HEARING ON H.R. 2401, CBRA TECHNICAL CORRECTIONS; AND H.R. 2556, TO REAUTHORIZE THE NORTH AMERICAN WETLANDS CONSERVATION ACT OF 1989

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

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HEARING ON H.R. 2401, CBRA TECHNICAL CORRECTIONS; AND H.R. 2556, TO REAUTHORIZE THE NORTH AMERICAN WETLANDS CONSERVATION ACT OF 1989

THURSDAY, OCTOBER 23, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS, COMMITTEE ON RESOURCES, *Washington, DC*

The Subcommittee met, pursuant to notice, at 2:10 p.m., in Room 1324, Longworth House Office Building, Hon. Jim Saxton [chairman of the Subcommittee] presiding.

Mr. SAXTON. [presiding] The Subcommittee on Fisheries, Wildlife and Oceans will come to order for the purposes of holding a hearing.

STATEMENT OF HON. JIM SAXTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. SAXTON. The purpose of today's hearing is to discuss H.R. 2401, which amends the Coastal Barrier Resources System, and H.R. 2556, which reauthorizes the North American Wetlands Conservation Act and the Partnership for Wildlife Act.

The Coastal Barrier Resources System is a program which attempts to reduce the waste of Federal expenditures by restricting Federal development assistance in coastal barriers. I have been informed that the property addressed in H.R. 2401 was mistakenly included in the system and that removing it is not controversial. I look forward to hearing from the Department of the Interior regarding this bill.

The North American Wetlands Conservation Act is one of several Federal programs to improve wetlands protection in the United States, Canada, and Mexico. It matches Federal dollars with contributions from State, local, and private organizations for wetland conservation projects in the United States, Canada, and Mexico that support the North American Waterfowl Management Plan.

The populations of most species of migratory ducks and geese in North America have been increasing over the last several years. It is impossible to say whether or not any single program has caused this increase, but habitat conservation is certainly making an important contribution.

I ask unanimous consent that the rest of my statement be included in the record.

[The prepared statement of Mr. Saxton follows:]

STATEMENT OF HON. JIM SAXTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Good afternoon. The purpose of today's hearing is to discuss H.R. 2401, which amends the Coastal Barrier Resources System, and H.R. 2556, which reauthorizes the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

The Coastal Barrier Resources System is a program which attempts to reduce wasteful Federal expenditures by restricting Federal development assistance on coastal barriers. I have been informed that the property addressed by H.R. 2401 was mistakenly included in the System, and that removing it is not controversial. I look forward to hearing from the Department of the Interior regarding this bill.

The North American Wetlands Conservation Act is one of several programs devoted to improving wetlands protection in the United States, Canada, and Mexico. It matches Federal dollars with contributions from state, local, and private organizations for wetland conservation projects in the U.S., Canada, and Mexico that support the North American Waterfowl Management Plan. The program has resulted in the protection of more than three million acres of wetlands in the U.S. and Canada over the past seven years.

The populations of most species of migratory ducks and geese in North America have been increasing for the last several years. It is impossible to say whether or not any single program has caused this increase, but habitat conservation is certainly making an important contribution. There seems to be widespread agreement that the North American Wetlands Conservation Act is a critical part of this effort.

The Partnerships for Wildlife Act was enacted to ensure that nongame, non-endangered wildlife did not slip through the cracks between existing conservation programs. It also matches Federal dollars with state and local funds to support a wide variety of wildlife conservation and appreciation projects.

I look forward to hearing our witnesses' opinions of these programs. I am particularly interested in hearing from the Administration regarding the level of funding they intend to request for the North American Wetlands Conservation Act in future fiscal years.

Mr. SAXTON. Does the gentleman from Louisiana have any comments to make at this point?

STATEMENT OF HON. W. J. "BILLY" TAUZIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. TAUZIN. Yes, just to show, Mr. Chairman, because I want to call the meeting's attention to something you and I have talked about privately. I see that Mr. Tanner has arrived and I will be very brief.

But that is that, when it comes to coastal wetlands, preservation of coastal wetlands faces a new and serious threat. And I know that the Chairman of the Full Committee does not like for me to talk too much about whether or not sea level is rising, and whether or not it's affecting global warming, and some other reason. But I live in an area where we have 25 percent of the Nation's wetlands, primarily coastal wetlands.

And a sea-level rise of a meter, which is predicted by some people over the next 50 to 100 years, and a sea-level rise of as much as 10 feet, which is predicted by some who claim that there are serious changes going on in the Antarctic and some of the ice shelves there, either one of those, one foot to one yard and one yard to ten feet, would literally drown the coastal estuaries and the barrier islands of Louisiana, and we're told that that kind of sea-level rise would probably affect 50 million people worldwide. It would literally obliterate some of the Pacific Island communities, and would mean the end of the entire estuaries system in Louisiana and many of the coastal areas.

And while we're discussing conservation efforts, I simply wanted to put on the table that, sooner or later, our committee, and perhaps the full committee, needs to be looking at this new sort of threat to coastal wetlands and barrier islands that is only now beginning to be discussed in back rooms and in scientific sort of laboratories.

If, in fact, the numbers we're getting in Louisiana are that in the next 50 to 100 years we're going to have a meter of water, saltwater, on our coastal estuaries, we have a huge problem. The huge problem is that in our current systems of wetlands protection, we're not allowed to do a whole lot to protect those coastal wetlands from saltwater flooding. We're not allowed to do it, and even if you get a permit to do it, you have to mitigate that permit.

It seems to me that we ought to be at least beginning a discussion on whether we want to seriously think about making sure that if, in fact, we're going to have a sea-level rise, despite all the best efforts to sign global warming treaties or what-have-you, that we ought to be thinking about a policy for coastal wetlands that is separate and apart from national wetland policy, that is designed to protect wetlands from other threats other than coastal saltwater flooding; and that maybe projects designed to protect and preserve coastal wetland areas from saltwater flooding ought to be the beneficiary of mitigation monies not burdened with that obligation. And that sort of discussion ought to begin soon at this level, Mr. Chairman.

While I recognize this bill does not yet deal with that issue, perhaps this and other vehicles might be useful vehicles for us to not only launch that discussion, but perhaps at some point to build a policy that gives us some chance to respond to the loss of coastal estuaries and barrier islands, not because we're developing them for man's purposes, but because the sea itself is going to swallow them with saltwater if we're not prepared somehow to defend them against that threat.

Mr. Chairman, that's basically all I wanted to say. I look forward to hearing my friend John Tanner's testimony and the other witnesses today.

Thank you, Mr. Chairman.

Mr. SAXTON. I thank the gentleman from Louisiana for his comments.

[The prepared statement of Mr. Young follows:]

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Thank you, Mr. Chairman.

I am pleased that you are holding this hearing today on H.R. 2556, a bill you introduced to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

The purpose of the North American Wetlands Conservation Act is to conserve wetland ecosystems and the species they support, in particular migratory waterfowl. This Act provides the financial assistance necessary for the implementation of the North American Waterfowl Management Plan, an agreement originally signed in 1986 to reverse the loss of wetlands throughout the continent and stem the decline in migratory bird populations.

Wetlands are among the most productive habitats on earth—serving as breeding, nursing, and wintering grounds for an array of fish and wildlife. In the last two centuries, a significant amount of wetlands in the lower 48 states has been lost. As a result, certain waterfowl and other migratory birds in Canada, Mexico, and the

United States have declined. To aid in recovery of waterfowl populations, the United States and Canada signed the North American Waterfowl Management Plan in 1986. This plan lays out a strategy to increase waterfowl populations by restoring and protecting their habitats. To achieve this, the plan relies on partnerships between public agencies and private organizations to fund and implement wetlands conservation projects.

The Act seeks to promote public-private partnerships to enhance, restore, and manage wetland ecosystems for migratory birds and other wetland-dependent species in Canada, Mexico, and the United States. Since the Act's inception, 497 wetland conservation projects throughout North America have been funded.

To date, such partnerships have protected more than 3.6 million acres of wetlands, providing vital habitat for a rich diversity of wildlife. The Act is recognized as an effective model of wetlands management and conservation partnerships.

Furthermore, on August 29, 1997, I cosigned a letter to the leadership of the House and Senate Interior Appropriations Subcommittees urging them to allocate $13 million for the North American Wetlands Conservation Act in Fiscal Year 1998.

This Act is an outstanding conservation investment and I look forward to hearing from our distinguished witnesses on H.R. 2556.

[The prepared statement of Mr. Abercrombie follows:]

STATEMENT OF HON. NEIL ABERCROMBIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

MR. CHAIRMAN:

Thank you for yielding to me to speak in support of H.R.2376.

I am pleased to be a cosponsor this bill and I urge the Subcommittee to report the bill to full Committee expeditiously.

The National Fish and Wildlife Foundation, since its establishment by Congress in 1984, has leveraged millions of dollars in private sector funds and applied them to important projects to further the conservation and management of the fish, wildlife and plant resources of our nation. For example, most recently, the Foundation has in Hawaii focused and funded projects in support of coral reefs, such as providing high storage capacity computer and software to establish a Hawaii Coral Reef Network. It has funded extensive coral reef education programs, seminars and training sessions. The reefs are an invaluable Hawaiian resource and the Foundation is stepping up to help mobilize resources and provide funds for technical projects in support of protection efforts.

The Foundation has over the last 15 years established a solid reputation for identifying and supporting habitat conservation, environmental education and natural resource management in a responsible and constructive manner. Millions of Americans have benefited directly or indirectly from its projects, including the North American Wetlands Partnership, the Neotropical Migratory Bird Conservation Initiative, the Conservation Education Initiative. Of particular interest to me is the Fisheries Conservation and Management Initiative designed to support efforts to halt the decline in inland and marine fisheries.

503 projects have been funded by the Initiative. One example is identifying supporting development of sustainable economic alternatives for fishermen and their families in the Northwest Atlantic region as groundfish stocks have declined.

Mr. Chairman, the Foundation has provided strong leadership in bringing corporate, private and public sector together to bear on solving and managing wildlife and marine resources.

The foundation has been in the forefront of developing public/private partnerships as a mechanism for addressing the problems and issues over which this Subcommittee has jurisdiction.

I commend the Foundation for its leadership, and I urge the Subcommittee to expeditiously approve H.R. 2376.

Mr. SAXTON. So now let me introduce our witnesses.

First, our colleague John Tanner, the gentleman from Tennessee who is also the co-chairman of the Sportsmen's Caucus—welcome, John, to our hearing this morning.

And also, we have with us Mr. Don Barry, who is Acting Assistant Secretary for Fish, Wildlife, and Parks for the Department of Interior. Welcome, Mr. Barry.

Mr. Tanner, you may begin as you feel comfortable.

STATEMENT OF HON. JOHN TANNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. TANNER. Thank you very much, Mr. Chairman, andI'd like to thank you and Mr. Tauzin for allowing me to participate today.

I'd like to make a few brief comments about why I think we should reauthorize the North American Conservation Act, and then submit my intended testimony for the record, with your permission.

As you know, the North American Waterfowl Management Plan was implemented in 1986, but it lacked a stable program of funding incentives to help pay for the habitat conservation needed to meet the waterfowl plan's goals. The vision was simple: Stimulate public/private partnerships, leveraging limited Federal resources with funding from various state agencies and private conservation organizations, like Ducks Unlimited and others, to restore and enhance millions of acres of habitat for migratory birds.

With that, the North American Wetlands Conservation Program was enacted eight years ago. For every Federal dollar invested in habitat through this act, $2 are generated from states and private conservation organizations. Nowhere is the impact of the act more visible than in Tennessee. Four million dollars in seed money has led to a non-Federal conservation investment in Tennessee of more than $10 million. Gary Meyers, a friend of mine who is the executive director of the Tennessee Wildlife Resource Agency, is pursuing now several innovative conservative projects relying on the money available through the Act.

One of those projects that I must mention is a ground-breaking habitat project known as the Mississippi Alluvial Valley Habitat Project. The TWRA and 16 partners are working to conserve nearly 14,000 acres of bottom-land habitat. What makes this unique is that it integrates the goals of the Waterfowl Plan with those of Partners in Flight for the first time ever. This is one example that has been made possible through the actions of the Congress in this regard.

Clearly, we all share responsibility for the stewardship of America's fish, wildlife, and migratory birds. This act is evidence, I think, that we take that responsibility seriously, and I'd like to recommend it.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Tanner follows:]

STATEMENT OF HON. JOHN TANNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Chairman Saxton, Mr. Abercrombie, Members of the Subcommittee, distinguished guests, I want to thank each of you for the time, interest, and energy, you have dedicated to conserving, restoring, and enhancing America's wildlife and its habitats.

I appreciate the opportunity you have given me here today to strongly endorse reauthorization of the North American Wetlands Conservation Act (NAWCA) with its current annual funding level of $30 million and the conservation partnerships that continue to grow from it. Today I want to talk about the positive results we've seen from those partnerships not only nationally, but in Tennessee and throughout the Lower Mississippi Valley.

The Act and its conservation partnerships are working in Tennessee and all across America. As a Tennessee waterfowler, I need only tell you that this year's Mid-Winter Survey in the Mississippi Flyway found more ducks in Tennessee than Arkansas for the first time since 1955. A good part of the reason for that kind of

success is the improving habitat conditions that the North American Wetlands Conservation Act has made possible relying on public-private partnerships.

As many of you know, during the mid-1980s waterfowl numbers began to decrease because of both declining habitat conditions and dry weather across much of the critical northern breeding grounds. Recognizing those disturbing trends, sportsmen, conservation and wildlife organizations, and state and Federal migratory bird managers worked together with government agencies and established the North American Waterfowl Management Plan (NAWMP). In 1986, the United States and Canada began implementing the NAWMP as a blueprint to protect and restore wetland ecosystems upon which waterfowl rely. Mexico became a full partner with the Plan's 1994 Update, and the 1998 Update is expected to be finalized by May 1998.

State and Federal migratory bird managers set ambitious goals for the NAWMP. Through the creation of 13 Joint Ventures, they wanted to conserve and restore at least six million acres of quality wetland habitat for waterfowl that would support a breeding duck population of 62 million ducks and a Fall Flight of 100 million ducks with average weather conditions by the year 2000.

But the NAWMP lacked a stable, reasonably consistent program of funding incentives to help pay for the habitat conservation required to meet the goals of the NAWMP.

So in 1989 America's sportsmen and women and a wide array of conservation organizations worked closely with the Congress to unanimously adopt the North American Wetlands Conservation Act. President Bush wasted little time signing the bill into law. The President, the Congress, and others understood then the fiscal and environmental value of non-regulatory partnerships to get the most out of limited Federal resources.

The vision behind it was simple: Stimulate public-private partnerships leveraging limited Federal resources with various private stakeholders to protect restore and enhance a diversity of habitat for migratory birds consistent with the goals of the NAWMP.

First, the Act established a competitive grants program managed by the U.S. Fish and Wildlife Service. Second, the Act established the North American Wetlands Conservation Council to review and recommend wetland conservation projects that are ultimately approved by the Migratory Bird Conservation Commission, which includes two House members, two Senators, the Administrator of the Environmental Protection Agency, and the Secretaries of the Interior and Agriculture. So the Congress has a role in deciding which projects are funded. Finally, it established a fund that relies on an annual appropriation, money from a coastal wetland fund, and the interest that accrues to the Federal Aid in Wildlife Restoration Trust Fund.

Earlier this year The Congressional Sportsmen's Caucus led an effort to secure strong bipartisan support for higher funding allocations to the wetland conservation fund with the signatures of more than 100 House members on a letter written by Reps. John Dingell and Curt Weldon. With the active support of The Sportsmen's Caucus, House and Senate appropriators this month agreed to allocate $11.7 million to fund the NAWCA for the fiscal year that began October 1. That's nearly $2 million over last year's allocation and it represents a strong committment by many in the Congress to ensure the continued viability of the Act as we work toward meeting the goals of the NAWMP by the year 2000.

As a co-chair of The Sportsmen's Caucus, I'm here today to tell you that the Act is working and there is evidence in every region of the country.

In the United States alone, $137 million in Federal funds under the Act have been leveraged with $318 million in private funding from nearly 600 partners to launch 260 projects in 45 states. More than 700 partners in the United States, Canada, and Mexico, have leveraged $208 million from the Act with $428 million to conserve more than 10 million acres of wetland habitat up and down the four Flyway corridors.

Every Federal dollar invested in habitat conservation under NAWCA, generates another two dollars in state, local, and private investment, for habitat work. Clearly, we are realizing significant benefits from our limited Federal investment.

This year's annual survey recorded nearly 43 million breeding ducks in key nesting areas, the highest level since the survey began in 1955. This year's Fall Flight is expected to exceed 92 million ducks, and breeding populations for eight of the 10 major duck species are increasing.

Clearly, our waterfowlers are fortunate to call the southern region of The Mississippi Flyway home.

No where is the impact of the Act more visible than in Tennessee and the Lower Mississippi Valley where some of the most innovative conservation initiatives are under way in the Mississippi Flyway because of partnerships encouraged under the North American Wetlands Conservation Act.

One of the NAWMP's 13 Joint Ventures is the Lower Mississippi Valley Joint Venture, which includes virtually all of the congressional district that I represent.

Since the LMV Joint Venture was launched in 1989, 27 new state wildlife management areas covering more than 93,000 acres have been created, and 22 other state wildlife management areas have been expanded by 39,000 acres. In addition, seven new National Wildlife Refuges covering 68,000 acres have been established, and 15 others have been expanded by more than 163,000 acres. Another 63,000 acres of wetland habitat has been restored and enhanced on other state and Federal management lands. NAWCA has made $18 million available for habitat conservation in the LMV Joint Venture leading to $36 million in non-Federal partner contributions.

Perhaps the most significant contribution has been the involvement of more than 2,000 private landowners who have joined forces with the region's fish and wildlife agencies, sportsmen, and conservation organizations to voluntarily restore and enhance 140,000 acres.

In Tennessee alone, eight projects that depend on NAWCA funding are either complete or underway including the establishment of the Cold Creek Waterfowl Refuge in Lauderdale County, Tennessee, that we dedicated just this past August. The Act has provided $4.1 million as seed money for those projects and that Federal investment has generated more than $10 million in additional funds to make these conservation projects possible.

One of those projects is the Mississippi Alluvial Valley Habitat Project. It's the brainchild of Gary Myers, the executive director of the Tennessee Wildlife Resources Agency and a long-time friend who is one of this country's most innovative state fish and wildlife directors. Gary and the TWRA last year launched this precedent-setting project that will ultimately include nearly 14,000 acres of bottomland habitat along the Lower Mississippi River. With $1.5 million in NAWCA funds approved last year and in hand, state and private partners kicked in another $2.44 million needed to complete the project.

What makes-this ground-breaking project so unique is that for the first time ever, Gary, the TWRA, and 16 other agencies and private partners he has assembled, are seeking to integrate the goals of the North American Waterfowl Management Plan with the goals of Partners In Flight (PIF). PIF is in many ways emerging as a companion management plan to the NAWMP that focuses on non-game migratory birds that winter in the tropics and nest in the United States and Canada.

The MAV Habitat Project is the only one of its kind and it recognizes the basic fact that sound habitat conservation, restoration, and enhancement, benefits all migratory birds as well as many species of wildlife. This is happening with the support and active involvement of local farmers. NAWCA funds are making it happen.

Clearly, without NAWCA and the creative public-private partnerships it promotes, much of this habitat conservation would not be possible. So it is critically important that we continue to make conservation funding available through this Act. It's not the only cost-share program managed by the Federal Government, but it surely is one of the most successful with benefits that go well beyond the Act's original goals.

Indeed, over the past eight years we've learned that the Act's conservation successes reach far beyond ducks and their habitat. Freshwater fisheries and many wildlife species benefit tremendously from healthy wetland ecosystems that are the result of the kind of habitat conservation made possible by this Act. Healthy wetlands also mitigate flooding and the damaging effects of soil erosion not-to-mention playing a major role in the replenishing and purification of ground and surface water by filtering out pollutants. That's important particularly in West Tennessee where cities like Memphis rely solely on ground water aquifers for their drinking water.

The Act enjoys the support of many Members of Congress, the Administration, the International Association of Fish and Wildlife Agencies, and many conservation organizations led by Ducks Unlimited.

And if you don't believe this kind of habitat conservation is important to our economy as well as wildlife, fish, and the environment, just look at this year's National Survey of Hunting, Fishing and Wildlife-Associated Recreation. In 1996, America's 14 million hunters spent $21 billion and 35 million anglers spent $38 billion pursuing the twin traditions of hunting and fishing. Another 63 million Americans spent $31 billion observing and photographing wildlife. In Tennessee alone, hunting, fishing, and wildlife observation activities pumped nearly $1.8 billion into the state's economy creating thousands of jobs for our citizens.

That economic investment would not happen without the kind of solid habitat conservation made possible in large part by the partnership funds available through

the North American Wetlands Conservation Act with the help of America's sportsmen and women.

Thomas Jefferson once said, "The strength and dignity of a nation are determined by how it cares for its resources." With that I would encourage the Subcommittee to reauthorize the Act along with its annual authorized funding level of $30 million to ensure that sound wetland conservation initiatives can continue to be funded into the 21st Century.

For decades we've known that sound habitat conservation and restoration is the only way to truly ensure that we can pass from one generation to the next the American traditions of hunting, fishing, and conservation. Because in the end we all share responsibility for the stewardship of America's wildlife, migratory birds, and fisheries.

Again, thank you for allowing me the opportunity to participate in today's hearing. If I or The Sportsmen's Caucus can be of additional assistance on this or any other hunting, fishing, and conservation issues please let us know.

LETTER SUBMITTED BY THE TENNESSEE WILDLIFE RESOURCES AGENCY

October 16, 1997

Dear Mr. Chairman:

There have been numerous wetland conservation projects conserved, restored and enhanced as the result of North American Wetlands Conservation Act (NAWCA) appropriations. Another very positive attribute has been the strong support of private partners contributing $2 for every $1 of appropriations. NAWCA has proven to be a successful, proactive, non-contentious wildlife conservation program that a large cross section of entities support.

Annual requests for NAWCA grants exceed available funding. For example, in FY '97, project requests were more than $41 million. Over the last three years, NAWCA appropriations have incrementally increased to meet this growing demand for wetland conservation projects. NAWCA is currently authorized at $30 million. However, the recently introduced legislation reduces the authorized funding level to $15 million. Now is not the time to hamper NAWCA's growth and diminish the program's investment in wetlands conservation. NAWCA is an incentive based, landowner friendly program that fosters the development of partnerships to protect North America's migratory bird habitat in a continental undertaking.

Our Tennessee Wildlife Resources Agency very strongly supports NAWCA and the North American Waterfowl Management Plan (NAWMP) and ask for your support for continued authorization of $30 million per year towards this conservation effort.

Thank you for your support and commitment to wetlands and wildlife conservation.

Sincerely,
Gary T. Myers
Executive Director
Tennessee Wildlife Resources Agency

Mr. SAXTON. Thank you very much, John, for the very articulate and concise statement.

Mr. Barry?

STATEMENT OF MR. DON BARRY, ACTING ASSISTANT SECRETARY, DEPARTMENT OF THE INTERIOR

Mr. BARRY. I, too, would like to have my formal written statement submitted for the record and just make a few oral comments, if I could.

As you know, Mr. Chairman, in 1989, when the North American Wetlands Conservation Act was moving through the Merchant Marine and Fisheries Committee, I was a staff member at that point, working for the chairman of the committee, Walter Jones. I think for those of us that worked on this legislation, none of us—although we were optimistic as to what it could produce—ever anticipated that it would be as large a success, and would have the impact that it has had.

I know that both you and Congressman Tauzin were members of that committee. I'm sure you're proud of your support of the legislation when it moved through in 1989. And I'm here to tell you, as one of the officials responsible for its implementation, the Act is achieving exactly the purposes and goals you had in mind. And so it's work well done and I would commend you for your past efforts.

Let me just give you a few numbers to provide you some examples as to why this has been such a success.

In the United States alone, the investment of 137 million Federal dollars has generated over $318 million in private partner funds, including state partners. We've had over 260 different projects in the United States with 577 different partners involved.

If you take a look at the overall program throughout all of North America, the investment of about 208 million Federal dollars has generated over $428 million partner funds, for a total of $636 million. We've had over 700 partners throughout the North American continent participating in the implementation of this program.

And so in times of increasing budget scarcity, I think what we're doing here is getting a program that generates money, considerable amounts of money, and more importantly, develops real partnership networks in support of the overall goal of waterfowl restoration and wetlands enhancement.

The two issues of interest to the administration under this particular bill would be raising the authorization level from $15 million to $30 million, as it had been previously. I'm informed that I believe that that idea is generally acceptable to the leadership of the committee.

We are also interested in recommending that the reauthorization for the Act go on a five-year cycle, not a four-year cycle, so it could be more in sync with the five-year planning cycle that the North American Waterfowl Management Plan is on, and that way we'll always have both the Act and the plan itself in complete harmony.

With regards to the Partnerships for Wildlife statute, this is the only federally-administered grant program for states that supports non-game species conservation. It addresses the needs that have been identified by the states. The Fish and Wildlife Service works in very close partnership with the state fish and wildlife agencies. The wildlife agencies are required to find other additional private sector funding to match their dollars, and, again, I think for the small investment that it's provided, it has been the only source of Federal funding to support state efforts to help avoid listings under the Endangered Species Act and to provide better information on non-listed species.

The one area that I would note that the Fish and Wildlife Service has brought to my attention under this particular Act, the current Act authorizes, I believe, a 4 percent assessment of administrative costs. Because the overall amount for this program has been appropriated such low levels, and since this program provides basically a very small grant, the Fish and Wildlife Service believes that the 4 percent assessment for administrative costs is inadequate to cover their actual expenses in managing the program. We would like to at least offer to work with the Committee and the Committee staff to discuss this in more detail, and to see if there is an al-

ternative way that administrative costs can be handled for administering the program.

Last, but not least, we are talking—we're considering a bill which would correct a technical error in one of the coastal barrier maps that occurred in 1990. This involves Florida map 35P, as it's known, and it was designed originally to include an area that's known as an otherwise protected area. Unintentionally, property which had already been developed was included within the coastal barrier unit, and this bill today would propose to correct the—make a technical correction to the coastal barrier maps to correct the error that was made and to exclude an area that did not qualify originally, at the time that the original maps were developed. This administration supports the technical correction. We believe it corrects an error that we all made at the time.

And I think, just as an aside, I would like to particularly urge this Committee—this is a small bill. This is a small correction that it would make, but I would urge the Committee not to overlook it in the rush of other business that you have.

A lot of us in this town talk about private property rights and respecting private property rights, and this is a situation where we have an opportunity to correct what was clearly an administrative error in the designation of the maps, and I would just urge you to look for some opportunity to move this particular bill, so the affected landowners feel that their needs are being addressed. I don't think it would be very difficult at all to attach this as an amendment to some other proposal or something like that. And I would just urge you to not overlook and ignore this proposal merely because it seems to address the very small acreage of ground.

On balance, we support all of these bills, and I'm prepared to answer any questions that you might have. Thank you very much.

[The prepared statement of Mr. Barry may be found at end of hearing.]

Mr. SAXTON. Thank you very much, Mr. Barry. I have just two questions—one that relates directly to the authorization level for H.R. 2556.

As you know, the bill, as currently written, would authorize the expenditure of $15 million annually, and I propose to increase that to $30 million annually, which I think you agree with. Can we also assume that the administration will then request more than $15—perhaps as much as $30—million in funding for fiscal year 1999?

Mr. BARRY. Well, as you know, I would probable be dragged out of my office and shot by OMB if I would suggest, prematurely, what the administration will be including in its fiscal year 1999 proposal. I think, in all seriousness, this is the right thing to do, to increase the authorization.

What the numbers show us is that the support for the North American Act is growing constantly, and I think what we're suggesting it that if this is a five-year authorization, we should not prejudge what levels of appropriated funding will be provided and what the future levels of appropriated requests could be. And I think it's wise to give yourself that cushion to allow future administrations to increase the funding level, taking into account all of their overall competing budget needs. So I think it's a wise move and we support it.

Mr. SAXTON. I think we get it. Okay.

Mr. BARRY. So I will pick up the phone and call you the day after the President delivers his budget message, and tell you what we've asked for.

Mr. SAXTON. Some would suggest that you may be dragged out and shot if you didn't make the request.

Mr. BARRY. That's right. I'll remember that, too.

[Laughter.]

Mr. SAXTON. Let me ask another question that's related, but not as directly as my first question. We have been, collectively, quite successful—I know that there are some members—in fact, the executive director of Ducks Unlimited is here today, and we want to make sure that you know you're welcome. We are pleased you're here.

We have collectively been quite successful in helping Mother Nature to provide for a rebound in waterfowl populations. Migratory Canada geese are coming back, and there are more resident Canada geese around the shore in New Jersey than anybody ever wanted to see. The black duck population, and mallard population, and other ducks have rebounded. More cormorants are around than I ever anticipated seeing. Perhaps the most astounding species, in terms of its current population, however, is the snow goose. And it has apparently rebounded to the point where it may be eating itself, literally, out of house and home in the Arctic.

And I'm just wondering if you had any thoughts relative to this issue. There are some Members of Congress who are this very day trying to fashion, or at least talk about, some solutions to what has been described to me as a population which is about to be double what the tundra can sustain. I'm curious to know what the position of the Fish and Wildlife Service may be, or any other thoughts that you may have relative to this issue.

Mr. BARRY. Mr. Chairman, the current population levels of snow geese in this country is of significant concern to the Fish and Wildlife Service. I know that even Secretary Babbitt has received various phone call from his counterpart in Canada, other places, discussing this particular problem.

I have personally not worked on this issue myself. I have listened to other people talk about it. I know the Service is very concerned about it, as is the Secretary. What I would be more than willing to do is to have the appropriate people from the Fish and Wildlife Service come up and talk to your staff to give you an update on the status of their strategies and thinking for how to deal with the overpopulation problem.

You're absolutely right. The snow geese, when they congregate in certain area, can have a very significant adverse impact on the habitat, especially up in the Arctic area. And the Service is assessing what some of the different options or responses might be for dealing with the overpopulation problem.

Mr. SAXTON. There seems to be two schools of thought. One school of thought is that we have a collective responsibility of trying to deal with the issue in some way, and the other school of thought is that somehow Mother Nature will take care of this on her own.

We have provided a food source for this large population when they're not in the Arctic, and then when this huge population returns to the Arctic, they apparently do so much damage to the tundra that the tundra will not recover any time in the near future. This is a problem that we in the United States have contributed to, and we must seriously look at the issue and determine whether or not to take action and what type of action we should take.

So I would certainly very much appreciate—actually, before we leave at the end of this session, I would really like to have some serious discussion with your folks relative to this, to see if we can agree from the administration point of view, as well as from the Subcommittee's point of view, what we ought to do.

Mr. BARRY. Mr. Chairman, as soon as I get back to the Department, I will convey to them your request for a meeting to discuss the current situation and I will make sure it takes place.

Mr. SAXTON. I appreciate that very much.

Mr. Tanner?

Mr. TANNER. Chairman, the Chair is quite correct. The migratory waterfowl population has recovered. The Mississippi flyway, which is where I have to live—Billy lives on downriver in Memphis—is experiencing a remarkable recovery in the number of quality game birds: ducks, geese, and so on.

We are aware of the snow goose in the Sportsmen's Caucus and we would like to be of any help that the Chair would desire from us at the proper time, and when all this takes place, be anxious to lend whatever assistance.

Mr. SAXTON. Thank you very much. Mr. Tauzin?

Mr. TAUZIN. I was going to tell you, John, it's "snow" big secret. You've got to take some of the "snow" hunting signs down.

[Laughter.]

Mr. TAUZIN. In any event, we had a similar problems with alligators, by the way. When I first got here in 1980, alligators were on the endangered species list. My first visit to the Secretary of the Interior was a simple request: Either take them off or put Cajuns on, because there were more of them than us.

[Laughter.]

Mr. TAUZIN. And I was in the marsh with a friend who is here with me today, Billy Coyle from Tarragone Parish. When we were there a couple weeks ago, end of July, I've never seen so many alligators. We no longer have a nutria problem in Louisiana.

[Laughter.]

Mr. TAUZIN. It's amazing. I mean, we do affect sometimes unintended consequences with some of our conservation efforts and, while they're all well intended, obviously, we have to sort of react when things get out of hand. I don't know if we can just leave it to Mother Nature, or whether we have to seriously think about the consequences we helped create, sometimes a damaged habitat for other species, and we got a problem here.

I wanted to make just one point and then ask a couple of questions of you. The first is, as John pointed out, something's working and I want to thank you for your comments about the act.

I think the Act has contributed and I think a lot of other good conservation efforts have all contributed to some of the best flyway numbers I've ever seen. I mean, we get reports in Louisiana, John,

that this is the best hatching year that is on record in terms of duck populations and geese populations.

Mr. TANNER. I heard over 10 years ago, they said there was an estimated 40 million ducks on the Mississippi flyway, and this year they are saying it'll be a 100 million.

Mr. TAUZIN. Yes, some remarkable numbers, and we're beginning to see those reports now coming from our home districts, and so something's working. And we have a lot, I guess, to be thankful for and that, in fact, we have something working.

What I love about this approach, of course, is that, you know, we've had these property rights fights. They'll go on, I'm sure. But this approach is so right because it calls upon the purchase of easements and the setting aside of critical areas, by purchasing them for the general public's benefit and for the protection of the species in conservation, which avoids the ugly fight between the property owners and conservationists over how best to protect these areas, and naturally, accommodates very well to the property interest and to the interest of conservation. That's a good approach and I want to commend all of you who helped support it and push it forward.

I do have a couple questions, and maybe you can help me. What is the criteria for deciding whether a project qualifies under the act? Who's involved in setting, in effect, making those decisions?

Mr. BARRY. There is a statute itself that sets out some general criteria. I think there are about seven of them, and the North American Wetlands Council has developed some additional guidance to provide criteria for the selection of projects.

They range from the logical one about how the proposal contributes to the conservation of waterfowl habitat to other factors as well: whether it benefits other wetland-dependant or wetland-associated migratory birds; whether the proposal would contribute to the long-term conservation of wetlands and associated habitats; whether it provides any benefit to endangered, or threatened, or candidate or proposed for list of endangered species; the partnership opportunities, whether it would involve a large number of people or just one or two people.

So there are about seven criteria that the North American Wetlands Council uses, in addition to the statutory criteria or the further embellishment of the statutory criteria. And it's through consideration and ultimate ranking of all of those criteria that you'll decide which projects it can go with.

The problem is, that there are many more projects proposed than they have money for, and so they need to rank them and make some very tough decisions.

Mr. TAUZIN. Yes. Are there any non-game wildlife conservation projects funded the Partnerships for Wildlife Act, do you know?

Mr. BARRY. There are a number of non-game proposals. Let me put it this way: There a number of projects which have significant benefits for non-game migratory birds. There a number of non-game species which are dependant upon wetlands. So to the extent that you have a well-thought-out, developed wetlands conservation initiative that may provide benefits for waterfowl, there are frequently other species as well that benefit.

Mr. TAUZIN. Sure, they're ancillary, but are there any that have no non-game components at all? Or do they all combine both the game and non-game aspect?

Mr. BARRY, Congressman. did you mean under the Partnerships of Wildlife Program or the North American?

Mr. TAUZIN. Yes, under the Partnership.

Mr. BARRY. Oh, definitely. I mean, the whole program is targeted towards non-game species.

Mr. TAUZIN. So under the Partnership Act, it is non-game. Are there non-game conservation projects funded under the other Act?

Mr. BARRY. Under the North American?

Mr. TAUZIN. Yes.

Mr. BARRY. Yes, I think the answer to that would be that there have been no projects under the North American Wetland Conservation Act which were exclusively for non-game species, but there are clearly a number of projects which have collateral benefits.

Mr. TAUZIN. Collateral benefits?

Mr. BARRY. Exactly.

Mr. TAUZIN. Now, in defining the non-game wildlife conservation projects that are, in fact, funded under the Partnerships, can you give us some examples of what types of projects those look like?

Mr. BARRY. There have been a number of, I could probably find a list of——

Mr. TAUZIN. Just give a couple of examples.

Mr. BARRY. I'll be giving Max Peterson's testimony here.

Everything from important bird areas, small mammal baseline monitoring, some programs involving studies on bats, on pond turtle, neotropical birds. There's considerable concern about the effects of our rate of loss of neotropical birds. So it's a soup-to-nuts thing. Virtually every little critter that hops, crawls, or slithers has an opportunity to be proposed by a state fish and wildlife agency for support under this program.

Mr. TAUZIN. All right. Thank you very much.

Mr. SAXTON. Mr. Barry, the Fish and Wildlife Service has prepared a map to carry out the changes proposed by Congressman Deutsch. The map is now on file with the Committee. For the record, does that map place the new boundary line of FL35P so that it (a) follows the existing property line that separates the platted private property behind the homes located on the east side of Baker Road from the State conservation lands that adjoins those home lots, and does it follow the water line of the State-owned and protected property on the north side of the Harbor Island Drive and water line at the end of the full length of the lots located on Baker Drive?

Mr. BARRY. I have been instructed that the correct and proper answer is yes.

Mr. SAXTON. Thank you very much.

[Laughter.]

Mr. SAXTON. Do you have any other questions? Any other questions, Mr. Tauzin?

I would just—let me thank you, Mr. Barry, and also Mr. Tanner, who has had to leave, for being with us today.

I would also like to note again that, as Mr. Tauzin, I know, will agree, the folks who are here with us in this room from the Fish and wildlife Service are to be commended for the great job that we've done collectively, as well as the folks that are here from Ducks Unlimited, lead by Matt Connolly today. This is a great private/public partnership success, in terms of rebuilding of the wildlife populations that we have mentioned today.

I would like to unanimous consent that the statements of Mr. Young and Mr. Abercrombie be placed in the records following Mr. Tauzin's statement.

Mr. TAUZIN. Can I object?

Mr. SAXTON. You can if you want, but you can't if you want any more bills.

[Laughter.]

Mr. SAXTON. Thank you very much. The hearing——

Mr. BARRY. I was just going to mention one thing. I will make sure that the Fish and Wildlife Service follows up immediately and sets up a meeting with you on snow goose.

Mr. SAXTON. Okay, we'll move onto our next panel, and thank you, Mr. Barry, for being here.

And the second panel is, of course, Mr. Max Peterson, executive director of the International Association of Fish and Wildlife Agencies; Mr. Matt Connolly, executive vice president of Ducks Unlimited, and Mr. Bill Topercer, Ocean Reef Community Association.

We have also been joined also by the gentleman from the eastern shore of Maryland, Mr. Gilchrest, and we are glad he has been able to join us.

Max, you may begin at your leisure.

STATEMENT OF R. MAX PETERSON, EXECUTIVE VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. PETERSON. Thank you, Mr. Chairman.

You have my statement, so I'll save you some time by briefing it. Okay?

Mr. SAXTON. Thank you.

Mr. PETERSON. I'll put the entire statement in the record.

As you know, Mr. Chairman, the states, represented by the International, were original supporters of the 1989 North American Wetlands Conservation Act. As mentioned earlier, there are three of our state directors who serve on the council that ranks all the projects, along with people from other organizations.

So we have been very much involved in the North American Wetlands Conservation Act since its inception. As has been said by you and by Congressman Tauzin, I think in 1989 we didn't really realize how successful this program could be, because these joint ventures that were established all over the country, which were just an idea at that time, really became the engine behind this, and using the voluntary nonregulatory approaches that Congressman Gilchrest and others talked about earlier this week on the Chesapeake Bay, really became the driving force behind the remarkable things that have been accomplished by this Act.

So we certainly support the reauthorization of it. We support the increase to $30 million in the authorization level. We support the five-year cycle which coincides with the plan.

I have in my testimony some statistics which mostly have been covered by Acting Assistant Secretary Don Barry earlier. So I won't repeat them, except to say that there are projects in almost every State in the Union—you're familiar with the projects around Cape May in your own State, where, in answer to earlier questions, when you do some work for wetland projects there, you benefit both game and non-game. In fact, some of the beneficiaries there have been not only waterfowl, but a large variety of other migratory birds which use that area. And even areas like North Dakota, which is an important waterfowl area, some of the most important beneficiaries have been non-game species.

So this makes it, in our view, a model program, where the private sector multiplies the money. The states provide in many cases the match, or at least part of the match. I think the summary of this, I would say, is that if we had more programs like this, where we use the voluntary, nonregulatory, incentive-based approach for getting things done, we could see some remarkable things happen throughout the land.

Let me, then, turn briefly to the other Act, the reauthorization of the Partnership for Wildlife Act, which, as indicated earlier, does concentrate on non-game species. It does require both a state match and a private match. So $1 starts out and it becomes $3, which is exactly what happens also in the North American Act; it becomes $3.

It does, though, in this case, by only providing a million dollars, it's really a drop in the bucket, because the needs out there, as you are aware, Mr. Chairman, our needs analysis for non-game indicates that about $350 million a year is needed, not $1 million. But, still this little $1 million, which becomes $3 million, is an important start in doing things for non-game. So we support its reauthorization. We would ask that you increase the reauthorization to $6.5 million, so that we might see this grow some over time.

Mr. Chairman, that's a kind of quick summary of my testimony, and I'll be glad to help answer questions later. Thank you.

[The prepared statement of Mr. Peterson may be found at end of hearing.]

Mr. SAXTON. Thank you very, Max.

Mr. Connolly?

STATEMENT OF MATTHEW B. CONNOLLY, EXECUTIVE VICE PRESIDENT, DUCKS UNLIMITED, INC.

Mr. CONNOLLY. Yes, Mr. Chairman. Thank you very much. We deeply appreciate this opportunity to express the opinions of Ducks Unlimited concerning the reauthorization of the North American Wetlands Conservation Act.

And I won't belabor the subject because I fully expect my mother to come in the door and cut up a big apple pie for us here. It seems like everyone has been comforted by what has happened in the past 10 years, and I don't think we can rest on our laurels, but I think there's a great deal to be proud of here.

We have a program that has in its origins a bottoms-up process. Projects come to us from the grassroots level. There is a participatory process that's done through volunteers on the staff of the Wetlands Council that are provided by state agencies, by the Federal Government, by not-for-profits. This has attracted the support of Fortune 500 corporations. It has had a Boy Scout, an Eagle Scout, come and propose a project to be funded, and has been funded.

What it has as a great virtue is its flexibility. It has no burdensome bureaucracy. It has this bottoms-up process that I think has given it great, great value with the money that the Congress has invested on behalf of the American people. And I don't think we can overstate how it has caused creativity in partnerships across the country.

State and Federal agencies often in the past a decade ago had a certain antagonistic relationship. There is no longer that kind of a relationship. This serves as a catalyst, and it serves most beautifully by identifying an opportunity in the form of a project, and at that grassroots level, in a voluntary way, people come together with a common spirit, and the value here is this kick-starts them. They know there's a place to go.

Now the question was asked by Congressman Tauzin: Who participates in the selection? And a body that we've forgotten about who actually makes the final decision is the Migratory Bird Conservation Commission, which has four Members of the Congress participate in that. This is a program that has a continuing input on the part of Members of the Congress. In the House, Congressman Weldon and Congressman Dingell participate in this process. They are the final deciders on what is funded.

So without being repetitive, I must tell you that this has just been so important, and if we can take any indicator of has it worked, let us look to a very neutral source; we don't need scientists; we don't need computer programs; we don't need to build models. As we've heard stated, what we have is waterfowl 10 years ago, that there were species were saying were going to have to be listed as endangered at record lows, and now the highest number ever counted by the Fish and Wildlife Service in its surveying records—the birds, the resource speaks. Is it working? Indeed, it is. And I thank you and the Subcommittee for the wisdom that you've shown in the past in making it work. Thank you.

[The prepared statement of Mr. Connolly may be found at end of hearing.]

Mr. SAXTON. Thank you very much, Mr. Connolly.

Mr. Topercer?

STATEMENT OF WILLIAM E. TOPERCER, OCEAN REED COMMUNITY ASSOCIATION

Mr. TOPERCER. Thank you, Mr. Chairman. My name is Bill Topercer, and I'm a homeowner in Key Largo, Florida. On behalf of the Ocean Reef Community Association, and our many aggrieved homeowners, I want to thank you and the members of the Subcommittee for inviting me to testify on H.R. 2401.

H.R. 2401 makes a technical correction to the Coastal Barrier Resources Act, CBRA, withdrawing 11.7 erroneously included acres

from FL35P of the Coastal Barrier Resources System. Similarly, it provides an opportunity to add 3.2 acres that were accidentally left the unit boundaries were first mapped out.

By way of background, Ocean Reef Complex is a residential community designed in 1974. The master plan was approved by Monroe County and the State of Florida in 1976, has been in existence for over 20 years and is the home to almost 3,000 people.

Back in 1987, when the Department of Interior was reviewing properties in the Florida Keys for addition to the systems, representatives of Ocean Reef came to Washington to meet with officials of the Coastal Barrier Study Group. They were told that because Ocean Reef Complex was already developed according to the guidelines set forth in the Coastal Barrier Resources Act, that Ocean Reef would be excluded from the Coastal Barrier Resource System. In fact, when the Coastal Barrier Study Group made its final recommendations to the Secretary in 1988, all of Ocean Reef was excluded. Similarly, the Secretary's recommendations to Congress excluded all of Ocean Reef. However, in 1990, the Department of Interior reviewed the existing coastal barrier maps in order to add otherwise protected areas, or OPAs, to the system under the Coastal Barrier Improvement Act of 1990, better known as CBIA.

Section 2(c) of the CBIA defines that OPA in the original Act is an undeveloped coastal barrier within the boundaries of an area established under Federal, state, or local law, or held by a qualified organization primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. Essentially, an OPA is either public property or property held by a nonprofit organization for conservation purposes.

When the Fish and Wildlife Service drew the boundaries depicting what was intended to have been the undeveloped public property included in FL35P, they accidentally included 21 lots and 11.7 acres of private property that is part of the Ocean Reef development. This property was erroneously included in FL35P and should be removed.

OPAs are not supposed to include private property unless the property was an inholding within the established refuge, park, or sanctuary. Our property is not an inholding. It was, and remains, completely privately-owned property not within the boundaries of any park, refuge, or sanctuary, and therefore, should not have been included in the OPA.

For your reference, I've brought with me a 1980 aerial photo from which you can easily see both the 21 lots and 9 homes that existed prior to 1990 in FL35P of the system, the small square area in the center of the map there, on the top of the center.

I will attach to my statement to be included in the record certificates of occupancy and corresponding plat maps from Monroe County Building and Zoning Department. Equally important, I will present a letter from the Director of the United States Fish and Wildlife Service acknowledging that mistake and stating that modification of this boundary constitutes a valid technical correction which the Fish and Wildlife Service supports.

In addition to the fact that the 11.7 acres in unit FL35P were erroneously included because they are private property, it is clear that the entire Ocean Reef Complex was considered a cluster devel-

opment by Fish and Wildlife Service from inception. In a 1996 letter to Senator Bob Graham of Florida, Acting Fish and Wildlife Service Director, John Rogers, distinguished Ocean Reef from any other property that was included in the system. He said, "Ocean Reef was excluded from the system because the Service found it to be a cluster of development prior to when FL-35 was included in the system." Clearly, by its own admissions, which is now stated officially in two documents, the Service did not intend the Ocean Reef development ever to be included in the Coastal Barrier System.

The congressional and administrative attempt to exclude the private property in CBRA's unit FL35P is unequivocal when the relevant maps of unit 35P are reviewed side by side. It is clear that when the map lines were transcribed in the final map of 1990, they did not properly reflect the lines Congress or Fish and Wildlife Service originally drew excluding the private property.

Unit FL35P is bifurcated by the entire of the Ocean Reef Complex that was excluded as developed. It is clear from the map lines that both Congress and Fish and Wildlife intended that all of Ocean Reef was to be excluded. I would like to offer the members a chance to review the maps which are included in your map depicting both the makeup of the entire FL35P unit, so they can see how it is purposely drawn in an attempt to avoid Ocean Reef community, and second, a map of Ocean Reef, so that the members can see for themselves where these 21 lots that were included in unit FL35P lie in relation to the State-owned conservation land that makes up the rest of unit FL35P, and in relation to the rest of Ocean Reef, which is excluded. I'm confident after reviewing these maps for yourselves, you will agree this is a technical error that warrants correction.

The residents of Ocean Reef Community Association appreciate the importance of the Coastal Barrier Resources Act. CRCA has been, and continues to be, a positive force for environmental concerns in our community. We have voluntarily spent over half a million dollars on a project to restore the natural flow and improve the water qualities in the creeks of natural waterways around Ocean Reef. We started another voluntary project installing markers to protect seagrass beds by preventing motorized craft from entering the flats. We started a comprehensive recycling program which includes glass, paper, aluminum, plastic, newspapers, tires, batteries, cardboard, and white items such as refrigerators, stoves, and washer/dryers. We have the only tertiary sewage plant in the whole Florida Keys. We use reverse osmosis to irrigate our golf courses with desalinated water. We have, and continue to be, active supporters of the Everglades Restoration Project, the National Marine Sanctuaries Act, and this year's Coral Reef Resolution. Our interests in H.R. 2401 should not and cannot be viewed as anything other than a reflection of our efforts to correct what everybody admits was a mistake from the outset.

The privately-owned residential properties in Ocean Reef were inadvertently included in FL35P, an Otherwise Protected Area of the Coastal Barrier Resources System, and as a result of that mistake, we, the homeowners, are now being denied Federal flood insurance. Even though this mistake was made in 1990, we were not

even made aware of this problem until 1995, because FEMA did not re-publish the maps for Monroe County until 1995. As soon as we became aware of the mistake, we began to look for ways to fix it. Unfortunately, after meeting with Fish and Wildlife, we learned that the only way to fix this mistake was by an act of Congress.

Mr. Chairman and members of this Subcommittee, I stand before you today to ask you to please correct this mistake by supporting H.R. 2401 and allow the boundaries of CBRA's FL35P to be returned to that which Congress and the Fish and Wildlife always intended.

The legal requirements of CBRA support H.R. 2401; the Fish and Wildlife supports H.R. 2401; our Congressman, Peter Deutsch, supports H.R. 2401, as well as our two Florida Senators. We now urge the Subcommittee's support as well.

On a final note, on behalf of ORCA, I would like to thank Congressman Deutsch for his assistance in this matter. During what I realize is a very difficult and politically-sensitive time here in Washington, his support and assistance has been unwavering. That being said, in the face of such clear and convincing and non-controversial evidence, I urge the members of this Subcommittee to please allow this measure to move to markup quickly.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Topercer may be found at end of hearing.]

Mr. SAXTON. Mr. Topercer, thank you very much for taking your time to come here to articulate your view of this situation, and I might say that, because of those who have preceded you in explaining this situation to us, I think it's fair for me to say that both the administration and the members of this Subcommittee agree that a mistake was made, as you correctly point out, and that inasmuch as it does take an act of Congress to correct it, that is going to happen.

Mr. TOPERCER. Thank you, sir.

Mr. SAXTON. So we appreciate your spending your time here with us today.

Mr. Peterson and Mr. Connolly, likewise, we thank you for being here today to express your views relative to the conservation issue that you so articulately and adequately addressed. It seems to me that there is a very happy question being asked, and that is: Should we fund—should we authorize the expenditure of $15 million or $30 million? And the sentiment, I believe, from this Committee happens to be that we will authorize, I believe, $30 million on an annual basis, and as you heard me say while Don Barry was here, we hope that the administration will see fit to make a request that is something in excess of $15 million for fiscal year 1999.

That having been said, I don't have any questions relative to the bill. I would like, however, because of what is the seeming emergent nature of the snow goose problem, to ask you to comment relative to the successful growth of the population, as well as what you see as—how you define the problem in terms of a habitat problem, and also if you could comment on what you see as the courses that we might follow to address the issue.

Max, would you like to comment first on behalf of the International Association of Fish and Wildlife Agencies?

Mr. PETERSON. Yes. In a recent meeting in Phoenix, Arizona, that does include people from the United States and Canada both, we discussed this problem at some length. There is a technical committee now at work looking specifically at the options, what are the options to reduce this population. It, obviously, means less birds; we have to reduce that population, which tended to build up when there was less numbers of other birds.

And so we will have, probably within the next—I think within the next six months, we'll have a series of options that will be laid out, and we'll be glad to be sure your Committee is kept abreast of those options. One, of course, is to increase the bag limits, which has already been done this year in that flyway, to try to get some more of them taking by hunters. But that may not be adequate. So we're looking at other options. So we will be keeping your Committee fully informed of that.

Mr. SAXTON. Mr. Connolly, let me—you heard Mr. Barry say that he was going to dispatch some folks who are knowledgeable about this in the Service to come and chat with us. I would like to invite you or your representatives to do likewise, so that we can work along with you in developing whatever potential solutions there may be.

And I think it's fairly important that we move as quickly as possible because there are some Members of Congress who—and I don't say this in any disparaging way—who are ready to move forward with what they perceive as the appropriate courses of action, and it seems to me that we ought to talk about these things a little bit before we rush head-long into one course or another.

So I'll have our staff try to coordinate some meetings in the near term or at least a meeting, so that we can understand your points of views on these issues.

Mr. Connolly?

Mr. CONNOLLY. Well, thank you, Mr. Chairman. We would consider it a privilege and honor to participate with you and your staff, and I am deeply appreciative of your sense of urgency concerning this matter.

I think there's several points to keep in mind in this situation, and first of foremost is I think some people are beginning to presume that this is a generic snow goose problem, when in fact it's one confined to certain snow geese populations. It is not something that is in the Atlantic flyway nor in the Pacific flyway. We're talking about birds in the central part of the Nation, the ones that inhabit certain portions of the Canadian sub-Arctic region.

It's been tackled by a diverse group of participants under the leadership of the International Association, and they've had a lot of scientific studies and a lot of examinations of the various options, and there have been recommendations made to the Service. And I think having this sense of urgency by the Congress will facilitate getting a game plan in action, most importantly to me, by next year. And we have to, I think, give the American sportsmen a chance to show that expanded wildlife management opportunities may bring a resolution to this, and examine and monitor what occurs, and if that doesn't do the trick, then other matters will have to be contemplated. But I think we have to have, as in any business situation, a business plan produced, and have each of those

steps monitored and analyzed every step of the way. And I think that is in motion.

Mr. SAXTON. Mr. Farr and I were chatting just privately here about this issue just a few minutes ago, and just by way of question, we were wondering whether snow geese have any natural enemies, and if so, is there an issue involving the lack of such, or what's——

Mr. CONNOLLY. Well, it's a complicated problem, and it's been exacerbated by land use changes that man has created on the wintering grounds and on the staging grounds of snow geese.

Mr. SAXTON. Lots of food?

Mr. CONNOLLY. Right. Unlike ducks, where they breed is out of reach of most of man's influence other than by aboriginal peoples, and interestingly, the aboriginal peoples seem to be more attracted to the dark geese than they do the light geese, which is one of the reasons Congressman Gilchrest and his constituents are not able to go after the Canada geese, which once migrated to the eastern shore of Maryland.

So it's a very complex international wildlife problem, but I think the options that are being laid out and presented to the Fish and Wildlife Service are prudent ones that we need to get a consensus behind, roll up our sleeves, and commit to doing something about it next year.

But there have to be some expansions in what the opportunities are given to waterfowlers, and some incentives and some education that will go along with that.

Mr. SAXTON. Thank you. Mr.——

Mr. PETERSON. Could I add just a word?

Mr. SAXTON. Sure. Excuse me, Max. You can turn off the red light, if you don't mind. Thank you very much.

Go ahead.

Mr. PETERSON. As Mr. Connolly has eloquently stated, this is not a problem all over. It's a problem only because of the increase in population in some areas.

In this upcoming briefing, we will ask some Canadian provinces to participate in the discussion because a large number of these snow geese, as other geese and ducks originate in Canada—so the solution probably will have to be a continental solution, not just one in the United States.

On the issue of predators, yes, they do have natural predators, but when you get a population buildup like this, predators don't increase as fast as the population increases, and also there's some limits to what predation will do in particular areas where these breed.

But that's all being looked at by the technical group that we established under the international auspices, which does include Ducks Unlimited people; it includes Fish and Wildlife Service people; it includes provincial people from Canada, and the Canadian Wildlife Service people. And I think your sense of urgency is helpful to us because we do need to say we need to move on with this and not wait for five more years of technical information.

Mr. SAXTON. Thank you.

Mr. Farr?

Mr. FARR. Well, thank you very much, Mr. Chairman, and I appreciate having this hearing.

I wanted to follow up on Mr. Peterson's comment about the non-game species needing upwards of $350 million, I think you indicated. Has there been any discussion of sources for that funding? Would the Partnership for the Wildlife Act be an appropriate vehicle for permanently appropriating a source of funding or should we have a dedicated source such as the Wild Burro Fund, or how about the idea of a non-game wildlife stamp? I mean, duck stamps have been very successful. What do you think about proposals of how you meet your need for finding funding for those purposes?

Mr. PETERSON. Congressman Farr, there is an ongoing effort I think, as you may know, that we call Team with Wildlife that would address that. We have looked at everything from a stamp of some kind to paralleling Wild Burro and Pitman-Robertson by simply expanding the current excise tax to include some additional products that would be dedicated to a third fund.

And we've meeting ongoing for the last several months with different Members of Congress. I'll be sure that we come up and brief you in detail in what we're doing on that, and we do have a proposal. We are consulting with Members of Congress about whether they would like to—what burden of that they would like to deal with, and we'll include you in the briefing for that.

Mr. FARR. Thank you. And then that would be a dedicated source, then, for those species——

Mr. PETERSON. Yes, yes, exactly similar to Wild Burro and P-R in terms of being dedicated, distributed estates on a formula basis, so that the state would make the decision on how to spend it. It would be voluntary, nonregulatory, as the North American Wetlands Conservation Act is, and we believe that it would enhance the same kind of partnerships that Mr. Connolly talked about for waterfowl in the non-game area. There are a lot of people that would be interested in participating if they had a vehicle.

Mr. FARR. I appreciate that. Is your thought that you'd have this put together by the next legislative session, next year, or——

Mr. PETERSON. We have it now. We would hope to see action on it next year, yes. And we'll be glad, as I say, to go over it with you in detail.

Mr. FARR. Thank you. I appreciate that.

Thank you, Mr. Chairman.

Mr. SAXTON. Thank you. The gentleman from Maryland.

Mr. GILCHREST. Thank you, Mr. Chairman.

I have just a question or two for Mr. Topercer—Topercer?——

Mr. TOPERCER. Topercer.

Mr. GILCHREST. Topercer—before I go to Max, who I see more here than I do in the Rocky Mountains.

[Laughter.]

Mr. GILCHREST. What is different in your community under the present regulatory regime that would change with this new designation, if the designation is lifted?

Mr. TOPERCER. If it's left as it currently is?

Mr. GILCHREST. No. What's the difference between the way you are now to the way you want to become? What restrictions do you have as a community to your community?

Mr. TOPERCER. The only restrictions are for these 21 lots that are restricted and cannot get flood insurance, because the line was erroneously drawn when FL35P was incorporated.

Mr. GILCHREST. So that's it? And once that gets lifted, those 22 houses——

Mr. TOPERCER. It's 21 lots total. There are currently——

Mr. GILCHREST. Are there houses on those lots?

Mr. TOPERCER. Yes. At the time it was done, there were nine houses and there are now ten or eleven, I think, on there now.

Mr. GILCHREST. Oh, I see. So besides the 10 or 11 houses, the other lots would be——

Mr. TOPERCER. Able to be developed, that's correct.

Mr. GILCHREST. I see. You wouldn't want them to be made into a park, so snow geese could go down there in a habitat, I guess?

[Laughter.]

Mr. TOPERCER. I haven't seen a snow goose down there, Congressman.

[Laughter.]

Mr. GILCHREST. Thank you. I just wanted to understand that one point.

Mr. Peterson and Mr. Connolly, sort of a colloquial little question dealing with my district. Can either one of you tell me—20 years ago, you couldn't find snow geese on the eastern shore of Maryland; now there are more snow geese than honeybees in some areas. Do you know what has attracted the snow goose to the eastern shore of Maryland, to the numbers that they are there now? Is it agricultural practices; the weather's a little warmer; they've changed their—they don't go to North Carolina?

Mr. PETERSON. There's several factors. Gary Taylor, who's from Maryland, who used to be Director of the Fish and Wildlife, is in our office, and he and I have discussed this. And several things happened. There's a tendency to build a lot of additional water developments in that part, you know, to have a lot more water. People like water on their land.

Mr. GILCHREST. Oh, I see.

Mr. PETERSON. And then there are crops around that land that are attractive to the snow geese. And we've had several mild winters, so that they don't go as far south. They hang up further north. All of those things have concentrated more snow geese on the eastern shore of Maryland, where I've hunted for about 20 years. When I first used to hunt over there, I saw ten times as many Canada geese as I did snow geese, and now the reverse is true. There's been a number of factors like that. The increase in population of snow geese, for example, is one reason you've got more of them.

Mr. GILCHREST. Thank you.

Mr. CONNOLLY. Let me footnote that, Congressman. It's been land use change. When many, many years ago the eastern shore of Maryland had no geese to speak of, the Chesapeake was known as a duck estuary that attracted principally diving ducks and a smattering of black ducks. With the advent of cereal grain being extensively planted in the watersheds of the Chesapeake, you began to attract Canada geese, which were opportunistic and they fed on the cereal grain residual that was left behind in harvesting.

Snow geese, both on the tundra and on the wintering grounds, fed the same way in each place, which was to use their bills to pull up tubers and roots, and use the rich nutrients that were found in that on the tundra as well as in the salt marshes, which is where they principally fed.

As land use changed and there were more and more advents of big fields with residual grain, the snow geese suddenly said—the light dawns on my head—"It looks pretty good to me." And they, too, began to feed on the residual grains, and they flourished. Now the difference between the Canada goose and the snow goose is—and you see this, I'm sure, in your district—the snow geese flocks are enormous, and as such, they are much more difficult to hunt than Canada geese. Consequently, they just kind of arithmetically keep growing, because there's not many spartan souls who have the tenacity to go out and set a spread of 2,000 decoys to bring in a 15,000 flock of snow geese, as opposed to the Canada geese which are much more vulnerable.

Mr. GILCHREST. The Canada goose is much more orderly when they come in and when they leave. The snow geese are a buzz like bees the way they——

Mr. PETERSON. They also spiral up. In my hunting over there, you look up and there's 10,000 snow geese, as Mr. Connolly says, there——

Mr. GILCHREST. Right.

Mr. PETERSON. And they get off of the lakes, and you think, man alive, we're going to find all kinds of snow geese, and they spiral up, and lo and behold, you don't get a single shot.

Mr. GILCHREST. They make a great noise.

I have just one more quick question before we have to leave. How many acreage of tundra have been destroyed in the central flyway because of the increased numbers of snow geese? Is there a number placed on that?

Mr. PETERSON. It's been several hundred thousand acres that have been detrimental effect on them. I don't know where you reach the point of being destroyed. But the adequacy of those tundra to support not only snow geese, but a wide variety of other kinds of critters, has been substantially reduced because of that damage.

Mr. CONNOLLY. It's almost irrevocable, Congressman, because it won't recover.

Mr. SAXTON. We're going to have to stop and go for this vote. But just let me say, to emphasize the point that Mr. Gilchrest is making, and that Mr. Peterson and Mr. Connolly are making, the snow goose population in 1976-77 was about 160,000 in the eastern flyway, according to the numbers I have here, it's now just about 600,000. So we can see that the population has grown by almost four times, a multiple of four, in that 20-year period. In the central flyway the population has grown from about 1.1 million to 2.8 million, almost tripled in that same period of time. So we really have a major issue here that's got to be somehow addressed.

Thank you very much for coming. We're going to go and get this vote. The hearing is adjourned.

[Whereupon, at 2:13 p.m., the Subcommittee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF DANIEL P. BEARD, SENIOR VICE PRESIDENT FOR PUBLIC POLICY, NATIONAL AUDUBON SOCIETY, WASHINGTON, DC

Mr. Chairman, I am pleased to testify on the reauthorization of two very important pieces of legislation.

On behalf of the National Audubon Society, we're pleased support enactment of H.R. 2556, a bill to reauthorize the North American Wetlands Conservation Act (NAWCA) and the Partnerships for Wildlife Act (PWA). Both of these laws have played a significant role in expanding habitat for birds. They are vital components of our nation's effort to prevent further degradation of habitat and to reclaim habitat that has been rendered unsuitable for birds and other wildlife by human activity.

We concur with the Administration that NAWCA should be reauthorized at the current level of $30 million per year through the year 2003.

In the seven years since it was enacted, NAWCA has proven to be an effective tool for wetlands conservation and restoration. Through the innovative use of partnerships between private citizens, corporations, native Americans, cities, states, conservation groups and the Federal Government, NAWCA has made progress toward its stated goal of "conserv[ing] North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend on wetland habitats."

I would like to take this opportunity make a few points concerning the use of NAWCA funds for projects related to "other migratory birds and fish and wildlife."

First, it is clear from the language of the statute, as well as its legislative history, that NAWCA was intended to give equal attention to both game and nongame species. In enacting NAWCA, Congress made—among others—the following findings regarding nongame species:

> 1. The maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems and other habitats in Canada, as well as in the United States and Mexico.
>
> 2. Wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific and aesthetic values.
>
> 3. Almost 35 percent of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems.
>
> 4. The 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act are necessary.

Likewise, the stated purposes of NAWCA was to address both game and nongame species. The purposes of NAWCA, as stated in the law, are:

> 1. To protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America.
>
> 2. To maintain current or improved distributions of migratory bird populations.
>
> 3. To sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

Migratory birds are defined by NAWCA as:

> "... [a]ll wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act, including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act, and species defined as nongame under the Fish and Wildlife Conservation Act of 1980."

Funding of a wetlands project under NAWCA is, by statute, to be based on whether or not the project meets seven criteria. The legislative history indicates that "[n]o single criterion is intended to be weighed more heavily than another with the obvious exception of the availability of sufficient non Federal money." One of the criteria is "the extent to which any wetlands conservation project would aid the conservation of migratory nongame birds, other fish and wildlife and [threatened and endangered] species."

The legislative history of NAWCA supports and elaborates on the equal emphasis to be accorded nongame species. It is clear that the authors of PICA meant for nongame species to be given equal priority in NAWCA funding.

There are presently a large number of nongame migratory bird species dependent on wetland areas that are in decline during some phase of their lifespans. For example, the Watchlist includes, among many others, the American Bittern, Black Rail, Franklin's Gull, and the Saltmarsh Sharp-tailed Sparrow, all of which are severely threatened by habitat degradation and loss due to the draining of wetlands for development. These birds are just four of many dozens of species that would benefit from NAWCA projects directly focused on protecting and restoring specific wetlands that support nongame migratory bird populations. Nongame migratory birds are clearly intended beneficiaries of NAWCA, and as such should receive attention.

Currently, it difficult to tell whether NAWCA-supported projects are directed at game or nongame species. The annual report on projects that the Migratory Bird Conservation Committee (MBCC) is required by the law to prepare does not contain information sufficient to identify the species being targeted by respective projects. We would request that such a description of targeted species be required in the annual NAWCA/MBCC report, and we would urge you to include such a directive in the Committee report on H.R.2556.

Section 16(a) of NAWCA requires that the Secretary of the Interior undertake an effort to establish agreements, modeled after the North American Waterfowl Management Plan or the Tripartite Agreement, specifically aimed at protecting nongame migratory birds. To the best of our knowledge, the Secretary has not undertaken any such efforts. We would ask that the Congress, in any reauthorization bill, urge the Secretary to carry out this directive.

As I mentioned earlier, NAWCA is an important component in a larger mission to protect and restore habitat. Increased attention to nongame birds, and fish and wildlife through NAWCA is an efficient way to avoid the time and expense of listing and restoring species under the Endangered Species Act. We would urge that to the extent matching funds are available, an equal priority is assigned to providing NAWCA funding for nongame species projects.

Audubon also supports the reauthorization of the Partnerships for Wildlife Act. Like NAWCA, PWA is a good example of pro-active legislation that prevents the time and expense of invoking the Endangered Species Act in order to protect species. PWA has been received enthusiastically by the public, as evidenced by the waiting list to join. This important program works not only for individual species, but also for the broader goal of creating a conservation ethic, and involving people directly in the protection of species. It is a program that gets people excited about protecting the natural world. This is clearly a worthy objective that should be supported and fully funded.

Thank you for the opportunity to testify.

TESTIMONY OF DONALD J. BARRY, ACTING ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE RESOURCES COMMITTEE, SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, CONCERNING THE REAUTHORIZATION OF THE NORTH AMERICAN WETLANDS CONSERVATION ACT, PARTNERSHIPS FOR WILDLIFE ACT AND A TECHNICAL CORRECTION TO THE COASTAL BARRIER RESOURCES ACT

October 23, 1997

Mr. Chairman, I am very pleased to testify today on H.R. 2556, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act. The Administration strongly supports reauthorization of these highly successful conservation programs. I am also here to testify on H.R. 2401, a bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

Let me first talk about the North American Wetlands Conservation Act and why the Administration strongly supports reauthorization at the current level of $30 million per year through the year 2003.

The wetlands conservation program that is implemented under the Act has become an international model for conservation, through its reliance on partnerships to carry out long-term wetlands conservation projects. These partnerships assure broad participation in wetlands conservation, and provide incentives for leveraging of Act funds to achieve at least a two to one match from private sources. This voluntary, non-regulatory approach to conservation has fostered wetlands conservation by thousands of partners, including private citizens, municipalities, corporations, native American tribes, state agencies, and conservation groups throughout the United States, Canada and Mexico.

After only seven years, the North American Wetlands Conservation Act has made substantial progress toward meeting three principal goals: protecting, enhancing, restoring, and managing wetland ecosystems and other habitats for migratory birds and other fish and wildlife; maintaining current or improved distributions of migratory bird populations; and sustaining an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and other international agreements.

The Act established a competitive grants program to be coordinated by the U.S. Fish and Wildlife Service (Service) whereby individuals, organizations, and agencies would be eligible for matching grants to fund wetlands conservation projects throughout North America. It also created the North American Wetlands Conservation Council with representatives from federal, state, and non-governmental organizations, to review and recommend conservation projects for approval by the Migratory Bird Conservation Commission. Finally, it created the North

American Wetlands Conservation Fund from Congressional appropriations and other sources, to fund approved conservation projects. The Council implements Act goals in a carefully crafted strategy, through its own vision statement, through its Policy and Procedures Manual, and through the Grant Application Instructions that respond to specific Act objectives such as migratory bird conservation.

The Act has worked in concert with the North American Waterfowl Management Plan signed by Canada, the United States and Mexico to conserve all species of wetland-dependent migratory birds, including waterfowl. Implementation of the Act has involved ongoing coordination with Plan partners, utilizing 10 geographically-based Joint Ventures across the U.S. and 3 in Canada. These cooperative networks -- representing partnerships in all 4 flyways of North America -- constitute a delivery system for on-the-ground implementation of the Act. As a result of close coordination between the Plan and the Act, the 1994 update of the Plan reflects the orientation of the Act, with an emphasis on broad conservation values of wetlands, greater focus on migratory birds in addition to waterfowl, and an extended geographic range that includes Mexico as a signatory and full partner in the Plan. To facilitate continued coordination and interaction, the Act mandates an updating of the Plan every 5 years, with the next update scheduled for 1998.

Public support for the Act's wetlands conservation program is high and growing, as more partnerships come together to implement conservation projects. Within the United States, 260 projects have been funded under the Act in 45 States. $137 million in Act funds have been matched by $318 million from 577 partners to conserve over a million acres in the United States. Overall, $208 million in Act funds have been matched by $428 million from more than 700 partners to conserve over 10 million acres in Canada, Mexico, and the United States. In recent years the relative contribution of partner funds in wetlands projects also has grown, with approximately three partner dollars matching each dollar of Act funding for U.S. projects in 1997. Such a high level of matching funds in a voluntary, partner-based program attests to its popularity, and to the commitment of partners to the Act's conservation goals.

Let me give a specific example of where the partnership effort has been remarkably successful: the Central Valley Habitat Joint Venture (CVJV) of the North American Waterfowl Management Plan. This joint venture covers an area of some 13 million acres encompassing the San Joaquin and Sacramento River Basins and the Suisun Marsh of California. This broad valley stretching 400 miles long is estimated to have once contained about 5 million acres of wetlands but has been reduced within the past 150 years to 350,000 wetland acres, including about 4,000 acres of riparian habitat. Still, this limited habitat winters 60% of the migratory waterfowl in the Pacific Flyway, and is home to over 200 species of migratory birds and 46 federally listed threatened or endangered species. Since the joint venture was founded in 1988, over 110,000 acres have been protected and restored in Plan activities. Over 30 partners have participated in 19 wetlands projects that were funded under the Act, with $14 million in Act funds matched by $56 million of partner funds. Through the combined effectiveness of these public-private efforts, the wetland ecosystems of central California are being protected from further degradation and

loss, and many of their ecological values are being restored.

Habitat conservation in the Central Valley of California and elsewhere throughout North America has benefitted migratory birds, other fish and wildlife, and local communities that derive substantial economic benefits from hunting, bird-watching and other outdoor recreation. The tracking and documentation of benefits is an integral and ongoing element of the Act's program, and is a major focus of the 1998 update of the North American Waterfowl Management Plan. For example, the Service has invested substantial resources in tracking systems to record the geographic location, extent, and nature of conservation actions undertaken through the Act. Benefits of completed projects also are captured in an international tracking system that records information about biological impacts, and follow-up conservation and monitoring at project sites are continued by partners according to project conservation requirements. In addition, The Continental Evaluation Team of the North American Waterfowl Management Plan currently is engaged along with the Joint Ventures in broad-scale biological assessment efforts of wildlife and habitat values in Canada and the U.S.

Finally, the Service currently is implementing a National Evaluation Program for habitat monitoring and assessment of activities under the Act and the Plan. In combination, these activities provide a means to determine the success of actions taken to date under the Act, and a framework for improving performance under the Act in the future. They also help to meet requirements of Section 19 of the Act, which mandates the development of a strategy for implementation of the Act that is based on current biological information, and development of monitoring and evaluation procedures to measure the Act's effectiveness.

The Administration supports reauthorization of the North American Wetlands Conservation Act as expressed in H.R. 2556 with the following amendments:

The Administration supports maintaining current authorization of appropriations at $30 million rather than the $15 million reflected in H.R. 2556. In support of the conservation goals expressed in the Act, funding authority grew from $15 million in fiscal year 1990 to $20 million for 1995 and 1996, and increased again to $30 million for 1997 and 1998. Authorization of $30 million indicates a continuing commitment to wetlands conservation and to restoration and enhancement of wetlands values.

At a time when the need for a partnership approach to conservation is being heralded, the Act represents a highly successful model for delivery of efficient, cost-effective conservation through public-private partnerships. A decrease in funding authorization would send the wrong message about the importance of this approach to wetlands conservation. The Administration believes that an authorization ceiling of $30 million would allow for potential growth in appropriations in response to growing public support, without committing to appropriations at that level in any particular year.

The Administration supports authorization for a period of five rather than four years.

Both the original 1989 version of the Act and its reauthorization in 1994 retained a 5-year time frame. This was in keeping with the time frame for revision of the North American Waterfowl Management Plan, which itself was updated in 1994 and is scheduled for another update in 1998. Indeed, the 1994 reauthorization of the Act included language mandating revision of the Plan in 1998, thereby allowing for compatible, synergistic evolution of these closely related efforts over time. An authorization period of 5 years facilitates this ongoing development and coordination, to the benefit of both the Act and the Plan.

Mr. Chairman, I am proud to be associated with the North American Wetlands Conservation Act and the successful conservation effort it sustains. This partner-based approach to wetlands conservation is an outstanding example of an efficient and cost-effective program, and a model for public-private cooperation to achieve shared conservation goals.

I am equally enthusiastic about the Partnerships for Wildlife Act and the benefits of this law on the conservation of non-game species. The Administration supports reauthorization of this Act at the current authorization for appropriations of $6.2 million per year through 2002.

The Partnerships for Wildlife Act was originally enacted in 1992 for the purpose of establishing partnerships among the Service, State agencies, and private organizations and individuals to conduct conservation projects for diverse, non-game wildlife species, to enable State agencies to respond more fully to their authorities, and to encourage private donations for wildlife conservation projects. Partnerships for Wildlife is the only Federally administered grants program to the States for the sole purpose of benefitting non-game species -- that is wildlife that are NOT fished, hunted, trapped, or intensively regulated.

During fiscal years 1994 through 1998, the Service has received a total of $4.4 million in appropriated dollars to implement the Partnerships for Wildlife Act. Four percent was used for administration, providing over $4.2 million for grants to the States. States leverage each Federal dollar with one State dollar and an additional private sector dollar. If the project is conducted cooperatively with two or more States, the Federal share is 40 percent with the State and private parties contributing 30 percent each. The grants are awarded competitively to the States by the Service each year based on project proposals submitted annually by the States and on recommendations to the Director of the Service by a review panel consisting of State, private, and Service biologists.

Despite the challenge of States finding private partners, the applications for grants have exceeded the amount of money available in each year. Forty States have received grants during the first four years of the program. Funds provided by this program have given incentives for some States to begin non-game management programs, conduct studies on little-known species, and increase public understanding of wildlife recreation opportunities.

Projects have focused on a broad array of animals including turtles, frogs, bats, butterflies, snails, mussels, terns, hawks, otters, songbirds, and many other species of concern.

The Act encourages the States to do research and create management programs for a variety of species with the aim of reducing the future number of species needing attention under the Endangered Species Act.

Wildlife recreation is big business in the United States. A 1996 study by the Service found that 77 million people over 16 years of age -- about 40 percent of the population -- enjoyed fish and wildlife-related recreation and spent $100 billion. That is 1.3 percent of the Gross Domestic Product. $29 billion of that money was spent by 63 million Americans for non-game species recreation.

The Administration supports reauthorization of the Partnerships for Wildlife Act as outlined in H.R. 2556 with one amendment: that the funding authorization be raised to the current authorized level of $6.25 million.

Finally, I would like to provide comments on H.R. 2401, a bill introduced by Congressman Deutsch directing the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

The Administration supports H.R. 2401. The revised boundary proposed in the legislation will correct a technical error that occurred when the North Key Largo Unit FL-35 and the adjacent "otherwise protected area" designated Unit FL-35P were added to the System in 1990.

The Service concurs fully with the facts set forth in the Findings, Section 1 of the legislation. Unit FL-35P was established by the Coastal Barrier Improvement Act of 1990, with the intention of including lands held for conservation purposes into the Coastal Barrier Resources System. The boundary of FL-35P does run though a portion of the Ocean Reef Harbor Course South development, mistakenly including 9 residences at the edge of the unit. The Service has received certificates of occupancy and local tax maps from Monroe County, FL, verifying that this area was in private ownership, developed, and not held for conservation purposes at the time of its inclusion in the System. Modification of the boundary of Unit FL-35P to correct this mistake, therefore, does constitute a valid technical correction.

We have worked closely and cooperatively with Congressman Deutsch and the Committee during the development of this legislation, and have provided technical assistance in preparing the map to be referenced in the bill. The new proposed boundaries are depicted on a map currently held by the Service, which we have been told will be referenced in the bill when it is marked up. Committee staff and Congressman Deutsch's staff have assured the Service that a corrected date to the map will be inserted into the legislation, replacing the blank date in the original version of the bill.

During the development of this bill, the Service met often with staff for Congressman Deutsch and for the Committee to understand Congressional concerns, explain the needed level

of documentation, and to ensure that revised boundaries are drawn accurately. We are planning soon to propose and develop with the Committee a process for achieving up-front technical agreement in all circumstances when legislation has been introduced to modify boundaries of units within the System.

In closing, Mr. Chairman, the Department will continue to work with the Congress to ensure that the Coastal Barrier Resources System is accurate in its boundary descriptions, thereby ensuring fairness to adjacent landowners.

I would be happy to answer any questions that you or members of the Subcommittee may have.

International Association of Fish and Wildlife Agencies

(Organized July 20, 1902)

Hall of the States • 444 North Capitol Street, N.W., Suite 544 • Washington, D.C. 20001
Telephone (202) 624-7890 • FAX (202) 624-7891

Officers 1997-98
President
Wayne MacCallum
100 Cambridge Street
Boston, MA 02202

Vice-President
Roger Holmes
500 Lafayette Road
St. Paul, MN 55155

Secretary-Treasurer
C. Thomas Bennett
One Game Farm Road
Frankfort, KY 40601

Executive Committee
Chairman
David Waller
2070 US Highway 278, SE
Social Circle, GA 30025

Vice-Chairman
Patrick Graham
1420 E. Sixth
Helena, MT 59620

Arnold Boer
Fairfield, NB

David L. Egbert
Tallahassee, FL

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Andrew T. Manus
Dover, DE

Robert McDowell
Trenton, NJ

George E. Meyer
Madison, WI

Duane Shroufe
Phoenix, AZ

IAFWA Staff
R. Max Peterson
Executive Vice President

Gary J. Taylor
Legislative Director

Vacant
Resource Director

Donald E. MacLauchlan
International Resource Director

Naomi A. Edelson
Wildlife Diversity Director

Len Ugarenko
NAWMP Coordinator

Jack H. Berryman
Counselor Emeritus

October 17, 1997

Honorable Jim Saxton, Chairman
House Subcommittee on Fisheries Conservation,
Wildlife and Oceans
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Saxton:

As requested, my biographical sketch is attached to the Association's testimony relating to H.R. 2556, a bill to reauthorize the North American Wetlands Conservation Act and the Partnership for Wildlife Act.

Our counsel believes that since our Association represents the State fish and wildlife agencies, it is exempt from the requirement that a list of Interior grants to the Association be included. Attached is a copy of our letter to the House Parliamentarian requesting a formal ruling on the exemption.

Since its established in 1902, the Association's members, who establish policy and determine our position on matters pending before Congress, are the Directors of the State fish and wildlife agencies. State fish and wildlife agencies receive funds that are derived from hunters and anglers' payment of manufacturer's level excise taxes under the Pittman-Robertson and Wallop-Breaux legislation. Apportionment to the States is based on formulas that are in the law. In addition, States may receive small amounts of money under special Acts of Congress, such as Section 6 of the Endangered Species Act, because States have primary jurisdiction for non-listed species of resident fish and wildlife and concurrent jurisdiction on listed species.

We believe those State fish and wildlife agencies and the Association, as their representative is exempt from the grant reporting requirements. However, we will be happy to provide you any information you wish on grants.

Very truly yours,

R. Max Peterson
Executive Vice President

Attachments: 2

rmp/avra/c:\max\Saxton.doc

International Association of Fish and Wildlife Agencies

Hall of the States • 444 North Capitol Street, N.W., Suite 544 • Washington, D.C. 20001
Telephone (202) 624-7890 • FAX (202) 624-7891

R. Max Peterson

Gary J. Taylor

Mark J. Reeff

Donald E. MacQuistan

Naomi A. Edelson

Len Ugarenko

Jack H. Berryman

President
Duane L. Shroufe
2221 W. Greenway Road
Phoenix, AZ 85023-4312

Vice-President
James F. MacCallum
Cambridge St.
Boston, MA 02202

Secretary/Treasurer
Robert L. McDowell
CN 400
Trenton, NJ 08625-0400

Chairman
Rudolph Rosen
P.O. Box 59
Portland, OR 97207

Vice Chairman
Roger Holmes
500 Lafayette Road
St. Paul, MN 55155

Arnold Boer
Fredericton, NB

Allan L. Egbert
Tallahassee, FL

Patrick Graham
Helena, MT

Andrew T. Manus
Dover, DE

George E. Meyer
Madison, WI

David Waller
Atlanta, GA

February 27, 1997

Mr. Charles W. Johnson
Parliamentarian
U.S. Capitol
H-209
Washington, DC 20515

Re: Rules of the House of Representatives, 105th Congress

Dear Mr. Johnson:

I am writing on behalf of the International Association of Fish and Wildlife Agencies, an organization founded in 1902 to represent the collective interests of the state fish and wildlife agencies. I write to clarify application to the Association of Rule XI(2)(g)(4) which establishes certain requirements for witnesses "appearing in a non-governmental capacity."

The International Association appears frequently before congressional committees to present testimony on behalf of the fish and wildlife agencies of the several States. On these occasions, the Association's testimony is often presented by an individual director of a state fish and wildlife agency. In other instances, testimony on behalf of the Association is presented by its Executive Vice-President or by senior staff. In all instances, such Association testimony will have been authorized by the state government members.

The International Association obviously is not a government, but it is composed of government, but it is composed of government members and only its government members are eligible to vote on positions taken by the Association before Congress. An appearance on behalf of the Association is thus, in a very real sense, the functional equivalent of an appearance by the state fish and wildlife agencies. Indeed, this has been so since the modern era of federal interest in natural resources began in the 1930's. In consequence, the Association does not appear before Congress in a "non-governmental capacity," and thus we would not construe House Rule XI(2)(g)(4) as applicable to this Association insofar as it relates to appearances in a non-governmental capacity.

Mr. Charles W. Johnson
February 24, 1997
Page 2

I would appreciate your confirmation of our understanding. I enclose for your information a copy of the Association's constitution and bylaws.

Sincerely,

R. Max Peterson
Executive Vice-President

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Enclosure: 1

BIOGRAPHICAL SKETCH

R. Max Peterson, Executive Vice-President
International Association of Fish and Wildlife Agencies

On January 1, 1989, Mr. Peterson succeeded Jack Berryman as Executive Vice-President of the International Association of Fish and Wildlife Agencies. The International Association of Fish and Wildlife Agencies, established in 1902, represents the state and provincial fish and wildlife agencies of the United States, Canada, and Mexico. Prior to his appointment as Executive Vice-President, Mr. Peterson served for 37½ years in a variety of positions in the U.S. Forest Service, the last 7½ years as Chief. Upon his retirement he was designated Chief Emeritus of the Forest Service by the Secretary of Agriculture.

His assignments with the Forest Service included Deputy Chief for Programs and Legislation, Deputy Regional Forester and Regional Forester for the Southern Region, and a variety of field assignments in the Pacific Southwest and Northern regions, as well as a previous assignment in the Chief's office.

Mr. Peterson is a native of Missouri and a graduate of the University of Missouri. He began his Forest Service career in 1949 in California and during the next nine years worked on three national forests in that State.

In 1958 Mr. Peterson was awarded the Rockefeller Foundation Fellowship to the water resource and land use planning program at Harvard University, where he obtained his master's degree in public administration in 1959.

In more than 40 years of work in natural resources, Mr. Peterson has served in a variety of regional, national and international organizations. This included serving as Chairman of the North American Forestry Commission from 1982 to 1984; Chairman of the FAO's Commission on Forestry; member and Chairman of the National Conservation Committee of the Boy Scouts of America; member and Vice-Chairman of the Board of the Graduate School of the U.S. Department of Agriculture; and head or member of the U.S. Delegation to World Forestry Congresses in 1960, 1971, 1978 and 1986.

Mr. Peterson received numerous honors including the University of Missouri Distinguished Service Award, the Advertising Council Award for Distinguished Public Service, the U.S. Department of Agriculture Distinguished Service Award, and the Presidential Rank of Distinguished Executive.

Mr. Peterson is a Fellow of the Society of American Foresters, a member of The Wildlife Society, a member of the American Society of Civil Engineers, and a Fellow in the Soil and Water Conservation Society.

Both in 1990 and 1995, he has worked actively with 15 other non-governmental organizations to develop agreed-upon principles for important features of the Farm Bill such as the Conservation Reserve Program, Swampbuster, etc.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

October 23, 1997

Testimony of R. Max Peterson, Executive Vice President International Association of Fish and Wildlife Agencies on the North American Wetlands Conservation Act of 1989 and the Partnerships for Wildlife Act

Mr. Chairman and members of the subcommittee, thank you for the opportunity to share with you the views of the International Association of Fish and Wildlife Agencies on the North American Wetlands Conservation Act (NAWCA). I am Max Peterson, Executive Vice President of the International Association of Fish and Wildlife Agencies.

The International Association, founded in 1902, is a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association, whose government members include the fish and wildlife agencies of all fifty states, has been instrumental for nearly a century in promoting sound resource management and strengthening federal, state and provincial cooperation in this area.

The International Association of Fish and Wildlife Agencies strongly supports the reauthorization of the North American Wetlands Conservation Act for a number of reasons. Wetlands conservation is important to us all. As you know, while the rate of decline has slowed, the fact remains that we continue to lose wetlands in North America. Between 1985 and 1995 in the United States we have had a net loss of 117,000 acres per year. Of the estimated original 221 million acres of wetlands, there are now about 5.1 million acres of saltwater wetlands remaining and about 95.8 million acres of freshwater wetlands. Many scientific studies have shown that coastal and inland wetlands are crucial to the health of our environment. The loss of wetlands impacts both human and conservation values: for example, water quality, water storage, flooding, erosion and wildlife habitat. Wetlands provide habitat for a diversity of fish, wildlife and plant species, which in turn support numerous recreational and commercial activities. The value of wetlands for a wide variety of important values cannot be understated or underestimated.

Since its inception seven years ago, the North American Wetlands Conservation Act has been extraordinary successful. It has contributed to the protection, restoration and enhancement of millions of acres of wetlands and adjacent (buffer) areas for the benefit of wetland dependent wildlife and the people enjoy them.

Based on a cooperative, voluntary, non-regulatory approach NAWCA engages the federal government in partnerships which include local and state agencies, conservation groups, businesses, sporting groups, landowners, private citizens, ranchers, farmers and communities, to name a few. Within the United States, $137 million in Act funds have been matched by $318 million from 577 partners. The return on the federal investment under this program has been remarkable as demonstrated by the fact that projects funded under NAWCA have been matched by almost 3 to 1 by partner contributions. In the United States, 260 projects have been funded in 45 states, including the states of California, Idaho, Louisiana, Maryland, New Jersey, North Carolina, Pennsylvania, Rhode Island, and Texas. This has provided significant economic benefits, often in rural communities, since migratory bird hunters and bird watchers generate almost $21 billion per year in economic impact.

The North American Waterfowl Management Plan, one of the important programs supported by the NAWCA, is an effort to rebuild North American waterfowl populations by establishing population objectives and protecting key wetland habitat areas. Since migratory waterfowl are a shared international resource, federal, state, provincial and private organizations are cooperating internationally to fund and implement wetland conservation projects. Twenty-four million acres have been conserved in Canada, the United States and Mexico. The NAWMP has united different economic sectors, for example, forestry, agriculture and wildlife conservationists in an unprecedented degree of trust and cooperation. Bringing together joint venture area wide conservation and management for the first time, the NAWMP has been used as a model for other migratory bird and species plans such as the Western Hemisphere Shorebird Reserve Network, Partners In Flight and other related conservation programs which are being formulated and delivered on a national and international level. As mandated by the Act, the NAWMP is currently being updated by the Plan partners and its continued success depends in large part on the funding which NAWCA provides.

A number of wetland dependent species, including shorebirds, neotropical migrants, wading birds and threatened and endangered species have also benefited from the North American Wetlands Conservation Act and North American Waterfowl Management Plan.

Progress has been made in wetland conservation under NAWCA but we must increase our efforts to ensure that adequate habitat is available for waterfowl during the next drought cycle.

In summary, wetland restoration, protection and conservation provides an important and diverse array of long-term environmental, social and economic benefits to the citizens of the United States. Let us not lose the momentum we have now gained with our willing conservation partners.

I urge you to ensure the reauthorization of NAWCA at its current $30 million level of funding authority. This would indicate a continuing commitment to wetlands conservation and allow for potential growth in appropriations which have recently been increasing. Annual requests for NAWCA grants continue to exceed available funding. If funding is reduced for NAWCA it will impact negatively on a number of sectors including the economy and state fish and wildlife programs.

The International also supports authorization for a period of five rather than four years. The original 1989 version of the Act and its reauthorization in 1994 retained a 5-year time frame. An authorization period of 5 years would also be in keeping with updates to the NAWMP.

Mr. Chairman, the North American Wetlands Conservation Act has been singularly successful in its contribution to wetlands conservation. It is a unique program, which is wholeheartedly endorsed by the state fish and wildlife agencies.

The Association strongly supports re-authorization of the Partnerships for Wildlife Act (16 U.S.C. 4401). Through the cooperative partnerships between the state fish and wildlife agencies and the private sector created by these programs, we can begin to address preventive, comprehensive, and broad scale management to ensure the vitality of fish, wildlife and plant species and their habitats. These preventative actions can preclude the need to impose the rigors of the Endangered Species Act as a last minute rescue effort for species threatened with extinction. Taking prudent actions to prevent endangerment simply makes good ecological and economic sense. Virtually all of the wildlife species that have been listed as threatened or endangered are nongame species. Without a significant effort aimed at preventing species decline, we can expect that unfortunate legacy to continue. For example, in New Jersey several grants have allowed the New Jersey Division of Fish, Game and Wildlife to understand which species are in trouble and work with the local communities on local conservation strategies. This Act also provides expanded recreational opportunities for Americans to enjoy wildlife in natural or educational settings. The demand for recreational opportunities continues to escalate. Increasing the opportunities for the public to enjoy wildlife will increase their knowledge of and empathy towards wildlife.

Thank you for the opportunity to testify.

DUCKS UNLIMITED, INC.

NATIONAL HEADQUARTERS • One Waterfowl Way • Memphis, TN 38120-2351 • (901)758-3825 • Fax (901)758-3850

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Executive Secretary
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STATEMENT OF MATTHEW B. CONNOLLY
EXECUTIVE VICE PRESIDENT, DUCKS UNLIMITED, INC.

REGARDING REAUTHORIZATION OF THE
NORTH AMERICAN WETLANDS CONSERVATION ACT
TO HOUSE RESOURCES COMMITTEE, SUBCOMMITTEE ON FISHERIES
CONSERVATION, OCEANS, AND WILDLIFE

October 23, 1997

I'd like to begin by commending the Congress for its foresight and creative ingenuity in enacting the North American Wetlands Conservation Act eight years ago. The law is a success story of which Congress and the American people should be proud.

The Act at its inception in 1989 was a bipartisan effort of a Republican President, a Democratic Senate Majority Leader, and a Democratic Chairman of the Merchant Marine Committee, Walter Jones, Sr. Since that time, members like Don Young and Curt Weldon have joined with John Dingell to lead the fight to fund the program each year. Likewise in the Senate, there has been recognition of success and bipartisan support, the task of securing annual funding for the North American Wetlands Conservation Act has been led by Thad Cochran and Ted Stevens along with their Democratic colleague, John Breaux. Together, 118 House and 79 Senate members from both parties have signed letters of support for NAWCA in the last two years, including several members of this Subcommittee.

This bipartisan effort over the years is one of the great conservation success stories in American history. Since the law was enacted in 1989, the fall flight of ducks has increased by an astounding 63 percent. In 1989, the FWS estimated number of ducks migrating south was 56.5 million. This year that number will top 92.5 million. In large measure this tremendous population increase has been due to mother nature. Rain at the right times across the Canadian prairies and the northern great plains of the U.S.; the veritable duck factories of North America, has created nearly ideal conditions for waterfowl to breed and migrate south in the fall. But the North American Wetlands Conservation Act has played a critical

role as well, since no matter how reliable annual rain and water conditions are, if there are inadequate lands set aside for the birds to use if the rain comes, they can't continue to recover from the droughts of the 80's and early 90's.

The North American Waterfowl Management Plan signed for the U.S. by then-Interior Secretary Don Hodel, set a goal of 100 million ducks in the fall flight. It laid out a strategy to get to the migration goal by providing critical landscape habitat for the ducks to use. This Act is the primary vehicle in our country for reaching the North American Plan's goal. In the eight years since the program's inception, the Wetlands Conservation Council, which I chaired for the first five and a half of those years, acquired 463,000 acres of land in the U.S. None of this land was acquired through condemnation, it was done on a willing seller basis. But, unlike many other conservation programs, land acquisition is not the only means the Act uses to complete its assigned tasks. Restoring and enhancing existing habitat is increasingly key, in fact the Act has undertaken 603,231 acres of habitat conservation work utilizing those methods, even getting more acres working for wildlife than using acquisition. For example, NAWCA has funded restoration work on marshes in the South and West that were drained in the '40s or '50s. Typically, a landowner will pull out an artificially installed drain and NAWCA pays to install a small water control structure that allows that landowner to control water levels at various times of the year. This gives him the opportunity to continue using his field in the summers for agricultural production, and then after harvest, working with guidelines provided by DU private lands staff he could flood up that field for the fall and winter. Waterfowl arriving from the breeding grounds then utilize the residual plant material for food. At the same time having that field immersed under water for the winter often means that farmer will require less herbicide, pesticide and fertilizer application in the spring. Larval insects are eaten by foraging ducks and weed seeds are killed by being saturated. Additionally, the ducks enrich the soils.

One of the key avenues that the North American Plan, and hence the Act, envision to realize success is through cooperative action. It is hard to imagine how a federal program could develop more partnerships in a short time than this one has. Time prevents you from visiting with a cross section of the individual farmers, young people, the corporate leaders, the Native Americans, the small town conservationists, and the many other faces and groups that have helped provide the Act's partnership success. By Congress' design, the program is flexible enough to attract private partners, both large and small. Groups as diverse as Exxon, one of the largest companies in the world contribute project funds to match federal dollars, as well as an individual Eagle Scout that sought and received a $600 NAWCA grant to help finance a project in Illinois to provide some basic marsh restoration. Together they and the rest of the partners make an awesome and amazing combination. Altogether, the program has attracted over 600 separate partners -- all pulling for the conservation of ducks, geese, and the other wildlife that inhabit North America's wetlands and associated uplands.

Working with these private landowners, state and local governments, corporations, and a variety of federal agencies, the North American Wetlands Conservation Council has helped protect and improve critical habitat along the flyways so as birds hopscotch along the continent, they have places to rest, eat, and replenish themselves for long migrations and breeding. Likewise, by working with the Canadian and Mexican governments, the program has been successful at

improving nesting grounds in Canada and working to better understand the wintering grounds in Mexico.

In this age of balanced budgets and reduced federal spending, the North American Wetlands Conservation Act is one of the most cost effective conservation programs in the entire federal government. Under the law, every dollar of federal support is matched by a dollar of state or local money. Our actual matching rate far exceeds what is required by the law. For every dollar Congress has appropriated for NAWCA, two dollars have been raised from private sources and state and local government. Since the program began eight years ago, state and local government and private parties have contributed an astounding $303 million to this conservation effort. Ducks Unlimited alone has contributed $21 million for this work. In fact, much of our fundraising effort is designed to support NAWCA's work and make the match which is required. DU's 900,000 supporters attend dinner auctions, golf tournaments, target shoots and other events to help raise the money needed.

The match far in excess of what you asked for demonstrates the interest and ability of partners to do more under this program should additional federal funds be made available. I strongly encourage you to maintain the Act's current authorization ceiling.

I am also proud to say that waterfowl are only a few of the species that have benefited from this unique program. Alligators and dozens of endangered species have homes because of the Act's work. And the program benefits a variety of other species like shorebirds in the coastal marshes and songbirds in the grassland prairies.

The Interior Department and Fish and Wildlife Service have been helpful in their support of this Act. They have committed staff to helping Council members adjudicate between dozens of worthy projects when there is only enough funding for a few. They have also coordinated with other federal offices and agencies to make sure that other conservation laws are complied with in the carrying out of NAWCA's work. Secretary Babbitt has been active in supporting NAWCA and in the few weeks since she has been confirmed as Director, Jamie Clark has singled out the program as one of the bright spots in the Fish and Wildlife Service. We believe they deserve thanks for their role.

Some might ask, is this a program that's working? I answer that question thusly; the goal of the Act was to help bird populations by providing habitat. Over 3.6 million more acres of habitat exist today than before the Act was signed as a direct result of its work. Duck populations commonly regarded as an indicator species for many species of birds, are up 63 percent since its creation. The results speak for themselves.

It's a pleasure to be here today to tell you about the successes this program has enjoyed so far. But if we are to be prepared for the inevitable droughts that will return again as they do periodically, we much continue to keep this program focused and active. I urge the Committee to favorably report reauthorization for five years at the continued annual appropriations ceiling of $30 million to the House floor so we can continue this important work. Over the next month, the Council will review 42 new proposed projects in 26 states including Maryland, Texas, Louisiana, Pennsylvania, Idaho, and California. Those projects will offer $36 million in match

money for a requested $18 million in NAWCA funds. We know there won't be enough to fund them but with your continued support, we'll fund the best ones to move the program forward. We thank the committee for inviting DU to testify. I would be pleased to answer any questions you may have.

DISCLOSURE REQUIREMENT
Required by House Rule XI, clause 2(g)

1. Name: *Matthew B. Connolly*

2. Business Address: *Ducks Unlimited Headquarters*
One Waterfowl Way
Memphis, TN 38120

3. Business Phone Number: *901/ 758-3825*

4. Organization you are representing: *Ducks Unlimited, Inc.*

5. Any training or educational certificates, diplomas or degrees which add to your qualifications to testify on or knowledge of the subject matter of the hearing:
See Attached Biography
6. Any professional licenses or certifications held which add to your qualifications to testify on or knowledge of the subject matter of the hearing:
See Attached Biography
7. Any employment, occupation, ownership in a firm or business, or work-related experiences which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:
See Attached Biography
8. Any offices, elected positions, or representational capacity held in the organization on whose behalf you are testifying:
See Attached Biography
9. Any Federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1994, from the Department of the Interior, the source, and the amount of each grant or contract:
None
10. Any Federal grants or contracts (including subgrants or subcontracts) which were received since October 1, 1994, from the Department of the Interior by the organization(s) which you represent at this hearing, including the source and amount of each grant or contract:
See attached List of Grants
11. Any other information you which to convey to the Committee which might aid the members of the Committee to better understand the context of your testimony:
None

Biography of
MATTHEW B. CONNOLLY, JR.
Executive Vice President
Ducks Unlimited, Inc.

Matthew B. Connolly, Jr. is the Executive Vice President of Ducks Unlimited, Inc., a private, nonprofit international wetlands conservation organization headquartered in Memphis, Tennessee. He assumed the organization's top staff position in May of 1987 after serving as Executive Vice President of the North American Wildlife Foundation.

Ducks Unlimited has secured and enhanced nearly 8 million acres of habitat on the North American continent. During FY 96-97 DU membership had grown to more than 900,000 members and supporters who contributed $88.5 million. DU has affiliates in Canada, Mexico, New Zealand, Europe and Australia with nearly 1.2 million members worldwide.

Prior to joining the North American Wildlife Foundation in 1986, Connolly served as DU's Group Manager of Support Services, directing the departments of Development, Public Relations, Production Services, Purchasing and DUCKS UNLIMITED magazine. He was promoted to this position after first serving as DU's director of development, in which capacity he cultivated corporate and foundation donations and spearheaded the enrollment of DU Life Sponsors.

A native of Massachusetts, Mr. Connolly's conservation career spans more than twenty years. He attended St. Francis Xavier University in Nova Scotia and graduated from the University of Massachusetts, Amherst. He began his professional conservation career as State Ornithologist and served in Massachusetts state government as Director of Conservation, Director of Coastal Zone Management and Director of Fisheries and Wildlife.

Throughout his career, Mr. Connolly has assumed an active role in numerous conservation organizations, acting as president of the 13-state Northeast Association of Fish and Wildlife Agencies, chairman of the New England Coastal Zone Management Task Force and New England Outer Continental Shelf Task Force, as well as governor's alternate for the New England River Basin Commission.

Mr. Connolly served as first Chairman of the North American Waterfowl Management Plan Implementation Board. He was appointed a member of the North American Wetlands Conservation Council by Secretary of the Interior and served as its first Chairman.

Mr. Connolly presently serves as Chief Operating Officer of Wetlands America Trust and Chairman of the Institute for Wetlands and Waterfowl Research Management Committee. He is a recipient of the Chevron-Times Mirror Conservation Award.

Mr. Connolly and his wife are residents of Germantown, Tennessee. They have two daughters, Allison and Caroline.

# # #

Following is the best list available at this time of grants and/or contracts awarded to Ducks Unlimited from the federal agencies within jurisdiction of the Interior Appropriations Subcommittee to perform wetlands and wildlife conservation projects. These grants reflect cooperative conservation ventures in which Ducks Unlimited, other private partners, other government agencies and the North American Conservation Fund have contributed financial resources to projects carried out by Ducks Unlimited to complete approved wetland habitat conservation projects in the North American continent based upon Ducks Unlimited's unique ability to provide such services in a cost effective, timely and professional manner. In addition to the NAWCF projects that DU was a grantee on, our organization contributed significant private dollars to more than 100 other projects funded through that program. (10/20/97)

US Fish & Wildlife Service

North American Wetlands Conservation Act

Arkansas Private Lands	$ 115,935
Louisiana Private Lands	38,571
Mississippi Waterfowl	93,045
Tennessee Partners	11,403
Mississippi Partners	3,525
Kellys Slough-Upper Pool	184,181
Merced NWR, Duck Slough	179,777
Metzgers Marsh	4,323,000
Valley Care	400,000
Valley Care	160,000
St. Catherine's Creek	200,000
Arkansas/Tennessee Partners	135,501
Louisiana Waterfowl Project	46,966
Pipe Dream	10,828
Mississippi Partners	26,977
Mississippi Waterfowl Project	195,825
Yakey Tract II	216,410
Metzger Marsh Phase 1	2,600,000
Metzger Marsh Phase 2	1,723,000
Stone Lake	1,194,654
Rice Research	343,000
Grasslands Ecological Area ENH/Rest	1,198,124
Lower Columbia	708,100
Northeast South Dakota Prairie Pothole	458,728
Wetlands ENH/Rest & Reforestation on Pvt Lands LMV II	686,342
Wetland Restoration Tensas Delta Tract I	1,000,000
Wetland Restoration Tensas Delta Tract II	473,030
Hackberry Flat	642,217

Lower Mississippi Valley II	686,342
Texas Prairie Wetlands Project	387,175
Beaver Creek PPJV	15,000
Beaver Creek PPJV	25,000
Devils Lake Basin Drift Prairie WR & WM	2,500,000
Caron WMA	100,000
International Marsh - Sm. Wet.	55,000
Indian Service Dam	500,000
Beaver Creek PPJV	15,000
ND Drift Prairie Wetland	415,900
Chase Lake III Area	173,770
J. Clark Salyer W. Enh. Projs.	768,500
Devils Lake Basin Drift Prairie WR & WM	1,000,000
Welk Dam	10,000
Smith Wetland	30,000
Radtke Pool (Horicon NWR)	154,015
Suisun Marsh	999,940
Saginaw Bay	774,750
Wetlands Restoration on Private Lands, TX Gulf Coast II	387,175

STATEMENT OF WILLIAM TOPERCER, HOMEOWNER

ON BEHALF OF

THE OCEAN REEF COMMUNITY ASSOCIATION

BEFORE

THE HOUSE RESOURCES COMMITTEE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

My name is Bill Topercer and I am a homeowner in Key Largo Florida. On behalf of the Ocean Reef Community Association and our many aggrieved homeowners, I want to thank you and the other members of this subcommittee for inviting me to testify before you today on H.R. 2401.

H.R. 2401 makes a technical correction to the Coastal Barrier Resources Act ("CBRA") withdrawing 11.7 erroneously included acres from unit FL35P of the Coastal Barrier Resources System. Similarly, it provides the opportunity to add 3.2 acres that were accidentally left out when the unit boundaries were first mapped out.

By way of background, the Ocean Reef complex is a residential community that was designed in 1974. The Ocean Reef Master Plan was approved by Monroe County and the State of Florida in 1976. The Ocean Reef complex has been in existence for over twenty years and today, is home to almost 3000 people.

Back in 1987, when the Department of Interior was reviewing properties in the Florida Keys for addition to the System, representatives of Ocean Reef came to Washington to meet with officials from the Coastal Barriers Study Group. They were told that because the Ocean Reef complex was already developed, according to the guidelines set forth in the Coastal Barrier Resources Act, that Ocean Reef would be excluded from the Coastal Barrier Resource System. In fact, when the Coastal Barrier Study Group made its final recommendations to the Secretary in 1988, all of Ocean Reef was excluded. Similarly, the Secretary's recommendations to Congress excluded all of Ocean Reef.

However, in 1990, the Department of Interior reviewed the existing coastal barrier maps in order to add "Otherwise Protected Areas", or "OPA's" to the System under the Coastal Barrier Improvement Act of 1990 - better know as the CBIA. Section 2(c) of the CBIA defines an OPA in the original Act as "an undeveloped coastal barrier within the boundaries of an area established under Federal, State, or local law or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes". Essentially, an OPA is either public property or property held by a non-profit organization for conservation purposes.

When the Fish and Wildlife Service drew the boundary lines depicting what was intended to have been the <u>undeveloped</u> public property included in FL35P, they accidentally included 21 lots on 11.7 acres of <u>private</u> property that is part of the Ocean Reef development. This property was erroneously included in Unit FL35P and <u>should be removed</u>. OPA's were not supposed to include private property unless the property was an "inholding" within an established refuge, park, or sanctuary. Our property is not an inholding. It was, and remains <u>completely privately owned</u> property, not within the boundaries of any park, refuge, or sanctuary, and therefore should not have been included in the OPA.

For your reference I have brought with me a 1989 aerial photo from which you can easily see both the 21 lots and nine homes that existed prior to the 1990 addition of unit FL35P to the System. I will also attach to my statement, to be included in the record, Certificates of Occupancy and corresponding plat maps from Monroe County Building and Zoning Department. Equally important, I present a recent letter from the Director of the United States Fish and Wildlife Service acknowledging this mistake and stating that modification of this boundary constitutes a valid technical correction which the Fish and Wildlife Service supports.

In addition to the fact that the 11.7 acres in unit FL35P were erroneously included because they are private property, it is clear that the entire Ocean Reef complex was considered a "**cluster development**" by the Fish and Wildlife Service from inception. In a 1996 letter to Senator Bob Graham of Florida, Acting FWS Director John Rogers distinguished Ocean Reef from another property that was included in the System.

> "Ocean Reef was excluded from the System because the Service found it to be a cluster of development prior to when FL35 was included in the System".

Clearly, by its own admission (which is now stated officially in two separate documents), the Service did not intend that the Ocean Reef development ever be included in the Coastal Barrier System.

The Congressional and Administrative intent to exclude the private property in CBRS unit FL35P is unequivocal when the relevant maps of unit FL35P are reviewed side by side. It is clear that when the map lines were transcribed for the final map in 1990, they did not properly reflect the lines Congress and FWS originally drew excluding the private property. Unit FL35P is bifurcated by the entire rest of the Ocean Reef complex that was excluded as "developed". It is clear to see from the map lines that both Congress and FWS established, that both Congress and FWS intended all of Ocean Reef to be excluded. I would like to offer the members of this committee a chance to review maps depicting both the makeup of the entire FL35P unit so they can see how it was purposely drawn in an attempt to avoid the Ocean Reef community and second, a map of Ocean Reef so the members can see for themselves where these twenty one lots that were included in unit FL35P lie in relation to the state owned conservation lands that make up the rest of unit FL35P and in relation to the rest of Ocean Reef which was excluded. I am confident that after reviewing these two maps for yourselves you will agree, this is a technical error that warrants correction.

The residents of the Ocean Reef Community Association ("ORCA") appreciate the importance of the Coastal Barrier Resources Act. ORCA has been and continues to be a positive force for environmental concerns in our community. We have voluntarily spent over half a million dollars on a project to restore the natural flow and improve the water quality in the creeks and natural waterways around Ocean Reef. We started another voluntary project installing markers to protect seagrass beds to prevent motorized craft from

entering the flats. We started a comprehensive recycling program which includes: glass, paper, aluminum, plastic, newspapers, tires, batteries, cardboard and white items such as refrigerators, stoves, and washer/dryers. We have the only tertiary sewage plant in the whole Florida Keys. We use reverse osmosis to irrigate our golf courses with desalinated salt water. We have and continue to be active supporters of the Everglades restoration project, the National Marine Sanctuaries Act and this year's Coral Reef Resolution. Our interests in H.R. 2104 should not and cannot be viewed as anything other than a reflection of our efforts to correct what everyone admits was a mistake from the onset.

The privately owned residential properties of Ocean Reef were inadvertently included in unit FL35P, an Otherwise Protected Area of the Coastal Barrier Resources System and as a result of that mistake, we the homeowners are now being denied federal flood insurance. Even though this mistake was made in 1990, we were not even made aware of the problem until 1995 because FEMA did not re-publish its maps for Monroe County until 1995. As soon as we did become aware of the mistake, we began looking for ways to fix it. Unfortunately, after meeting with the Fish and Wildlife Service we learned that the only way to fix this mistake is by an Act of Congress. Mr. Chairman, and members of the subcommittee, I stand before you today to ask you to please correct this mistake by supporting H.R. 2401 and allow the boundaries of CBRS unit FL35P to be returned to that which both Congress and the Fish and Wildlife Service always intended. The legal requirements of the Coastal Barrier Resources Act support H.R. 2401, the Fish and Wildlife Service supports H.R. 2401, our Congressman Peter Deutsch and our two Florida Senators support H.R. 2401. We now urge the sub-committee's support as well.

On a final note, on behalf of ORCA, I would like to thank Congressman Deutsch for his assistance in this matter. During what I realize is a difficult and politically sensitive time here in Washington D.C., his support for us has been unwavering. That being said, in the face of such clear, convincing and non-controversial evidence, I urge the members of this subcommittee to please put partisan politics aside and allow this measure to move to mark up quickly. Thank you Mr. Chairman.

Documents Attached to Topercer Testimony as Exhibits

1. FWS letter to Cong. Deutsch
2. FWS letter to Senator Graham
3. Certificates of Occupancy from Monroe County
3. ORCA map
4. FL35P map
5. ORCA letter to Chairman Saxton

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

FWS/DHC/BHR

FEB 20 1996

Honorable Bob Graham
United States Senate
Washington, D.C. 20510

Dear Senator Graham:

Thank you for your request of November 29, 1995, asking the Department of the Interior to comment on a letter from Mr. Richard A. Pettigrew regarding Unit FL-35 (Pumpkin Key, Florida) of the Coastal Barrier Resources System. Our response was delayed due to the furlough of the Department's employees.

The Coastal Barrier Resources Act of 1982 established the System to minimize the loss of human life, avoid wasteful expenditure of Federal revenues, and reduce damage to fish, wildlife, and other natural resources associated with coastal barriers. Pumpkin Key was included in the System by the Coastal Barrier Improvement Act of 1990 which amended the original Act.

Attorney Richard A. Pettigrew, on behalf of Terra Cotta Realty, Inc., objects to including Pumpkin Key in the System. His objections and the Fish and Wildlife Service's response follows:

1. Pumpkin Key was developed prior to inclusion in the System. Mr. Pettigrew stated that Pumpkin Key has more than one structure per five acres.

   A unit is considered undeveloped if it contains fewer than one structure per five acres of fastland (developable land). The mapping and delineation criteria for inclusion in the System were developed by the Department and later approved by Congress. Pumpkin Key is a part of Unit FL-35 which contains over 3000 acres of fastland. As part of Unit FL-35, the number of structures on Pumpkin Key, relative to the total acres of fastland in the Unit, meets this criterion.

2. Pumpkin Key was intensively capitalized prior to inclusion in the System.

   Intensive capitalization is a consideration only when geomorphic ecological processes are altered to the extent that the long-term perpetuation of the coastal

barrier is threatened. The development and potential development of Pumpkin Key at the time of its inclusion in the System did not significantly impede geomorphic and ecological processes; therefore, intensive capitalization was not a consideration for excluding Pumpkin Key from the System.

3. Pumpkin Key was developed based on dredging projects and shoreline manipulation.

   The geomorphic ecological processes were not altered to the extent that the long-term perpetuation of the coastal barrier was threatened by the dredging and sedimentary deposits resulting from installing a subaqueous utility line.

   Also, the cart path, beach, and limited number of structures do not constitute development as defined by the delineation and mapping criteria. Therefore, the shoreline does not have extensive manipulation or stabilization.

4. Pumpkin Key was treated unfairly and arbitrarily compared to Ocean Reef.

   Ocean Reef is found on Key Largo. Parts of Key Largo are also included within Unit FL-35. Ocean Reef was excluded from the System because the Service found it to be a "cluster" of development prior to when Unit FL-35 was included in the System. A "cluster" is comprised of ten or more structures and may be exempted from the System. Pumpkin Key was and is not a cluster.

Preparing plans to develop or acquiring permits to build do not constitute development as defined by the delineation and mapping criteria. Pumpkin Key was included in the System because it met the definition of less than one structure per five acres of fastland for Unit FL-35; it was not intensively capitalized; and its shoreline had not been intensely manipulated. Also, it was not a cluster of development. Therefore, it was correctly placed in the System.

The Florida Keys were included in the System because they are ecological groupings separated from the mainland that protect associated aquatic habitats, are subject to wind, wave, and tidal energies, and are vulnerable to severe flooding and damage by hurricanes. The limestone core of the Keys prevents the islands from migrating landward as sandy barriers do; however, this does not reduce the risk of storm tide and flood damage and the Keys have one of the highest probabilities of experiencing a hurricane in the country.

The CBRA does not prohibit privately financed development, only federally-funded development activities. The philosophy behind the CBRA is that the risk associated with new development in areas which have been identified as high-risk, damage-prone areas, should not be borne by the American taxpayer. The basic premise for

CBRA is that conservation can be achieved without increasing Federal regulatory involvement by simply withdrawing Federal financial support for development of high-risk areas.

There are specific exceptions to the prohibition on the expenditure of Federal funds within the System following consultation with the Fish and Wildlife Service by the Federal funding agency. Examples of excepted activities include certain energy related activities, maintenance of existing Federal navigation channels, military activities for national defense, maintenance of public roads and facilities, Coast Guard activities, and other activities that meet the purposes of the Acts (research projects, emergency disaster assistance, fish and wildlife management activities, etc.).

We appreciate the opportunity to provide you with this information. If you have further questions, please call me or have your staff call the Office of Congressional and Legislative Services (202-208-5403).

Sincerely,

John G. Rogers

Acting DIRECTOR

Building Department

CERTIFICATE OF OCCUPANCY

OWNER Frank J. Manson PERMIT NUMBER C-13012

THIS IS TO CERTIFY that the building located at Lot 22 Block 3 Ocean Reef-Harbor Course for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a Single Family Residence complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
As Per Approved Plans	As Per Approved Plans

DATED THIS 4th DAY OF October 19 84

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

CERTIFICATE NUMBER 247-1984

APPROVED
"Monroe County"
Zoning Department
By:

APR 15'97 9:55 No.005 P.04

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Land Key
13-59-40-057367-00023-00
RE Real Estate Number       0573670002300
Location ID nbr . . :        73551
Street address  . . :  BK    3 LT  23 HARBOR COU
                       KEY LARGO            FL  33037

Current owner . . . :  MANCUSI-UNGARO ALVIN PETER        Person/Company  C
                       23 BAKER RD                       Phone

                       KEY LARGO            FL  33037

Plat/Book/Page  . . :
Zoning  . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance  . . . . . :  N        NO
Fire zone . . . . . :  01       FIRE ZONE - 01
                                                                            More...

Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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COUNTY of MONROE

BUILDING AND ZONING DEPARTMENT

CERTIFICATE OF OCCUPANCY

OWNER HARPER SIBLEY, III PERMIT NO. C 4559

THIS IS TO CERTIFY that the building located at Lot 23, Block 3 Harbor Course, for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, a SINGLE FAMILY RESIDENCE, complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
AS PER APPROVED PLANS	AS PER APPROVED PLANS

DATED THIS 20th DAY OF July, 19 79.

CERTIFICATE NUMBER #79 - 146

"Monroe County"
Zoning Department

BERNIT H. LEWIN, DIRECTOR
HOWARD B. JOHNSON, BUILDING OFFICIAL
A. F. STEPHENSON, ASST BUILDING OFFICIAL

"APPROVED"
BUILDING INSPECTOR
MONROE COUNTY BUILDING DEPARTMENT
PLUMBING INSPECTOR
ELECTRICAL INSPECTOR

(32)

DRCA 1:55 NO.005 P.06

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5210C101                 Monroe County Building Department                 3/05/97
                              Land Master File Inquiry                     12:31:04

Land Key
 3-59-40-057367-00024-00
RE Real Estate Number        0573670002400
Location ID nbr . . :         73552
Street address  . . :  3K    3 LT  24 HARBOR COU
                       KEY LARGO              FL  33037

Current owner . . . :  RAJKOVIC IVAN & PETRA          Person/Company  C
                       26 BAKER ROAD                  Phone

                       KEY LARGO              FL  33037

Plat/Book/Page  . . :
Zoning  . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance  . . . . . :  N        NO
Fire zone . . . . . :  01       FIRE ZONE - 01
                                                                            More...

Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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COUNTY of MONROE

BUILDING AND ZONING DEPARTMENT

CERTIFICATE OF OCCUPANCY

OWNER TURN KEY BUILDERS, INC. PERMIT NO. C 4499

THIS IS TO CERTIFY that the building located at Lot 24, Block 3 Harbor Course, Ocean Reef Plat #13, for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a SINGLE FAMILY RESIDENCE, complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
AS PER APPROVED PLANS	AS PER APPROVED PLANS

DATED THIS 17th DAY OF January, 19 80.

CERTIFICATE NUMBER #80 - 13

Zoning Department

KERMIT H. LEWIN, DIRECTOR
HOWARD B. JOHNSON, BUILDING OFFICIAL
A. F. STEPHENSON, ASST BUILDING OFFICIAL

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

(74)

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 User . . . . . . . . . . . :  PATTERS

 10C101                Monroe County Building Department                   3/05/97
                            Land Master File Inquiry                       12:31:09

Land Key
03-59-40-057367-00027-00
RE Real Estate Number       0573670002700
Location ID nbr . . :        73555
Street address . . :  BK    3 LT  27 HARBOR COU
                      KEY LARGO              FL  33037

Current owner . . . :  LUDLOW GEORGE E & ISIN T          Person/Company  C
                      %6201 HILLVALE PLACE               Phone

                      ALEXANDRIA             VA  22307

Plat/Book/Page . . . :
Zoning . . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance . . . . . . :  N        NO
Fire zone . . . . . . :  01      FIRE ZONE - 01
                                                                            More...
Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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CERTIFICATE OF OCCUPANCY

OWNER Ed Sabol PERMIT NUMBER C-13731

THIS IS TO CERTIFY that the building located at Lot 27 Block 3 Ocean Reef-Harbor Course, Section 4 for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a Single Family Residence complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
As Per Approved Plans	As Per Approved Plans

DATED THIS 1st DAY OF May 19 84

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

CERTIFICATE NUMBER 118-1984

APPROVED
"Monroe County"
Zoning Department
By:

PLANTATION KEY ASSISTANT
BUILDING OFFICIAL

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                    Print Key Output                                  Page   1
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User . . . . . . . . . . . :  PATTERS

00101              Monroe County Building Department                 3/05/97
                       Land Master File Inquiry                      12:31:06

Land Key
13-59-40-057367-00025-00
RE Real Estate Number      0573670002500
Location ID nbr . . :       73553
Street Address . . . :  BK 3, LT 25,HARBOR COURSE SEC.4
                        KEY LARGO              FL  33037

Current owner . . . :  CRAIN RANCE E & MERRILEE P        Person/Company  C
                       411 LAKEWOOD DRIVE                Phone  305

                       LAKE FOREST            IL  60045

Plat/Book/Page . . :
Zoning . . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance . . . . . . :  N        NO
Fire zone . . . . . :  01        FIRE ZONE - 01
                                                                      More...

Press Enter to continue.
F3=Exit   F4=Appl Inq   F8=Misc Info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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CERTIFICATE OF OCCUPANCY

OWNER Mr. & Mrs. Rance E. Crain PERMIT NUMBER C-22995

THIS IS TO CERTIFY that the building located at Lot 25, Bl.3, Ocean Reef Harbor Course Sec 4, Plat 13, Monroe Co., Fl. for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a Single Family Residence. complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
FINAL BUILDING, ELECTRICAL, MECHANICAL & PLUMBING INSPECTIONS APPROVED BY THIS OFFICE.	
FINAL HEALTH DEPARTMENT APPROVAL ON FILE.	
FINAL ELEVATION CERTIFICATE ON FILE.	
ENVIRONMENTAL REVIEW COMPLETED AND APPROVED.	9/5/88

DATED THIS 11 DAY OF October 19 88

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

CERTIFICATE NUMBER 356-1988

APPROVED
Monroe County
Planning Department

By: Robert W. Dodds
BUILDING OFFICIAL/ASS'T. BUILDING OFFICIAL

APR 15'97 9:58 No.005 P.12 DRCA

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                          Print Key Output                                  Page   1
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   User  . . . . . . . . . . . :  PATTERS

=F100101              Monroe County Building Department                     3/05/97
                           Land Master File Inquiry                         12:31:12

Land Key
73-59-45-057367-00032-00
RE Real Estate Number       0573670003200
Location ID nbr . . :        73560
Street address  . . :  LT 32,BK 3,HARBOR COURSE
                       KEY LARGO              FL  33037

Current owner . . . :  SCHUMACHER WILLIAM N &          Person/Company  C
                       SUSAN J DOTTON (WIFE)           Phone  305 367-3012
                       32 BAKER ROAD
                       KEY LARGO              FL  33037

Plat/Book/Page  . . :
Zoning  . . . . . . :  IS      IMPROVED SUBDIVISION DIST
Variance  . . . . . :  N       NO
Fire zone . . . . . :  01      FIRE ZONE - 01
                                                                            More...
Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Hide sections       F15=Valuations   F16=Suppl info   F17=User defined
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Monroe County
Building Department

CERTIFICATE OF OCCUPANCY

OWNER: BRAUN, ROBERT G. PERMIT NUMBER: 89-30000396

THIS IS TO CERTIFY THAT THE BUILDING LOCATED AT:

BAKERS RD,L32 B3,HARBOR COURSE S BK 3 LT 32 HARBOR COURSE S
RE NUMBER: 057367-00032-00

FOR WHICH PERMIT HAS HERETOFORE BEEN ISSUED, HAS BEEN COMPLETED ACCORDING TO PLANS AND SPECIFICATIONS FILED IN THE OFFICE OF THE MONROE COUNTY BUILDING INSPECTOR, AND THAT THE PROPOSED USE OF THE BUILDING,TO WIT, AS A:
SINGLE FAMILY HOME
COMPLIES WITH ALL THE BUILDING AND HEALTH LAWS AND ORDINANCES OF MONROE COUNTY AND IS APPROVED FOR THIS USE.

THE FOLLOWING INSPECTIONS HAVE BEEN MADE BY THIS DEPARTMENT ON THIS SITE:

FINAL LANDSCAPING	SLAB
TIE BEAM	AUGERS
GRADE BEAM	FINAL BUILDING
CERTIFICATE OF ELEVATION	SLAB - SECOND FLOOR
SLAB - THIRD FLOOR	ROUGH ELECTRIC
FINAL ELECTRIC	ROUGH A/C
FINAL A/C	ROUGH PLUMBING 1ST
FINAL PLUMBING	ROUGH PLUMBING 1ST

DATED THIS 25 DAY OF OCTOBER 1989

BUILDING INSPECTOR

CERTIFICATE NUMBER 89-30032

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

10/24/89

BUILDING OFFICIAL/ASS'T
BUILDING OFFICIAL

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                    Print Key Output                                  Page   1
5738551 V2R3M0 931217                MONROE                 03/05/97  12:31:16

Display Device . . . . . . :  SM
User . . . . . . . . . . . :  PATTERS

3?10L:01            Monroe County Building Department                 3/05/97
                         Land Master File Inquiry                     12:31.14

Land Key
13:59-40-057367-00033-00
RE Real Estate Number       0573670003300
Location ID nbr . . . :       73561
Street address  . . . :  BK 3,LT 33,HARBOR COURSE
                         KEY LARGO              FL  33037

Current owner . . . . :  BRAUN ROBERT                     Person/Company  C
                         FL.35.B, LAKESIDE LANE            Phone  305 367-3012

                         KEY LARGO              FL  33037

Plat/Book/Page  . . . :
Zoning  . . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance  . . . . . . :  N        NO
Fire zone . . . . . . :  01       FIRE ZONE - 01
                                                                        More...

Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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Building Department

CERTIFICATE OF OCCUPANCY

OWNER: BRAUN ROBERT PERMIT NUMBER: 91-30002782

THIS IS TO CERTIFY THAT THE BUILDING LOCATED AT:

BK 3,LT 33,HARBOR COURSE, SECTION 4 BK 3 LT 33 HARBOR COURSE
RE NUMBER: 13-59-40-057367-00033-00

FOR WHICH PERMIT HAS HERETOFORE BEEN ISSUED, HAS BEEN COMPLETED ACCORDIN TO PLANS AND SPECIFICATIONS FILED IN THE OFFICE OF THE MONROE COUNT BUILDING INSPECTOR, AND THAT THE PROPOSED USE OF THE BUILDING, TO WIT, AS TO COMPLETE SFR - SINGLE FAMILY RESIDENCE
COMPILES WITH ALL THE BUILDING AND HEALTH LAWS AND ORDINANCES OF MONR COUNTY AND IS APPROVED FOR THIS USE.

THE FOLLOWING INSPECTIONS HAVE BEEN MADE BY THIS DEPARTMENT ON THIS SITE:

FINAL BUILDING	CERTIFICATE OF ELEVATION
FINAL ELECTRIC	FINAL A/C
FINAL PLUMBING	FINAL LANDSCAPING

DATED THIS 28 DAY OF JANUARY 1991

BUILDING INSPECTOR

CERTIFICATE NUMBER 91-3000031

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

1/28/91

BUILDING OFFICIAL/ASS'T
BUILDING OFFICIAL

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                          Print Key Output                                  Page   1
5728SS1 V2R3M0 931217                    MONROE                  03/05/97  12:31:24

Display Device . . . . . . :  BM
User . . . . . . . . . . . :  PATTERS

LP10CI01                Monroe County Building Department                 3/05/97
                            Land Master File Inquiry                      12:31:23

Land Key
13-59-40-057367-00054-00
FE Real Estate Number        057367C005400
Location ID nbr . . . :        73582
Street address . . . :  BK 4,LT 7,HARBOR COURSE S EC #4
                        KEY LARGO              FL  33037

Current owner . . . :   RULE KENNETH & SANDRA TRUSTEES   Person/Company  C
                        % POST PROP 7 BARRACUDA LANE     Phone

                        KEY LARGO              FL  33037

Plat/Book/Page . . :
Zoning . . . . . . . :  IS      IMPROVED SUBDIVISION DIST
Variance . . . . . . :  N       NO
Fire zone . . . . . :   01      FIRE ZONE - 01
                                                                          More...

Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info    F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations  F16=Suppl info   F17=User defined
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COUNTY of MONROE

BUILDING AND ZONING DEPARTMENT

CERTIFICATE OF OCCUPANCY

OWNER RICHARD FARMER PERMIT NO. C9785

THIS IS TO CERTIFY that the building located at Lot 7, Block 4 Ocean Reef-Harbor Course, for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a Single Family Residence, complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
AS PER APPROVED PLANS	AS PER APPROVED PLANS

DATED THIS 17th DAY OF February, 19 82.

CERTIFICATE NUMBER: 50-1982

Zoning Department

By: Sally L. Linck

H.F. WEINKAM, DIRECTOR
HOWARD JOHNSON, BUILDING OFFICIAL
SALLY L. LINCK, ASSISTANT BUILDING OFFICIAL

Joseph E. Bizjak
BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

APPROVED BY MONROE COUNTY BUILDING DEPARTMENT

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                    Print Key Output                                    Page    1
5738551 V2R3M0 931217                    MONROE                 03/05/97  12:31:21

Display Device . . . . . . :  BM
User . . . . . . . . . . . :  PATTERS

EP100:01              Monroe County Building Department                  3/05/97
                          Land Master File Inquiry                       12:31:20

Land Key
13-57-40-057367-00051-00
RE Real Estate Number      057367000510
Location ID nbr . . :       73579
Street address . . . :  L4,94,HARBOR COURSE SEC 4
                        KEY LARGO              FL  33037

Current owner . . . :  KENTCO LIMITED PARTNERSHIP        Person/Company  C
                        P O BOX 244                      Phone  305 367-2994

                        HOMESTEAD              FL  33090

Plat/Book/Page . . :
Zoning . . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance . . . . . . :  N        NO
Fire zone . . . . . :  01        FIRE ZONE - 01
                                                                          More...
Press Enter to continue.
F3-Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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COUNTY of MONROE

BUILDING AND ZONING DEPARTMENT

CERTIFICATE OF OCCUPANCY

OWNER MARSH H. BLACKBURN PERMIT NO. 08464

THIS IS TO CERTIFY that the building located at Lot 4 Block 4 Harbor Course Ocean Reef Club, Plat # 13, for which permit has heretofore been issued has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit as a SINGLE FAMILY RESIDENCE, complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
AS PER APPROVED PLANS	AS PER APPROVED PLANS

DATED THIS 7th DAY OF MARCH, 19 80

CERTIFICATE NUMBER: #52 - 1980

Monroe County
Zoning Department

KENNIT H. LEWIN, DIRECTOR
HOWARD B. JOHNSON, BUILDING OFFICIAL
A. F. STEPHENSON, ASST BUILDING OFFICIAL

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

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                          Print Key Output                                    Page   1
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Display Device . . . . . . :  BM
User . . . . . . . . . . . :  PATTERS

5800 01          -    Monroe County Building Department                      3/05/97
                        Land Master File Inquiry                              12:31:17

Land Key
RE 59 40-057367-00050-00
RE Real Estate Number        0573670005000
Location ID nbr . . :          73578
Street address . . . :  BK    4 LT    3 HARBOR COU
                        KEY LARGO              FL   33037

Current owner . . . :   SANCHEZ ALFONSO P & GEORGIA        Person/Company  C
                        2768 KINGSBURY DR                  Phone

                        CLEVELAND              OH   44116

Plat/Book/Page . . :
Zoning . . . . . . . :  IS       IMPROVED SUBDIVISION DIST
Variance . . . . . . :  N        NO
Fire zone . . . . . . :  01      FIRE ZONE - 01
                                                                              More...

Press Enter to continue.
F3=Exit   F4=Appl inq   F8=Misc info     F10=Legal desc   F12=Cancel
F13=Disp sections       F15=Valuations   F16=Suppl info   F17=User defined
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Building Department

CERTIFICATE OF OCCUPANCY

OWNER MR. AND MRS. AL SANCHEZ PERMIT NUMBER C-17228

THIS IS TO CERTIFY that the building located at Lot 3, Block 4, Harbor Course, Ocean Reef Club, for which permit has heretofore been issued, has been completed according to plans and specifications filed in the office of the MONROE COUNTY BUILDING INSPECTOR, and that the proposed use of the building, to wit, as a Single Family Residence, complies with all the building and health laws and ordinances of MONROE COUNTY and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
As per approved plans	As per approved plans
THE FOLLOWING INSPECTIONS HAVE BEEN MADE BY THIS DEPARTMENT ON THIS SITE:	
AUGERS - STEEL, COLUMNS, TEMPORARY ELECTRIC, ROUGH FRAMING, ROUGH PLUMBING,	
ROUGH ELECTRICAL, FINAL ELECTRIC, FINAL PLUMBING, FINAL BUILDING.	
ELEVATION CERTIFICATE ON FILE.	

DATED THIS 3rd DAY OF December 19 85

BUILDING INSPECTOR

PLUMBING INSPECTOR

ELECTRICAL INSPECTOR

CERTIFICATE NUMBER 230-1985

APPROVED
Monroe County
Zoning Department

BUILDING OFFICIAL/ASS'T. BUILDING OFFICIAL

ORCA
Ocean Reef Community Association

28 February 1997

The Honorable Jim Saxton
United States House of Representatives
339 Cannon Office Building
Washington, DC 20515

Dear Chairman Saxton:

In am writing to you on behalf of the residents of the Ocean Reef Community Association (ORCA) to commend you and offer our support of House Conference Resolution 8 (H.Con Res. 8), the Coral Reef Ecosystem Resolution.

Ocean Reef is a community of over 4,000 located on Key Largo in the Florida Keys. As residents of a coastal community, we take great pride in the Key's coastal resources, particularly our coral reefs. Many of ORCA's homeowners moved to Ocean Reef specifically because they enjoy the bounty of Florida's coral reef ecosystems and, therefore, appreciate the importance of maintaining the health and integrity of those coral reefs. In fact, ORCA was a strong supporter of the Key Largo Marine Sanctuary.

As divers, snorkelers, anglers and underwater photographers we understand the need for healthy, productive and environmentally sustainable coral reefs. Furthermore, as long time residents of Key Largo, we also recognize the economic benefits of a healthy reef system. Consequently, we urge you to support H.Con.Res. 8 and, in fact, encourage any measures that would help promote responsible stewardship, research and education for coral reef ecosystems; both in the United States and around the world.

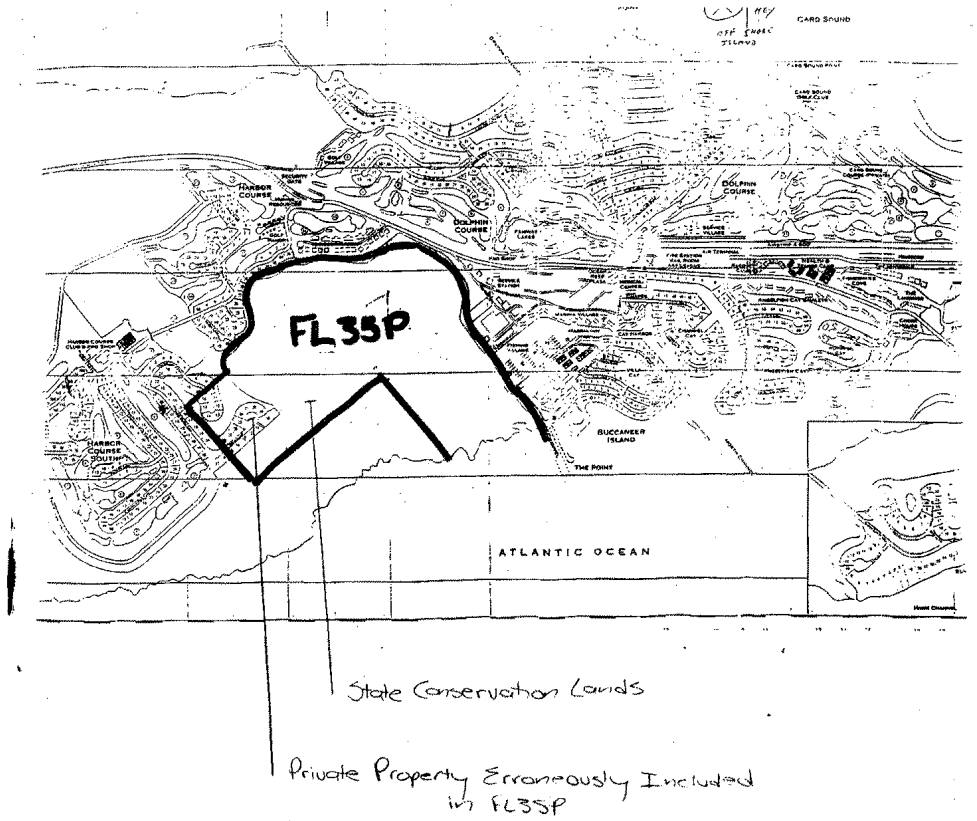
Lastly, we would also like to thank you for introducing and successfully passing the National Marine Sanctuary Preservation, Act (H.R. 3487, P.L. 104283), and we urge that it be implemented as soon as possible. If you have any questions in this matter, please feel free to contact me or ORCA's Washington representative, Karen Kovacs at 202/659-5800

Sincerely,

David C. Ritz
Community Administrator

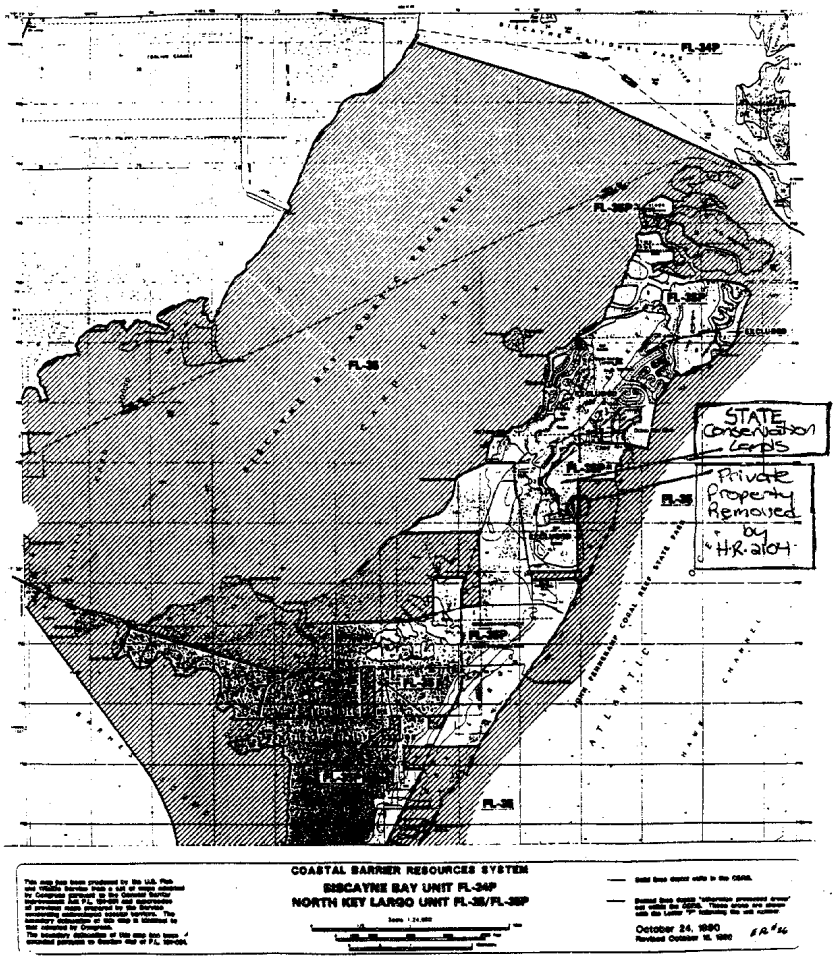
cc:
Chairman Don Young
The Honorable George Miller

100 Anchor Drive, #505
31 Ocean Reef Drive, A-301
Key Largo, Florida 33037-5273
Phone: (305) 367-3067 · Fax: (305) 367-4246



State Conservation Lands

Private Property Erroneously Included in FL35P


FL-34P
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