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FISCAL YEAR 2004 BUDGET REQUESTS FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE U.S. FISH AND WILDLIFE SERVICE

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

March 19, 2003

Serial No. 108-8

Printed for the use of the Committee on Resources

Available via the World Wide Web: http://www.access.gpo.gov/congress/house
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE

85-772 PS WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
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OVERSIGHT HEARING ON THE ADMINISTRATION'S FISCAL YEAR 2004 BUDGET REQUESTS FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE U.S. FISH AND WILDLIFE SERVICE

Wednesday, March 19, 2003
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 2:07 p.m., in room 1334, Longworth House Office Building, Hon. Wayne T. Gilchrest, Chairman of the Committee, presiding.

Present: Representatives Gilchrest, Pallone, Faleomavaega, Ortiz, and Bordallo.

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

Mr. GILCHREST. The Subcommittee will come to order. We will be joined shortly by the Ranking Member, Mr. Pallone from New Jersey. He is being held up at another Committee markup, but we will get started and welcome him when he arrives.

Good afternoon. Today, the Subcommittee will conduct its annual review of the Administration's budget request for the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. I am pleased to welcome Admiral Lautenbacher and Director Steve Williams and Marshall Jones of the Fish and Wildlife Service.

Four of NOAA's strategic goals, including promoting safe navigation, sustaining healthy coasts, building sustainable fisheries, and restoring protected species are under the jurisdiction of this Subcommittee and I look forward to hearing about these programs for Fiscal Year 2004.

I want to commend the Administration for again increasing funds to promote safe navigation. Over the last 5 years, the projected time for surveying and producing new charts for the roughly 1 percent of the exclusive economic zone that is considered commercially critical has fallen from nearly 35 years to as few as 15

years. The agency has made strides toward implementing electronic charts that will form the basis for improved port security and better protection of human life and the environment.

Of course, this would not be a NOAA budget hearing if we did not discus the perennial—it almost sounds like flowers, perennials versus annuals, so this is, I think, both perennial and annual—inequities between NOAA's wet side and dry side. Two examples, the budget request seeks $687 million for satellites and no funds for the third fishery survey vessel, and the Office of Oceanic and Atmospheric Research is reduced by $8.2 million, however, climate and weather programs are increased by $18.3 million while ocean, coastal, and great lake programs decline by $26.6 million. Nevertheless, I remain hopeful that in the not-so-distant future, we will see a budget that equitably distributes resources between the oceanic and atmospheric portions of NOAA.

The National Marine Fisheries Service is still facing over 100 lawsuits, many of them disputing management actions taken by the agency. One fishery in particular, the New England groundfish fishery, has been in and out of court with a judge rather than the management agency making some of the decisions.

I know how complex and how difficult the fishery issues are and we will try to address some of those in the reauthorization of the Magnuson Act and certainly listen to the Oceans Commission and the Pew Commission, and I will tell you, Admiral, that we have an ongoing, very good relationship with NMFS and certainly Director Hogarth. But these are some of the issues that we really need to tackle to get back into the management of fisheries, using good science to manage fisheries and not tie up a lot of these dollars in Federal court.

I am hopeful that the fishery will soon come out from under the court's control, not that people don't have a right to file a lawsuit, but I think things will go a lot easier if we find a way to reduce that necessity.

I am pleased to see the agency has requested $3 million to address the need for additional observer coverage for the fishery. This will help as we reauthorize the Magnuson Act, to plug that in there.

NOAA also requested additional funding for bycatch reduction measures, including gear research and testing. Bycatch is a national concern and any actions taken to reduce its occurrence will be well received. It is important that this research be conducted cooperatively with the industry. So if we can get more of those fishermen on board, so to speak, and seeing what they see as practical measures to reduce bycatch, it will go a long way into increasing the flow of information. Then there is inevitably less anxiety and more trust.

NOAA's budget also includes an increase of $12.5 million to modernize and expand the scope of fisheries research and management capabilities. Included in this increase are funds for much needed stock assessments.

After reviewing the budget of the U.S. Fish and Wildlife Service, I am in agreement with the funding levels requested for many accounts. For instance, just last week, the National Wildlife Refuge System celebrated its 100th birthday. I strongly support the

President's request to allocate $292 million for refuge operations and $109 million for refuge maintenance, which are both at historic levels. This money will be spent to revitalize the system and to pay down the capital and equipment maintenance backlog.

Mr. Williams, we really want to work over the next couple of years with this added money to focus it where it really needs to be spent and then try to figure out in some instances how to manage wildlife refuges in more of a natural way. Nature was the management of a lot of these areas for a long, long, long time, and I know some of the refuges are managed so that they create feeding areas for migrating water fowl, and the necessity of that is that a lot of areas have been developed, so their natural flyway as far as their nesting areas, their feeding areas, their raising their young areas, and so on, has been significantly reduced, but very often a refuge spends enormous amounts of money berming and dyking and building ponds and things like that. So if we could work through some of those high-cost areas, it would be productive for everybody.

Secondly, I support the request of $103.6 million for fisheries. In particular, there was a renewed emphasis on repairing and modernizing some of our Federal fish hatcheries. These hatcheries provide some $5 billion worth of fish which are used for recovery, restoration, mitigation, stocking activities.

Third, the President has asked for $50 million for the North American Wetlands Conservation Fund—that was the bill signing we went to, right? At that bill signing, I gave Mr. Bush a copy of a fascinating book called Water written by Alice Outwater from Vermont, and it is a history of the hydrologic cycle in the United States over the past 500 years and how human activity has changed that natural cycle and some of the problems that have resulted. So you might want to read that, and the next time you see the President, you can discuss that book together. So the President has authorized $50 million for the North American Wetlands Conservation Fund, and this fund, as we know, is providing protection for millions of acres of habitat for migrating water fowl in the three different countries.

Fourth, I fully concur with the request of $7 million for the Multinational Species Conservation Fund. In fact, we should do more for these fisheries and I support the World Wildlife Fund's efforts to allocate $14 million for African elephants, Asian elephants, rhinos, tigers, great apes, and neotropical migratory birds. There is no question that these funds are critical for the long-term survival of these flagship species.

And from a local perspective, I strongly support the $1.1 million for land acquisition for the Blackwater National Wildlife Refuge and $800,000 for this invasive species nutria, and we would like to continue working with Fish and Wildlife to deal with the whole panorama, array of issues surrounding invasive species and the high cost that is incurred from that.

And also, the number of species that are imported here, whether it is for fish tanks in your house or whether it is for bait, you know, we have had a problem with some fish in Maryland, but we also have some potential problems with Vietnamese worms used for bait. We will hold a few hearings in this session looking at some of those issues and we will try to give Fish and Wildlife Service

some adequate statutory authority to deal with those growing issues.

Finally, I would support enhanced funding for the Endangered Species Account, Land Acquisition, and National Wildlife Refuge Fund.

I look forward to hearing your testimony, and just as an aside, I want to express my thanks to the three of you and those who are with you today for your public service. It is not always very easy. It is often very volatile. But we appreciate your patience with us and look forward to working with you over the next 2 years.

[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 conduct its annual review of the Administration's budget request for the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. I am pleased to welcome Admiral Conrad Lautenbacher and Director Steve Williams.

Four of NOAA's strategic goals including promoting safe navigation, sustaining healthy coasts, building sustainable fisheries and restoring protected species are under the jurisdiction of this Subcommittee. I look forward to hearing how these programs fare in the Fiscal Year 2004 budget request.

I want to commend the Administration for again increasing funds to promote safe navigation. Over the last five years, the projected time for surveying and producing new charts for the roughly 1 percent of the exclusive economic zone that is considered commercially critical has fallen from nearly 35 years to as few as 15. The Agency has made strides toward implementing electronic charts that will form the basis for improved port security, and better protection of human life and the environment.

Of course this would not be a NOAA budget hearing, if we did not discuss the perennial inequities between NOAA's wet and dry sides. I will cite two examples: the budget request seeks $687 million for satellites and no funds for the third fishery survey vessel and the Office of Oceanic and Atmospheric Research is reduced by $8.2 million. However, climate and weather programs are increased by $18.3 million while ocean, coastal and great lake programs decline by $26.6 million. Nevertheless, I remain hopeful that in the not so distant future, we will see a budget that equitably distributes resources between the oceanic and atmospheric portions of NOAA.

The National Marine Fisheries Service is still facing over a hundred lawsuits, many of them disputing management actions taken by the Agency. One fishery in particular, the New England groundfish fishery, has been in and out of court with a judge rather than the management Agency making some of the decisions. While I am hopeful this fishery will soon come out from under the court's control, I am pleased to see the Agency has requested $3.0 million to address the need for additional observer coverage for this fishery.

NOAA also requested additional funding for bycatch reduction measures including gear research and testing. Bycatch is a national concern and any actions taken to reduce its occurrence will be well received. It is important that this research be conducted cooperatively with industry.

NOAA's budget also includes an increase of $12.5 million to modernize and expand the scope of fisheries research and management capabilities. Included in this increase are funds for much needed stock assessments.

After reviewing the budget of the U.S. Fish and Wildlife Service, I am in agreement with the funding levels request for many accounts. For instance, just last week, the National Wildlife Refuge System celebrated its 100th birthday. I strongly support the President's request to allocate $292 million for refuge operations and $109 million for refuge maintenance which are both historic levels. This money will be spent to revitalize the system and to pay down the capital and equipment maintenance backlog.

Second, I support the request of $103.6 million for fisheries. In particular, there is a renewed emphasis on repairing and modernizing some of our Federal fish hatcheries. These hatcheries provide some $5 billion dollars worth of fish which are used for recovery, restoration, mitigation and stocking activities.

Third, the President has asked for $50 million for the North American Wetlands Conservation Fund. This Fund has protected millions of acres of essential wetland

habitat in Canada, Mexico and the United States. Just last year, we reauthorized this effective program and this money is a sound investment of our tax dollars.

Fourth, I fully concur with the request of $7 million for the Multinational Species Conservation Fund. In fact, we should do more for these species and I support the World Wildlife Fund's efforts to allocate $14 million for African elephants, Asian elephants, rhinos, tigers, great apes and neotropical migratory birds. There is no question that these funds are critical to the long-term survival of these flagship species.

From a local perspective, I strongly support the $1.1 million for land acquisition for the Blackwater National Wildlife Refuge and $800,000 for nutria eradication in the State of Maryland.

Finally, I would support enhanced funding for the Endangered Species Account, Land Acquisition and the National Wildlife Refuge Fund.

I look forward to hearing from our distinguished witnesses and I recognize the Ranking Democratic Member of the Subcommittee.

Mr. GILCHREST. The gentleman from New Jersey, Mr. Pallone.

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

Mr. PALLONE. Thank you, Mr. Chairman. I have to apologize because I have laryngitis, so I don't know how well you can hear me.

But I wanted to say that I think we would lose a great part of ourselves as a nation if we were to allow our remaining wilderness to be destroyed and that this statement is certainly as true today as it was 100 years ago, but now we face much greater challenges in conserving and protecting those wildlands.

Much of the responsibility for preserving our fish and wildlife heritage falls to the wide-ranging programs and activities conducted by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. This is why I must state my disappointment in the Administration's request for both agencies in the Fiscal Year 2004 budget.

Important authorized programs administered by Fish and Wildlife Service remain underfunded and neglected in order to fund this administration's own initiatives. Funds that should be devoted to fully supporting State and tribal wildlife grants, land acquisition, or the backlog in ESA critical habitat designations continue to be shifted away to support unauthorized grant programs. Even in a year when we are celebrating the centennial of the National Wildlife Refuge System, this year's budget request hardly comes close to the $700 million recommended by the Cooperative Alliance for Refuge Enhancement to address the growing operations and maintenance backlog afflicting the Refuge System.

I was equally disappointed in reading through NOAA's proposed budget. This budget represents a broad retreat from recent significant increases in funding for NOAA's ocean, coastal, and fisheries accounts and I question the priorities and the deceptive rationale for this shift in funding to other dry-side programs in NOAA.

For example, the Administration portrays its $57 million request for Sea Grant as an increase of $57 million when it is actually a $3 million cut from the Fiscal Year 2003 appropriation of $60 million. This type of budget sleight of hand is unwarranted and the deception springs from the fact that the Administration proposed transferring the National Sea Grant program to the National Science Foundation in last year's proposed budget. Sea Grant belongs under the auspices of NOAA, and furthermore, it is a

valuable program that needs and deserves significant funding increases, and I know some of you realize that I know that firsthand because I was a Sea Grant specialist at one time, working as a coastal lawyer for Sea Grant.

Cuts to other important NOAA programs, such as harmful algal bloom research, coastal monitoring, fisheries data acquisition, and oil spill response and restoration also concern me, as do level funding requests to support State grants under the Coastal Zone Management Act.

In closing, Mr. Chairman, we cannot allow these programs to be shortchanged. As we await the release of the National Ocean Commission and Pew Ocean Commission's reports later this year, Congress should be prepared to address the priorities that the reports have identified. Slashing funding for research and monitoring is a regressive approach to dealing with the fisheries and wildlife issues that face this nation.

These budget requests require our careful consideration and oversight. I am willing to work with you, obviously, Mr. Chairman, and other members of this Subcommittee to clearly understand the implications of the budget and to engage the Administration toward some thoughtful reconsideration, and I hope that we can look at the budget and this hearing in that regard.

Thank you, Mr. Chairman. Sorry for the voice.

Mr. GILCHREST. Thank you, Mr. Pallone.

[The prepared statement of Mr. Pallone follows:]

Statement of The Honorable Frank Pallone, Ranking Democrat, Subcommittee on Fisheries Conservation, Wildlife and Oceans

Thank you, Mr. Chairman. It has been said that we would lose a great part of ourselves as a nation if we were to allow our remaining wilderness to be destroyed.

This statement is certainly as true today as it was one hundred years ago, although now we face much greater challenges in conserving and protecting those wild lands.

Much of the responsibility for preserving our fish and wildlife heritage falls to the wide-ranging programs and activities conducted by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

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For example, the Administration portrays its $57 million request for Sea Grant as an INCREASE of $57 million when it is actually a $3 million CUT from the Fiscal Year 2003 appropriation of $60 million. This type of budget sleight of hand is unwarranted, and the deception springs from the fact that the Administration proposed transferring the National Sea Grant Program to the National Science Foundation in last year's proposed budget. Sea Grant belongs under the auspices of NOAA, and furthermore, it is a valuable program that needs and deserves significant funding increases.

Cuts to other important NOAA programs, such as harmful algal bloom research, coastal monitoring, fisheries data acquisition and oil spill response and restoration

also concern me, as do level funding requests to support State grants under the Coastal Zone Management Act.

In closing Mr. Chairman, we cannot allow these programs to be shortchanged. As we await the release of the National Ocean Commission and Pew Ocean Commission's Reports later this year, Congress should be preparing to address the priorities that the Reports have identified. Slashing funding for research and monitoring is a regressive approach to dealing with the fisheries and wildlife issues that face this nation.

These budget requests require our careful consideration and oversight. I am willing to work with you and the other members of this Committee to clearly understand their implications and to engage the Administration towards some thoughtful reconsideration. Thank you.

Mr. GILCHREST. Mr. Ortiz, opening statement?

STATEMENT OF SOLOMON P. ORTIZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. ORTIZ. Maybe I can give my time to my big friend. He's bigger than I am, Mr. Chairman, so I don't know if he wants to say something.

[Laughter.]

Mr. ORTIZ. Mr. Chairman, I want to welcome all our witnesses today to this hearing and I thank you for holding this hearing today, Mr. Chairman. There are a couple of things that concern me greatly and I have a few comments and questions that I would like to address when appropriate concerning my district and the whole Gulf and South Atlantic shrimp industry.

In addition, while NOAA is an important player in the future of the shrimp industry, it is my hope that we can have a hearing soon on the state of the industry and how agency regulators are negatively impacting the shrimp personnel at the fisheries.

Recently, the National Marine Fisheries Service put out a new regulation which mandates for larger, more expensive turtle excluder devices, known as TEDs, that will cost the fisheries industry thousands of dollars to install, which will further impact the vessels.

Mr. Secretary, if I recall correctly, when the turtle was on the brink of extinction, it was the seafood industry working in conjunction with Fish and Wildlife that provided the most funding and worked hard to ensure this did not happen. Currently, there are efforts in South Texas and Mexico, Rancho Nuevo, where everyone is working together to keep the turtles off the endangered species list.

What concerns me is that after the industry has worked in a good-faith effort, NMFS still continues to penalize them, and I think this is very, very unfair, specifically now that we are being dumped with tons and tons and tons of shrimp from other countries into the United States. They don't have the same regulations we have. They don't have turtle excluder devices. They don't have OSHA. This is an industry, Mr. Chairman, that is being on the verge of extinction.

So when the proper time comes, Mr. Chairman, I will ask some questions, but I know that if I am correct, and I stand to be corrected, I understand that some of these devices will cost $2,000 to $3,000 per boat. And now when you try and go to the gas pump and try to fill up the tank, you see that gasoline and the energy

prices are going out of sight. When the proper time comes, Mr. Chairman, I would like to ask a few questions, and thank you for your indulgence.

Mr. GILCHREST. Thank you, Mr. Ortiz.

Mr. Faleomavaega?

STATEMENT OF ENI F.H. FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM AMERICAN SAMOA

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I thank my colleague from Texas in expressing his concerns about some of the budgetary cuts that have been given to the programs that certainly are of interest to his constituents in his district.

My particular interest, Mr. Chairman, as you know, we worked very hard last Congress to increase the authorization of the National Sea Grant program, and I notice here on the syllabus that the Administration does not have any intention of putting not one red cent in addition to the authorization that we had worked so hard in providing this program, which I believe should be right in conjunction with the Land Grant program.

Here we expend almost $1 billion a year for the Land Grant, which I have no problem with. But the fact that to me it seems, Mr. Chairman, the Sea Grant program is just as important, especially serving the millions and millions of people throughout the country, especially among the coastal States, and somehow this administration does not view the Sea Grant program as an important part of our country's interest.

I am looking forward to hearing our friends and their testimony and seeing where we need to go from there.

I join also my leader, our Ranking Member from New Jersey, Mr. Pallone, for his concerns and the statement that he has brought forth before our Committee and certainly look forward to hearing from our friends on the budgetary request for Fiscal Year 2004. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Faleomavaega. The Committee will work with you on the Sea Grant issue, seeing that it is an important program that implements the science on the ground, and Mr. Ortiz, we certainly will work with you on the shrimp issue as we move through this Congress.

Mr. Lautenbacher, Admiral, you may begin, sir.

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

Admiral LAUTENBACHER. Thank you, Mr. Chairman, members of the Subcommittee, and staff. It is a great honor to appear before you. I thank you for this opportunity to discuss the NOAA budget and to ask for your support for the programs that we are attempting to enact this year.

The Administration's request for NOAA this year is $3.326 billion. That is a small amount of money when you consider the broad scope of responsibilities that the agency has to cover. When you bounce that against the enacted bill, which, I might mention, just came out recently, in the last month or so, it is about a 1-percent

change. It is about $45 million difference. So we are about the same level as was enacted by Congress in this omnibus bill that we had at the end of February.

We have essentially within that $3 billion about $284 million of changes, so those are the—and you mentioned some of them in your opening statement, so that is the churn. It is about 10 percent of that total amount that we are talking about now in terms of priorities that we need to deal with.

In those changes, I would like to make a strong pitch for support from the Committee for our people. The scientific core that makes up NOAA is extremely important to our country. This is the essence of ocean and atmospheric science for this entire nation. As I like to point out, we are about the size of one Army light division, but this is the only division we have in this whole work and we are deployed platoon by platoon, from Maine to American Samoa to Key West and Point Barrow. So this is a big operation.

People are essential. I am asking for adjustments to base to pay our people the authorized pay raises that Congress approved of 4 percent and then 2 percent. That is about $52 million. I think it is critical that we keep this scientific cadre together and working. It is not something that can be rebuilt quickly if it gets torn down. That is my No. 1 priority, and again, people are the heart and soul of NOAA operations.

The budget this year was submitted in terms of six themes. The first piece is the infrastructure, maintenance, safety, and human capital, of which I just mentioned the biggest piece is paying our people to do the important work that they do. Homeland security is the next topic, which is extremely important. Climate, change, a big issue this year politically, as well as scientifically. Ecosystem forecasting and management, which is an area that you're all very concerned about. Energy and commerce and environmental monitoring and prediction. Let me just mention a couple of the things that I think are important so we have more time for questions.

I have already mentioned the maintenance, safety, and human capital. The biggest piece of that is paying our people the authorized pay raises.

In homeland security, we have a small amount of money, but one program that I think is worthwhile mentioning is the extension of NOAA weather radio to an all hazards system nationally. This will automate emergency managers' input into a system which, of course, you know of NOAA weather radio's alarm. Every house that they are in, they are essentially a built-in alarm clock for any kind of emergency that might come up, not just weather.

So this initiative of roughly $5 million would take a system that reaches—has the potential to reach 95 percent of the population of the United States. It would take any emergency actions that a local or regional manager might have concern for the local population, such as chemical spills, fires, as well as weather, and within 2 minutes get it out to all the people who have these NOAA weather radios. It is a great step forward. Right now, it takes seven to 8 minutes under good circumstances to do it manually through this system.

In ecosystem forecasting and management, which is very important, as I just heard from the opening statements, NOAA is a large

regulatory agency as well as environmental agency and there are modest increases in this area. I will mention that Sea Grant is back in, as was mentioned, and I think it is important that it is back in NOAA and I am pleased to be able to report that the Administration has put this back in a NOAA program versus the NSF program.

We also have some modest increases in there which the Chairman mentioned in terms of trying to build our base of fisheries science and fisheries management, money for observers. We have some court ordered coverage in New England that we must cover which is in this budget. We have $13.5 million for the Columbia River Power System Biological Opinion, which goes to salmon recovery in the Northwest. We have, as mentioned, $2.8 million for reducing bycatch. Bycatch is a huge issue that we need to work for.

And in terms of the regulatory streamlining, we have added money to try to make it better and easier for the public, $1.5 million additional for regulatory streamlining. I might mention that our court cases recently dipped below 100, so we are doing better in terms of consistency and winning some of the cases that are coming up to us and eliminating some others from coming up.

In energy and commerce, which is very important, the mapping and charting that was mentioned, we have an increase for our electronic navigation charts. We are looking to build that coverage completely by Fiscal Year 2008, and it would be about 1,000 charts that would be maintained in electronic navigation. I might add that we have had a great success in delivering them electronically over the Internet. This last month, in February, we had the largest, something like 17,000 charts were delivered electronically over the Internet, free of charge to users, and so that is a growing business and a growing market for us and it is working out very well.

In energy and commerce, we are also asking for an increase to keep our National Water Level Observer Network up. We are grateful for the increases that we received in years past. We are up to about a 74 percent effectiveness level. We need to get higher to be able to produce the kinds of port management, port modeling schemes in order to ensure that our commerce comes in and out of our harbors as it should, safely and efficiently.

We have increased the money for our vessel time charter program to ensure that we can cover the requirements in the Gulf and Alaska, as well.

I will just mention the environmental monitoring prediction, which is what most of you refer to as the dry side. It continues to try to build the programs that are essential to everyone, wet side and dry side, and those are the observing platforms. The satellites that we have are the foundation of everything we do. And I might add, we are using more and more of that data to work in ecosystem management. It allows us to do things such as pinpoint harmful algal blooms, different types of sediment activity that is happening in coasts. So there will be more and more usefulness from satellite coverage for our coasts and ecosystems in the years to come if we stay on course with some of those programs.

With that, I will close my formal remarks. Again, I appreciate very much the support of this Committee and the members and the staff. I look forward to working with you as we move through the

budget 2004 budget process, and again, it is a delight to be here today. Thank you, sir.

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.), National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Thank you, Mr. Chairman, and members of the Committee, for this opportunity to testify on the President's Fiscal Year 2004 Budget Request for the National Oceanic and Atmospheric Administration (NOAA).

NOAA activities and operations contribute to the Nation's economic and environmental health. This budget request allows us to provide essential support to the programs that enhance our scientific understanding of the oceans and atmosphere, in order to help sustain America's environmental health and economic vitality.

NOAA is at the forefront of many of this Nation's most critical issues from weather forecasting to fisheries management, from safe navigation to coastal services and from environmental observations through NOAA's satellites to climate research and ocean exploration.

The Administration requests $3.326 billion for these people, products and services for Fiscal Year 2004. This represents a very modest total increase of $45.0 million, only about 1.4% more than the fiscal year 03 enacted amount. It targets essentials, such as $284.2 million in program changes of which $52.0 million are adjustments to base (ATBs), or mandatory cost increases, which are mostly inflationary costs related to salaries for NOAA employees.

This budget request focuses on NOAA's core responsibilities: severe weather prediction; long- term climate and environmental trends; sustaining healthy marine habitats, robust ecosystems and coastal environments;, and managing safety and environmental compliance issues impacting our people. People are NOAA's top resource, the heart and soul of NOAA operations. It is the people who work for NOAA who allow us to remain a premier oceanic and atmospheric science, service & stewardship agency.

The Fiscal Year 2004 NOAA budget request is organized slightly differently than the NOAA budget requests that have been presented to Capitol Hill in past years. I believe that looking at the NOAA organization and programs through a thematic matrix yields a more complete view of the interrelationship of NOAA programs and project teams that cut across the traditional NOAA product and service lines. Organizing the budget in this manner demonstrates NOAA's commitment to addressing critical environmental issues in a multi-disciplinary manner. The six themes included in the Fiscal Year 2004 NOAA budget are: Infrastructure, Maintenance, Safety & Human Capital; Homeland Security; Climate Change, Research, Observations & Services; Ecosystem Forecasting & Management; Energy & Commerce; and Environmental Monitoring & Prediction. I would like to briefly address what is covered under each theme.

Infrastructure, Maintenance, Safety & Human Capital ($248.4M, $62.0M increase)

The full $52.0 million requested for adjustments to base (ATBs) appears in this theme. This is the most basic, fundamentally important, investment in the infrastructure category. It is the funding necessary to support NOAA's people, so they can continue to improve service and product delivery to carry out NOAA's mission. This figure includes the annualization of the 4.1% pay raise in Fiscal Year 2003, the 2% pay raise requested in Fiscal Year 2004, and the funds necessary to increase the NOAA Corps and improve ship crew training.

The funds requested in this category will also assist NOAA in beginning to implement agency-wide management improvements. This includes addressing remediation projects to improve environmental safety and compliance at NOAA facilities, and participating in the e-gov initiatives that make NOAA more accessible to the American public. Funding is also requested for operation and maintenance of the NOAA Ship FAIRWEATHER, weather forecast office and housing construction in Alaska and the Pacific Region, the $10.4 million NOAA share in the cost of the Center for Weather and Climate Prediction construction and the NOAA Satellite Operations Facility in Suitland, Maryland.

This theme also includes investment in health and safety through improvements and upgrades in NOAA's facilities and equipment, such as the NOAA P–3 "hurricane hunter" aircraft. An investment of $1.7 million this year is requested to

upgrade the navigational system of this advanced atmospheric and environmental platform used for hurricane research.

Among all the items included in this theme, the most important component of NOAA activities is the people who generate our products and services. Retaining and appropriately compensating the people at NOAA who are working to help us reach our goal of improving services delivery is crucial to attaining this goal. As you are aware, last year NOAA underwent an Agency- wide realignment to help move NOAA into a more efficient mode of operations. The Program Review Team (PRT) posed 3 questions to the NOAA staff, the answers to which formed the core of the PRT report and recommendations:

Is NOAA's organization aligned with its current missions, now and for the future?

Are NOAA's resources properly aligned with requirements?

Is NOAA doing things as efficiently as possible?

The goals of the PRT exercise were to improve NOAA business practices, including grant management and facilities planning, and to move towards becoming a citizen-centered, results-oriented, market based organization. This effort has resulted in several management improvements just in the last year, including the creation of the Planning, Programming and Integration (PPI) office, and establishing official matrix management teams for the Coral Reef, Habitat Restoration, Ocean Exploration and Climate programs. NOAA is also moving towards integrating program budgeting and performance, separating fisheries science and regulation, and strengthening NOAA administrative services by implementing Activity Based Costing (ABC), and Business Management Fund Development.

Homeland Security and Related Programs ($65.1M, $7.7M increase)

The investments in this area focus on existing NOAA products and science which can be utilized for Homeland Security. Priorities are on the "first responders," which enable NOAA technology to be accessed and used by local, state, and Federal emergency managers. The funding provided under this theme provides critical infrastructure and enhanced security to current NOAA facilities.

For first responders, NOAA is requesting $5.5 million to support a scaled upgrade of the current NOAA Weather Radio (NWR) network to an All Hazards Warning Network for civil emergency messages. The existing NWR network provides the most robust government-owned dissemination infrastructure capable of meeting the all-hazard dissemination requirements. This investment will decrease the time to disseminate civil emergency messages from an average of 7 minutes to 2 minutes. This request is a one-time cost. The funds will allow NOAA to modify existing Advance Weather Interactive Processing System (AWIPS) communications software to allow emergency managers to directly transmit a civil emergency message over secure lines. This modification will have immediate, nationwide impact because NWR is located in every state, linked to the Emergency Broadcast System, and NOAA weather radio receivers are widely available in the commercial market.

The security and safety of NOAA facilities is an equally important element of this budget theme. $2.2 million is requested in the Fiscal Year 2004 budget for emergency preparedness and safety to improve the overall physical security at National Weather Service (NWS) facilities to preclude unauthorized individuals from entering and tampering with NOAA property. This investment will provide for alarm or monitoring systems at 92 weather forecast offices and national centers, as well as electronic or cipher door locks at 149 weather forecast offices or national centers. These small improvements will go a long way towards improving the safety and security of the physical workplaces of NOAA employees across the country.

Climate Change, Research, Observations & Services ($295.5M, $16.9M increase)

NOAA is requesting a $16.9 million increase for our climate research activities, which is just a portion of the government-wide $185 million Climate Change Research Initiative (CCRI). This funding will allow NOAA to complete 29 stations out of a network of 36 atmospheric vertical profiling stations around North America, and begin producing improved decision support tools, including regional carbon maps. This theme also includes funding for the increased computing needs at the Geophysical Fluid Dynamic Laboratory (GFDL) in Princeton, New Jersey, and further development of the global ocean observing system to meet long-term observational requirements of operational forecast centers, research programs, and major scientific assessments. This initiative builds on the Fiscal Year 2003 request, focusing on the effective use of scientific knowledge in climate policy and management decisions to reduce uncertainties in climate science and develop research and operational climate products based on science. This strategy is aligned with National Academy of Science recommendations, and takes operational climate forecast capabilities to a 24x7 world.

Climate Symposium Event

From December 3–5, 2002, under the leadership of James R. Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere, NOAA and 12 other U.S. Government Agencies hosted a major workshop in Washington, D.C. under the umbrella of the newly formed U.S. Climate Change Science Program (CCSP). The CCSP incorporates both the U.S. Global Climate Change Research Program and the Climate Change Research Initiative. The workshop responded to the President's initiative to make the U.S. global change and climate change science programs more objective, sensitive to uncertainties and open for public debate. The workshop specifically focused on reviewing the CCSP's draft strategic plan for climate change and global change studies, with an emphasis on developing short-term (two- to four-year) products to support climate change policy and resource management decision-making. The Fiscal Year 2003 budget for the CCSP is approximately $1.75 billion. The NOAA request for CCRI for Fiscal Year 2004 is $41.6 million, out of a government wide $185 million.

NOAA's Climate Services Program

The nation needs accurate, comprehensive and timely information about climate variability and trends, climate change and climate uncertainties. NOAA's Climate Services Program is an integrated endeavor designed to develop and deliver climate information, thereby providing an improved basis for climate-related decision-making. NOAA's Climate Services Program will be managed in a new way within the organization. NOAA has instituted a new Climate Office. The new NOAA Climate Office will consist of representatives from each of the NOAA Line Offices (NOAA National Environmental Satellite, Data and Information Service (NESDIS), NOAA National Marine Fisheries Service (NMFS), NOAA National Ocean Service (NOS), NOAA National Weather Service (NWS) and NOAA Office of Oceanic and Atmospheric Research (OAR)) and will focus on all NOAA climate programs. This is in contrast with the current NOAA Climate Observations and Services Program office, which primarily focuses on new climate funding and only has representatives from OAR, NWS and NESDIS. The new NOAA Climate Office will work on NOAA's climate programs, as well as supporting NOAA's efforts in the interagency Climate Change Science Program. It will be established in accordance with the matrix management principles outlined in the Program Review Report (while the existing Climate Observations and Services Program office will form the basis of the new NOAA Climate Change and Variability Office and will continue to be hosted by OAR).

One of NOAA's top strategic goals in this area is to understand and enhance society's adaptation to climate variability and change. NOAA has initiated a new Climate Services Program in an effort to coordinate climate activities across all NOAA line offices. NOAA is requesting $2.0 million to help improve our understanding of how climate change affects marine and coastal ecosystems in the Bering Sea and Gulf of Alaska. The waters of Alaska are the most productive fisheries in the world and are home to a wide variety of ecosystems. While NOAA is aware of changes occurring in the climate, we currently lack comprehensive understanding of how these processes can effect biological and other changes in marine ecosystems. The study of the effects of climate changes upon fisheries, marine mammals and birds, ocean temperatures and currents, and other impacted areas is an important task to ensure that the fisheries remain productive in the 21st century. These funds will be used to develop and implement models to understand these dynamics and will fund long-term observations and studies to correlate the relationships between climate and changes in marine ecosystems. Researchers in the Northwest Climate Impacts Group interact with stakeholders to develop and test products based on stakeholder's needs—linking climate and weather information to marine ecosystems (chiefly Pacific salmon); hydrology and water resources (including hydropower, forest resources), coastal resources; and health.

NOAA's success in providing integrated climate services to the nation can be attributed to NOAA's unified strategy for transitioning research into systematic and sustained outreach. Specifically, NOAA's Climate Services Program will benefit from the participation of several

NOAA line offices: NWS, NESDIS, and OAR are the primary producers of climate information within NOAA. It is also important to acknowledge the role of the NOAA Officer Corps. The NOAA Corps operates a fleet of research vessels and aircraft that directly contribute to and support these line offices with implementing their climate research, observations and service activities.

NOAA Climate Partnerships, Education, and Outreach Efforts

NOAA maintains partnerships with universities, private industry, other U.S. agencies, nations and international bodies to observe and monitor the climate, further scientific knowledge, and make climate assessments/predictions. NOAA also works closely with private sector partners to develop products to meet stakeholders' needs and to ensure that the data and information delivered are readily understood and can be used to develop value-added tailored products and services for business, industry and the public.

Climate is a key issue for NOAA and its strategic goals for the future. From observations to research to operational product delivery, NOAA maintains significant involvement in helping the nation and the world respond to the impacts of climate variability and change. NOAA manages several global data bases—for meteorology, oceanography, solid earth geophysics, and solarterrestrial sciences. From these sources, NOAA develops and provides environmental data and information products and services. NOAA gathers global data about the oceans, Earth, air, space, and sun and their interactions to describe and predict the state of the physical environment.

The President's CCRI led to the creation of a new interagency framework to enhance coordination of Federal resources and research activities. Under this framework, thirteen Federal agencies are working together under the leadership of a Cabinet-level committee on climate change to improve the value of U.S. Climate Change research. Even in this time of difficult budget decisions, the President is committed to fully funding climate research so that we can continue to reduce the uncertainties associated with climate change.

Ecosystem Forecasting & Management ($1,017.1M, $3.47M decrease)

NOAA is the largest regulatory agency within the Department of Commerce. Most NOAA regulatory functions and activities are captured under this budget theme. Due to reductions for the Pacific Salmon Treaty and other programs, there is a net reduction in the Ecosystem Forecasting theme of $3.4 million. Absent reductions, however, the net increase is $18.6 million. The increases in this theme involves investments in rebuilding fisheries, and conserving and restoring living marine resources and habitats. This theme focuses on enhancing the understanding of the physical, chemical and biological components of ocean and coastal ecosystems by supporting research and prediction of impacts of environmental factors on the distribution and fate of species and their habitats. Another important activity carried out under this theme is satisfying immediate legal and regulatory requirements of resource stewardship, including Section 7 consultations under the Endangered Species Act, Northeast Groundfish observers, regulatory streamlining, socioeconomic capacity and management of the Columbia River Biological Opinion process. This area also includes a reduction of $39.9 million for the Pacific Salmon Treaty for which all U.S. obligations have been met.

Research initiated under this theme includes studying the influence of climate change on the stewardship of coastal and marine ecosystems, and the scientific basis for management of fisheries to rebuild fisheries and recover protected species. Specifically, as I mentioned earlier, this theme includes $2.0 million for improving the understanding and prediction of climate change on major U.S. marine and coastal ecosystems in the Bering Sea and the Gulf of Alaska.

Funding is included to modernize and expand stock assessments. Funds will allow for research days at sea which will be used to improve the comprehensiveness, timeliness, quality and communication of state-of-the-art assessments to NOAA Fisheries and the Regional Fishery Management Councils. The resulting assessments will be of higher quality and more frequency, which reduces the uncertainty in choosing and monitoring rebuilding and management policies. This improvement in the scientific basis for mangement will raise the confidence and certainty of both fishery managers and the industry that our management strategies are necessary and sufficient to return the greatest benefits to the nation.

$4.4 million is also requested in the Protected Resources Conservation and Management line item, including 10 FTEs for Section 7 consultation activities. This new funding will help NOAA meet the court-ordered deadlines to conduct consultations on pesticides with the Environmental Protection Agency (EPA).

There is also $6.3 million included in this theme that will be used to increase the number of New England Groundfish observers to meet the court ordered level of 5% observer coverage in the region.

The $13.5 million requested for the Federal Columbia River Power System Biological Opinion (Columbia River BiOp), and Basin-wide Recovery Strategy will be used to ensure that management activities necessary for this program are undertaken. This includes allowing NOAA fisheries to promote subbasin planning,

enhance recovery planning, and review passage and screening enhancements in priority watersheds.

The $2.8 million requested for reducing bycatch will be used to support approximately 2,000 days at sea for observers. These days at sea will be used to enhance and coordinate technical expertise to respond to bycatch issues, including examining existing bycatch reduction methods, evaluating their effectiveness, and designing and testing new methods. These additional funds would complement existing marine mammal efforts and the provisions of the Administration's legislative proposal for the Marine Mammal Protection Act to reduce mortality and serious injury of marine mammals incidental to commercial fishing. These efforts include the collection of data to assess the impact of fishery mortality on marine mammals and to evaluate and develop new fishing gear or practices.

This theme also includes $1.5 million for regulatory streamlining activities, to improve NOAA's ability to administer the National Environmental Policy Act (NEPA) and other regulatory collection activities through the development of an information technology (IT) system.

Energy & Commerce ($116.0M, $17.9 M increase)

This theme includes a $17.9 million investment in the safety and productivity of our nation's waterways and harbors which will help sustain our economy by increasing the levels of trade and improve our abilities in forecasting regional climate and temperature variations which will serve to improve power forecasting and result in savings for the power industry and other public groups.

This theme also incorporates $1.2 million to support our High Impact Weather investment. This investment enhances the modernization of the NOAA National Weather Service (NWS) Cooperative Observer Network, which provides the nation with a network of state-of-the-art measurement, monitoring, and communication equipment for surface weather data collection. This includes the modernization of 307 Cooperative Observers Program (COOP) stations in New England.

Also included are funds to build and maintain an additional 100 electronic navigational charts (ENC) to provide contiguous coverage of the Gulf of Mexico and the east coast of the United States. This will go a long way towards helping us achieve our goal of expanding the ENC inventory to a total of 550 by 2006, just over half the 1000 ENCs required to achieve full coverage of all U.S. waters.

Another element of this theme is the $7.9 million investment for mapping and charting activities and the development of additional forecast model systems for key ports and bays to promote the safe and efficient transit of cargo through our waterways. This will provide full three-dimensional coverage of a commercial port for water levels, current fields, salinity and water temperature and help measure under-keel ship clearances.

The $4.4 million for a Vessel Time Charter to expand our hydrographic surveying capacity is also included in this theme. The funds requested for this activity in Fiscal Year 2004 build on the request from Fiscal Year 2003, allowing the vessel to operate in both the Gulf of Mexico and Alaska, collecting data on an additional 550 square nautical miles. Using both government and private resources to collect this data will allow NOAA to accomplish this goal efficiently in Fiscal Year 2004.

Another system that requires upgrades is the National Water Level Observation Network (NWLON), which is over 20 years old. The requested $1.5 million for NWLON will be used to repair these ailing stations, which provide data used for nautical charting, real-time navigation, hazardous material response efforts, and tsunami and storm surge warnings, to name a few uses.

Environmental Monitoring & Prediction ($1,600.6M, $183.3M increase)

This theme is organized around two components-observing platforms and sustaining current capabilities. Environmental Monitoring and Prediction includes a $13.5 million investment by the Agency (not including Geostationary Operational Environmental Satellite (GOES), Polar Operational Environmental Satellite (POES) and the National Polar Orbiting Operational Environmental Satellite (NPOESS)) to support technological advancements in NOAA's severe weather prediction efforts. This theme includes data collection activities on the status and health of the ecosystem. This area also covers the maintenance of the infrastructure needed to ensure basic operations and safety of NOAA employees, and incorporates and expands NOAA's satellite monitoring and in situ observations. The demand for these types of NOAA products and services is expected to rise significantly over the next several years, particularly in the key areas of Homeland Security and Climate Change.

In light of the recent tragic loss of the space shuttle Columbia, as Deputy Secretary Bodman noted in his testimony before the House Science Committee on February 13, I would like to remind the Committee that NASA and NOAA have a long

history as partners in the development of our environmental satellite systems. As part of our routine support to the NASA shuttle program and satellite launches, NESDIS and NWS provide specialized services, including space-based observations and weather forecasts. At the time of the accident, NWS transmitted emergency broadcasts in Texas and Louisiana via the NOAA Weather Radio (NWR) network.

The Fiscal Year 2004 request for the polar-orbiting and geostationary satellites ensures the simultaneous operation of existing satellite series while supporting planned critical path acquisition activities for future systems. These data are used to predict hurricanes and other types of severe weather, support search and rescue operations, provide global monitoring and climate assessment and prediction, and monitor significant events such as volcanic eruptions, wildfires and oil spills.

The bulk of the funding under this theme will be used to support NOAA's observing platforms. This includes a $107.3 million net increase for post launch requirements for GOES I–M, the continued procurement of the GOES- N series satellites, instruments, ground systems and systems support necessary to maintain the continuity of geostationary operations, as well as planning and development of the GOES–R series of satellites and instruments. GOES–R will significantly improve weather forecasting as well as homeland security. To support the POES and NPOESS programs, NOAA has requested a $70.6 million net increase in the Fiscal Year 2004 budget. The NPOESS program will continue the space-based climate record, as well as significantly improving weather forecasting and homeland security. The satellites supported by NESDIS are used by NWS, NOS, NMFS and OAR to support their weather, climate and navigation safety missions.

A relatively small $2.0 million of the funding requested under this theme is requested to add sensors to the NOAA's Coastal Global Observing System to provide definitive information on the effects of the changing climate on coastal communities in the United States, and to improve ocean condition forecasts that adversely affect coastline erosion. The funds will be used to add ocean instrumentation for surface salinity, water temperature and currents to all the existing buoys and coastal marine stations operated by the National Buoy Data Center (NDBC). It adds 15 moored buoys and 15 coastal marine (CMAN) units in areas where data collection buoys are sparse.

This theme also includes $1.3 million in funding requested to sustain the operations of the international research program known as THORpex, which stands for The Observing Research and Predictability Experiment. THORpex seeks to gain a better understanding of the global impact of weather predictability, with the goal of improving our 3 day forecast accuracy to that of our current 2 day forecast, and producing reliable forecasts up to 14 days in advance. This investment will be in new technologies and improving our data assimilation and numerical weather prediction capability.

An additional $1.3 million is requested under this theme for sustaining our flood prediction capability along the Susquehanna River in the states of New York, Pennsylvania and Maryland. The Susquehanna is a 444-mile river whose basin extends from Cooperstown, NY, to the Chesapeake Bay. It sustains six times the nation's average in flood damages per square mile each year. The $1.3 million can be broken down as follows: $0.6 million for flood forecast enhancements, $0.5 million for the data network and $0.2 million for the Susquehanna River Basin Commission for Outreach and Community Assistance.

We are also asking for $3.6 million to sustain our weather warning and forecast services for the Pacific Islands. This will allow NOAA to continue providing upper-air and aviation surface observations in the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau. These observations are critical to accurately forecasting weather events in the Pacific Region.

Another important element covered by this theme is aircraft maintenance. We are requesting $1.5 million for necessary aircraft maintenance including manufacturer-required, mid-life inspection of our G–IV aircraft used for hurricane surveillance and winter storms reconnaissance. $1.6 million is also requested for a replacement aircraft to conduct snow surveys. The aircraft currently used for this purpose is experiencing an increase in unscheduled maintenance downtime, and this aircraft provides critical data as part of our airborne snow survey program.

Another area where we are looking to add funding for a technology infusion is for our NWS Telecommunications Gateway. The $2.9 million requested for this purpose will be used to reduce time delays for disseminating critical hydrometeorological data for NWS national centers, weather forecast offices, and other Federal agencies and partners that rely on this data for operations. This funding will address electric power and facility deficiencies, and be used to replace the communications matrix switch, and some enterprise servers and front-end processors. The servers and processor replacement activity will be ongoing because it is a two-year refresh program.

These pieces of equipment need to be replaced in order to meet our goal of achieving transmit times of less then 10 seconds for watches and warnings by 2005. Currently the average delay is between one and two minutes. More efficient information technology equipment is the key to reducing this transmit time to the required level by 2005. Another area that warrants investment is NEXRAD technology deployment. The $3.8 million requested for this activity will also improve lead times, expanding average tornado warning lead times from 11 minutes to 15 minutes by 2007, and increasing the forecasters' ability to detect small tornadoes. This investment will allow NOAA to purchase and deploy 82 all Open Radar Data Acquisition (ORDA) systems prior to the onset of severe-weather season in Fiscal Year 2005, and complete deployment of ORDA systems by the end of Fiscal Year 2006. Supporting these programs and initiatives will significantly improve NOAA's ability to support weather and water, ecosystems, and homeland security programs.

Other Key Projects/Programs in Fiscal Year 2004 President's Budget

Some of the other key areas of investment in the Fiscal Year 2004 budget request include funding for our laboratory research programs, which provide for continued ocean observations, baseline observatories, and climate change assessments. Funding also provides for our SEARCH program that focuses on detection of climate change in the Arctic, and to continue NOAA's Energy Initiative, which consists of high impact weather and air quality activities, including funding for the Joint Hydrography Center in New Hampshire. Funding is also provided for undersea exploration, research, and technology in both the deep ocean and the U.S. Exclusive Economic Zone (EEZ), as well as to maintain our fundamental data collection and assimilation for the National Weather Service. This type of funding also allows NOAA to continue the vessel monitoring system for our enforcement and surveillance activities.

Conclusion

NOAA's Fiscal Year 2004 Budget request invests in our priority areas: people, climate, energy, homeland security, infrastructure, research, science, and services. In this time of tight budgets and difficult funding decisions, this budget maintains NOAA on its course to realize its full potential as this nation's premier environmental science agency. The new thematic budget structure reflects NOAA's business approach as an integrated NOAA team which responds to the needs our customers and employees have voiced in workshops and communications efforts. 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 have assessed and are 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 maintaining NOAA mission requirements. NOAA's budget strongly demonstrates the success of performance budgeting, where funding has been matched by results. Each request in the Technical Budget includes specific goals and descriptions of expected performance factors. NOAA Senior Management is now required to report every quarter on a set of performance measures that have come to be known as "The Administrator's Metrics." This new set of reporting requirements reflects NOAA's commitment to "Management by Fact," a philosophy NOAA will continue to demonstrate throughout Fiscal Year 2004 and beyond. Thank you for the opportunity to present NOAA's Fiscal Year 2004 budget.

[NOTE: The attachment entitled "FY2004 NOAA Budget Summary Tables" has been retained in the Committee's official files.]

Mr. GILCHREST. Mr. Williams?

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

Mr. WILLIAMS. Thank you, Mr. Chairman and members of the Subcommittee. I also appreciate the opportunity to testify before you today and report on the Administration's Fiscal Year 2004 budget request for the Fish and Wildlife Service.

Before I discuss the budget request or highlight our request, I would like to mention our recent decision to downlist gray wolves throughout much of its range. Wolves are coming back and their new status highlights our progress toward recovering them across their range. Our final rule will give us greater management flexibility for most gray wolf populations as we work toward removing gray wolf populations from the list of endangered and threatened species.

I would now turn to highlighting a few items in our Fiscal Year 2004 budget request, starting with the Endangered Species program. The 2004 request is $3 million above the 2003 level. An increase of $3.2 million over the 2003 request level is required to address the growing listing program litigation-driven workload. This additional funding is necessary to address listing actions required by court orders or settlement agreements.

Additional high priority recovery actions, including immediate actions needed to stabilize critically imperiled species and actions that could lead to delisting nearly recovered species will be implemented nationwide, with a request for $2 million above the President's 2003 budget request.

We request $103.6 million to implement the Fisheries Program Vision for the Future, through increased funding for hatchery operations and hatchery maintenance and increased emphasis on aquatic invasive species. This request will help us to do more for aquatic resources and the people who value and depend on them through enhanced partnerships, scientific integrity, and a balanced approach to conservation.

Significant funding increases will support high-priority needs of the National Wildlife Refuge System. Last year, the President's budget requested the largest increase in the system's history to celebrate the Refuge System's centennial earlier this month. This year, the Administration request builds on that substantial increase with another $25.5 million over the 2003 request.

To date, the Partners for Fish and Wildlife program has worked with about 28,700 private landowners through voluntary partnerships to implement on-the-ground habitat restoration projects covering some 360,000 acres across the country. We are requesting an additional $9.1 million in the 2004 request to increase the program's capability to enter into meaningful partnerships resulting in on-the-ground habitat restoration accomplishments.

In addition, we are requesting an additional $1 million over the 2003 request to fund our nutria control obligations. A $3 million increase for the joint venture program will provide a total of $10.4 million, or full funding for that program. As of December 2002, partners have contributed approximately $1.5 billion to protect, restore, or enhance almost five million acres of U.S. wetlands, grasslands, forests, and riparian habitat.

Our law enforcement program, we hired nine additional wildlife inspectors to interdict and deter the illegal trade in protected species. In addition, manatee protection efforts will be accelerated in Florida by protecting manatees from boat strikes, enforcing speed zones in refuges and sanctuary areas with a half-a-million dollar increase.

The President's 2004 budget continues to support active participation on the part of States and other partners in resource conservation efforts. To this end, the budget request provides $247 million for five service grant programs that facilitate State and local conservation efforts. As part of this $247 million request, the budget includes $50 million to continue the Land Owner Incentive and Private Stewardship Grant program.

We are requesting $86.6 million for the Cooperative Endangered Species Conservation Fund, a $60 million request which includes $5 million for tribal set-aside for the State and Tribal Wildlife Grant program, and we request $50 million for the North American Wetlands Conservation Fund. 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.

I thank you very much for the opportunity to testify. We appreciate this Committee's interest and support, and I look forward to working with you in the future.

Mr. GILCHREST. Thank you, Mr. Williams.

[The prepared statement of Mr. Williams follows:]

Statement of Steven A. Williams, Director, Fish and Wildlife Service, U.S. Department of the Interior

Mr. Chairman, and members of the Committee, I appreciate this opportunity to testify before you today and report on the Administration's Fiscal Year 2004 budget request for the Fish and Wildlife Service.

Our budget request for 2004 is almost $2.0 billion, consisting of $1.3 billion in current appropriations under the purview of this Subcommittee as well as $674.0 million in permanent appropriations.

The request continues key Administration priorities such as the Secretary's continued emphasis on conservation partnerships through a revised Cooperative Conservation Initiative that focuses on existing successful programs.

The Service's Partners for Fish and Wildlife, North American Wetlands Joint Venture, Coastal and Refuge Challenge Cost-share programs are all included in this year's Cooperative Conservation Initiative. The budget provides $15.0 million in increased funding for these programs, including $9.0 million for Partners, $3.0 million for Joint Ventures and $3.0 million for Refuge Challenge Cost-share.

Our main operating account—Resource Management—is funded at $941.5 million, a net increase of $38.0 million over the 2003 request. We note this account is funded at $30.0 million over the recently signed 2003 Omnibus spending bill.

The request includes $7.0 million for fixed pay and other cost increases. The budget also includes a $3.4 million general decrease for travel and transportation costs as well as an $8.1 million reduction tied to information technology streamlining savings. Last, funding for several lower priority projects has been redirected to higher priorities.

President's Management Agenda

We support the President's Management Agenda and continue to create a citizen-centered organization by evaluating and implementing strategies to integrate budget and performance management, conduct workforce planning, competitively outsource with the private sector, expand e-government, and provide greater accountability to the American people.

The Service has worked closely with the Department over the past year to develop a more business-like approach to strategic planning and the 2004 budget. Substantial new performance information is contained in our justifications along with the series of traditional information that has supported previous Congressional decision-making on the budget request.

Last, the National Fish Hatchery System and Partners for Fish and Wildlife Program were evaluated under the Administration's Program Assessment Rating Tool during the 2004 budget process. I will discuss more on the PART process later.

Fisheries Vision for the Future

We request $103.6 million, a net increase of $8.8 million over the 2003 request to implement the Fisheries Program's "Vision for the Future" through increased funding for hatchery operations and hatchery maintenance and increased emphasis on aquatic invasive species. For comparative purposes, this level is $3.0 million below the recently signed 2003 Omnibus spending bill, largely attributed to unrequested projects included in the Omnibus bill.

Our "Vision for the Future," with the backing of this Presidential budget request, will help to do more for aquatic resources and the people who value and depend on them through enhanced partnerships, scientific integrity, and a balanced approach to conservation. This "Vision" will help the Service better support the sport fishing community, which has historically been one of this agency's most valuable and valued partners. It also will help efforts to restore imperiled species.

We seek a total of $58.0 million for the National Fish Hatchery System, a net increase of $8.0 million above the 2003 request level. The National Fish Hatchery System was one of over 200 programs evaluated using the Administration's Program Assessment Rating Tool during the Fiscal Year 2004 budget process. New goals were developed consistent with the President's Management Agenda, the Department's Draft Strategic Plan, and the Fisheries Vision. This year's increase is a direct reflection of the program's shift towards becoming more performance oriented.

$5.0 million will support operations:

- $1.6 million will support an additional 29 priority recovery tasks prescribed in approved Recovery Plans in 2004, an increase of 11%.
- $2.5 million will implement 32 additional restoration/recreation projects to conserve and restore aquatic resources, roughly 72% of all restoration activities.
- $900,000 will be used to conduct 16 high priority projects addressing science and technology objectives supporting valuable recreational fisheries and recovery of imperiled species.

$3.0 million will improve the hatchery system's aging infrastructure to good and fair operational conditions to meet fishery management and recovery plan requirements. Of this total, $2.5 million will be directed toward 16 additional high priority deferred maintenance projects. The remaining $500,000 will enable the Service to complete Condition Assessments on 75 percent of its field stations in 2004, and to streamline maintenance reporting and accountability by implementing the Service Asset and Maintenance Management System (SAMMS).

An additional $1.0 million will prevent the introduction of aquatic invasive species, detect and rapidly respond to aquatic invasive species, and control and manage aquatic invasive species such as Asian carp in the Mississippi drainage and Asian swamp Eel in the Everglades.

We also note that while this year's budget focuses on much needed increases for the hatchery system, we continue to strongly support aquatic habitat needs through a variety of programs. For example, the budget continues base funding for fish passage projects, for aquatic habitat restoration, and for other projects, some of which will be discussed below.

Partners for Fish and Wildlife

To date the Partners program has worked with 28,700 private landowners through voluntary partnerships to implement on-the-ground habitat restoration projects covering 360,000 acres across the country.

The Partners Program was also one of over 200 programs evaluated using the Administration's Program Assessment Rating Tool during the Fiscal Year 2004 budget process. This year's increase is a direct reflection of the program's achievement of annual performance goals.

We are requesting an additional $9.1 million in the 2004 request to increase the program's capabilities to enter into meaningful partnerships resulting in on-the-ground habitat restoration accomplishments.

For example, the Service will work with the California University of Pennsylvania on a landscape-scale habitat restoration program in the Buffalo Creek Watershed, Washington County, Pennsylvania and Brooke County, West Virginia to install streambank fencing, cattle crossings, and constructing alternate watering sources for livestock. And, in Alaska, the Service will work with the Chickaloon Village to restore fish passage within the Moose Creek watershed to restore all five species of Pacific salmon to the watershed.

During 2004, the Partners program will:

- enhance or restore a total of 66,365 acres of wetlands through voluntary agreements to help improve fish and wildlife habitats;
- enhance or restore a total of 287,507 acres of upland habitat through voluntary agreements to help improve fish and wildlife populations;

- enhance or restore a total of 830 miles of riparian and stream habitat through voluntary agreements to help improve fish and wildlife populations.

National Wildlife Refuge System

Significant funding increases will support high priority needs of the National Wildlife Refuge System. Last year, the President's Budget requested the largest increase in the system's history to celebrate the Refuge System's Centennial in March 2003. This year the Administration request builds on that substantial increase with another $25.5 million. For comparative purposes, this is a $33.6 million increase over the recently signed 2003 Omnibus spending bill.

Together with last year's request, this totals over $82.0 million for much needed operations and maintenance projects within the refuge program.

A $5.0 million increase will provide start up costs for new and expanded refuges including Vieques, Midway Atoll, and Don Edwards. Invasive species encroaching upon the refuge system will be addressed with an additional $2.1 million to combat nutria, Tamarisk and Giant Salvinia, among others.

We will fund additional Challenge Cost Share projects under the Cooperative Conservation Initiative with $3.0 million; support additional Comprehensive Conservation Plans with $2.0 million; and control Chronic Wasting Disease on the refuge system with $500,000.

Other priorities include $1.6 million for refuge law enforcement, $2.0 million for Land Management Research Demonstration Units, $1.0 million for environmental education, and $7.0 million for refuge specific priorities.

On the maintenance front, additional maintenance funding will upgrade the SAMMS module with $2.0 million.

Endangered Species

The endangered species program is funded at $129.0 million, $3.0 million above the 2003 request level. The program funding will support operations that enhance implementation of the Endangered Species Act, one of the nation's most significant environmental laws.

An increase of $3.2 million is required to address the growing listing program litigation-driven workload. This additional funding is necessary to address listing actions required by court orders or settlement agreements.

Additional high priority recovery actions, including immediate actions needed to stabilize critically imperiled species and actions that could lead to delisting nearly recovered species will be implemented nationwide with an additional $2.0 million. Potential actions include, for example, propagation and habitat restoration for aquatic species in the Southern Appalachians and Lower Tennessee Cumberland ecosystems, a region containing the highest diversity of freshwater fishes and snails in the United States and the highest diversity of freshwater mussels and crayfishes in the world.

Other Operations Increases

A $3.0 million increase for the Joint Venture program will provide a total of $10.4 million for the program, in line with target levels. As of December 2002, Plan partners have contributed approximately $1.5 billion to protect, restore, or enhance almost 5 million acres of U.S. wetlands, grasslands, forests, and riparian habitat, more than one-third of the 16 million acres of U.S. habitat objectives under the Plan.

Our law enforcement program will hire nine additional wildlife inspectors with an additional $1.0 million to interdict and deter the illegal trade in protecting species thus sustaining biological communities. In addition, manatee protection efforts will be accelerated in Florida by protecting manatees from boat strikes and enforcing speed zones in refuges and sanctuary areas with a $500,000 increase.

Easements and Land Acquisition

The President's budget request reduces our traditional land acquisition program by $29.6 million to a $40.7 million level to fund high-priority conservation easements or acquisition of land from willing sellers. For comparative purposes, the account is funded at $32.2 million below the recently signed 2003 Omnibus spending bill. Highlights include $5.0 million for conservation easements on the Quinault Indian Reservation in Washington State and $5.0 million for the Baca Ranch in Colorado.

Construction

The Construction account totals $35.4 million, roughly equal with last year's request. This request level will fund 19 dam safety, road and bridge safety, and other priority projects at national wildlife refuges, fish hatcheries, and law enforcement

facilities. Highlights include replacement of the Great Lakes fish stocking vessel M/V Togue, replacement of the office building at Cabo Rojo NWR in Puerto Rico, and $1.0 million to begin an aircraft replacement program to support important migratory bird surveys important to setting hunting regulations.

Grant Programs

We will continue conservation efforts through cooperation, consultation and communication with all stakeholders including States, the District of Columbia, Territories and Tribes. The President's 2004 budget continues to support active participation on the part of the States and other partners in resource conservation efforts. To this end, the budget provides $247.0 million for five Service grant programs that facilitate State and local conservation efforts.

Recognizing the opportunities for conservation of endangered and threatened species through partnerships with private landowners, the budget includes $50.0 million to continue the Landowner Incentive and Private Stewardship programs.

We are requesting $86.6 million for the Cooperative Endangered Species Conservation Fund, $2.3 million below the 2003 request level, and $6.1 million above the 2003 Omnibus spending bill. The proposed funding level would provide $50.0 million to support Habitat Conservation Plan Land Acquisition; $17.8 million for Recovery Land Acquisition grants to help implement approved species recovery plans; $7.5 million for traditional grants to states; and $8.9 million for HCP planning assistance to states.

The budget includes $60.0 million (including a $5 million tribal set-aside) for State and Tribal Wildlife Grants, roughly level with the Fiscal Year 2003 request level, and $4.6 million below the 2003 Omnibus spending bill.

A $50.0 million request for the North American Wetlands Conservation Fund includes an increase of $6.0 million above the 2003 request level, and $11.3 million above the 2003 Omnibus spending bill. 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.

International Conservation

$7.0 million is available for the Multinational Species Conservation Fund, $2.0 million above the 2003 requested level.

Conclusion

Thank you very much. We appreciate the Committee's past support, and look forward to working with the Committee in the future.

Mr. GILCHREST. Mike, I think what we'll do, we may turn the lights on. We have got a few members now. What we will do is we will use the lights as we go through the questioning and we will come around for a second or third time to do that.

Admiral, you mentioned a number of interesting items here and I would just ask, could you tell us a little more about this emergency radio system that sounds like it can be purchased in a store, Radio Shack? It is not a radio, but tell us a little bit. Does it come on when there is an emergency? Can you purchase something like this at Radio Shack? Do you have to buy a subscription? How does that work?

Admiral LAUTENBACHER. It is very easy. It is a very easy, simple system. It is commercially produced by a number of manufacturers. A couple that come to mind are Midland Radios and Radio Shack.

Mr. GILCHREST. Is this going to be a regular radio, or is this something separate?

Admiral LAUTENBACHER. It is separate from a radio. It has the frequencies in it that receive broadcasts from the NOAA weather transmitters, radio transmitters which are populated all around the country. Obviously, it is most popular in the areas, seacoast areas as well as tornado-prone areas. So folks in the Midwest know

a lot about this and some of our folks along the coast do, as well, because they use the NOAA broadcasts.

But the idea is that as long as you have it plugged in, and they come in battery sets, too, so you can have portable ones, any time it gets a signal, a danger signal or a warning signal, it is going to alarm. It is going to set off a noise, and you can program the noise in some cases so it is a pleasant noise. But, in other words, it is an alarm that tells you you had better pay attention. Something serious is about to happen. It has been used very successfully for tornadoes and thunderstorms.

Mr. GILCHREST. So at that point, this little device will send a signal, but there is no voice communication in it?

Admiral LAUTENBACHER. Well, there is voice. It can be voice and also some of them have digital readouts.

Mr. GILCHREST. Oh, I see.

Admiral LAUTENBACHER. So there is voice and digital readout. It depends on the brand you buy or what your preference is, what would you like to have in terms of—

Mr. GILCHREST. So it would be some form of communication that is specific to the occurrence?

Admiral LAUTENBACHER. That is right, and it comes through the NOAA weather—from our weather forecast centers that have access to the transmitters that are located around the country. We have had a voluntary program over the years where citizen groups have bought these transmitters and put them in towns, and now we are up to the point where it covers about 95 percent of the country. So it is broad coverage.

It is automatic warning, and this initiative that is in our budget would automate the system for emergency managers, all the county emergency managers now. You would build firewalls and codes in there, PIN numbers, whatever, so they can get into it, and within 2 minutes, you could get from the time that the emergency managers decide that you have to evacuate something or warn the public about a fire or a chemical spill or a terrorist attack, as well as a thunderstorm and—

Mr. GILCHREST. Well, that sounds good.

Admiral LAUTENBACHER. And they are going to put it on television this summer. The Thompson-RCA group will be coming out with, and I don't want to scoop them, but they will have a similar band width on a television set for you.

Mr. GILCHREST. Well, you are going to have six Members of Congress sending out a press release on that scoop this afternoon.

Admiral LAUTENBACHER. Yes, sir. I will be glad to provide more information for you.

Mr. GILCHREST. You mentioned in the series of things that are funded ecosystem forecasting and management. What is that?

Admiral LAUTENBACHER. This is a way to look at the NOAA budget. NOAA has always been considered five stovepipes, and you indicate that, as well, wet and dry, because those are our stovepipes, sort of fall in a wet and dry area.

When you look at the issues that our country faces in terms of environmental monitoring and ecosystem management forecasting, they really cut across all of our branches. It takes all of them working together. So ecosystem forecasting and management is an

attempt to get out of this managing fisheries species by species, looking at National Marine Sanctuaries just as a park and not part of a big system, looking at various pieces of habitat restoration in abstract from what they really do, which is build life in a water column and support the nurseries of our coastal and our sea systems.

So the object is to look at the programs with a mission output, and that mission output, in our view, should be going toward an ecosystem approach. We can't even define it very well today, so I am not going to sit here and pretend that I know exactly what it means.

Mr. GILCHREST. So you look at NOAA's resources—

Admiral LAUTENBACHER. Right.

Mr. GILCHREST. —what NOAA's fundamental job is, and blend or understand that the climate, the ocean, the fisheries—

Admiral LAUTENBACHER. They all work together.

Mr. GILCHREST. —they all work together as a very complex system and how to collaborate and use that concept of conciliance in that whole flow.

Admiral LAUTENBACHER. And to put the pieces together so that when we have little pieces of our budget and you say, why are we spending money here, why aren't we spending it there, I have an answer to you that says, the reason is because it supports an outcome on the basis of a system management principle so that we can have a better dialog between what the priorities ought to be and so that I can judge—not I, but the whole administration can judge better where the money ought to be in a systems context than just saying, well, it all belongs in fisheries, it all belongs in NOS, it all belongs in weather or in weather service. It actually is supporting a much bigger mission.

This budget was developed in terms of those six cross-cutting strategies which I invented when I came into the agency last year. This year, we have a formal strategic planning process that's gone into place and there are four themes. You will see the Fiscal Year 2005 budget. By the way, one of them is ecosystem management, so that is still a prime principal and that was gained with having workshops around the country from stakeholders, employees, other scientists, academia, staff members and Congress were involved in building the strategic plan. We hope we have a better basis on which to come to you and explain why we do what we do.

Mr. GILCHREST. Thank you. My time is up. I will yield to Mr. Pallone.

Mr. PALLONE. Thank you, and again, I have to apologize for my voice or lack of voice, I guess I should say.

Admiral, several of our Democratic members from the San Francisco Bay area, including our Democratic leader, Mrs. Pelosi, Congresswoman Eshoo, and Congresswoman Wolsey also have expressed concern about the reassignment of the sanctuary manager at the Gulf of the Farallons National Marine Sanctuary and the Cordell Bank National Marine Sanctuary. It is a gentleman named Ed Ueber, I guess, who has been transferred to NOAA's headquarters in Silver Spring to work on special projects, and I guess he has been the manager of these two sanctuaries since their designations in 1981 and 1989, respectively, and he worked very hard to build strong protection of the resources within those sanctuaries.

I guess the problem is that NOAA is currently initiating management plan review processes for all four California sanctuaries—the other two are Monterey Bay and Channel Islands—and NOAA has decided to combine three of these mid-coast sanctuaries into one process, leaving Channel Islands to be considered separately. Many of the environmental advocates there are concerned that this could result in a weakening of the sanctuary regulations for Ueber's sanctuary in the name of harmonization with the Monterey Bay regulations, which are, I guess, a lot less stringent.

We have got a number of NGO's and other Federal and State officials and industry groups that strongly support Ueber and are urging NOAA to transfer him back to his original duties.

I know you sent a letter to Mrs. Pelosi just recently, 2 days ago, but I have to be honest and say that, having looked at the letter, I don't really think it completely responded to those concerns and I was going to ask you if you would respond now, if you could give us some more information.

Admiral LAUTENBACHER. I would be delighted to talk about it. First of all, in terms of—no decisions have been made in terms of combining any of the marine sanctuaries. Each of them is undergoing the normal 5-year review process, and since they were sort of close—they were formulated close to about the same time, it was felt reasonable—this process started before I ever showed up on the scene—was to do the management plan reviews simultaneously because they are connected. There are boundaries that make sense, or boundaries that—maybe the boundaries don't make sense in terms of an ecosystem approach.

But anyway, the management reviews went forward simultaneously in each of these groups. Of course, one of the options could be to make one larger sanctuary. That is not a decision that has been made nor are we anywhere near doing that. These management plan reviews are going on in accordance with the law and there is no—I have asked that—I have been out there and talked to some of the constituent groups and I have asked that everybody be involved. This is a public process. It is designed to serve the citizens of the region as well as the United States, and so there is no indication here that we are trying to do anything that is against what the local organizations, constituencies, and support groups want to do.

Regarding the individual in question, there is not—the issue is not anybody—nobody is trying to knock down any of the protections. The issue is some internal management, and so—and I don't want to compromise any internal investigation that is going on because I do have a good deal of respect for the gentleman. This is not about protections. This is about responsible management of management functions. That is what this is about. It is not about reducing the protections in the marine sanctuary or trying to undercut any of his programs that he has put in place or anything else.

It is about responsible management, and so while that—I don't like to use the word "investigation," but while we are looking at the situation out there, he has been temporarily relieved of those duties and it is in the hands of his assistant, who is very well

qualified to carry out all of the programs and plans that he has put in place.

Mr. PALLONE. I guess my concern would be that, given that all this is happening in terms of this review, wouldn't it make sense, given Mr. Ueber's experience, that he be there when these things are happening?

Admiral LAUTENBACHER. Not if he is doing things with—I don't want to get into an internal investigation, but, I mean, we are talking about his integrity and management, not the—we are talking his ability to handle money, people, issues like that. We are not talking about the substantive issues of the management plan review. And so if there is any question, we owe it to the taxpayers to ensure that our employees who are taking taxpayer money are acting at the highest level of ethics in terms of managing money and managing people and following the rules and laws of the land and I am responsible to try to make that happen. That is all we are talking about here. We are not talking about reducing any protections, changing any thrusts of the way environmental policies are going. We are talking about management, internal management issues and ethical responsibilities.

Mr. PALLONE. Thank you. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pallone.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Admiral. I alluded earlier to the Sea Grant program. Again, I am probably beating this to death, but I wanted to ask you, what was the total appropriations from last year for the Sea Grant program? I notice that for Fiscal Year 2004, it is proposed at $57.4 million.

Admiral LAUTENBACHER. It is proposed in Fiscal Year 2004 at $57 million.

Mr. FALEOMAVAEGA. What was it last year?

Admiral LAUTENBACHER. It was proposed in the NSF budget at $57 million. Now, it was enacted at supposedly $62 million, but they said use the unobligated balances, which we don't have, so it is really a $60 million program that Congress left us with for 2003. So there is a $3 million difference between the bill that—by the way, we just got that bill just a month or so ago at the $60 million level.

Why is it at $57 million? It is at $57 million because that was the level the Administration had submitted for 2003. At the time that I had to build the Fiscal Year 2004 budget and make a strong representation that I felt Sea Grant could be—the Administration would be best served by having Sea Grant within NOAA, that was the level at which the Administration had agreed to fund it in 2003, and, therefore, it stayed at that level.

I am a strong supporter of the program, as you know. I believe, as you have said, that it belongs in NOAA. The Administration agrees it belongs in NOAA and we will continue to work hard to provide the proper resources for it.

Mr. FALEOMAVAEGA. I will have some more questions later, Mr. Chairman. Thank you.

Mr. GILCHREST. Thank you, Mr. Faleomavaega.

Mr. Ortiz?

Mr. ORTIZ. Thank you, Mr. Chairman. I know that you are key players in the different natures that we talk about and my shrimpers have told me that this devised new regulation will cost anywhere between $2,000 to $3,000. Do you have any idea as to what the real price will be?

Admiral LAUTENBACHER. My folks tell me that it depends on how many they have to—how big their nets are and that sort of thing, but that is about $200 per one of the TED, or the turtle excluder devices. So it depends on how big the net is and it also depends on how many times they turn their net over in a season. I am told that some can use a net for an entire season, and some groups, because of wear and tear, it takes two or three replacements.

So, theoretically, if you had large nets that had two or three of these in and so it was, say, $500 and you had three nets, used up three nets in a season, you would get up $1,500. I mean, it depends on the size of the boat and the amount of hard wear and tear that they put on the nets. But anywhere from a small boat for $200 with one net for the season to maybe $1,200 or $1,500.

Mr. ORTIZ. I doubt if you will find a boat that has only one net.

Admiral LAUTENBACHER. Now, the issue is that they also are required to do this now, so it is not a new expense. It is a replacement expense. In other words, they have been buying these all along. These are not more expensive. This is a device which is about the same as the devices before. It is just that it turns out to be much more effective in terms of both shrimp and—catching shrimp and releasing turtles. It is a much better technical device.

Mr. ORTIZ. And this is through testing and they have been now that they are more effective? Who tested them?

Admiral LAUTENBACHER. Our laboratories tested them and we have the data and we are delighted to meet with anybody you would like us to meet with. I have sent Bill Hogarth down. He has been down in Texas. He has been in Louisiana. He was in South Carolina this weekend and he is going to North Carolina next weekend to try to talk to everybody more about it.

I am very sympathetic. I understand the state of the shrimping industry. It is exactly as you say. It is on the edge and it is competing with foreign imports, most of which, I might say, are aquaculture types of imports that are coming in now.

It also is very—our economic analysis indicates it is very dependent on the cost of fuel at this point, that fuel is the largest single expense in operating a shrimp fleet, and you change a few pennies—they are so on the edge now in terms of profit margin that you change a couple of pennies fuel one way or another and you put people in trouble. I couldn't agree more with your analysis of the industry.

Mr. ORTIZ. Admiral, when you look at the fuel, the new regulations, new devices, and the liability, when I first came to Congress 21 years ago, we had one of the largest fleets of shrimp boats in my district. They have dwindled down to a few hundred. And then besides that, the dumping that takes effect, and those people from other countries don't have to contend with the regulations that we impose on our shrimpers.

So I know you all have been very fair in the past. I am just hoping that maybe you can give us some idea as to how we can

approach this, this serious problem, because these are Americans. They pay taxes, whether they buy gasoline, or anything they buy, anything they do, they pay taxes. But they are taking a beating, a serious beating to the point that we won't have an industry.

Do you anticipate, now that these new regulations came about, do you anticipate any other regulations that are about to come out?

Admiral LAUTENBACHER. I don't know of any other regulations in this regard that are to come out. By the way, I might say that this didn't happen overnight. We have been taking comments and talking to people for 2 years on it and have tried to—and we are still testing other devices that folks in Louisiana say will work just as well. As soon as we have the weather and some turtles around, we are going to test another device—I forget the name of the TED, but anyway, it is one that they particularly like there and we will test that.

We have also delayed the regulations until August. We are doing everything that we can. But we know that if we don't have the regulations, that because of the environmental laws our country has, there is a chance that a court case could shut the industry down. We are looking for the right balance in maintaining environmental concerns as well as trying to keep the industry viable.

As I said, Bill Hogarth is out talking to people on the last 4 weekends. We are still working hard to try to gain people's confidence—

Mr. ORTIZ. We appreciate that—

Admiral LAUTENBACHER. We are doing the best we can for them.

Mr. ORTIZ. Just one last question. I won't take long. Are you considering any type of what economic impact it will have on those communities?

Admiral LAUTENBACHER. Well, in terms of the—we don't believe that the turtle excluder device issue that we are talking about right now is a huge—we think it is a very, very small factor in the overall industry picture based on the comments that I made earlier.

There may be other things to do to help these communities that are outside the purview of the NOAA and National Marine Fisheries organizations that could be used. For instance, we are prepared to issue grants immediately as soon as requests come in. The $17.5 million of aid that was appropriated in the final bill for Gulf shrimpers, we are ready to pass that money out. So we are doing everything we can to help.

Mr. ORTIZ. We thank you very much. All we want is fairness.

Admiral LAUTENBACHER. Yes, sir.

Mr. ORTIZ. That is all we are asking for. We are not asking for a handout, just fairness.

Admiral LAUTENBACHER. Understood.

Mr. ORTIZ. Thank you, Mr. Chairman.

Admiral LAUTENBACHER. Thank you.

Mr. GILCHREST. Thank you, Mr. Ortiz.

The gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman, and to you, Admiral, and the other witnesses.

I have noticed in the news recently that the National Weather Service will begin issuing 5-day hurricane forecasts this year,

extending the 3-day forecasts that have been issued since 1964, so this is a change. As you know, Guam has considerable interest in accurate and timely weather forecasting, given our vulnerability to powerful typhoons. Could you provide me some clarification on your new 5-day hurricane forecast standard. Does it apply to the National Weather Service work in the Western Pacific, and if not, then what is your standard for forecasting storms in the Western Pacific, because we haven't had very accurate readings in the last two super typhoons that we have had.

Admiral LAUTENBACHER. Yes, that is the new standard. We believe, after looking at the data, that given the improvements we were able to make technologically in forecasting, that we can produce a 5-day forecast which is as accurate as the 3-day forecast was 10 years ago, or something like that, which is—while it is not perfect, it is a lot better than not having that kind of information earlier.

As more and more people crowd into our coasts—more than 50 percent of our folks live in coastal counties—emergency managers are begging for more time and more accuracy because it makes a big difference to saving lives and mitigation of economic damage, the sooner you can get warnings to people. So that is why we are pushing the state out to 5 days.

We intend to hold to that standard everywhere. The forecasting in the Pacific, you are aware that Hurricane Squadron that used to be there isn't there—

Ms. BORDALLO. No longer there.

Admiral LAUTENBACHER. —so it makes it harder for us to provide the kinds of advanced accuracy. So I can't sit here and tell you with all honesty that every hurricane, that it is covered well in the United States that we are going to be able—exactly the same accuracy is going to exist out in the Pacific with the system that we have today, but we do believe, given the—there will be differences, but we are getting better at it and we are going to try to make the forecast sooner advanced so that people have more warning.

Ms. BORDALLO. So the 5-day forecast will apply to the Western Pacific?

Admiral LAUTENBACHER. Yes.

Ms. BORDALLO. Thank you.

I have one other short question, Mr. Chairman. Is the Fish and Wildlife Service maintaining their effort to control for and mitigate against the brown tree snakes on Guam, and if possible, can you inform me of how much funding the Administration is proposing for this purpose in the Fiscal Year 2004 budget, and how is the recovery program for endangered species on Guam coming along?

Mr. WILLIAMS. We are continuing our efforts on the National Wildlife Refuge in Guam in terms of controlling brown tree snakes. The majority of the spending on brown tree snake control comes through the U.S. Geological Survey. Some years ago, the dollars for control flowed through the Fish and Wildlife Service, but again, some years ago, that money was redirected or reprogrammed and is now—those control efforts are primarily through the U.S. Geological Survey. But we do obviously work in cooperation with them and have efforts—

Ms. BORDALLO. So you are not aware, then, of what the budget contains?

Mr. WILLIAMS. The last I knew, which was last year at this time, it was approximately $3 to $3.5 million. I believe that is correct. Steve Guertin, the Chief of our Budget office, says that is roughly what it is in USGS's budget this year, around $3 to $3.5 million.

Ms. BORDALLO. About the same amount.

Mr. WILLIAMS. Yes, ma'am.

Ms. BORDALLO. All right. And what is the status of the critical habitat proposal for Guam? We had to delay this because of our last super typhoon and I just wondered about that.

Mr. WILLIAMS. Apparently the comment period for that critical habitat designation has been reopened. I am not sure. We will get you an answer to that, whether that comment period is closed yet.

Ms. BORDALLO. We delayed it for some time because of our situation.

Mr. WILLIAMS. Right.

Ms. BORDALLO. All right.

Mr. WILLIAMS. We can provide you an answer.

Ms. BORDALLO. I would appreciate if you could send that to my office.

Mr. WILLIAMS. We would be happy to do so.

Ms. BORDALLO. Thank you very much. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Will the gentlewoman yield?

Ms. BORDALLO. Yes, of course.

Mr. FALEOMAVAEGA. I just wanted to ask the Admiral, as a follow up question to Ms. Bordallo. Concerning weather forecasts, if the services that NOAA provides are also for the Federated States of Micronesia, the Marshalls and Palau. It is my understanding the Administration intends to take it out. Is there any information to that regard? What kind of a weather service system are we providing for these three entities, the FSM, Palau, as well as the Marshalls?

Admiral LAUTENBACHER. We have money in our budget to continue providing support for the weather systems in the area that you have mentioned. There was, it is called the Pacific Island Compact, COFA, and the funding came through, I believe through Interior at one point, and now that the period of transition has ended, we have asked for the same amount of money in order to continue what we consider very vital services, both to gain the observing data as well as to provide the forecasting expertise to the Republic of Micronesia, Marshall Islands, Palau, et cetera. So we are very sensitive to that issue. We are asking Congress to support a continuation of those services.

Mr. FALEOMAVAEGA. So basically the Interior Department provides the funding, but you provide the services?

Admiral LAUTENBACHER. We are providing the funding this year.

Mr. FALEOMAVAEGA. You are funding it, as well, but my question here is: has there been any decision to the effect that you intend to take out the servicing of weather forecasts for these three entities?

Admiral LAUTENBACHER. No, sir.

Mr. FALEOMAVAEGA. OK. Thank you, Mr. Chairman.

Admiral LAUTENBACHER. No, there is not.

Mr. FALEOMAVAEGA. Thank you, Admiral.

Mr. GILCHREST. Thank you, Mr. Faleomavaega and the gentlelady from Guam.

We will start another round of questions. From Fish and Wildlife, Mr. Williams, can you tell us the current number of species listed under the Endangered Species Act?

Mr. WILLIAMS. It is approximately 1,800.

Mr. GILCHREST. Eighteen hundred. Can you send the Subcommittee the list? I am not sure if we have that, what they are.

Mr. WILLIAMS. Yes, sir.

Mr. GILCHREST. How many species are currently being reviewed for listing?

Mr. WILLIAMS. Oh, boy. This will probably be pretty accurate. What I am going to quote here is some information on litigation that we are involved in on listing, and the reason I use this to respond to your question is that much, if not all, of our listing activity and critical habitat designation activity is driven by the courts, by litigation.

As of March 17, we are involved in 31 active lawsuits on listing issues with respect to 32 species, including four lawsuits on petition findings for four species, four lawsuits regarding final determination for three species, eight lawsuits regarding critical habitat for 11 different species, and 17 lawsuits regarding merits challenges on 19 species.

Mr. GILCHREST. Let me ask you, since they are lawsuits and they go to court, and there are 31 or 32 lawsuits undergoing and various other ones dealing with species and critical habitat and so on and so forth, is it then the opinion of Fish and Wildlife that those lawsuits represent species or areas designated as critical habitat as not really necessary, that the species are not endangered, that the habitat is not critical?

Mr. WILLIAMS. I don't think it is fair to characterize all of those lawsuits in that manner. There may be some that we wouldn't agree with.

I think an important point to make is that although in the past, recent past, we have tried to put together a logical process to prioritize which species that we work on, and I will use this term, the avalanche of lawsuits that we are confronted with and a lawsuit saying that we couldn't prioritize necessarily on a biological basis, our workload, our listing workload is really driven by the court system.

Mr. GILCHREST. I see.

Mr. WILLIAMS. And some—well, it would be premature to judge whether some of these petitions to list are—

Mr. GILCHREST. I guess there is not enough Fish and Wildlife personnel to be crawling all over the country to determine what 50-acre or 100-acre forest that has just been zoned residential, and somebody starts cutting the trees down to build a housing development, and then somebody says there is a Delmarva fox squirrel in there and then everything comes—and then Fish and Wildlife didn't stop that, and so a lawsuit develops.

Given the problems that NMFS has with lawsuits, and given the problem that Fish and Wildlife has with lawsuits—of course, people

filing those lawsuits would say that they are pushing the envelope or that they are just requiring the Federal Government to comply with the statute—and given the amount of money that is allocated from your meager budgets to deal with those issues, I think what we would like to do in this 108th session of Congress is to periodically get together and figure out how we cannot limit people's rights to file lawsuits, but create a policy that would so effectively deal with those issues that even the most ardent environmental group would see it unnecessary to file a lawsuit.

We are not going to have an expanded budget. We are not going to have expanded personnel, and we may not probably be able to pay the people, Admiral Lautenbacher, what they are actually worth, but we don't want to lose them. So creating a policy that will more effectively deal with some of the problems that cause species to become endangered or fish stocks to plummet, I think would be a valuable use of our time.

For example, what is a major cause for species decline? Is it habitat loss? Is it invasive species? What is causing that in the different areas and can that, then, be somehow corrected through Federal effort, through a voluntary program, Mr. Williams, like you have discussed with habitat restoration across the country, through voluntary efforts. So let us pool our meager resources with our unbounding intellect. I think we will prove to be successful, and it is your unbounding intellect that we are going to rely upon.

[Laughter.]

Mr. GILCHREST. Mr. Pallone?

Mr. PALLONE. I don't know if I want to follow that one, my unbounded intellect, Mr. Chairman. I don't know if I have that, but maybe the panel does.

[Laughter.]

Mr. GILCHREST. We would like you to bellow out your most passionate remarks, Mr. Pallone.

Mr. PALLONE. Thank you. I wanted to ask Mr. Williams about the Suarez circus polar bears. Last year, the Fish and Wildlife successfully secured the transfer of polar bears in the Puerto Rico-based Suarez Brothers Circus to more appropriate living conditions in the U.S. based on charges that their living conditions violated both the Marine Mammal Protection Act and the Animal Welfare Act, and the circus and the polar bears' trainers have since taken steps to contest the confiscation of the bears. They say they are ready to fight to get them back. There are even rumors that the circus has offered Fish and Wildlife Service a deal where they would donate money to the circus in exchange for the bears.

Could you give the Subcommittee an update on the Suarez polar bear situation and comment on the validity of the suggestion to donate money to the circus in exchange for the bears' return, and also, what steps are being taken to ensure that the bears don't return to a circus?

Mr. WILLIAMS. Thank you. As I am sure you are aware, the Service was involved in seizing those bears in conjunction with veterinarians and accredited zoos in the country, of bringing them back to the mainland. They are now in—they have been dispersed to three or four zoos.

Mr. PALLONE. One of them died, right?

Mr. WILLIAMS. Unfortunately, one died in transport. The remaining bears are in three or four different zoos, accredited zoos, and obviously in much better living conditions than they were.

I couldn't comment on—I don't think it would be appropriate to comment on any lawsuit that may have been filed against us. We don't normally make the kind of arrangements that you might have referred to, in terms of dollars for bears and so on. But I don't think I should go beyond that in terms of making any comments on the lawsuit.

Mr. PALLONE. Can I just ask you this. You are still opposed to their return to the circus, right? You are talking about any deal that might be made in the context of a lawsuit, but you are still opposed to their return, right?

Mr. WILLIAMS. Well, certainly to their return to the kind of living conditions that they were found in, yes.

Mr. PALLONE. So it is possible that the Fish and Wildlife Service would return them if certain conditions were met?

Mr. WILLIAMS. I am not saying that. That is conjecture. I put it this way. I don't see at this point any way that they would be returned. Now, the court system will do what the court system would, but that is certainly not our intention. Our intention was to bring them back and put them into more suitable living conditions.

Mr. PALLONE. Mr. Williams, I am not trying to be difficult. I appreciate your response. I think—could I ask this question. You don't want to comment on any potential deal because that would be something they would offer in the context of the lawsuit as a settlement. That is the reason you don't want to comment, essentially, that you can't because it would be in the context of the settlement and you don't really want to get into that, is that—

Mr. WILLIAMS. I thank Marshall Jones for reminding me. There are also pending criminal charges involved and I don't want to comment on that case.

Mr. PALLONE. Well, I appreciate your saying that it is not your intention and you are not looking to return. Thank you.

Mr. Chairman, I wanted to ask a couple questions as sort of a follow-up on your questions about the Endangered Species Act. I was glad to see that the President's budget recommended a modest increase for the listing account under the Endangered Species Act. However, my understanding is that the Fish and Wildlife Service currently has a backlog of more than 250 species awaiting listing at a cost of more than $130 million, and to deal with this backlog, the Service needs about $25 million per year over the next five or so years.

So given this, Mr. Williams, can you explain why you are not requesting more money for listing under ESA and—well, why don't you answer that first, if you could.

Mr. WILLIAMS. Sure. Well, as we put together the 2004 budget, as any agency was involved in, we have to make some tough decisions on priorities, and knowing that budgets would be tight, looking at all the priorities of all the programs in the Service, the request of an additional $3.2 million is what we feel will be adequate to get us through Fiscal Year 2004 in terms of responding to existing court decisions, court deadlines, and settlement agreement

deadlines. That is what we think we need to get through that and comply with court orders for the Fiscal Year 2004.

Mr. PALLONE. And that is for the listings, right?

Mr. WILLIAMS. Yes, sir, and critical habitat designations.

Mr. PALLONE. I don't know if we will have a third round, but my time is done. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pallone.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I don't know if Mr. Williams or our good friend, the Admiral, could respond to this. Probably many of my colleagues are not aware, Mr. Chairman, but the cleanest air is measured in my district. In fact, my district happens to have the cleanest air in all of America.

Mr. GILCHREST. You know, I was at the South Pole about a month ago and they said the cleanest air was down there, so—

Mr. FALEOMAVAEGA. No—

Mr. GILCHREST. We will have to have a clean air contest.

Mr. FALEOMAVAEGA. I think the South Pole is definitely not the answer, but my understanding is that the cleanest air measurement taken by NOAA is done in my district and I wanted to ask Mr. Williams and our good friend the Admiral, have any of you been there recently? We need a little renovation on this facility that we have in my district. Any—

Admiral LAUTENBACHER. I have not been there yet. I would like to do that and I hope it will be on my list the next time I get to the Pacific.

Mr. FALEOMAVAEGA. Please, Admiral.

Admiral LAUTENBACHER. Thank you.

Mr. WILLIAMS. And I would ditto the Admiral's comments.

Mr. FALEOMAVAEGA. It is my understanding that the White House recently initiated an Oceans Commission, I guess for purposes of offering at a later point in time, at least quite soon, I understand, a report with a list of recommendations in terms of establishing an oceans policy. Is NOAA anticipating any major changes by way of our national policies toward what should be done as far as the oceans are concerned?

I wanted to know and am curious if this budget proposal has any connection with what we may need to do as a nation as a matter of a national policy, if there may be changes, and I suspect there will be major changes made? I am just wondering if the Admiral could comment on that.

Admiral LAUTENBACHER. I am very supportive of the concept and the purpose of the Oceans Commission. I have certainly been an advocate, saying it is a worthwhile endeavor to have citizens from our country sit down and talk about the oceans and the policies. I have supported it. We have testified before the Oceans Commission and I have allowed the rest of my organization to testify and answer their questions and we have provided whatever support they have asked for. So we have been engaged to the extent that we can, given that they are an independent body and working for the President and for Congress, for that matter.

I do not have a good feel for what they will say in their report. As you are aware, they have delayed their final report until they can have another meeting in April and then they are going to

decide when to get something out. But I am not expecting to see something—this is my speculation—until the end of the summer, early fall in terms of recommendations to look at.

It will be difficult for me to project myself into their thinking, but listening to the deliberations, many of the members are very interested in ensuring that education about oceans, ocean literacy, ensuring the public knows what is going on, ensuring that we have a good research program, make sure it is connected to our operations. They are concerned about the NOAA organization.

I have presented my reorganization plan that Congress approved and I am hoping that they will be supportive of the types of things we are doing to make NOAA more effective, and as I mentioned to the Chairman, the idea of looking at systems of systems and having a strategic management process to ensure that we do the right things with the money the taxpayers give us. So I am hoping that there will be some endorsements of things that we are doing at this point.

Also, interagency activity. We have a National Oceans Research Leadership Council that is an interagency group to look at policies on a higher level. I think they are very interested in interagency mechanisms, and we may see some recommendations in that area.

So those are the things I am looking for. I don't have a crystal ball as to exactly what they will say, though.

Mr. FALEOMAVAEGA. I am not going to get into always the constant problems we have when a fish becomes the property of the Department of Commerce and becomes the Department of Agriculture. I have a very serious concern with the problems that we have with our fisheries programs. To the extent that I, at least in my understanding, if NOAA is part of that responsibility, we look at fisheries as a matter of conservation, environmental considerations, but then fisheries also as a matter of commercial need for the livelihood of those who participate in this very important industry.

My district happens to be one of those that is totally dependent on the question of where fisheries come into play. I happen to have the largest tuna canning facility in the world, and in this process, in the problems with the free trade agreements, with the WTO and NAFTA, to the point now that the entire U.S. tuna fishing industry, the very existence is at stake to the extent that we have got these free trade agreements or countries are now asking for total free access of our markets to sell their canned tuna, but then right around they said, no, we have to pay 20 percent tariffs if we want to export our tuna to them. I find this very unfair.

I do believe in fair trade, but it should be—I mean, I believe in free trade, but it should also be fair. There should be a sense of reciprocity so that our some 10,000 people whose livelihood depends on it, just as what my friend, Congressman Ortiz, has alluded to earlier about the problems now with the shrimp industry that has now gone to pot.

I just wanted to ask if the Administration is committed to private sector development. To what extent are we then going to get into regulation and they say, you can't do this, you can't do that, but still allow foreign competition just to simply walk in the door and just say, come on in, we will buy your goods, supposedly as a

benefit to the consumer but the death knell of people whose livelihood depends on it.

And I wanted to ask on the issue of fisheries alone, and I don't know if these figures are accurate, Mr. Chairman, but a couple of years ago, we had to import $9 billion worth of fish from foreign countries because we don't produce enough of it domestically. My question is, why can't we produce fish domestically? I am not asking for $9 billion, maybe even $1 billion, but we don't seem to have the policies and the laws such that some sense of protection is given to our fishing industry, the same way that we are protecting our farmers from going out of business. I don't call that competition. I call this a very, very unfair process.

Mr. GILCHREST. Mr. Faleomavaega—

Mr. FALEOMAVAEGA. I am sorry, my time is—

Mr. GILCHREST. —we will come around for another round of questions.

Mr. FALEOMAVAEGA. All right. Can you respond to that, Admiral? Is this administration really committed to private sector development as far as fisheries is concerned?

Mr. GILCHREST. If I could just make a quick comment before the Admiral, you would probably need a half-a-dozen other Subcommittees to deal with the issues that you have just raised. I agree that we ought to just be able to do it in this Subcommittee, take all the jurisdiction from Ways and Means and Energy and Commerce and so on. But it is an issue that we will look at and I would like to sit down and talk to you, Mr. Faleomavaega, about all of those issues.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I will withdraw my question—

Mr. GILCHREST. I will let Admiral Lautenbacher respond to the area of jurisdiction that he has as Undersecretary of NOAA. But I would like to work with you on all those issues to ensure that we look at this issue in a very comprehensive way.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Admiral LAUTENBACHER. I don't want to take too long, but let me just say, we are in the Department of Commerce, so I do care about, even though it is not my portfolio, I am around the people who deal with these issues. As you are well aware, Secretary Evans has stated many times his desire to create more jobs and create a sound private economy in the United States. So we are very supportive of that.

He has also been supportive of free trade, but I think in a sense of fair play, you can look at the work that has gone on with the steel industry and the lumber industry that is going on right now, trying to make it fair, exactly what you are talking about. So he has ruled on both sides of this issue to try to make it fair. He is not trying—we are not trying to create industries that put fair trade that puts our people out of business unfairly.

In terms of the NOAA issue, what we do is try to go on the international level into these organizations and ensure that they are trying—that we get them to follow the same prudent rules of conservative management, of management of resources, that we do so that the playing field is level and they can't come in and rape and

pillage areas with illegal fishing practices, unsound fishing practices, and then compete against us.

I spend a great deal of time—we just sent the Deputy Administrator to Vietnam to work on a compact with Southeast Asia to prevent some of these practices that we feel that are against our interests and against the world's interests in conservation. So we are very sensitive to it and we are going to work hard to help you with those issues, sir.

Mr. GILCHREST. Thank you, Mr. Faleomavaega.

The gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman. I was listening very attentively to my colleague here from American Samoa when he said that he had the cleanest air in all the world. I was always under the impression Guam and the Northern Marianas was the place that had the cleanest air, but we will share.

[Laughter.]

Ms. BORDALLO. My question is, noting that the Administration's budget proposed $1.3 million to continue the comprehensive conservation plans for each wildlife refuge, as required by the National Wildlife Refuge System Improvement Act of 1997, can you give us an update on where the Service is in terms of completing these plans and how many plans do you expect to complete in Fiscal Year 2004, given this proposed funding.

Mr. WILLIAMS. I can answer that in general. The specifics, again, I apologize, but I will make sure it gets to this Committee and your office.

We continue our efforts to, and actually request some additional dollars to accelerate efforts to complete the comprehensive conservation plans. Normally, I think it is safe to say that we are working through half a dozen to a dozen a year, depending on the complexity. I believe we have 15 years from the enactment of the Improvement Act, 1997, to complete all those CCPs.

What I would offer to do for you and for the Committee is provide you a status report on where we are and the plans for the future, if that is OK.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Chairman.

Mr. GILCHREST. Thank you, the gentlelady from Guam.

Mr. Williams, there is some—I am not familiar with this, but there is some issue apparently in Florida dealing with manatees. Could you tell us the status of the potential Section 7 consultation which may be necessary in order to build a boat dock because of its impact on manatees and the biological studies that show that boat docks—I would say boat docks have an impact on everything, especially because of what is docked there and the movement of propellers—but the biological information that shows that boat docks, and then probably boats, have an impact on manatees.

How many species of manatees are there? Is there one manatee or are there are a couple of different kinds of manatees, and are any manatees on the endangered species list?

Mr. WILLIAMS. With your indulgence, Mr. Chairman, if I could ask Marshall Jones to address that question.

Mr. GILCHREST. Yes, Mr. Jones, please.

Mr. JONES. Mr. Chairman, we will start with your last question first because it is the easier one. There are—the West Indian manatee is the species that is listed that occurs in the United States.

Mr. GILCHREST. Which manatee came up to the Chesapeake Bay a couple of years ago?

Mr. JONES. That is that same.

Mr. GILCHREST. And he is endangered? So he was looking for a new homeland, I guess.

Mr. JONES. Well, he must like the Chesapeake Bay, Mr. Chairman.

Mr. GILCHREST. Has he been back?

Mr. JONES. He has been back several times—

Mr. GILCHREST. Really?

Mr. JONES. —although I don't know that he has been back in recent years.

Mr. GILCHREST. He leaves, though, because it gets cold here, right?

Mr. JONES. That is correct, and it is typical of some manatees every year that they leave Florida waters and go both West along the Gulf and North up the Atlantic, but that one obviously was very unusual. We knew about him because he was radio collared by the U.S. Geological Survey that monitored him, and he went back and forth more than once. Several years in a row, he did the same thing and found his way back to Florida again. So if you can call a manatee a snowbird, he is one.

Mr. GILCHREST. So that particular species of manatee is on the endangered list?

Mr. JONES. Correct, and Mr. Chairman, there are other manatees. They are all, I believe, considered to be endangered. There is a South American manatee, a different species. There is a West African manatee. And then there is the—

Mr. GILCHREST. So the Florida manatees are on the endangered list?

Mr. JONES. That is correct.

Mr. GILCHREST. And what is the status of this proposed Section 7 consultation and what size dock, if any, does it affect, and are you looking to reduce the number of docks because that will reduce the number of motor boat interactions with the manatees? I guess the obvious question that the manatees are endangered is because there is—what is the obvious answer to the cause for the reduction of the population of manatees?

Mr. JONES. Well, Mr. Chairman, we don't know all the factors, but collisions with boats clearly are a significant mortality factor for manatees. There may be habitat issues. They are subject to cold weather, and that is why they congregate at warm springs and now manmade warm water sources, like the outflows from power plants.

We have had a manatee protection program for many years and I was personally involved in that years ago.

Mr. GILCHREST. Is that effective?

Mr. JONES. Well, we certainly believe that we have made some progress, and, in fact, statistics over the last few years have indicated that the manatee population actually was increasing. But the number of boat mortalities also have been increasing. There is

some new data just recently received about manatee—done through manatee population modeling that we are still evaluating to see, is the increase in manatees as large as we thought it was or not.

Mr. GILCHREST. I see. Is the specific reason—can you give us some of the biological—is it the boat dock that is causing the problem with the manatee or is it the boat?

Mr. JONES. No, sir, it is not the dock.

Mr. GILCHREST. But the potential for a Section 7—are you thinking about a Section 7 consultation to build a boat dock?

Mr. JONES. That is correct. In fact—

Mr. GILCHREST. What if you are going to build a boat dock for a canoe or a sailboat?

Mr. JONES. It depends on where the dock is. But in general, Mr. Chairman, we and the State of Florida were each sued by Save the Manatee Club and environmental organizations—

Mr. GILCHREST. I see.

Mr. JONES. —and as a result of the settlement of that lawsuit, part of that settlement was we agreed for now, at least, that we will require a Section 7 consultation—

Mr. GILCHREST. I see.

Mr. JONES. —for every proposed new boat dock if it is in an area that may affect manatees.

Mr. GILCHREST. I see. OK.

Mr. JONES. Obviously, it is the boats, not the docks, but it is the docks that—the number of docks directly correlated to the number of boats operating in any area.

Mr. GILCHREST. I will just conclude with this. This is probably an unlikely solution for the protection of manatees, but the Great Barrier Reef off the northern coast of Australia, when they went in to plan that in a similar way that the planning went into sanctuaries in Key West and other areas, they looked at the whole ecosystem from the land out to where different species would roam, and in creating a management program for the Great Barrier Reef for commercial traffic, for commercial fishing, recreational fishing, tourists, you name it, they created a blue highway where they knew species wandered and migrated and spawned and that blue highway, which was an understanding of the habitat necessary for the life cycle of these species, was in some instances declared off limits to certain types of boating traffic, certain types of activity. And while it was controversial in the beginning, it gradually became a very effective tool so humans could recreate over here and the natural species could live over there.

I was going to make a comment also to Fish and Wildlife about the main reason for species becoming listed, habitat loss and invasive species, and it used to be a whole host of other things, from hunting to toxic chemicals. But when you think about these habitat areas, and I am not going to ask you to answer this now because I would like to have a continued conversation, I guess you probably think about corridors covering large areas, both for animal species and for plant species, where those are the corridors for the wildlife, and outside those corridors, then, you can put your shopping plazas, sort of balance the activity between what is necessary in the natural world—I guess, actually, we are a part of the natural world, but what is necessary for us.

But I will stop now and look forward to working with you over the next couple of years. We have a number of questions to submit to you, but I think maybe we can have breakfast and go over those questions rather than have your staff do it, because it takes a long time to be reviewed by everybody in your agencies and we don't seem to ever get those answers back. So maybe if we could have breakfast or dinner at the Chinese restaurant up here, we could get to the bottom of these things.

I will yield to Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Chairman. I just wanted to ask Mr. Williams one question, and I had a couple for Admiral Lautenbacher.

With regard to endangered species again, Mr. Williams, on the recovery aspect, there are more than 200 currently listed species that are in serious danger of extinction in the next several years, in large part due to lack of funding for recovery activities. So again, would you explain why you are not requesting more funding for recovery, and maybe you can provide the Subcommittee with a list of these species.

Mr. WILLIAMS. We certainly, to answer your last question, we certainly will do that and can do that.

The request, it kind of reminds me of Admiral Lautenbacher's response to one of his previous questions, and we are in a similar situation. Our request for recovery dollars was actually above the President's request, 2003 request. When the 2003 enacted budget came out, it actually looks like a decrease. So as we were putting our budget together prior to, obviously, prior to knowledge of what was going to be enacted, we did focus some additional dollars there for recovery efforts.

Mr. PALLONE. OK. With regard to NOAA, Admiral, we understand that NOAA has a lot of missions, but I am troubled that NOAA has been cut, or I should say the National Oceans Service has been cut by nearly $84 million below last year's appropriation. Key conservation programs such as coral reefs, coastal zone management grants, non-point source pollution, coastal ocean science, national estuary and research reserves, and marine protected areas have been level funded or cut compared to Fiscal Year 2003. Can you please explain again the Administration's rationale for this deemphasis which is demonstrated by these cuts in the National Ocean Service?

Admiral LAUTENBACHER. The issue is the same thing that Mr. Williams just mentioned. When we build our budget, unfortunately, it is built on the last year's Presidential request because—actually, I am trying to build right now a Fiscal Year 2005 budget, not knowing what is going to happen in 2004. So we have a delicate tightrope to see how can we allocate resources, balance them against the priorities that Congress has suggested and the priorities that the Administration has pushed forward the year before.

And so there are areas in NOS where we have asked for more money, but they do, in fact, look like a decrease because there was more money added from the Congressional bill. But there are areas in NOS where we are, in fact, absolutely higher in dollars. I will give you the charting example. My original testimony to you was going to say that we asked for, I think, a $2 million—$2-point-

something million increase for charting, and it turned out that after the bill is over, I can come to you and say we are asking for $7 million—

Mr. PALLONE. OK.

Admiral LAUTENBACHER. —because we had $5 million—this is an example where we had some money cut in the bill. We have this unfortunate timing issue—

Mr. PALLONE. I understand.

Admiral LAUTENBACHER. —and I would like to get this closer together. I have made suggestions—

Mr. PALLONE. Maybe look at it again in the context of appropriations.

Admiral LAUTENBACHER. But we are absolutely committed. There is a long list of needs. I think we all agree on national needs in the Ocean Service and our wet side that I would certainly love to be able to put more money against, and I am always working hard to try to get funding to meet the needs of the country.

Mr. PALLONE. Let me ask you about the non-point source pollution program, because you asked for $10 million to implement that. But I wanted to say, what administrative actions is NOAA presently considering to address those States failing to develop Federally approved non-point source pollution plans pursuant to Section 217 of the CZMA? There was talk about penalties a few months ago, and I just wondered if you could answer that.

Admiral LAUTENBACHER. Well, we have been working hard to try to get all the States qualified with qualified plans so that penalties will not be necessary. We at one point used to have sort of one-third/one-third/one-third, one-third completely certified, one-third provisionally certified, and another third working. We now have almost two-thirds that are—well, one-third completely certified, but 21 States that are now close to being fully certified. We believe by the end of this year we can get another nine or ten fully certified.

So we are hoping that through concerted action, there will be a smaller pool of States that would be subject to penalties, and we are also working with EPA, who has a larger share, you might say, of the resources to put against this problem to try to encourage States and the local authorities to provide the last bits and pieces they need to do this. I would prefer not to provide a penalty, but I obviously have to live with the law. But we are trying to work hard not to have to go to a penalty phase.

Mr. PALLONE. OK, thank you. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pallone.

Mr. Faleomavaega, any further questions?

Mr. FALEOMAVAEGA. Mr. Chairman, just an observation. I thank Admiral Lautenbacher and Mr. Williams for their testimony this afternoon. But my observation, Mr. Chairman, I may be wrong, but the eve of the situation that we do not yet know in terms of the war that is now pending, it seems that all the numbers are going to have to be readjusted down the line somewhere, the entire national budget. I may be wrong in this, and this, I suspect, will also have a definite impact on the proposed budget for NOAA as well as with the national fisheries. Just an observation, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Faleomavaega. We feel your apprehension on that one.

Admiral Lautenbacher, Mr. Williams and Mr. Jones, thank you so much for your testimony this afternoon. We do have a number of other questions, but we won't bring you in here for another hearing for several weeks, anyway, I guess. But at some point in the next month or so, maybe we can meet for breakfast or lunch or dinner and any member of the Subcommittee that would want to come by for an informal chat about these issues, I think that would be mutually beneficial.

We can make it unanimous consent that the record remain open for 20 days. This hearing is adjourned.

[Whereupon, at 3:45 p.m., the Subcommittee was adjourned.]

[Responses to questions submitted for the record by the U.S. Fish and Wildlife Service follow:]

Answers to questions submitted by the Subcommittee on Fisheries Conservation, Wildlife and Oceans

1. What is the current number of species listed under the Endangered Species Act? What is the number of candidate species?

There are 1262 domestic species on the list of threatened and endangered species: 1235 of them are U.S. Fish and Wildlife Service (Service) species. There are 257 candidate species.

2. How many species are currently being reviewed for listing?

There are 38 species proposed for listing. We have court orders to propose or complete petition findings on an additional 8 species. The Service is also continually evaluating its candidates and other species to determine if they warrant emergency listing.

3. What is the value of critical habitat designation? How many acres have already been designated for listed species?

Conservation of habitat is vitally important to successful recovery and delisting of species.

However, as my predecessor, Director Jamie Clark, testified before the Senate Committee on Environment and Public Works on May 27, 1999, the designation of critical habitat under the provisions of the Endangered Species Act provides little additional protection to most listed species while consuming significant amounts of scarce conservation resources.

We do not have a tally of acres of designated or proposed critical habitat because it involves more than just adding up all the proposed and designated acres. To obtain an accurate figure, we would need to take into account overlapping acres—both designated and proposed for designation, throughout the country.

4. In Director Williams's testimony, he notes that $3.2 million is requested to deal with litigation driven listing decisions. How many court cases does this involve and how was this figure calculated?

The Service has requested $12.3 million for the listing program for Fiscal Year 2004. This request is a $3.2 million increase over the Fiscal Year 2003 requested level—the largest increase ever requested for the listing program. This increase will go exclusively to court-ordered critical habitat designations. The requested increase includes a total of $3,831,498 for critical habitat for already listed species. The increased funding will allow the Service to meet its anticipated court orders for the designation of critical habitat for already listed species. Other listing activities will be decreased by $645,498. This decrease is a result of the need to provide additional funding to make certain that the Service can meet all of its court-ordered deadlines for critical habitat for already listed species. The Service expects in Fiscal Year 2004 to work on complying with court orders and settlement agreements to designate critical habitat for 43 species and court ordered listing actions for 20 species.

5. How many Safe Harbor Agreements are now in place? How many are anticipated in Fiscal Year 2004?

There are currently 16 Safe Harbor Agreements in place. We anticipate permitting 12 Safe Harbor Agreements in Fiscal Year 2004.

6. In terms of the Save the Manatee Club lawsuit, the Service intends to require a Section 7 consultation and a Biological Opinion for the construction of hundreds, perhaps thousands, of boat docks in the State of Florida? What is the estimate of the annual number of boat docks and what is the cost to implement this program?

We are currently conducting consultations on all watercraft access activities that may affect manatees in peninsular Florida (coastline and navigable waterways of the State of Florida from the mouth of the St. Mary's River on the Atlantic Coast to the mouth of the Aucilla River on the Gulf of Mexico Coast) consistent with the regulations found in 50 C.F.R. Part 402. While we cannot predict the number of future activities, we believe it is likely to be similar to recent numbers. For example, during 2001, a total of 3,625 new boat slips (note that one dock may contain multiple slips) were permitted in Florida, and between January 2 and June 30, 2002, an additional 1,408 boat slips were permitted; of these, an estimated 2,809 slips (56 percent) were located in southwest Florida (USFWS, unpublished data). In addition, the Service reviews approximately 30 marine events (e.g., high speed races and parades and other events) annually in Florida in association with U.S. Coast Guard permits.

Section 7 consultations for manatees are conducted through our Vero Beach and Jacksonville Field Offices. So far, for Fiscal Year 2003, the Service has allocated approximately $400,000 for these consultations.

7. Could the Service provide the Subcommittee with a list of the literature and scientific analysis that justifies the conclusion that boat docks adversely affect the safety of manatees?

Section 7 of the ESA imposes certain requirements on federal agencies. Federal agencies must consult on actions that they believe may affect listed species or designated critical habitat. During the section 7 consultation process, the federal agency must consider the manner in which the agency's action may affect any listed species or critical habitat and an analysis of any cumulative effects. The effects of the action include direct and indirect effects, together with the effects of other activities that are interdependent with that action. In National Wildlife Federation v. Coleman, 529 F.2d 359 (5th Cir.), cert. denied, 429 U.S. 979 (1976), the court ruled that indirect effects of development resulting from the proposed construction of highway interchanges had to be considered as impacts of a proposed federal highway project, even though the private development had not been planned at the time the highway project was proposed. Further, the Fifth Circuit's holding in Coleman was followed in the Tenth Circuit. Riverside Irrigation District v. Andrews, 758 F.2d 508 (10th Cir. 1985). In that case, the court held that an indirect effect that was more than 100 miles from the project site had to be considered. Under section 7 of the ESA, indirect effects are those effects that are caused by the proposed action, are later in time, and are reasonably certain to occur throughout the life of the project.

We completed our final EIS for a proposed rule to authorize incidental take of manatees from watercraft access and operation in Florida under the Marine Mammal Protection Act, and have attached a copy of the literature cited section for your reference. (See Attachment 1). A significant portion of the EIS is devoted to discussing the relationship between watercraft use and incidental take of manatees. Specifically, Ackerman et al. (1995) demonstrated that a positive correlation exists between watercraft use of Florida's waterways, access facilities, and watercraft-related incidental take. The evidence of watercraft-related incidental take of manatees is based on probabilities and trends and a thorough assessment of the action, the effects of the specific action on manatees, and any conservation measures that may minimize these effects. As the absolute number of access structures increase, so does the incidence (or probability) of the occurrence of watercraft related incidental take of manatees. Incidental take of manatees is reasonably certain to occur as additional watercraft access structures are added to Florida's waterways, if appropriate measures are not in place.

Authorizing watercraft access activities (building of docks, marinas, boat ramps; conducting boat races; etc.) by Federal agencies in manatee-inhabited areas indirectly affects manatees by increasing the likelihood of manatee mortality, injury, or harassment resulting from interaction or collisions with boats associated with the permitted facility. For example, the Florida Marine Research Institute (FMRI) database now documents 1,184 living individuals scarred from collisions with boats. Most of these manatees (1,153, or 97 percent) have more than one scar pattern, indicating multiple strikes with boats. Carcasses examined at necropsy also bear healed scars of multiple past strikes by boats; one extreme case, recently noted by the FMRI, had evidence of more than 50 past boat collisions (O'Shea et al. 2001). Placement of boat access points has the potential to concentrate boating activities to that particular vicinity based on the use of the waterways. If this area is frequented by manatees, the likelihood of boat collisions with manatees is increased proportional to the number of boats using the area, given that the boats may be operated in a manner and at a speed that could result in collisions with manatees. (Ackerman et al. 1995) Simply put, more boats in areas used by manatees will increase the likelihood of boat strikes.

8. What is the current number and acreage covered by Habitat Conservation Plans? What is the estimated cost to the Service and to the recipient for completing a HCP?

As of March 31, 2003, we have issued permits for 416 Habitat Conservation Plans (HCP) affecting 38,388,495 acres.

The estimated costs to the Service and the permit recipient of completing an HCP vary dramatically. The number of species that are covered by the permit, the size of the area covered, the number and range of stakeholders involved, the types of covered activities, and the necessary level of environmental documentation are all among the factors that affect the complexity of any HCP effort and its likely cost. We lack the information necessary to estimate the total costs of permit applicants in developing and finalizing an HCP; however, the grants we have awarded through our Cooperative Endangered Species Conservation Fund - HCP Planning Assistance Grants Program provide a rough idea of the scope and range of costs to permittees. In 2002, we awarded 24 HCP Planning Assistance Grants, for an average grant amount of about $275,000; the range of awards was from a low of $60,000 to a high of $1,066,505. These amounts underestimate the total costs to the permit applicants, both because of section 6's cost-share requirements and because many permit applicants have already undertaken significant work towards the HCP before applying for a Planning Assistance Grants.

We also do not have the information needed to estimate the costs to the Service of completing a typical HCP. For the same reasons described above for applicants, each HCP varies, and the Service's workload for each also varies significantly. Moreover, we do not allocate funds on an HCP-by–HCP basis, and as of yet we have not tracked expenditures on each particular HCP; without this information, we cannot provide an accurate estimate.

9. How many species are now covered by recovery plans? How many species have been declared recovered? What is the estimated cost to recover all of the domestic species currently listed in the United States?

Of the 1,254 U.S. species listed at the end of Fiscal Year 2002, 1,000 species (80 percent) are covered by an approved recovery plan. Over the years, 11 U.S. species have been delisted because they are considered recovered. These are the Aleutian Canada goose, the American alligator, the American peregrine falcon, the Arctic peregrine falcon, the east coast population of the brown pelican, the gray whale, the Palau fantail flycatcher, the Palau ground dove, the Palau owl, Robbins cinquefoil, and the Rydberg milkvetch. Several more species have achieved their recovery goals, and the Service is preparing proposed or final rules to delist them. Additional species have improved in status to the point of nearly meeting their delisting criteria. In our assessments conducted to prepare the Fiscal Year 2002 Recovery Report to Congress, a report on the status of U.S. species listed as threatened or endangered under the ESA, the Service considered 314 (25 percent) of the 1,254 listed species to be stable or improving in status since 1996.

Recovery plans include an estimate of the costs to recover the species. However, we have not compiled this information into a single estimate of the costs to recover all species. Also, because some recovery plans were developed many years ago, the figures may no longer be reasonable estimates of the costs to recover the species. The Service has begun development of a database to identify recovery tasks identified in recovery plans and to track their implementation. The database will include cost estimates and other useful information. In addition, the Service is beginning development of guidance on the estimation of recovery costs to improve the quality and consistency of these estimates. We will provide this information to the Committee once it is completed.

The Service has also not calculated how much it would cost to recover all of the domestic species currently listed in the U.S. The scientific community has studied the cost of recovery in more detail. For instance, a paper published in Bioscience (The Endangered Species Act: Dollars and Sense? Miller et. al., February 2002) suggests that an increase of $300 million per year above current spending would result in improved levels of recovery for many more species. The Service neither supports nor refutes this estimate. The Service's Fiscal Year 2004 budget request includes $62 million to be used for funding the highest priority recovery actions.

10. What is the current number of priority projects listed in the capital and equipment maintenance backlog? What is the total dollar amount of the maintenance backlog?

The National Wildlife Refuge System's (NWRS) Condition Assessment Program was established in Fiscal Year 2001 to systematically assess the condition of refuge system's real property. The condition of all NWRS property with replacement costs at more than $50,000 will be assessed every 5 years. Refuge system maintenance databases have been modified to meet Department of the Interior (Department)

standards and data requirements for property condition assessments. The 5-year program to complete comprehensive conditions assessments for all field stations is presently on target. To date, 40 percent of all facilities have had comprehensive condition assessments completed through the field inspection stage. Facility Condition Index (FCI), which is the ratio of deferred maintenance needs to replacement costs will ultimately be used to rank and verify facility maintenance needs at field stations and provides information for strategic Departmental planning within the NWRS.

There are 9,159 projects identified and included in the Service Assets Maintenance Management System (SAMMS) that may be funded through deferred maintenance: 8,396 projects have deferred maintenance components; 863 projects suitable from funding from the Construction budget have deferred maintenance components. Comprehensive Condition Assessments are still underway to evaluate all field facilities. As noted above, these assessments require 5 years to fully complete and are currently in their third year.

The Refuge System has a diverse equipment fleet that includes about 4,000 transportation vehicles and about 4,000 items of agricultural and construction equipment. Since equipment repair and replacement is not considered deferred maintenance, there is no backlog figure available for equipment.

The Service regularly produces deferred maintenance and construction plans to ensure that the highest priority projects are funded each year.

The Service's Fiscal Year 2004 budget request includes $75 million for deferred maintenance, including $7 million for heavy equipment replacement, and $13 million for refuge construction for the highest priority needs.

11. How much has the Bush Administration requested for refuge maintenance funds in the past three years? How does this compare with the prior four years and eight years of the Clinton Administration?

Refuge Maintenance budget history for the requested time period is displayed in the table below:

NWRS – 1262	Fiscal year	Requested
	2004	109,136
	2003	107,729
	2002	82,729
	2001	51,743
	2000	52,689
	1999	46,589
	1998	17,140
	1997	20,539
	1996*	20,226
	1995	53,941
	1994	53,612
	1993	52,925

* 1996 reflects shift of maintenance to operations to show all salaries in operations.

12. How large is the invasive species problem in the National Wildlife Refuge System? What are the top five invasive species that you must confront?

A formal survey of managers, administrators and biologists on National Wildlife Refuges led by researchers at Colorado State University, determined that 80 percent of the refuges have identified invasive species problems. The problems are caused by more than 670 nonnative plant species, non-indigenous animals and emerging diseases. Management actions to control invasive species have been taken on over 300 separate refuges and we have identified other invasive species projects that exceed $150 million within the NWRS. The magnitude of the problem varies from site to site, but in all cases refuge-managed natural resources are being adversely affected.

Since different geographical regions are affected by different species it is extremely difficult to determine the "top five" invasive species affecting National Wildlife Refuges. Among the most insidious plant invaders on refuges are salt cedar, leafy spurge, perennial pepperweed, Canada thistle, Brazilian pepper tree, purple

loosestrife, Australian pine, Chinese tallow trees, old world climbing fern, and melaleuca. Exotic/nonindigenous animals affecting refuge resources include tilapia, Norway rats, Asian carp, nutria, Asian swamp eels, brown tree snake, feral goats, and wild pigs. In addition, diseases such as the West Nile Virus have created a threat to wildlife as well as human health. Many of the species that are creating problems on refuges have also been identified by other agencies as issues that need to be addressed. The multi-agency National Invasive Species Council has identified salt cedar, leafy spurge and yellow star thistle, Asian carp, brown tree snake and emerald ash borer as some of the highest priority invasive species for all federal agencies. If required to identify only five of the species as our highest priorities for action, we would likely include salt cedar (Tamarisk), leafy spurge, melaleuca, perennial pepperweed and Canada thistle based on information regarding impacts to native species and their habitats and the magnitude of the problems caused by these species throughout the NWRS.

13. How will the $800,000 request for nutria eradication in Maryland be spent?

The Service will utilize the $ 800,000 in accordance with the Nutria Control Project Plans. The project is a partnership of 27 federal, state, and private partners with a management team comprised of Maryland Cooperative Fish and Wildlife Research Unit (USGS), Maryland Department of Natural Resources, University of Maryland Eastern Shore (UMES), and the U.S. Fish and Wildlife Service (Blackwater NWR & the Chesapeake Bay Field Office). Funding will be dedicated exclusively to this pilot eradication effort and will fund the salaries of the 14 trappers, a trapper supervisor and technicians as appropriate, and the procurement of equipment necessary to accelerate and expand the eradication effort level of intensity and its geographical extent. Intensive harvest will continue at Blackwater NWR, Tudor Farms, and Fishing Bay State Wildlife Management Area. Expanded eradication efforts will focus on public and private lands where marsh restoration activities are being implemented by the Corps of Engineers.

Summary of FY 2004 planned spending categories:

USDA/Wildlife Services	
Contract (52 percent, Trapper Salaries)	$392,000
Biological Technicians (GS 04/Term)	$ 42,000
USFWS Ecological Services Chesapeake Bay Field Office	
Vehicles (Lease, gas, maintenance)	$ 98,000
Boats (Boats, motors, trailers, gas, maintenance)	$ 45,000
Building maintenance, electricity, gas	$ 15,000
Project-specific equipment (traps, stakes, boots, etc)	$ 66,000
Field equipment (GPS, Binoculars, Spotlights)	$ 15,000
Computers/Software/Databases	$ 8,000
Safety Equipment/Training	$ 14,000
Miscellaneous Supplies	$ 15,000
Administrative Overhead	$ 60,000
Student Support	$ 30,000

14. How many individuals now volunteer their time in the National Wildlife Refuge System? What is the dollar value of their labors?

In Fiscal Year 2002, a total of 34,408 volunteers provided their time, talents and skills to the National Wildlife Refuge System. Their contributions are valued at $12.2 million.

15. What is the Service proposing for the Midway Atoll National Wildlife Refuge in Fiscal Year 2004?

The Fiscal Year 2004 President's Budget includes an increase of $1.0 million to address critical operations needs at Midway Atoll NWR, which would increase the base operations budget to $1.5 million. The Service's Five–Year Deferred Maintenance Plan also includes $460,000 in Fiscal Year 2004 to address critical health and safety deficiencies at Midway Atoll NWR.

The requested increase will be directed towards the highest priority refuge operations and maintenance needs. Operations funding will provide fuel, transportation,

equipment and supplies to support existing staff. It will also be used to address the highest priority refuge maintenance needs at Midway Atoll NWR.

The $3.5 million provided in the Fiscal Year 2003 Transportation bill (P.L. 108–7) will be used to cover Fiscal Year 2003 airfield and related infrastructure costs once the interagency agreement between Department of Transportation (DOT) and the Service is signed.

The Service continues to work with other stakeholders, including the Department of Transportation, to develop a long-term operations and maintenance funding strategy for the airfield and supporting infrastructure at Midway Atoll NWR. Fiscal Year 2003 Appropriations report language prohibited the Service from covering airfield and related support infrastructure expenses from within its budget, beyond the requirements associated with refuge operations and maintaining a reasonable level of visitor access.

16. There are many communities, especially those in the Northeast and Midwest, that have experienced increasing, significant and economically damaging conflicts with the growing numbers of Canada geese that have become "resident" by failing to migrate to nest. The negative economic impact at some sites, including golf courses, parks and beaches has reached thousands, sometimes tens of thousands of dollars each year at each site. Some communities and individuals have begun to develop efficient and cost effective public private partnerships to control the population growth of Canada geese in their area using their own staff or trained volunteers to treat goose eggs. Unfortunately, the long application processing periods of your agency kept many of these communities from implementing their program last year because permits were not processed before nesting season began in late March or early April.

Even more distressing, the Hadley Regional office is now telling applicants that there is a six month backlog of applications which means those entities that wish to treat eggs this spring will not be able to begin because they will be unable to get the required approval from your agency. Last year thousands of additional geese were added to this problem because localities were told by your agency that they applied "too late" even when they applied months in advance. This year, potentially thousands more geese will be added to this number. Communities in Massachusetts, Connecticut, New York, Pennsylvania and Virginia, and others are all either waiting for or have been discouraged from even applying for these permits.

What can the agency do, considering the negative consequences of allowing additional geese to be added to the resident population, to ensure that every community, property owner or commercial operation that applies for a permit this spring, with a two week or more window before nesting begins, has the application processed and given due consideration?

The Service is aware that the communities in the Northeast are experiencing increasing, significant, and economically damaging conflicts with resident Canada geese. We have taken several measures to be responsive to the growing need to address Canada goose management locally. For instance, in 1999, we issued regulations for a special Canada goose permit to provide state wildlife agencies the ability to manage and control resident population Canada geese. These permits can authorize addling of eggs from March 11 through August 31. Fourteen states have taken advantage of these special permits, including Delaware and New York in the northeast.

In addition, the Service published a Draft Environmental Impact Statement (DEIS) to address resident Canada goose management. The preferred alternative, if adopted, would allow state wildlife agencies (or their agents) to conduct or authorize direct control of resident geese including the take of birds, nests and eggs, and provide states needed flexibility. Depending on a state's selection of control strategies, the number of Service-issued permits necessary to address nuisance geese is expected to decrease significantly.

While we are completing the Final EIS and associated regulations, we have implemented a number of actions to help streamline the permitting process and facilitate timely issuance of Canada goose permits, including the following.

Of the Service Regions issuing Canada goose egg addling permits, the Northeast Regional Permit Office processes the greatest number. That Region has taken several measures recently to streamline the permitting process. Among other things, they recently implemented a streamlined biological review process to reduce processing time. Each year, prior to the nesting season, staff biologists will assess populations and document compliance with National Environmental Policy Act. Completing and documenting the biological review programmatically in advance of the nesting season will facilitate processing of most addling permits. In addition, the scope of issued permits has been broadened to accommodate the needs of entire mu-

nicipalities, as well as county park agencies, to addle Canada geese eggs. The Region also has begun mailing permit renewal forms in September each year to encourage more timely submission of renewal requests for the following season.

The Northeast Region has already issued more than 350 addling permits for the 2003 nesting season, including all applications received by January 31. While our regulations advise applicants to submit applications 60 days in advance, we are making every effort to process addling applications within 30 days of receipt. The Service processed nearly 2000 depredation permit requests last year, over half of which were in the Northeast Region. We will continue to implement measures to facilitate timely processing of permits while ensuring compliance with the Migratory Bird Treaty Act and other applicable laws and regulations.

17. One significant criticism of the process of approving permits is that the agency requires the same application and consideration of applicants requesting authority to addle or oil eggs as for other "depredation" options. While the agency may wish to give analysis to requests for lethal takes, the agency rarely if ever, denies a permit for addling nests. Because, by definition, Canada geese which nest in the United States, are not part of the migratory flocks that FWS has a strong interest in protecting, and because an analysis of other control methods requires additional scrutiny, why doesn't FWS separate the non-lethal egg addling depredation permit from other options and expedite the process for property owners requesting only egg addling or oiling.

Recognizing the limited period during which egg addling can be conducted, the Service already separates Canada goose egg addling permits from applications for other types of depredation permits and assigns them priority for processing.

18. When communities try to solve their Canada geese nuisance problems in urban and suburban communities, a significant controversy arises in the community when there is a suggestion to round up the geese during the molt. What can the agency do to promote effective solutions for non-controversial population stabilization methods for Canada geese like egg addling or oiling that build, not destroy communities?

In conjunction with an overall management program egg addling or oiling can be an effective and relatively non-controversial means of managing local resident Canada goose populations, and we support community efforts to address local depredation problems. We will continue to seek and implement measures to streamline the application process and expedite processing of permits.

19. We understand that the agency has been aware for a number of years that the regulations in place, designed to protect growing numbers of Canada geese, are draconian and unnecessary for resident flocks given their extreme proliferation and unnatural commitment to residing year round on one site. The agency has been in the process of revising regulations related to the management of Canada geese for over three years. The final rule is expected to require that states become the regulators with an unfunded mandate. Several states have objected to this additional burden in the proposed rule and may sue the agency. This will surely delay your agency from accomplishing any reform. Why not implement reform for the system today to streamline the application process and relieve your workload for addling/oiling permit applications and place on a separate track the more contentious issues.

The process of revising the regulations relative to the management of resident Canada geese is a complex issue and process. The associated DEIS on Resident Canada Goose Management is a comprehensive programmatic plan intended to guide and direct resident Canada goose population control and management activities in the conterminous United States. As such, it requires extensive Flyway, state and public participation. The objective of the DEIS and any ultimate proposal is to provide a regulatory mechanism that will allow state and local agencies, other federal agencies, and groups and individuals to respond to damage complaints or damages by resident Canada geese. Any strategy should be more effective than the current system, and should be environmentally-sound, cost-effective, and flexible enough to meet the variety of management needs found throughout the Flyways. Further, the management strategy should not threaten viable resident Canada goose populations, as determined by each Flyway Council, and must be developed in accordance with the mission of the Service.

We believe that the preferred alternative meets these objectives. However, we are aware that some states may view the strategy unfavorably, or with uncertainty. Our analysis indicates that depending on the states" selection of management strategies, workload could vary widely under the preferred strategy. In participating states, decisions regarding resident Canada goose management activities would fall to the

state. In those nonparticipating states, most workloads regarding resident Canada geese would be largely unaffected. In no case does this constitute an unfunded federal mandate, as state participation would be voluntary and based on their own decision as to whether they believe this is the approach they want to adopt.

We believe the "State Empowerment" alternative provides states the most flexibility to deal with resident Canada goose damage management activities. States are provided with a menu of available management options ranging from specific depredation orders dealing with airports, agriculture, public health, and nests and eggs, to increased hunting opportunities both inside and outside the Treaty frameworks. Thus, states are able to choose and implement only those specific programs they are either comfortable with, have experience with, or believe to be the best available option to deal with goose conflicts and populations in their respective states.

Further, there is no federal requirement in any of these management alternatives for the state to issue permits or subpermits to those allowed to conduct management activities. If a state wishes to keep detailed records of those parties allowed to conduct management activities or issue permits, it may do so. However, if a state merely wishes to grant, through an order of their choosing, a certain group of entities or individuals the authority to conduct resident goose damage management activities, it may also do so. The only federal requirements, other than overall program restrictions, are to monitor the spring breeding population and annually report the number of geese (adults, gosling, nests, and eggs) taken within the state. These requirements are necessary in order to adequately assess population status and the effectiveness of management activities.

20. Why has the administration requested no money for Canada geese depredation?

The Service is aware that damage complaints to personal and public property, agricultural damage, and concerns related to human health and safety caused by populations of Canada geese have been increasing over the past few years. Some of these problems are attributed to increasing populations of Canada geese, while others are more closely related to goose distribution issues. Given our priorities, we continue to try and work within available resources to meet these increasing public needs. Through cooperative relationships with our state and federal partners, we are working extremely hard to develop integrated management strategies for nationwide Canada goose management while continuing to strive towards state and Flyway established management goals and objectives for the various populations. Once management strategies are fully developed, we will work with all of the affected parties for full implementation.

21. What is the status of management plans for light geese and double crested cormorants?

Light geese: In October 2001, the Service made a DEIS on light goose management available for public comment. The following four alternatives were analyzed.

A. No Action.
B. (PREFERRED ALTERNATIVE) Modify harvest regulation options and refuge management.
C. Implement direct light goose population control on wintering and migration areas in the U.S.
D. Seek direct light goose population control on breeding grounds in Canada.

The public comment period on the draft document closed on January 25, 2002. Public comments on the Draft EIS were submitted by 486 individuals, agencies, and organizations. Approximately 63 percent of comments supported implementation of light goose population control. Most supporters of control favored alternative B. However, some Flyway Councils and several state agencies suggested that a new alternative be developed that includes aspects of Alternatives B, C, and D above. In addition, it was suggested that methods of take should be revised to include (among other methods) the adoption of baiting regulations during the conservation order that are similar to dove baiting regulations. The Service will include analysis of a new alternative in the Final EIS that includes aspects of alternatives B, C, and D above. For this alternative, a two-phase approach will be developed that will continue to use regulations to increase harvest of light geese (e.g., a conservation order) and, if needed, a second phase would provide for direct control of the population by the agency.

It is anticipated that a Final EIS and subsequent final rule will be published sometime this summer. If either the current preferred alternative, or the new alternative, are adopted, state agencies will be provided with regulatory options that will maintain increased harvest of light geese during the 2003–2004 regular season, and a conservation order during spring 2004 and beyond. Adoption of the preferred alternative would also allow Atlantic Flyway states to implement new regulations to

increase harvest of greater snow geese. New actions are not currently being proposed for the Pacific Flyway. However, inclusion of the Pacific Flyway may become necessary if habitat damage becomes evident in the western Arctic, or if additional harvest pressure is needed for birds that breed in the central Arctic and winter in the Pacific Flyway.

Cormorants: The DEIS on double-crested cormorant management was completed in December 2001. The proposed rule, which is the regulatory implementation of the preferred alternative in the DEIS was published in the Federal Register on March, 17, 2003. Following a 60-day public comment period on the proposed rule, the final rule and Final EIS are planned for completion in the fall of 2003. Our preferred alternative would authorize state fish and wildlife agencies, APHIS - Wildlife Services, and Tribes to control double-crested cormorants without a Service permit where necessary to protect public resources (fish, wildlife, plants, and their habitats) in 24 states.

22. What is the status of efforts to reduce the exploding population of light geese?

From 1955–1998, the winter index (a partial count of the entire population) of light geese in the mid-continent region increased from approximately 693,000 to nearly 3.2 million birds. In February 1999, new regulations were published that authorized new methods of take (unplugged shotguns, electronic calls) and a conservation order for light geese. Among other changes, the conservation order allowed take of light geese after the closure of regular hunting seasons on March 10. In the 5 years prior to implementation of the new regulations, the average harvest of light geese in the U.S. portions of the Central and Mississippi Flyways was approximately 488,000 birds per year. New regulations resulted in an increase in the harvest of mid-continent light geese to over 1.1 million during the 1998–1999 regular season and spring 1999 conservation order, combined. In the subsequent three years, the total annual harvest has ranged from 900,000 to 1.4 million birds. Inclusion of harvest in Canada increases the range in harvest during 2000–2002 from 1.0 to over 1.5 million birds.

This effort to increase harvest clearly has had an effect on the light goose population. Following the peak in the winter index of 3.2 million birds in 1998, the population experienced 3 successive years of decline to 2.6 million birds in 2001. However, favorable nesting conditions and good production of young resulted in an increase to 2.9 million birds in 2002. The increase would have been even higher had it not been for the increased harvest level. These statistics show the complexity of managing a wildlife population at a continental level. Population modeling indicates that an annual harvest of 1.4 million birds should achieve the goal of reducing the population by 50 percent. Although the target level of harvest may not be reached every year, we believe that implementation of new harvest regulations during the past 4 years has been successful and that more drastic measures of direct population control may not be necessary in the immediate future.

23. Has the critical habitat of the Hudson Bay region been spared further destruction from light geese?

Extensive grazing and grubbing of above and belowground plant material by light geese causes the removal of the vegetative mat, which protects underlying sediments, and results in the eventual desertification of saltmarsh habitat. Under such conditions there may be little or no chance of plant recovery within 25–50 years, or more. Of the 135,000 acres of coastal salt marsh habitat in the Hudson Bay Lowlands, 35 percent is considered to be destroyed, 30 percent is damaged, and 35 percent is overgrazed. Due to the remoteness and expense of conducting research in the arctic, no studies have generated quantitative estimates of yearly habitat loss. However, comparison of infrared satellite photos from 1984 and 1993 suggests that vegetation decline in La Perouse Bay alone has been approximately 393 acres per year. Observations by biologists indicate that habitat degradation and loss is occurring at other sites in eastern and central arctic and subarctic regions.

Although the number of light geese has been reduced through management action, large numbers of geese continue to occupy arctic and subarctic breeding areas. Therefore, damage to habitats will continue to occur, but likely at a reduced rate. Achievement of the goal of a 50 percent reduction in the mid-continent light goose population should result in decreased grazing and grubbing pressure on remaining habitats. However, long-term vegetation studies will be needed in order to monitor habitat response to light goose management actions. Information from such studies should be used in an adaptive management approach to help us better understand goose-plant relationships and determine the optimum size of the light goose population.

24. Why has the D. C. Booth National Fish Hatchery in South Dakota been designated as an historic hatchery and what does that mean?

The D.C. Booth Historic National Fish Hatchery in Spearfish, South Dakota, was established in 1896 and is one of the oldest remaining Fish Hatcheries in the country. The facility includes a high number of preserved historic structures and is listed as a historic district on the National Register of Historic Places. With a large and growing collection of historic fisheries material, the Service designated D.C. Booth as an historic hatchery in 1989 "to protect and preserve fishery records and artifacts for educational, research, and historic purposes, and provide interpretive and educational programs for the public."

With the addition of a 10,000 square foot controlled environment building in 1995, D.C. Booth provides the Service with a museum collection facility that meets Department of the Interior directives and standards for the preservation of heritage and cultural resources, and houses the largest collection of historic fisheries conservation material in this country. Operation of the site is shared through a series of partnerships with the South Dakota Department of Game, Fish and Parks; the City of Spearfish, South Dakota; the American Fisheries Society; and the Booth Society, the oldest and largest "Friends" group in the Fisheries Program. Using the collection and historic site for interpretation and educational purposes, D.C. Booth shares the history and values of fisheries conservation with 150,000 annual visitors. In addition, D.C. Booth's unique collection of historical documents and other reference materials, much of which is provided by other Service facilities and would otherwise be lost, is made available to meet a growing number of research requests from federal, state, university, and private entities each year relating to hatchery operations, fish culture and techniques, and other fisheries science and conservation topics.

25. What is the backlog of maintenance projects at our National Fish Hatchery System? What is the average age of these hatcheries?

The National Fish Hatchery System (NFHS) has been conducting condition assessments of its field stations for the past two years, completing 25 assessments (32 percent) out of its 79 field sites. These assessments have been certified by the National Condition Assessment coordinator. The NFHS will continue to work with the Department, the Service's Division of Refuges and Engineering, and its regional and field coordinators in implementing two significant improvements in the management of the Service's facility information: condition assessments and Service Assets Maintenance Management System (SAMMS).

There are 1,426 identified deferred maintenance (rehabilitation and repair) projects included in the Service Assets Maintenance Management System (SAMMS). Of these 1,426 deferred maintenance projects, 643 projects estimated at $181 million involve critical water management assets and are considered highest priority, i.e., those assets that directly influence the quality or quantity of water delivered and discharged, or assets that determine the actual rearing or holding environment of the fish or other aquatic species being held.

The Service's Fiscal Year 2004 budget request includes $17 million for the highest priority maintenance needs, including a increase of $3 million for deferred maintenance over the Fiscal Year 2003 request.

The average age of the NFHS's 86 field stations (which include 69 National Fish Hatcheries, 7 Fish Technology Centers, 9 Fish Health Centers, and 1 Historic NFH) is 55 years old, with 66 percent of them over 30 years old.

26. How much is requested for hatchery maintenance in Fiscal Year 2004?

In Fiscal Year 2004, a total of $17.215 million is requested for hatchery maintenance, a significant increase of $3 million over the Fiscal Year 2003 request.

27. Why are there no funds requested for the Cooperative Conservation Initiative in 2004?

Actually, the 2004 request includes a total of $113 million for a second year of the Cooperative Conservation Initiative (CCI), which reflects Secretary Norton's emphasis on building partnerships for the conservation of natural resources and provides expanded opportunities for land managers to work with landowners and others to participate in creative conservation partnerships. Of this total, over $70 million is targeted to Service programs.

Revised from last year's proposal, the initiative builds on existing conservation partnership programs that have successfully established productive relationships with local communities and citizens. Nearly half of the CCI, or $54 million, will be implemented through the challenge cost share programs of the Department's three land management agencies. The remaining programs include the Service's Partners for Fish and Wildlife Program, the Joint Venture Program, and the Coastal Program, as well as the Park Service Public Lands Volunteers Program.

An agency-by-agency breakout is provided below:

Bureau of Land Management	
Challenge Cost Share Program	$21.0 million
Fish and Wildlife Service	
Refuge Challenge Cost Share Program	$11.9 million
Partners for Fish and Wildlife Program	$38.4 million
Coastal Program	$9.6 million
Migratory Bird Joint Venture Program	$10.4 million
National Park Service	
Challenge Cost Share Program	$21.0 million
Public Lands Volunteers Program	$1.0 million

28. Please provide the total number of conservation projects, the dollar amount appropriated, private matching funds, number of affected range states and updated population figures on African elephants, Asian elephants, rhinoceros and tigers, great apes and Neotropical Migratory Birds?

Attached are two charts that provide the requested information. The first displays the number of grants awarded, the range countries affected, the dollar amount appropriated, and matching funds, including the amount matched with in-kind services for the African Elephant Conservation Act, Asian Elephant Conservation Act, Rhinoceros–Tiger Conservation Act, Great Apes Conservation Act and the Neotropical Migratory Bird Conservation Act. (See Attachment 2). The second provides population figures for African elephants, Asian elephants, rhinoceros and tigers, and great apes. (See Attachment 3).

With respect to Neotropical Migratory Birds, about half of the 341 species of neotropical migratory birds are known to have declining populations. In addition, the Service has identified 62 Neotropical migrants on its list of "Birds of Conservation Concern" including the Swainson's hawk, Red Knot, wood thrush, and Cerulean warbler.

29. The Administration has requested $3 million for the Neotropical Migratory Bird Conservation Account. What is the justification for this figure? Are neotropical birds in greater peril of extinction than rhinos, tigers or certain great ape species?

The Neotropical grants program has identified a significant unmet need, with demand for these funds far exceeding the supply, partially because those species did not benefit from a sustained conservation program in the past directed at neotropical migratory birds. Conservation activities are needed throughout the Western Hemisphere for more than three hundred species, and a budget of $3 million, requested through the Multinational Species Conservation Fund, would allow the Service to address the highest priority projects to conserve neotropical birds. About half of these birds have declining populations, and some are threatened with extinction. The Service has identified 62 Neotropical migrants on its list of "Birds of Conservation Concern," those that are likely to become candidates for listing under the Endangered Species Act. Some examples include Swainson's hawk, Red Knot, wood thrush, and Cerulean warbler.

30. How much additional funding do neotropical migratory birds receive under other Fish and Wildlife Service programs?

The Service does not track funding data in this fashion. However, other Service programs can benefit neotropical migratory birds but are not specifically designed to fund critical conservation needs for these species, and almost all do not extend conservation activities to the full range of the species in Latin America. Nevertheless, other Service programs benefit neotropical migratory birds, waterfowl and many other species of wildlife, including the North American Wetlands Conservation Fund (U.S., Canada, and Mexico), Partners for Fish & Wildlife, Coastal Program, Endangered Species, Habitat Conservation, National Wildlife Refuge System, Migratory Bird Management, Law Enforcement, and State Wildlife Grants.

The Service's Wildlife Without Borders—Latin America and the Caribbean and Wildlife Without Borders—Mexico programs could also potentially benefit neotropical migratory birds beyond U.S. borders through training, educational opportunities, capacity building and field projects.

31. How many permits will be reviewed and issued by the International Affairs office in Fiscal Year 2004?

During Fiscal Year 2004, approximately 6,000 permits will be reviewed and, if past trends are any indication, 90 to 95 percent of these will be issued. These permits include import or export of internationally protected plant and animal species for purposes of species management and scientific research to conserve populations in the wild, as well as to ensure that all trade is conducted in a legal and sustainable manner. They are issued under a number of wildlife conservation laws and treaties. In most instances, we issue one permit when a species is protected under more than one law and treaty.

32. How many polar bears have been imported from approved populations in Canada?

Between April 1997 (when regulations authorizing these imports went into effect) and December 31, 2002, the Service issued import permits and collected issuance fees for 504 polar bear trophies sport hunted by U.S. citizens in Canada from approved populations. This includes pre–Amendment trophies (bears taken prior to the enactment of the Marine Mammal Protection Act Amendments of 1994.)

33. Does the Service expect to approve additional Canadian polar bear populations in Fiscal Year 2004?

In response to new information from Canada on the Gulf of Boothia population, and a request to approve this population, the Service is currently conducting a review of whether the Gulf of Boothia polar bear population should be added to the list of populations approved for the import of sport-hunted polar bears by U.S. citizens.

In order to ensure that our review of the population is based on the most current information and accurately reflects Canada's management program, we have requested additional information from the Canadian Wildlife Service. This request seeks information on management, quotas, and population models used for the polar bear population in the Gulf of Boothia, as well as on Canada's overall polar bear management program. If we determine that the new information warrants a change in the status of the Gulf of Boothia polar bear population, we will initiate a proposed rule making, including a Federal Register notice with a request for public comments, regarding the approval for import of sport-hunted trophies from this population. We anticipate that a decision on this population will be completed during late Fiscal Year 2003 or early Fiscal Year 2004.

34. Please describe the construction of a hangar at the Anchorage International Airport? Why is it necessary and why is the cost of construction the responsibility of the U.S. Fish and Wildlife Service?

The Department of the Interior's Office of Aircraft Services" (OAS) mission is to maintain and operate Government-owned aircraft operated by Departmental bureaus, such as the Service. OAS is located next to the Ted Stevens Anchorage International Airport (AIA) on a Service-owned 11-acre site at the Lake Hood float plane base. Outdated construction and safety concerns severely affect the existing hangar/aircraft maintenance building. It is deficient in several areas, including soil and groundwater contamination, asbestos, no storage separation for fuels and other flammable materials, faulty wiring, incompatible uses, and an open-flame heating system. It is not energy efficient. The OAS cannot maintain all functions on a smaller site without constructing a new building for administration, hangar space, storage and related site improvements. If construction is not completed, administrative support of aircraft operations, aircraft parking and secure storage will be lost, which will severely hinder efficiency. The new facilities will substantially reduce critical mission deferred maintenance needs such as encapsulating asbestos, separating the storage of fuel and other flammable materials, replacing faulty wiring, maintaining the open-flame heating system, and completing other corrective maintenance tasks. The new facility will improve OAS operating efficiency by eliminating the need to relocate functions lost by the AIA expansion. In addition, the safety risks to OAS pilots, staff and passengers will be reduced. Because the hangar is on Service property, the funding is being requested through the Service's budget.

35. Please update the Subcommittee on the status of the visitors center at the Chincoteague National Wildlife Refuge?

The construction of the Herbert H. Bateman Educational and Administrative Center on the Chincoteague National Wildlife Refuge is slightly behind schedule; however, both the construction of the buildings and the fabrication of the exhibits are proceeding without major difficulties. The Administrative Building and the Educational Building are expected to be completed in May and June of this year, respectively. The exhibits will be installed in August and September with a grand opening planned in October 2003.

36. Why has the Big Muddy National Wildlife Refuge in Missouri been listed as the top land acquisition priority?

The Land Acquisition Priority System (LAPS) is designed to: (1) document land acquisition needs and opportunities nationwide; (2) prioritize land acquisition projects submitted by the regions; and (3) serve as the starting point for the annual land acquisition budget request. The LAPS is a dynamic ranking process comprised of a project summary and four components that are each associated with Service trust resources. The components are: Fisheries and Aquatic Resources; Endangered and Threatened Species; Bird Conservation; and Ecosystem Conservation.

Each of the components is worth a maximum of 200 points and the project summary is worth up to 50 points, for a total maximum score of 850 points. Each project is scored in every component to yield a cumulative score. The same questions are used for each project to provide consistency. Also, the criteria are biologically based and create a biological profile for the project. The Big Muddy NWR has a LAPS ranking of 686 out of a possible maximum of 800, this is the highest of all projects currently in LAPS. This ranking is composed of a score of 165 for fish and aquatic resources; 171 for endangered and threatened species; 180 for bird conservation and 170 for ecosystem conservation. Also, the project supports and complements the Missouri Department of Conservation's 10-year fisheries strategic plan for the Missouri River.

The pre-settlement Missouri River was subject to large seasonal variations in flows which coursed through a 1,500 feet to one-mile-wide braided channel that was constantly eroding and shifting. These dynamic conditions resulted in a diversity of riverine and floodplain habitats including sheltered backwaters, sloughs and chutes, oxbow lakes, sandbars, gravel bars, mud flats, timbered islands, deep pools, shallow water areas, marshes, seasonally flooded bottomland forests, and wet prairies.

Now, due to extensive human development of the river's water supply and floodplain, most of this once rich diversity is gone. More than 90 percent of the original floodplain forests, wetlands and prairies have been converted to agricultural lands. Hydrology has also been altered and the floodplain isolated from the river through the construction of levees and other flood control structures.

Degradation and removal of remaining riverine and riparian habitats seriously threatens many of the Missouri River's native and unique fish populations. Past alterations and ongoing impacts to riverine habitats also threaten migration and breeding habitat for waterfowl, shorebirds, and other migratory birds.

The combination of drastically depleted habitats, a continuing threat to the remaining habitats, and the species richness and diversity of remaining habitats result in the highest LAPS score of all Service acquisition projects.

A Final EIS for this project was published in February 1999. The selected alternative in the Final EIS involves acquisition of 43,372 acres from willing sellers along the 800,000 acre Missouri River floodplain from Kansas City to St. Louis, Missouri and the lower 10 miles of major tributaries. This brings project authorizations up to a total of 60,000 acres. Additions could be located in any of the 20 counties that lie along this stretch of river. The purpose of these refuge additions is to preserve and restore natural river floodplain, manage fish and wildlife habitats, and provide for compatible public recreational use.

37. At the Key West National Wildlife Refuge, the Service proposes to spend $1.4 million to acquire seven acres of land. Why is the price so expensive? Please describe the characteristics and ownership of this property?

The property is Ballast Key, a 20 acre island that is the last inholding within Key West NWR. It is situated in close proximity to the resort area of Key West. The property was appraised at $5.3 million in fee title for the 20 acres. It is an improved property with two dwellings, owned by an 84-year-old man who wishes to retain a life-use reservation in the property. If appropriate, the $1.4 million will enable the Service to acquire about seven acres or approximately one-third of the property in Fiscal Year 2004. The remaining acreage would be acquired in ensuing years Acquiring this island is critical for the Refuge since it will complete the refuge and its purchase will ensure that the refuge's purpose and mission of protecting habitat for wintering populations of terns, frigate birds, white crowned pigeons, ospreys and great white heron, as well as nesting Atlantic green and loggerhead sea turtles is met.

38. Please describe the 1,091 acres that will be acquired for the Blackwater National Wildlife Refuge?

The 1,091-acre tract that is proposed to be acquired is in two ownerships and within the approved boundary of the Blackwater National Wildlife Refuge and would support the refuge's purpose of protecting high quality habitat for the American bald eagle, Delmarva fox squirrel and other endangered species, along with nesting and wintering habitat for migratory waterfowl, colonial water birds, shorebirds, and songbirds. The tract is a combination of high-quality palustrine for-

ested wetlands that are dominated by large, very mature loblolly pine, swamp white oak, red oaks, willow oak, red maple, sweet gum; and pristine emergent marshes of three square miles of bulrush and salt marsh hay that adjoin the existing refuge property. Some portions of the tract have been developed with moist soil impoundments that are currently managed for waterfowl, and these areas and the surrounding marshes support several thousand ducks and geese and many species of wading birds each year. The woodlands also support Delmarva fox squirrels and nesting bald eagles. Other endangered species include the swamp pink, and many state listed species of amphibians and reptiles. However, the single most important aspect of the tract is for the future management of forest interior dwelling songbird species that are highly area-sensitive and are most vulnerable to forest loss, fragmentation, and overall habitat degradation. Consequently, this is the one group of migratory bird species that Blackwater NWR chose to target during development of its draft Comprehensive Conservation Plan (CCP).

During the CCP process, we identified the few remaining large, contiguously forested areas that currently adjoin the refuge that would meet this minimum patch size, and determined that it would be possible to ultimately create seven mature forest cores within the refuge's approved planning boundary through reforestation, strategic land acquisition, regrowth of cut over areas previously acquired, timber stand improvement, and regeneration cuts. The most effective strategy for increasing the current number of forest cores was land acquisition or easements. Contact was made with the owners of the 1,091-acre tract since this tract is the highest priority for protection and exceeds the size requirements, composition, and other criteria for a forest core with a minimum of 865 acres.

39. Why has the allocation for the National Wildlife Refuge Fund been further decreased from 51 to 49 percent?

The 2 percent reduction in the estimated payments to counties for 2004 is primarily due to the rise in the estimated full entitlement payment to $35,000,000 in Fiscal Year 2004 versus an estimated full entitlement payment of $34,000,000 in Fiscal Year 2003. The appropriations and the net receipts available to make the payments to counties are projected to be about the same in Fiscal Year 2004. However, estimated full entitlement payments have increased by $1,000,000 due to acquisition of additional lands for the Refuge System and the reappraisal of about 175 units of the National Wildlife Refuge System.

40. Why does the Administration not support or request full funding for the National Wildlife Refuge Fund?

The Service will combine $2.9 million in receipts with the request of $14.4 million to provide $17.3 million, or almost 50 percent of the entitlement level, in revenue sharing to counties.

Given a number of other priorities, the Administration was unable to include additional funding in the 2004 request for this program. The Service notes, however, that billions of dollars trickle down to local community tax bases through outdoor recreation programs, many centered on the National Wildlife Refuge System. During 2001, for example, 23 million people fished, 13 million people hunted, and 66 million people participated in at least one type of wildlife-watching activity including observing, feeding or photographing fish and other wildlife. Along the way they spent $108 billion, or 1.1 percent of the GDP. This included spending not just on sporting equipment, but also lodging, transportation and food purchases, important to the economies of many rural areas.

41. The Administration has requested $50 million for the North American Wetlands Conservation Fund. How many acres of wetlands in Canada, Mexico and the United States will be acquired with those funds?

Based on the last five years of program accomplishments, $50 million in appropriations will result in the following acres acquired, restored, and created habitat acres:

	Acquired	Restored	Created
U.S	26,494	38,551	490
Canada	7,897	51,886	0
Mexico	569	21,240	0
Total	34,960	111,677	490

42. When will an Assistant Director be named for the Federal Aid Program? Secretary Norton made this commitment on January 30, 2003 and the Subcommittee is anxious for this person to be appointed?

The Service has obtained approval to fill the Assistant Director, Wildlife and Sport Fish Restoration Programs. The Director is currently considering the options available to fill the position and plans to make a decision in the near future.

43. Why has the amount of money allocated under the Sport Fish Restoration Program been projected to increase by $6 million?

The money allocated for the Sport Fish Restoration Program is projected to rise due to estimated increases in excise tax collections from motorboat gasoline. These receipts are deposited into the Aquatic Resources Trust Fund for subsequent distribution to the states through the Sport Fish Restoration Account.

44. How many people are now engaged in sport fishing activities?

The most current estimate is that there are 34.1 million U.S. citizens 16 years old and older who participate in sport fishing. Approximately 28.4 million participate in freshwater fishing and 9.1 million participate in saltwater fishing. These estimates were reported in the 2001 National Survey of Fishing, Hunting, and Wildlife–Associated Recreation that was recently completed by the Service in conjunction with the U.S. Census Bureau.

45. How many individuals will buy a hunting license in the current fiscal year?

Based on trends in previous years, we estimate that approximately 15 million individuals will purchase a hunting license in the current fiscal year.

46. What is the impact of the growing number of foreign made arrows that are beginning to flood the United States market without paying the required excise tax?

The financial impact of untaxed foreign-made arrows entering the United States is unclear. Neither the volume nor the value of these arrows is known from which estimates could be generated.

Excise taxes currently collected from bow and arrow manufacturers, producers, and importers are a major source of revenue for Wildlife Restoration programs. These funds are largely distributed to states by formula for grants that support wildlife conservation and hunter education and safety programs. While data is not available to separately identify revenues generated by arrows as a separate product, in Fiscal Year 2002, excise taxes on bows and arrows combined to contribute over $19 million out of total Wildlife Restoration receipts of $223 million.

47. How many new law enforcement agents will be hired in Fiscal Year 2004?

At the President's Budget request level, the Service plans to fill 18 special agent vacancies in Fiscal Year 2004, which would bring the total force to 241.

48. How many duck stamps were purchased in Fiscal Year 2002?

The sale of Migratory Bird Hunting and Conservation Stamps (Duck Stamps) are tracked on a June 30 fiscal year not a federal fiscal year, so the following totals reflect stamp sales between July 1, 2001 and June 30, 2002. During this 12 month period there were 1,694,739 duck stamps sold. Therefore, at a cost of $15 per stamp, there was $25,421,085 raised during that period for the Migratory Bird Conservation Commission.

a. What is the projection for the current fiscal year?

Based on a review of past sales, the number of waterfowl hunters nationally, and input from experts we expect that sale of duck stamps for the period of July 1, 2002 until June 30, 2003 to remain level.

49. How many additional refuge or hatcheries will seek approval to become part of the Recreational Fee Demonstration Program in Fiscal Year 2004?

We estimate that no more than 10 sites will seek to join the fee demonstration program in Fiscal Year 2004. A lot depends on whether the program is extended or made permanent. It is doubtful that many sites will seek approval for an expiring program.

The last re-authorization of the fee demonstration program, in October 2000, allowed agencies to include more than 100 sites per agency. At that time, the Service had 91 sites approved for the fee demonstration program. Since that time, we have added 18 sites, for a total of 109 sites.

50. Please describe the types of projects that have been completed at the local facilities under the Recreational Fee Demonstration Program?

Service-managed sites have accomplished a wide variety of visitor service enhancement projects, resource protection projects, and maintenance projects with fee demonstration dollars. Examples include major maintenance projects such as those at J. N. "Ding" Darling NWR, in Florida, where the refuge first upgraded its septic system and a few years later connected with the municipal sewer system. Other maintenance projects include general road and trail maintenance, building repairs, painting, safety equipment checks and upgrades, etc.

Some sites made significant visitor service improvements through sign and interpretive panel installations, replacements and upgrades. Most notable among these is Chincoteague NWR, in Virginia, which is completing a multi-year project to in-

stall new interpretive panels on the Refuge. Another visitor service amenity that fee demonstration dollars funded was the acquisition of a boat to transport students and teachers from the Texas mainland to Matagorda Island NWR as part of an environmental education effort.

With 2003 being the Centennial year of the National Wildlife Refuge System, fee demonstration dollars also enhanced Centennial celebrations across the country. Some refuges used part of their collections to purchase banners and new signage for special Centennial-related events. Monies went to purchase time capsules for each refuge and Centennial exhibits for use at special events year-round. These dollars even helped pay for the kiosk and spotting scopes at Pelican Island NWR, our very first national wildlife refuge.

Other visitor service improvements include printing of environmental education materials, development and printing of brochures and other publications, landscape improvements, etc. Our annual Progress Reports to Congress contain more detailed lists of accomplishments. These reports may be found on-line at: http://www.doi.gov/nrl/Recfees/RECFEESHOME.html

51. In terms of the acquisition of the 3,382 acres for the Alaska Peninsula National Wildlife Refuge, please describe for the Subcommittee the following:

a. What is the status of the proposed acquisition? Is there an agreement in place?

The Regional Office has made a fair market value purchase offer to corporation representatives, who plan to present the offer to their Board at the end of August; a purchase agreement has not yet been signed. In addition, an appraisal has been conducted (in accordance with the offer).

b. What is the basis for and what is included in the $750,000 figure?

Actual acquisition costs will not be available until the land is appraised. However, based on previous land sales in the Pavlof Bay area, approximately $750,000 will be required to purchase the smaller tract, totaling 3,382 acres, on the northeast side of Pavlof Bay and to pay for contract costs in conjunction with the acquisition. Purchase of the remaining 4,120 acres on the northwest side of Pavlof Bay would necessitate a separate transaction.

c. What is the nature of the interest that is to be acquired? Is it a fee estate or an easement? Is it just the surface estate or does it include the subsurface as well?

The acquisition will be for surface fee title. Non-development easements have such a low value in this area that they are generally unattractive to landowners. The purchase would not include the subsurface estate which is held by the Aleut Regional Corporation.

d. Do the acreage and dollar figures reflect the entire transaction, i.e., are other lands or interests to be acquire from the same owner (Shumagin Native Corporation) through other means?

The acreage and dollar figures included in this request only include a portion of Shumagin's total holdings on Pavlov Bay. As noted above in the answer to paragraph b., the Service intends to acquire the remaining 4,120 acres on the northwest side of Pavlof Bay. Land conservation organizations have shown considerable interest in this area and have acquired and donated (or intend to donate) a total of 51,298 acres within the Pavlof Unit. It is possible that these organizations will negotiate additional purchases in the area.

e. Does the Service intend to acquire the remaining 4120 acres owned by the Shumagin Native Corporation or any other Native Corporation lands in the same vicinity?

As noted above, the Service does intend to acquire the remaining 4,120 acres on the northwest side of Pavlof Bay. This acquisition would complete refuge ownership along the shoreline of Pavlof Bay and would safeguard the rights of area residents to use these lands for subsistence hunting and fishing.

52. The Marine Mammal Rescue Assistance Act of 2000 authorized $1.0 million for USFWS for the John H. Prescott Marine Mammal Rescue Assistance Grant Program for marine mammal species under its jurisdiction. Has the Agency requested any funds under this authority? If not, why?

The Service has not requested any funds under the John H. Prescott Marine Mammal Rescue Assistance Grant Program. The Service supports the authority created by the Marine Mammal Rescue Assistance Act of 2000 to provide assistance to eligible marine mammal stranding network participants. Stranding network participants carry out activities—including rescue and rehabilitation of stranded marine mammals, and collection of data from living and dead stranded marine mammals—that are essential to the conservation and management of marine mammal species under our jurisdiction. Much of the work performed by these organizations

can not be done by the Service, which makes their contributions even more important. Some of these organizations have expressed to us their interest in obtaining grants to assist in their work, however, due to many competing priorities and limited budgets, the Service has not yet requested funds for the program.

53. Have any marine mammal strandings occurred for species under the USFWS's jurisdiction? How has the USFWS responded to these strandings? Where did the funding come from?

Strandings of marine mammal species under Service jurisdiction have occurred. The Service has jurisdiction for manatees, dugongs, and marine sea otters, walruses, and polar bears.

Regarding sirenians (manatees and dugongs), the Service, its recovery program partners, permittees, and other federal agencies have responded to strandings. Response efforts in Florida, Puerto Rico, and the southeastern United States have been well documented. The Service began a manatee carcass salvage program in 1974, a program that continues today. Current efforts are coordinated through the State of Florida, other states, and the Commonwealth of Puerto Rico. Since 1974, salvage efforts have documented over 4,000 manatee deaths in this region, including over 1,200 attributable to human activities. In addition to salvage efforts, the Service coordinates a manatee rescue, rehabilitation, and release program. Over 600 manatees have been rescued since 1973. Manatees are also known to have stranded in the U.S. Virgin Islands and at the U.S. Navy's Guantanamo naval facility. The Service is not involved in stranding response for dugongs. We note that dugongs have reportedly stranded at the U.S. Navy's Okinawa naval facility, although these events have not been thoroughly documented.

Funding for responding to sirenian stranding events comes from a variety of sources. The Service provides some funding in support of manatee rescue program activities, supports research programs that rely on live and dead stranded animals (including funding to better assess the effects of boating activities on manatees, the effects of cold weather, disease processes, etc.), and has provided funding to offset costs associated with unusual mortality events. Service funding for these efforts is from the Ecological Services base budgets of field offices and the regional office in the Southeast region. Funding support for these initiatives is also provided by the State of Florida, the United States Geological Survey (USGS), non-government organizations, and other entities.

Southern sea otters often strand in California (approximately 180 events last year). Local otter stranding networks respond to these events. Participants in the stranding networks include non-government organizations, California Department of Fish and Game, and USGS. The Service also responds to stranding events. However, because the Service field office that is nearest to the southern sea otter population is located at the extreme southern end of the population's range, our participation is minimal. Funding for Service participation is provided in the field office's base budget. The majority of expenditures for sea otter stranding response is through the budgets of the stranding network participants. We note that Monterey Bay Aquarium is the primary recipient of live stranded otters and works to rehabilitate the animals and return them to the wild, and that USGS maintains the stranding database.

Regarding species under our jurisdiction in Alaska, stranding events are detected and responded to infrequently (sea otters), or not at all (walrus and polar bears). Stranding episodes of sea otters occur approximately 6 times each year, primarily in south central Alaska, and sometimes in the southeast region of the State. The Alaska Sea Life Center in Seward has a rescue and rehabilitation permit from the Service, and they take responsibility for sea otter stranding events, including the expense.

Answers to questions submitted by Congressman Ken Calvert

54. What is the purpose of informal consulting with the Service if, after a year of discussion, negotiation and changes of property designed to accommodate Service requirements, the rules change? Agreement is reached to design property development, plans are prepared and ready for formal consultation then the rules change due to change in staff. What is the Service doing to insure that uniform, best practices are used by all its staff?

The informal consultation process fulfills two important functions: (1) it assists action agencies and their applicants in determining whether formal consultation is necessary; and (2) allows for exploring modifications to the proposed action that would avoid all adverse effects to listed species or critical habitat such that formal consultation would not be required.

The Service uses a variety of training and oversight approaches to insure that uniform, best practices are used by all staff conducting section 7 consultations. Our National Conservation Training Center conducts 4 to 6 sessions of basic training in section 7 consultation each year; cumulatively, this training has reached 680 Service employees and 169 employees from other federal agencies, state/Tribal/local governments, or representatives of the private sector. Our headquarters office, in coordination with our regional offices, has conducted national section 7 workshops in 1999, 2000, 2001, and 2003; at these workshops we discuss a wide array of issues with the specific purpose of improving national consistency in delivery of the section 7 program. Many of our Regional Offices also conduct their own periodic training and workshops for their field and regional staff involved in section 7 consultations. In addition, each month the headquarters staff and Regional Office section 7 coordinators conduct a section 7 conference call to enhance consistency in the consultation program. All consultation decision documents are approved by Field Office Supervisors to further promote consistency and if the decision finds that a proposed action is likely to jeopardize the continued existence of any listed species the document must also be approved by the Regional Director.

55. The Department of the Interior is aware that approximately 50 percent of the endangered species are in the State of California, and is also well aware of the shortage of Carlsbad office staff. Is it possible for the Department of Interior to detail staff from other, less environmentally impacted offices to the Carlsbad office to address under staffing issues which adversely affect constituents who are applying for permits in order to comply with the Endangered Species Act?

As of March 31, 2003, there are 268 listed threatened and endangered species protected by the Endangered Species Act in the State of California, or roughly 21 percent of the total number of U.S. listed species. Of those 268 species, 104, or 8 percent of the national total, occur within the geographic area covered by the Carlsbad Fish and Wildlife Office.

The Service's consultation appropriation is allocated through a process designed to ensure that each Region receives a minimum capability allocation of $200,000 plus an amount determined by a formula that reflects the Region's proportion of the national workload. The workload factors are based primarily on how many listed species occur within each Region, with adjustments for complexity factors such as migratory or wide-ranging species. This allocation process results in a significant portion of the appropriations for consultation going to the Pacific Region. In Fiscal Year 2002, the Pacific Region received $18.8 million from the consultation sub-activity (41 percent of the national total). The Carlsbad Fish and Wildlife Office received $3.18 million from the consultation subactivity (7 percent of the national total).

As a result of this workload-based allocation of consultation funding, there are not other, less-impacted offices that could serve as a source of under-utilized staff who could be detailed to the Carlsbad Fish and Wildlife Office. Instead, each of our Ecological Services field offices is equally impacted, given their expected workload and our available resources. Because of their high absolute consultation workload (and despite their correspondingly high share of the consultation allocation), the impacts to our Carlsbad Fish and Wildlife Office (and several other similarly large field offices) are more apparent; however, a significant reallocation of resources from our other offices to Carlsbad would only shift the impact and make it disproportionately high in another area.

Furthermore, while the use of details can have significant merit in many circumstances, many of the regional habitat conservation planning efforts and complex section 7 consultations faced by the Carlsbad Fish and Wildlife Office do not easily lend themselves to short-term and temporary increases in staffing. These efforts require long-term staff commitments to build relationships with the local jurisdictions in developing habitat conservation plans. Complex section 7 consultations also require scientific knowledge on the biology of endangered and threatened species affected by a project, and this knowledge is often built over time by biologists working in the office. Regardless, we will continue to explore and expand our efforts to detail staff from other offices to assist in addressing the significant workload faced by Carlsbad (and several other offices) when appropriate.

Answers to questions submitted by Congressman Frank Pallone, Jr.

Endangered Species Funding

1. The President's budget recommends a modest increase for the FWS listing account under the ESA. However, my understanding is that FWS currently has a backlog of more than 250 species awaiting listing at a cost of more than 130 million dollars. To deal with this backlog, FWS needs

about $25 million per year over the next five or so years. Given this, why is the FWS not requesting more money for listing under ESA?

The President's budget request for the Endangered Species listing program is the largest increase ever requested for this element of the Endangered Species program. This element, which includes funding for the Service to act on petitions, listing determination and critical habitat designations, was developed, as were all other aspects of the budget, in recognition of the need to control domestic spending, and in light of all the priorities of the Service, the Department and other government agencies.

Also, would you be able to provide the subcommittee with:

a. A list of species you intend to list this year.

The Service will work on proposed or final listing determinations and petition findings for the following species in FY 2003:

Cook's lomatium & large woolly meadowfoam	Final listing determination
Pygmy rabbit	Final listing determination
Yosemite Toad	12-month petition finding
Mono sage grouse	90-day petition finding
Flat-tailed horned lizard	Final listing determination
Mtn. yellow-legged frog(Entire)	12-month petition finding
Trumpeter swan	90-day petition finding
Mountain quail	90-day petition finding
Western sage grouse	90-day petition finding
Mt. Ashland lupine & Henderson's horkelia	12-month petition finding
California spotted owl	12-month petition finding
Kootenai river burbot	12-month petition finding
California tiger salamander (Sonoma DPS)	Final listing determination
Scotts valley polygonum	Final listing determination
midvalley Fairy shrimp	90-day petition finding
California tiger salamander rangewide	Proposed listing
Western gray squirrel	12-month petition finding
Miami Blue butterfly	Proposed listing
Lynx	Revised final listing determination
slickspot peppergrass	Final listing determination
Westslope cutthroat trout	12-month petition finding
Mountain plover	Final listing determination
Splittail	Revised final listing determination
Colorado river Cutthroat Trout	90-day petition finding
Salt Creek tiger beetle	Proposed listing
Queen Charlotte Goshawk	12-month petition finding
Florida black bear	Final listing determination

b. A year-by-year accounting of the species listed since the Bush Administration took office.

Below are tables listing the species that were listed as threatened or endangered for 2001–2002.

2001

Scientific Name	Common Name	First Listed
Astragalus ampullarioides	Shivwitz milk-vetch	9/28/2001
Astragalus holmgreniorum	Holmgren milk-vetch	9/28/2001
Astragalus pycnostachyus var. lanosissimus	Ventura Marsh Milk-vetch	5/21/2001
Brachylagus idahoensis	Pygmy Rabbit	11/30/2001
Cicindela ohlone	Ohlone tiger beetle	10/3/2001
Etheostoma chermocki	Vermilion darter	11/28/2001
Leptodea leptodon	Scaleshell mussel	10/9/2001
Pseudocopaeodes eunus obscurus	Carson wandering skipper	11/29/2001
Rana capito sevosa	Mississippi gopher Frog	12/4/2001
Silene spaldingii	Spalding's Catchfly	10/10/2001

2002

Scientific Name	Common Name	First Listed
Ambrosia pumila	San Diego ambrosia	7/2/2002
Ambystoma californiense	California tiger salamander	7/22/2002
Carex lutea	Golden sedge	1/23/2002
Hackelia venusta	Showy stickseed	2/6/2002
Limnanthes floccosa grandiflora	Large-flowered wooly Meadowfoam	11/7/2002
Lomatium cookii	Cook's lomatium	11/7/2002
Rana chiricahuensis	Chiricahua leopard frog	6/13/2002
Rana muscosa	Mountain yellow-legged frog	7/2/2002
Sorex ornatus relictus	Buena Vista Lake ornate Shrew	3/6/2002
Yermo xanthocephalus	Desert yellowhead	3/14/2002

c. The entire list of outstanding species that cannot currently be listed under ESA due to lack of funds?

Attached is a list of all of the candidate species from the Service's Threatened and Endangered Species System (TESS). (See Attachment 4). However, even once the listing for these species has been proposed, changes in circumstances affecting the species, or new information that is received during the public comment period, may lead the Service to determine that the species should not be listed. Therefore, it cannot accurately be concluded that all or any given percentage of these would actually be listed even if funding were available to immediately initiate the listing process for all candidate species.

2. I also understand that there may be more than 200 currently listed species that are in serious danger of extinction in the next several years in large part due to lack of funding for recovery activities. Given this, can you explain why you are not requesting more funding for recovery? Also, can you provide the subcommittee with a list of these species?

Every 2 years, the Service is required to report to Congress on the status of species listed as threatened and endangered. We are now developing the Fiscal Year 2002 Recovery Report to Congress. In our initial assessments conducted to prepare this Report, we have identified 216 (17 percent) of the 1,254 listed species as "declining" or known to be decreasing in numbers or whose threats to their continued existence are increasing in the wild since 1996. (See Attachment 5). We emphasize that these are our preliminary findings, which may be refined with further review as we finalize the Report.

The Service is directing considerable resources towards halting the decline of species most at risk of extinction and the 1,000 other listed threatened and endangered species. For Fiscal Year 2004, the Service has requested a $2 million increase over the Fiscal Year 2003 request for the recovery program, in part to stabilize high priority declining species. However, the Service also has many statutory obligations

under the ESA and other laws, as well as many on-going commitments towards existing recovery efforts that limit our ability to direct more resources towards these species. Wherever possible, endangered species funding is leveraged with the limited discretionary funding available from other Service programs and our partners to achieve the greatest improvements in the status of rare endangered species.

3. There have been reports that ESA recovery money is often siphoned off to pay for consultation activities. Is this the case? If so, this siphoning of funds would suggest a funding shortfall in the consultation as well as recovery budgets. Why is the FWS not requesting additional funding for the consultation budget rather than siphoning off desperately needed recovery funds?

The allocation of staff resources within the Service's Endangered Species program was recently reviewed by the General Accounting Office. The results of the GAO's review are summarized in their report "Endangered Species Program: Information on How Funds Are Allocated and What Activities Are Emphasized" (GAO–02–581), issued in June 2002. We would be pleased to provide you with our response to the GAO report.

While the GAO review raised valid concerns that there may be inaccuracies in how Endangered Species Program activities are charged to budgetary elements, we do not believe that the fieldwork performed was sufficient to conclude that spending on endangered species activities is materially different than how Congress intended. In addition, the Department's efforts to implement Activity Based Costing by Fiscal Year 2004 will help ensure that endangered species activities are accurately charged to budgetary elements. Throughout the ABC workload tracking process, the Service will be reviewing its processes for recording time charges and taking necessary steps to ensure that the Endangered Species Program is adhering to reprogramming policies.

National Wildlife Refuges

1. The Wildlife Refuge System has a demonstrated annual need of at least $300 million more for operations and maintenance than it now receives. Why is the Administration only asking for a $34 million increase?

The National Wildlife Refuge System documents needs as a planning tool for future budget requests, and doesn't anticipate fulfilling all or even most of those needs in any given year. Annual funding requests are carefully balanced against these priorities and those of other bureaus within the Department and other federal agencies. The National Wildlife Refuge System has experienced healthy funding growth in recent years that has enabled the System to address many important needs and leverage partner contributions.

2. I am concerned that the request for refuge land acquisition has been substantially decreased by $58 million, or a 59% decline below Fiscal Year 2002. A recent report identified a $3 billion backlog of needed acquisitions in the Refuge System. Considering the significant need in the field, what is the rationale for this request?

The federal side of the Land and Water Conservation Fund has made an outstanding contribution to protecting America's land over the past 38 years. The Service does not have an exact forecast on what the land acquisition picture will look like in the future. The current reality is that we are faced with increasing pressure associated with socioeconomic factors such as urban sprawl, recreational development and general population growth. With these factors in mind it is very difficult to gauge whether the pace of land acquisition has crested or it is still on the rise. However, this request reflects a more limited federal land acquisition program with increased emphasis on conservation partnerships. This request also reflects an emphasis on the need to balance land acquisition against maintaining lands already under our jurisdiction. The amounts included in the budget will be used to fund high priority projects that are important in the Service's program to protect the Nation's wildlife. The Administration is dedicated to protecting and passing on to future generations of Americans our important recreational and scenic lands, wildlife habitats, improved waterways, and cultural resources.

3. What is the Administration's total estimate of operation and maintenance backlog for the National Wildlife Refuge System? Does the backlog include projects traditionally within the construction accounts, including roads and parking lots? If not, please estimate the cost of this backlog as well.

The NWRSs Condition Assessment Program was established in Fiscal Year 2001 to systematically assess the condition of refuge system's real property. The condition of all NWRS property with replacement costs at more than $50,000 will be assessed every 5 years. Refuge system maintenance databases have been modified to meet

DOI standards and data requirements for property condition assessments. The 5-year program to complete comprehensive conditions assessments for all field stations is presently on target. To date, 40 percent of all facilities have had comprehensive condition assessments completed through the field inspection stage. The Facility Condition Index (FCI), which is the ratio of deferred maintenance needs to replacement costs, will ultimately be used to rank and verify facility maintenance needs at field stations and provides information for DOI strategic planning within the NWRS.

Due to changes in government-wide accounting rules, a Department wide initiative to implement new software to track facility maintenance activities, new information being generated by condition assessments, and new Department wide strategic planning efforts; data management on NWRS funding is in a state of transition. Total funding for management of the NWRS are described below and segmented based on the most appropriate budget source for particular aspects. All information is portrayed as of the beginning of Fiscal Year 2003; projects funded in Fiscal Year 2003 and requested in Fiscal Year 2004 are still included in the datasets.

1) Projects most suitable for Refuge Operations budgets: The Refuge Operating Needs System in past years included facility improvement projects, but it has been streamlined to include only staffing and mission critical projects. Projects are prioritized into Tier 1, highest priority needs, and Tier 2, important but not as urgent needs, as summarized in the table below.

Project Types	Number of Projects		
	Tier 1	Tier 2	Total
Additional Staffing	1,339	1,859	3,198
Projects with no Staffing	1,032	4,110	5,142
Total	2,371	5,969	8,340

2) Facility maintenance projects most suitable for funding from Refuge Maintenance, Construction, or Refuge Roads (Transportation Department) budgets: Using the latest methodology for calculating deferred maintenance, as of the beginning of Fiscal Year 2003 the Refuge System has 9,159 projects that contribute to the deferred maintenance for fixed facility assets. The total amount of maintenance is still tentative as Comprehensive Condition Assessments are still underway to evaluate all field facilities, and data from a nationwide inventory of Refuge Roads has not yet been fully incorporated into datasets. These assessments, which require 5 years to complete, are currently in their third year.

The 9,159 projects referenced above have a maintenance component; however, the projects may also have capital improvement components as well. The tables below segment needs into projects best suited for funding from Refuge Maintenance (generally less than $500,000 in cost per project), Construction (more complex projects generally over $500,000 in cost per project), and Refuge Roads (public roads and related projects funded through the Transportation Department under the Transportation Efficiency Act for the 21st Century). Lines for Refuge Maintenance and Construction projects exclude projects that would be eligible for Refuge Roads funding.

Budget Source	No. Projects	Maintenance Proportion	Capital Improvement Proportion
Refuge Maintenance	5,435	95.3%	4.7%
Construction	264	54.2%	45.8%
Refuge Roads	1,889	16.6%	83.4%
Total	7,588	41.8%	58.2%

3) Equipment and vehicle fleet: The Refuge System has a diverse equipment fleet that includes about 4,000 transportation vehicles and about 4,000 items of agricultural and construction equipment. Since equipment repair and replacement are no longer categorized as deferred maintenance, there is no backlog figure available for equipment and vehicles.

4) Projects that are 100 percent capital improvement: To satisfy public demand for visitor amenities and to meet needs for habitat management purposes, new facilities such as roads, trails, water management facilities, maintenance buildings, restrooms, boat ramps, and other visitor facilities have been identified through completion of Comprehensive Conservation Plans or other means. These projects are summarized below under the categories of small construction (projects generally less than $500,000 in cost suitable for funding from annual budgets) and large construc-

tion (projects generally over $500,000 in cost that would be funded from the multi-year Construction budget). Large construction projects are further subdivided between visitor centers and other facilities because the total amount of need is heavily influenced by the amount of funding identified for visitor centers.

Project Type	No. Projects	Maintenance Proportion	Capital Improvement Proportion
Small Construction	880	1.4%	98.6%
Large Construction - Visitor Centers	271	2.1%	97.9%
Large Construction - Other	420	15.5%	84.5%
Total	1,571	6.9%	93.1%

In light of these backlogs, how can the refuge system meet its mission for the 21st Century without adequate resources for both operations and maintenance and land acquisition?

The President's Budget provides adequate resources to address the Services high priority needs, as well as plan for the future of the System to ensure the System meets its mission in the 21st century.

The Refuge System is working to identify highest priority needs and focus on them. We actively recruit volunteers and outside partners to work with us in our various efforts. We also strive to plan facility development in a manner that calls for development of modest facilities that can be economically managed once they are built. Land acquisition priorities call for finishing existing refuges rather than starting new refuges. Collectively, these efforts allow us to meet highest priority needs and appropriately plan for the future.

Migratory Bird Treaty Act Concerns

1. Last week the USFWS proposed to allow the depredation of double crested cormorants in 24 states without the permit required under the Migratory Bird Treaty Act. The fundamental justification for depredation is that cormorants eat fish; therefore fewer cormorants will mean more fish. I am concerned that piscivorous birds are being wrongly blamed for fisheries declines without scientific basis. Does the FWS anticipate depredation for other fish-eating bird species such as eagles or ospreys? What criteria will the Fish and Wildlife Service consult if another piscivorous bird species emerges as an alleged threat to fish populations? Has the Fish and Wildlife Service ever issued a similar depredation order for another non-game bird species listed under the MBTA?

The fundamental justification for the depredation order is not that cormorants eat fish, but that cormorants can have detrimental impacts on a variety of public resources (including fish, other birds, and vegetation) and that the agencies who have trust responsibility for these resources or their protection need to be given increased regulatory flexibility, with Service oversight, in the management of cormorants. Service has never blamed piscivorous birds for fisheries declines, but has stated that localized impacts do occur, a position which is fully supported by the available science. We have not experienced many problems with depredation by eagles or osprey. All requests are dealt with according to regulations found in 50 C.F.R. § 21.41, which governs the issuance of depredation permits for migratory birds. The Service has established depredation orders for other non-game birds (blackbirds, cowbirds, grackles, crows, and magpies; certain sparrows and finches; purple gallinules; and jays) for the protection of agricultural resources. In 2001, the Service issued a conservation order for mid-continent light geese to protect public resources—specifically, habitat.

2. I have heard that the Department of the Interior is considering promulgating rules or regulations that would allow federal agencies to incidentally take migratory birds under the Migratory Bird Treaty Act. The FWS is instrumental in protecting these birds under the MBTA, and I feel that allowing any sort of incidental take will lead to higher mortality rates if agencies no longer have the incentive to implement preventative strategies. Are there plans to allow federal agencies incidental take of migratory birds under the MBTA? If so, will you please submit this to us in writing? Is this rulemaking part of the Fish and Wildlife Services activities to implement E.O. 13186?

In accordance with Executive Order (EO) 13186, the Service is currently in the process of drafting Memorandums of Understanding (MOU) with 15 federal agencies whose activities may affect migratory birds. Several of these are close to being finalized. Subsequent to completing with a particular agency a MOU that meets conservation standards, establishes appropriate processes to minimize and mitigate for take, and promotes the conservation of migratory bird populations consistent with the EO, the Service will issue special purpose permits under 50 CFR § 21.27 to address actions specified in the MOU. These permits should not result in a higher mortality rate of migratory birds but should actually have the opposite effect. We believe that requiring agencies to address migratory bird conservation, while implementing actions to meet their mission, will help ensure that migratory birds concerns are more adequately addressed than at present. Issuing these permits should also decrease the potential for litigation brought against other federal agencies by private interests under the Administrative Procedures Act. No rulemaking relative to implementation of EO 13186 is currently proposed by the Service.

3. In a Federal Register Notice dated January 24, 2003, the Administration asked for public comment on proposed changes in the Endangered Species Act that would allow the EPA to grant itself exemption from Section 7, which requires consultation with FWS or NOAA Fisheries on pesticide registrations that may impact endangered species. Considering that in the past ten years the EPA has failed to complete a single Section 7 consultation on a pesticide it has registered, despite repeated formal requests from FWS, why is the EPA a good candidate for exclusion from consultation requirements?

On January 24, 2003, the Service, the National Marine Fisheries Service (NOAA Fisheries), and the Environmental Protection Agency (EPA) jointly published an advance notice of proposed rulemaking (ANPR) which announced our intention to promulgate "counterpart regulations" under the Endangered Species Act. These counterpart regulations would address ways to better integrate EPA's requirements for pesticide registration under the Federal Insecticide, Fungicide and Rodenticide Act with the ESA consultation requirements, with the goal of more effective and efficient consultations on EPA's pesticide registrations. None of the possibilities considered in the ANPR would allow EPA to grant itself exemption from section 7 of the ESA.

One approach we are considering is a modification of the informal consultation procedures for EPA pesticide registrations. Under the current regulations, agencies that determine that their proposed actions may affect, but are not likely to adversely affect, listed species or designated critical habitat must obtain written concurrence from the Service and NOAA Fisheries, as appropriate for the species affected, before informal consultation can be concluded. In the ANPR, we asked the public to comment on whether we should pursue, through counterpart regulations or some other means, two potential approaches to conducting pesticide consultations: (1) if EPA determines that a pesticide registration is not likely to adversely affect listed species or designated critical habitat, then no further consultation is required; and (2) if EPA determines that a pesticide registration is not likely to adversely affect listed species or designated critical habitat, EPA would continue to consult with the Services but EPA would not need to obtain their written concurrence to satisfy EPA's section 7 requirements. Either approach would make better use of EPA's scientific and technical capabilities while allowing the Services to focus their resources on consultations for pesticide registrations that are likely to adversely affect listed species or their designated critical habitat.

The ANPR asks the public to comment on these and other possible revisions to the consultation process for pesticide registrations. We are considering the public comments that we have received, and expect to propose any counterpart regulations this spring. The primary goal of these counterpart regulations will be to improve the efficiency and effectiveness of section 7 consultations on pesticide registrations, while also improving the public's understanding of EPA's responsibilities under FIFRA and the ESA. While the counterpart regulations may involve minor changes in how the requirements of section 7 are met, we will not propose any exemption from these requirements; for example, even if we propose that EPA does not need Service concurrence on a not likely to adversely affect determination, this determination would still be subject to the same standards and requirements of other not likely to adversely affect determinations, and will be subject to the citizen suit provision of the ESA and possible judicial review.

Answers to questions submitted by Delegate Bordallo

1. Is the Fish and Wildlife Service maintaining their effort to control for and mitigate against the brown tree snake in Guam? Specifically, how much funding, if any, is included for this purpose in the requested Fiscal Year 2004 budget for the Fish and Wildlife Service? And how will this funding be used to control and eradicate the brown tree snake in Guam?

The Fish and Wildlife Service will maintain its efforts to control for and mitigate against the brown tree snake (BTS) in Guam. From 1999 through 2002, the Service, through the Aquatic Nuisance Species (ANS) Program, has allocated between $100,000 and $175,000 per year for activities to control BTS. The Service has allocated $170,000, through base funding, for BTS control in 2003 and includes a comparable level of funding in the Fiscal Year 2004 President's Budget. The funding will be used to continue and build upon the Service efforts outlined below.

BTS Prevention Activities on Guam. The Service supports efforts on Guam conducted by APHIS—Wildlife Services to inspect shipments of household goods being shipped from Guam to the mainland U.S. and other areas.

BTS Control Efforts on Guam. The Service is working in partnership with other agencies to construct a "typhoon proof" snake barrier around a forested site, 54-hectares in size, on Anderson Air Force Base, Guam. The project is a multi-agency (territorial and federal) effort to begin restoration of endangered species on Guam. Funding for this effort has come from multiple sources within the Department of the Interior.

Implement ANS Task Force Responsibilities. The Service is designated Chair and provides staff support to the ANS Task Force's BTS Control Committee as an essential element to the success of this broad interjurisdictional effort. A cooperative Plan developed by the Committee continues to serve as the basis for cooperative action by federal agencies and Pacific jurisdictions and for establishing funding requirements. This plan was supplemented by the 1999 report from the DOI Office of Insular Affairs on "Integrated Pest Management Approaches to Preventing the Dispersal of the Brown Tree Snake and Controlling Snakes in Other Situations."

2. Can you please provide an update on the recovery program for endangered species on Guam, particularly for the Mariana fruit bat, Mariana crow, and the Micronesian kingfisher?

The Mariana fruit bat was listed as endangered in 1984. A recovery plan for this species was finalized in 1990. A graduate student from the University of Guam has been funded to study the movement patterns and foraging behavior of Mariana fruit bats on Guam. This study will help to assess habitat use of the Guam population and further management efforts for the species. The 1990 recovery plan for the Mariana fruit bat describes tasks in three categories: Category 1–18 tasks to minimize mortality; Category 2 - 9 tasks to determine ecological requirements of fruit bats; and Category 3 - 4 tasks at 13 locations to secure and protect essential forest ecosystems. Of the 31 tasks identified in the 1990 recovery plan, 21 are ongoing or have been completed.

In Category 1, 12 of the 18 tasks are underway or ongoing and these six tasks are outstanding:

- Determine the identity and origin of imported fruit bats through standard monitoring of imported bats or the use of electrophoretic tests and comparison with museum specimens.
- Establish appropriate regulations on the fruit bat import trade into Guam to prevent confusion with protected Guam bats.
- Develop and implement a multi-agency anti-poaching strategy which defines roles and responsibilities of all involved agencies.
- Meet periodically to review effectiveness and refine anti-poaching strategies.
- Guam police department law enforcement efforts.
- Determine the extent of predation on fruit bats by snakes.

In Category 2, five of the nine tasks have been addressed or are underway and these four tasks are outstanding:

- Determine the phenology of bat foods.
- Gather and analyze information on the breeding biology of Mariana fruit bats.
- Determine factors limiting reproductive success.
- Determine incidence and causes of infant mortality.

In Category 3, the four tasks have been addressed at locations mostly on Federal land, and baseline surveys have been undertaken over most of the island.

The Mariana crow was listed as endangered in 1984. A recovery team, including a Guam representative, was formed several years ago to help plan and implement a recovery program for the species on Guam and Rota. The team recently submitted a draft revised recovery plan for the species which is being reviewed in the Service's

Pacific Regional Office in Portland, Oregon. The Guam Division of Aquatic and Wildlife Resources (DAWR), using federal funds, has been translocating chicks and eggs from Rota, raising them in captivity, and releasing them in northern Guam over the last several years to increase the population on Guam. Guam DAWR also continues to monitor the remaining crows and protect crow nests from brown treesnake predation.

The Micronesian Kingfisher was listed as endangered in 1984. A recovery committee, including a Guam representative, was recently formed to develop and implement a recovery program for the species. Currently, the recovery plan for the kingfisher is being revised and plans are underway to bring kingfishers back to Guam for captive breeding. When adequate numbers are available, the Guam Division of Aquatic and Wildlife Resources hopes to begin reestablishing kingfishers on the island.

3. What is the status of the critical habitat proposed for Guam? Does the Fish and Wildlife Service have a timetable for their designation process, particularly noting their delay decision and extension of the public comment period last month due to Supertyphoon Pongsona?

On April 3, 2000, the Marianas Audubon Society and the Center for Biological Diversity filed a suit to challenge the Service's 1994 withdrawal of critical habitat for six Guam species, the Mariana fruit bat (Pteropus mariannus mariannus), little Mariana fruit bat (Pteropus tokudae), Guam Micronesian kingfisher (Halcyon cinnamomina cinnamomina), Mariana crow (Corvus kubaryi), Guam broadbill (Myiagra freycineti), and Guam subspecies of bridled white-eye (Zosterops conspicillatus conspicillatus). On September 7, 2000, the Service filed a motion to voluntarily remand the withdrawal and not prudent decision. This motion set a deadline of June 3, 2003, for the Service to determine prudency and designate final critical habitat (proposed critical habitat for these species was published on December 5, 2002), if prudent, for these six species. On June 13, 2003 the District Court of Guam, acting on a motion by the Government of Guam, extended the deadline for submission of the Guam critical habitat final designation and set a status conference for October 7, 2003.

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data through FY 2002

	Grants Awarded	Range Countries	Appropriation Total	Matching Funds & In-Kind
African Elephant	170	25	$12,127,766	$57,205,949
Rhinoceros & Tiger	174	19	$3,944,500	$7,446,811
Asian Elephant	64	12	$2,944,500	$3,241,666
Great Apes	45	17	$1,748,000	$2,516,151
Neotropical Migratory Birds	32	26	$3,000,000	$13,500,000
TOTAL	435		$23,764,766	$83,910,577

African Elephant Conservation Act of 1989 (appropriations start in 1990)
Rhinoceros and Tiger Conservation Act of 1994 (appropriations start in 1996)
Asian Elephant Conservation Act of 1997 (appropriations start in 1999)
Great Ape Conservation Act of 2000 (appropriations start in 2001)
Neotropical Migratory Bird Act (appropriations start in 2002)

STATUS OF SPECIES SUPPORTED BY THE MULTINATIONAL SPECIES CONSERVATION PROGRAM

SPECIES	STATUS IN THE WILD*	POPULATION EST.	SOURCE OF DATA	COMMENTS
African elephant	Threatened	301,773-487,345	IUCN, 1998	African elephant populations in some countries are still threatened from illegal hunting. Continently, the populations are thought to be stabilizing.
Asian elephant	Endangered	40,000-45,000	IUCN, 2003	Asian elephant overall population numbers are probably continuing to decline with small, fragmented local groups most at risk.
Tiger	Endangered	5,000- 7,500	IUCN, 1998	The overall tiger population continues to decline although the rate has been slowed. Of the 5 remaining sub-species of tigers, the South China tiger may be extinct in the wild. The status of the Indo-Chinese and Bengal tiger is unclear. The Amur tiger numbers seem to have stabilized.
Rhinos (all species)	Endangered	~ 17,500	IUCN, 2001	
Black	Endangered	~ 3,100		Increasing from critically low levels - one subspecies is on the brink of extinction.
White	Endangered	~ 11,670		Increasing from exceedingly low levels - one subspecies is on the brink of extinction.
Indian	Endangered	~ 2,400		Very low numbers, but stable.
Javan	Endangered	~ 60		Very vulnerable due to exceedingly low numbers.
Sumatran	Endangered	~ 300		Very vulnerable due to very low numbers.
Apes (all species)	Endangered	Unknown	IUCN, 1999	There are 16 species of apes and their situations vary according to the species. Accurate information on their status is scarce. The most threatened ape and closest to extinction is the Eastern balck-crested gibbon, with less than 50 individuals.
Bonobo	Endangered	~ 10,000-25,000		
Chimpanzee	Endangered	~ 100,000-150,000		
Gorilla	Endangered	~ 40,000- 65,000		
Orangutan	Endangered	~ 15,000- 25,000		
Gibbon (12 species)	Endangered	Unknown	IUCN, 2002	
Agile	Endangered	Unknown		
Kloss's	Endangered	Unknown		
White-handed	Endangered	Unknown		
Silvery	Endangered	Unknown		
Muller's	Endangered	Unknown		
Pileated	Endangered	Unknown		
Hoolock	Endangered	Unknown		
Western black- crested	Endangered	Unknown		
Eastern black- crested	Endangered	~ 50		
Yellow-cheeked crested	Endangered	Unknown		
White-cheeked crested	Endangered	Unknown		
Siamang	Endangered	Unknown		

ATTACHMENT 4

Candidate Species as of 04/14/2003

- **Mammals**

Status	Species Name
C	Bat, sheath-tailed (American Samoa, Aguijan DPS) (*Emballonura semicaudata*)
C	Otter, Northern Sea southwest Alaska DPS (*Enhydra lutris kenyoni*)
C	Pocket gopher, Mazama (*Thomomys mazama*)
C	Prairie dog, black-tailed (*Cynomys ludovicianus*)
C	Squirrel, Coachella Valley round-tailed ground (*Spermophilus tereticaudus chlorus*)
C	Squirrel, Southern Idaho ground (*Spermophilus brunneus endemicus*)
C	Squirrel, Washington ground (*Spermophilus washingtoni*)

Birds

Status	Species Name
C	Crake, spotless (American Samoa pop.) (*Porzana tabuensis*)
C	Creeper, Kauai (*Oreomystis bairdi*)
C	Cuckoo, yellow-billed Western U.S. DPS (*Coccyzus americanus*)
C	Dove, friendly ground (American Samoa DPS) (*Gallicolumba stairi*)
C	Dove, many-colored fruit (*Ptilinopus perousii perousii*)
C	Grouse, Gunnison sage (*Centrocercus minimus*)
C	Grouse, western sage (Columbia basin DPS) (*Centrocercus urophasianus phaios*)
C	Horned lark, streaked (*Eremophila alpestris strigata*)
C	Prairie-chicken, lesser (*Tympanuchus pallidicinctus*)
C	Storm-petrel, band-rumped (Hawaii DPS) (*Oceanodroma castro*)
C	Warbler, elfin woods (*Dendroica angelae*)

Reptiles

Status	Species Name
C	Lizard, sand dune (*Sceloporus arenicolus*)
C	Massasauga (=rattlesnake), eastern (*Sistrurus catenatus catenatus*)
C	Snake, black pine (*Pituophis melanoleucus lodingi*)
C	Snake, Louisiana pine (*Pituophis ruthveni*)
C	Turtle, Cagle's map (*Graptemys caglei*)
C	Turtle, Sonoyta mud (*Kinosternon sonoriense longifemorale*)

Amphibians

Status	Species Name
C	Frog, Columbia spotted (Great Basin DPS) (*Rana luteiventris*)
C	Frog, Oregon spotted Entire (*Rana pretiosa*)
C	Frog, relict leopard (*Rana onca*)
C	Hellbender, Ozark (*Cryptobranchus alleganiensis bishopi*)
C	Salamander, Austin blind (*Eurycea waterlooensis*)
C	Salamander, Georgetown (*Eurycea naufragia*)
C	Salamander, Salado Entire (*Eurycea chisholmensis*)
C	Toad, boreal (Southern Rocky Mountains DPS) (*Bufo boreas boreas*)
C	Waterdog, black warrior (=Sipsey Fork) (*Necturus alabamensis*)

Fishes

Status	Species Name
C	Darter, Arkansas (*Etheostoma cragini*)
C	Darter, Cumberland johnny (*Etheostoma nigrum susanae*)
C	Darter, Pearl (*Percina aurora*)
C	Darter, rush (*Etheostoma phytophilum*)
C	Darter, yellowcheek (*Etheostoma moorei*)
C	Grayling, Arctic (upper Missouri River DPS) (*Thymallus arcticus*)
C	Madtom, chucky Entire (*Noturus sp.*)
C	Sculpin, grotto (*Cottus sp.*)
C	Shiner, sharpnose (*Notropis oxyrhynchus*)
C	Shiner, smalleye (*Notropis buccula*)
C	Sucker, Zuni bluehead (*Catostomus discobolus yarrowi*)

Clams

Status	Species Name
C	Clubshell, Alabama (*Pleurobema troschelianum*)
C	Clubshell, painted (*Pleurobema chattanoogaense*)

C	Hornshell, Texas (*Popenaias popei*)
C	Kidneyshell, fluted (*Ptychobranchus subtentum*)
C	Mucket, Neosho (*Lampsilis rafinesqueana*)
C	Pearlshell, Alabama (*Margaritifera marrianae*)
C	Pearlymussel, slabside (*Lexingtonia dolabelloides*)
C	Pigtoe, Georgia (*Pleurobema hanleyanum*)
C	Spinymussel, Altamaha (*Elliptio spinosa*)

Snails

Status	*Species Name*
C	Mountainsnail, Ogden Deseret (*Oreohelix peripherica wasatchensis*)
C	Pondsnail, Bonneville (*Stagnicola bonnevillensis*)
C	Pyrg, elongate mud meadows (*Pyrgulopsis notidicola*)
C	Rocksnail, Georgia (*Leptoxis downei*)
C	Sisi (*Ostodes strigatus*)
C	Snail, Diamond Y Spring (*Tryonia adamantina*)
C	Snail, fragile tree (*Samoana fragilis*)
C	Snail, Guam tree (*Partula radiolata*)
C	Snail, Humped tree (*Partula gibba*)
C	Snail, Lanai tree (*Partulina semicarinata*)
C	Snail, Lanai tree (*Partulina variabilis*)
C	Snail, Langford's tree (*Partula langfordi*)
C	Snail, Phantom Lake cave (*Cochliopa texana*)
C	Snail, Tutuila tree (*Eua zebrina*)
C	Springsnail (=Tryonia), Phantom (*Tryonia cheatumi*)
C	Springsnail, Chupadera (*Pyrgulopsis chupaderae*)
C	Springsnail, Gila (*Pyrgulopsis gilae*)
C	Springsnail, Gonzales (*Tryonia circumstriata(=stocktonensis)*)
C	Springsnail, Huachuca (*Pyrgulopsis thompsoni*)
C	Springsnail, New Mexico (*Pyrgulopsis thermalis*)
C	Springsnail, Page (*Pyrgulopsis morrisoni*)
C	Springsnail, Three Forks (*Pyrgulopsis trivialis*)
C	Tree snail, Newcomb's (*Newcombia cumingi*)

Insects

Status	*Species Name*
C	Beetle, Warm Springs Zaitzevian riffle (*Zaitzevia thermae*)
C	Bug, Wekiu (*Nysius wekiuicola*)
C	Butterfly, Mariana eight-spot (*Hypolimnas octucula mariannensis*)
C	Butterfly, Mariana wandering (*Vagrans egestina*)
C	Butterfly, whulge checkerspot (=Taylor's) (*Euphydryas editha taylori*)
C	Caddisfly, Sequatchie (*Glyphopsyche sequatchie*)
C	Cave beetle, beaver (*Pseudanophthalmus major*)
C	Cave beetle, Clifton (*Pseudanophthalmus caecus*)
C	Cave beetle, greater Adams (*Pseudanophthalmus pholeter*)
C	Cave Beetle, Holsinger's (*Pseudanophthalmus holsingeri*)
C	Cave beetle, icebox (*Pseudanophthalmus frigidus*)
C	Cave beetle, inquirer (*Pseudanophthalmus inquisitor*)
C	Cave beetle, lesser Adams (*Pseudanophthalmus cataryctos*)
C	Cave beetle, Louisville (*Pseudanophthalmus troglodytes*)
C	Cave beetle, surprising (*Pseudanophthalmus inexpectatus*)
C	Cave beetle, Tatum (*Pseudanophthalmus parvus*)
C	Damselfly, blackline Hawaiian (*Megalagrion nigrohamatum nigrolineatum*)
C	Damselfly, crimson Hawaiian (*Megalagrion leptodemus*)
C	Damselfly, flying earwig Hawaiian (*Megalagrion nesiotes*)
C	Damselfly, oceanic Hawaiian (*Megalagrion oceanicum*)
C	Damselfly, orangeblack Hawaiian (*Megalagrion xanthomelas*)
C	Damselfly, Pacific Hawaiian (*Megalagrion pacificum*)
C	Gall fly, Po'olanui (*Phaeogramma sp.*)
C	Pomace fly, [unnamed] (*Drosophila attigua*)
C	Pomace fly, [unnamed] (*Drosophila digressa*)
C	Riffle beetle, Stephan's (*Heterelmis stephani*)
C	Skipper, Dakota (*Hesperia dacotae*)
C	Skipper, Mardon (*Polites mardon*)
C	Tiger beetle, Coral Pink Sand Dunes (*Cicindela limbata albissima*)
C	Tiger beetle, highlands (*Cicindela highlandensis*)
C	Tiger beetle, Salt Creek (*Cicindela nevadica lincolniana*)

Arachnids

Status	*Species Name*

C Meshweaver, Warton's cave (*Cicurina wartoni*)

Crustaceans

Status	*Species Name*
C	Crayfish, Camp Shelby burrowing (*Fallicambarus gordoni*)
C	Shrimp, anchialine pool (*Antecaridina lauensis*)
C	Shrimp, anchialine pool (*Calliasmata pholidota*)
C	Shrimp, anchialine pool (*Metabetaeus lohena*)
C	Shrimp, anchialine pool (*Palaemonella burnsi*)
C	Shrimp, anchialine pool (*Procaris hawaiana*)
C	Shrimp, anchialine pool (*Vetericaris chaceorum*)
C	Shrimp, troglobitic groundwater (*Typhlatya monae*)

Flowering Plants

Status	*Species Name*
C	Sand-verbena, Ramshaw Meadows (*Abronia alpina*)
C	Alice-flower, wonderland (*Alicellia caespitosa*)
C	Rockcress, Georgia (*Arabis georgiana*)
C	Silverbrush, Blodgett's (*Argythamnia blodgettii*)
C	Wormwood, northern (*Artemisia campestris* var. *wormskioldii*)
C	Pa`iniu (*Astelia waialealae*)
C	Aster, Georgia (*Aster georgianus*)
C	Milk-vetch, horseshoe (*Astragalus equisolensis*)
C	Milk-vetch, Sleeping Ute (*Astragalus tortipes*)
C	Ko`oko`olau (*Bidens amplectens*)
C	Ko`oko`olau (*Bidens campylotheca pentamera*)
C	Ko`oko`olau (*Bidens campylotheca waihoiensis*)
C	Ko`oko`olau (*Bidens conjuncta*)
C	Ko`oko`olau (*Bidens micrantha ctenophylla*)
C	Brickell-bush, Florida (*Brickellia mosieri*)
C	Reedgrass, [unnamed] (*Calamagrostis expansa*)
C	Reedgrass, [unnamed] (*Calamagrostis hillebrandii*)
C	*Calliandra locoensis* (No common name)
C	Mariposa lily, Siskiyou (*Calochortus persistens*)
C	*Calyptranthes estremerae* (No common name)
C	`Awikiwiki (*Canavalia napaliensis*)
C	`Awikiwiki (*Canavalia pubescens*)
C	Paintbrush, Aquarius (*Castilleja aquariensis*)
C	Paintbrush, Christ's (*Castilleja christii*)
C	Pea, Big Pine partridge (*Chamaecrista lineata keyensis*)
C	Sandmat, pineland (*Chamaesyce deltoidea pinetorum*)
C	Spurge, wedge (*Chamaesyce deltoidea serpyllum*)
C	`Akoko (*Chamaesyce eleanoriae*)
C	`Akoko (*Chamaesyce remyi* var. *kauaiensis*)
C	`Akoko (*Chamaesyce remyi* var. *remyi*)
C	Papala (*Charpentiera densiflora*)
C	Spineflower, San Fernando Valley (*Chorizanthe parryi* var. *fernandina*)
C	Thoroughwort, Cape Sable (*Chromolaena frustrata*)
C	Cactus, Florida semaphore (*Consolea corallicola*)
C	*Cordia rupicola* (No common name)
C	Haha (*Cyanea asplenifolia*)
C	Haha (*Cyanea calycina*)
C	Haha (*Cyanea eleeleensis*)
C	Haha (*Cyanea kuhihewa*)
C	Haha (*Cyanea kunthiana*)
C	Haha (*Cyanea lanceolata*)
C	Haha (*Cyanea obtusa*)
C	Haha (*Cyanea tritomantha*)
C	Ha`iwale (*Cyrtandra filipes*)
C	Ha`iwale (*Cyrtandra kaulantha*)
C	Ha`iwale (*Cyrtandra oenobarba*)
C	Ha`iwale (*Cyrtandra oxybapha*)
C	Ha`iwale (*Cyrtandra sessilis*)
C	Prairie-clover, Florida (*Dalea carthagenensis floridana*)
C	Crabgrass, Florida pineland (*Digitaria pauciflora*)
C	Na`ena`e (*Dubautia imbricata imbricata*)
C	Na`ena`e (*Dubautia plantaginea magnifolia*)
C	Na`ena`e (*Dubautia waialealae*)
C	Cactus, Acuna (*Echinomastus erectocentrus* var. *acunensis*)
C	Daisy, basalt (*Erigeron basalticus*)

C Fleabane, Lemmon (*Erigeron lemmonii*)
C Buckwheat, Umtanum Desert (*Eriogonum codium*)
C Buckwheat, Red Mountain (*Eriogonum kelloggii*)
C *Festuca hawaiiensis* (No common name)
C Fescue, Guadalupe (*Festuca ligulata*)
C Nanu (*Gardenia remyi*)
C Nohoanu (*Geranium hanaense*)
C Nohoanu (*Geranium hillebrandii*)
C Nohoanu (*Geranium kauaiense*)
C *Gonocalyx concolor* (No common name)
C Kampua`a (*Hedyotis fluviatilis*)
C Sunflower, whorled (*Helianthus verticillatus*)
C Rose-mallow, Neches River (*Hibiscus dasycalyx*)
C Indigo, Florida (*Indigofera mucronata keyensis*)
C Ivesia, Webber (*Ivesia webberi*)
C `Ohe (*Joinvillea ascendens ascendens*)
C Hulumoa (*Korthalsella degeneri*)
C Kamakahala (*Labordia helleri*)
C Kamakahala (*Labordia pumila*)
C *Lagenifera erici* (No common name)
C *Lagenifera helenae* (No common name)
C Gladecress, [unnamed] (*Leavenworthia crassa*)
C Gladecress, Texas golden (*Leavenworthia texana*)
C Bladderpod, Short's (*Lesquerella globosa*)
C Bladderpod, White Bluffs (*Lesquerella tuplashensis*)
C Flax, sand (*Linum arenicola*)
C Flax, Carter's small-flowered (*Linum carteri carteri*)
C Makanoe lehua (*Lysimachia daphnoides*)
C Alani (*Melicope christophersenii*)
C Alani (*Melicope degeneri*)
C Alani (*Melicope hiiakae*)
C Alani (*Melicope makahae*)
C Alani (*Melicope paniculata*)
C Alani (*Melicope puberula*)
C Kolea (*Myrsine fosbergii*)
C Kolea (*Myrsine mezii*)
C Kolea (*Myrsine vaccinioides*)
C Asphodel, bog (*Narthecium americanum*)
C `Aiea (*Nothocestrum latifolium*)
C Holei (*Ochrosia haleakalae*)
C Panic grass, Hirsts' (*Panicum hirstii*)
C Whitlow-wort, bushy (*Paronychia congesta*)
C Cactus, Fickeisen plains (*Pediocactus peeblesianus fickeiseniae*)
C Beardtongue, Parachute (*Penstemon debilis*)
C Beardtongue, Graham (*Penstemon grahamii*)
C Beardtongue, White River (*Penstemon scariosus albifluvis*)
C `Ala `ala wai nui (*Peperomia subpetiolata*)
C Phacelia, DeBeque (*Phacelia submutica*)
C *Phyllostegia bracteata* (No common name)
C *Phyllostegia floribunda* (No common name)
C *Phyllostegia hispida* (No common name)
C Ho`awa (*Pittosporum napaliense*)
C Orchid, white fringeless (*Platanthera integrilabia*)
C *Platydesma cornuta cornuta* (No common name)
C *Platydesma cornuta decurrens* (No common name)
C *Platydesma remyi* (No common name)
C Pilo kea lau li`i (*Platydesma rostrata*)
C Hala pepe (*Pleomele forbesii*)
C Cinquefoil, Soldier Meadows (*Potentilla basaltica*)
C Lo`ulu, (=Na`ena`e) (*Pritchardia hardyi*)
C `Ena`ena (*Pseudognaphalium (=Gnaphalium) sandwicensium* var. *molokaiense*)
C Kopiko (*Psychotria grandiflora*)
C Kopiko (*Psychotria hexandra oahuensis*)
C Kopiko (*Psychotria hobdyi*)
C Kaulu (*Pteralyxia macrocarpa*)
C Makou (*Ranunculus hawaiensis*)
C Makou (*Ranunculus mauiensis*)
C Cress, Tahoe yellow (*Rorippa subumbellata*)
C *Schiedea attenuata* (No common name)
C Ma`oli`oli (*Schiedea pubescens*)

C	*Schiedea salicaria* (No common name)
C	Stonecrop, Red Mountain (*Sedum eastwoodiae*)
C	`Anunu (*Sicyos macrophyllus*)
C	Checkerbloom, Parish's (*Sidalcea hickmanii parishii*)
C	Popolo (*Solanum nelsonii*)
C	*Stenogyne cranwelliae* (No common name)
C	*Stenogyne kealiae* (No common name)
C	A`e (*Zanthoxylum oahuense*)

Ferns and Allies

Status	***Species Name***
C	Moonwort, slender (*Botrychium lineare*)
C	*Cyclosorus boydiae boydiae* (No common name)
C	*Cyclosorus boydiae kipahuluensis* (No common name)
C	*Doryopteris takeuchii* (No common name)
C	*Dryopteris tenebrosa* (No common name)
C	*Microlepia mauiensis* (No common name)
C	Wawae`iole (*Phlegmariurus stemmermanniae*)

U.S. Fish & Wildlife Service

Listed Species Whose Status Is Considered to be Declining

Common Name	Date First Listed
bat, Indiana	11-Mar-67
Crow, Hawaiian (='alala)	11-Mar-67
fox, San Joaquin kit	11-Mar-67
nukupu`u (honeycreeper)	11-Mar-67
pupfish, Comanche Springs	11-Mar-67
pupfish, Devils Hole	11-Mar-67
salamander, Santa Cruz long-toed	11-Mar-67
salamander, Texas blind	11-Mar-67
snake, San Francisco garter	11-Mar-67
spinedace, Little Colorado	11-Mar-67
sea turtle, hawksbill (Atlantic populations)	2-Jun-70
sea turtle, hawksbill (U.S. Pacific populations)	2-Jun-70
sea turtle, leatherback (U.S. Atlantic populations)	2-Jun-70
sea turtle, leatherback (U.S. Pacific populations)	2-Jun-70
boa, Puerto Rican	13-Oct-70
chub, Pahranagat roundtail	13-Oct-70
darter, fountain	13-Oct-70
gambusia, Pecos	13-Oct-70
toad, Houston	13-Oct-70
woundfin	13-Oct-70
ocelot	28-Mar-72
po`ouli (honeycreeper)	25-Sep-75
shearwater, Newell's Townsend's	25-Sep-75
bean, Cumberland (pearlymussel)	14-Jun-76
catspaw, white (pearlymussel)	14-Jun-76
higgins eye (pearlymussel)	14-Jun-76
lampmussel, Alabama	14-Jun-76
monkeyface, Appalachian (pearlymussel)	14-Jun-76
monkeyface, Cumberland (pearlymussel)	14-Jun-76
pearlymussel, birdwing	14-Jun-76
pearlymussel, Curtis	14-Jun-76
pearlymussel, dromedary	14-Jun-76
fanshell	21-Jun-76
chub, slender	9-Sep-77
darter, leopard	27-Jan-78
wallflower, Contra Costa (Erysimum capitatum var. angustatum)	26-Apr-78
wild-rice, Texas (Zizania texana)	26-Apr-78
snail, Chittenango ovate amber	3-Jul-78
sea turtle, green (U.S. Pacific populations)	28-Jul-78
grass, Solano (Tuctoria mucronata)	28-Sep-78
arrowhead, bunched (Sagittaria fasciculata)	25-Jul-79
cactus, Peebles Navajo (Pediocactus peeblesianus peeblesianus)	26-Oct-79
bear-poppy, dwarf (Arctomecon humilis)	6-Nov-79
cory cactus, bunched (Coryphantha ramillosa)	6-Nov-79

Common Name	Date First Listed
cactus, Tobusch fishhook (Ancistrocactus tobuschii)	7-Nov-79
butterfly, Oregon silverspot	2-Jul-80
butterfly, Palos Verdes blue	2-Jul-80
salamander, San Marcos	14-Jul-80
lizard, Coachella Valley fringe-toed	25-Sep-80
poppy-mallow, Texas (Callirhoe scabriuscula)	13-Jan-81
ladies'-tresses, Navasota (Spiranthes parksii)	6-May-82
caribou, woodland	14-Jan-83
mouse, Key Largo cotton	21-Sep-83
woodrat, Key Largo	21-Sep-83
torreya, Florida (Torreya taxifolia)	23-Jan-84
Bat, Mariana fruit (=Mariana flying fox)	27-Aug-84
crow, Mariana	27-Aug-84
catfish, Yaqui	31-Aug-84
checker-mallow, pedate (Sidalcea pedata)	31-Aug-84
mustard, slender-petaled (Thelypodium stenopetalum)	31-Aug-84
fiddleneck, large-flowered (Amsinckia grandiflora)	8-May-85
sedge, Navajo (Carex specuicola)	8-May-85
milk-vetch, Ash meadows (Astragalus phoenix)	20-May-85
lead-plant, Crenulate (Amorpha crenulata)	18-Jul-85
thistle, Loch Lomond coyote (Eryngium constancei)	1-Aug-85
thornmint, San Mateo (Acanthomintha obovata ssp. duttonii)	18-Sep-85
Plover, piping (Northern Plains)	11-Dec-85
springfish, Railroad Valley	31-Mar-86
sucker, June	31-Mar-86
spikedace	1-Jul-86
minnow, loach	28-Oct-86
kangaroo rat, giant	5-Jan-87
jay, Florida scrub	3-Jun-87
tortoise, gopher	7-Jul-87
spineflower, slender-horned (Dodecahema leptoceras)	28-Sep-87
woolly-star, Santa Ana River (Eriastrum densifolium ssp. sanctorum)	28-Sep-87
reed-mustard, shrubby (Schoenocrambe suffrutescens)	6-Oct-87
vireo, black-capped	6-Oct-87
kangaroo rat, Tipton	8-Jul-88
milkweed, Mead's (Asclepias meadii)	1-Sep-88
beetle, Coffin Cave mold	16-Sep-88
beetle, Kretschmarr Cave mold	16-Sep-88
beetle, Tooth Cave ground	16-Sep-88
harvestman, Bee Creek Cave	16-Sep-88
harvestman, Bone Cave	16-Sep-88
pseudoscorpion, Tooth Cave	16-Sep-88
spider, Tooth Cave	16-Sep-88
crayfish, Shasta	30-Sep-88
pearlymussel, littlewing	14-Nov-88
Buttercup, autumn (Ranunculus aestivalis (=acriformis))	21-Jul-89
pearlymussel, cracking	28-Sep-89
warbler (=wood), golden-cheeked	4-May-90
madtom, Neosho	22-May-90
owl, northern spotted	26-Jun-90
catspaw (=purple cat's paw pearlymussel)	10-Jul-90
sturgeon, pallid	6-Sep-90

Common Name	Date First Listed
pinkroot, gentian (Spigelia gentianoides)	26-Nov-90
mapleleaf, winged (mussel)	20-Jun-91
cat's-eye, Terlingua Creek (Cryptantha crassipes)	30-Sep-91
pocketbook, Ouachita rock	23-Oct-91
goldfields, Burke's (Lasthenia burkei)	2-Dec-91
meadowfoam, Sebastopol (Limnanthes vinculans)	2-Dec-91
sunshine, Sonoma (Blennosperma bakeri)	2-Dec-91
meadowfoam, Butte County (Limnanthes floccosa ssp. californica)	8-Jun-92
murrelet, marbled	1-Oct-92
snail, Snake River physa	14-Dec-92
riffleshell, northern	22-Jan-93
springsnail, Bruneau Hot	25-Jan-93
checker-mallow, Nelson's (Sidalcea nelsoniana)	12-Feb-93
plover, western snowy	5-Mar-93
moccasinshell, Coosa	17-Mar-93
gnatcatcher, coastal California	30-Mar-93
heelsplitter, Carolina	30-Jun-93
milk-vetch, Applegate's (Astragalus applegatei)	28-Jul-93
Orcutt grass, California (Orcuttia californica)	3-Aug-93
fly, Delhi Sands flower-loving	23-Sep-93
minnow, Rio Grande silvery	20-Jul-94
bladderpod, San Bernardino Mountains (Lesquerella kingii ssp. bernardina)	24-Aug-94
buckwheat, cushenbury (Eriogonum ovalifolium var. vineum)	24-Aug-94
daisy, Parish's (Erigeron parishii)	24-Aug-94
milk-vetch, Cushenbury (Astragalus albens)	24-Aug-94
oxytheca, cushenbury (Oxytheca parishii var. goodmaniana)	24-Aug-94
fairy shrimp, vernal pool	19-Sep-94
tadpole shrimp, vernal pool	19-Sep-94
toad, arroyo (=arroyo southwestern)	16-Dec-94
dudleya, Santa Clara Valley (Dudleya setchellii)	3-Feb-95
jewelflower, Metcalf Canyon (Streptanthus albidus ssp. albidus)	3-Feb-95
frog, California red-legged	23-May-96
baccharis, Encinitas (Baccharis vanessae)	7-Oct-96
crownbeard, big-leaved (Verbesina dissita)	7-Oct-96
manzanita, Del Mar (Arctostaphylos glandulosa ssp. crassifolia)	7-Oct-96
spineflower, Orcutt's (Chorizanthe orcuttiana)	7-Oct-96
hau kuahiwi (Hibiscadelphus woodii)	10-Oct-96
bean, purple	10-Jan-97
combshell, Cumberlandian	10-Jan-97
mussel, oyster	10-Jan-97
butterfly, Quino checkerspot	16-Jan-97
skipper, Laguna Mountains	16-Jan-97
dudleya, Verity's (Dudleya verityi)	29-Jan-97
milk-vetch, Braunton's (Astragalus brauntonii)	29-Jan-97
pentachaeta, Lyon's (Pentachaeta lyonii)	29-Jan-97
snake, copperbelly water	29-Jan-97
pygmy-owl, cactus ferruginous	10-Mar-97
grass, Colusa (Neostapfia colusana)	26-Mar-97
Orcutt grass, hairy (Orcuttia pilosa)	26-Mar-97
Orcutt grass, Sacramento (Orcuttia viscida)	26-Mar-97
owl's-clover, fleshy (Castilleja campestris ssp. succulenta)	26-Mar-97

Common Name	Date First Listed
spurge, Hoover's (Chamaesyce hooveri)	26-Mar-97
tuctoria, Greene's (Tuctoria greenei)	26-Mar-97
salamander, Barton Springs	30-Apr-97
paintbrush, golden (Castilleja levisecta)	11-Jun-97
goldfields, Contra Costa (Lasthenia conjugens)	18-Jun-97
Barberry, island (Berberis pinnata ssp. insularis)	31-Jul-97
fringepod, Santa Cruz Island (Thysanocarpus conchuliferus)	31-Jul-97
turtle, bog (=Muhlenberg)	4-Nov-97
thistle, Suisun (Cirsium hydrophilum var. hydrophilum)	20-Nov-97
whipsnake (=striped racer), Alameda	5-Dec-97
amphipod, Peck's cave	18-Dec-97
beetle, Comal Springs dryopid	18-Dec-97
beetle, Comal Springs riffle	18-Dec-97
kangaroo rat, San Bernardino Merriam's	27-Jan-98
mouse, Preble's meadow jumping	13-May-98
potentilla, Hickman's (Potentilla hickmanii)	12-Aug-98
cactus, Winkler (Pediocactus winkleri)	20-Aug-98
amphipod, Illinois cave	3-Sep-98
bluegrass, San Bernardino (Poa atropurpurea)	14-Sep-98
paintbrush, ash-grey (Castilleja cinerea)	14-Sep-98
pussypaws, Mariposa (Calyptridium pulchellum)	14-Sep-98
sandwort, Bear Valley (Arenaria ursina)	14-Sep-98
taraxacum, California (Taraxacum californicum)	14-Sep-98
wild-buckwheat, southern mountain (Eriogonum kennedyi var. austromontanum)	14-Sep-98
milk-vetch, Coachella Valley (Astragalus lentiginosus var. coachellae)	6-Oct-98
milk-vetch, Fish Slough (Astragalus lentiginosus var. piscinensis)	6-Oct-98
milk-vetch, triple-ribbed (Astragalus tricarinatus)	6-Oct-98
crownscale, San Jacinto Valley (Atriplex coronata var. notatior)	13-Oct-98
monardella, willowy (Monardella linoides ssp. viminea)	13-Oct-98
navarretia, spreading (Navarretia fossalis)	13-Oct-98
shiner, Arkansas River	23-Nov-98
salamander, flatwoods	1-Apr-99
manzanita, Ione (Arctostaphylos myrtifolia)	26-May-99
snake, Lake Erie water	30-Aug-99
`oha wai (Clermontia samuelii)	3-Sep-99
Kopa (Hedyotis schlechtendahliana var. remyi)	3-Sep-99
na`ena`e (Dubautia plantaginea ssp. humilis)	3-Sep-99
Fritillary, Gentner's (Fritillaria gentneri)	10-Dec-99
salamander, California tiger (U.S.A. (CA - Santa Barbara County))	19-Jan-00
butterfly, Fender's blue	25-Jan-00
daisy, Willamette (Erigeron decumbens var. decumbens)	25-Jan-00
rabbit, riparian brush	23-Feb-00
woodrat, riparian (=San Joaquin Valley)	23-Feb-00
elepaio, Oahu	18-Apr-00
salmon, Atlantic	17-Nov-00
ground beetle, [unnamed] (Rhadine exilis)	26-Dec-00
ground beetle, [unnamed] (Rhadine infernalis)	26-Dec-00
harvestman, Robber Baron Cave	26-Dec-00
mold beetle, Helotes	26-Dec-00
spider, [unnamed]	26-Dec-00

Common Name	Date First Listed
spider, Government Canyon cave	26-Dec-00
spider, Madla's cave	26-Dec-00
spider, Robber Baron Cave	26-Dec-00
spider, Vesper cave	26-Dec-00
Milk-vetch, Ventura Marsh (Astragalus pycnostachyus var. lanosissimus)	21-May-01
milk-vetch, Holmgren (Astragalus holmgreniorum)	28-Sep-01
milk-vetch, Shivwitz (Astragalus ampullarioides)	28-Sep-01
tiger beetle, Ohlone	3-Oct-01
mussel, scaleshell	9-Oct-01
Catchfly, Spalding's (Silene spaldingii)	10-Oct-01
Rabbit, pygmy	30-Nov-01
Frog, Mississippi gopher	4-Dec-01
cavesnail, Tumbling Creek	27-Dec-01
salamander, California tiger (U.S.A. (CA - Sonoma County))	22-Jan-02
Shrew, Buena Vista Lake ornate	6-Mar-02
frog, Chiricahua leopard	13-Jun-02
ambrosia, San Diego (Ambrosia pumila)	2-Jul-02
frog, mountain yellow-legged	2-Jul-02

[Responses to questions submitted for the record by the National Oceanic and Atmospheric Administration follow:]

Questions for the Record from the Honorable Wayne T. Gilchrest, Chairman, Subcommittee on Fisheries Conservation, Wildlife and Oceans

NOAA'S FY '04 BUDGET REQUEST

MARCH 19, 2003

General Fisheries Management Questions for Vice Admiral Conrad Lautenbacher, Jr.

1. Question: How much funding is being proposed for cooperative research programs for FY '04? Has NMFS identified regional or fishery specific priorities for this money?

Answer: NOAA's FY 2004 budget request includes $9.5 million for cooperative research. This amount includes $2.75 million for the national cooperative research program, $3.75 million for northeast cooperative research and $3.0 million for southeast cooperative research.

NOAA Fisheries is in the process of identifying priorities to be addressed by cooperative research. This approach varies from region to region ranging from bottom-up planning among scientists and the fishing industry to a formalized solicitation selection. In addition, a number of projects unfunded in FY 2003 will likely be a component of the FY 2004 cooperative research programs:

- Yellowtail flounder tagging study (northeast)
- Study of mixing rates of Atlantic herring stock components in the Gulf of Maine–Georges Bank region (northeast)
- Cooperative research on the development of gear modifications and fishing practices to reduce turtle takes in the U.S. Atlantic pelagic longline fisheries (southeast)
- Assessment of lobster trap-fishing habitat impacts in the northwestern Hawaiian islands (Pacific Islands Region)
- Central California groundfish ecology survey (southwest)
- Characterizing the habitat of adult Pacific salmonids (southwest)
- Fixed gear survey of sablefish in Oregon (northwest)
- Feasibility of acoustic surveys to estimate distribution and abundance of pelagic west coast rockfishes (northwest)
- Pre-recruit survey of Pacific whiting (northwest)
- Measures to eliminate seabird injuries and mortalities from interactions with trawl nets and cables (Alaska)
- Cooperative studies of essential fish habitat and mobile fishing gear effects in the Aleutian Islands (Alaska)

- Augmentation of annual red king crab survey in the Eastern Bering Sea (Alaska)

2. Question: The FY '03 appropriation includes funding of $17 million for increased stock assessments, particularly off the west coast. How does the FY '04 request compare with this level of funding?

Answer: NOAA's FY 2004 budget request includes a total of $14.9 million for increased stock assessments, this is $3 million dollars over the FY 2003 request. NOAA's request proposes continuation of priority investments in fishery stock assessments, including charter vessel days-at-sea to support regionally-identified priority surveys, advanced sampling technology, and programmatic needs in applied fishery oceanography studies. NOAA's investments in fishery science infrastructure and staff resources will improve the comprehensiveness, timeliness, quality, and communication of state-of-the-art assessments as outlined in the Stock Assessment Improvement Plan. The additional $5.0 million provided in FY '03 by Congress over what was requested in FY 2003 will enable NOAA to accelerate projects not expected to start until FY 2004. NOAA will also continue its high priority stock assessments from FY 2003.

3. Question: Can you give us an update on the agency's progress in deploying new fishery research vessels? How much is in the FY '04 request for these new vessels?

Answer: NOAA awarded a contract for a new fishery research vessel with contract options for three additional vessels on January 1, 2001. The shipyard that was awarded the contract, VT Halter Marine, Inc., subsequently encountered financial difficulties and was briefly under bankruptcy court protection. The financial issues have since been resolved and the company has emerged from bankruptcy. Significant progress has been made on construction of the first vessel, OSCAR DYSON, with delivery to NOAA expected to occur August 31, 2004. With funding provided in our FY 2002 and FY 2003 appropriations, NOAA plans to award the contract option for construction of the second vessel in August 2003. The expected delivery date for the second vessel is September 2006.

Due in part to uncertainty about the financial status of the shipyard during formulation of the FY 2004 budget, and to allow adequate progress on FSV I and II, the Fiscal Year 2004 President's Budget does not include a request for funds for the third fishery survey vessel. NOAA has until January 31, 2005 to exercise the option to build FSV III under the existing contract with VT Halter Marine. The FSV contract options are written so that the options can be awarded when the funds become available and until expiration of the option.

4. Question: The increase in the FY '03 funding for stock assessments will be a substantial increase. Will the agency be contracting with private or university vessels to do some of this fishery survey work?

Answer: Out of an estimated total of 5453 days at sea, NOAA Fisheries plans to charter approximately 3553 or almost 65% of its total vessel needs for FY 2003. Academic and private charter ships are used to the maximum extent possible to conduct NOAA Fisheries survey work.

5. Question: Included in the FY '03 appropriation is $100 million for fisheries disasters. Can you tell us how quickly the money will get to the affected fishermen and will the funding go through the states or will NMFS administer the money?

Answer: NOAA is working to provide these funds to the states as expeditiously as possible and in accordance with the applicable statutory and regulatory requirements. Funds intended for fishermen in Alaska and Hawaii, as well as shrimp and blue crab fishermen, will be administered through the applicable states. Administrative and logistical matters, such as eligibility and the specific method of paying funds, will be resolved by the states. The actual timing for the receipt of funds by the individual fishermen will be dependent on these procedures and schedules established by the states.

6. Question: How much funding is included in the FY '04 request for gear research? Will the agency be working cooperatively with the fishing industry to develop cleaner gear that also will work to catch fish?

Answer: NOAA Fisheries is currently conducting gear research in each of its five regional science centers. Some examples of the types of projects NOAA Fisheries is spearheading include gear modifications to reduce bycatch of:

- Turtles and red snapper in Atlantic Ocean and Gulf of Mexico otter trawl fisheries
- Halibut, cod, and pollock in Alaska groundfish trawl fisheries
- Turtles and non-target finfish in Atlantic pelagic longline fisheries
- Seabirds and turtles in Hawaii pelagic longline fisheries

Within the $2.8 million request for reducing bycatch is a request for $0.6 million to expand and improve bycatch reduction research and testing. This testing will be achieved through cooperative research activities. Research and testing (including independent monitoring), using leased vessels to test bycatch reduction devices, will address innovative methods to reduce bycatch. The vessels will be leased to follow the experimental protocols developed by this initiative, while gaining insight into the effectiveness of the bycatch reduction devices through the use of the technologies by the fishermen who work these fisheries.

7. Question: NMFS has recently released a national plan on bycatch. Can you give the Subcommittee more details on what will be done in FY '04 and how much funding is available for these activities?

Answer: The 1996 Magnuson–Stevens Act amendments imposed a significant new requirement in National Standard 9 that conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. There is great concern that harvesting and then discarding catch in most fisheries has a detrimental effect on the marine ecosystem and on the condition of the targeted species. The national bycatch goal, as set forth in the NOAA Fisheries National Bycatch Strategy is "to implement conservation and management measures for living marine resources that will minimize, to the extent practicable, bycatch and mortality of bycatch that cannot be avoided." This includes meeting the current bycatch reduction requirements of relevant statutes including National standard 9 of the Magnuson–Stevens Act, Section 118 of the MMPA, and the take prohibitions of the ESA.

Currently, NOAA Fisheries spends $35.3 million on bycatch related activities, including all observer data collection effort. The FY 2004 budget requests an increase of $2.8 million specifically for reducing bycatch. This initiative has three components:

(1) Within the $2.8 million, $0.2 million will be used to enhance and coordinate technical expertise to respond to bycatch issues. NOAA Fisheries believes bycatch reduction can be enhanced and better coordinated utilizing national bycatch reduction expertise of gear specialists, fishery and protected species experts, socio-economic specialists, and outreach experts. These specialists will be located across the country and will examine bycatch reduction pertaining to both fisheries gear needs (i.e., conservation engineering) and protected species and marine mammal interactions. This group will examine existing bycatch reduction methods, evaluate their effectiveness, and design and test new methods.

(2) Additional funds ($0.6 million) for public/private bycatch reduction research and testing would expand and improve cooperative research activities in three fisheries per year. Research and testing (including independent monitoring), using leased vessels to test bycatch reduction devices, will address innovative methods to reduce bycatch. The vessels will be leased to follow the experimental protocols developed by this initiative, while gaining insight into the effectiveness of the bycatch reduction devices through the use of the technologies by the fishermen who work these fisheries.

(3) Additional funds ($2.0 million) to expand the number of bycatch observers would provide for approximately 2,000 additional observer sea days to enhance NOAA Fisheries efforts to expand and modernize fisheries observer programs for the collection of bycatch data from commercial and recreational fishing vessels. The improved data will allow better assessment of impacts of fishing activities on living marine resources—finfish, shellfish, marine invertebrates, marine mammals, sea turtles, and seabirds.

Fisheries change from year to year due to a variety of environmental, economic, and management conditions; their effects on non-target or undersized finfish and protected species can change annually as a consequence. Bycatch levels need to be monitored throughout the range of the fisheries to quantify the removal of protected species and discarded finfish and to identify alternate fishing practices to reduce bycatch.

Fisheries requiring increased observer coverage and the focus of the requested 2000 additional observer days under the bycatch initiative include:

- Mid–Atlantic and New England scallop dredge fisheries. Bycatch of incidental take of ESA-listed sea turtles and regulated groundfish species;
- West Coast groundfish open access fishery. Bycatch of overfished finfish in the open access components of the fishery;
- Mid–Atlantic haul seine, purse seine, pound net, stop net, gill net and pot fisheries. Significant incidental take of protected species, such as marine mammals and sea turtles;
- Gulf of Mexico and Atlantic shrimp otter trawl fishery. Bycatch of juvenile red snapper and other commercially valuable finfish, as well as sea turtles;

- Alaska halibut longline fishery. Bycatch of seabirds;
- California, American Samoa, and Guam pelagic longline fisheries. Bycatch of Pacific sea turtle populations;
- Atlantic recreational charterboat and headboat fisheries. Bycatch of finfish, sea turtles, marine mammals, and/or seabirds;
- Alaska gillnet and purse seine fisheries. Incidental take of marine mammals and seabirds;
- Atlantic and Gulf of Mexico reef and bottom longline and bandit rig fisheries. Bycatch of non-target and undersize finfish;
- Hawaii bottomfish fishery. Interactions with Hawaiian monk seals, a critically endangered species; and
- Atlantic and Gulf of Mexico reef and bottom longline and bandit rig fisheries. Bycatch of non-target and undersize finfish.

8. Question: What is the latest on the new TEDs requirement? Is there any funding for helping the shrimp industry to finance this new gear requirement since they are currently facing an economic crisis?

Answer: The new TED requirements to enhance the effectiveness of TEDs in reducing sea turtle deaths that result from trawling in the southeastern United States were published in the Federal Register on February 21, 2003. The rule took effect in state and federal waters on April 15, 2003 in the Atlantic and will take effect on August 21, 2003 in the Gulf of Mexico. Fishermen have until those dates to complete what, for most, are minor modifications to increase the size of the TED escape openings through which turtles exit. The main effect of the new rule is that shrimpers will have to ensure that the openings on their TEDs are large enough to release large sea turtles—up to the size of large loggerhead turtles in inshore waters (bays and sounds inside the COLREGS lines), and up to the size of leatherback turtles in offshore waters of the Gulf and Atlantic and inshore waters of Georgia and South Carolina. These turtles are too large to escape through the minimum escape opening sizes required in the previous regulations. The new requirements are expected to reduce deaths of loggerhead turtles—a threatened species—by tens of thousands each year and will reduce deaths of leatherback turtles—an endangered species—by thousands each year. NOAA Fisheries is consulting with the Department of State regarding how the new rule will affect the implementation of P.L. 101–162 which, in part, requires foreign nations to have sea turtle conservation programs in place comparable to the U.S. The use of TEDs has been an integral part of these conservation programs. Global use of the larger opening TEDs will greatly enhance the conservation and recovery of threatened and endangered sea turtles.

Congress has appropriated $35 million to aid the southeast United States shrimp fishery. NOAA Fisheries is working with the states and industry to distribute this money. Additionally, a substantial number of fishermen in the Atlantic (up to 70% in some areas) and some in the Gulf (up to 15% in some areas) already have TEDs that comply with the new regulations and won't have to make any changes. Most of the rest will only have to make modifications to the escape hole and flap on their existing TEDs. The modification consists of removing the webbing flap that covers the escape opening, cutting away additional meshes to enlarge the escape opening, and installing a new, larger flap over the escape opening. Fishermen can make the modification in under thirty minutes, with less than $25 of material costs, or spend an estimated $45 to have the modification done at a net shop. The regulations also increase the minimum size of the TED grid (the hardware portion of the TED). Because larger TED grids perform better at excluding debris and retaining shrimp, most fishermen use TED grids that exceed the minimum required sizes already. The regulatory change is expected to affect few to no fishermen in the Atlantic and only a small percentage of the fishermen in the Gulf.

9. Question: Has FDA been cooperative in increasing inspections for illegal antibiotics which have been found in some shrimp imports and are they working cooperatively with NMFS in these activities?

Answer: NOAA Fisheries has had a long, collegial working relationship with FDA. We have had numerous Memorandums of Understanding (MOUs) and Interagency Agreements with FDA, or with other federal agencies involving FDA's participation, dealing with such matters as seafood safety and inspection operations, research, inspecting animal feed ingredients (fish meal), providing funds to determine the effects of fish consumption on human mercury toxicity, transferring funds to assist their agency in their molluscan shellfish food safety assistance project and other funds to partially support the ISSC office in Columbia, SC, and joint funding with FDA, USDA, and DOD to support the National Advisory Committee for the Microbiological Criteria for Foods. Aside from these MOUs, we have further collaborated with FDA on numerous other fishery related food safety issues.

Specifically for chloramphenicol analysis, the principal, NOAA Fisheries" National Seafood Inspection Laboratory (NSIL) has been in contact with FDA relative to assisting that Agency in performing chloramphenicol analysis. Discussions between NOAA Fisheries and FDA have resulted in FDA's provisional approval of methods for sample submission, custody, routing, and accounting and documentation procedures necessary to maintain the regulatory chain of custody and tracking required for import collections. Further, FDA expects to fund 4,800 analyses on a reimbursable basis in the amount of approximately $200K. An interagency agreement toward that end is currently being negotiated. Two other NOAA facilities—NOAA Fisheries Northwest Fisheries Science Center, and the NOAA National Ocean Services Coastal Center for Environmental Health and Biomolecular Research—also may provide assistance to FDA in performing laboratory analysis. FDA has expressed an interest in assessing these two facilities Mass Spectrometry capabilities to confirm rapid screening methods. NOAA expects to follow up with FDA in this regard.

10. Question: During our hearings on the reauthorization of the Magnuson–Stevens Act, it became apparent that the agency was spending a large amount of manpower and funds defending lawsuits. What steps has the agency taken through this budget request to address this problem?

Answer: NOAA Fisheries is undertaking the necessary changes to improve the efficiency and effectiveness of its operations and increase compliance with all procedural requirements. As a critical component of this improved compliance, NOAA Fisheries is using the National Environmental Policy Act (NEPA) as a structured, analytical framework within which to make informed decisions integrating environmental, social, and economic factors. NOAA Fisheries is taking a number of actions to front-load the NEPA process through the active participation of all regional, science center, and Council staff in key responsibilities (e.g., sustainable fisheries, protected resources habitat, economics, legal review) at the early stages of fishery management action development—a "no-surprises" approach. A headquarters Environmental Policy Coordinator and regional coordinators (National Environmental Policy Act Coordination Officer) have been hired to ensure national and regional consistency, provide advice on integrating statutes, and remain current on national policy issues related to environmental compliance.

11. Question: It appears that NEPA compliance has been the target of a number of lawsuits. What does this budget request do to ensure that NEPA compliance is addressed? Has the agency looked at how the Magnuson–Stevens Act and NEPA contradict and/or how the process timelines can be coordinated? Will there be any suggestions on this issue when the Administration sends its Magnuson–Stevens Act reauthorization to the Hill?

Answer: The FY 2004 budget request contains an $8 million dollar request (a $3 million increase over FY 2003) specifically for the purpose of improving compliance with NEPA. These funds would be used primarily for increasing our NEPA specialists within our regional offices. Remaining funds would be used for support of the Regional Fishery Management Councils who assist us in NEPA implementation.

In developing the Regulatory Streamlining Project ($1.5 million requested in FY 2004), NOAA Fisheries reviewed how all process timelines can be coordinated. NOAA Fisheries believes that the solution to the coordination problems that have been experienced is to establish a process under which NEPA and other related environmental impact review requirements are fully completed as early as possible for proposed Regional Fishery Management Council actions and well before such actions are the subject of formal Regional Fishery Management Council recommendations to the Secretary of Commerce. Accordingly, frontloading the completion of the NEPA process into the Operational Guidelines that govern both the Regional Fishery Management Council's and NOAA's analysis, review, and consideration of proposed Regional Fishery Management Council actions is a major component of the Regulatory Streamlining Project.

NOAA Fisheries does not believe changes to Magnuson–Stevens Act related to this issue are necessary. Rather, NOAA Fisheries is placing emphasis on effectively implementing the Regulatory Streamlining Project in conjunction with an increase in NEPA efforts—and that should avoid the need for any legislative changes regarding this matter.

12. Question: What is the latest on the Advisory Committee on Marine Protected Areas?

Answer: Secretary of Commerce Donald Evans notified thirty nominees of their selection as candidates for the Marine Protected Areas Federal Advisory Committee on January 3, 2003. All thirty have indicated their desire to serve. The first meeting was held on June 24–25, 2003 in the Department of Commerce Auditorium.

13. Question: The Appropriations Committee has required the Agency to submit an annual report on the use of Pacific salmon funds along the west

coast and how the use of those funds has recovered listed salmon populations. The Resources Committee would like the Agency to provide it with that information as well. Can the Agency cite for us today any specific actions taken by the Agency that have helped recover salmon stocks?

Answer: NOAA Fisheries has taken numerous actions under the Endangered Species Act (ESA) to protect and restore the twenty-six populations of Pacific salmon that have been listed as threatened or endangered under the ESA. The agency is implementing changes needed to protect and recover these fish, including those necessary to address human impacts from habitat destruction, dams, hatcheries, and harvest. NOAA Fisheries has sought to reduce or eliminate threats to the species as the first step towards recovery. NOAA Fisheries has also sought to minimize the impacts to affected parties and to fulfill its treaty obligations with treaty Indian tribes. A small sample of the many actions NOAA Fisheries has taken to date are given below. All of these examples have led to improved salmon survival and will aid in future recovery of the runs.

Pacific Coastal Salmon Recovery Fund (PCSRF)—Over the past three years, NOAA Fisheries has provided over $250 million through the PCSRF to the states and tribes for over 2200 "on-the-ground" salmon recovery projects that contribute to the restoration and conservation of healthy and sustainable Pacific salmonid populations and the habitats upon which they depend. The PCSRF supplements state, tribal and federal programs to implement salmon recovery efforts and fosters state-local-tribal-federal collaboration and engagement in recovery programs. The majority of the PCSRF funds have been used for salmon habitat restoration projects in ESA listed salmon habitat. A Report to Congress on the PCSRF was recently transmitted to Congress.

Endangered Species Act Section 7 Consultations—NOAA Fisheries conducts several hundred ESA consultations each year on habitat, harvest, hatchery and hydropower activities on the West Coast to ensure Federal activities don't harm salmon recovery efforts. These consultations are an essential component of our progress towards restoration of Pacific salmon populations and their habitat and have been instrumental in minimizing or eliminating the effects of federally permitted or funded activities on ESA listed salmonids. Major consultations include the Federal Columbia River Power System consultation where hydropower actions affect 12 ESA listed salmonid populations, and programmatic consultation covering fifteen categories of permit actions regulated by the Corps of Engineers.

Habitat Conservation Plans—NOAA Fisheries has completed ten major Habitat Conservation Plans (HCPs) related to forest land operations, hydropower operations, and withdrawal of water for residential, municipal, industrial and agricultural use. These HCPs provide for the protection of listed species while allowing the activities to continue in modified form.

Harvest and Hatcheries—NOAA Fisheries has worked with states, treaty Indian tribes, Fishery Management Councils, and international forums to minimize harvest impacts to ESA listed stocks, while maximizing the harvest of unlisted hatchery produced salmon in tribal, commercial and recreational fisheries. These efforts have been taken in a variety of forms from development and ratification of the U.S./Canada Pacific Salmon Treaty to development of tribal and state resource management plans under the ESA 4(d) rules for threatened species.

Research and Monitoring—NOAA Fisheries has developed an extensive research and monitoring program that is carried out by the Northwest and Southwest Fisheries Science Centers. A variety of projects are being conducted on such tasks as evaluating the efficacy of different habitat restoration techniques, the use and importance of estuaries for juvenile salmon, the growth and survival of salmon in the Columbia River plume and ocean environments, the passage of fish through dams and migration through the Columbia and Snake Rivers, and the role of salmon carcasses in providing nutrients for juvenile fish production.

Recovery Planning—NOAA Fisheries has organized the twenty-six ESA listed populations into eight recovery areas or "domains": Puget Sound; Willamette/Lower Columbia; Interior Columbia; Oregon Coast; Southern Oregon/Northern California; North–Central California Coast; South- Central California; and California Central Valley. For each domain, NOAA Fisheries is developing a Recovery Plan that addresses all listed salmon and steelhead populations within that domain. NOAA Fisheries is working with local entities to develop sub-basin plans that are the building blocks for these Recovery plans. Technical Recovery Teams (TRT), comprised of NOAA Fisheries scientists as well as technical experts from other entities, are conducting technical analyses related to recovery goals and scenarios (Recovery Planning Phase I). TRTs have now been established for seven recovery domains, and the remaining will be appointed shortly. For the Interior Columbia domain, NOAA Fisheries released interim recovery planning targets in the spring of 2002.

There is no single factor responsible for the decline in runs of Pacific salmon and steelhead, and there is no single solution for their restoration. The recovery of salmon runs will be a cooperative effort involving hundreds of affected parties and federal, state, local and tribal governments. NOAA Fisheries is working with many partners to take the incremental steps needed to recover salmon, and those actions are reducing the probability of extinction and leading to increased runs throughout the West Coast.

General Marine Mammal Management Questions

14. Question: What is NOAA doing to address the late release or non-release of funds for specific Congressional grant projects?

NOAA's handling of the funds for Congressional grant projects has unnecessarily turned what should be a 3 month process to a 9–15 month process causing many grantees to miss critical research seasons. FY 2002 funding for specific Congressional projects was held up for many grantees and many still haven't received funds as of January 2003.

Answer: NOAA has examined its grants process as part of its comprehensive Program Review. Sixty-eight Program Review Team recommendations emerged from last year's program review. Among them was the critical need to adopt "cycle time standards" for allocating financial resources. The challenge was to make sure program funding arrived in a timely manner. Based on recommendations of the Program Review, NOAA has streamlined its grants process in order to provide funds to grantees in a more timely manner. Our ultimate goal is to have a cycle time of approximately 80 to 100 days from receipt of funds to award for non-competitive grants.

15. Question: The Prescott Grant program was designed to give stranding network facilities much needed funds for research and construction programs, as well as funds for mass stranding events, to support their efforts in recovering and rehabilitating stranded marine mammals.

In the solicitation for applications released by NOAA, it states the Agency's decision to combine the FY 2003 and 2004 grant cycle. This by itself is not a bad idea, but what disturbs the Committee is the ruling made by the Agency that facilities will only be eligible to apply for up to two grants instead of four grants in the two year cycle.

Facilities have the potential of losing up to $200,000 in grant funding based on this ruling. Congress had to argue with the Agency about Congress's intent to allow facilities to apply for up to two grants per facility per year.

Why did the Agency determine that in a two year combined funding cycle facilities could only apply for two grants instead of four, when in a regular two year cycle facilities would have the chance to apply for four grants?

Answer: In order to adequately fund the more than 100 stranding network members with the limited funds available per cycle (approximately $4 million), NOAA Fisheries must limit the number of grants per institution per funding cycle. In 2001 and 2002, only two grants were allowed per institution because it was a combined funding cycle (approximately $8 million). This year is also a combined cycle (2003 and 2004), thus we are once again allowing two grants per institution.

The Prescott Grant Program limited the number of awards in the combined 2003 and 2004 grant cycle to two per stranding network participant to ensure that the greatest number of applicants could receive assistance. In determining who should receive funding, the Program (according to statute) must ensure that funds are equitably distributed across the stranding regions, as well as to existing facilities with established records in the marine mammal stranding networks. In order to allow smaller organizations with limited federal grants experience to compete fairly with the larger for-profit and university participants, the Program determined that limiting the number of awards per participant was appropriate for this funding cycle. There was no limitation on the number of proposals a participant could submit. The 2005 solicitation for proposals will be published in April 2004. Before publication, policies regarding the number of awards per network participant per year will be reviewed to ensure that they meet the Program's goals, funding priorities, and Congressional intent.

16. Question: Another issue that has been raised by stranding network facilities concerns the release of grant funding. After NMFS approves a grant the facility is required to go through an additional paper work process with the Treasury Department to get their funding released. Concerns have been raised relating to the lack of compatibility of the Treasury Department's computer system with Word Perfect or Word systems used by the stranding facilities. Can you explain the process a facility goes through

with the Treasury Department and why the Agency is required to use the Treasury Department when releasing funds?

Answer: The Federal Financial Assistance Management Improvement Act (P.L.106–107) required all Federal Agencies to reduce the number of grantee payment systems. After passage of P.L. 106–107 the number of payment systems was systematically reduced to three systems. One of these systems, the Automated Standard Application for Payments (ASAP), managed by the Department of Treasury, was selected by the Department of Commerce as its grantee payment system. A grantee must fill out standard enrollment paper work found at the Dept of Treasury's website and the Commerce Administrative Management System (CAMS) website. All forms can be downloaded from those sites. Once a recipient is in the ASAP and CAMS systems, they do not have to re-enroll with every grant they receive. ASAP offers two options for payment: 1) the Voice Response System (VRS) via telephone or 2) electronically via the computer. Although NOAA has no control over Treasury's payment system, NOAA tries to help applicants with the process and directs recipients to Treasury to ensure they follow up with Treasury as soon as possible for enrollment so they can begin to draw down funds. NOAA cannot formally request recipients to start their financial enrollment paperwork until NOAA completes a thorough review of the administrative and financial capabilities of the organization. NOAA is improving it grants processing by establishing a grants online system and has made other improvements through its "Quick Wins" efforts, such as improving the compatibility of databases between NOAA's finance office and the program offices to reduce processing time.

17. Question: How much funding is included in the Agency's base funds for marine mammal research?

Answer: Funds considered as base funds for marine mammal research totals $16 million. Total NOAA funding on marine mammal research is nearly $42 million. Protected species research focuses on marine species population abundance, distribution and trends, marine ecosystem dynamics and the impacts of human activities on marine mammals and other protected marine species. NOAA Fisheries conducts studies on large whales, porpoises, seals, sea lions, salmon, and sea turtles. NOAA uses this information to develop conservation and recovery plans in fulfillment of its Marine Mammal Protection Act and Endangered Species Act responsibilities. Scientists conduct research programs nationwide in NOAA research laboratories and provide fundamental information required by Federal, state and industry decision-makers for conservation and management purposes. The base funding for marine mammal research includes funding for marine mammal projects in several Program, Project, and Activities (PPA) lines. For example, of the $7,120K allocated to the Marine Mammal Protection line, $5,200K is used for marine mammal research. The remainder of these funds supports management and administrative activities, primarily the implementation of sections 117 (Stock Assessment) and 118 (Fishery Interactions) of the MMPA.

Of the $3,500K allocated to the Endangered Species—Marine Mammals, Sea Turtles and Other Species line, $2,700K supports marine mammal research. All of the funds allocated to Hawaiian Monk seals ($825K), Steller sea lions—Endangered Species Act ($850K), and Recovery of Endangered Whales ($1,000K) support marine mammal research.

Approximately $2,700K of the funds allocated to the ETP Tuna/Dolphin lines ($2,950K) supports related research.

18. Question: How much is appropriated annually to the agency for marine mammal research?

Answer: The amount varies from year to year. Total NOAA funding on marine mammal research is nearly $42 million. Funds considered as base funds for marine mammal research totals $16 million. NOAA Fisheries received the following funds totaling $25.95 million for research in FY 2003:

Program, Project, and Activities(PPAs) that support research in part:

- Marine Mammal Protection: Ice Seals ($250K): New item—all of this will likely support research.
- Marine Mammal Protection—Joint Alaska Harbor Seal Research ($900K): $450K of this supports research (SeaLife Center).
- Marine Mammal Research—manatee—New College ($250K): New item—all of this will likely support research.
- Protected Species Management—Southern Resident orca ($750K): All of this supports research.
- Steller Sea Lion Recovery Plan ($5,000K): About $4,800K of this is used for research.

- Steller Sea Lion External entities (i.e., Alaska SeaLife, State of Alaska, NPFMC, etc) ($13,500K): About $12,700K is used for research or research management.
- Endangered Species Act—Right Whale activities ($10,000K): About $4,000K supports research.
- Bottlenose Dolphin Research ($2,000K): all of this supports research.
- Protected Species Management—California sea lions ($750K): all of this supports research

19. Question: Is there coordination between marine mammal researchers and resource managers to focus funds on management priorities?

Answer: Yes, there is close coordination among marine mammal scientists, managers, and policy advisors to make sure that effective, efficient research activities address the highest priority needs. From 1992 through 1999, this coordination took place in the form of an annual meeting of senior marine mammal staff from science centers, regional offices and headquarters to discuss proposed research and priorities. Since 2000, the coordination is more informal, with extensive communication between science centers and regional offices, and periodic communication with NOAA Headquarters' senior staff.

20. Question: What type of marine mammal research is done by the Agency?

Answer: Most research addresses the abundance and trends of marine mammal populations and the impacts of human activities, particularly commercial fisheries, upon marine mammals. The latter generally consists of observer programs. NOAA Fisheries also conducts research into ecological relationships, health assessments, and the effects of specific agents (pollutants or disease agents) on marine mammals, population genetics, and the effects of anthropogenic noise on marine mammals. Indirect research activity includes investigations into fishing gear and practices that would reduce bycatch of marine mammals or technological approaches to avoid ship strikes.

21. Question: Is the Agency conducting any research on the effects of sound or sonar on marine mammals? If so, how much is spent annually and what is the extent of the research? If not, why?

Answer: The program has had a budget of $200,000 per year for each of the last three fiscal years. These funds have been used to support workshops (Acoustic Resonance, Auditory Brainstem Response, Temporary Threshold Shift), an NRC panel on ocean noise, the development of acoustic criteria (noise standards) for the agency, research on whale calls, and the creation of a computer program for calculating safety zones around sound sources (for issuance of MMPA authorizations).

22. Question: How is the Agency working to ensure that valid scientific research regarding the effects of sonar on marine mammals is properly permitted?

Answer: All scientific research permit applications undergo a rigorous review, especially those involving marine mammals and acoustics. In addition to a review of the merits (assisted by the Marine Mammal Commission), environmental impacts are also considered during the NEPA and ESA Section 7 (for listed species) analyses. Only those permits that meet the issuance criteria of the MMPA, including the standard for "bona fide" scientific research, are issued.

23. Question: The research conducted by Dr. Peter Tyack, a researcher with Woods Hole Oceanographic Institution, was permitted by the Agency, but halted by the court due to its interpretation that NEPA requirements were not met by the Agency when issuing amendments 1 and 3 to the permit. How is the Agency addressing this issue and how will the Agency work to ensure this doesn't happen again and in the meantime facilitate permitting of this much needed scientific research?

Answer: The Agency has addressed this issue administratively by issuing a new scientific research permit to Dr. Tyack. The permit was issued on Tuesday, June 3, 2003, thereby allowing the initial portion of the research to proceed in the Gulf of Mexico on schedule (beginning in early June, 2003). Dr. Tyack is now authorized for a five-year period to take various cetacean species including endangered whales for scientific purposes to study the biology, foraging ecology, communication, and behavior of these animals, with a focus on their responses to anthropogenic sounds. The Agency has analyzed the potential impacts of this research in an Environmental Assessment (EA), thereby fulfilling its obligations under the National Environmental Policy Act (NEPA). Based on the outcome of the litigation the Agency has determined that all future marine mammal scientific research permits that involve active acoustics will be analyzed in an EA or an Environmental Impact Statement. In the longer term, based on available resources, NOAA Fisheries intends to com-

plete programmatic NEPA document(s) and programmatic Section 7 consultations to reduce the time needed to process these types of applications.

24. Question: How many fisheries have interactions with marine mammal stocks?

Answer: NOAA Fisheries monitors interactions between marine mammals and fisheries through various observer and stranding programs around the country. In its annual List of Fisheries, a requirement of Section 118 of the Marine Mammal Protection Act (MMPA), NOAA Fisheries categorizes all U.S. commercial fisheries based on whether they have frequent, occasional, or a remote likelihood of no known incidental mortality and serious injury of marine mammals—Category I, II, and III fisheries, respectively.

Six fisheries are currently considered Category I fisheries, while thirty-three fisheries are currently considered Category II. Approximately 200 fisheries are classified as Category III. NOAA Fisheries is proposing changes to some classifications in the 2003 List of Fisheries.

25. Question: How many of these fisheries have observers? How many fisheries need observer coverage? Who pays for these observers?

Answer: To date, observer programs are the best way to obtain accurate information about the level of marine mammal and other bycatch occurring in fisheries. Section 118 of the MMPA provides that only owners of vessels engaged in a Category I or II fishery are required to take on board an observer if requested to do so. By definition, these fisheries have the highest levels of incidental mortality and serious injury of marine mammals; thus, NOAA Fisheries prioritizes observer coverage within Category I and II fisheries based on standards and priorities listed in Section 118 of the MMPA.

Approximately one-third of Category I and II fisheries have had some level of observer coverage in the past five years. Our goal is a level of observer coverage or other monitoring effort that yields an accurate representation of the bycatch occurring in the fishery

Observer programs are funded through industry, federal, and state programs depending on the region, fisheries, and resources affected.

26. Question: How does the Agency coordinate data collected by marine mammal observers and commercial fishery observers?

Answer: All observers are trained in the identification of marine mammals and other species and collect data on a range of conservation and management issues, including species composition of the catch, weights of fish caught, and bycatch of finfish, marine mammals, sea turtles, and other protected species. Observers fill out and submit forms to NOAA Fisheries that report on all of the above information.

Given the nature of marine mammal and other protected species bycatch, however, sampling methods for observer programs primarily devoted to monitoring marine mammal bycatch may vary from those primarily devoted to monitoring finfish bycatch. For example, because protected species bycatch events tend to be rarer than finfish bycatch events, marine mammal observer programs may require different levels of coverage and allocation of observers to vessels operating in distinct locations in order to obtain an accurate depiction of the occurrence of marine mammal bycatch.

27. Question: Do marine mammal observers collect fishery bycatch data in addition to marine mammal data?

Answer: Yes (see response to Q26). Observers are able to record a range of information about each fishing trip. In addition to recording marine mammal takes, observers note related factors such as gear characteristics, fishing methods, environmental conditions, and the presence of birds, and all species caught or interacting with gear. Observers take biological samples and photographs to positively identify species of mammals, birds, and fish.

28. Question: Can the Agency use fishery data collected from marine mammal observers and marine mammal data collected from commercial fishery observers or are separate data collection protocols applied?

Answer: In most cases, observers collect information on all catch and bycatch (fish, marine mammals, sea birds, sea turtles). (See responses to Q26 and Q27.) NOAA Fisheries created its National Observer Program specifically to ensure that observer programs were collecting data related to the full range of marine resource issues. Nonetheless, different data collection protocols are applied in terms of sampling designs for observer coverage in order to account for the differences in the nature and occurrence of marine mammal/other protected species bycatch versus finfish bycatch.

29. Question: The Administration's draft bill to reauthorize the MMPA includes a provision that would allow the Secretary of Commerce to conduct a voluntary fishing gear buyback program. The Secretary has similar

authorities under the Magnuson–Stevens Act. Why is a separate authority necessary?

Answer: The provisions in the Administration's MMPA reauthorization bill would enable NOAA Fisheries to focus on new ways to address the problem of incidental mortality and serious injury of marine mammals in commercial fisheries. The Magnuson–Stevens Act does not address the issue of marine mammal bycatch; rather, it deals with "fish" bycatch, defined as "finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds." Thus, a separate authority under the MMPA would help focus increased attention on finding creative solutions to the problem of marine mammal bycatch, something that is not currently authorized under the Magnuson–Stevens Act.

30. Question: The Agency has stated that by definition, insignificant levels of marine mammal deaths due to commercial fishery interactions means that total mortality or rate of death is no more than 10% of the maximum number of marine mammals that could die from human-caused mortality. What is the scientific rationale for "no more than 10%?" How was it developed and how is it applied to fisheries with marine mammal interactions?

Answer: Although NOAA Fisheries proposed a rule to define insignificant levels of incidental mortality and serious injury as 10% or less of a stock's Potential Biological Removal (PBR) levels, that definition was not included in the final rule. NOAA Fisheries has used this as a working definition for purposes of Stock Assessment Reports under Section 117 of the MMPA until a regulatory definition is finalized. NOAA Fisheries is preparing to initiate a notice-and-comment rulemaking to define the phrase, "insignificant levels of incidental mortality and serious injury approaching a zero mortality and serious injury rate," based on continued analysis over the past several years.

In accordance with Section 114 of the MMPA, the Marine Mammal Commission suggested that a negligible impact could be considered one that (1) would no longer be detectable after a year of reproduction or (2) would delay recovery of a threatened or endangered species by no more than 10% over the expected recovery if the incidental mortality did not occur. Although a clear link between negligible impact and insignificant levels of mortality is not made within the MMPA or its legislative history, there is an indirect reference in the legislative history accompanying the 1988 amendments that suggests an insignificant level of incidental mortality would have a negligible impact on the population. Using simulation analyses, NOAA Fisheries scientists found that mortality limited to 10% of a stock's PBR would delay recovery by no more than 10% and, for a population already at its carrying capacity, such a level of mortality would allow it to equilibrate within 95% of the carrying capacity (excluding fishery-related mortality). This was the scientific basis for the definition in the proposed rule in 1995 and the working definition for purposes of Stock Assessment Reports. However, later simulations suggested that 10% of PBR may be too restrictive in some cases. Based on these simulations and comments received on the definition in the proposed rule, NOAA Fisheries excluded this provision from the final rule. We have continued to evaluate and formulate definitions that are most appropriate in interpreting the intent of this standard.

31. Question: The bottlenose dolphin take reduction team (TRT) will reconvene in a few weeks. Has NMFS finalized the stock assessment for the TRT to use in its deliberations? If not, the TRT will have to continue its deliberations using 8 year old data which may not be reflective of the current bottlenose dolphin population. The Agency in the past has told the Committee that data over 5 years old is not reliable. Why hasn't the Agency processed this data to have it available for the TRT?

Answer: Yes, NOAA Fisheries provided updated bottlenose dolphin abundance estimates to the TRT at its last meeting during the first week of April 2003. The updated estimates were based on surveys conducted in Winter and Summer 2002.

NOAA Fisheries supplemented bottlenose abundance data with data that were less than five years old for the TRT to review and consider for its first series of meetings. At the time of convening the TRT, the abundance data provided represented the best available science and allowed the TRT to begin to address the high levels of incidental mortality of bottlenose dolphins occurring in several Atlantic fisheries. Based on concerns from members of the TRT, NOAA Fisheries had the data independently reviewed, and the independent review resulted in the same conclusion. Ultimately, NOAA Fisheries would like to provide updated abundance analyses on a regular basis; however, given resource constraints to date, it has not always been possible.

Aquaculture/Hatcheries

32. Question: How much is requested for Aquaculture activities? What types of activities are funded through these activities?

Answer: NOAA Fisheries has approximately $2.0 million in base funding for aquaculture. This funding does not include Pacific Coastal Salmon Recovery Funding or Columbia River Hatchery funds. NOAA Fisheries has ongoing research on fish culture and stock enhancement techniques at the Northeast Fisheries Science Center's Milford Laboratory and the Northwest Fisheries Science Center's Manchester Research Station. The FY 2004 budget provides the NOAA's Fisheries Finance Program with $19 million in loan authority for aquaculture financing and NOAA Research has $2.6 million available for aquaculture research in the FY 2004 request.

33. Question: What is the current policy on the use of hatchery raised fish for supplementation and/or restoration programs? How much money is being used by NOAA for grants for private supplementation programs?

Answer: The current NOAA Fisheries policy for the use of hatchery fish for supplementation and/or restoration programs is to allow the use of hatchery fish for these purposes on a limited and experimental basis. No funding appropriated to NOAA Fisheries is used for private supplementation programs.

34. Question: How much money is in the FY '04 request for hatchery programs? Can you give us a detailed list of all of the NOAA-funded hatchery operations and the funding levels for each hatchery? What types of fish are grown at each of these hatcheries?

Answer: The FY 2004 request includes $11.457 million for operation and maintenance costs at Columbia River salmon and steelhead hatcheries. This funding is intended to support the operation and maintenance costs for about 18 hatchery facilities that are to produce about 60 million juvenile salmonids each year consisting of coho salmon, spring chinook salmon, fall chinook salmon, steelhead, and Reddish Lake sockeye salmon. The funding needs by facility vary due to annual adjustments to production targets, mass marking costs, inflationary costs, new/additional upgrade and maintenance costs, but are approximately $4.1 million for Washington Department of Fish and Wildlife for Klickitat Hatchery, Washougal Hatchery, Skamania Hatchery, Kalama Falls Hatchery, Toutle River Hatchery, Elochoman Hatchery, and Ringold Hatcheries; $3.7 million to Oregon Department of Fish and Wildlife for OxBow/Herman Creek Hatchery, Cascade Hatchery, Bonneville Hatchery, Big Creek Hatchery, Sandy Hatchery, and Clackamas Hatchery; $3.2 million to U.S. Fish and Wildlife Service for Spring Creek/ Big White Salmon National Fish Hatchery, Little White Salmon/Willard National Fish Hatchery, Carson National Fish Hatchery, Eagle Creek National Fish Hatchery; and $0.2 million to the Yakama Indian Tribe for Acclimation Ponds.

35. Question: What statutory authorities give NOAA the authority to operate hatcheries and how do these activities differ from the U.S. Fish and Wildlife Service authorities?

Answer: The primary statutory authority to operate hatcheries is the Mitchell Act. Appropriations through this Act allow NOAA Fisheries to distribute funds to the U.S. Fish and Wildlife Service and the states for the operation of Mitchell Act mitigation hatcheries in the Columbia Basin. The U.S. Fish and Wildlife Service, states, and Tribes also operate other Pacific Northwest hatcheries, but under separate legislative authorities.

Questions for the Record from the Honorable Frank Pallone, Jr., Subcommittee on Fisheries Conservation, Wildlife and Oceans

NOAA'S FY '04 BUDGET REQUEST

MARCH 19, 2003

1. Question: Our nation's fisheries continue to have serious problems. In New England, the West Coast or many other areas of the country, fisheries disasters have become the norm, not the exception. In FY 03, NMFS asked for a total of $12 million for fisheries stock assessments. Recognizing a greater need, Congress appropriated $17 million in FY 03. But, as I understand it, the actual need is closer to $26 million.

Why has NMFS only sought an additional $3 million for stock assessment work when the status of a significant majority of fish stocks remains either unknown, depleted, or overfished?

Answer: NOAA's FY 2004 request includes a total of $14.9 million for improving and expanding stock assessments. This request provides a tremendous investment to address the fisheries data collection needs of the agency.

2. Question: I am pleased to see that there has been an increased request in the budget for fishery observers and reduction of bycatch. Some of this increase is necessary to address court orders imposed on NMFS through litigation or settlement.

How will you allocate the budget increase in these two sections among regions and fisheries to fulfill court orders but also fulfill your duties, thereby preventing continuing litigation in other fisheries?

Answer: NOAA is requesting $2.8 million in increased funding to reduce bycatch during marine fishing operations in federally managed waters. This funding will assist NOAA Fisheries in meeting the criteria of National Standard 9 of the Magnuson–Stevens Act, which states that "Conservation and management measures shall, minimize bycatch and to the extent bycatch cannot be avoided, minimize the mortality of such bycatch." Reducing bycatch will more efficiently utilize the harvest of America's living marine resources. This initiative has several components:

Bycatch Observers—($2.0 million) This request will provide for approximately 2,000 observer sea days to enhance NOAA Fisheries efforts to expand and modernize fisheries observer programs for the collection of bycatch data from commercial and recreational fishing vessels. The improved data will allow better assessment of impacts of fishing activities on living marine resources—finfish, shellfish, marine invertebrates, marine mammals, sea turtles, and seabirds.

Fisheries change from year to year due to a variety of environmental, economic, and management conditions; their effects on non-target or undersized finfish and protected species can change annually as a consequence. Bycatch levels need to be monitored throughout the range of the fisheries to quantify the removal of protected species and discarded finfish and to identify alternate fishing practices to reduce bycatch.

The projected distribution of these funds would be:

- Alaska Fisheries Science Center $300,000
- Alaska Regional Office $175,000
- Southeast Fisheries Science Center $75,000
- Northeast Fisheries Science Center $700,000
- Pacific Islands Regional Office $50,000
- Southwest Regional Office $425,000
- Northwest Fisheries Science Center $175,000
- National Observer Program $100,000

Fisheries requiring increased observer coverage under the bycatch initiative include:

- Mid–Atlantic and New England scallop dredge fisheries. Bycatch of incidental take of ESA-listed sea turtles and regulated groundfish species;
- West Coast groundfish open access fishery. Bycatch of overfished finfish in the open access components of the fishery;
- Mid–Atlantic haul seine, purse seine, pound net, stop net, gill net and pot fisheries. Significant incidental take of protected species, such as marine mammals and sea turtles;
- Gulf of Mexico and Atlantic shrimp otter trawl fishery. Bycatch of juvenile red snapper and other commercially valuable finfish, as well as sea turtles;
- Alaska halibut longline fishery. Bycatch of seabirds;
- California, American Samoa, and Guam pelagic longline fisheries. Bycatch of Pacific sea turtle populations;
- Atlantic recreational charterboat and headboat fisheries. Bycatch of finfish, sea turtles, marine mammals, and/or seabirds;
- Alaska gillnet and purse seine fisheries. Incidental take of marine mammals and seabirds;
- Atlantic and Gulf of Mexico reef and bottom longline and bandit rig fisheries. Bycatch of non-target and undersize finfish;
- Hawaii bottomfish fishery. Interactions with Hawaiian monk seals, a critically endangered species; and
- Atlantic and Gulf of Mexico reef and bottom longline and bandit rig fisheries. Bycatch of non-target and undersize finfish.

In addition, $ 800 K will be used to enhance technical expertise and testing. NOAA Fisheries believes bycatch reduction can be enhanced and better coordinated utilizing national bycatch reduction expertise of gear specialists, fishery and protected species experts, socio-economic specialists, and outreach experts. These specialists will be located across the country, and will examine bycatch reduction from gear perspectives, economic analysis of gear use, and devise methods for outreach to fishermen. This group will examine existing bycatch reduction methods, evaluate their effectiveness, and design and test new methods.

Public/Private Bycatch Reduction Research and Testing—Funding is expected to expand and improve cooperative research activities to support research and testing in three fisheries per year at a cost of $0.6 million. Research and testing (including independent monitoring), using leased vessels to test bycatch reduction devices, will address innovative methods to reduce bycatch. The vessels will be leased to follow the experimental protocols developed by this initiative, while gaining insight into the effectiveness of the bycatch reductions devices through the use of the technologies by the fishermen who work these fisheries.

3. Question: There is a substantial backlog in the days at sea required to adequately assess fish populations. How would this backlog be reduced if the President's budget were fully funded? How much is need to completely eliminate the backlog?

Answer: The FY 2004 President's budget, including $14.9 million to expand and improve fisheries stock assessments, will provide a total of 2,765 charter days at sea. A total of 4,665 days at sea are planned for fisheries surveys including 1,900 NOAA fleet days at sea funded under the NOAA Marine and Aviation Office's Marine Services line. The NOAA Fisheries Data Acquisition Plan calls for a total of 6,005 days at sea. Therefore, the FY 2004 request includes a backlog of 1,340 days at sea.

4. Question: One of the key provisions of the 1996 Sustainable Fisheries Act was the requirement to identify and protect essential fish habitat, yet there has been a significant lack of progress in reducing the adverse impacts of fishing on habitat. The FY 04 budget request for Reducing Fishing Impacts on EFH was level funded from the fiscal year 03 level of $500,000, despite our growing awareness of the impacts of bottom trawls, dredges and other types of fishing gear on deepwater corals and other valuable marine habitat. In addition, the fiscal year 04 request for Fisheries Habitat Restoration is $4 million below what was appropriated in fiscal year 03 and $5 million below fiscal year 02 appropriations.

What is the status of NOAA Fisheries activities to designate EFH as required under the SFA?

These funding requests, taken together, give the impression that the Administration considers the identification and protection of EFH a low priority. Is this the case?

Answer: The Essential Fish Habitat (EFH) provisions (Section 303(a)(7)) in the 1996 Sustainable Fisheries Act required that all Fishery Management Plans (FMPs) identify and describe EFH, minimize to the extent practicable adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. Much progress has been made to fulfill the EFH mandate. Currently, all 43 FMPs address the EFH provisions.

EFH has been identified and described for close to1,000 species and their associated multiple life-stages. NOAA Fisheries approved all designations except for several in Gulf of Mexico and Caribbean fisheries. Both the Gulf and Caribbean Councils are rectifying problems with their first attempts to designate EFH. Alternatives for improved EFH designations in the Gulf and Caribbean will be available in Draft Environmental Impact Statements, which will be available to the public for public comment later this summer.

Councils continue to address the requirement to minimize adverse effects of fishing to the extent practicable. NOAA Fisheries approved efforts to minimize adverse effects of fishing for all FMPs except for nine in the Gulf of Mexico and the Mid–Atlantic. Both Councils are working to address problems with how fishing effects were originally addressed. Alternatives for addressing fishing impacts to EFH in the Gulf of Mexico will be included in a Draft Environmental Impact Statement, which will be available for public review later this summer.

In addition to the efforts described above to rectify past deficiencies in implementing the EFH provisions of SFA, at least seven of the eight Councils are reviewing and refining their originally approved EFH provisions. NOAA Fisheries is also reviewing the FMPs for Highly Migratory Species (which is under the purview of the Secretary of Commerce, not a Fishery Management Council). The EFH Final Rule requires a review and update of the EFH provisions every 5 years. The 5-year reviews are being undertaken in the order in which the original FMPs were approved.

There are two line items in the NOAA Fisheries budget that specifically address EFH. One is "Refine EFH Designations." The second is "Reduce Impacts on EFH." In FY '03, NOAA Fisheries requested $1million to refine EFH designations and $500,000 to reduce impacts on EFH. In fiscal year 03 $500,000, was appropriated to refine EFH and the agency's request for new funding to reduce fishing impacts was zero funded. In FY '04, NOAA Fisheries actually seeks more funds for EFH

than it received in FY '03. This request reflects the agency's commitment to designate EFH and minimize adverse effects of fishing. The additional funds will support much needed research and management efforts to further improve the conservation value of the EFH program.

	FY'03 Budget Request	FY'03 Appropriations	FY'04 Budget Request
Refine EFH Designations	$1,000,000	$500,000	$1,000,000
Reduce Fishing Impacts on EFH	$500,000	$0	$500,000

The budget figures cited in the question from Congressman Gilchrest for habitat restoration do not represent expenditures for the EFH program. The line items for Fisheries Habitat Restoration support the NOAA Fisheries Habitat Restoration Division, which includes the Community Based Habitat Restoration program. While the Fisheries Habitat Restoration line-item certainly supports projects that benefit essential fish habitat, that program is not directly related to the agency's obligation to fulfill the EFH mandates in the SFA, which go beyond restoration.

Questions for the Record from the Honorable Solomon Ortiz, Subcommittee on Fisheries Conservation, Wildlife and Oceans

NOAA'S FY 2004 BUDGET REQUEST

MARCH 19, 2003

1. Question: Recently, National Marine Fisheries Service (NMFS) put out a new regulation which mandates the use of larger and more expensive Turtle Excluder Devices (TED's) that will cost the fishery thousands of dollars to install. Is NOAA planning to purchase and install these new devices for the shrimp fishery in order for them to comply with the new NOAA mandate to install larger and more expensive TED's? Do you anticipate even further changes to TED regulations in the future and what do you believe the economic impact of the new regulations will be?

Answer: NOAA Fisheries is not planning on purchasing new TEDs and installing them for fishermen and believes that the majority of fishermen will not have to purchase new TEDs to comply with the new rule. A substantial number of fishermen in the Atlantic (up to 70% in some areas) and some in the Gulf (up to 15% in some areas) already have TEDs that comply with the new regulations and won't have to make any changes. Most of the rest will only have to make modifications to the escape hole and flap on their existing TEDs. The modification consists of removing the webbing flap that covers the escape opening, cutting away additional meshes to enlarge the escape opening, and installing a new, larger flap over the escape opening. Fishermen can make the modification in under thirty minutes, with less than $25 of material costs, or spend an estimated $45 to have the modification done at a net shop. The regulations also increase the minimum size of the TED grid (the hardware portion of the TED). Because larger TED grids perform better at excluding debris and retaining shrimp, most fishermen use TED grids that exceed the minimum required sizes already. The regulatory change is expected to affect few to no fishermen in the Atlantic and only a small percentage of the fishermen in the Gulf.

NOAA Fisheries believes that most fishermen will only have to make minor changes to their equipment to comply with the new regulations; however, those fishermen whose current TED grids are too small will have to buy new grids, since they can't be easily modified, at an average cost of $220 for a new TED that would already include the enlarged escape opening. The net impact of the rule (using the worst case scenario) is not expected to significantly change average profits per vessel ranging from a gain of 0.5% to a loss of 2.4% relative to current TED requirements.

NOAA Fisheries, through its regulatory authority, provides for modifications to TEDs as appropriate and warranted. For example, a process exists for testing new TED designs, often developed by fishermen, which can result in the authorization of new TEDs or modifications to existing TEDs to increase efficiency. Technical changes, often brought to our attention by fishermen, also may be made to the regulations as warranted and appropriate. Additionally, as the best available science evolves regulatory changes may become necessary.

Shrimp loss under the new TEDs requirements will not be a significant source of economic impact. The use of a double cover flap TED showed a 0.1% shrimp gain

and the use of the new seventy-one inch opening TED showed a 1% to 3% loss when compared to current commercially available TEDs.

2. Question: The surge in foreign shrimp imports has severely suppressed the price per pound of shrimp, placing the fishery on the verge of involuntary bankruptcy. In my district alone, the economic impact in South Texas between year 2000 and 2001 is $86.4 million. Now, not only are shrimpers contending with the low price per pound of shrimp due to imports but also high cost in diesel fuel, which has forced vessels to be placed dockside. I realize there was $35 million Fisheries Disaster funding in the Omnibus bill but that was not sufficient to sustain this valuable fishery. It was a band-aid, not a solution to the problem. What plans does NOAA have to assist the Gulf and South Atlantic Shrimp Fishery in easing the economic constraints that have been imposed on the Gulf and South Atlantic Shrimp Fishery due to the tremendous surge in foreign imports?

Answer: The National Marine Fisheries Service (NOAA Fisheries) is developing a business plan to provide economic and financial relief to the Gulf of Mexico and southern Atlantic states shrimp fisheries. The business plan may identify a series of alternatives that could relieve the financial pressure in the shrimp industry. These alternatives have been identified through a series of meetings that have been held with industry representatives, fishery managers, and academic fishery experts since last fall, from Texas to North Carolina. These alternatives are being analyzed by experts in the field of fisheries economics with specific expertise in the southeastern region shrimp fishery, under contract to NOAA Fisheries. They are preparing an assessment of proposed industry alternatives that are most likely to relieve the financial pressure on the harvesting sector brought about by higher fuel costs and lower ex-vessel prices due to increased import levels. Although the analysis of proposed management alternatives has not yet been finalized, a combination of limited entry and a marketing and quality assurance program to provide high quality, wild caught, fresh shrimp to specialty and niche markets are expected to be the best alternatives that will allow fishers to capture the benefits of improved shrimp prices.

Issues and Questions from the Honorable Frank Pallone, Jr., Ranking Member, Fisheries Conservation, Wildlife and Oceans Subcommittee, Regarding USFWS and NOAA's FY 04 Budget Request, March 19, 2003

I. General Overview Questions

Question 1: Based on the new budget, NOAA (especially the National Ocean Service) appears to be de-emphasizing its ocean activities and increasing funding toward programs that do not address ocean issues. Please explain the rationale behind this shift in focus.

Answer: The President's FY 2004 budget for NOAA's Ocean Service (NOS) requests a $6.5 million increase, all of which is dedicated to programs that address ocean issues. The FY 2004 increases will help improve the Nation's most extensive coastal water level monitoring system and support a forecast capability for real-time observing systems, which will result in an improved capability to provide mariners, emergency responders, and coastal managers with information on water levels, including storm surge warnings. Also, the FY 04 budget includes program increases for Electronic Navigational Charts (ENCs) and the vessel time charter. The $2M program increase for ENCs provides NOAA with the ability to expand ENC coverage of U.S. waters in order to enhance navigational safety. With the $2M program increase for the vessel time charter, NOAA will increase hydrographic surveying capacity where the most critical survey needs exist.

Within the FY 2004 President's Budget Request, NOAA's Satellite and Information Services will continue their support to NOAA's ocean and coastal missions. Specifically, NOAA utilizes satellite data and communications systems from its polar-orbiting and geostationary operational environmental satellites, POES and GOES, respectively, to develop global to local scale sea surface temperature measurements. These are critical to track the onset and duration of the El Nino and La Nina signals in the equatorial Pacific Ocean, as well as global and national coral bleaching events. NOAA also utilizes data from non-NOAA satellites to measure sea surface height used to support the formation and duration of eddy's in the ocean currents. Data are also used from commercial systems to monitor harmful algal blooms in near coastal waters. NOAA's satellites carry data collection systems that are used to collect data from buoys in the ocean. Without these oceanic readings, NOAA could not support its weather and climate, and ocean and coastal missions. NOAA will

continue to support this critical support to the ocean and coastal community in its future satellite systems, GOES-R, and the National Polar-orbiting Operational Environmental Satellite System (NPOESS). In addition to providing satellite-derived products and services, NOAA also houses the world's largest collection of climatic, geophysical, ocean and coastal data within NOAA's National Data Centers.

In addition to continued support in FY 2004 for dedicated "ocean" programs, including the National Undersea Research Program, the National Sea Grant College Program, and the Ocean Exploration program, NOAA Research is requesting increases for two significant ocean/coastal activities.

The President's FY04 budget request includes an increase of $1.0 M (and total request of $1.8M) for National Invasive Species Act support, and for aquatic nuisance species prevention and control activities. One-third of the increase will support competitive grants through the Ballast Water Technology Demonstration Program administered by Sea Grant. Another third will assist with the development of a nationally coordinated monitoring and early detection system beginning with a pilot project in Hawaii. The final third will be used to control invasions and restore habitat in invaded ecosystems.

Finally, NOAA Research is requesting an increase of $16.9M for the Climate Change Research Initiative, of which $6.3M is for support of the Global Ocean Observing System. This is a critical part of the President's Climate Change Research Initiative because of the ocean's large role in storing heat and carbon dioxide, key components for understanding oceanic process and the global climate. The system is a composite of complementary networks, which include tide gauges, surface drifting buoys, tropical moored buoys, ships-of-opportunity, the Argo array, ocean reference stations, the ocean carbon network, and support systems for data assimilation, management and product delivery.

Question 2: Of the total amount of line items that received appropriations for FY 2003, for which NOAA did not request funding in FY 2004, how many were considered by NOAA to be one-year appropriations?

Answer: The following line items received appropriations in FY 2003, were not requested in FY 2004, and are considered by NOAA to be one-year appropriations. Those marked with an asterisk (*) were also funded in FY 2002.

ORF	$'s in thousands
MS/LA Digital Coast	497
* Height Modernization Study WI	497
Height Modernization Study MS	497
* Geodetic Survey - LA	497
* Great Lakes NWLON	1,987
Upper Cook Inlet	497
* Coastal Observation Technology System	1,689
* Center for Integrated Marine Technologies	1,987
* Alliance for Coastal Technologies	2,981
Center for Coastal Ocean Observation & Analysis	2,484
Carolina Coastal Observation and Prediction System	2,484
Wallops Ocean Observation Project	1,392
* Lake Ponchartrain	1,987
Sarasota Bay - Mote	745
Coastal Marine Research and Monitoring Program	1,192
* CI-CORE	994
Coastal Watershed Groundwater Assessment NH	497
* CREST	497
Harmful Algal Bloom Task Force SC	596
* Aquatic Research Consortium MS	2,484
Aquidneck Island	596
* Aquatic Resources Environmental Initiative	4,968
Marine Debris Removal SC	174
Edisto Beach Marsh Restoration	99
Water Control Impoundments SC	695
* Coastal Remediation Technology	745
* Murrell's Inlet Special Area	199
* Gulf of Alaska Ecosystem Monitoring	745
* Prince William Sound Science Center	497
* Long term Estuary Assessment Consortium	1,192
Long Island Sound Coast Observing System	209
* NW Straits Citizens Advisory Commission	745
* Alaska Fisheries Development Foundation	919
Bluefin Tuna Tagging (Monterey)	422
* Charleston Bump Billfish Tagging	149
* Cooperative Research Northeast Consortium	4,968
FMP Extended Jurisdiction, State of Alaska	1,490
Halibut Data Collection	447
Hawaii Seafood Safety Inspections	795
* Hawaii Stock Management Plans	497
* Highly Migratory Shark Fishery Research Program	1,850
Horseshoe Crab Research	646
Massachusetts Fishery Institute	497
* Stellar Sea Lion/Pollock Research N. Pacific Council & Mgmnt	1,987
* South Carolina Taxonomic Center	497
VA Trawl Study	373
* Alaska Near Shore Fisheries State of Alaska	994
* Anadromous Fish Commission N. Pacific Council	745
Gulf of Alaska Coastal Communities Coalition	373
* Cooper River Corridor Management	124
* Driftnet Act Implementation/State Participation AK/WA	199
* Hawaiian Community Development	497
* Louisiana Oyster Assistance	1,987
* SCORE - NH/ FL	994
* South Carolina Seafood Marketing	497
* South Carolina Shrimper Assistance	1,490
Marine Mammal Protection - Ice Seals	248
Marine Mammal Protection - Manatee New College	248
PSM - N. Pacific Southern Resident Orca Population	746
* Stellar Sea Lion Recovery Plan - Alaska Fisheries Foundation	994
Marine Mammal Strandings - Alaska Sea Life Center	994
Marine Mammal Strandings - Charleston Health and Risk * Assessment	795
Native Marine Mammal Strandings - Alaska Eskimo Whaling * Commission	500
* Stellar Sea Lion Recovery plan - State of Alaska	1,987
Bay Watersheds Education and Training Program	2,484
Oxford	994

Center for Marine Education and Research MS	2,484
Connecticut River Partnership	298
* Fisheries Habitat Restoration - Bronx River Restoration	993
* Fisheries Habitat Restoration - LA DNR	1,376
* Fisheries Habitat Restoration - Pinellas County	1,490
Kenai Peninsula Fish Habitat Restoration	695
* Marsh Restoration - NH	994
* Mobile Bay Oyster Recovery	994
South Carolina Oyster Recovery	994
Non- native Oyster Chesapeake Bay Project - VA	994
SC DNR Research Vessel	348
* Central CA Ozone Study	248
East Tennessee Ozone Study	298
* International Pacific Research Center (U of HI)	596
Targeted Wind Sensing	1,987
* New England Air Quality Study	1,739
AIRMAP	4,967
* STORM	347
* Aquatic Nuisance Species Zebra Mussel Research	2,981
* Gulf of Mexico Oyster Initiative	993
* Oyster Disease Research	1,987
* National Institute for Undersea Science and Technology	2,484
NMNH East Wing (Oceans)	1,987
* Aquatic Ecosystems - Canaan Valley Institute	4,272
Cooperative Institute for Arctic Research	348
Institute for Science Technology and Public Policy	993
* Gulf of Maine Council	248
* Lake Champlain Research Consortium	250
* NISA/Ballast Water Demonstrations	348
NISA Alaska	1,490
Ocean Health Initiative	7,948
* Cooperative Institute for New England Mariculture and Fisheries	2,981
* Aquaculture Education Program- Cedar Point MS	993
* Pacific Tropical Ornamental Fish	447
Southern California Data Buoys	596
* Mt Washington Observatory	497
New England Weather Technology Initiative	497
* NOAA Weather Radio Transmitters - WY	372
* North Dakota Ag Weather Network	268
* GOES Active Archive	1,987
* Regional Climate Centers	2,981
National Ocean Science Competition	994
Subtotal--ORF	**131,556**
PAC	
CELP (ALL)	37,422
NERRS Acquisition and Construction (all except NERRS Const and Lan Aq)	24,341
National Monitor Sanctuary	4,968
Kasitsna Bay Lab/	695
Port Aransas Marine Science Institute	199
* Aquatic Resource Program	6,954
* Kodiak Pier	1,987
* Ketchikan Facilities	2,980
Barrow Planning and Design	993
* Norman Consolidation Project	5,961
* WFO Huntsville AL	2,980
Herbert Hoover Infrastructure Repairs (Educational Outreach)	993
* Small Waterplane Area Twin Hull Vessel	8,942
* Hydrographic Equipment Upgrades	6,160
Subotal--PAC	**105,575**
Other	
Alaska Seafood Marketing	10,000
Subtotal--Other	**10,000**
TOTAL--NOAA	**247,131**

* These earmarks were also appropriated in FY 2002

Question 3: What is the purpose of NOAA's new Business Management Fund (requested at $172,463 million)?

Answer: The Business Management Fund (BMF) would provide a mechanism to capture all of NOAA's centralized services. It would allow for a more accurate distribution of corporate services costs to NOAA's Line Offices based on consumption of services. The BMF will allow NOAA to more distinctly apply accepted business practices to its corporate costs processes, thereby providing for a more accurate distribution of these service costs to programs. Creating this fund would allow NOAA to have increased clarity in its budgetary reporting as well as enhance accountability among service providers. The BMF will promote NOAA's "truth-in-budgeting" goal by adding rigor to its corporate process and handling centralized charges through an appropriate budgetary mechanism.

What types of activities fall under "general support and service activities"?

General support and service activities are those current functions that NOAA's Office of Finance and Administration (OFA) performs for the line offices. OFA has broadly grouped these activities into six business lines:

- Workforce Management—Provides traditional human resources services to the NOAA line offices. Additionally, this business line contains the efforts of the civil rights and diversity offices.
- Facilities—Provides services related to the occupancy of NOAA-owned and leased real and personal properties.
- Information Technology—Provides networking, desktop, and telecommunications services primarily to an OFA customer base. Non-OFA customers are serviced at select NOAA Facilities.
- Acquisitions—Provides contracting and purchasing services to the NOAA line offices. Additionally, this business line contains the DOC BankCard center.
- Grants—Provides for the award and administration of grants and other financial assistance agreements.
- Financial Services—Provides accounting, budgeting, and compliance services to the NOAA line offices.

If the funds are transferred from line offices to the BMF, how is this different than the current system where line offices are directed to transfer funds to headquarters to cover agency overhead and administration?

The current system provides for an annual allocation based on a rate agreed to by the line offices using historical (FY 1992) labor data. Under a BMF the transfer of funds would be made upon quarterly billings based on consumption. OFA and the line offices will negotiate projected future-year consumption rates based upon prior-year actuals. Billings will be in advance based upon the negotiated annual consumption rates. Quarterly billings may be adjusted up or down based upon annualized prior-quarter consumption rates.

Should the BMF be approved in the FY 04 process, would the $172 million amount requested be drawn evenly from transfers made by the various line offices? In other words, would the National Ocean Service contribute the same amount as the National Weather Service?

No, the current allocation methodology would be used so as not to produce any funding shocks to the line offices given that their budgets have been previously established for FY 2004. The line offices will be provided with a bill based on consumption for their planning purposes for the out-year budgets. Starting in FY 05 the line offices will pay for corporate services based on actual consumption.

In the event that there were un-obligated funds leftover in the BMF at the conclusion of the fiscal year, how would these funds be handled? Would they be rolled-over into the next fiscal year and credited against new transfers from the line offices? Would they be distributed back to the line offices to supplement program budget shortfalls? What would prevent this fund from becoming over-capitalized?

The BMF, acting as a working capital fund, has requested (in our legislative language) an amount not to exceed 4% of the full costs necessary to maintain a reasonable operating reserve and to fund new requirements as determined by the Administrator. A working capital fund is a revolving fund. Reserves in excess of the 4% would be rebated to our customers based on their overall payment proportions to OFA (i.e., If NWS share of the OFA billings represented 35%, then 35% of any monies refunded would be distributed to NWS). A routine overage/underage for OFA services would trigger a review of OFA pricing procedures, with adjustments made accordingly.

Question 4: What needs have changed in NOAA's Corporate Services to warrant a funding increase of more than $25 million for FY 04?

Answer: Of the $25 million requested (see Summary below), $15.3 million of the change from FY 2003 to the FY 2004 President's Request for Corporate Services is not an increase. Rather, it is a transfer of $15.3 million from the Procurement, Acquisition, and Construction (PAC) account to the Operations, Research, and Facilities (ORF) account for the Commerce Administrative Management System (CAMS). This transfer is necessary because NOAA's new financial system—CAMS—became the official financial system of record on October 1, 2003. As a result of this change in CAMS' status, NOAA now needs operational resources, not acquisition funding, for operations, maintenance, and user support on the new system.

The FY 2003 Enacted budget reduced NOAA's Policy Formulation and Direction budget below its FY 2002 level. Therefore, $6.5 million is requested to restore funding required to support this activity's current program level. Attachment 1 provides a summary listing of services projected for restoration with full funding of this request. In addition, $3.7 million is required for restoration of funding and annualization of the Under Secretary and Associate Offices, and implementation of recommendations that came from the NOAA-wide Program Review Taskforce (PRT).

NOAA is requesting $1.0 million for the Program, Planning and Integration office (PPI). Among the most pressing of the PRT's recommendations were those delineating needed improvements in NOAA's corporate decision-making processes. Specifically targeted were those processes most necessary to support the Budget and Performance Integration Initiative of the President's Management Agenda. It was determined that the introduction of matrix management and the establishment of a NOAA-wide, requirements-based management process would be vested in PPI. This office is mandated to effectively execute highly complex, cross-cutting programs. Funds for these programs will be allocated to each Line Office, but administered and monitored by the matrix program manager under the oversight of PPI.

In addition, as part of the President's Management Agenda, NOAA is supporting the Department of Commerce's E-gov initiative in its request for $3.0 million. This investment will enable American citizens to have one-stop, electronic access to grant, recreational, disaster, and geospatial information. In view of the increased concerns regarding attempted cyberterrorism following the attack of September 11, 2001, it is imperative that NOAA solidify the protection of its information technology (IT). Instead of piecemeal IT security efforts scattered among the various Line Offices, NOAA has requested $4.05 million to enhance IT security bureau-wide.

SUMMARY:

+ $15.2M	**CAMS**
6.5M	**Policy Formulation and Direction**
3.7M	**Under Secretary and Associate Offices**
1.0M	**Program Planning and Integration**
3.0M	**E-Gov**
4.0M	**IT Security**
$33.4M	
- $ 8.9M	**Transfer of General Counsel staff**
+ $0.9M	**ATBs**
$25.4M	

NATIONAL OCEAN SERVICE

Question 1: Coral Reef Programs—Please discuss the elimination of the Coral Reef Program in the FY 04 budget request. Does the concurrent increase (from $500,000 to $13.5 million) in funding for the National Coral Reef Institute offset this cut? What is the National Coral Reef Institute? Will NOAA be able to implement all of the authorized activities under the Coral Reef Conservation Act? Will the reductions in NOAA's request for coral reef funding result in decreased funding available for coral reef grant assistance to states and territories in FY 04?

Answer: The NOS Coral Reef Program was not eliminated or reduced in NOAA's FY 2004 Budget Request. The tables which appear in NOAA's FY 2004 Budget Summary contain some typographical errors. The correct labeling of NOS' coral budget lines appears below. There is no reduction to NOAA's request for coral reef funding in FY 2004. Page 77 of NOAA's FY 2004 budget summary provides a brief description of the NOAA Coral Reef Conservation Program, and shows an FY 2004 Request of $28.3M, an increase of $2 million from the FY 2003 level.

Misprinted Budget Summary Table ($K)		Correct Portrayal ($K)	
Nat'l Coral Reef Institute - Hawaii	1,000	Hawaii Coral Reef Initiative - Hawaii	1,000
Nat'l Coral Reef Institute - Florida	500	Nat'l Coral Reef Institute - Florida	500
Nat'l Coral Reef Institute - Puerto Rico	500	Coral Reef - Puerto Rico DNER	500
Nat'l Coral Reef Institute	14,000	Coral Reef Program	14,000

Since 2000, NOAA has implemented all but two of the activities called for under the CRCA. The following activities have been implemented: National Coral Reef Action Strategy (Sec. 203), Coral Reef Conservation Program (Sec. 204), Coral Reef Conservation Fund (Sec. 205), and the National Coral Reef Conservation Program (Sec. 207). NOAA has not implemented Section 206 to provide Emergency Assistance grants because of other funding priorities, and there have been no emergency incidents during this time. NOAA has not ignored an emergency. NOAA is developing the first Effectiveness Report (due by end of 2003) as required by Section 208.

The National Coral Reef Institute (NCRI) was established in response to FY 1998 appropriations legislation (P.L. 105-277) and direction in the accompanying reports (H. Rept. 105-405 and S. Rept. 105-48). NCRI's primary objective is the assessment, monitoring, and restoration of coral reefs through basic and applied research and through training and education. NCRI operates at the Nova Southeastern University Oceanographic Center near Ft. Lauderdale, Florida.

Question 2: Marine Protected Areas—What is the status of the appointments process to establish a Marine Protected Area Advisory Committee pursuant to Executive Order 13158? When will the Administration have this committee appointed and operational? Does the NOAA funding request for Marine Protected Areas include sufficient funds to complete the inventory of existing MPAs in the Federal, State, and local coastal waters as required under E.O. 13158? When will this inventory be completed?

The Secretary of Commerce notified 30 nominees of their selection as candidates for the MPA Advisory Committee on January 3, 2003. NOAA held the first advisory committee meeting on June 24-25, 2003, in the Department of Commerce Auditorium. However, the Federal Office of Personnel Management, which has given priority to homeland security reviews, had completed mandatory background checks for only 21 of the 30 nominees at the time of the meeting. Those 21 members were officially appointed as Committee members by the Secretary of Commerce, and comprised the operational committee which met in June.

Background checks for eight of the remaining nine members were still in process at the time of the June meeting. One of the nominees had yet to submit the information necessary to initiate his background check. Four of these eight members have successfully completed the background check process and were officially informed of the appointment as committee members at the end of August. The one nominee not submitting information has since withdrawn his name from consideration, and a new nominee will be selected by the Department of Commerce and the

Department of the Interior. The next meeting of the committee is scheduled for the week of November 17, 2003, and will be held in San Francisco, California.

The NOAA/Department of the Interior Inventory Team is making significant progress on developing the U.S. Inventory of Marine Managed Areas, including up to 80 descriptive data fields for each site. Information is being collected for three governmental levels, Federal, state/territorial/commonwealth, and tribal, and placed on the MPA website, http://mpa.gov/. The first state/territorial/commonwealth information, for sites in the Commonwealth of the Northern Mariana Islands, was added to the web site this year. The agencies recently published a Federal Register Notice to solicit public comment on site inventory criteria, a vital step in determining which sites will be included in the final inventory. The Notice will close on September 23. The final inventory is planned for completion by the end of December 2004, but will continue to be updated afterwards on a regular basis as Federal, state, and tribal sites are modified, established, or disestablished.

Continued funding at the FY 2004 Request level of 3.0M is sufficient to complete the inventory by December 2004, and keep it updated thereafter.

OCEAN AND ATMOSPHERIC RESEARCH

Question 1: Why were the Aquatic Nuisance Species/Zebra Mussel Research, Gulf of Mexico Oyster Initiative, and Oyster Disease Research programs cut from Sea Grant's budget?

When considered in conjunction with other cuts in the Oceans Restoration and Response Programs, the decrease in Sea Grant funding and elimination of many Sea Grant programs appear to be a significant blow to science and environmental research. Please comment.

Answer: The Administration chose to request Sea Grant in FY 2004 at the level that had been proposed the previous year for transfer to NSF. No formal decision was made as to what parts of the earlier FY 2002 program would or would not be funded. Some activities will still continue, but at a lower level.

Question 2: Ocean, Coastal and Great Lakes research sustained a $27 million reduction from FY 03 enacted appropriations level of $112,216 million. Weather and Air Quality Research (within OAR) received a small ($209,000) reduction, while Climate Research received an $18 million increase. Given that there is a direct relationship between the world's oceans and the atmosphere, funding for both oceanic and atmospheric research has become increasingly important in better understanding climate change. How can NOAA justify this asymmetry in research funding?

Answer: At first glance, the relative increases and decreases among the three budget sub-activities in NOAA Research (OAR) might give the impression of an asymmetry in research funding, with decreases in funding in the President's budget request correlating most closely to the termination of programs not requested in the President's budget. However, the picture is quite different when one looks at NOAA's overall investments in research across the agency. The total funding levels included in the FY04 request reflect a balanced research program that addresses both oceanic and atmospheric issues. Further, NOAA's climate research activities are not exclusively focused on the atmosphere. For example, the President's FY04 budget request includes funding for ocean observations, which are critical for improving understanding of climate change.

CONSERVATION FUNDING

Passed by Congress in 2000, the Conservation Initiative represented a major advancement in conservation funding. Over the last three years Congress has used this category to provide critical increases for NOAA conservation programs that have historically been underfunded, such as Procurement, Acquisition, and Construction in the National Marine Sanctuaries and National Estuarine Research Reserve and Operations, Research, and Facilities for the Coastal Zone Management Act programs and Pacific Coastal Salmon Recovery. The Administration's budget request only seeks $329 million of the $520 million requested in FY04, which represents a $151 million cut below FY03.

Question: Why has NOAA chosen to request less than what Congress has appropriated in the past to support activities authorized under the Conservation Initiative? Why has the Administration not explicitly incorporated requests for funding under a specific Conservation Initiative category lines items?

Answer: A major goal of this Administration is to limit the overall growth of Federal discretionary spending. Keeping that goal in mind when formulating the FY 2004 budget request, NOAA faced many difficult choices. However the request includes many high priority programs. NOAA's FY 2004 Budget request includes $329.4 million under the Conservation Initiative category. The reduction from the FY 2003 appropriation is primarily due to two decreases. First, the FY 2004 NOAA budget request for the Pacific Salmon Recovery Fund does not include the $40.0 million for the Pacific Salmon Treaty funded in FY 2003. The FY 2003 appropriation completes the commitment under the 1999 Pacific Salmon Agreement to fund the Northern and Southern Funds. Secondly, there are many one-time habitat restoration projects and estuarine land acquisition and construction projects funded in FY 2003 that are not included within the FY 2004 request.

ATTACHMENT 1

RESTORATION OF SERVICES

POLICY FORMULATION AND DIRECTION

FY 2004 BUDGET REQUEST ($6.5M)

Following is a summary list of the types of services that would be restored by fully funding the Policy Formulation and Direction budget for FY 2004:

GRANTS MANAGEMENT

- Process a workload that has increased by 50% in a timely manner
- Meet financial assistance award (grant) cycle times for NOAA's Joint Institutes and vital cooperative research programs with universities

ACQUISITION

- Reduce cycle times of simplified acquisitions and contracts to ensure the timely delivery of products and services needed to support NOAA mission
- Contract throughout the year for audit support services to ensure that capital leasing determinations are correctly made and accounted for instead of on a "crisis basis" at the time of an audit
- Contract for contract close-out services
- Perform required oversight of purchase card activity to prevent fraud, waste, and abuse and ensure the most effective use of resources
- Perform many of our Contracting Officer Technical Representative (COTR) functions
- Provide clients with training in the areas of COTR, Basic Procurement, Purchase Card, and Small Purchases
- Represent NOAA and our clients at post-award contractor meetings
- Conduct required reviews of purchase cardholders and individuals with delegated procurement authority
- Provide on-site assistance to clients in the areas of procurement planning, contract administration, development of statements of work, and dispute resolution.

INFORMATION TECHNOLOGY

- Resolve long standing financial audit issues, including providing a dedicated Information Technology Security Officer and continue segregation of duties issues

- Reduce risk of compromise or loss to both systems supporting NOAA Finance and Administration (NFA) and to the integrity of the data housed in outdated systems

FACILITIES

- Provide effective oversight and management of NOAA's personal property inventory in order to maintain a clean financial audit
- Provide clients with timely and professional occupational safety and health service, training, accident investigation, and workplace inspections
- Perform routine site inspections and lessor compliance reviews
- Perform ongoing lease contract management
- Provide customer outreach training for new or revised procedures and/or requirements in the area of safety, inventory control, etc.
- Provide sufficient facilities services to support client missions
- Reinstate timely shipping and receiving services including hazardous materials to meet cycle times for NOAA's critical field research programs
- Reinstate efforts to establish required Continuity of Operations Plans with the appropriate testing and drills, telecommunications, and fly-away kits

FINANCIAL SERVICES

- Provide timely and accurate payments to vendors and reduce penalty payments
- Conduct required Imprest Fund audits

WORKFORCE MANAGEMENT

- Resolve thousands of leave discrepancies affecting the Department of Commerce's and NOAA's audit findings
- Provide timely advice and assistance to NOAA managers and employees
- Provide timely notice of personnel action activity to managers and employees
- Process NOAA employee awards, personnel actions, payroll actions, and other recruitment actions timely and accurately
- Reduce the cycle time for hiring personnel critical to the efficient and effective accomplishment of NOAA mission
- Provide retirement calculations timely
- Negotiate union contracts timely
- Perform organizational analysis required by OMB for buyout proposals
- Train managers and employees on the Department of Commerce Demonstration Project training and Commerce Opportunities On Line
- Evaluate NOAA's two-level performance management system
- Market e-learning, one of OMB's e-government initiatives
- Respond to employee relations inquiries in a timely manner
- Respond to requests regarding labor relations and bargaining unit activities
- Create data reports needed by NOAA management for decision making
- Conduct ongoing workforce/succession planning, including skills gaps or needs analyses
- Advise managers on the employee aspects of competitive outsourcing and A-76 studies
- Provide face-to-face counseling to employees on their rights and potential courses of action when facing separations resulting from reorganization, RIF, and competitive outsourcing
- Provide on-site training sessions in the area of labor relations, reduction-in-force, A-76, classification, staffing, and employee relations
- Provide on-site benefits and retirement training for new employees and those within five years of retirement respectively
- Develop, implement, and monitor affirmative employment activities, including cultural awareness and outreach initiatives and to provide EEO training to supervisors managers and employees
- Facilitate workgroup meetings (team building) and plan organizational improvement and productivity in response to the NOAA Survey Feedback Action employee satisfaction survey
- Provide a NOAA Employee Worklife Center
- Educate NOAA employees on Diversity
- Provide NOAA team building services (Myers Briggs Type Indicator, Thomas Kilmann Conflict Model, Diversity/Organizational Development Education)
- Recognize NOAA employees with the Diversity Spectrum and Best Practices Awards

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