and game agencies to ensure continued coordination of and compliance with national and international regulations relating to bears. The long term management success for this species will have to address factors such as fragmentation of their population resulting from decreased habitat, poaching, and conflicts that arise from human-bear interactions.

**Question 18: Please provide the Subcommittee with a list of projects the U.S. Fish and Wildlife Service has underway with the National Fish and Wildlife Foundation?**

Answer: The list is attached. (See Attachment 2 and 3).

**Question 19: Does the Service support allowing members of the National Fish and Wildlife Foundation and their staff to travel as government employees when engaged in official business?**

Answer: The Fish and Wildlife Service supports allowing members of the National Fish and Wildlife Foundation and their staffs to travel using government travel rates as established by the General Service Administration. This would allow Foun-

dation members and staffs to more effectively leverage their efforts with those of the Service.

**Question 20. It is our understanding that your solicitor's office has been examining this issue for months. Can you accomplish this by regulations, or will legislation be necessary to allow the use of government travel benefits by the National Fish and Wildlife Foundation?**

Answer: At the request of the Fish and Wildlife Service, the Office of the Solicitor, General Law Division, reviewed the status of the National Fish and Wildlife Foundation as it relates to government contract travel rates. The Solicitor has determined that the Foundation is not eligible for government travel rates based on the provisions of the Federal Property and Administrative Services Act of 1949. Under the Act, the General Services Administration (GSA) determines organizational eligibility for government contract travel; GSA has determined that Congressionally established foundations, including the National Fish and Wildlife Foundation, are not eligible. Also, under the 1949 law Congressionally established foundations are not defined as agencies of the United States, therefore they are not eligible to receive contract travel rates.

Based on the Solicitor's opinion, we believe that legislation would be needed to establish the eligibility of the National Fish and Wildlife Foundation to receive government contract travel rates.

**Question 21. Describe the upgrades you are planning for the Clark Bavin Forensics Laboratory?**

Answer. The Clark R. Bavin National Fish & Wildlife Forensics Laboratory is the only full-service wildlife crime laboratory in the world. Its forensic scientists provide rapid necropsy aid, toxicology support, identification and comparisons of wildlife parts and products, and expert witness testimony for wildlife law enforcement agencies on a national and worldwide basis.

Total funding for the project is $23.0 million. So far, $2.3 million has been appropriated to date. The Administration's fiscal year 2003 budget request includes $6.2 million, and the remaining $14.4 million is included in the outyears of the Department's Five Year Construction plan.

Laboratory specialists are currently performing potentially hazardous necropsy and toxicology work on approximately 300 animals per year even though the facility was not designed for such studies. The Laboratory is not allowed to receive several thousand potential submissions per year involving bio-hazardous blood and tissue samples because the building does not include laboratory space that meets U.S. Department of Agriculture and Center for Disease Control safety prerequisites for such work. Therefore, a new Level III Biological Containment Area which will address bio-hazard and chemical-hazard safety concerns has been proposed.

In addition to a Level III Biological Containment Area, the planned add-on to the Forensics Laboratory will include a biologically controlled evidence receipt area, enhanced security at the front (public) entrance to the building, a modern 3-table pathology area, a training/conference room, an indoor test-firing range, an expanded morphology storage area, and enhanced/improved lab areas for morphology, genetics, and chemistry.

These additions will enable Laboratory staff to work more safely with evidence samples that potentially could be contaminated, either naturally or deliberately (where the contamination may involve a virulent disease vector such as hoof and mouth disease, anthrax, HIV, or ebola); receive and assess evidence shipments in a "triage" manner within a controlled environment; receive and evaluate potentially aggressive visitors with greatly reduced risk to Laboratory personnel; conduct autopsies in a multi-level controlled environment within which an infected carcass or tissues can be safely isolated and destroyed; host conferences and training sessions within the lab without creating evidence and chain-of-custody concerns; safely and properly store a rapidly growing standard-specimen collection; and analyze "unknown" evidence items in a safer laboratory environment.

The planned addition will enable Laboratory staff to work in a much safer, efficient, and effective manner. These upgrades will ensure the health and safety of scientists, technicians, and support personnel while expanding the facility's ability to analyze evidence and help wildlife law enforcement officers solve wildlife crimes and uphold wildlife protection laws.

**Question 22. How many paid volunteer coordinators are there within the National Wildlife Refuge System? Where are they located?**

Answer. There are 16 paid volunteer coordinators within the National Wildlife Refuge System. They are located at Anahuac NWR, TX (Texas Chenier Plain Complex); Arctic NWR, AK; Desert NWR Complex, NV; Forsythe NWR, NJ; Kenai NWR, AK; Minnesota Valley NWR, MN; Neal Smith NWR, IA; Ninigret NWRC, RI; Reelfoot NWRC, TN; Rocky Mtn. Arsenal, CO; San Francisco Bay NWRC, CA; St.

Marks NWR, FL; Sand Lake NWR, SD (Physically located at Huron WMD); Stone Lakes NWR, CA; Upper Mississippi River NWFR, LaCrosse Dist., WI; and Wichita Mountains NWR, OK.

**Question 23. What is the status of the Service's agreement with the Midway–Phoenix Corporation on their concession arrangements of the island of Midway?**

Answer. In late January, 2002, Midway Phoenix Corporation (MPC) announced it would terminate its partnership with the Service at Midway Atoll NWR, citing "overly restrictive regulation" as the reason for their inability to succeed financially. The Service and MPC entered into a Settlement Agreement at no cost to either party, whereby the 1996 Cooperative Agreement was terminated and MPC's activities on the island would cease on May 1, 2002. On April 12, 2002, the Service signed a six month contract with GeoEngineers to operate and maintain Midway's primary infrastructure. GeoEngineers began island operations on May 1, at the departure of the last MPC employees.

Recently, the Service decided to extend contracts with GeoEngineers and American Airports until December 31, 2002, to operate and maintain Midway's infrastructure and airport facilities, respectively. An on-site visit was provided to prospective bidders on September 21, 2002, and the Service issued a request for proposals, which were due in by October 8, 2002, for a long-term management contract at Midway Atoll NWR. Because Midway's facilities and strategic location are important to many governmental and non-governmental stakeholders, the Service and the Department of the Interior are working to establish cost-sharing agreements to defray operational costs.

**Question 24. How much does Midway–Phoenix Corporation owe the Fish and Wildlife Service and any other Federal agency or department?**

Answer. Under the terms of the no cost settlement agreement, Midway Phoenix Corporation (MPC) does not owe the Service any money. MPC removed all employees and ceased operations on the Island as of May 1, 2002, when GeoEngineers took over operations of the primary infrastructure at Midway.

We recently became aware of three bills covering the period of August 2000 to October 2001 totaling $62,766.87 from Defense Financial Accounting System (DFAS) that indicated that MPC did not pay for transportation of goods to Midway. We are aware that DFAS is in direct contact with MPC to receive payment of the $62,766.87. In the past, the Service has received bills from DFAS for military transportation costs incurred by MPC and passed them on to MPC for payment. These bills were not paid by MPC and DFAS withdrew funds from the Service's account for the unpaid amount. In October 2001, the Service deauthorized MPC's use of military transportation because they did not pay for these transportation costs.

The no-cost settlement agreement enabled MPC and the Service to cleanly dissolve the relationship without either party trying to extract additional funds from the other for services rendered or supplies and equipment bought and used on the island. The alternative would have been a very contentious and potentially costly legal dispute. In effect, we believe the agreement was beneficial to the Agency and the U.S. Taxpayer.

Although the Defense Finance Accounting Service did withdraw funds from the Service's account to cover shipping charges incurred by MPC prior to the no-cost settlement, no funds were withdrawn from the Service by DFAS after the no-cost settlement was finalized. In effect, MPC may still be responsible for outstanding shipping and transportation costs (the $62,767 identified in the above answer) if they have not yet reimbursed DFAS. In any case, this funding issue is between DFAS and MPC.

**Question 25. Describe for the Subcommittee, why the Service has requested to purchase 420 acres at the Quinault Indian Reservation in the State of Washington?**

Answer. The request for funds to purchase 420 acres on the Quinault Indian Reservation in Washington State emanated from a Conservation Agreement between the Department of the Interior, the Quinault Indian Nation and the Trust for Public Land to purchase perpetual conservation easements over timberlands to protect the threatened marbled murrelet. The agreement was signed in July 2000, and the Department agreed to seek funds for the acquisition of timber easements over 4,207 acres of land on the Quinault Indian Nation. The U.S. Fish and Wildlife Service has requested $5 million from the Land and Water Conservation Fund to purchase a conservation easement on approximately 420 acres of timber lands.

**Question 26. How has the project been ranked in your LAPS list?**

Answer. The acquisition of easements on Quinault Indian Nation lands is not currently included in the Land Acquisition Priority System (LAPS).

**Question 27. What is the rationale for this land acquisition and with 3,722 acres remaining that Service indicates a desire to obtain, what is the total cost to the U.S. taxpayers to buy this property?**

Answer. In 1988, Congress enacted P.L. 100–638 to return 11,905 acres of land known as the North Boundary Area to the Quinault Nation. Congress intended that these lands would provide a sound economic base. It was anticipated that timber harvesting in this area could provide significant revenues for land consolidation, ecosystem management, and economic development.

On January 28, 1998, the Service issued a jeopardy biological opinion under the Endangered Species Act to the Bureau of Indian Affairs for a timber management plan proposed by the Quinault Indian Nation for the North Boundary Area. Much of the old-growth timber on the North Boundary Area was restricted from harvest under this opinion. Through negotiations, the Quinault Indian Nation and the Service identified 4,207 acres of second and old-growth timber, located on two blocks of land, that could be retained for marbled murrelet conservation, releasing the remainder of the timber on the North Boundary Area outside of the two blocks for harvest. A revised biological opinion dated August 25, 2000, established these two conservation blocks and allowed for timber harvest outside these areas. The Conservation Agreement between the Department of the Interior, the Quinault Indian Nation and the Trust for Public Land, states that the Department, and the Trust for Public Lands will seek and support funding of up to $50 million through federal appropriations and outside funding sources to acquire the easements on the total 4,207 acres. Easements on over 64 acres have been acquired to date with $1 million from the Landowner Incentive Grant received by the Service in fiscal year 2000.

The Nation filed a lawsuit in July 2001 claiming $92.4 million in damages.

**Question 28. What is the rationale for the Baca Ranch acquisition? Why is this project not included in the LAP's network? What is the total cost to acquire this property?**

Answer: This acquisition has significant conservation value. Most of the wetlands are identified as Conservation Sites by the Colorado Natural Heritage program, and the biological diversity ranking for these wetlands is either Significant or Very Significant on a global scale. The San Luis Valley contains the largest and most important concentration of wetlands in Colorado. Wetlands on Monte Vista National Wildlife Refuge have been identified as very productive waterbird nesting wetlands. Valley wetlands provide habitat for myriad water birds, including the largest nesting colonies of snowy egrets, white-faced ibis and black-crowned night herons in the state, and provide critical migration habitat for the entire Rocky Mountain population of greater Sandhill cranes. The San Luis Valley is a focus area for the Inter–Mountain West Joint Venture of the North American Waterfowl Management Plan.

This acquisition is strongly supported by the local community, the Governor of Colorado, the Colorado Department of Natural Resources, the Colorado Division of Wildlife (CDOW) and the Rio Grande Water Conservation District. The CDOW supports inclusion of much of the Baca Ranch in the National Wildlife Refuge System, in part due to the potential for better elk management that National Wildlife Refuge status would offer.

While the project was not ranked in the 2003 Budget's LAPS list, it is the number one priority of the National Park Service, and is a high Secretarial priority.

The total cost of land acquisition under this Act is estimated to be $31.3 million dollars, to be funded by the Department of Interior. In fiscal year 2001, NPS obligated $8.2 million toward acquisition. Of the remainder, the expectation is that $14.4 million would be funded by the Service and $8.7 million by NPS, consistent with authorizing legislation requiring that certain portions of the acquisition be designated a National Wildlife Refuge.

**Question 29. Since Congress has never appropriated any money for the Wild Bird Conservation Act of 1992, would it be appropriate to repeal this law? Why or why not?**

Answer: Although specific appropriations have not been made for the Exotic Bird Conservation Fund established under the Wild Bird Conservation Act of 1992 (WBCA), specific funding was provided for implementing the remaining provisions of this law when it was first enacted. Since then, the Fish and Wildlife Service has received funding for WBCA activities under its broader line item for International Wildlife Trade. This law has been useful for bringing under control imports of wild-caught exotic birds into the United States which were previously considered to be unsustainable and detrimental to wild populations. The WBCA provides the opportunity for countries to export wild-caught birds to the United States as part of appropriate management of the species involved. The Service also has in place regulations under the WBCA that allow the import of birds for a variety of purposes, in-

cluding for personal pets, breeding and display by zoological institutions, cooperative breeding programs of aviculturists and zoos, and research.

**Question 30. Describe the Comprehensive Everglades Restoration Plan for fiscal year "03? What are you attempting to accomplish?**

Answer. The Comprehensive Everglades Restoration Plan (CERP) is a 30-year restoration effort designed to restore the hydrology and ecological function of the Everglades, which have been gradually degraded over a period of 50 years of flood control and drainage projects. Home to 21 listed species and several million acres of a variety of tropical and subtropical wetland habitats, the Everglades is a unique and unparalleled component of the American landscape. This restoration effort extends from the Kissimmee River basin in Central Florida southward to Florida Bay and the Florida Keys.

The Service has two primary responsibilities during implementation of CERP projects. One is the coordination and preparation of Fish and Wildlife Coordination Act (FWCA) reports on each CERP project. The FWCA report provides the views and recommendations of the Secretary regarding the conservation and enhancement of fish and wildlife resources for that project. The other half of the Service's CERP workload involves our responsibilities under the Endangered Species Act. At least 22 threatened and endangered species will be effected by CERP implementation.

The section 7 consultations resulting from the CERP are complex due to the large geographical scope of these projects. They usually involve multiple species covering several physiographic regions and usually involve considerable trade-off analyses. Consequently, we anticipate utilizing a significant amount of Service staff to perform section 7 analysis for CERP and work on the activities of South Florida Multi–Species Recovery Plan. The Multi–Species Recovery Strategy is designed to address the recovery needs of the 68 federally-listed threatened and endangered species in south Florida inclusive of the Everglades, using an ecosystem-wide approach. This is one of the first recovery strategies specifically designed to meet the needs of the multiple species that do not occupy similar habitats. It is also one of the first designed to approach recovery by addressing the needs of entire watersheds: in this case the Kissimmee–Okeechobee–Everglades and the Peace–Myakka River watersheds.

Other CERP activities that will involve significant coordination and review will be increased involvement of the Service's Division of Federal Aid in land acquisition and strengthening of the fisheries component of CERP. Coordination and review of land acquisition efforts are essential for successful CERP implementation, and remain a Service priority. Federal Aid conducts grant management of several federal land acquisition grants to State of Florida agencies as well as processing new grant applications, grant amendments, account and budget tracking, real estate overview, and monitoring of interim uses and program income on acquired lands. The South Florida Field Office, coordinating through Division of Federal Aid, will be involved in numerous environmental contaminant reviews, section 7 consultations under the Endangered Species Act, on-site inspections, and the preparation of documentation under the National Environmental Policy Act to ensure Farm Bill/Everglades Restoration Appropriations are efficiently and prudently allocated. Through follow-up monitoring and coordination, the Service will also be actively involved in ensuring that all interim land uses prior to restoration will ultimately be compatible with the restoration goals for each individual parcel.

The Service's Fisheries Program will also be a critical component in the development and implementation of the CERP. Restoring fish habitat, passage and water quality, and preventing, monitoring, and controlling aquatic exotic species will be key areas in this restoration effort. Fisheries will also focus on assisting National Wildlife Refuges with aquatic population survey needs, monitoring, water quality, and other fishery management activities. Additionally, Division of Fisheries will play a key role in assisting Ecological Services in the development of Fish and Wildlife Coordination reports.

**Question 31. The Fish and Wildlife Service in the Alaska Region has recently hired new staff to perform data gathering, analysis, and research in support of its subsistence management responsibilities under Title VIII of the Alaska National Interest Lands Conservation Act.**

However, the jobs the new staff is hired to perform are already performed by the State of Alaska. Moreover, the Service is filling these jobs with the State's own experts, who are lured by offers of high pay and benefits.

This forces the taxpayer to pay for information already available for free. From Alaska's perspective, it causes an institutional brain drain jeopardizing the State's ability to collect and analyze information in support of its traditional fish and game management responsibilities.

(A.) Under Title VIII of ANILCA, is the Service required to perform non-decision-making functions that are already available from the State of Alaska? Has there been a problem obtaining fish and wildlife information from the State?

(B.) Has there been an analysis of how much it costs taxpayers to duplicate functions already performed by the State?

(C.) How many of the Service's employees hired to perform data collection, analysis and research, formerly worked for the State of Alaska in similar jobs? How much does it cost the Service to employ them compared to what it cost the State?

(D.) Has the Service considered whether it might be more cost-effective to contract out certain functions with the State or with Native entities, than to recruit its own staff, providing that there is no effect on decision-making or enforcement?

Answer: The Service does acknowledge and share the State of Alaska's concern regarding duplication of effort and have implemented the Federal Subsistence Management Program to avoid duplication with State programs to the greatest extent possible. When the Secretaries of the Interior and Agriculture were given responsibility for federal subsistence fisheries management in Alaska under Title VIII of ANILCA, they established a Fisheries Resource Monitoring Program to increase the range of information available for effective fisheries management. Rather than duplicate State programs, the Monitoring Program builds upon existing programs and expertise of state, federal, tribal, academic, and other entities within Alaska.

All Monitoring Program project funds are awarded through a competitive process involving scientific review by a technical review committee consisting of three members from the Alaska Department of Fish and Game and one member each from the Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, U.S. Forest Service, and Office of Subsistence Management. This broad scientific review ensures that the highest quality projects are funded, and that efforts are not duplicated.

In fiscal year 2001, the Departments of the Interior and Agriculture funded 74 new fisheries monitoring projects totaling nearly $8 million. All information collected by the Monitoring Program is shared between State and federal managers for the effective management of subsistence fisheries. The Monitoring Program is providing valuable stock status and harvest information for effective fisheries management, increasing tribal and local involvement, addressing fisheries issues and information needs identified by local users, minimizing fishery conflicts, and addressing regulatory actions.

A federal/State Memorandum of Agreement was developed and initialed in early 2000 to address coordination and avoid duplication between federal and State programs involving subsistence management. The MOA promotes coordination and cooperation between the federal and State programs to effectively implement dual management. Currently six protocols are in various stages of development that further specify coordination regarding key areas of mutual federal/State interest. These include:

- Subsistence Management Information Sharing,
- Yukon River In-season Fisheries Management,
- Statewide In-season Fisheries Management,
- Regulatory Coordination,
- Fisheries Regulatory Management Planning, and
- Subsistence Use Amounts.

(A.) Yes, the Service is required to perform non-decision-making functions. As mandated under Section 812 of ANILCA, the Service undertakes studies on fish and wildlife and subsistence uses on public lands, in cooperation with the State and other federal agencies. All of the required information and functions are not available through the State of Alaska.

No, there have not been any problems obtaining fish and wildlife data from the State, and the Service uses this information.

(B.) No. The Monitoring Program builds upon existing capabilities within Alaska and does not duplicate functions already performed by the State. New information is being gathered that the State has historically been unable to provide, and this information is being gathered in cooperation with State, tribal, federal, and rural entities. Each year an annual monitoring plan is developed, and all projects are reviewed by a scientific panel of three State and six federal scientists to ensure sound science and non-duplication of efforts.

(C.) Since the federal government received responsibility for managing subsistence fisheries, the Service has filled 23 new permanent positions. These positions include:

I. Develop and implement Monitoring Program (11 positions)

II. Regulatory Management and Federal Subsistence Board support (5)
III. In-season fisheries management (3)
IV. Coordination between federal and state agencies (1)
V. Intra–Service Coordination (1)
VI. National Wildlife Refuge System management and support (2)

Eight of these positions were filled with former State of Alaska employees, of whom seven were retired or planning to retire. The Service does not have the data to compare benefits of federal and State of Alaska employees; however, a recent study by the Alaska Department of Fish and Game found that starting federal salaries in Alaska are approximately 29% higher than starting State salaries for equivalent positions.

(D.) Yes, the Service has considered the cost-effectiveness of contracting out certain functions related to subsistence fisheries management, and has contracted for most monitoring activities. In fiscal year 2001, the Service obligated $5.9 million toward data gathering, analysis, and research in support of subsistence fisheries management. Monitoring Program funds were allocated to the Alaska Department of Fish and Game (49%), tribal organizations (25%), Fish and Wildlife Service (18%), other federal agencies (6%), and academia/private (2%). The Federal Subsistence Program also provides approximately $600,000 annually to the Alaska Department of Fish and Game through a cooperative agreement that funds coordination between federal and State programs and for data gathering, analysis, and research involving the wildlife program.

In fiscal year 2002, the Service will implement a new Partners for Fisheries Monitoring Program by contracting seven fishery biologist and social scientist positions within tribal organizations to ensure local village involvement and collaboration in data gathering, analysis, and research in support of subsistence fisheries management. These field staff will assist with rural capacity building related to project development, project implementation, identification of subsistence issues, community outreach and education, training, and coordination of management and project activities. This program will be implemented in accordance with Section 812 of ANILCA to "seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses.

**Question 32. The U.S. shrimp industry has demonstrated that the protection of sea turtle nesting habitat can have dramatic impacts. The Rancho Nuevo project in Tepahuajes, Mexico has shown that collaboration between industry and government (both USA and Mexico) can have amazing results. The Rancho Nuevo project may well single handedly bring back Kemp's Ridley sea turtle from the brink of extinction. Does the Service plan to continue supporting this important project?**

Answer. Working within its current budget, the Service plans to continue its longstanding support of the Rancho Nuevo project in Mexico, which is an important component of recovery efforts for the Kemp's ridley sea turtle. In preparation for the 2002 nesting season, in November 2001, the Kemp's Ridley Working Group met in Brownsville, Texas to discuss recovery projects. The working group includes representatives from the Service, National Marine Fisheries Service, U.S. Geological Survey, Texas Parks and Wildlife Department, U.S. shrimp industry, Gladys Porter Zoo in Brownsville, academia, and Mexico's Tamaulipas' State Government's Secretaria de Desarrollo Urbano y Ecologia. Recovery projects for 2002 include assisting Mexican agencies in locating, capturing, tagging, recording biological and ecological data, and releasing unharmed Kemp's ridley sea turtles while nesting and offshore of the coasts of Tamaulipas and Veracruz. As many turtle eggs as possible are transported to protected corrals and placed in human-made nests. Nests that cannot be moved are protected on the beach.

Protection of sea turtle nesting habitat can have dramatic positive impacts, and industry has made significant contributions to this success. In addition to Rancho Nuevo, four other permanent camps operate at Boca Soto La Marina (La Pesca), Tepehuajes, Barra del Tordo (Playa Dos), and Altamira. Research camps located in Playa Miramar (Tampico), Tamaulipas, and in Lechuguillas, Veracruz, contribute significantly to conservation efforts. In the United States, the U.S. Geological Survey, Texas Parks and Wildlife Department, National Park Service, and other partners cooperate to conduct a program on North Padre Island to detect, document, investigate, and protect nesting Kemp's ridley sea turtles and sea turtle nests. The Service and Gladys Porter Zoo lead an effort to detect and protect nesting Kemp's ridley turtles and sea turtle nests on South Padre Island and Boca Chica Beach, Texas.

Through the combined efforts of the shrimping industry, Gladys Porter Zoo, and the State of Tamaulipas, a pilot program has been developed to address egg poaching, a serious threat to the turtle. The pilot program has developed a new industry

in the local community by creating a ceramics workshop. The workers are residents of the villages near the nesting beach of Tepehuajes. The village residents were trained by professors of the Universidad Autonoma de Mejico and were also trained in the operation of equipment necessary to produce high quality ceramics. The shrimping industry has also launched an effort to help the local community market these products in the United States and arrangements have been made to ensure that all profits are returned to the local artisans in Mexico. This approach provides the necessary incentive and an alternative revenue source for the community, thus reducing or even eliminating the threat of egg poaching at these critically important nesting beach. Once this pilot becomes established, it will serve as model for providing other local communities with an alternative source of revenue while recovering the Kemp's ridley sea turtle.

**Question 33: Recent reports have indicated that pollution, particularly plastics are having a devastating impact on endangered sea turtle populations. While the agencies seek to further restrict commercial fishing, are you addressing this other, even more significant impact?**

Answer: The Fish and Wildlife Service and the National Marine Fisheries Service have joint regulatory jurisdiction over sea turtles. The Fish and Wildlife Service has lead responsibility for regulatory activities affecting sea turtles on their nesting beaches and the National Marine Fisheries Service has jurisdiction over activities affecting sea turtles in the marine environment. Sea turtles are adversely impacted by a wide variety of human activities, including artificial lighting, environmental contaminants, commercial fishing, and beachfront development. The Service will continue to work jointly on sea turtle conservation. The National Marine Fisheries Service should be contacted for information about activities being undertaken to address marine pollution impacts on sea turtles.

**Question 34. In response to questions submitted at last year's budget hearings regarding potential civil rights, violations occurring during the execution of search warrants by Fish and Wildlife law enforcement agents, including but not limited to allegations that the subjects of the search were being held incommunicado, the Service made the statement that "Individuals present during the execution of a search warrant may freely leave the premises.**

The Service has obtained documentation that this statement is not always the case. In fact, during a Subcommittee hearing on the implementation of the Wild Bird Conservation Act, Illinois Congressman Tom Ewing presented an account of the nightmare experiences of Mrs. Peg Bargon. At that time, he testified how his constituent and her rights were abused at the hands of USFWS agents investigating a dreamcatcher she had made and presented to then First Lady Hillary Clinton.

Similar disturbing examples of improper detentions and conduct have been reported to the Subcommittee over the years. For instance, a pet store manager relates his experiences when USFWS agents came to seize a pair of black leopards that had USDA paperwork, but had been mistakenly imported into the state without USFWS documentation. "At approximately 10:30AM of Saturday April 30th, 1994, agents of the Department of the Interior dressed in DOI jackets entered Animal Kingdom. An agent, who did not identify himself to me, held up a folded piece of paper and stated that this was a warrant and that he was here to pick up the cats. These cats (black panthers) were already under their jurisdiction as per their request on April 26th. His words to me were, "Are you going to give me any trouble?" At this time I noticed that agents were telling the customers in the store to leave. I asked the agent if it would be all right to videotape the seizure of the cats. He replied absolutely not. I then asked if I could call Robert Hoffman the owner of the company. At this point I was forcibly made to lay down on the floor. My arms were bent behind me while an agent placed handcuffs on my wrists and made me lay face down. He stood over me and said I was under arrest for obstruction of justice. Other agents then rounded up all of the other employees. They closed and locked the store without giving me any reason for their actions. All this time an agent dressed in combat fatigues stood over me. I asked if all this force was necessary. He told me to shut up. After approximately 30 minutes of lying on the floor, an agent lifted me up. While still handcuffed, he made me walk in front of the other employees, who were forced to sit side by side on the floor along a fence in the back of the store. They were told not to say a word. I was instructed to sit quietly with them. After another 25–30 minutes, I asked if it would be possible to allow the employees to stand up and move around a little bit. The floor was hard and I could see that many of the younger employees were frightened. My request was ignored. We were forced to stay this way until the seizure of the cats was completed.

Another search was conducted by Illinois USFWS agents on 5 May, 1999, when agents executed a search warrant on a Chicago area physician, who relates the fol-

lowing: "Armed Federal agents for F&W were there to execute a search warrant. They barged into my home and held myself and my wife at gunpoint. They then proceeded to wake each of my sleeping children with guns pointed in their faces. My home was searched and items seized, all the while my family was being held hostage by these agents.

"At one point during this ordeal, my wife requested to contact a lawyer. She was restricted from using the phone to do so, and was then threatened with arrest if she attempted to contact anyone." The physician was held at his home for a number of hours, and forced to cancel his appointments for the day while agents removed property from his home. (He has not yet been charged with as crime, nor has his property been returned to him.)

"441 FW 2, Investigative Activities" reads: " Service law enforcement officers must at all times zealously guard and defend the rights and liberties guaranteed to all individuals by the Constitution. Therefore, Service law enforcement officers must not engage in any investigative activity which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstances shall such employees engage in any conduct which may result in defaming the character, reputation, integrity or dignity of any citizen or organization of the United States.

With that in mind, can the allegations depicted above be summarily dismissed without a proper investigation? Is the Service even aware of the recurrent allegations of overreaching enforcement activities, and, if so, what efforts have been made to curb excessive enforcement zeal? What is the necessity of awakening schoolchildren at gunpoint, and conducting searches of their school bags as they leave for their classes? Under what authority are individuals denied their rights to contact an attorney? When subjects of searches wish to leave, but are not allowed to do so by Service agents, are these agents acting within their legitimate law enforcement authority, or are they overreaching their bounds under the law? What sanctions has the Service instituted on agents found to have exceeded their authority under the law?

Answer. The U.S. Fish and Wildlife Service reviews all complaints alleging the misconduct of Service officers. The Division of Law Enforcement requires that officers conduct their duties in a professional, courteous manner and ensures that each complaint is properly reviewed and referred to appropriate authorities for investigation when warranted. Officers who violate a person's civil rights can be found liable civilly or criminally or be disciplined through established Service procedures.

During the execution of federal search warrants, subjects are normally allowed to contact an attorney and/or leave if they wish. When conducting searches, however, officers must make safety a priority and ensure the integrity of the evidence collection process. They must protect themselves and others from assault, control subjects who attempt to destroy evidence, and stop anyone from impeding an investigation.

The Service received several complaints regarding the 1999 searches in Illinois. Service policy requires that complaints of this type be referred to the Department of the Interior Office of Inspector General (OIG). All information has been forwarded to the OIG. This criminal investigation is continuing; criminal charges have been filed against nine subjects in Michigan and Missouri. Four of these defendants have pleaded guilty to criminal charges, and additional criminal charges against several individuals from Illinois are expected.

The subjects of the "Animal Kingdom" investigation pleaded guilty in federal court to violating federal wildlife laws. On May 2, 1994, the Service agent who led the investigation was contacted by a representative from Congressman Gutierrez's office, and on May 16, 1994, the Service received identical letters about the case from Senators Paul Simon and Carol Mosely Braun. The Service responded to these inquiries by answering the questions presented and explaining the circumstances surrounding the investigation. The Service is not aware of any additional complaints regarding this case, and has not referred the case to the OIG.

Complaints involving Mrs. Bargon, who was investigated for knowingly selling items containing feathers from protected birds, focused on the law and the restrictions placed on her business activity by the Migratory Bird Treaty Act, not on the conduct of Service agents. The Service received two letters complaining that Mrs. Bargon was unfairly prosecuted; this information was forwarded to the Assistant U.S. Attorney handling the prosecution. Mrs. Bargon later pleaded guilty in federal court to violating federal wildlife laws. The Service is unaware of any complaints concerning the conduct of the Service agents who handled this investigation and has not referred this case to the OIG.

**Question 35. In your answer to Question 41 from last year's budget hearing, you acknowledged that you had received complaints regarding the execution of a search warrant near Chicago in May of 1999. You further of-**

**fered: "The Service found nothing to substantiate any of the allegations of misconduct made against our agents." Please describe in detail the basis for this statement, and include, if available, any transcripts or notes pertaining to any interviews with the agents involved. Please also explain why the complainant or others involved in related searches were not contacted by the Service for their version of events?**

Answer. The U.S. Fish and Wildlife Service has received complaints regarding the execution of a search warrant near Chicago, Illinois, in May 1999. As explained above, Service policy requires that allegations of such misconduct be reviewed by the Office of the Inspector General (OIG). The Service fully supports the investigation of these allegations by the appropriate agency and has cooperated, and will continue to cooperate, with the Interior Department's Office of the Inspector General. That office has chosen to delay its administrative investigation until the criminal proceedings have been completed.

**Question 36. The Wild Bird Conservation Act was enacted in 1992. Since that date, the Service has been slow to enact regulations under that Act that would allow for sustainable aviculture programs in the United States. Last year, the Service reported that regulations for approving foreign captive-breeding facilities are still pending, and under review by the agency, almost a decade after enactment of the Act. Please explain the reasons for this inordinate delay, and detail Service plans to remedy this deficiency.**

Answer: The WBCA contains several provisions for allowing the import of exotic birds into the United States, including the issuance of specific types of permits, establishment of approved lists for both wild-caught and captive-bred birds, approval of sustainable-use management plans of exporting countries, and approval of foreign captive-breeding facilities. The Service has worked steadily to put into effect each of these provisions.

In 1993, immediately after the WBCA became fully effective, the Service published regulations to allow the import of exotic pet birds by their owners as well as for breeding and display in zoos, cooperative breeding programs developed by private aviculturists, and research. We believed these provisions would have the most immediate and far-reaching effect on the public. For example, these regulations have resulted in the establishment of 20 cooperative breeding programs covering over 85 species. Soon thereafter we established the approved list of captive-bred species, which includes over 50 popular species of cage birds that are exempt from WBCA permits.

We have recently solicited comments from the public for updating this list, to determine if additional species may be included. We also have regulations in place for the importation of exotic birds that are covered by sustainable-use management plans in their countries of origin. Regulations for approving foreign breeding facilities have been drafted and published for public comment, and we intend to finalize and publish them by this summer.

**Question 37. The Service has repeatedly stated that wildlife smuggling is second only to the illegal drug (or arms) trade, economically. What few funds appropriated for the WBCA, therefore, have been designated for law enforcement. The Service has used WWF allegations that as many as 150,000 parrots are smuggled annually across the Tex–Mex border to convince Congress to fund elaborate stings and enforcement actions that paint aviculture as riddled with crime.**

Since that 1995 hearing on implementation of the Wild Bird Conservation Act, has any effort been made to determine the extent of bird smuggling across the Tex–Mex border? Has there been any effort to facilitate communications with avicultural organizations to promote better understanding and cooperation between the avicultural and law enforcement communities? Please list examples of your outreach.

In order to help us assess the true extent of any "'smuggling " problem, please provide a printout listing all birds (by number and species) seized at the Texas–Mexican borders from 1995 to present, their date and place of seizure, the names of those individuals they were seized from, what agency seized them, reason for seizure, and disposition.

Answer. The Service maintains regular contact and communication with the avicultural community. For example, Service representatives conducted a question and answer session on WBCA issues at the annual meeting of the American Federation of Aviculturists in August 2001. Service staff have periodically participated in this outreach forum to promote better understanding and cooperation with the avicultural community. Additionally, Service representatives have participated in the annual meetings of the American Zoo and Aquarium Association (AZA) each year and usually attend the AZA's spring regional meetings to discuss wild bird con-

servation issues with that organization's avian interest group. Service staff last met with that group in the spring of 2001 in Chattanooga, Tennessee. Service representatives also regularly meet with avicultural representatives at each Convention on International Trade in Endangered Species (CITES) Conference of Parties and CITES Animals Committee meetings as well as being available telephonically for questions.

Three federal entities—the Service, U.S. Customs, and U.S. Department of Agriculture (USDA)—may seize birds protected under the WBCA at the border. Customs and USDA would typically seize birds for violations of laws enforced by those agencies (either the Customs smuggling statute, 18 U.S.C. 545, or USDA quarantine regulations). We have contacted both of these agencies to obtain data on bird seizures.

In response to our request, Customs reported 126 incidents involving the seizure of live birds for violations of the smuggling statute (18 U.S.C. 545). Although Customs indicated that the majority of these incidents occurred at land border ports in California, several also took place at the Texas border crossings of Laredo and El Paso. Customs cannot, however, sort smuggled birds by species nor does its data identify the number of birds involved in each incident. One joint Customs/Service investigation, for example, involved the seizure by U.S. Customs of 655 birds protected under the WBCA.

USDA is responsible for holding all imported birds (including smuggled specimens) in quarantine to prevent the introduction of avian diseases into the United States. Records from that agency, however, provide a log of birds processed by quarantine facilities and cannot be used to identify or quantify smuggled birds protected under the WBCA.

Although the Service has not conducted an assessment to determine the extent of bird smuggling across the Texas–Mexico border, investigations by both regional Division of Law Enforcement personnel and the Division's Special Operations branch have revealed that incidences of bird smuggling have continued to occur not only in Texas but along the full expanse of the nation's southern border. Smuggling, however, is by definition a furtive crime and, as such, much of that trade goes undetected. The requested data on birds seized at the Texas–Mexico border follows.

**Question 38. At last year's hearing, you reported that you had received an application to develop a sustainable use management plan for Amazona aestiva within its range in Argentina. What is the status of that application?**

Answer: This winter, the Department determined the specific federal action to allow U.S. imports of these Argentine wild parrots needed to undergo an environmental assessment (EA) under the National Environmental Policy Act (NEPA) before becoming final. The Department decided that an EA was required to solicit public input since the proposed rulemaking would be the first time approval of a sustainable use management plan for a country of export under the Wild Bird Conservation Act (WBCA) had been sought. It is hoped that the EA will be published by early summer and, if there are no insurmountable obstacles posed by the public to allowing such imports, the final rule to include this plan in the WBCA sustainable use management programs will be published in the fall. The Argentine nestling collection season is from December through January.

**Question 39. The Service occasionally has seized live animals, birds and reptiles from homes and in commerce. How long can the Service hold such animals without formally notifying the owner/importer, etc. of the nature of the charges or violations alleged against him, and/or the reason the animals are being detained? What liability does the Service have for the care and well-being of live animals it has seized without warrant, and without charges having been filed against the owner/importer? What is the time frame the Service must follow in filing charges subsequent to a seizure of a live animal? At what point must an animal be returned if no charges are filed against an owner?**

Answer. When animals are seized during the execution of a search warrant, the owner or consignee will be personally notified if present and provided a written receipt. If that individual is not present, a property receipt detailing the items seized is left on the premises.

If animals are seized from an unaccompanied shipment, the Service mails a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee following the seizure. Such notification must state the time, place, and reason for the seizure and describe the seized wildlife or other property. If the Service seeks forfeiture of the property, the owner must be notified in writing within 60 days of the date of the seizure.

If an owner believes that his/her property has been unlawfully seized, he/she may seek its return under Rule 41 of the Federal Rules of Criminal Procedure. This rule

gives individuals "aggrieved by an unlawful search and seizure or by the deprivation of property" the right to file a motion for the return of their property with the U.S. District Court.

The Service is responsible for the care and well-being of all seized wildlife. The Service places live animals with a qualified facility, zoo, or individual that can best provide appropriate care. If wildlife is to be returned to the owner and damages, injury, or loss has occurred, the owner may file a claim under the Federal Tort Claims Act.

Federal wildlife violations have a statute of limitations of five years. The U.S. Attorney's Office sets the time frame for prosecutions after an investigation is completed.

If no charges are filed, seized property is returned to the owner or consignee. The Service is not bound by any specific time constraints in this area; items, however, are normally returned as soon as practical after consultation with the U.S. Attorney's Office.

**Question 40. When must personal property taken during the execution of a search warrant be returned, if such materials are not materially relevant to a pending investigation, or do not constitute evidence of any crime (tax and other business records) after a request by the subject of a search? If the material is not timely returned, what responsibility does the Service or the individual agent/agents assume for the care or replacement of such goods?**

Answer. If items seized during the execution of a search warrant are not materially relevant to the investigation or do not constitute evidence of a crime, the Service returns these items as soon as possible. The Service is not bound by any specific time constraints; items are normally returned as soon as possible after consultation with the U.S. Attorney's Office.

If a subject requests the return of items that are materially relevant to an investigation (for example, tax or other business records), every effort is made to produce copies in a timely manner and provide them to the subject. Such requests are processed in consultation with and under the guidance of the U.S. Attorney's Office.

If owners believe that property has unlawfully been seized, they may file a motion for return of property with the U.S. District Court. Rule 41 of the Federal Rules of Criminal Procedure allows persons "aggrieved by unlawful search and seizure or by the deprivation of property" to seek its return on the ground that they are "entitled to lawful possession of that property.

The Service law enforcement officer who seizes personal property is fully responsible for that property until he or she transfers it to another official and prepares a chain of custody form documenting that transfer of responsibility. Once a Service officer seizes personal property, he or she and the agency become responsible for the care, custody, and control of that property. The possibility that any item of seized property may have value as evidence requires that all seized property items be treated as evidence in terms of care, custody, and control.

If damage or loss occurs involving property to be returned, the owner may file a claim under the Federal Tort Claims Act.

Service officials and managers are responsible for ensuring proper care of seized property and preventing situations that may result in tort claims. They are also responsible for investigating and processing claims concerning property that was held within their area of control. Service officials and managers work closely with the Office of the Solicitor and the U.S. Attorney to resolve all claims filed against the Service.

**Attachment 1 - U.S. Fish and Wildlife Service's estimated Comprehensive Conservation Plan Workload for 2003 for the National Wildlife Refuge System**

The following list identifies the Comprehensive Conservation Plans that will be completed in 2003. The list is arranged by Region (there are none in Region 7). The number of stations at a complex is in parentheses. There are 43 included in this list, but, because of recent developments, there will be one less project completed in 2002 than anticipated, so it will be completed in 2003.

**Region 1**
Kern NWR Complex (2)
Nisqually NWR (1)
Salinas River NWR (1)
San Joaquin River NWR (1)
Washington Maritime NWR Complex (3)

**Region 2**
Buenos Aires NWR (1)
Cabeza Prieta NWR (1)
Las Vegas NWR (1)
Muleshoe and Grulla NWRs (2)

**Region 3**
Big Stone WMD (1)
Detroit Lakes WMD (1)
Fergus Falls WMD (1)
Illinois River NW&FR (4)
Litchfield WMD (1)
Mark Twain Complex (5)
Minnesota Valley NWR (2)
Morris WMD (1)
Squaw Creek NWR (1)
Windom WMD (1)

**Region 4**
Bayou Cocodrie NWR (1)

**Region 5**
Back Bay NWR (1),
Great Dismal Swamp NWR (2),
Lake Umbagog NWR (1))

**Region 6**
Arapaho NWR (1)
Lost Trail NWR (1)
Medicine Lake NWR and WMD (includes Lamesteer NWR) (3)
Monte Vista/Alamosa NWRs (2)

**Attachment 2 - Projects where the U.S. Fish and Wildlife Service has received a grant from the National Fish and Wildlife Foundation**

1. Achii Hanyo Endangered Fish Rearing
2. Alaska-Chukotka Polar Bear Agreement
3. American Bittern Conservation and Ecology
4. Anahuac (TX) Native Grassland Restoration
5. Arctic Grayling Recovery Program-VIII
6. Arctic Grayling Recovery-VI
7. Arctic Grayling Recovery-VII
8. Atchafalaya (LA) NWR Fund
9. Atlantic Joint Venture Outreach
10. Austin's Woods Habitat Conservation Fund
11. BIODIVERSITY: Wild About Life!
12. Baskett Slough (OR) Prairie Restoration
13. Bayou Sauvage NWR
14. Bayou Sauvage NWR (LA) Wetland Restoration
15. Bayou Sauvage Wild Wetlands Program
16. Black-Capped Vireo Conservation Fund
17. Black-Footed Ferret Enhancement-II
18. Black-Footed Ferret Enhancement-III
19. Black-Footed Ferret Fund-II
20. Blitzen River Fish Passage
21. Bogue Chitto NWR
22. Bonneville Cutthroat Trout Restoration
23. Bosque del Apache Migratory Bird Habitat
24. Bottomland Hardwood Reforestation Fund
25. Brown Bear/Human Conflicts in Russia
26. California Gnatcatcher Habitat Fund
27. California Least Tern Mitigation Fund
28. Cameron Creole Watershed Marsh Project
29. Chena-Badger Slough (AK) Fish Habitat Restoration
30. Chesapeake Bay (MD) Riparian Reforestation
31. Chesapeake Bay Reading Series
32. Chesapeake Bay Watershed (MD) Activity Kit
33. Chester Creek Fish Passage
34. Chuck Yeager Award, 1998-II
35. Columbia Basin (WA) Weed Control
36. Columbia Bottomland Habitat Fund
37. Columbia NWR Conservation Fund
38. Connecticut River Invasive Plant Control-IV
39. Conquest Beach (MD) Riparian Restoration
40. Conservation Education Programming
41. Conservation Landscaping (MD)
42. Control of Exotic Smooth Cordgrass
43. Cumberland River Mussel Augmentation
44. Delta Habitat Management in Louisiana
45. Desert Tortoise Settlement Fund
46. Earth Stewards - (VA) Back Bay NWR
47. Earth Stewards - Alaska
48. Earth Stewards - New Jersey
49. Earth Stewards - New Jersey Expansion
50. Earth Stewards - Philadelphia
51. Earth Stewards - Sacramento
52. East Hampton (NY) Watershed Restoration
53. Eastern Migratory Whooping Crane Fund
54. Eastern Migratory Whooping Crane Reintroduction-II
55. Edwards Aquifer (TX) Conservation Fund
56. Egmont Key (FL) Habitat Improvement

57. Egmont Key NWR (FL) Exotic Removal
58. Endangered Species Guide to Florida
59. Endangered Species in Maine
60. Exploring the Okefenokee
61. Florida Keys Marine Conservation Projects
62. Florida Panther Recovery Fund
63. Garfield County (UT) Prairie Dog Fund
64. Gee Creek (WA) Restoration-II
65. Golden-Cheeked Warbler Conservation Fund
66. Grand County (CO) Boreal Toad Conservation
67. Grassland Prairie Restoration (SD)
68. Great Bay National Wildlife Refuge (NH)
69. Great Cypress Swamp (DE) Native Plant Restoration
70. Grizzly Bear/Human Conflict Reduction (GYE)
71. Gulf Coast Wetlands (TX)
72. Guy Bradley Award, 2000-I
73. Guy Bradley Award, 2001
74. Habitat Restoration in Minnesota Valley
75. Halfbreed Lake NWR (MT) Wetland Creation
76. Halfway Creek Marsh (WI) Restoration
77. Havasu NWR (AZ) Wetland Restoration
78. Heiberg Dam (MN) Fish Passage
79. Henry County Environmental Ed Partnership
80. Higgins' Eye Pearlymussel Propagation
81. Hoch Farm (DE) Wetland Restoration
82. Houston Toad Conservation Fund
83. Iowa River Floodplain Acquisiton
84. Juvenile Lake Sturgeon Fish Passage Evaluation
85. Kirwin NWR (KS) Prairie Grass Reseeding
86. Lake Sturgeon Spawning in St. Clair River (MI)
87. Lake Trout/OWAA Event
88. Lake Umbagog NWR Office Dedication
89. Landscaping for Wildlife Habitat
90. Large-Fruited Sand Verbena Surveys (TX)
91. Lee Metcalf NWR (MT) Bat Roosting Sites
92. Liberty Sod Farm (NJ/NY) Restoration
93. Long Island Wetland (NY) Restoration
94. Louisiana Bird Poaching Fund-II
95. Lower Colorado Cottonwood Revegetation
96. Lower Hatchie (TN) Impoundment Well
97. Lower Trinity River Mitigation Fund
98. Maine Atlantic Salmon Watershed Initiative-IV
99. Maine Atlantic Salmon Watershed Initiative-V
100. Maine Habitat Conservation Partnership
101. Maine Habitat Conservation Partnership-II
102. Maine Habitat Conservation Partnership-III
103. Manatee Conservation Fund
104. Maryland/Delaware Law Enforcement Fund
105. Massachusetts Wetlands Restoration
106. Mexican Wolf Recovery Internship
107. Miakonda Boy Scouts (OH) Dam Removal
108. Middle Fork of the Malheur (OR) Fish Screening
109. Midway Debris Cleanup
110. Miscellaneous Mexican Wolf Recovery Efforts
111. Mississippi Delta Wetlands Restorations
112. Mississippi River Floodplain Acquisition

113. Mississippi River R-6 Flood Program-1993
114. Mississippi Wetlands Mgt. District Fund
115. Mississippi Wildlife Conservation Fund
116. Missouri River Floodplain Acquisition
117. Monitoring of Saltcedar
118. Monomoy NWR (MA) Endangered Birds
119. Montana Fish Habitat and Wetland Restoration
120. Montezuma (NY) Puddler Marsh Restoration
121. Mountain Prairie Conservation Fund
122. National Forensics (OR) Laboratory Fund
123. Native American ESA Signing Ceremony
124. Native Orchid Reintroduction in Southern Florida
125. Native Plants/Native Knowledge
126. Navasota Ladies'-Tresses Conservation Fund
127. Neal Smith (IA) Butterfly Restoration
128. Necedah NWR (WI) Karner Butterfly Recovery
129. Neches River (TX) Rose-Mallow Recovery
130. Nisqually Wetland Restoration
131. Nulhegan Basin (VT) Ecosystem Management
132. Nutria Control in Maryland
133. Nutria Control in Maryland-II
134. Oahu (HI) Weed Control
135. Oak Island (NC) Habitat Restoration
136. Oklahoma Partners for Wildlife
137. Orvis Wetlands Challenge: Seatuck NWR
138. Ouachita River Basin Reforestation (AR,LA)
139. Oyster Pond (FL) Restoration
140. Partners for Wildlife: Maryland - II
141. Partners for Wildlife: Nebraska
142. Partners for Wildlife: New York-II
143. Partners for Wildlife: Pennsylvania-III
144. Partners for Wildlife: Pennsylvania-IV
145. Pilgrim Trail (MA) Herring Restoration
146. Platte River Trust Fund-II
147. Plover Species at Risk, North American Meeting
148. Polar Bear Conservation Coordination
149. Polar Bear Den Survey Proceedings
150. Polar Bear Environmental Education
151. Polar Bear Habitat Use: Native Knowledge
152. Polar Bear Population Aerial Survey
153. Polar Bears and Contaminant Burdens
154. Potomac River (MD) Endocrine Disruption
155. Puerto Rico Marine Conservation Projects
156. R-5 Umbrella Coop Agreement - Clinton County (NY)
157. R-5 Umbrella Coop Agreement - Concord River
158. R-5 Umbrella Coop Agreement - Gulf of Maine
159. R-5 Umbrella Coop Agreement - Lamprey River (NH)
160. R-5 Umbrella Coop Agreement - New England
161. R-5 Umbrella Coop Agreement - Rachel Carson NWR
162. Rains Dam (NC) Removal
163. Rangely Oilfield Raptor Electrocution Mitigation
164. Rappahannock River Valley (VA) Weed Control
165. Reaching Urban Audiences in Massachusetts-II
166. Recovery of Wild Bonytail Chub from Lake Mojave
167. Red Wolf Recovery Fund-1995
168. Reforestation in Delaware

169. Reforestation of Riparian Habitat (MD)
170. Restoration of Hardwood Creek
171. Restoration of Humboldt (CA) Dunes
172. Restoration of Humboldt (CA) Dunes-II
173. Restoration of McMasters Creek (MI)
174. Rhode Island Invasive Plant Control
175. Russian Bear Dog Shepherding
176. Saltcedar Eradication in WA State
177. Saltcedar Eradication in Washington-II
178. Salton Sea (CA) Pelican Flight Pen Construction
179. Salton Sea NWR (CA) Fund
180. San Diego NWR Conservation Fund
181. San Jacinto River Fund
182. San Joaquin (CA) Conservation Fund
183. San Juan Recovery (CO) Implementation
184. Sandusky River (OH) Native Fish Habitat
185. Santa Ana River Fund
186. Santa Cruz (CA) Long-toed Salamander Restoration
187. Selkirk Woodland Caribou Recovery Fund
188. Sevilleta (NM) Native Plant Restoration
189. Shenandoah Salamander (VA) Population Study
190. Shorebird Sister Schools Program
191. Short Reach (IL) Habitat Restoration
192. Smith's Blue Butterfly Conservation Fund
193. Socorro County (NM) Weed Control
194. South Jersey Salt Marsh Restoration
195. Southeastern Louisiana Weed Control
196. St. Catherine Creek (MS) Big-Eared Bat
197. Stewardship Camp Workshop (AK)
198. Stillwater (NV) Native Plant Restoration
199. Sustaining Green Medicine
200. Tallgrass Prairie Restoration
201. Texas Gulf Coast Ecosystem Fund
202. Texas Prairie Dawn-Flower Conservation Fund
203. Tobusch Fishhook Cactus Conservation Fund
204. Tule Lake (CA) Platform and Blind Construction
205. U.S./Asian Conservation Awareness
206. Upper Colorado River Endangered Species
207. Upper Colorado River Fish Recovery Fund-II
208. Utah Prairie Dog Conservation Fund
209. Vegetation Control in Bog Turtle Habitat (MD)
210. Vinton Dam (CT) Fishway
211. Virginia Law Enforcement
212. Waterfowl Winter Habitat Enhancement (LA)
213. Western Alaska Goose Calendar 2002
214. Western Montana Weed Control
215. Wetland Restoration in Massachusetts
216. Wetland and Riparian Restoration (NC, VA)
217. Whooping Crane Reintroduction
218. Wolf Capture Team
219. Wyoming Toad Captive Breeding Project

**Attachment 3 - Projects where the National Fish and Wildlife Foundation has used U.S. Fish and Wildlife Service general funds to help fund a project**

1. 2001 Riparian Habitat Conference
2. Accelerating Education for Sustainability
3. Adopt A Watershed Education Expansion
4. Adopt a Drop (WA)
5. Agricultural Conservation Education-II
6. Agricultural Conservation in Wisconsin
7. Agricultural Programs & Conservation (MD)
8. Alligator Holes in the Everglades
9. Amargosa River (CA) Restoration-I
10. Amargosa Toad Oasis Valley Recovery
11. American Bittern (MN) on Agricultural Land
12. American Bittern Conservation and Ecology
13. American River Native Fish Enhancement
14. Anahuac (TX) Native Grassland Restoration
15. Andrew Creek/Table Mountain (CA) Acquisition
16. Answering the Call-II
17. Apalachicola Ravines Stabilization
18. Aquaculture Containment Verification System
19. Aquarena Springs Restoration & Education
20. Aquarena Springs Restoration and Education (TX)-II
21. Aransas NWR (TX) Blackjack Water Project
22. Arctic Breeding Range of Red Knots
23. Argentinian Shorebird Distribution
24. Arkansas Riparian Restoration
25. Arlecho Creek (WA) Forest Conservation
26. Artisan Training for Sustainable Honduran Forests
27. Asotin Creek (WA) and Afognak Is. (AK) Acquisition
28. Assessment of Illegal Hawksbill Trade
29. Atlantic Joint Venture Outreach
30. Atlantic Salmon Education Expansion in Maine
31. Atlantic Salmon Management
32. Atlantic Salmon Status and Future Analysis
33. Avian Electrocution Reduction Manual
34. BIODIVERSITY: Wild About Life!
35. Banking on the Future
36. Basic Guide to Pesticides
37. Baskett Slough (OR) Prairie Restoration
38. Bayou Bartholomew Restoration-II
39. BeaMoc (NY) Watershed Restoration-II
40. Bear Conservation Education Resources
41. Bear Creek Watershed (CA) Restoration-III
42. Bessett Wetland (OR) Restoration
43. Best Practices for Conservation Easements
44. Big River Estuary (CA) Biodiversity Assessment
45. Bighorn Sheep Management in Nebraska
46. Biological Control of Dalmatian Toadflax (WY)-III
47. Bioregional Pacific Salmon Restoration
48. Birch Islands (ME) Acquisition
49. Bird Use of Riparian Restoration Areas
50. Birder Education/Habitat Conservation-II
51. Bitterroot Valley (MT) Holistic Env. Education
52. Bitterroot Valley Weed Management (MT)

53. Black Hills (SD) Conservation Initiative
54. Black-Capped Vireo Habitat Enhancement (TX)
55. Black-Footed Ferret Enhancement-II
56. Black-Footed Ferret Enhancement-III
57. Black-Footed Ferret Plague Vaccination
58. Black-Tailed Prairie Dog Coordinator-II
59. Black-tailed Prairie Dog Coordinator
60. Blackfeet Land Trust Initiative
61. Blackfeet Reservation (MT) Swift Fox Recovery
62. Blackfoot (MT) Weed Control
63. Blackwater NWR (MD) Butterfly Garden
64. Blister Swamp Restoration (WV)
65. Blitzen River Fish Passage
66. Blue Mountains Habitat Restoration
67. Bluff Lake (CO) Urban EE Project
68. Bluffland Protection & Channelized Rivers
69. Bobwhite Quail Monitoring and Field Buffers
70. Bobwhite Quail Monitoring in the Southeast
71. Boden Canyon Habitat Preservation
72. Bonefish Conservation in South Florida
73. Bonneville Cutthroat Trout Restoration
74. Booth Fish Hatchery (SD) Conservation Education
75. Boquet River (NY) Salmon Restoration
76. Bosque del Apache (NM) Visitor Facilities
77. Bosque del Apache Migratory Bird Habitat
78. Breeding Bird Atlas: Kansas
79. Breeding Bird Atlas: Oklahoma
80. Breeding Bird Atlas: San Diego County - CA
81. Brown Ranch (CA) Acquisition
82. Browns Park Stream (VA) Conservation and Education
83. Brushland Ecosystem Restoration (MN)
84. Buffalo Bayou Acquisition
85. BugFest 2000
86. Burn Effects on Monarch Butterflies
87. Burrowing Owl Habitat Conservation
88. Butterfly Gardening and BugMobile (CA)-II
89. CLEAN-NC Conservation Education Program
90. California Cattlemen's Riparian Initiative
91. California Coastal Sage Conservation-IV
92. California Condor Release Expansion
93. California Condor Restoration
94. California Partners in Restoration-IV
95. California Rangeland Watershed Enhancement
96. California Seabird Conservation
97. California Seabird Conservation-II
98. Cameron Creole Watershed Marsh Project
99. Cane Toad and Micronesian Kingfisher Investigation
100. Caprock Canyons (TX) Bison Herd Interpretation-II
101. Carnivore Monitoring in Canada-II
102. Carpinteria Salt Marsh Plant Conservation
103. Casco Bay (ME) Shellfishery Restoration-II
104. Case Studies in Conservation Biology
105. Catawba River Protection
106. Cedar Lake (NJ) Wetland Restoration
107. Center for Human Health & the Environment
108. Central Coast (OR) Watershed Restoration
109. Central Hardwoods Joint Venture
110. Cerro San Gil Land Acquisition
111. Chena-Badger Slough (AK) Fish Habitat Restoration

112. Chesapeake Bay Native Plant Partnership
113. Chester Creek Fish Passage
114. Children's Writers Institute
115. Chimacum Creek (WA) Restoration Project
116. Christensen Pond (WA) Preserve
117. Cimmaron Sheep Recovery in Northern Mexico
118. Citizens Monitoring of Presidio Watersheds
119. City Creek (UT) Habitat Restoration
120. Clark County (NV) Federal Lands Stewardship
121. Clarksville Pond (NH) Protection Project
122. Clinch Valley (VA) Forest Bank
123. Coachella Valley Sand Source Acquisition
124. Coastal Georgia Land Trust Protection Program
125. Coastal Sage Scrub (CA) Habitat Assessment
126. Coastal Waterbird Program-III
127. Coastal Wetlands Aviary Viewing Platform
128. Cobscook Bay Resource Center-II
129. Coconino NF (AZ) Weed Control-III
130. Collaborative Response to Invasive Species
131. Colombian Sea Turtle Conservation
132. Columbia Basin (WA) Weed Control
133. Communities Connected by Water-II
134. Community Leatherback Protection in Oaxaca, Mexico
135. Community Stewardship of Commencement Bay (WA)
136. Community-Based Restoration Program (CA)
137. Comprehensive Bird Protection Program for Tampa
138. Confluence Greenway (MO) Land Acquisition
139. Connecticut River Fish Passage
140. Connecticut River Invasive Plant Control-IV
141. Connecticut River Partnerships for Sustainability
142. Conservation Commissioner Training-II
143. Conservation Easements Model Stewardship (CA)
144. Conservation Easements along the Grand River (OH)
145. Conservation Education Programming
146. Conservation Education for Extension Agents (FL)
147. Conservation Options for Landowners
148. Conservation of Jaguars in Mexico
149. Conservation of Jaguars in Mexico-II
150. Conservation of Prairie Dogs in Mexico
151. Conservation of Sea Turtles in the Bahamas
152. Contoocook River (NH) Protection
153. Control of Exotic Smooth Cordgrass
154. Conway Ranch (CA) Acquisition
155. Coos Bay (OR) Watershed Restoration-II
156. Coquille River Watershed Restoration-IV
157. Corkscrew Swamp, FL Wood Stork Discovery
158. Creating Pollinator Habitats (DC, VA)
159. Crocodile Lake Refuge (FL) Restoration
160. Crown Tool Tract (CT) Acquisition
161. Crystal Springs (OR) Fish Passage and Restoration
162. Cumberland Plateau Land Protection
163. DC BayWatch
164. Dairy Initiative - Demonstration Methane Digester
165. Dam Removal and Management Guidelines
166. Delaware Bay Wetlands Management
167. Delaware Riverkeeper Network Restoration Program
168. Denny Creek (WA) Fish Ladder

169. Denver Youth Naturally
170. Deschutes River (OR) Weed Control
171. Developing Non-Consumptive Sea Turtle Uses
172. Diamond Moose Wolf Depredation Study
173. Dickcissel Conservation in Venezuela-II
174. Diversity Protection Through Habitat Management
175. Dogfish Creek (WA) Acquisition
176. Dominican Republic Hawksbill Monitoring
177. Doris Duke Wildlife Sanctuary (NY) Conservation
178. Douglas County (WA) HCP
179. Dry Lake (AZ) Acquisition
180. Dunn Ranch (MO) Acquisition-II
181. Dunn Ranch Acquisition
182. Duwamish Estuary (WA) Citizens Stewardship
183. Early Successional Forest Improvement (VT)
184. Earth Stewards - Alaska
185. Earth Stewards - Missouri
186. Earth Stewards - New Jersey
187. Earth Stewards - New Jersey Expansion
188. Earth Stewards - Philadelphia
189. Earth Stewards - Sacramento
190. Earth Stewards National Outreach
191. Earth Tomorrow - Michigan
192. Earth and Sky Conservation Education Program-II
193. East Rocky Creek Sediment Control
194. Eastatoee Valley (SC) Conservation
195. Eastern Aleutian Islands (AK) Mapping
196. Eastern Diamondback Conservation
197. Eastern Migratory Whooping Crane Reintroduction-II
198. Ecological Health of Upper White River Basin
199. Ecology and Genetics of Plague in Wildlife
200. Ecosystem Education on Private Lands in Texas
201. Edgewood Preserve (CA) Serpentine Restoration
202. Elizabeth River (VA) Watershed-II
203. Elk Habitat Management in Montana
204. Elkhorn Slough Acquisition (CA)
205. Endangered Species Guide to Florida
206. Environmental Education Resources Initiative
207. Environmental Enterprise Corps
208. Environmental Ski Charter Implementation
209. Environmental Textbook Publications
210. Environmental Textbook Publications-II
211. Estate and Easement Planning Guide
212. Evaluating Project WILD
213. Exotic Mammal Removal on Baja Islands-II
214. Exotic Species Removal on Baja Islands-III
215. Expanding Environmental Education Opportunities
216. Exploring the Okefenokee
217. FWS Director's Reception, 2001
218. Farmer Outreach in Mississippi
219. Farmers Canal Fish Screen
220. Farming and Conservation Together (WI)
221. Faroe Islands Atlantic Salmon Buy-out
222. Fisheries Compendium
223. Florida Keys Green Sweep
224. Florida Panther Recovery Fund
225. Florida Scrub Interagency Fire Strike Team-II
226. Flying WILD Environmental Education
227. Forest Education Program in Oregon
228. Forest Management Impacts on SC Herpetofauna-II
229. Forest Management in South Carolina-II
230. Fort Worth (TX) Land Acquisition
231. Fostering Youth Involvement in Conservation (MI)
232. Four Mile Creek (WA) Wetlands

233. Fragmentation in Pacific NW Forests-III
234. GREEN: Taking Action
235. Gale Ranch Conservation Easement
236. Gee Creek (WA) Restoration-II
237. Glacial Lake Albany (NY) Restoration
238. Glacial Lake Albany Native Plant Conservation
239. Glacier Creek (CO) Livery Wetland Restoration
240. Golden-Winged Warbler Habitat Restoration (TN)
241. Goshen County (WY) Weed Control-IV
242. Grassland Bird Conservation
243. Grassland Bird Conservation in Canada
244. Grassland Prairie Restoration (SD)
245. Grays River (WA) Salmon Conservation
246. Grazing for Watershed Improvement
247. Great Bog (NH) Acquisition
248. Great Smoky Mountains (NC, TN) Elk Reintroduction
249. Great Swamp Interpretive Master Plan
250. Grizzly Bear Energetics
251. Grizzly Bear/Human Conflict (GYE)-IV
252. Grizzly Bear/Human Conflict (GYE)-V
253. Grizzly Bear/Human Conflict (NCDE)-IV
254. Grizzly Bear/Human Conflict (NCDE)-V
255. Grizzly Bear/Human Conflict Reduction (GYE)
256. Groeneveld Slough (WA) Restoration
257. Gualala River (CA) Restoration and Education
258. Guatemala Coffee Grower Outreach
259. Gulf Sturgeon in Lake Pontchartrain
260. Gulf of ME Seabird Island Restoration-III
261. Gulf of Maine Aquarium
262. Gulf of Maine Local Marine Area Management
263. Habitat Restoration in Minnesota Valley
264. Halfbreed Lake NWR (MT) Wetland Creation
265. Halfway Creek Marsh (WI) Restoration
266. Halls Lake (TX) Restoration
267. Hamm Creek (WA) Estuary Restoration
268. Hands-on Watershed Education
269. Hawksbill Conservation in Campeche, Mexico
270. Healthy Landscapes, Healthy Communities
271. Heiberg Dam (MN) Fish Passage
272. Hells Canyon Initiative
273. Henry County Environmental Ed Partnership
274. Heron's Head Park Waterfront Restoration
275. High Mountain (ME) Acquisition
276. High Plains Partnership
277. Hoh River (WA) Salmon Sanctuary
278. Hood Canal (WA) Salmon Restoration
279. Hood Canal Fish Passage Enhancement
280. Hudson Highlands (NY) Teacher Training
281. Huntley Meadows (VA) Weed Control
282. Hutton Junior Fisheries Biology Program
283. Impact of Red Fire Ants on Herpetofauna
284. Implementing Important Bird Areas in Massachusetts
285. Increasing Minority Participation in Conservation
286. Influence of Landscapes on Bats (OR)
287. Inland Breeding Seabird (CA) Conservation
288. Interactive Birding Web Site

289. Intertribal Black-Tailed Prairie Dog Coordinator
290. Iowa Leafy Spurge Control Project-II
291. Iowa Prairie and Wetlands Conservation
292. Irish Hills/Guidetti Ranch Conservation Easement
293. Jackson (WY) Trumpeter Swan Protection
294. Jaguar Curriculum in Sonora, Mexico
295. Jefferson River (MT) Watershed Restoration
296. Jensen Tallgrass Prairie (NE) Restoration
297. Johnson Creek (OR) Reforestation Program
298. Johnson Creek (OR) Watershed Reforestation-II
299. Johnson's Crook (GA) Acquisition
300. Jordan River (UT) Riparian Acquisition
301. Joughin and Bear Valley Ranch Easements
302. Jumbile Cove Wetland Restoration
303. Juvenile Lake Sturgeon Fish Passage Evaluation
304. Kankakee Sands (IN) Wetland/Prairie Restoration
305. Katy Prairie (TX) Acquisition-II
306. Kelsey Creek Fish Ladder Replacement
307. Kelso Creek Acquisition
308. Kenai River (AK) Habitat Protection-V
309. Kennebec River Restoration Fund
310. Kettle Creek (PA) Watershed Restoration-II
311. Kids on Texas Wetlands
312. King County (WA) Citizen Shoreline Inventory
313. King County (WA) Salmon Restoration
314. Kirwin NWR (KS) Prairie Grass Reseeding
315. Kit Fox Recovery in San Joaquin Valley
316. Klamath Restoration
317. La Creek (SD) Weed Control-II
318. Laguna (CA) Uplands Restoration
319. Lake Seldom (NE) Outdoor Education
320. Lake Sturgeon Spawning in St. Clair River (MI)
321. Lamprey River Forest (NH) Acquisition
322. Land Trust Alliance Midwest Program
323. Land Trust for Working Forests (AL)
324. Landowner Outreach for Habitat Restoration (MI)
325. Landscaping for Wildlife Habitat
326. Large-Fruited Sand Verbena Surveys (TX)
327. Largo Creek Riparian Restoration
328. Lassen Foothills (CA) Acquisition
329. LeConte and Pilkey Creek Restoration III
330. Least Tern and Piping Plover Protection
331. Least Tern and Piping Plover Protection-II
332. Lee Metcalf NWR (MT) Bat Roosting Sites
333. Leininger Easement Acquisition
334. Leon River (TX) Watershed Restoration
335. Leopard Frog Restoration in Arizona
336. Lesser Prairie Chicken Conservation in NM and OK
337. Liberty Sod Farm (NJ/NY) Restoration
338. Linking Eco Health to Humans & Animals
339. Little Almota Creek (WA) Restoration
340. Little Applegate River (OR) Conservation
341. Little River Acquisition
342. Little River Fish Passage
343. Little River Salt Marsh (NH) Restoration
344. Little River/Rooty Creek (GA) Project

345. Living with the Landscape (NM)
346. Loess Hills (IA) Land Protection
347. Long Island Sound (CT) Restoration Initiative
348. Longleaf Legacy Initiative
349. Longleaf Pine Forest Restoration (GA)
350. Longview Fibre Culvert Replacement
351. Loon Migration & Winter Ecology-II
352. Lornezan Creek (WA) Salmon Enhancement
353. Los Gatos Creek Restoration
354. Los Penasquitos Riparian Restoration
355. Louisiana Bird Conservation Initiative
356. Lower Hatchie (TN) Impoundment Well
357. Lower Keys (FL) Marsh Rabbit Habitat Restoration
358. Lower Mississippi Valley Easements
359. Lower Sammamish and Snohomish Initiative
360. Lower Skykomish (WA) Habitat Conservation Plan
361. Loxahatchee NWR (FL) Cypress Restoration
362. Lytton Creek Riparian Restoration
363. Madison River (MT) Acquisition
364. Mahantongo Watershed (PA) Restoration
365. Maine Atlantic Salmon Watershed Initiative-IV
366. Maine Atlantic Salmon Watershed Initiative-V
367. Maine Habitat Conservation Partnership
368. Maine Habitat Conservation Partnership-II
369. Maine Habitat Conservation Partnership-III
370. Maine Wildlife Habitat Initiative
371. Maine Wildlife Habitat Initiative-II
372. Maine Wildlife Habitat Initiative-III
373. Making the Connection in Elkhorn Slough
374. Malheur (OR) Watershed Restoration
375. Malpai Borderlands Group Easements
376. Management Practices Handbook for Aquatic Plants
377. Marine Birds Adaptive Conservation (CA)
378. Marine Turtle Conservation Policy
379. Marine Turtle Training Course in Vietnam
380. Maryland Coastal Bays Easement Project
381. Mason Valley (CA) Acquisition
382. Massachusetts Wetlands Restoration
383. Matilija Dam Removal Demonstration
384. McHarry Ranch Easement Acquisition
385. McKenzie River Watershed (OR) Acquisition
386. Merced and San Joaquin River Restoration
387. Methow Valley Riparian Protection
388. Methow Watershed (WA) Salmon Recovery-II
389. Methow Watershed Salmon Recovery
390. Methow-Skyline (WA) Ditch Improvements
391. Mexican Conservation Constituency Building
392. Mexican Conservation Constituency Building-II
393. Mexican Migratory Bat Conservation-II
394. Mexican Migratory Bat Conservation-III
395. Mexican Thick-billed Parrot Conservation
396. Mexican Wolf Captive Breeding
397. Mexican Wolf Field Surveys
398. Mexican Wolf Keeper Workshop
399. Miakonda Boy Scouts (OH) Dam Removal
400. Middle Fork of the Malheur (OR) Fish Screening

401. Midget Faded Rattlesnake Habitat Surveys (WY)
402. Midway Debris Cleanup
403. Migratory Fisheries Restoration Initiative
404. Miscellaneous Black-Footed Ferret Enhancements
405. Miscellaneous Mexican Wolf Recovery Efforts
406. Miskito Coast Turtle Conservation
407. Mississippi River Batture Study
408. Mississippi River Paddlefish Research
409. Mississippi, Ohio, and Missouri Rivers Enhancement
410. Missouri Coteau (ND) Grassland Protection
411. Model Schools in Urban Conservation Education (MN)
412. Modoc County Weed Inventory
413. Monahan Creek (WA) Fish Passage Enhancement
414. Monarch Butterfly Habitat Conservation
415. Monomoy NWR (MA) Endangered Birds
416. Montezuma (NY) Puddler Marsh Restoration
417. Morro Bay Coastal Dune Restoration
418. Moses Coulee Riparian Restoration
419. Mouth of Newaukum Creek (WA) Restoration
420. Muddy Creek Watershed Restoration-II
421. NWR Conservation Education Workshops
422. Napa River Restoration and Community Education
423. National Commission for Sustainable Forestry
424. National Wildlife Refuge Conservation Interns
425. Native American Env. Awareness Youth Practicum
426. Native Fish Education Workshops (NV, CA)
427. Native Fish Restoration (DC)
428. Native Plant Harvest and Regeneration (OH)
429. Native Plants for Riparian Areas (WA)
430. Native Prairie Forb (MO) Nursery
431. NeNe Goose Conservation Program
432. Neal Smith (IA) Butterfly Restoration
433. Nearshore Chinook Habitat Restoration (WA)
434. Necedah NWR (WI) Karner Butterfly Recovery
435. Neches River (TX) Rose-Mallow Recovery
436. Nesting Sea Turtles in Nicaragua
437. Nevada Invasive Plant Removal
438. Neversink River (NY) Cuddebackville Dam Removal
439. New England Bird Conservation
440. New England Non-Lead Sinker Exchange Program
441. New England Plant Conservation Volunteer Corps
442. New River State Park Migratory Birds
443. New York Cooperative Weed Management
444. Nisqually Wetland Restoration
445. Nori Cultivation Demonstration Project-II
446. North Fork Cherry Creek (WA) Restoration
447. North Grove and San Domingo Restoration
448. North River (WA) Restoration
449. Northern Aplomado Falcon (TX) Conservation-III
450. Northern California Purple Loosestrife Control
451. Northern Cheyenne Prairie Conservation Initiative
452. Northern Colorado Weed Control
453. Northern Rockies Grizzly Bear Sanitation
454. Northwoods (ME) Sustainability
455. Nulhegan Basin (VT) Ecosystem Management

456. Nutria Control in Maryland
457. Nutria Control in Maryland-II
458. Nyack Flats (MT) Conservation Easement
459. Oahu (HI) Weed Control
460. Oak Island (NC) Habitat Restoration
461. Oak Savannah & Tallgrass Prairie (NE) Restoration
462. Octoraro (PA) Farmland Conservation
463. Oklahoma Partners for Wildlife
464. Ola'a-Kilauea Area Fence Construction
465. Olaa-Kilauea (HI) Weed Control
466. Old Berkshire Mill Dam (MA) Removal
467. Omak Creek (WA) Watershed Restoration
468. Operation Miconia in Hawaii-II
469. Operation RubyThroat: The Hummingbird Project
470. Oregon Salmonid Habitat Restoration-II
471. Orvis Wetlands Challenge: Seatuck NWR
472. Otay/Smith Acquisition
473. Ouachita River Basin Reforestation (AR,LA)
474. Outdoor Classroom Project
475. Outreach to Land Trusts on the Upper Mississippi
476. Owens Basin Weed Control and Outreach-II
477. Oyster Pond (FL) Restoration
478. Oyster Reef Restoration in Chesapeake Bay
479. PARC Web Site Development
480. PARC Website Development-II
481. Pacific Leatherback Turtle Conservation
482. Pacific Oak Woodland Conservation
483. Paint Rock River Initiative
484. Palomares Creek Watershed Project
485. Palouse (ID) Weed Control
486. Pamunkey (VA) Surface Elevation Study
487. Partners for Wildlife: Maryland - II
488. Partners for Wildlife: Nebraska
489. Partners for Wildlife: New York-II
490. Partners for Wildlife: Pennsylvania-III
491. Partners for Wildlife: Pennsylvania-IV
492. Partnership for Lynx Conservation in Maine
493. Passive Treatment System Evaluation
494. Pastures for Upland Birds
495. Patch Retention - Maintaining Biodiversity
496. Patterson Creek (WA) Stream Corridor Restoration
497. Peck Forest Lands Conservation (MA, CT)
498. Pheasant and Grassland Bird Management
499. Phragmites Control in Virginia
500. Pierce County Fish Passage
501. Pilgrim Trail (MA) Herring Restoration
502. Pine Bends Bluff (MN) Restoration
503. Pine Hill (CA) Ecological Reserve-II
504. Pingree Forest (ME) Partnership
505. Pit River Riparian Habitat Restoration
506. Planet CPR Grate Mate Program-II
507. Plant-Pollinator Conservation in the Southeast
508. Plover Species at Risk, North American Meeting
509. Point Pelee, CN Forest Diorama Exhibit
510. Point Reyes Bird Observatory (CA) Visitor's Center
511. Polar Bear Population Aerial Survey
512. Polar Bears and Contaminant Burdens
513. Pollination Partnerships in Texas
514. Pollinator Environmental Education (AZ)
515. Pollinator Monitoring in Arizona and Mexico
516. Pope and Dimond Ranch (WY) Enhancements

517. Prairie Chicken Habitat (IL) Acquisition
518. Prairie Dog Population Viability Analysis
519. Prairie Restoration for Grassland Birds (MI)
520. Private Ranch/Public Allotment Economics
521. Puerto Penasco Wetlands Management
522. Puget Sound (WA) Fish Passage Monitoring
523. Puget Sound and Coastal Washington Hatchery Reform
524. Purple Loosestrife Control in SD, NE-III
525. Purple Loosestrife Control in SD,NE-II
526. Quakertown Swamp Acquisition (PA)
527. Quarry Meadow Restoration Plan
528. R-5 Umbrella Coop Agreement - Gulf of Maine
529. Ranch Conservation Program
530. Rangeland Conservation Tools
531. Rangely Oilfield Raptor Electrocution Mitigation
532. Rapidan River Basin (VA) Restoration
533. Rappahannock River Valley (VA) Weed Control
534. Raptors of the Desert Sky
535. Rare Plant Population Monitoring Project
536. Rat Eradication at Palmyra Atoll (Western Pacific)
537. Reaching Urban Audiences in Massachusetts-II
538. Regional Sea Turtle Tagging Database (Caribbean)
539. Remnant Prairie Restoration in Wisconsin
540. Removal of Jackson Dam on Lamoille River (VT)
541. Restoration of Elk Habitat in Kentucky
542. Restoration of Hardwood Creek
543. Restoration of Humboldt (CA) Dunes
544. Restoration of Humboldt (CA) Dunes-II
545. Restoration of McMasters Creek (MI)
546. Restoration of the San Marcos Headwaters (TX)
547. Restoring Trumpeter Swans to the East
548. Rhode Island Invasive Plant Control
549. Rice Producers Habitat Program
550. Richland Creek Restoration Project
551. Richmond (CA) Wetland and Upland Restoration
552. Riparian Buffers in Industrial Forests
553. Riparian Habitat Conservationist
554. Rockdale Dam Removal and Restoration
555. Rocky Mountain Arsenal (CO) Habitat Restoration
556. Rodman Slough (CA) Acquisition
557. Rollins Savanna (IL) Wetland Restoration
558. Roper Island (NC) Conservation Easement
559. Russian Bear Dog Shepherding
560. SOAR Watershed Education Program
561. STRAW Bird Education
562. Sacramento River (CA) Riparian Restoration
563. Sacramento River Bird Habitat Restoration
564. Sacramento River Watershed Connections
565. Sacramento Valley Native Oak Restoration
566. Salmon Bay (WA) Natural Area Acquisition
567. Salmon Web
568. Saltcedar Eradication in Washington-II
569. Salton Sea (CA) Pelican Flight Pen Construction
570. Saluda Shoals Park (SC) Environmental Exhibitry

571. Sam's Creek (TN) Brook Trout Restoration
572. San Francisco Bayview Weed Control
573. San Jacinto Marsh (TX) Conservation Education
574. San Luis Valley (CO) Weed Control-II
575. San Mateo (CA) Environmental Education
576. San Miguel River (CO) Weed Control
577. San Pablo Baylands (CA) Restoration
578. San Pedro Conservation Fund
579. San Pedro Creek Restoration
580. Sandusky River (OH) Native Fish Habitat
581. Sanibel Island (FL) Restoration
582. Santa Ana NWR Observation Blind
583. Santa Cruz (CA) Endemic Plant Recovery
584. Santa Cruz (CA) Endemic Plant Recovery-II
585. Santa Cruz (CA) Long-toed Salamander Restoration
586. Santa Margarita Watershed (CA) Weed Management-II
587. Satellite Tracking of Juvenile Green Turtles
588. Sauk River (WA) Habitat Acquisition
589. Schuylkill Pond (PA) Restoration
590. Scotch Thistle Eradication in Oklahoma-II
591. Sea Turtle Conservation in Costa Rica
592. Sea Turtle Conservation-II
593. Sea Turtle Conservation/CITES Workshop
594. Sea Turtle Mortality Assessment in Peru
595. Seal Beach (CA) Habitat Restoration
596. Seattle City Light/NFWF Salmon Conservation
597. Sebasticook (ME) Lake Outlet Dam Fishway
598. Service Learning in the Pacific Flyway
599. Sevilleta (NM) Native Plant Restoration
600. Shared Strategy for Puget Sound Salmon Recovery
601. Shark and Ray Fisheries in the Gulf of CA
602. Shorebird Sister Schools Program
603. Short Reach (IL) Habitat Restoration
604. Shortgrass Prairie Partners
605. Shuler Creek (NC) Erosion Control
606. Sierra Foothill Nature Center Riparian Restoration
607. Silvio O. Conte Scholarship Fund
608. Skagit County Fish Passage Improvement
609. Smith Bend (TN) Acquisition
610. Smith-Nelson Diversion (WA) Fish Passage
611. South Bay Wetlands Restoration
612. South Dakota Weed Control-III
613. South Fork Flathead (MT) Grizzly Bear Monitoring
614. South Hero Island (VT) Acquisition
615. South Jersey Conservation Training
616. Southeast Kansas Noxious Weed Control
617. Southeastern Louisiana Weed Control
618. Southern Great Plains Riparian Initiative
619. Southern Sea Otter Mortality Analysis
620. Spivey Pond Acquistion
621. Spreads of the Elkharts (IN) Acquisition
622. Squalicum Creek (WA) Restoration Project
623. St. Catherine Creek (MS) Big-Eared Bat
624. Status and Conservation of US Amphibian
625. Still River Watershed (CT) Restoration
626. Stillwater (NV) Native Plant Restoration

627. Strawberry River Nature Preserve
628. Student CITES Project
629. Students for Salmon (WA)
630. Suitcase for Survival
631. Sustainable Agriculture Water Management in Maine
632. Sustainable Careers Internship Program
633. Sustainable Forestry on the Upper Mississippi (MN)
634. Sustaining Green Medicine
635. Sutter Creek (CA) Restoration and Outreach
636. Take One, Make One Youth Education
637. Tatlawiksuk River (AK) Salmon Monitoring
638. Tenmile Creek Watershed (WA) Riparian Restoration
639. Teton River Basin (ID) Acquisition
640. Texas Commercial Fishery License Buyback Program
641. Texas Hill Country Safe Harbor Program
642. Texas Wetland and Prairie Conservation
643. The New Ranch - An Owner's Manual
644. Threats to Amphibians in the Arid Southwest
645. Token Creek (WI) Restoration Project
646. Trinidad Turtle Catch Assessment
647. Trinity County Education and Outreach
648. Tsaile Creek (AZ) Restoration Project
649. Tule Lake (CA) Platform and Blind Construction
650. Tuna Canyon Significant Ecological Area (CA)
651. Turner's Bay (WA) Restoration
652. U.S. Shorebird Conservation Plan
653. U.S./Asian Conservation Awareness
654. Ulistac Natural Area Habitat Restoration
655. Union School Slough Restoration
656. Upland Habitat Partnership-II
657. Upland Habitat Partnership-III
658. Upland Habitat Partnership-IV
659. Upland Habitat Partnership-V
660. Upland Habitat Partnership-VI
661. Upper Colorado River Tamarisk Control
662. Upper Crooked River (OR) Weed Control-II
663. Upper Mississippi Blufflands Alliance
664. Upper Puyallup Culvert Project-II
665. Upper Rock Creek (WA) Tract Acquisition
666. Upper Russian Lake (AK) Land Acquisition
667. Urban Prairie Habitat (CO) Environmental Education
668. Valley Springs Ranch (WY) Land Acquisition
669. Veracruz Raptour Van
670. Vietnamese American Tiger Education
671. Vinton Dam (CT) Fishway
672. Visitor Orientation Kiosk (MN) Project
673. Walla Walla River (WA) Conservation Strategies
674. Walla Walla River (WA) Watershed Flow Enhancement
675. Walla Walla River Watershed Restoration
676. Wallkill Valley (NJ) Wetland Protection
677. Walnut Creek Park Butterfly Restoration
678. Water Leasing Strategy for Salmon and Farmers (WA)
679. Waterfowl Habitat Conservation in Mississippi
680. Waterfowl Management Evaluation
681. Watershed Outreach for Salmon Recovery (WA)
682. Wenatchee River (WA) Salmon Festival
683. West Gulf Coastal Plain Bird Conservation

684. Western Montana Weed Control
685. Western Montana Weed Control-III
686. Wetland Restoration in Massachusetts
687. Whatcom Creek and Nooksack (WA) Restoration
688. Whirling Disease: Finding Solutions
689. White-Crowned Pigeon Conservation in Paradise (FL)
690. Whooper Watch Coordinator
691. Whooping Crane Recovery and Education (WI)
692. Whooping Crane Reintroduction
693. Wildlife Corridor Mapping Project
694. Wildlife Disease Mapping Project
695. Wildlife Environmental Education Exhibit (CA)
696. Wildlife Habitat and Viewing Improvement
697. Wildlife Information Network-II
698. Wildlife Links Program-1999
699. Wildlife Recovery in Angola
700. Wildlife Viewing and Interpretation (TN)
701. Willamette Valley Native Grasslands
702. Willamette Valley Recovery
703. Willapa NWR (WA) Capacity Building
704. Willapa NWR (WA) Friends Start-Up/Project Support
705. Winous Point Shorebird Habitat Evaluation
706. Wisconsin Shallow Wetland Restorations-III
707. Wissahickon Valley (PA) Weed Control
708. Wolf Capture Team
709. Wolf Creek (WA) Restoration
710. Wolf River (TN) Acquisition-II
711. Woodside Watershed Awareness
712. Worcester County (MD) Wetlands Restoration
713. Wyman Water Use Plan and Dissemination
714. Yellowhawk Creek (WA) Fish Passage
715. Yellowhawk Creek (WA) Salmon Recovery
716. Yellowstone Wolf Release and Monitoring
717. Youth Ecology Program
718. Yucatan Marine Turtle Conservation

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Mr. GILCHREST. Thank you, gentlemen, for your testimony.

Admiral, many of us here still have very strong apprehensions about moving Sea Grant into the umbrella of National Science Foundation and we would like to continue to stay engaged with that process with the Administration as we work this reauthorization to the floor. You may not have all the ins and outs of this yet, but could you assure us or tell us specifically how the education and extension part of Sea Grant would work inside the National Science Foundation?

Admiral LAUTENBACHER. I think it is premature for me to sit here and tell you exactly how it is going to work. The process that has been set up is for us to get together with NSF, with our experts and their experts, and talk through the process. So we would have to provide some of the expertise that we have to them and explain how it runs at this point, which we are beginning to do, and then see what the options were for providing this type of a service.

We envision that while it can be managed from Washington, that it would largely fall to the local regions and the centers of excellence, the university centers of excellence that are pictured under the NSF scheme, to deal with this. But again, I think it is premature at this point to tell you because we do not have—I do not have the cookbook. I do not have the procedure to tell you at this point, but we will work with you and keep you informed as these deliberations progress.

I assure you that I am a supporter of the program, which you know from my previous record. The Administration supports the program and wants the intent of it to continue. So I am committed to keep the Fiscal Year 2002 program working as it is, doing the good work and the good job, and I am committed to working with NSF to try to turn over a full-up program to them.

Mr. GILCHREST. Could you give us a sense of the motivation for the move from the Administration? Is it to improve upon the science? Is it to improve upon the science and reduce or create more efficiency, get a better bang for your buck? What is it? Does it feel that the program now is lacking in its stated purpose?

Admiral LAUTENBACHER. I think, and I hate to repeat myself as I did in other hearings, but there are pros and cons, certainly, to keeping it in NOAA and keeping it in NSF. So I do not want to sit here and say it is all black and white on either side. There are certainly advantages to both sides, and it started in NSF, came over to NOAA, and now—I think the Administration officials, and as it was reviewed through our system, took a look at what the NSF management structure could offer, which is it is the premiere university grant peer reviewed process, national process, recognized as such. It gets very high grades in terms of its efficiency, the numbers of people it takes to administer it.

It already manages a fairly comprehensive geo-sciences basic research program, and, therefore, bringing this into it with the right kinds of focus—you would not want to lose the types of research that are ongoing now that are important to the States and our regions—that if you were to put that into a larger context, there might be some synergies both in the science and also more effective management. I think that was the major deciding factor in why this is submitted to you for transition to NSF.

Mr. GILCHREST. We feel, and I thank you for that explanation. I think as we go through the process, we are not likely to authorize on a vote Sea Grant moving to National Science Foundation, and I do not know how all that is going to work out in the end, whether the Administration can do that through executive order, through its own in-house regulatory process, so there is going to be substantial resistance unless we, I guess, can be enlightened as to the benefits of it. But the extension agents now that work in the field feel to a large extent well appreciated, very independent, collaborative with the university State structure agencies, the private sector, so Sea Grant as it now exists seems to fit hand-in-glove to the needs of very diverse local communities and they do a fine job. To disrupt that without understanding fully all the ramifications and the consequences, to some extent, we are not really ready to accept.

I did note in the budget that the Chesapeake Bay program NOAA office goes from $7 million down to $3-point-something million. I think we could probably go through the process and work out what the differences are, and you mentioned a number of different, very positive things that you are about ready to undertake. But that NOAA office has expanded what it has done in the past to begin a pilot program to understand how you can manage the fisheries from an ecosystem perspective, which has some extraordinary really positive ramifications for future fisheries manage-

ment if you can do that. So we can work a little bit on bumping that up somewhat.

The cooperative research that you mentioned, we want to be fully engaged in that process from the range, the size, to the genetic makeup and so on. We had a hearing in Ocean City a few months ago that dealt with the concept of cooperative research and some of the people from Woods Hole were down and we asked specifically for Woods Hole NMFS, NOAA, to be engaged in a study of black sea bass because there seems to be a great deal of controversy surrounding that and whether or not there are different stocks and different ranges at different times of the year, and a cooperative research effort in that area would be very positive.

I will just end with two quick things. One is we passed out of the House the Estuary Restoration Act a couple of years ago. We authorized it. We do not have any real money for it yet. We are working on the Corps to put that in their budget. But we asked NOAA to develop and maintain a data base of information dealing with estuaries and I would like to know now or within the next couple of days from your staff about the status of that data base.

Admiral LAUTENBACHER. I will be happy to provide that. I believe we are engaged in working on that right now. I will get you the status on that, Mr. Chairman.

Mr. GILCHREST. Thank you.

[The information referred to follows:]

ESTUARY ACT IMPLEMENTATION

*Question: What is NOAA doing with the $1.2 million appropriated in fiscal year 2002 for Estuary Restoration Act (ERA) Activities?*

*Answer:*

- The Estuary Restoration Act (ERA) specifically authorized $ 1.0M for NOAA to implement a monitoring database. We received $1.2M in fiscal year 2002 and requested level funding (no increase) in fiscal year 2003.
- Under the Act, NOAA is required to develop standard monitoring protocols, and to track all estuary restoration projects meeting those protocols - not just limited to projects funded under the federal financial assistance program authorized by the ERA. This will enable the Estuary Habitat Restoration Council to track all acreage restored toward the million-acre goal of the strategy.
- The monitoring protocols NOAA is developing under the ERA will have broad applicability to estuary restoration projects, helping to standardize the measurement of restoration success and ultimately providing a standard for selecting the most efficient and cost-effective technologies for habitat restoration.
- Besides tracking acreage restored toward the million-acre goal, the restoration project database NOAA is developing under the ERA will provide a mechanism for coordinating restoration efforts within and between the public and private sectors.
- According to the ERA, the restoration project database must include project monitoring data and information on restoration techniques. It will therefore provide a publicly accessible tool for restoration practitioners to improve methods for assuring successful long-term habitat restoration.

*Budget Summary:*

FY 02 Funding:
$1.2M

FY 03 Request:
$1.2M

Increase:
$OM

*Background:*

The strategy mandated by the ERA has a goal of restoring one million acres of estuary habitat by 2010. The strategy is primarily a mechanism for creating and maintaining effective estuary habitat restoration partnerships among public agencies and between the public and private sectors. The federal financial assistance program described in the ERA and its strategy is only one component of the effort required to meet the million-acre goal.

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Mr. GILCHREST. The last thing I would like to make a comment on is we are near the end game of our understanding of fisheries so that we can put together a draft proposal for the Magnuson Act, and there are just numerous things in there. We would like to know if the Administration is taking a position or will propose some changes to the Magnuson Act over the next few weeks that would be helpful for us to compare notes with them.

One of the more controversial issues with the reauthorization will be marine protected areas, among IFQs, among bycatch, among essential fish habitat. So just about everything in there is controversial. But you mentioned a number of things about coral reefs, Admiral, and it seems to me the things that you mentioned about habitat restoration and coral reefs, et cetera, et cetera, fit into the guidelines of preserving and restoring some of those critical areas which could be earmarked—that is probably a bad term to use, but we could focus on coral reefs, kelp forests, grass beds, those kinds of things that we do recognize as essential fish habitat, come up with a pretty clear definition of that, and some of those areas could be defined permanently or temporarily, or even seasonally, as marine protected areas. So we would appreciate any input that the Administration has on those.

We will have a second round and I will ask Mr. Williams some questions, but at this point, I will yield to the gentleman from Guam, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I, too, want to echo your remarks on the Sea Grant program, the potential transfer of the Sea Grant program to NSF. I think, although undoubtedly NSF has a very excellent record with regard to pure research, many of us—my own background is in academia—make a pretty neat distinction between applied research and pure research. Sometimes, that is a little bit artificial, but in this instance, I think it works.

By your own comments, Admiral, you indicated that we have basically with Sea Grant programs a three-legged stool. We have research, we have extension, and we have education. The three-legged stool for Sea Grant works because all three legs are on the same stool, and if we take out one element of it, then we have a two-legged stool and I am not sure how that is going to work.

The debate remains open on that, but I still have questions, and like the Chairman, I am not sure how this is going to work, what authority is going to be exercised in order to make this transfer occur.

I will give a general question to both of you, both Mr. Williams and Admiral Lautenbacher. In a budget hearing, every budget hearing begins with a statement that outlines all of the things that are going to be increased. That is always a good statement to give in a budgetary statement. But, of course, there must be things that are not being increased or there must be things that are actually

being decreased, and so it almost becomes a kind of a staff game to figure out, well, they moved it from here to there. It really looks like an increase, but it is really not an increase, or they are combining programs, or they are combining elements of programs in order to make the overall effort look like they are continuing to be sustained.

So my question is, and we will start with you, Admiral Lautenbacher, inasmuch as you were basically working off the same numbers as we did last year and you have outlined that there are a number of increases in various parts of the NOAA budget, where are we not being increased? Or more specifically, what programs are experiencing a decrease?

Admiral LAUTENBACHER. Let me try to describe that the best that I can. NOAA's budget is about, as we said, $3.3 billion. There is probably $300 million of change, so there is roughly 10 percent of churn, budget churn, if you want to call it that. About half of that were these essential programs for people and infrastructure that I mentioned. So that is a piece of it that is on an up side, so to speak.

On the down side of that is, of course, the $60 million or so for Sea Grant, which is probably the biggest single piece that went.

Then when you break the rest of them down, you take the $60 million out, the rest of them are broken down into programs that are either one term, one term additions that were made in last year's budget that are finished or some things that are continuing that as we looked at priorities and the budget level we had were not able to keep that same budget level.

So I think if you look through our program and you look at the list of things—and it is a long list and we can provide the long list of changes. It is a long list of small changes that go beyond that $60 million that I mentioned. You will see that most of them, not all of them, can be covered in some other way. Now, you have to say, maybe that is more efficiently, maybe something is lost in the program. But there are—about 10 percent of our budget is in this churn process and that is the best way to describe it other than to go through actually a list of 100 or so individual cuts.

Mr. UNDERWOOD. There are some specific programs that I want to draw attention to, but are you telling me that you could provide a list of those items and demonstrate—

Admiral LAUTENBACHER. Certainly. We are happy to provide—

Mr. UNDERWOOD. —and that would be a lot easier to read and a lot easier for us to comprehend.

Admiral LAUTENBACHER. Yes.

Mr. UNDERWOOD. It is the numbers and the resources that you put into programs is the best statement that any agency can make regarding what their priorities are.

Mr. GILCHREST. Would the gentleman yield?

Mr. UNDERWOOD. Sure.

Mr. GILCHREST. Maybe we can include in that request the National Ocean Service was cut by $100 million, the National Marine Fisheries Service by $60 million, and the Office of Oceanic and Atmospheric Research by $80 million. So we would appreciate the—

Mr. UNDERWOOD. Churning.

Mr. GILCHREST. —the recognition that some of that money can be offset by other areas of NOAA.

Admiral LAUTENBACHER. I will be happy to provide that and we will work with you and try to make sure everybody understands each of these items. I will say in general that we try to look at all the changes and inputs that were made to our budget and looked for ways to incorporate it in our lines so that they would not be subject to exposure or to arbitrary change. A lot of them did not fit or they were one-term types of things that were added and did not survive the priority scrub that is given as it goes through the Administration's process for building a budget. I would be happy to provide detailed lists in any categories. We can provide them in the Chairman's categories, as well.

Mr. UNDERWOOD. Thank you. Mr. Williams?

Mr. WILLIAMS. Yes, thank you. I will highlight a few that I did mention in my comments and a few that I did not.

One was a reduction in our hatcheries program of $1 million. We have eliminated ecosystem coordinators, one in each region and one in the Washington office, which totals about $795,000. We have a reduction of $112,000 across the board for travel expenses.

In our land acquisition program, particularly in the refuges, there is a reduction there but an increase in the money available to attack the deferred maintenance backlog, and approximately $35 million in what we term as earmarked projects from last year that were not carried over.

That is probably not all of them, but that gives you a sense of the major ones.

Mr. UNDERWOOD. Could we just discuss hatcheries for a little bit?

Mr. WILLIAMS. Yes, sir.

Mr. UNDERWOOD. OK. What is going on with the hatcheries? I know that you have indicated you have cut $1 million from hatcheries, but is there the construction of hatcheries? Has that undergone a severe cutback, not just the operation of hatcheries? Can that distinction be made?

Mr. WILLIAMS. There are no new construction projects going on with hatcheries. The $1 million reduction is coupled with an effort to improve the effectiveness and efficiency of the existing hatchery system.

And if I can expand on that just a little bit, we are undergoing both an internal review with work groups looking at various components of the fish hatchery system itself and an external review. The external working group, steering committee, members of the Sport Fish and Boating Partnership Council, which includes representation from States, from the fishing industry, conservation organizations, and so on, are helping to, in effect, chart a course for the future for the whole fish hatchery system.

So these three things are going on at once. We are committed to working with those partners, those external partners in developing a vision and a plan for the future for our fish hatchery program and the entire fisheries program.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Underwood.

Mr. Williams, can you give us some idea of what the backlog is in the hatchery program and how old some of the hatcheries are right now?

Mr. WILLIAMS. With your approval, I think I would have to turn that one over to—the backlog is—sorry for this tag-team testimony.

Mr. GILCHREST. That is all right. Tag teams are good. We have tag teams up here. That is how we come up with the questions.

[Laughter.]

Mr. WILLIAMS. I hope it continues when we go to "Cheers" after the meeting.

[Laughter.]

Mr. WILLIAMS. About $328 million is the estimated maintenance backlog.

Mr. GILCHREST. Thank you.

Mr. WILLIAMS. And the oldest hatchery is 114 years old.

Mr. GILCHREST. Where is that? Where is the oldest hatchery? I am just curious.

Mr. WILLIAMS. We will find out for you.

Mr. GILCHREST. It is not in Alaska, is it?

Mr. WILLIAMS. I doubt it.

[Laughter.]

Mr. GILCHREST. OK. Mr. Williams, you made the statement that you are going to eliminate ecosystem coordinators. Now, there is a gentleman in the Northeast region whose name is Ed Christophers and he is the ecosystem coordinator for this region, which includes the Delmarva peninsula of Maryland, Delaware, and Virginia.

Ed Christophers over the last couple of years has been absolutely instrumental and essential with the Fish and Wildlife Service, working with numerous other Federal and State agencies, to develop a concept called Conservation Habitat Wildlife Corridor that will run from Virginia to Pennsylvania and take in the streams, the rivers, the estuaries, and in a voluntary way with the agricultural community, develop a conservation corridor that will connect all of the open space, fish and wildlife refuges, State lands that we will call hubs.

Black Water Refuge, for example, is about 27,000 acres. Eastern Neck Island up in Kent County on the Northern shore, I am not sure, 5,000, 10,000 acres. There are numerous State-owned properties. There are large tracts of privately owned land that are designated as hubs and the corridor will connect these hubs for the purpose of wildlife habitat.

Ed Christophers, the ecosystem coordinator, has worked with the three States, numerous NGO's, the Federal Government to develop a map of that region and how it can be implemented. I know, Mr. Williams, it is very difficult to come up with budgets. There are millions of priorities out there and we try to spend our money as efficiently as possible. But my recommendation is one way to spend the taxpayers' dollars where you get the best advantage, at least in our experience, is to retain those ecosystem coordinators because they do some phenomenal work.

Mr. WILLIAMS. Mr. Chairman, if I could, I would have Marshall Jones respond to that.

Mr. JONES. Thank you. Mr. Chairman, Ed Christophers' work, which he began not in his present position as ecosystem coordi-

nator but prior to that when he worked in the Delaware Susquehanna area, is an example of the on-the-ground things that will continue.

The elimination of the ecosystem coordinator positions—that is one position in each of our regional offices—was a reflection of the fact that we believe the approach we are taking has been institutionalized. We have good projects on the ground like the one that you are describing and those will continue without being interrupted. We do not feel we need a full-time person in each regional office who will be coordinating these activities, but rather they will be initiated, as this one was, in the field from our project leaders, from our coordinators, and from our refuge managers who will be working in the field and then interacting with their supervisors.

I know that Dr. Mamie Parker, our Regional Director for the Northeast Region, is committed to continuing with that, so we will find other good work for Ed Christophers to do.

Mr. GILCHREST. So we are eliminating the title but not the person?

Mr. JONES. We are eliminating that position in each regional office, but we will continue with the work that is going on in the field. We just do not think we need a full-time person—

Mr. GILCHREST. What is going to happen to Ed? Is he going to be transferred?

Mr. JONES. We will have other good work for him to do and I think it will be work that you will see as a benefit.

Mr. GILCHREST. So he will stay in his present—unless he gets transferred as a natural consequence of a career move?

Mr. JONES. We have an Ed Christophers person in each of our seven regional offices and we will have other duties for those people to do which will fit within our existing structure. We will make sure that they all wind up on their feet in good jobs, and it could very well be that they will continue to be contributing to the same projects, but we do not need to have a separate, full-time Ecosystem Coordiantor. We have this approach built into our ecological services, fisheries and refuge programs in such a way that we do not need a full-time person as a focal point.

Mr. GILCHREST. I think I understand what you are saying and I think I am following you. In an ecological sense, the concept of ecosystem management or approach is relatively new and many people find the term offensive. Some people do not understand—not that I understand, but some people think that there is no such thing as an ecosystem, so sometimes they want it stricken from every tablet in the kingdom. I hope that is not the case with the Fish and Wildlife Service because I think our understanding has become a little bit more sophisticated in knowing that there is such a thing as an ecological system that is very dynamic, very complex, but also very important. Thank you for that explanation.

Just a couple other quick—

Mr. UNDERWOOD. Would you yield?

Mr. GILCHREST. Yes, I will yield, Mr. Underwood.

Mr. UNDERWOOD. I want to save Ed and others like him. Is this connected at all to an inquiry that was made in my office as to the removal of a position in the Pacific Island Area Office in Honolulu, or is that a separate issue?

Mr. JONES. No, Mr. Underwood, that would not be connected. There is an individual in the Portland Regional Office—

Mr. UNDERWOOD. The Portland office.

Mr. JONES. —who would be parallel, and that person already is picking up some other important work to do. But it would not reflect any staffing change out in the Pacific Islands.

Mr. UNDERWOOD. Thank you.

Mr. GILCHREST. The invasive species continues to be of some concern to a great number of people. We still have problems with nutria on the Eastern Shore of Maryland as, Mr. Williams, we talked about yesterday. There are numerous other places around the country that have those issues, as well, and the sooner we eradicate them, the less expensive it is going to be, based on the number of animals and the damage that they do and so on.

I guess my last inquiry will deal with two things. Very quickly, before I forget, to Admiral Lautenbacher, you mentioned fishery research vessels. If we could continue to define that as fishery surveying vessels, it will not be bumped over to the Science Committee, so we can keep that over here.

Admiral LAUTENBACHER. I understand. They are survey vessels, fishery survey vessels.

Mr. GILCHREST. Thank you, Admiral.

Admiral LAUTENBACHER. Yes, sir. Thank you, sir.

[Laughter.]

Mr. GILCHREST. We have a tag team up here that is good at all that.

There are two bills, I believe, Mr. Williams, dealing with ESA peer review kinds of things, and either now or at some point, we would really appreciate your input as to the need for better peer review to determine listed species and then what that kicks in as far as Fish and Wildlife Service is concerned. Do you fundamentally have a system now that does not need a lot of improvement or does not need legislation? Do you feel there is legislation necessary for a more defined or a different kind of system for peer review?

Mr. WILLIAMS. Well, I would say, first off, that just relatively recently, I was made aware of the bills and have not had a chance to really digest them. In fact, I have seen one, but I have not seen the other and really have not had a chance to digest them. So I would reserve any comment on them at this time.

I would point out that there is a fair amount of peer review that goes on now and has gone on probably, since the early 1990's, if not before, in terms of endangered species issues. I would also point out that as an example of some peer review that has gone on, I will give you just three quick examples.

The first two were examples of our opinion on the Missouri River, operation of the Missouri River, and the second on Atlantic salmon. Those two opinions were reviewed by the National Academy of Sciences and there was agreement in the conclusions that we drew and the conclusions the National Academy of Science drew.

One more recent—

Mr. GILCHREST. Could you just elaborate on NAS's review of that particular issue?

Mr. WILLIAMS. I cannot go into details, but the others here could. On the Missouri River biological opinion, the National Academy of Science reviewed that opinion and reached the same conclusions we did with regard to the science that was involved in that case. The same thing goes for, I believe it was a biological opinion on Atlantic salmon, where, again, they upheld our analysis and evaluation.

A more recent one that we are probably all aware of that made headlines was the Klamath opinion, a biological opinion developed last year where the NAS took issue with one of our findings and one of our conclusions regarding water levels. What they said was that there was insufficient data to back up some of our assertions. There were a number of other findings—

Mr. GILCHREST. What is the next step for Fish and Wildlife now if the NAS said there was insufficient data? What does that mean?

Mr. WILLIAMS. Well, we are working—

Mr. GILCHREST. Do you need to go back?

Mr. WILLIAMS. I am sorry?

Mr. GILCHREST. Do you need to go back and reevaluate your data or come up with more data to determine your biological findings with water levels?

Mr. WILLIAMS. Well, actually, that was an opinion for last year. We are working on a new biological opinion to respond to biological assessment that the Bureau of Reclamation recently released, I believe the end of February. So the one NAS reviewed is sort of behind us. We certainly will take lessons from that, lessons we learned from there, in developing the biological opinion for the next 10 years of operation of the Klamath project. But NAS also agreed with a number of our findings in our last biological opinion on Klamath.

So I just bring those out as examples of where we are using peer review. I certainly think that there are opportunities that we might avail ourselves of for additional peer review on certain projects at certain times and we are kind of in a process of evaluating as we speak, or at this time, evaluating when we would more formally request peer review from outside sources, again, depending on what the particular issue is, how contentious that issue might be, what impacts our decision might be on a variety of factors.

So we are thinking, also, about the application of outside peer review, but again, it is a bit premature for me to make any real conclusions at this point.

Mr. GILCHREST. Thank you very much. Just one quick follow-up question, Mr. Williams. The conservation plans that have been in effect now for a few years for each of the refuges, do you feel that the Administration has—the $1 million the Administration has in its budget for Fiscal Year 2003, is that sufficient for the CCPs?

Mr. WILLIAMS. I am sorry. That would be a $1 million increase over—the base is $8.3 million. The $1 million would be on top of that, so it is additional money.

Mr. GILCHREST. I see.

Mr. Underwood?

Mr. UNDERWOOD. Thank you, Mr. Chairman.

Mr. Williams, drawing attention to the Cooperative Conservation Initiative, which is a program designed to encourage resource managers in Fish and Wildlife Service to work with local communities,

in trying to understand what CCI would do, it kind of parallels some of the things that we are trying to work on in terms of the legislation that has been proposed to control and mitigate non-native species, which is one of the big issues certainly that Mr. Gilchrest has in his area, many, many members have in their area, and, of course, we have with the brown tree snake in Guam.

So as you envision, or as the Service, as the Administration envisions the CCI, is there going to be some attention devoted to non-native species in that effort?

Mr. WILLIAMS. It certainly would allow addressing those sorts of invasive species. It is focusing on natural resource restoration, so in those habitats that are affected or impacted by invasive species, this program would provide an opportunity for the refuge manager, if you will, for instance, to form a partnership with other organizations, individuals, localities, and compete for grant dollars to address those problems. So the short answer, I believe, would be yes, sir.

Mr. UNDERWOOD. If we were able to move this legislation, CCI, the initiative would inevitably be drawn into work with the non-native species. I mean, that is how we are envisioning it, because as you appreciate, many of the projects that the Service is engaged in actually have to work on the invasive species problem as a priority in many areas.

Mr. WILLIAMS. It certainly is a priority in many areas. The CCI dollars are not intended to be restricted to invasive species projects.

Mr. UNDERWOOD. I understand.

Mr. WILLIAMS. —but I believe that there is certainly the latitude in the program to allow those dollars to be used to address invasive species.

Mr. UNDERWOOD. Given the characterization, in reference to Guam and the brown tree snake problem, given the characterization that the greatest threat to Hawaii's ecological system is the brown tree snake, and, of course, it has created a number of problems in Guam, I just think the amount of budgetary effort devoted to eradicating or controlling the snake is inadequate. If, indeed, it is the greatest ecological threat, not just to Hawaii but to surrounding islands, including Saipan in the Northern Marianas and Rota to the north where the birds and the bats, the fruit bats, are still in relative abundance, I think that the Service is not devoting an appropriate level of effort to that.

Mr. WILLIAMS. After our discussion the other day, I went back and talked to folks in the agency about that issue, and it is my understanding from those discussions that there used to be, there was, up until Fiscal Year 1993, monies appropriated through the Fish and Wildlife Service to address the problem that you are describing. In 1994, when much of the research component of the Service was moved to the U.S. Geological Survey, it is my understanding that those dollars for snake control went with those folks, and so now the funding—again, my understanding is the funding resides in the U.S. Geological Survey budget rather than in our budget.

Mr. UNDERWOOD. That may be true, but what I am trying to establish is the fact that it is the Service's responsibility to grapple

with this issue. It has also been evident in the past that there have, for example, been funds earmarked in Department of Defense budgeting for this. When that happens, when Senator Inouye indicates his strong concern about this and he earmarks DOD monies for it, what happens is that it draws a lot of negative attention. People think it is a very trivial concern and it is not a trivial concern. But if it were funded by the appropriate agency in the Federal Government, I think we would be on firmer ground, so I still continue to maintain that.

I also discussed another issue with you and that is that just basically in terms of the Fish and Wildlife Service property in Guam, there is just a continual, and I wish this CCI process would have been perhaps engaged in earlier, this just continual fighting with the local community on a whole range of issues, and now that has been exacerbated by the closure of Anderson Air Force Base to anybody going through it, and now people who have ecotourism, which normally we encourage, on one end now have to try to go across the Fish and Wildlife Service property and it is just becoming almost an untenable situation.

I want to explore the idea of trying to find some kind of alternate arrangement which would include the Fish and Wildlife Service perhaps relinquishing that property. I know that is a pretty drastic step, but given the nature of the circumstances and the willingness of the government of Guam to engage in some kind of partnership on that, perhaps through this process, we could start to explore that.

Mr. WILLIAMS. Relatively recently, the Governor of Guam met with Secretary Norton, and although I was not in attendance, I know that topic came up. I commit to you that we will continue our dialog with the folks in Guam and keep you apprised as we try to resolve that situation.

Mr. UNDERWOOD. Thank you. Admiral Lautenbacher, the National Oceanic and Atmospheric Administration, that is the title of your agency, and then we have the Pew Trust event, a lot of attention drawn to the importance of the oceans, a lot of political rhetoric about we know more about the surface of the moon than we do the bottom of the ocean. We had the energy coming out of the Monterey conference. We had all of this, and now this budget that you are proposing cuts back on many of those efforts.

It seems to me to put the atmospheric before the oceanic, and I am just trying to understand, what is the thinking behind that, given the fact that almost everyone we are involved with understands that the ocean—people are fond of telling young people today, you know, when you become grandparents and great grandparents, most of your food is going to come from the ocean. Much of our lives will be determined by what we know about the ocean. And yet, it does not seem that we are preparing for that. Instead, it seems like we are backtracking rather than perhaps taking advantage of that renewed interest and renewed energy and renewed understanding of the ocean around us.

Admiral LAUTENBACHER. I certainly understand and resonate with those concerns and I have said similar things in my prior lifetime. I still believe that what you say is absolutely true. I am dedi-

cated to try to work hard to improve public understanding of these issues and to gain public support for these issues.

We have, to talk about the other side of this, we have some very important priorities in the country now that were not in evidence until 9/11 of last year. We have worked hard within the Administration to try to build a budget that balances the needs of the country across some very important new emergency types of priorities, such as homeland defense and the war on terrorism, the economic security issue that we have had.

And what I will say is that even given those priorities, which are very, very important to our nation, that the Administration supported NOAA at the level that it was last year, and that level, I would say, has increased. If you go back over the last 10 years, you will see that there has been public support, both within the Administration and Congress, to increase the amount of resources devoted to the types of issues which you have so passionately described and which are, I think, very important to our country.

It is very hard to build a budget, as the Chairman mentioned, because there are many, many needs, and sorting out the priorities is a very difficult process. I will continue to support as much as we can do to build understanding and build support for our budget.

Mr. UNDERWOOD. I would still maintain that the budget does not reflect those concerns adequately.

On the issue just of the National Weather Service, on this side of the International Date Line, they are called hurricanes, and on the other side, they are called typhoons, and almost all of us are familiar with the fact that when hurricanes occur in the Caribbean or on the Eastern seaboard, these hurricane hunters go chase them down. It is an Air Force reserve unit that operates out of Mississippi. and even if there was a hurricane threatening Hawaii, they still have ample opportunity to use those hurricane hunters to fly into those storms.

Two questions on that. One is the obvious, the people who do not get the benefit of that are the people in Guam, on the other side of the date line. We do not get the benefit of planes flying into those storms and taking those readings, and the fact of the matter is that we get 70-plus storms every year that go in and around and near Guam. It matches almost entirely the total number of storms that you get here in a typical hurricane season.

As I tried to work this issue with the National Weather Service, I was informed that, well, they are trying to work with a Gulf Stream, some kind of National Weather Service plane, to start doing what the Air Force currently does. One, does NOAA continue to support the use of these hurricane hunters or do we find them irrelevant, and is there any kind of financial support given to them?

Admiral LAUTENBACHER. We continue to support hurricane hunters and we have our own and the Air Force supports us, as well. We are trying to outfit that Gulf Stream to give it the right kind of sensors so that it can be a benefit. Right now, it does not have all of the instrumentation it needs on it to do the kind of work you are talking about. It is not a plane that would fly into a hurricane, but it could provide very useful information in the path or off to

the side from a major tropical storm or hurricane. We do continue to support that to the limits of our funding.

Mr. UNDERWOOD. Again, if protection and the use of the hurricane hunters, it is not the overall prediction that matters, it is the intensity of the winds and where they hit landfall and that is what the hurricane hunters provide, greater than any kind of existing technology. So I would just have to say that out in the middle of the ocean in the Pacific, we are just not covered by that. It is obviously another great source of concern to people out there, especially inasmuch that at one time, we had two weather squadrons. We had one Navy and one Air Force taking care of them out of Guam. So that is just another budgetary concern, Mr. Chairman.

Admiral LAUTENBACHER. I understand, sir. Thank you.

Mr. GILCHREST. Mr. Underwood, you are a strong advocate for Guam and I commend you for it. I think, in essence, Mr. Underwood is volunteering for one of those flights to see how the data is collected.

[Laughter.]

Mr. UNDERWOOD. OK, we will go together.

Mr. GILCHREST. All right.

[Laughter.]

Mr. GILCHREST. I have a strong pair of binoculars.

I have a number of other questions, but I have another commitment and what I would like to do is, along with Mr. Underwood, submit some questions to NOAA and Fish and Wildlife, NOAA specifically questions dealing with the hydrographic services, standards that may or may not be promulgated at this point and the kind of surveyors or who will be hired to do some of that work, and some other questions about marine sanctuaries and so on. I would like to submit those questions that we have here in the record, but I would like to send them over to your offices and hope that within the next few weeks we could get a response to those questions.

Mr. UNDERWOOD. Can I just ask one more question?

Mr. GILCHREST. Mr. Underwood has a question about the type of plane that is flying into that hurricane, I think.

[Laughter.]

Mr. UNDERWOOD. Thank you, Mr. Chairman, for your indulgence. Just one quick question, Mr. Williams. This is one the Suarez bears matter in Puerto Rico. I know that the Fish and Wildlife Service has confiscated and transferred to the Baltimore Zoo one of the seven polar bears that are currently in Puerto Rico. Does this mean that Fish and Wildlife will not issue any export permits for the bears remaining in Puerto Rico? As I understand it, the documents that were provided to APHIS actually misrepresented—they did some DNA testing and one of the bears was not who they said they were. It is not the bears' fault. I think is more Suarez's fault.

[Laughter.]

Mr. UNDERWOOD. I do not think the bears are trying to sneak into the country, but it is a humanitarian concern and I think the Service has done a good job of cooperating with Puerto Rico on that, but there still remains the remaining bears.

Mr. WILLIAMS. Thank you for those comments. I think since this is a relatively sensitive matter, I will not take a stab at that, but Kevin Adams, our Assistant Director for Law Enforcement, and

Ken Stansell, who is Assistant Director for International Affairs, are here and I believe they can answer that question for you.

Mr. STANSELL. Thank you very much. Relative to the re-export certificate, we currently have an application that is pending, we received on February 12, and the Service is in the process of reviewing that application now.

Given the situation with at least one of the bears, where we did receive evidence that that was not the bear in question, we are in the process now of reviewing all of the documentation that we have on the remaining bears before we consider issuance of a re-export certificate for the remaining bears.

Mr. UNDERWOOD. Thank you. Thank you for your forbearance, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Underwood.

Gentlemen, thank you for your testimony and we look forward to working with you.

The hearing is adjourned.

[Whereupon, at 3:23 p.m., the Subcommittee was adjourned.]