U.S. FISH AND WILDLIFE SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND NATIONAL MARINE FISHERIES SERVICE BUDGET REQUESTS FOR FISCAL YEAR 2002

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
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C O N T E N T S

OVERSIGHT HEARING ON THE U.S. FISH AND WILDLIFE SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND NATIONAL MARINE FISHERIES SERVICE BUDGET REQUESTS FOR FISCAL YEAR 2002

Thursday, May 3, 2001
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 9:30 a.m., in Room 1334, Longworth House Office Building, Hon. Wayne T. Gilchrest [Chairman of the Subcommittee] presiding.

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

Mr. GILCHREST. Good morning, everybody. Welcome to the Subcommittee. We will examine the budget priorities of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration for the upcoming year.

In terms of the Fish and Wildlife Service, we were basically pleased that the administration has requested an increase of $14 million for the National Wildlife Refuge System and full funding for the Land and Water Conservation Fund.

We were somewhat disappointed in the $9 million decrease for endangered species, and I am troubled by the artificial cap that the administration has proposed for ESA listing funds. I look forward to a justification of these decisions and a thorough explanation of the new proposed landowner incentive program and private stewardship grant program.

In terms of NOAA, we strongly support the proposed increases for the National Marine Sanctuary Program, the Coastal Zone Management Program, the National Sea Grant College Program, navigation services, and ocean exploration.

While funding for fisheries management programs has been restored to pre-CARA Lite funding contained in the consolidated appropriations act, I was pleased to see additional money for blue crab, blue fish, and striped bass studies; a $2.5 million increase for

the eight regional fishery management councils; and $2 million more to protect highly endangered right whales.

There are accounts, like the National Estuarine Research Reserves, for which we will require additional resources. But on balance, this is a defensible budget request for the "wet programs" of NOAA.

I look forward to hearing from our distinguished witnesses and hope that members will ask probing questions on these budget requests. This is the members' best chance to inquire about any program under the jurisdiction of these two agencies.

Gentlemen, we thank you for coming this morning. We look forward to your testimony, and we have some interesting, probing inquiries for all of you this morning.

[The prepared statement of Mr. Gilchrest follows:]

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

Good morning, today the Subcommittee will examine the budget priorities of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration for the upcoming year.

In terms of the Fish and Wildlife Service, I was pleased that the Administration has requested an increase of $14 million for the National Wildlife Refuge System and full funding for the land and water conservation fund. I was disappointed in the $9 million decrease for endangered species and I am troubled by the artificial cap that the Administration has proposed for ESA Listing funds. I look forward to a justification of these decisions and a thorough explanation of the new proposed landowner incentive program and private stewardship grant program.

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There are accounts, like the National Estuarine Research Reserves, which will require additional resources, but on balance this is a defensible budget request for the "wet programs" of NOAA.

I look forward to hearing from our distinguished witnesses and hope that Members will ask probing questions on these budget requests. This is the Members's best chance to inquiry about any program under the jurisdiction of these two agencies.

I now recognize the Ranking Member for any opening statement that he may have at this time.

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

STATEMENT OF THE HONORABLE ROBERT A. UNDERWOOD, A DELEGATE TO CONGRESS FROM THE TERRITORY OF GUAM

Mr. UNDERWOOD. Good morning, Mr. Chairman, and thank you for holding this hearing on the Fiscal Year 2002 budget requests for the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. I appreciate the opportunity to learn more about these requests and to ask questions—probing questions—on those areas of particular relevance to not only to my constituents but, I think, to people across the country.

As you can understand, Guam has a definite interest in the funding of both these agencies and their important programs. And as a committee, we have a firm responsibility to ensure that the funds

appropriated to these agencies are used in a responsible manner and for the benefit of people in the entire country.

In general, I am pleased to see President Bush recognizes the importance and relevance of NOAA's ocean, coastal, and fisheries programs, and has maintained or increased funding in vital areas. I am especially interested in learning more about NOAA's ocean exploration initiative.

The Fish and Wildlife Service, on the other hand, does not seem to have fared so well, unfortunately, in some areas. There are, of course, certain programs for which I would like to see more done, including management and eradication of invasive species, such as the brown tree snake in Guam, which has decimated native bird populations.

In addition, I am concerned about specific Fish and Wildlife Service grant programs which have been zero funded with no assurance that they will be funded under a newly expanded Land and Water Conservation Fund stateside program. I will ask more about this after hearing from our witnesses.

I think it is important to reiterate the important tasks that these agencies are responsible for in preserving and, more and more, restoring the natural environment in which we live. Coastal Zone Management, coral reef protection, the National Wildlife Refuge System, the Marine Sanctuary Program, and migratory bird management are all vital services provided to this country by these agencies.

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

Thank you, Mr. Chairman.

[The prepared statement of Mr. Underwood follows:]

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

Good morning, Mr. Chairman, and thank you for holding this hearing on the Fiscal Year 2002 budget requests for the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to learn more about these requests and to ask questions on those areas of particular relevance to my constituents.

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

In general, I am pleased to see President Bush recognizes the importance and relevance of NOAA's ocean, coastal and fisheries programs and has maintained or increased funding in vital areas. I am especially interested in learning more about NOAA's ocean exploration initiative.

The Fish and Wildlife Service does not seem to have fared so well, unfortunately, in some areas. There are, of course, certain programs for which I would like to see more done, including management and eradication of invasive species, such as the brown tree snake in Guam which has decimated native bird populations.

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Refuge System, the Marine Sanctuary Program and migratory bird management are all vital services provided to this country by these agencies.

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

Mr. GILCHREST. Thank you, Mr. Underwood.

Mr. Ortiz?

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

Mr. ORTIZ. I would just like to request that my statement be included in the record.

Mr. GILCHREST. Without objection.

Mr. ORTIZ. Thank you.

[The prepared statement of Mr. Ortiz follows:]

Statement of The Honorable Solomon P. Ortiz, a Representative in Congress from the State of Texas

Chairman Gilchrest and Ranking Member Underwood, thank you for holding this hearing this morning. I am glad to see our witnesses this morning and am very interested in hearing what they have to say about their funding needs.

It is my hope that we will find some money to help our hard-working men and women in the fishing industries. They are being hammered almost monthly by oppressive regulations that are slowly, but surely, putting them out of business. These are not just people worried about their livelihoods and families. In many cases, we are losing a culture and way of life that has been diligently carried on for generations.

If we were concerned, would we not dedicate the money needed substantiate these regulations? I have been in meeting after meeting where our fishery regulators have said that their Red Snapper database has holes in it and need large gaps filled, but I never see any requests for help with funding research for these needs. Instead, I keep hearing that the best data available is being used..

I believe we need to do our homework and know why we are putting people out of jobs if that is what we have to do to sustain our fisheries. Under the current situation, we are spending too much of our needed funding in court trying to defend inadequate databases.

Mr Chairman, thank you again for this hearing. I look forward to working with you and the members of this committee on this issue.

Mr. GILCHREST. Unfortunately, gentlemen, we will probably have a series of votes at 10 o'clock.

I think, Scott, you have to leave at 10?

Mr. GUDES. Yes, sir.

Mr. GILCHREST. So we will do what we can between now and 10 o'clock. And we wish you well in the next hearing.

Scott, we will start with you.

STATEMENT OF SCOTT B. GUDES, ACTING UNDER SECRETARY FOR OCEANS AND ATMOSPHERE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; ACCOMPANIED BY MARGARET DAVIDSON, ACTING ASSISTANT ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; BILL HOGARTH, ACTING ASSISTANT ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; LOUISA KOCH, DEPUTY ASSISTANT ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. GUDES. Thank you, Mr. Chairman.

On behalf of Secretary Evans and our 12,500 men and women in NOAA working around the country, I really want to thank you for this opportunity to testify on behalf of our Fiscal Year 2002 budget for the National Oceanic and Atmospheric Administration.

I also want to thank you, Chairman Gilchrest, Congressman Underwood, Congressman Ortiz, and the members of this committee, and the professional staff of this committee—John Rayfield, Dave Whaley, Dave Jansen, Jean Flemma, all the professional staff—for your continued interest and support for NOAA.

The overall NOAA budget this year, the administration's budget, is $3.152 billion. That is some $61 million below the current level. Our budget has about $330 million in reductions and about $270 million in increases, some of which you talked about, Mr. Chairman.

Secretary Evans has asked us to invest in high-priority areas that are about the most core issues, and we have done that. We are presenting you with one of the strongest NOAA budgets ever presented, I believe, by any administration.

Mr. Chairman, I want to make one other overall point. In the budget business, we think and talk in terms of changes, pluses and minuses; I was just doing some of that. But NOAA has often come up here with budgets, in the President's budgets, that propose reducing items that are of great interest to Congress and to this Subcommittee and to us. And this year, to the extent practical, we have sought to narrow these differences and fund items at or slightly above the levels enacted by Congress last December.

So, for example, the Sea Grant program, a key NOAA program, is at $62.4 million. This is only the second year in the last 20 years that we have come back with the same level as Congress, and it is really great.

Hydrographic survey by the private sector, a big interest in these; charters are included at $20.4 million.

The National Undersea Research Program, with centers in New Jersey and Hawaii, is at $13.8 million, the first time ever that we have been able to bring that fully in the President's budget.

Steller sea lion research, we are at $40 million. The research program is at $40 million, slightly below the level that Congress added last year.

And as you said, Mr. Chairman—you talked about it last year—blue fish and striped bass need research. Well, I am happy the President's budget is requesting, in fact, a little above the level the Congress appropriated, $1.5 million. They are two very, very im-

portant recreational species in Maryland, New Jersey, all along the east coast of the United States.

Let me turn to a quick summary of this $270 million of increases that we proposed back to Congress. Let me go to the slide that says "People."

When we are testifying in Congress, people always say, "Well, that's great. You've given us all these proposals. But what's your highest priority?" Well, what I am going to tell you today, Mr. Chairman, members of the committee, is that my highest priority as acting administrator is our people of NOAA, supporting our people, supporting the human resources mandatory costs sometimes called, in the budget business, "adjustments to base": the cost-of-living adjustments, inflation, benefits, GSA rent--$60 million for this.

This is about truth in budgeting, I believe, keeping current services for our programs. It is about not hollowing out our programs and our laboratories. We have the greatest, most motivated workforce in NOAA, on behalf of Americans, and we need to support them.

Turn to the next slide, infrastructure. Equipment, facilities, maintenance, what I call infrastructure, we have not traditionally done well in this area at NOAA. We need help enabling NOAA not just to do our mission this year and be the premier oceanic and atmospheric agency, but it is really about enabling us to do our job in future years.

The requested $3 million is for our Honolulu fisheries laboratory, which is co-located at the University of Hawaii. It is non-ADA—Americans with Disabilities Act—compliant. It has a number of structural facility problems, and we need to get on with addressing that facility requirement and replacing that laboratory.

A total of $1 million is for our National Oceans Service Fisheries Beaufort, North Carolina, laboratory. It is the second oldest marine science laboratory in the nation, behind Woods Hole. And we just celebrated the 100th anniversary there.

An increase of $1.7 million for overall safety and environmental issues at NOAA facilities overall. And I believe this is the first time we have been able to get a request like this in the budget.

And $5.8 million is for overall modernization to two of our NOAA fisheries vessels: the Albatross IV, which is based in Woods Hole, our workhorse for northeast surveys; and the Gordon Gunter in Pascagoula.

Next slide, coastal conservation activities. Mr. Chairman and members of the Subcommittee, we are requesting $284.4 million for a number of our coastal conservation programs. The budget includes the full $27 million that Congress provided for coral reef programs last year, and a $700,000 increase for satellite work to look at coral reef issues, one of the really great products that our satellite service has been able to provide resource managers.

Coral reefs are a major interest to this Subcommittee, for NOAA, and, in fact, I co-chair the Coral Reef Task Force. In Fiscal Year 2001, 74 percent of our resources that Congress provided for coral reefs are going for work, restoration, research for coral reefs in the Pacific.

The $16.6 million increase, as you point out, Mr. Chairman, is really for marine sanctuaries, for a total program of $52 million. These are, of course, really underwater national parks, if you will. Most of this is for education facilities, to bring these sanctuaries really to the American people. And $6.5 million of this amount is to fully fund the completion of the Dr. Nancy Foster Florida Keys National Marine Sanctuary complex in Key West.

A $12.2 million increase is included for coastal zone management programs. And the reductions in the National Estuarine Research Reserves programs (NERRS), are really about taking out one-time earmarks. So the operations grants to the states for NERRS go up by $1.7 million, and land acquisition and facilities are requested at $9.9 million.

Obviously, I don't need to come tell this Subcommittee about the importance of coastal issues, like loss of wetlands and water quality and coastal storms and the special nature of our 25 National Estuarine Research Reserves around the country, from Maryland to California.

And, finally, our budget continues to provide $90 million for Pacific coastal salmon grants, part of more than $184 million that NOAA spends on this important resource.

Next slide, modernization of NOAA fisheries. With respect to fisheries, it is my view that our budget responds to the leadership of this committee and Congress. Our budget seeks to modernize the National Marine Fisheries Service, or NOAA fisheries, as we call it, and proposes increases to meet existing statutory and regulatory requirements of Magnuson-Stevens, National Energy Policy Act(NEPA), Endangered Species Act (ESA), and other statutes.

This is an area in which I have put a lot of personal attention in the last 2 years. Last year, I requested Ray Kammer, the director of the National Institute of Standards and Technology, to perform a study to take a look at our fisheries service and the budget and the requirements.

And Bill Hogarth is here today. In Bill Hogarth, you have an acting director of NOAA fisheries who is changing the way we do business. He is reaching out to our partners, our constituents. He is conducting business in a much more open way and really working with the councils and the states. He just got all the marine managers together, from all the states. It is the first time we have done that in a number of years.

Our budget does the right thing: It invests in science, in management, and in enforcement. It also maintains many of the increases provided by Congress last year, from the red snapper surveys to NEPA compliance. I will just highlight a few of these fisheries initiatives.

An increase of $13.3 million is requested for expanding and improving stock assessments. This will add 829 days by charter to do surveys. This is about getting the data that we need to support the science behind our regulatory framework that the fisheries management councils need as well.

An increase of $2 million is requested for fisheries oceanography, looking at the larger ecosystem issues affecting fisheries, again responding to a couple comments made by this committee.

An amount of $4 million is for additional fishery observers and improving data collection. Increasingly, fishery observers—these young men and women who go to sea on these commercial vessels—are essential to managing fisheries and marine mammal stocks.

An increase of $2 million for a total of $10 million is requested for the community-based habitat restoration program. This is a partnership with groups like the American Sport Fishing Association, National Fisheries Institute (NFI), the Nature Conservancy. It makes a real impact, a real difference, and provides leverage of about 4-to-1 in terms of funding.

I have often taken part in these grassroots efforts. Just 2 weeks ago, I was in coastal Louisiana, trying to save some wetlands. Last weekend, I was taking part in coastal restoration down on the Magothy River, just north of Annapolis.

An increase of $2.5 million, as you point out, Mr. Chairman, is for regional fishery management councils. They are the cornerstone of how we manage fisheries in this country. They have those adjustments to base, just like we do as well. They need support, and I am proud that the President's budget does that.

Also, $7.5 million is for protected species and management, like sea turtles, right whales, dolphins, and salmon.

And $10 million is for enforcement and for vessel monitoring assistance, an essential program.

Next slide, climate services. Climate is, of course, a major area of science and research for NOAA. Much of what we know is due to the long-term monitoring and observations that NOAA has made for over 40 years in places like Mauna Loa in Hawaii, where we do observation of CO2 every day.

Climate is both seasonal—we look at if it will be warmer, the weather, this summer—as well as longer term, such as: What is happening with global atmospheric and sea surface temperatures? What do we think will happen?

Climate is about real world issues, Mr. Chairman, like water levels or west coast salmon and hydropower, about sea levels rising, drought. In fact, it is an essential ingredient to be able to forecast harmful algal blooms in the Chesapeake Bay. Understanding Pfiesteria is about understanding whether or not we are having a drought.

Climate is, of course, an oceanic issue. As the oceans are changing, they drive the world climate system. And our budget proposes an increase of $16.5 million for climate services.

I will just point out that there is $7.3 million for ocean systems. For example, an increase of $3.2 million is included for the ARGO profiling float survey. These are like a weather balloon system, if you will, for the oceans. We are working to obtain a 3,000-float system worldwide. This budget gets us up to about 275 floats per year from NOAA.

And $4.1 million completes support for other ocean observational components, including Arctic Ocean fluxes, ocean reference stations, volunteer observing ship obligations.

Modernization of the Marine Transportation System. In 1988, Congress directed Federal agencies to produce an assessment of the U.S. maritime transportation system and a plan for modernizing

government navigation services. I testified before you last year on our efforts to modernize both programs, and this budget does step up to show what we are doing in our oldest mission in NOAA, which goes all the way back to 1807 when Thomas Jefferson said that we needed to map the coast for safety for Americans. This is about safety, jobs, and economic competitiveness.

Included in this request is $9.5 million to complete the refurbishment of the FAIRWEATHER, a ship that we have had in mothballs in Seattle, which will be working in Alaska, where we have some of our biggest backlogs, so we really need this one now.

Included is $3.6 million for electronic navigation charts, and an increase of $1 million is for shoreline mapping by contract.

And $3 million is for our coastal storms initiative, which is about using better sensors, bathymetric data, and storm models to help coastal communities deal with severe storms and flooding and the fact that more and more of the population is in the coastal areas.

The final slide is ocean exploration. We are requesting $14 million for NOAA ocean exploration. That is an increase of $10 million over the $4 million Congress provided last year. This is about exploring new computers and resources from the sea, America's heritage, and something called the Census of Marine Life, which is looking at the ocean canyons and shelves before the fishing industry moves to exploit those resources, so we know what is out there.

We are moving out this summer with the funds that Congress provided, and we will be conducting a series of exploration dives and submersible work off the east coast in the canyons, off the west coast in the vents, and in the seafloor study area in the Gulf of Mexico. These are really voyages of discovery that will map the physical, chemical, biological, and archaeological treasures of the United States Exclusive Economic Zone (EEZ).

So much of our marine climate, Mr. Chairman, remains uncharted and unexplored. Only a small percentage of marine species have been categorized.

Last year, we had an ocean exploration panel, chaired by Dr. Marcia McNutt and included Dr. Bob Ballard, Shirley Pomponi, and a number of experts in ocean exploration. And they pointed out to us that some 95 percent of our oceans have really not been explored.

NOAA really has not stepped up to this mandate that was established by the Stratton Commission back when our agency was created, but we are doing so now. And it is in partnership with other Federal agencies like the National Science Foundation and the Navy.

And finally, Mr. Chairman, ocean exploration is about education and outreach. It is about reaching schools and kids across this country and including them in this voyage of discovery.

In fact, 10 percent of anything that this Congress gives us for ocean exploration will be used for education and outreach. It is part of the program. NOAA, in its entirety, I really do believe, is about creating the next generation of marine biologists, oceanographers, cartographers, and, yes, explorers.

And the final slide I gave you is a depiction of our Web site, www.noaa.gov. The people here with me worked hard reengineering our Web site. In today's age, that is part of how we get

these products that this Committee and this Congress invest in out to the American public. And I am very proud of this.

When I go around the country, one of the things that really makes it worthwhile for me is when teachers and students and citizens come up to me and they tell me, "You know that Web site, www.noaa.gov? That's great. We were able to get the satellite imagery," or track that hurricane or learn about whales or estuaries. It is about that, Mr. Chairman.

And I just want to say again that we do very much appreciate the support of you and the Subcommittee, and we look forward to working with you as we have in the past.

[The prepared statement of Mr. Gudes follows:]

Statement of Scott B. Gudes, Acting Under Secretary and Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Thank you, Mr. Chairman, and members of the Subcommittee, for this opportunity to testify on the President's Fiscal Year 2002 Budget Request for the National Oceanic and Atmospheric Administration (NOAA).

Let me begin by saying that NOAA, a key component of the Department of Commerce, plays a vital role in the everyday lives of our citizens through our numerous contributions to the Nation's economic and environmental health. In a period of strongly competing Government priorities, the President's Fiscal Year 2002 Budget Request for NOAA is $3,152.3 million in total budget authority for NOAA and represents a decrease of $60.8 million below the Fiscal Year 2001 Enacted levels. Within this funding level, NOAA proposes essential realignments that allow for a total of $270.0 million in program increases in critical areas such as infrastructure, severe weather prediction, coastal conservation, living marine resources, and climate.

The funding requested in the Fiscal Year 2002 President's Budget Request will allow NOAA to ensure that our vision for environmental stewardship and assessment and prediction of the Nation's resources becomes a reality and that NOAA will continue to excel in our science and service for the American people.

From safe navigation to coastal services, fisheries management to climate research and ocean exploration, NOAA is at the forefront of many of this Nation's most critical issues. NOAA's people, products and services provide vital support to the domestic security and global competitiveness of the United States, and positively impact the lives of our citizens, directly and indirectly, every single day.

NOAA's mission is to describe and predict changes in the Earth's environment and to conserve and manage the Nation's coastal and marine resources to ensure sustainable economic opportunities. NOAA implements its mission through its line and staff offices: the National Ocean Service (NOS); the National Marine Fisheries Service (NMFS); the Office of Oceanic and Atmospheric Research (OAR); the National Weather Service (NWS); the National Environmental, Satellite, Data and Information Service (NESDIS); the Office of Marine and Aviation Operations (OMAO); and Corporate Services (CS).

Today, the Nation and the world look to NOAA to provide timely and precise weather forecasts that protect lives and property; to manage fisheries and protected species; to promote and sustain healthy coastlines; to make America more competitive through safe navigation; to examine changes in the oceans; and to inspire and create approaches that will protect and keep our precious natural resources alive for the generations to come.

NOAA conducts research to develop new technologies, improve operations, and supply the scientific basis for managing natural resources and solving environmental problems. NOAA's comprehensive system for acquiring observations from satellites and radars to ships and submersibles provides critical data and quality information needed for the safe conduct of daily life and the basic functioning of a modern society.

NOAA's products and services include nautical charts, marine fisheries statistics and regulations, assessments of environmental changes, hazardous materials response information, and stewardship of the Nation's ocean, coastal, and living marine resources.

NOAA's programs for Fiscal Year 2002 support several key cross-cutting initiatives. These cross-cutting initiatives illustrate the degree to which NOAA's pro-

grams are inter-related. Each of the component programs within a cross-cutting initiative uniquely contributes to NOAA's ability to meet its mission.

The Fiscal Year 2002 President's Budget Request supports NOAA's cross-cutting initiatives, each of which is I will discuss in greater detail.

People and Infrastructure

The request for the People and Infrastructure cross-cutting initiative brings together the heart of what NOAA is and does. These are the underlying and interconnecting threads that hold NOAA and its programs together. Investments in NOAA's scientific and technical workforce and NOAA's facilities and equipment is essential to the agency carrying on it's mission into the 21st Century. "People and Infrastructure" is about investing in the future.

People

NOAA requests $60.0 million in base adjustments that are critical to preserve and develop NOAA's human capital, our greatest asset. The demand for NOAA's scientific work products and services is expected to increase significantly in Fiscal Year 2002 and beyond. This trend is evidenced by market responses to increasingly accurate seasonal forecasts, protection of life and safety, competing interests for marine resources and the need to protect and recover endangered species, and the application in pharmaceutical manufacturing of the earliest rewards from increased ocean exploration. Similar increases in demand for NOAA's products and services are expected from the national energy community and other potential user communities. To ensure NOAA's mission capacity is adequate to respond to these demands, NOAA must continue to invest in its people.

This investment will ensure NOAA's programs are maintained at the current services level. These are "must-pay" bills like pay raises, benefits, inflation, and rent. Failure to receive these adjustments in any given year results in program dislocations and minor cutbacks. Failure to receive these adjustments over time has a cumulative erosion effect that can be programmatically devastating. Consequently, these adjustments to NOAA's funding base are essential for NOAA to continue meeting core mission-related requirements and the expectations of the American public.

Infrastructure

NOAA's facilities and information technology infrastructure directly and immediately impacts the ability of NOAA's program offices to satisfy mission demands. The condition, readiness and vulnerabilities of this infrastructure have direct consequences on human welfare, economic well being, and the advancement of the state of the sciences. To ensure mission capacity, NOAA requests infrastructure funding of $73.3 million in the following key categories: critical systems, construction, maintenance and repair, and NOAA program support.

Systems

The total request of $4.0 million for the National Marine Fisheries Service (NMFS) Computer Hardware and Software represents an increase of $0.5 million. This continued investment will be used for information technology refreshment to support the scientific and computational needs of the NMFS. Many of the observational data elements obtained from the new sensors, observers, Fisheries Research Vessels (FRVs) and survey and census data collection programs in this budget submission will rely on the NMFS Information Technology infrastructure for all or part of their life cycle. The cumulative effect of rising costs, the unmet need for adjustments to base, and expanding requirements have created an erosion of base program functionality. These funds will result in a continuous process of technology refreshment to keep pace with the increasing information flow created by the deployment of new sensors, platforms and data collection activities throughout NMFS' initiatives.

Construction

NOAA requests a total of $3.0 for the Honolulu laboratory. This investment will continue the replacement of the Honolulu Laboratory which consists of a main lab building and two annex building. This funding will enable the project to proceed with work needed to correct several deficiencies such as overcrowding, lack of laboratories, inadequate or nonexistent handicap access, and hazardous materials.

The Fiscal Year 2002 Presidents Budget request includes a total of $1.0 million for the Coastal Services Center Wing. This investment will allow for construction of a new wing adjacent to the main facility of the Coastal Services Center (CSC) in Charleston, SC. This small expansion will add an estimated 6,000 square feet to house office space, a storage area and a loading dock. The funding will also allow

for a partial demolition of CSC's obsolete and deteriorating structures. The demolition would eradicate some, but not all, of the structures that pose threats to CSC's inhabited buildings. Additional needs for security enhancements and other expansion remain under consideration in the comprehensive facilities plan being completed in Fiscal Year 2001.

Maintenance

The total request of $4.4 million for the National Marine Fisheries Service Facilities Operations and Maintenance represents an increase of $0.4 million above the Fiscal Year 2001 Enacted level. This continued investment will be used to cover increased operation and maintenance costs of two key NMFS facilities, the new Santa Cruz, California Laboratory, and the Kodiak, Alaska Laboratory.

NOAA's request of $3.6 million for Facilities Maintenance, Repairs and Safety represents an increase of $1.7 million above the Fiscal Year 2001 Enacted level. This continued investment will allow for remediation of NOAA's deteriorating facilities. NOAA's capital assets, totaling 496 installations spread across all 50 states are valued in the hundreds of millions of dollars. The majority of these facilities are over 30 years old, and 29 percent are over 40 years in age. To date, renovations have been relatively few, and maintenance has been deferred. NOAA has already identified over $50 million in maintenance and repair projects, and this continues to grow as a comprehensive facility assessment unfolds. Major systems in many facilities are in imminent danger of failure, or are well past their useful lives. The requested funds will help address these facilities maintenance, repair and safety needs.

Funding in the amount of $1.0 million is requested for NOAA's Beaufort Laboratory. This investment will allow for repairs at NOAA's Beaufort, NC Laboratory. The funds will be used to address health and safety issues, primarily the installation of a sanitary sewage connection and electrical repairs. The Beaufort Laboratory is the Nation's second oldest marine research center a national treasure and is collocated with the Rachel Carson National Estuarine Research Reserve.

NOAA's request of $1.8 million for the GORDON GUNTER will allow for the upgrade of the vessel to meet modern safety standards and to provide a more capable platform to support fisheries research, stock assessment and other missions such as submersible operations. The upgrade will include modifications to an engine-room bulkhead that will enable the ship to meet modern safety standards for one-compartment damage stability, allowing a compartment to be fully flooded and the ship to remain afloat with stability. This funding also would provide positioning and instrumentation upgrades. The GORDON GUNTER, homeported in Pascagoula, MS, is a former Navy T–AGOS vessel which has been converted and currently serves in the Gulf of Mexico, the Caribbean Sea and the Southeast Atlantic Ocean.

Included in NOAA's Fiscal Year 2002 Presidents Budget request is $4.0 million for the ALBATROSS IV. This investment will allow for repairs and the extension of the ship's useful life until a new Fisheries Research Vessel (FRV) can be constructed for the Northeast Fisheries Science Center (NEFSC). In order to calibrate the new vessel with the ALBATROSS IV, the ALBATROSS IV must be upgraded and its service extended until a new vessel is completed. This calibration-overlap protects the integrity of long-term surveys.

Additional funding has also been requested for the FAIRWEATHER. This investment is identified under the Marine Transportation System crosscut.

Coastal Conservation Activities

Over the past several years NOAA has proposed, through various initiatives and programs, funding to address some of the most serious challenges facing the U.S. coasts and oceans. Through those programs NOAA has made significant progress in addressing a number of critical environmental issues. The Coastal Conservation Activities Initiative will continue to build on the progress made to preserve the Nation's coasts and oceans.

In the Fiscal Year 2002 President's Budget, NOAA requests $284.4 million to continue environmental programs that are critical to ensuring the continued preservation of our Nation's coastal and ocean resources. The Fiscal Year 2002 Budget Request includes resources to enhance our ability to effectively manage the National Marine Sanctuaries, enhance habitat protection through the National Estuarine Research Reserve System and strengthen and improve Marine Protected Area (MPA) programs and their conservation goals. These funds will be leveraged through improved Federal, state, local, tribal, and territorial coordination and collaboration to fill shared information, technical and operational needs. Also included are additional resources to increase Coastal Zone Management grants to states to enable coastal states to address such issues of national importance as the impact of coastal storms,

declining water quality, shortage of public shoreline access, loss of wetlands, deteriorating waterfronts, and the challenge of balancing economic and environmental demands in the coastal zone. With the funds requested in Fiscal Year 2002 NOAA will also continue to implement recommendations of the Coral Reef Task Force and enhance the recovery of threatened and endangered coastal salmon. The programs that comprise the Coastal Conservation Activities cross-cut are highlighted below.

Coral Reef Activities

The total request of $27.7 million for Coral Reef Activities represents an increase of $0.7 million above the Fiscal Year 2001 Enacted level. This continued investment will allow for NOAA's support for coral reef activities across the Nation. Funding will enable NOAA to continue implementing priorities of the U.S. Coral Reef Task Force and recommendations included in the America's Ocean Future Report. Working with state, territorial, and local partners, this level of funding will support research, monitoring, and local level projects to reduce human impacts and increase sustainable use of America's valuable coral reefs.

Coastal Zone Management Program

The total request of $75.4 million for the Coastal Zone Management (CZM) Program represents an increase of $12.2 million above the Fiscal Year 2001 Enacted level. This includes an increase of $8.6 million for CZM grants, a technical change in the transfer from the CZM Fund, and an increase of $0.4 million for Program Administration. In addition, $10.0 million is requested for Nonpoint Pollution Implementation Grants, a separate but integral program, which will be discussed later.

The total request of $69.0 million for CZM Grants represents an increase of $8.6 million over the Fiscal Year 2001 Enacted level. This continued investment will allow NOAA to provide direct grants to coastal states for implementing and improving their approved coastal management programs. Currently 33 of the 35 eligible coastal states have an approved coastal management program, with approval of the 34th state program, Indiana, expected in Fiscal Year 2002. Combined, these programs serve to manage and protect 99.9 percent of the Nation's shoreline to the benefit of the environment and the economy. The requested investment would provide resources for coastal states to more fully implement their coastal management plans. Specifically, NOAA provides grants to coastal states and territories to address issues of national importance such as the impact of coastal storms and flooding, declining water quality, shortage of public access to the shoreline, loss of wetlands, deteriorating waterfronts and harbors, and the challenge of balancing economic and environmental demands in increasingly competitive ports.

In order to streamline CZM administrative processes, NOAA proposes to consolidate all funding for CZM Program Administration under ORF. Doing so requires replacement of the $3.2 million that had been transferred from the CZM Fund (a non–ORF account) in prior years. In Fiscal Year 2002, the CZM Fund is proposed as a general offset to CZM Act activities.

The total request of $6.4 million for the CZM Program Administration represents an increase of $0.4 million above the Fiscal Year 2001 Enacted level. This continued investment will support NOAA's national program administration responsibilities under the Coastal Zone Management Act (CZMA), which continues to grow. This request will assist NOAA's ability to bring together representatives from state, Federal, and tribal governments and the private sector, to address issues such as coastal hazards, habitat and polluted runoff. It will allow NOAA to address the increasing requests of the states (33 in the program, one state program in development) for support and technical assistance. This level of funding will also enable NOAA to maintain national support for the 25 National Estuarine Research Reserves.

Nonpoint Pollution Implementation Grants

NOAA requests a total of $10.0 million for Nonpoint Pollution Implementation Grants. This investment will provide states with resources to reduce nonpoint pollution, the greatest single threat to coastal water quality. Coastal waters are increasingly impacted by polluted runoff. Symptoms include the impacts of Pfiesteria in coastal waters of the eastern seaboard, nutrient over-enrichment in the Gulf of Mexico, the loss of salmon fisheries in the Pacific Northwest and local closures of shellfish beds and beaches throughout the country. NOAA will provide grants to states with approved plans to address the causes of these and other symptoms of the degradation of our coastal water quality.

National Estuarine Research Reserves

The total request of $26.3 million for the National Estuarine Research Reserves (NERRS) represents a decrease of $29.3 million below the Fiscal Year 2001 Enacted level. This funding level supports an increase in operations of $1.7 million for a total

of $16.4 million in the Operations, Research and Facilities (ORF) Account, and a decrease in one-time construction items of $24.5 million, for a total request of $9.9 million in the PAC Account. With regard to the increase for NERRS operations, these funds will improve the ability of NOAA and its state partners to understand, manage, and protect these special estuarine habitats and biodiversity. The NERRS is a network of protected areas established to improve the health of the Nation's estuaries and coastal habitats through long-term research, protection, and education and to address such issues as water quality, loss and degradation of habitat, and loss of species biodiversity. The increase will significantly enhance the monitoring and technical training programs at the 25 designated reserves, and ultimately lead to healthier estuaries, coastal water quality, and fisheries.

Of particular interest is the NERRS' System–Wide Monitoring Program (SWMP). The SWMP is a national monitoring system that will integrate water quality, and biological and land-cover change elements, making the information available to scientists and managers. The 25 existing reserves will expand their participation in SWMP by increasing spatial coverage of water quality stations, and by monitoring additional biological indicators. Reserve staff will also improve estuarine resource management by providing enhanced technical training for planners, policy-makers, and other state and local coastal decision-makers on water quality, habitat, invasive species, and sustainable ecosystem issues. Funding of $9.9 million for infrastructure investments in the Procurement, Acquisition, and Construction (PAC) account includes resources to complement these activities by providing resources for research, education, and visitor facilities at multiple reserve sites across the Nation. The NERR system uses a competitive priority -setting process each year to fund the best projects from the long list of eligible proposals. At some sites, land acquisition from willing sellers may be a high priority to enhance the protection of key resources. At other sites, facilities and related structures, such as interpretive centers, laboratories, boardwalks, and boat docks may be the best use of funds to enhance the outreach, education, and research programs within the NERRS.

National Marine Sanctuaries

The total request of $52.0 million for the National Marine Sanctuaries represents an increase of $16.6 million above the Fiscal Year 2001 Enacted level. This increase of $16.6 million is comprised of $3.6 million for operations (for a total ORF request of $36.0 million), and an increase of $13.0 million for new construction (for a total PAC request of $16.0 million). With regard to National Marine Sanctuaries operations, this continued investment will provide funding to upgrade the operating and technical capacity in the thirteen national marine sanctuaries. The results will improve protection of important sanctuary resources, including coral reefs, endangered marine mammals, sensitive habitats, and significant cultural resources. In addition to supporting the operations, this investment will provide for additional site characterization, additional enforcement capabilities, public education, and the implementation of key management changes. Changes are expected in a wide range of activities, including drafting and amending regulations, establishing new partnerships, expansion of outreach and education efforts, and additional research, monitoring and restoration.

The Congress has called for sufficient resources for operational staff, facilities and equipment, effective implementation of management plans, enforcement, and particularly for site characterization including cultural resources and inventory of existing natural resources. Elements that must be compiled for cultural and natural resource inventories include location of shipwrecks, data on marine mammals, fish, shellfish and sea birds, habitat types, and physical characteristics, such as bottom typography, water quality, and water temperature. The goal is to gather enough characterization information at each site to be able to effectively manage the resources. New funding will support these efforts and the Sustainable Seas Expeditions. This Fiscal Year 2002 Budget responds to Congressional direction and the recently passed National Marine Sanctuary Amendments Act.

With regard to the increase of $13.0 million for Marine Sanctuaries construction in the PAC Account, NOAA will continue to implement the detailed, comprehensive facilities plan developed in Fiscal Year 2000 in order to respond to the growing public interest in the ocean environment and the Marine Sanctuary System. NOAA will work in partnership with other Federal agencies and private institutions such as museums, aquaria, and foundations. NOAA will establish or upgrade facilities to ensure access to sanctuary resources and allow public appreciation of the unique marine habitats in those sanctuaries. These facilities provide important outreach and education functions for these special places, since many visitors are unable to visit the actual sanctuary sites which, in several cases, are many miles offshore or

require individuals to be certified scuba divers in order to view firsthand these national treasures.

Within these funds, an estimated $6.5 million is targeted for the Dr. Nancy Foster Florida Keys Environmental Center to complete renovation and construction at this former Navy installation and properly support the multi-agency partnership and the Center's mandates to promote environmental education, protection, marine safety and rescue, and coastal stewardship. This center, which was dedicated last year, stands as a tribute to the late Dr. Nancy Foster, NOAA's Assistant Administrator for the National Ocean Service. One of the two buildings will host a state-of-the-art multi-agency (NOAA, National Park Service, Fish & Wildlife Service) visitor center. The other building will become the operations center for the Florida Keys National Marine Sanctuary and host office space; laboratory space; a diving locker; a maintenance area for mooring buoys, boats and vehicles; and dock space. The new facility will also provide consolidation of office space and boat docks that are currently scattered across multiple leased facilities in the Key West area.

Marine Protected Areas

NOAA requests a total of $3.0 million for Marine Protected Areas. This investment will strengthen and improve agency-wide Marine Protected Area (MPA) programs and their conservation goals. This effort supports NOAA's responsibilities for fulfilling the National Marine Sanctuaries Program, National Estuarine Research Reserve Program, Coastal Zone Management Program, and coral reefs. This funding will foster collaboration with the Department of the Interior and other Federal agencies, state, local, tribal and territorial governments as well as non-governmental partners. Efforts will focus on developing a supporting framework for effective communication and collaboration among MPA programs by creating a national system of marine protected areas including NMS, NERRS, and other Federal, state, and tribal marine protected areas. These funds will also support preparation of the first comprehensive inventory and assessment of the existing system of U.S. MPAs. The NOAA MPA Program will consist of a Marine Protected Areas Center, comprised of a small core staff in Washington, DC and two regional Institutes of Excellence.

Pacific Coastal Salmon Recovery Fund

The total request of $90.0 million for the Pacific Coastal Salmon Recovery Fund represents an increase of $0.2 million above the Fiscal Year 2001 Enacted level. This continued investment will allow the states and tribes to continue support for habitat restoration and protection, research and enhancement, monitoring and evaluation, and salmon recovery planning and implementation efforts. Funding will be used to enhance Pacific coastal salmon recovery and for the purpose of helping share the costs of state, tribal and local conservation initiatives. Programs funded within this account will assist in the conservation of Pacific salmon runs, some of which are at risk of extinction in the states of California, Oregon, Washington, and Alaska. Funds provided to these states will have at least a 25 percent matching requirement. This request responds to current and proposed listings of coastal salmon and steelhead runs under the Endangered Species Act by forming lasting partnerships with states, local and tribal governments and the public for saving Pacific salmon and their important habitats.

Climate Services

From the storms of next week to the drought of next season to the potential human-induced climate change over the coming century, issues of climate variability and change will be continue to be a major issue for the Nation. Whether responding to the ongoing drought in the Pacific Northwest and its effect on power generation and endangered salmon, or in determining how much atmospheric carbon dioxide is taken up by the North American biosphere, these questions influence users from the Western water manager to the shapers of national policy. The challenge is to extend the research successes, maintain the observational backbone, and improve the capability to provide useful information services to our customers. Improved climate predictions will enable resource managers in climate sensitive sectors such as agriculture, water management, and energy supply to alter strategies and reduce economic vulnerability. Building on the understanding of the Earth's climate system that has resulted from the Nation's strong scientific research and numerical modeling programs, this Climate Observations and Services Program will begin the transition of research data, observing systems and understanding from experiments to applications, and from basic science to practical products.

NOAA maintains a balanced program of focused research, large-scale observational programs, modeling on seasonal-centennial time scales, and data management. In addition to its responsibilities in weather prediction, NOAA has pioneered in the research and operational prediction of climate variability associated with the

El Nino Southern Oscillation (ENSO). With agency and international partners, NOAA has been a leader in the assessments of climate change, stratospheric ozone depletion, and the global carbon cycle. NOAA scientists have been leaders internationally in the Intergovernmental Panel on Climate Change (IPCC). It maintains national coordination through participation in the U.S. Global Change Research Program.

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

Continuing Climate Services

NOAA's request for Ocean Observations in Fiscal Year 2002 is $5.0 million. NOAA maintains the sustained global observing and data stewardship system necessary for climate research and forecasting as well as the long-term monitoring system necessary for climate change detection and attribution. The observation network is based on a set of "core" observations (e.g., temperature, surface wind stress, salinity, sea level, carbon dioxide), consisting of both in-situ and remotely sensed measurements, that have been identified in NOAA and other national and international reports as needed to satisfy research and operational climate requirements.

Ocean System for Improved Climate Services

NOAA requests a total of $7.3 million for the Ocean System for Improved Climate Services. This investment will contribute to the global operational ocean-observing system by enhancing its present components and establishing new components. Of the $7.3 million requested, $3.2 million is required to support the U.S. commitment to deploy and maintain 1000 ARGO profiling floats in the proposed global array of 3,000 floats. This commitment requires a deployment of 280 ARGO floats per year. The remainder of this request, $4.1 million, supports other observational components including Arctic Ocean fluxes, ocean reference stations, oceanic carbon, and augmentation of the volunteer observing ship (VOS) instrumentation. Finally, investments are to be made for data management and assimilation. Based on a firm scientific foundation, this ocean observing system is closely coupled with other U.S. and international observing efforts, and will greatly improve the data available for understanding climate variation.

Modernization of NOAA Fisheries

The Fiscal Year 2002 President's Budget Request for the National Marine Fisheries Service (NMFS), referred to as "NOAA Fisheries," follows Congressionally enacted levels in Fiscal Year 2001 and invests in core programs needed for NOAA to meet its mission to manage fisheries, rebuild stocks, and protect endangered species such as sea turtles and whales. NOAA Fisheries modernization funds will be allocated within NMFS to ensure that existing statutory and regulatory requirements are met for fisheries and protected species management programs (including the Magnuson–Stevens Act, National Environmental Protection Act, Endangered Species Act, Marine Mammal Protection Act, and other statutory requirements). In Fiscal Year 2002, there are sufficient funds for NMFS to meet its statutory and regulatory requirements.

This budget request builds upon last year's effort to begin the modernization of NOAA Fisheries. The Modernization of NOAA Fisheries Initiative encompasses a long-term commitment to improve the NMFS' structure, processes, and business approaches to meet its mission of sustaining the Nation's living marine resources and their habitat. This initiative focuses on improving NMFS' science, management, and enforcement programs and beginning to rebuild its aging infrastructure. These improvements will result in measurable progress in the biological and economic sustainability of fisheries and protected resources. In order to ensure the viability of these modernization efforts, the Fiscal Year 2002 President's Budget Request includes the following program investments:

Science

A total of $1.9 million is requested for research and monitoring activities for the South Florida ecosystem, an increase of $0.6 million over the Fiscal Year 2001

Enacted level.As a result of the U.S. Army Corps of Engineers construction projects within the Florida Everglades, NMFS must monitor the impact of inland restoration efforts and the changing freshwater inflow on Florida Bay habitats, nutrient flow, hydrodynamics, and ultimately on measurable ecosystem productivity and health.

The total request of $15.0 million for Expanding Annual Stock Assessments represents an increase of $13.3 million above the Fiscal Year 2001 Enacted level. This continued investment will provide for additional scientific survey data collection to improve NMFS' ability to make accurate, timely stock predictions. Funding at this level would add 829 chartered ship days toward the deficit of 2,564 days identified in the NMFS Stock Assessments Improvement Plan as needed for adequate stock assessment coverage. Included in this increase is $1.0 million to enhance the assessment of marine mammal population status and trends as required by the Marine Mammal Protection Act.

A total request of $2.0 million for fisheries oceanography represents a $2.0 million increase above the Fiscal Year 2001 level. This request is comprised of two increases, $1.5 million for NMFS and $0.5 million for fisheries oceanography within the National Environmental Satellite, Data and Information Service (NESDIS). The $1.5 million increase will enable NMFS to assess how long-term environmental factors affect fish stocks. By better identifying the potential environmental causes of fish population fluctuations, NMFS will be able to improve its stock predictions and resultant management actions. The $0.5 million increase will enable NESDIS to explore using Synthetic Aperture Radar technology and data in fishery resources monitoring. This investment would build on applications demonstrated in October 1999 using RADARSAT–1 imagery in Alaska, and would result in radar data and products useful in fisheries enforcement, NMFS laboratories and for other agencies such as the Coast Guard.

NOAA requests a total of $1.0 million to promote environmentally sound marine aquaculture. NOAA will improve the aquaculture regulatory framework by developing and implementing of a code of conduct for responsible aquaculture. NOAA will also address the important environmental aspects of aquaculture in the non-indigenous species area, especially for shrimp viruses.

NOAA requests a total of $1.0 million for Pacific highly migratory species research. This request would fund growing and critical research needs as a new Fishery Management Plan for these species is implemented. Activities include: conducting stock assessments and biological studies for four major tuna species and three species of sharks, conducting research to evaluate the extent of bycatch and effectiveness of mitigation measures in purse seine fishing using fish aggregating devices, and developing and implementing assessment methodologies tailored for highly migratory species.

A total request of $6.0 million for Cooperative Research represents an increase of $0.5 million over the Fiscal Year 2001 Enacted level. This request will expand cooperative research activities in the Southeast and will involve fishermen in designing and conducting research programs, utilizing their expertise and insights in resource survey design and interpretation. By working together to design and implement data collection programs, these partnerships between NMFS and the industry significantly strengthen fisheries research. This Southeast cooperative research effort compliments similar efforts, including Northeast Cooperative Research funded at $5.0 million, cooperative research coordinated by the Northeast Consortium funded at $5.0 million and, and National Cooperative Research efforts, funded at $3.0 million.

A total request of $4.4 million for expanding economic and statistics research represents a $1.4 million increase over the Fiscal Year 2001 level. This request is needed to conduct economic and social assessments of management alternatives by improving NMFS' economic and social science staff capability, and initiation of data and applied research programs. This funding will enable NMFS to better evaluate and predict the economic and community impacts of potential management actions, and satisfy statutory, regulatory and Executive Order requirements for assessing the benefits and costs of fisheries management and protected species management actions

NOAA requests a total of $8.0 million for the National Fisheries Information System. This investment will begin the implementation of a National Fisheries Information System to improve the quality, timeliness, coverage and access to data collected by state and Federal entities for use in the science and management of fisheries. This system will be developed in cooperation with the fishing industry, states, interstate fisheries commissions, and other stakeholders as outlined under section 401 of the Magnuson–Stevens Act. The funding provided to the Atlantic States Marine Fisheries Commission for regional implementation activities in Fiscal Year 2001 is included in addition to this funding. The proposed system would improve

the accuracy and effectiveness of existing data collection programs by establishing common data collection, information technology, and quality standards for regional programs, and integrating the results into unified Web-enabled information system. The proposal will also fill critical information gaps through initiation of new data collection programs that will subsequently improve living marine resource policy decisions by reducing data uncertainties.

NOAA requests a total of $1.0 million to reduce fishery impacts on essential fish habitat. This request funds research that will focus on the effects of specific fishing activities on essential fish habitat, comparing those impacts with other sources of habitat degradation, monitoring habitat recovery in areas where fishing has been curtailed, and developing management strategies to ensure sustainable harvesting practices.

NOAA requests $4.0 million for additional Fishery Observers - Improving Data Collection. This investment will provide for increased observer coverage to minimum levels around the country as required by regulation or to optimal levels as recommended by fisheries scientists for statistical validity, and initiates coverage in fisheries that were previously not observed. Observers are increasingly essential to managing fisheries and marine mammal stocks. To improve the quality of data collected by observers and to provide a more sound base for fishery management decisions, the plan includes resources to provide better coordination and consistency of NMFS observer program policies and procedures. It also provides for the development of technological enhancements to make the future observer program less costly and more efficient. A total request of $10.0 million for Fisheries Habitat Restoration represents an increase of $2.0 million over the Fiscal Year 2001 level. These funds will expand NMFS involvement in community- based restoration projects. This highly successful national effort encourages partnerships with groups outside NOAA and has regularly leveraged appropriated funds by factors of five to six, and by as much as ten to one.Presently, NOAA receives many more high-quality habitat restoration proposals than it has funds to support. The requested funds would enhance national restoration efforts to meet this enthusiastic demand.

NOAA requests a total of $0.3 million for Habitat Characterization. This investment will allow NESDIS to develop maps of fishery habitat distributions in space and time, and to answer important questions with such maps. A computer mapping capability will be created that will allow spatial/statistical delineations (stratification) of the landscape. Such maps can represent inferred ecosystem "potentials" that are critical in monitoring, assessment, and management. The system will allow rapid iteration of the mapping process, thus affording opportunities to test, modify, and document model criteria, statistical mapping technique, and data selection. In this manner, habitat maps can be adaptively maintained.

Management

NOAA requests a total of $1.5 million to refine essential fish habitat designations.This request funds programs to collect critical scientific data needed to identify essential fish habitat more precisely for managed species, enhancing the effectiveness of fishery management actions, and filling data gaps that can result in litigation.

NOAA requests a total of $3.5 million for the Northeast Fisheries Management program. This investment will enable NMFS to continue rebuilding overfished and overcapitalized Northeast fisheries including groundfish and scallops by reducing the amount of fish takes by fishermen, thus giving the fish stocks time to recover. Funding will also be used, in part, to implement new and innovative cooperative research efforts in the Region.

The total request of $15.6 million for Regional Councils represents an increase of $2.5 million above the Fiscal Year 2001 Enacted level. This continued investment will support all eight Regional Councils' increased workload from new programs and regulations as a result of implementing the Sustainable Fisheries Act amendments to the Magnuson–Stevens Act. The Regional Councils are integral partners with NOAA in the management of the Nation's fisheries. NOAA is the Regional Fisheries Councils' only source of funding to carry out their mission.

The total request of $6.3 million for marine sea turtle activities represents an increase of $3.0 million over the Fiscal Year 2001 Enacted level. This investment will allow NOAA to recover Atlantic and Pacific marine sea turtle stocks threatened by domestic and international fisheries interactions as well as inadequate conservation of marine turtles on nesting beaches.

The total request of $4.5 million for dolphin conservation and recovery represents an increase of $1.0 million over the Fiscal Year 2001 Enacted level. This investment will allow NOAA to expand current activities in dolphin stock identification and assessment, to reduce mortality incidental to commercial fishing activities, and to

initiate efforts to use bottlenose dolphins as an indicator of the health of the ecosystems they occupy.

The total request of $3.5 million for Atlantic salmon represents and increase of $1.5 million over the Fiscal Year 2001 Enacted level. This investment will allow NOAA to conserve and restore healthy populations of Atlantic salmon in the Gulf of Maine Distinct Population Segment (DPS) and their habitats. NOAA will use this investment to expand the monitoring of Atlantic salmon population dynamics, expand habitat assessment and conservation, enhance scientific knowledge related to human resource usage and development activities that are affecting species survival, and strengthen evaluations to minimize risk through coordinated planning, innovative partnering, and on-site involvement in restoration, conservation, and protection activities.

The total request of $7.0 million for Northern Right Whales represents an increase of $2.0 million over the Fiscal Year 2001 Enacted level. This investment will allow NOAA to expand current Northern Right Whale population and health assessments and recovery efforts in the North Atlantic and in the North Pacific.

Enforcement

The total request of $47.3 million for Enforcement Activities represents an increase of $10.0 million above the Fiscal Year 2001 Enacted level. This continued investment will allow NOAA to modernize its fisheries and protected species enforcement programs. Improved enforcement is essential to ensuring that fisheries regulations are effective and yield conservation benefits for the industry and the public. Of the total funding amount, $7.4 million (of which $6.1 million is new funding) is included for additional support, continued modernization and expansion of the vessel management system (VMS) program. The VMS national program is capable of accommodating nearly 10,000 vessels throughout a number of different fisheries. The request also includes $39.9 million (of which $3.9 million is new funding) to expand and modernize base enforcement programs. These programs include Alaska and west coast groundfish enforcement, protected species enforcement, state and local partnerships, specialized Magnuson–Stevens Act investigatory functions, community oriented policing and problem- solving, and swordfish/Patagonian toothfish import investigations.

Modernization of the Marine Transportation System (MTS)

Since our Nation's founding, maritime trade has been vital to economic prosperity. NOAA's lineage dates back to 1807 when President Thomas Jefferson called for charting the coasts and harbors. Today, more than 95 percent of U.S. foreign trade moves by sea. In 1998, about 2.4 billion tons of cargo moved on our waterways and through our ports. U.S./foreign waterborne commerce grew about 23 percent from 1993 to 1997about 4.6 percent per year. Trade is projected to at least double by 2020. Vessels have also grown dramatically; over the last 50 years, the length, width, and draft of commercial vessels has doubled, pushing the limits of many ports and posing significant safety concerns. Ensuring safe and efficient port operations is vital to maintaining the competitiveness of the U.S. port industry and exports. Growth in ferry, cruise line, and recreational boating is contributing to increased congestion on our waterways.Nearly half of all goods in marine commerce are petroleum products or other hazardous materials. One key to reducing risk is to invest in the national information infrastructure that supports the safe and efficient movement of goods and people.

In 1998, Congress directed Federal agencies to produce an assessment of the U.S. Marine Transportation System (MTS) and a plan for modernizing government navigation services. This Fiscal Year 2002 request is NOAA's effort to direct a set of targeted investments to expand and capitalize on its existing programs in Mapping and Charting, Survey Backlog, Geodesy, Tide and Current Data, Response and Restoration, and Fleet Replacement to further the goals of this ongoing effort. This is a first step toward developing a 21st century transportation system that can address the major issues faced by the country in maritime safety, security, infrastructure, the environment, and competitiveness.

NOAA maintains the Nation's suite of nautical charts, the coastal water level observations system, and the geodetic positioning reference system needed to ensure safe navigation. NOAA also maintains the scientific expertise to respond to hazardous releases when they occur. NOAA charts are developed from NOAA's hydrographic and shoreline surveys, tide and current measurements, and national geodetic/geographic positioning data, as well as information from other sources. Demonstration projects have shown that these programs can provide the accurate data necessary for determining precise under-keel and overhead/bridge clearances and support near zero visibility docking, allowing commercial vessels to more safely

navigate and efficiently load and move cargo in and out of depth-limited harbors. NOAA's integrated suite of surveying, charting, water level, and positioning services is capable of increasing the efficient movement of goods while significantly reducing the risk of marine accidents and resulting environmental damage. When accidents do occur, NOAA can provide the necessary support to ensure a scientifically-based response and restoration of damaged coastal resources. Economic benefits include reducing vessel fuel consumption and port pollution, supporting just-in-time delivery of goods, enhancing the competitiveness of U.S. exports, and restoration of important coastal resources that support tourism, fishing, and other ocean- and coastal-dependent industries. Specific program increases are described in detail below.

NOAA requests an increase of $3.6 million for Electronic Navigational Charts (ENCs). This continued investment will allow for the ongoing production and maintenance of ENCs and the ability to enhance and expand the full suite of ENCs to a total of 200 from the 70 in existence at the end of Fiscal Year 2000. ENCs provide a more complete picture of coastal waterways. NOAA requests an increase of $1.0 million for Shoreline Mapping. This investment will allow for a more accurate national shoreline. An increased emphasis on shoreline mapping is required to keep pace with the growing stress on our Nation's marine transportation system and to assist states and coastal managers.

NOAA requests an increase of $0.5 million for the National Spatial Reference System (NSRS). This investment will increase the Nation's access to the Continuously Operating Reference Stations (CORS), a set of Global Positioning System (GPS) stations, and the mainstay of the NSRS. This investment will expand the number of National CORS, expand the Federal Base and Cooperative Base Network stations connected to the national standard for vertical heights, which are used for all applications that require surveying. These activities will provide better access to accurate and consistent height data for a wide-range of economic pursuits.

NOAA requests a total of $0.5 million to Implement Forecast Models. This investment will enhance tides and tidal current services to the user by obtaining new current meter measurements at locations critical to the navigation community and by accelerating the development of nowcast/forecast products for users of oceanographic data.

NOAA requests a total of $3.0 million for Coastal Storms. This investment will build upon existing NOAA environmental monitoring and data management capabilities and will enhance our efforts to provide Marine Transportation System users, as well as coastal resource managers, with the data and tools needed to safely maximize commercial shipping, mitigate hazards, and sustain the environmental health of coastal communities and resources when disasters strike. Initial efforts will focus on a pilot project in Florida and include updating shallow water bathymetry, adding sensors to National Water Level Observation Network stations, and developing a hydrodynamic model for improved forecasting applications.

NOAA requests an increase of $2.0 million for Spill Response and Habitat Restoration. This investment will develop and distribute tools and guidance to assist decision makers when releases of contaminants occur within the Marine Transportation System and other coastal environments. These funds will enable NOAA to more accurately evaluate the effectiveness of spill response measures, leading to improved response techniques as well as better methods of restoring injured resources.

The total request of $9.5 million for the FAIRWEATHER repair and activation represents an increase of $2.7 million above the Fiscal Year 2001 Enacted level. This continued investment will complete the refurbishment and reactivation of the FAIRWEATHER and help reduce the survey backlog, a high marine transportation priority. This project was directed by Congress in 2001 and makes efficient use of this vessel which has been located at NOAA's Pacific Marine Center. With its home port in Alaska, the FAIRWEATHER will provide a platform that will help reduce the critical hydrographic survey backlog.

Other Key NOAA Programs

The total request of $14.0 million for Ocean Exploration represents an increase of $10.0 million above the Fiscal Year 2001 Enacted level.Despite covering 70 percent of Earth's surface, the oceans remain largely unexplored and unknown. Not surprisingly, most of the oceans' resources remain untapped. Our best scientists believe that fewer than 25 percent of the species that live in the oceans have ever been identified. Even within America's own Exclusive Economic Zone (EEZ), less than five percent of the ocean floor has been mapped in high resolution. In fact, prior to Fiscal Year 2001, the United States did not even have a concentrated program of ocean exploration. As a result, NOAA has pursued a course of ocean resource management without adequate decision-making data and information being available to policy makers, regulators, and commercial users of the ocean's resources.

However, today we live in an age of technological innovation. There are many opportunities that simply were not available in earlier decades. We now can completely rethink how we might conduct exploration in Earth's oceans. Developments in sensors, telemetry, power sources, microcomputers, and materials science have greatly improved our ability to go into and study the undersea frontier.

The benefits of such a program of exploration are potentially enormous. For example, gas hydrates comprise more than 50 percent of all of our planet's carbon and potentially hold more than 1000 times the fuel in all other estimated reserves combined! In addition, there are certain to be other benefits which currently are beyond our ability even to conceive. With 95 percent of the underwater world still unknown and unseen, what remains to be explored may hold clues to the origins of life on earth, cures for human diseases, answers to how to achieve sustainable use of our oceans, links to our maritime history, and information to protect the endangered species of the sea.

We are stewards of our oceans' resources. We need to explore and know more about our oceans if we are to effectively manage them. We need to explore the oceans in the same way that the U.S. has successfully explored space. We need to determine what our marine resources are, their relative abundance, and the rates at which they can be used and replenished. Accurate knowledge of the oceans is essential for environmental, economic, and national security.

The Fiscal Year 2002 budget increase will enable NOAA to fund six major and several minor interdisciplinary voyages of discovery that will map the physical, geological, biological, chemical, and archaeological aspects of parts of the U.S. EEZ. NOAA will conduct missions of exploration in the Gulf of Mexico, South Atlantic Bight, Northwest Hawaiian Islands, Northeast Pacific, California, and the Gulf of Alaska. Education and outreach is a major component of NOAA's Ocean Exploration Initiative. NOAA will carry-out this program relying on partnerships with universities, the private sector, and other agencies. NOAA's Ocean Exploration Initiative will help us to fulfill our national strategic goals to Sustain Healthy Coasts, Recover Protected Species, and Build Sustainable Fisheries.

Marine Environmental Research

The total request of $11.6 million for Marine Environmental Research represents an increase of $1.8 million above the Fiscal Year 2001 Enacted level. This continued investment will support ongoing operations at OAR's Atlantic Oceanographic Meteorological Laboratory (AOML) and the Pacific Marine Environmental Laboratory (PMEL). The requested funds will enable AOML's Remote Sensing Division to reactivate its field measurements that provide data for major community health-related decisions in contaminant-release emergencies in Florida and elsewhere.Coral reef monitoring activities are also supported. These funds will also enable PMEL's Fisheries Oceanography program to continue ocean measurements planned for the Gulf of Alaska and the Bering Sea. These funds are important to the study of the potential influences of climate changes on recent shifts in the species composition of these ecosystems including declines in salmon and Steller sea lion populations.

NOAA requests a total of $2.0 million for the Estuary Restoration Act. This investment will allow for NOAA-wide activities mandated by the Estuary Restoration Act of 2000. NOAA will work with other partners to implement a national estuary habitat restoration strategy designed to ensure a comprehensive approach towards habitat restoration projects. Healthy estuarine ecosystems provide a number of benefits pertaining to wildlife habitat, commercial and recreational fisheries, water quality, flood control, erosion, and outdoor recreation. NOAA's activities include the development of scientifically sound monitoring protocols and standards for coastal habitat restoration projects throughout the United States and its protectorates. NOAA will develop restoration databases that provide quick and easy access to accurate and up to date information regarding all projects funded under the Estuary Restoration Act of 2000. This work will provide scientists and resource mangers with information critical to successful estuary habitat restoration efforts.

The total request of $63.8 million for Marine Services represents an increase of $1.9 million above the Fiscal Year 2001 Enacted level. This continued investment will allow NOAA to operate its fleet of 15 vessels capable of safely collecting hydrographic and coastal assessment data, conducting fishery independent scientific and survey operations, and conducting sustained oceanographic and atmospheric data collection in various marine environments and provides funds for outsourcing to meet some data-collection requirements. The request includes an increase of $1.0 million to provide days-at-sea, primarily through University–National Oceanographic Laboratory System (UNOLS) and charter vessels, to support research in the Gulf of Mexico concerning the interactions of the Mississippi River plume, nutrient loading, and resulting effects of hypoxia on Gulf fisheries. These funds will also

maintain or increase day-at-sea levels supporting other NOAA programs, including the science programs in NOS and the sanctuary program. The request also includes an increase of $0.9 million which will be used to pay the increased costs for operating the ADVENTUROUS' and to add days-at-sea on fisheries research vessels. The ADVENTUROUS, which will replace the TOWNSEND CROMWELL, is a larger and more capable vessel that will carry more scientists and complete more research on a daily basis.

NOAA's Budget and Financial Management

NOAA requests a total of $19.8 million for the Commerce Administrative Management System (CAMS). This investment will allow for the full benefit and value of CAMS to be realized in NOAA.CAMS is in the final stages of completion, expected in Fiscal Year 2003, and adequate funding will ensure that CAMS is deployed in a timely manner, allowing all modules to progress toward completion. Once fully deployed, CAMS will contribute in significant ways to maintaining a clean NOAA financial audit through systematic controls rather than through labor-intensive manual efforts. It will provide managers with on-line, real-time, and accurate financial information in support of their programmatic missions, and will be legally compliant. Requested funding for CAMS is vital to preserve NOAA's ability to have a satisfactory financial accounts system and allow NOAA and DOC to meet statutory obligations under the Federal Managers' Financial Integrity Act (FMFIA) and the Chief Financial Officer Act (CFO Act).

For the Fiscal Year 2000, NOAA received an unqualified opinion on NOAA financial statements from an independent auditor. The Fiscal Year 2000 audit represents the second consecutive year NOAA has received a clean audit and demonstrates the intensive efforts made by NOAA to improve financial management. NOAA continues to place a high priority on improving fiscal and financial management in order to increase accountability and efficiency.

Over the past several years, NOAA has been working to respond to Congressional concerns stemming from the NOAA budget structure. The Congressional Appropriation Committees have challenged NOAA to make recommendations to simplify its budget structure. NOAA has taken several actions that address the restructuring of its budget and financial management processes. The outcome of these actions is already apparent and demonstrated in its improved budgetary communications as well as in the improved accuracy of its documentation (e.g., sustaining a clean audit and improved timeliness in the distribution of funds). NOAA continues to work toward meeting the challenges of restructuring the NOAA budget and is excited about the improved efficiency a new budget structure will bring.

As evidenced by NOAA's improving financial and budgetary management, NOAA is doing its part to exercise fiscal responsibility as stewards of the Nation's trust as well as America's coastal and ocean resources. And, in the same way that NOAA is responsible for assessing the Nation's climate, we are responsible for assessing our management capabilities. It is within this broader management context that NOAA continues looking for opportunities to improve. NOAA's Fiscal Year 2002 Budget Request includes measures which track results to the level of public investment. NOAA will continue to leverage its programs and investments by developing those associations that most efficiently and economically leverage resources and talent, and that most effectively provide the means for successfully meeting mission requirements.

Mr. GILCHREST. Thank you very much, Scott.

I think, with the indulgence of Mr. Jones, since we do have a couple of votes at 10 o'clock and Scott has to leave, we will do some questions, Scott, for the next few minutes.

Mr. JONES. Fine. Absolutely.

Mr. GILCHREST. Scott, I think we can hold you a little after 10, because everybody is going to leave at 10, so your next hearing will be disrupted as well, if that is all right.

Mr. GUDES. Yes, sir.

Mr. GILCHREST. That way members can ask those questions.

Mr. GUDES. Sir, I follow Secretary Evans. I will stay.

Mr. GILCHREST. What was that?

Mr. GUDES. I need to back up Secretary Evans at the next hearing, and, as you point out, that hearing will be—

Mr. GILCHREST. I see. I think by the time they can get started—I don't think they can get started.

Mr. GUDES. Yes, sir.

Mr. GILCHREST. Thank you very much.

A couple of quick items: Is there any proposal being floated around in NOAA about an expansion of any particular marine sanctuary? Or are there any areas around the Exclusive Economic Zones that you might want to expand or add a new Marine Protected Area?

Mr. GUDES. First of all, in terms of sanctuaries, I think all of the sanctuaries deal with this issue as part of their just being sanctuaries, whether or not there is an expansion of boundaries.

I know, for example, to answer your question, at the Channel Islands Marine Sanctuary in California, there is an ongoing proposal on what their boundaries should be, how far should they expand beyond current boundaries, and should they have areas that exclude, for example, ongoing oil and gas exploration in that area.

I think you know, Mr. Chairman, I think it was last week, the State of Florida and Governor Bush's Cabinet supported the creation of an MPA, if you will, for the Tortugas Ecological Reserve as part of the Florida Keys sanctuary.

I think, actually, this is an issue that is part of the ongoing review and understanding of the Marine Sanctuary Program. But I do think that, in each case, where these issues are successful, it is because of the local people.

Mr. GILCHREST. Same with a wildlife refuge. If it is managed appropriately by the people in the region, I think there is more of a chance of expansion.

Mr. GUDES. Our local managers, like Billy Causey in the Keys, work very hard with the local community. They have advisory committees that include the fisherman, include the divers, include the people who work with the resources. And it is all from a consensus-based approach, and it is one of the things that is a very important part of these.

Mr. GILCHREST. Another question: Is there enough money in NOAA to come up with a pretty clear analysis of the Navy's use of sonar and its impact on whales under certain circumstances? I understand it is an ongoing research study with the Navy. Is there anytime soon that we can see some type of analysis or a further conclusion to that?

Mr. GUDES. Both in general, Mr. Chairman, sound in the sea and its effects on marine mammals is, of course, a big issue. NOAA fisheries really plays the lead role in that.

There is a specific issue now out for public comment, having to do with a specific proposal by the Navy for a low-frequency sonar called the LFA SURTASS, I believe the name is, where we are involved in going out to the public and holding public hearings; I probably shouldn't comment on that specific one.

But sound in the sea and sonar and its impact on marine mammals, this is something also that I think we work closely with the Navy on, in the last year especially, to work together in terms of issues. And the Navy takes a number of measures, for example, in terms of military uses of sonar, to ensure that there is not a negative impact on marine mammals.

[NOAA's response follows:]

NOAA–NAVY LOW FREQUENCY ACTIVE STUDY

Although there has been no comprehensive NOAA–Navy Low Frequency Active (LFA) study to date, NOAA and the Navy did prepare a preliminary report last summer on the investigation into the stranding of beaked whales in the Bahamas. A final report on this investigation should be completed this summer. We will provide a copy of the report as soon as it is available.

In addition, NOAA consulted with the Navy on a Environmental Impact Statement on LFA for their Surveillance Towed Array Sensor System, described more fully below. Our liaison with Navy indicates that the Executive Summary of the Final EIS was provided to your staff. Copies of the entire Final OEIS/EIS and technical reports of this research are available from Navy. NOAA will be pleased to assist the Committee in obtaining these reports, as desired:

Background on NOAA–Navy LFA Consultation

In the early stages of the preparation of the Surveillance Towed Array Sensor System (SURTASS) Low Frequency Active Overseas Environment Impact Statement/Environmental Impact Statement (LFA OEIS/EIS), Navy organized a Scientific Working Group (SWG) on "The Potential Effects of Low Frequency Sound on the Marine Environment." This was a forum for scientific discourse among government and non-governmental organizations to address the underlying scientific issues. NMFS participated in the SWG and throughout the progress of the resulting scientific research and its integration into the OEIS/EIS as a "cooperating agency" with Navy.

Navy provided resources for the Low Frequency Sound Scientific Research Program (LFS SRP), that involved approximately 60 researchers studying the potential effects of low frequency sound on baleen whales, and the Diver Risk Analysis Team, that developed guidance for safe exposure limits for recreational and commercial divers who might be exposed to low frequency sound.

The SRP involved controlled experimental tests in three phases that involved the following species and settings

- Phase 1: Blue and fin whales feeding in the Southern California Bight (September–October 1997)
- Phase 2: Gray whales migrating past the central California coast (January 1998)
- Phase 3: Humpback whales off Hawaii (February–March 1998)

Final OEIS/EIS for Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) SONAR

- Technical Report 1 - Low Frequency Sound Scientific Research Program Technical Report
- Technical Report 2 - Acoustic Modeling Results
- Technical Report 3 - Summary Report on the Bio-effects of Low Frequency Waterborne Sound (Divers)

Mr. GILCHREST. Last question I have now—I do have a series of questions, and I would like to set them up here, Scott, and get some response over the coming weeks: The Chesapeake Bay has had a program with NOAA for ballast water. And ballast water in our region, because of the vulnerability of the bay as a result of it being so shallow, and the heat in the summertime, it is susceptible to a lot of problems, one of which is the ballast water issue. And you zeroed out ballast water study in your budget.

We were wondering if we could—

Mr. GUDES. We hear you. Not everything can end up back in the budget, but I should say that actually ballast water is an issue that the Sea Grant program does a lot of work on. The University of

Maryland Sea Grant program is working on the use of ultraviolet light to try to treat water and ballast.

Some of our port partners, like the Long Beach port, are doing a lot of work to try to educate shippers, as well as with the new technologies. I don't know the specifics of the—

Mr. GILCHREST. We would like to work with you to somehow get that—

Mr. GUDES. Yes, sir.

Mr. GILCHREST. Mr. Underwood?

Mr. UNDERWOOD. Thank you, Mr. Chairman.

I am very heartened, Scott, by the interest in ocean exploration, and I am glad to see that there is a $14 million request in the administration's budget.

However, other than your basic comments that you made earlier about this emphasis, it really seems to me that it really lacks clarity in terms of what kind of exploration this office is going to do. I know that it is emerging, but I would like to hear some ideas.

And then I want to also ask whether the ideas expressed in last year's report by the previous administration's panel on ocean exploration, especially the emphasis on the development of new technologies to facilitate deep-ocean exploration, I want to hear what your comments are about that and see if NOAA has received that kind of emphasis.

Mr. GUDES. Well, first, a real priority, Congressman, I am looking forward to the $4 million that Congress provides for the jump start of this program. And as I mentioned, that is going to ensure a few things, including some specific missions this summer.

We have 30 days on the ALVIN, the deep-sea submersible for the ship the ATLANTIS, and we will be working on the east coast, for example. Secondly, we created an office of ocean exploration, a small office, in our research component. But it is a joint NOAA office. The first is new frontiers. The second is new products, drugs, different types of products of the ocean resources. Third, America's heritage; there are the shipwrecks—I don't have the exact number—there are thousands of shipwrecks that have really not been explored. As I mentioned, census of marine life and deep-ocean exploration.

There is a theme to the President's panel, which talked about nonhypothesis-driven exploration. It may be a nuanced difference, but we are trying to follow what the President's panel told us they want us to do in ocean exploration.

And what that means is, in the case of these missions, for example, in September, we are going to go to the Hudson Canyon; we are going to some of the canyons on the east coast. We are going to go there to explore, but we also are going to be doing science when we go there.

The difference is that our National Undersea Research Program over the years has tended to be hypothesis-driven, where we go into an area for a specific type of research intent. So that is one area.

In terms of the investment in technology, I do think that for this country, overall, that is a real issue that the commission pointed out. The Alvin, which is our principal person submersible, was built about 1964, 1965, and it has been renovated since that time.

It is principally run by NSF; NOAA has some portion of days on there. The Aquarius, which is our undersea habitat off the Keys, which is run by the University of North Carolina at Wilmington, again, older technology.

That is a real issue, and it is my hope that the ocean exploration program will get all Federal agencies to focus on the new technology issue, not just NOAA.

Mr. UNDERWOOD. You know, there is no deeper part of the ocean than where I am from.

Mr. GUDES. Yes, sir.

Mr. UNDERWOOD. And I am sure interested in that technology, and I am glad you recognize the fact that technology has not been developed for several decades. And that is always of interest to me.

So now, am I understanding that you are talking about mapping and you are talking about commercially driven or products that we can get out of the ocean, and we are also talking about exploitable resources? Is that what you mean?

Mr. GUDES. Yes, sir.

Mr. UNDERWOOD. On the Marine Protected Areas, under Executive Order 13158, it called for NOAA and other Federal agencies to develop a nationwide system of Marine Protected Areas. In your budget, there is request of $3 million to complete this process that was detailed by this executive order.

How much of this money has been spent for this purpose? And is this money sufficient to carry out the activities envisioned under this executive order?

Mr. GUDES. I think it is only a one-person office in the Fisheries Santa Cruz lab that we have. And that is really the science center, if you will, or the site that we will run a lot of science for this issue of MPAs, which is a term, actually, I think, that probably means a lot of different things to a lot of different people. And I probably should comment on that.

And then secondly, at the training site in Charleston, at the Coastal Services Center, we try to work with marine managers in terms of the larger issue of MPAs. We did that out of existing funds. I think we are talking several hundred thousand dollars in the current year.

The budget proposal is $3 million, actually, to reinforce those capabilities and to be able to do more science in terms of MPAs overall. Our marine sanctuaries, all 14 of them, are MPAs. Our 25 National Estuarine Research Reserves are MPAs. There are also special areas of protection within those sites; those are MPAs.

And so one of the issues on this whole issue, if you will, is the definition of an MPA. For us, it means all of the above. And often, the issue is, what is the science behind what kind of benefit this sort of area of special protection will have. We need to do that, and we are hopeful that the budget request will be supported.

Mr. UNDERWOOD. Well, you know, in general, I am in support of MPAs, but there is a lot of loose thinking about what constitutes MPAs. And more importantly, at the community level, it is being interpreted to mean various things and being used in long-standing arguments between people interested in protecting the environment, people interested in pursuing indigenous practices.

And it is very important that a very clear definition be given to this and, more importantly, that sufficient outreach be given to stakeholders in local communities, so that they have a good understanding. Because otherwise, I think we are setting up a dynamic for some local conflicts which are entirely unnecessary.

Mr. GUDES. I think next week, Congressman, we are doing a public meeting in Charleston to talk about these issues. And a few weeks ago, we held one here in Washington, DC.

And I agree with you, there is a lot of confusion about the issue of what does exactly MPA mean. If Margaret Davidson was here, who will be coming up, she would remind us this is an international term. Marine Protected Areas is an international term about special areas.

Mr. UNDERWOOD. All right, thanks.

I have other questions that I will submit for the record and let you proceed you to the other hearing.

Mr. GILCHREST. Thank you, Mr. Underwood.

[NOAA's response to Mr. Underwood's statement follows:]

Consumption of shrimp has steadily increased over the last decade; rising from 2.2 pounds per capita in 1990 to 3.0 pounds in 1999. The U.S. shrimp fishery has been relatively stable over that period, with landings fluctuating between a high in 1990 of 213.9 million pounds and low of 175 million pounds (heads-off weight) in 1994. In 1999, U.S. landings were 189.1 million pounds. According to the state of Texas, Texas shrimpers land about 70 million pounds of shrimp a year. The industry is experiencing low profit margins and faces competition from foreign imports and farm raised shrimp. Approximately 4–5 million pounds are raised annually on Texas shrimp farms. To meet the increase in consumer demand, imports of shrimp have continued to rise over the 1990s. Imports of shrimp, at 579.4 million pounds (heads-off weight) in 1990, have steadily increased to 959.9 million pounds in 1999. Setbacks to the Texas shrimping industry in recent years include rising fuel costs, level price of shrimp caught, the prohibition against fishing in Mexican waters, and measures to reduce the catch of sea turtles and other species in shrimp nets. The Texas shrimp industry is overcapitalized and the state is reducing the number of bay shrimpers in its waters. Although there has been some reduction in the shrimp fleet there remains a large number of vessels in the fishery. There were 5,676 vessels in the Gulf shrimp fishery in 1990, 4,682 vessels in 1993 and 4,246 vessels in 1998 (the latest year available).

Mr. Ortiz?

Mr. ORTIZ. Thank you, Mr. Chairman. I have a couple, or three questions for the Under Secretary.

What is the priority of NOAA for fish stock assessments, in particular, the red snapper stock? How is NOAA working to address this need? And if this is a priority, what funding is being requested for these type of activities?

Mr. GUDES. Congressman, red snapper is a very significant fishery, obviously, in the Gulf of Mexico. Bill Hogarth is here, who, before he got to Washington, was the southeast regional director.

It is a difficult type of species in that they tend to congregate in certain areas, and it is a little more difficult to survey. We obviously use both our independent data as well as the industry statistics to take a look. It also is a species that is not a directed fishery but rather on the shrimp fishery, and so that is a big issue.

I would say that, last year, Congress came forward with $8.3 million to help us do the kind of surveys that you have asked us to do. And that was one of the issues, Congressman. Our budget includes the continuation of $8.3 million, and I believe that our men

and women in places like our Pascagoula laboratory will do the kind of research needed. And with the right management measures, we will bring back the stocks of red snapper.

Mr. ORTIZ. I have some other questions, like Mr. Underwood.

I would like to enter into the record a story that came out in New York yesterday about progress and what we used to have. And this is for both of you; Mr. Jones as well.

[The news article referred to follows:]

Two Breeds of Survivor: Gulf Shrimp and Texas Shrimpers

BY R. W. APPLE JR.

NEW YORK TIMES, MAY 2, 2001

ARANSAS PASS, Tex.—For the better part of the last century, they billed this little port near Corpus Christi as "the shrimp capital of Texas." As a matter of fact, it was one of the shrimp capitals of the United States, working flat-out to help satisfy the nation's ravenous appetite for its favorite shellfish.

But not anymore. A few shrimpers still operate out of windswept Conn Brown Harbor, but the mood along the docks is decidedly downbeat.

Imported shrimp have made up for any shortfall in the catch here and elsewhere in this country, so prices have not risen much. But fresh, never-frozen shrimp—always that little bit pinker and sweeter, always that little bit more succulent, in my obdurately old-fashioned view—are harder to find now, even in stores and on restaurant menus hard by the Gulf of Mexico.

Stop for breakfast at the Bakery Café, founded in 1929, for a glimpse of Aransas Pass in its glory days. Color photographs mounted on the walls show dozens of trawlers in smart red-and-white livery, lined up with military precision, with a forest of masts and booms towering above.

A waitress, whose name tag said "Bobbi Ann," noticed me eyeing the photos and put me straight.

"Long gone," she said. "Every one of them."

Long gone to Nicaragua, to which they were dispatched six years ago by their owner, Sydney E. Herndon. For a half-century, his companies, doing business here under the trade name Gulf King, caught, packed and shipped gulf shrimp.

But Mr. Herndon, who is now 83 years old, finally gave up, convinced that he could find better weather, less bureaucratic bother and cheaper labor farther south, plus ample stocks of highly prized pink shrimp. As for the shrimp stocks here along the Coastal Bend of Texas, which once seemed inexhaustible, their well-being is the subject of urgent and impassioned debate. Here, as in other parts of the world, a combination of rapidly accelerating demand for fish, heightened ecological consciousness and more aggressive government intervention has unsettled the old order.

Marine biologists, determined to safeguard the local sea turtle population, especially a rare species called Kemp's ridley, see the shrimpers' nets as a threat to their efforts, and government officials have backed turtle-protection plans. Fearful that overfishing could expose gulf shrimp themselves to the kind of dramatic depletion that hit the cod of the Grand Banks and the redfish of the Gulf of Mexico, the officials have also adopted tight restrictions on commercial shrimping in this area.

The fishermen, beleaguered, feel misunderstood and persecuted.

"I'm like the last of the Mohicans," a grizzled skipper said as he unloaded his day's catch at the People's Street T–Head, a pier in downtown Corpus Christi, where a few small shrimp boats share space with excursion boats. "Who's going to want to go into this work now?"

Wilma Anderson, the hard-boiled, hard- smoking executive director of the Texas Shrimp Association, acknowledged that times are tough—but not, she said, because the shrimp are disappearing. Poor catches in recent years, she insisted, were part of the normal cycle of bad years and good, caused by the changing conditions in the estuaries where the shrimp eggs hatch.

"Our big problem is the environmentalists and the bureaucrats," Mrs. Anderson said. "They won't let us catch our maximum, even in good times. The recreation and environment lobbies get listened to, but we don't. They outshout us at hearings, and they'd as soon as not put us out of business."

Although some studies have shown a 30 percent decline in shrimp stocks, the fishermen question those findings, and Hal Osburn, the director of the coastal fisheries

division of the Texas Parks and Wildlife Department in Austin, conceded that estimating fish stocks was "an elusive thing at best."

He said that there had been no significant decline in the amount of shrimp landed in Texas in the last five years; the average from 1994 through 1998, he said, was 216 million pounds, and the total for 1999 was 236 million pounds.

"But we think we see warning signs, little things," Mr. Osburn continued, "and because of them, we think it is time to be proactive. So, we've tightened up the regulations. The shrimpers hate it, but the fact is, if we wait until the stocks start to collapse, it may be too late to do much about it. And I don't propose to preside over the demise of the shrimp fishery in the gulf."

Federal figures collected over the last 39 years show that, on average, shrimp are caught earlier and earlier in their life cycle; that means that more and more of them are taken before they have a chance to reproduce. New technology has made it possible to peel and market the tiniest shrimp.

"All in all, it seemed to us that they were in danger of harvesting most of their chickens as chicks," Mr. Osburn said. "We wanted to pull back from that, not to penalize the gulf shrimp industry but to save it."

DEEP–FRIED gulf shrimp are almost as much a Texas staple, at least in the eastern half of the state, as barbecue and chicken- fried steak. But these days, a lot of the "gulf" shrimp come from other, less familiar waters.

Already, more than half the shrimp consumed in the United States comes from overseas, according to federal statistics. Much of this originates in Ecuador and Thailand, which specialize in farm-raised shellfish. Increasingly, gulf fishermen also have to compete with domestic shrimp farmers, including some located here along the Texas coast and others who operate in the seemingly unpromising setting of arid West Texas, where they utilize saline groundwater.

"In 1990, shrimp farming was essentially zero in the United States," said Addison L. Lawrence, a shrimp mariculture expert at Texas A&M's Port Aransas campus, on Mustang Island to the east. "Today, it's a $20 to $30 million annual industry in terms of value to the farmer. No matter what happens to the gulf fishery, farmed shrimp will have to fill much of future need."

The most famous seafood restaurant in these parts, the King's Inn, sits picturesquely in the evocative coastal marshlands south of Corpus Christi. "On the water's edge," its advertisements say. As we approached the place along little-used back roads, my wife, Betsey, and I couldn't help thinking that the shrimp must practically jump from the water into the fry basket.

An old-fashioned, curiously formal sort of fried fish emporium, the inn boasts white tablecloths, a crystal chandelier and a dress code. We overheard a hostess politely instructing a sheriff, who was sitting at the next table, to remove his hat while eating. Face reddening, he meekly complied.

Someone in the King's kitchen knows how to fry. Oysters in a cornmeal batter were small, firm and nutty. Onion rings were sweet and spicy. And the shrimp were all that we had hoped for—butterflied, incredibly plump and juicy, their crunchy jackets light and greaseless, awaiting a squirt or two of lemon juice or a drop of Tabasco. We must have eaten a dozen each, and I quietly confessed to myself that I could have handled a dozen more.

When it came time to pay the bill, I complimented the young man at the register and asked whether the inn had its own shrimp boats.

"Oh, no, not at all," he responded. "Those shrimp come in by truck from San Antonio, from Sysco—you know, the big wholesale house."

We looked on other tables in the area for fresh local shrimp, without much success. A waiter at Vietnam, a busy place in Corpus Christi, told us that the chef stopped using local shellfish in his spicy Vietnamese shrimp salad and in his shrimp with eggplant because it sometimes smelled of gasoline. But Guy Carnathan's two restaurants out at Port Aransas, across the Inland Waterway, make do with the genuine article.

Mr. Carnathan buys his shrimp every day from a local boat. At Beulah, his upmarket establishment, he seasons them with lime and cayenne, grills them a second or two less than you or I would and serves them with a cilantro pesto on the side. The centers of the shrimp stay sweet, mild, still fleshy, while the edges, charred by the grill, provide a crisp, bitter accent.

Next door, at his bar and bistro, which is called "The Other Guy's Café," Mr. Carnathan turns out nonpareil regional classics, including deep-fried shrimp. I found them wonderfully tender, a notch better than the King's Inn's, and the portions were smaller, so this time we did order seconds. "There is freezing and freezing," an old seafood hand told me. "Freeze shrimp the minute you catch them and keep them frozen until you cook them—do that and you can't tell them from fresh. But that's not what happens in 99 percent of the cases these days. They're frozen,

thawed, sorted, refrozen and rethawed. You have to have a cast-iron palate not to taste the difference between that stuff and fresh shrimp."

In addition to telling the shrimpers where they can fish, when they can fish and what they can catch, the state has required them for the last decade to use "turtle excluder devices," which are metal plates or pieces of webbing designed to keep turtles out of the nets.

The fight to save gulf turtles centers on Kemp's ridleys, the most seriously endangered of the five sea turtle species in the region. They weigh as much as 100 pounds each.

Environmental groups sought the excluders and tighter restrictions on shrimping zones and seasons in the conviction that most of the turtles washed up on beaches had died in shrimpers' nets. Since the various limitations have been imposed, the population of Kemp's ridleys has slowly increased to about 9,000 adults, according to Donna J. Shaver–Miller, a research biologist, who heads the United States Geological Survey's field station on nearby Padre Island.

"Not all the turtles that are stranded—killed, wounded, sick—are stranded because of the shrimp trawlers," said Dr. Shaver–Miller, whose soft-spoken manner masks a passion for her work. "But it's a significant factor. Our figures show that there has always been a big reduction in strandings during the closed shrimp season."

Mr. Herndon, the rubicund old-timer who runs Gulf King, has another set of figures, which, he said, proves the opposite. Shrimpers, he said "don't catch any turtles, never have, but the people who make the rules don't accept what we say." During last summer's closure, he insisted, there were 41 strandings, against 38 in the comparable six-week period that followed the closure.

In addition to moving his boats south, Mr. Herndon was forced to shut down a $12 million shrimp processing plant that was built in 1986.

"If the shrimp industry collapses," Mr. Herndon said, with considerable asperity, "it's Osburn's and Shaver's regulations that will cause it, not overfishing by our boats."

The Texas authorities began sharply curtailing the number of new bay shrimp boat licenses in 1995 to guard against the danger of more and more boats pursuing a finite number of shellfish. So far, 550 licenses have been bought back for $2.8 million, and Mr. Osburn, the Parks and Wildlife official, said he hopes to get the number down to roughly 1,500 from twice that five years ago.

Thousands of Vietnamese refugees, fishermen in Southeast Asia, took up shrimping 20 years ago in Texas and Louisiana, originally in small, cheap wooden boats well suited for fishing in the shallow, protected bays along the coast. Many settled in Rockport, a fishing village just north of here; its local celebrity is Dat Nguyen, a linebacker for the Dallas Cowboys.

But bay fishing dwindled. Some immigrants found other jobs in Corpus Christi or Rockport, and others, with more capital, bought bigger seagoing boats and joined the Vietnamese–American colonies around Palacios and Port Lavaca, farther up the coast. Some of those boats—modern, efficient shrimp-stalking machines—cost $600,000.

In the Mekong Delta, where most of the Vietnamese came from, they would qualify as ocean liners.

Mr. ORTIZ. We don't have a shrimping fleet any more. We have to put up with a lot of imported shrimp, from other countries. And I would like you to answer this question for the record. I think this is a very, very interesting problem.

Mr. GILCHREST. Thank you very much, Mr. Ortiz. Your question will be submitted for the record.

Mr. Gudes, thank you for coming. Good luck in your next hearing.

Mr. Jones, we will be back as soon as we can.

Mr. GUDES. Thank you.

Mr. GILCHREST. The committee is in recess.

[Recess.]

Mr. GILCHREST. The Subcommittee will come back to order. We are trying to figure out what we are doing up here.

[Laughter.]

I think what we will do is, we will start with Mr. Jones. We will hear your testimony, sir. And then we will have the members ask questions both to NOAA and to deal with Fish and Wildlife issues.

Mr. Jones?

STATEMENT OF MARSHALL JONES, ACTING DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. JONES. Thank you, Mr. Chairman. We will be pleased to work with you in any way we need to as you go through your procedures this morning. We have plenty of hours, too.

I am very pleased to be here today to discuss the Fiscal Year 2002 budget request for the Fish and Wildlife Service. The administration is requesting $1.78 billion, an increase of about $30 million from last year's request and $205 million more than was appropriated in Fiscal Year 2000. My formal statement contains extensive details relating to these amounts that I won't repeat now, but I do want to highlight some of the issues.

The request for the resource management account, which funds the bulk of the service's operational programs, is $807 million, which is essentially the same amount appropriated last year, although it has some different components, and $92 million more than was appropriated in Fiscal Year 2000.

Within this $807 million for what we would call base programs, there are proposed reductions of $41 million, primarily from the elimination of earmarks and pass-through funds and corresponding increases, which just coincidentally added up to about the same amount, restoring about $41 million for high-priority programs and for pay costs, the increases for those uncontrollable expenses, which Mr. Gudes has also alluded to in his testimony.

Thus, while total funding for the resource management account is the same as last year, there are program amounts which have been adjusted to reflect the President's priorities. There are also proposed reductions in the additional funding provided the service in Title A of last year's appropriation act. Most of these reflect the President's proposal to fully fund the Land and Water Conservation Fund.

Within the resource management account, we are proposing an increase of $15 million over last year's enacted level for the National Wildlife Refuge System. $10 million of this will be used to hire additional maintenance workers for essential needs, to increase annual preventive maintenance, and to address the maintenance backlog, while an additional $5 million will go toward covering the increase in our fixed costs. There is also $12.2 million in our construction request for refuge facility rehabilitation projects.

This Subcommittee has, for many years, been a champion of increased funding for the refuge system. I am very pleased that the administration's request continues the increase in funding for the system that we have seen with your help in the last several years, and hope that we can continue to count on working with you to build on your support this year and in the future.

We will provide Congress later this year with a report that is called for in the refuge centennial act on how we might address additional unfunded needs.

In the Endangered Species Program, we are requesting an increase of $2 million for endangered species listing. This request provides a 34 percent increase above Fiscal Year 2001 and a 37 percent increase above Fiscal Year 2000 funding levels.

This increase will help return balance to the listing program, enabling the service to protect species that are in decline, respond to citizen petitions to list new species, and designate critical habitat for species that are already listed.

Due to a flood of litigation, as detailed in my formal statement, we cannot now do this. All of our available funds must be spent as dictated solely by court orders and settlement agreements.

I want to note that this proposal was initiated by the service over the last several months, and we viewed it as a continuation of efforts that began several years ago to find a more rational way to address this issue.

This is a real problem which needs to be addressed, Mr. Chairman, and we would welcome the opportunity to work with you and other interested members of the committee and the Congress as a whole to craft a solution that would meet with wide approval.

The request for both our fisheries and law enforcement programs is slightly more than last year, while that for the contaminants and migratory bird programs is essentially unchanged. There is a slight decrease requested for the Habitat Conservation Program.

Mr. Chairman, the President's decision to fully fund the Land and Water Conservation Fund, as you noted in your opening remarks, includes $450 million for Federal land acquisition, as well as $450 million for the stateside land and water program.

Of the Federal portion of this, the administration is requesting $164 million for the Fish and Wildlife Service. Within that $164 million, $104 million will be used for refuge easements and land acquisitions, and an additional $60 million for two proposed new grant programs. Included within the refuge land acquisition proposal is $1 million for Blackwater refuge in Maryland, $3.2 million for the Forsythe refuge in New Jersey, $3 million for Laguna Atascosa in Texas, $500,000 for the Louisiana black bear complex, and a number of other priority acquisitions.

In terms of the two new grant programs that are included in the Land and Water Conservation Fund proposal, the first of these is a $50 million landowner incentive program, which will provide competitively awarded grants to states, tribes, and territories for technical and financial assistance to landowners who voluntarily desire to protect and manage wildlife habitat on their land while they continue traditional land use practices.

The second new program is a $10 million private stewardship grant program. These grants would go directly to individuals and groups that are engaged in local, private, and voluntary conservation efforts that benefit listed candidate endangered species or at-risk species.

The states are given the opportunity to provide additional funding for some of the service's programs through the President's proposal to expand the purposes of the stateside Land and Water Conservation Fund. Under this proposal, states would receive flexibility to use these funds for endangered species and other wildlife and habitat conservation efforts, including protection,

enhancement, and restoration of wetlands, if consistent with the North American Wetlands Conservation Act.

In conclusion, Mr. Chairman, thank you for giving us the opportunity to present an overview of the Fish and Wildlife Service's Fiscal Year 2002 budget request, and we look forward to answering any questions that you or the other members of the committee might have.

[The prepared statement of Mr. Jones follows:]

Statement of Marshall Jones, Acting Director, Fish and Wildlife Service, U.S. Department of the Interiorse pelican

I appreciate this opportunity to present the President's Fiscal Year 2002 Budget Request for the United States Fish and Wildlife Service.

The Service's Fiscal Year 2002 budget requests $1.782 billion, consisting of $1,091,265,000 in current appropriations and $690,754,000 in permanent appropriations. The Fiscal Year 2002 budget for current appropriations is $167,935,000 less than Congress enacted in Fiscal Year 2001, but an increase of $204,747,000 above Fiscal Year 2000. The 2002 request for the resource management operating account totals $806,752,000, $64,000 less than levels enacted for Fiscal Year 2001. The Land Acquisition account, is funded at $164,401,000, including $104,401,000 for land and easement acquisition from willing sellers, $50,000,000 for a new Landowner Incentive Program, and $10,000,000 for a new Private Stewardship Grants Program. The Construction account is funded at $35,849,000 in accordance with the Department's five-year plans for construction and maintenance.

The Service's principal trust responsibilities encompass protecting and conserving migratory birds, threatened and endangered species, certain marine mammals, and inter-jurisdictional fisheries. The Service mission is to work with others, to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. The Service manages 535 National Wildlife Refuges, 78 Ecological Services Field Stations, 70 National Fish Hatcheries, 64 Fisheries Resources Offices, nine Fish Health Centers, seven Fish Technology Centers, 37 Wetland Management/waterfowl production areas, and 50 Coordination Areas, totaling about 94 million acres. We work with diverse partners, including other federal agencies, state and local governments, tribes, international organizations, private entities, and the local citizenry, both on and off Service lands.

The Service's Fiscal Year 2002 Budget increases resources for state and local conservation initiatives and provides our state, local and tribal partners more flexibility to support the programs that best suit their needs. The Service's mission will be furthered by the President's historic decision to fully fund the Land and Water Conservation Fund (LWCF) at $900 million. Full LWCF funding and more flexible program choices will enable states, tribes, communities and private landowners to protect great places and conserve and restore open space for recreation and wildlife. For example, states may use their share of the new Department of the Interior $450 million state LWCF program for grants in line with their habitat restoration and other conservation priorities within their overall allocation.

Two new grant programs under LWCF and administered by the Service can achieve state and local species protection and habitat restoration priorities. A new $50 million Landowner Incentive Program for states and tribes will help private landowners protect and manage habitat for imperiled species—while continuing to engage in traditional land use or working land conservation practices. A new $10 million Private Stewardship Program will fund grants to individuals and groups for conservation projects on private lands.

All of these efforts anticipate the future needs of conservation, as land use decisions grow more complex and increasingly require cooperation with states, tribes, communities, and the private sector. We will assist these partners, who are among America's most ardent conservationists, in their efforts to preserve lands and the wildlife that inhabits them.

In summary, the programs and projects contained in this budget serve people, champion fish and wildlife, and address every major habitat type across the nation. The Service intends to do this, while streamlining work practices and improving program delivery. The Service will continue using cross-cutting cost allocation methodology to fund general operating expenses.

In addition, the budget proposes several targeted initiatives to address high-priority conservation needs in California, the Pacific Northwest, the Florida Everglades, and the Great Lakes.

CALFED Bay Delta Restoration

The Service requests an additional $1,000,000 to support the multi-agency CALFED Bay–Delta Program that rehabilitates ecosystems and improves water management in California's Sacramento–San Joaquin Bay–Delta estuary. The Service has a major role in addressing compliance with state and federal endangered species acts; managing the Environmental Water Account; and overseeing wetlands, flood plain management, and restoration contracts under the CALFED Program. The Service will participate on collaborative, multi-agency teams to develop water project operations and will take part in many of the approximately 170 different site-specific projects.

Trinity River Restoration

The Service requests an additional $2,000,000 to implement a comprehensive river restoration program for the Trinity River in northern California and southern Oregon. The program specifies flows in the river, restoration actions, and monitoring/adaptive management necessary to restore the lost fisheries of the Trinity River. The Service will work closely with the Trinity Management Council to select the highest priority habitat restoration projects. The projects will help increase populations of coho, steelhead, and chinook salmon, increase suitable spawning habitat, and establish adequate water quality for essential fish migration.

Columbia Basin Salmon Conservation

The Service requests an additional $3,500,000 to address salmon conservation in the Columbia River Basin of the Pacific Northwest. Development in the Columbia Basin has contributed to the decline of listed fish (bull trout, Kootenai white sturgeon, and salmon and steelhead populations) and others. The Service, with over a century of involvement in fisheries management in the Columbia Basin and Endangered Species Act responsibility for bull trout and Kootenai white sturgeon, will be a key player in this multi-species, basin-wide strategy. We will restore and protect federal and non-federal habitat; modify fish propagation strategies; improve hydropower operations for native aquatic species survival; manage harvests to minimize take of listed species while meeting treaty trust responsibilities; provide sustainable levels of sport and commercial harvest; and, address Caspian tern depredation on juvenile salmon.

Comprehensive Everglades Restoration Plan

The Service requests an additional $2,700,000 to support the Comprehensive Everglades Restoration Plan (CERP), the most far-reaching and ambitious ecosystem restoration project ever undertaken in the United States. The 30-year restoration effort is designed to restore the Everglades" hydrological and ecological functions, which have been seriously degraded by 50 years of flood control and drainage projects. We will work with the Corps of Engineers and other interagency partners to ensure ecosystem benefits consistent with long-term CERP project goals. These efforts, a major Service focus in South Florida, will restore habitat for wetland-dependent and other aquatic species, restore native aquatic species, recreational and commercial fisheries, and other aquatic resources.

Great Lakes Consent Decree

The Service requests an additional $1,200,000 to uphold tribal fishing rights and allocate fishery resources between tribes and state fishers in accordance with the U.S. v. Michigan 2000 Consent Decree. As a party to the Consent Decree, the United States, through the Service, is required to provide expert technical support on dispute issues related to the Decree; provide biological expertise and technical assistance to tribes and the State of Michigan on the allocation and management of shared fishery resources; maintain and increase the number of lake trout stocked in Lakes Michigan and Huron; and, evaluate the success of lake trout rehabilitation.

Let me now direct my comments about the Fiscal Year 2002 budget to the specifics of each of the resource management programs the Service administers.

The U.S. Fish and Wildlife Service Programs and Benefits

There is a national consensus that fish and wildlife conservation is integral to our way of life, our national economy, and the outdoor legacy we will leave for future generations. Viable fish and wildlife populations are resources the nation cannot afford to lose. More than ever, the Service is turning to conservation partners for common-sense approaches that benefit both wildlife and people.

Resource Management

Ecological Services—The Service requests a total of $198,493,000, a net decrease of $11,389,000 below the Fiscal Year 2001 enacted level, but an increase of

$12,111,000 above Fiscal Year 2000 levels, for Ecological Services programs, including:

Endangered Species—The Service requests a total of $111,814,000, $9,133,000 below the Fiscal Year 2001 enacted level, but $5,743,000 above Fiscal Year 2000. The program funding will support operations that enhance implementation of the Endangered Species Act, one of the nation's most significant environmental laws.

Candidate Conservation * The request will keep three species from being listed by supporting additional Candidate Conservation Agreements with private landowners and state and local governments to better manage threats to species and their habitats before they become critically imperiled.

Listing * The request includes a $1,962,000 program increase to address a critical backlog of required listing actions, help meet statutory time frames, complete court-ordered listing and critical habitat actions within imposed deadlines, and adequately inform the public about listing actions. This program determines whether to list wildlife and plant species. If listed, a species is protected under the ESA, including prohibitions on taking (e.g. killing or harming) the species.

This request provides a 34% increase above Fiscal Year 2001, and a 37% increase above Fiscal Year 2000 funding levels. This increase will help return balance to the listing program, enabling the Service to protect species that are in decline, respond to citizen petitions to list new species and designate critical habitat for species that are already listed.

A flood of court orders requiring the Service to designate critical habitat for hundreds of species threatens to consume the entire listing budget in Fiscal Year 2002, as it has in 2001. The budget increase will not be enough by itself to restore this balance. In fact, after complying with existing court orders to designate critical habitat, the Service does not have any remaining resources or staff to place new species on the list of threatened and endangered species or to respond to citizen petitions to list new species. In short, because of the lawsuits, we currently do not have an effective listing program.

The prior Administration requested that Congress place a cap on the listing program beginning in 1998, and this Administration is asking Congress to continue the cap. The reason for the cap is to ensure that the Service can maintain an overall endangered species program that not only includes listing new species and designating critical habitat but also undertaking recovery programs, working with states, landowners, and others to conserve species before they require listing, consulting with federal agencies where required by the Act, and delisting species when they have recovered. Absent the cap, the Service is concerned that the courts might require us to take funds from not only other endangered species activities, but also possibly other resource management accounts to designate critical habitat. If this were to happen, the imbalance that currently plagues the listing program could spread not only to the entire endangered species program, but also potentially affect other non-endangered species resource management programs within the Service.

The President, therefore, is continuing efforts begun by the last Administration to break this gridlock and get back to the important business of protecting imperiled species. We are asking Congress to concur that funds be spent on listing actions that provide the greatest benefit for species at risk of extinction. This proposal would not change any of the underlying substantive requirements of the ESA, but would allow the Service to use its resources to protect the species that are in greatest need of listing. The Service hopes to engage the public and interested groups in the development of a listing priority system, and then to put the resulting priority system out for public review and comment this summer.

We recognize that this proposal has resulted in considerable controversy. While the problem is real and needs to be addressed, we would welcome the opportunity to work with this Committee and other interested Members to craft a solution that meets with wide approval.

Consultation/HCP * The request includes a $520,000 program increase to support the Comprehensive Everglades Restoration Plan. In addition, we will continue to address the growing demand by landowners, state and local governments, and developers for Habitat Conservation Plans (HCPs). The Service expects to be involved in implementing more than 650 HCPs covering more than 48 million acres in Fiscal Year 2002, and developing an additional 200 HCPs, covering 26 million acres.

As part of these efforts, the Service will assist in development of a regional HCP with the Edwards Aquifer Authority in central Texas for individual, municipal and industrial water withdrawals from the Edwards Aquifer. Also Fiscal Year 2002, final application documents are expected from Pima County, in southern Arizona for the Sonoran Desert Conservation Plan, a multispecies, watershed-based HCP on 5.9 million acres. The Service also anticipates an HCP in Fiscal Year 2002 with International Paper for the threatened gopher tortoise on more than 275,000 forested acres in Alabama and Mississippi. The Service, during informal and formal interagency consultations, now reviews approximately 62,000 federal actions for section 7 compliance per year.

Recovery * The request includes a $390,000 program increase to support the Comprehensive Everglades Restoration Plan. In addition, we will continue activities to recover, downlist, and delist species, conduct ESA-mandated, post-delisting monitoring, and involve private landowners in recovery through Safe Harbor agreements. The most recent delisting is that of the Aleutian Canada goose. The Service will intensify efforts for species in need of special attention, such as Columbia River salmon with a requested increase of $625,000.

Habitat Conservation—The Service requests a total of $76,209,000 for Habitat Conservation programs, $2,081,000 below the Fiscal Year 2001 enacted level, but $5,760,000 above Fiscal Year 2000.

Partners for Fish and Wildlife * The request will continue this highly effective program for voluntary habitat restoration on private lands. The 14-year-old Partners program has quietly worked with 24,000 private landowners through voluntary partnerships to implement on-the-ground habitat restoration projects across the country. The program provides cost-sharing and one-on-one restoration expertise to assist private landowners in restoring wetlands, grasslands, streams and other habitats important to migratory birds, anadromous (migratory) fish, and declining species. These habitat restoration projects will enhance habitat for fish and wildlife while recognizing the need to maintain profitable agriculture, sustainable communities, and the nation's overall quality of life.

Project Planning * The request includes a $1,690,000 program increase to support the Comprehensive Everglades Restoration Plan and a $1,000,000 program increase to support efforts (consistent with the California Bay–Delta Environmental Enhancement Act) to assess potential fish, wildlife, and habitat restoration impacts of federal, state, local and tribal water management projects. The San Francisco Bay–Delta area has many listed, proposed, and candidate species, including Delta smelt, Sacramento splittail, California clapper rail, salt marsh harvest mouse, and Suisun thistle. The Service will assist federal, state, and local agencies in planning and implementing habitat restoration and species recovery.

Environmental Contaminants—The Service requests a total of $10,470,000 for the Environmental Contaminants Program, a net decrease of $175,000 below the Fiscal Year 2001 enacted level, but $608,000 above Fiscal Year 2000 levels.

The request will continue to fund cooperative partnerships with federal, state and private entities to identify, quantify and provide remedies for pollution problems affecting fish, wildlife and habitat resources. In particular, the contaminants program will continue proactive efforts with the Environmental Protection Agency to improve water quality criteria, assess effects of EPA's proposed new and re-registered pesticides, and continue work at Superfund sites; coordinate pre-spill planning, response efforts and development of new response options; and implement integrated pest management to control invasive and nuisance species on Service lands.

National Wetlands Inventory—The Service will continue to strategically produce maps and updated digital resource information, with emphasis on areas of the nation experiencing substantial developmental growth and change. Contemporary habitat maps in digital format will also assist in the planning for needed energy and infrastructure development projects that avoid potential adverse effects on trust fish and wildlife resources.

National Wildlife Refuge System: Fulfilling the Promise—The Service requests $314,664,000 for National Wildlife Refuge operations and maintenance, a net increase of $14,986,000 above the Fiscal Year 2001 enacted level and $55,687,000 above Fiscal Year 2000, which includes a $10 million program increase to address the Secretary of the Interior's commitment to reducing maintenance backlogs.

In 1903, President Theodore Roosevelt was so impressed upon seeing Pelican Island, a tiny Florida island crowded with birds, he immediately established it as the first federal wildlife refuge. Pelican Island still thrives as a living legacy and symbol of the Refuge System's upcoming Centennial. The budget requests funds to begin constructing an Interpretive Center and Administrative facility to share Pelican Island's legacy.

These are historic times for the National Wildlife Refuge System. As we approach the centennial anniversary, we are proud of the progress we have made together strengthening the Refuge System. Several important events during the last few years have given us the opportunity to make the Refuge System an even more powerful conservation tool and to provide even greater opportunities for people to enjoy the Refuge System. These events set the stage for us to address our most pressing operational and maintenance needs, and to develop comprehensive conservation plans for each refuge in the System. Refuge operations and maintenance focus areas include:

Wildlife * The Refuge System will implement projects that support its core mission to protect wildlife. The projects will improve science-based management, expand management capabilities on newly acquired refuge lands, and enhance the protection and management of endangered species throughout the refuge system.

Habitat * The Refuge System will employ a full range of land management activities, from protection of pristine areas to intensive manipulation of soils, water, topography, and vegetative cover, and fighting invasive species. These invaders threaten critical wildlife habitat and native species on refuges and adjacent lands. Invasive species spread nationally over 5,400 additional acres each year, and now affect more than six million refuge acres, indicative of invasive species threats in many communities.

People * The Refuge System will accommodate more than 37 million visitors in 2002, a number expected to grow by another six million by the Centennial in 2003. The Service will improve public use, environmental education, recreational, and interpretive programs on refuges to better serve these visitors. Other high priorities include the recreational fee demonstration program, refuge law enforcement, support for the Alaska subsistence program, Challenge Cost Share grants, the Native American Graves Protection and Repatriation Act, and volunteer activities.

Refuge Maintenance * The request includes a $10,042,000 program increase to address the most critical annual and deferred maintenance projects. In Fiscal Year 2002, we will implement a three-step approach to reducing the deferred maintenance inventory by increasing funding to hire essential maintenance workers, performing additional annual preventive maintenance, and performing additional deferred maintenance, including a $1.8 million increase for condition assessments and improving maintenance management systems.

Migratory Bird Management—The Service requests $25,159,000 for migratory bird management, a net decrease of $525,000 below the Fiscal Year 2001 enacted level, but $3,560,000 above Fiscal Year 2000.

Conservation and Monitoring * The request includes a $250,000 program increase to address Caspian tern depredation in support of the Columbia Basin Salmon initiative. In addition, we will implement management projects in priority habitats and throughout annual migratory cycles. Migratory birds travel thousands of miles across and between the Americas. They are among the best indicators of landscape health. They provide recreational opportunities for millions of people, and a major boost to the economy. The Migratory Bird Management program provides reliable status and distribution information that forms the scientific basis for effective conservation decisions and sound hunting regulations.

Partnerships in Action: The North American Waterfowl Management Plan * The Service is improving coordination of the Joint Venture program, which expanded by nine newly funded Joint Ventures for a total of 15 in Fiscal Year 2001. This successful program protects and restores essential habitat for diverse migratory bird species across all of North America, both on, and, to a greater extent, off Service lands. As of December 2000, Plan partners have contributed approximately $1.5 billion to protect, restore, or enhance 5.9 million acres of U.S. wetlands, grasslands, forests, and riparian habitat, more than one-third of the 17 million acres of U.S. habitat objectives under the Plan.

The Service and more than a thousand communities, governments, nonprofit organizations, ordinary citizens, federal agencies in 49 states, and academia have participated in this program to date.

Law Enforcement—The Service will implement many important initiatives in our newly strengthened law enforcement program, including hiring and equipping up to 20 new agents, to fill vacancies, continuing to train the 35 agents hired in Fiscal Year 2001, establishing a designated port in Anchorage, Alaska, and addressing the growing docket of wildlife crimes. Today's law enforcement program is at a critical crossroads—facing increasingly complex and potentially devastating illegal trade, unlawful commercial exploitation, habitat destruction, and environmental contaminants. Priorities will include ensuring successful species reintroduction and Habitat Conservation Plans, working with industry to reduce contaminants and other industrial hazards, and controlling illegal wildlife trade.

Fisheries—The Service requests $92,979,000, $950,000 above the Fiscal Year 2001 enacted level and $9,039,000 above Fiscal Year 2000, to continue supporting activities that restore the nation's waterways, native aquatic species, and habitats. Our waterways are an economic lifeline, provide recreation, and have a significant impact on the quality of life in our communities.

National Fish Hatchery System * The request includes a $1,000,000 program increase to support the Columbia River Salmon Initiative and $575,000 to implement lake trout restoration activities for the U.S. v. Michigan Consent Decree. Federal hatcheries are a powerful tool for conserving biological diversity, restoring imperiled aquatic species, and recovering listed aquatic species. Nearly two-thirds (56) of all approved recovery plans for fish and more than one-third of all fishery restoration plans prescribe hatchery propagation, refugia, or technology development as essential components of species recovery. The hatchery system is currently assessing how it will re-direct its activities, with an emphasis on retaining the wild characteristics and genetic diversity of fish produced for reintroduction to their native environments. Fish production and refugia strategies complement actions to restore habitats and waterways.

Fish and Wildlife Management * The request includes a $1,625,000 program increase to support the Columbia Basin Salmon Initiative, a $625,000 program increase for tribal trust responsibilities under the U.S. v. Michigan Consent Decree, a $100,000 program increase to support the Comprehensive Everglades Restoration Initiative, and a $2,000,000 program increase to implement the Record of Decision resulting from the Trinity River Flow Evaluation to restore steelhead, chinook salmon and coho salmon to predam levels.

Fish and Wildlife Management Assistance assists state, federal, tribal, and private partners in restoring watersheds, recovering endangered species and managing inter-jurisdictional fisheries and marine mammals by administering cooperative programs such as the Cooperative Tagging Program for striped bass, the Mark–Recapture Programs for Pacific salmon, the Mississippi River Basin Paddlefish Research Project, and the Connecticut River Atlantic Salmon Commission Tagging Program. The program facilitates effective decision-making and large-scale restoration, conservation and management of aquatic resources by bringing diverse interest groups together; sharing population and habitat information; and coordinating research, planning, and management activities. These cooperative activities ensure environmental, economic, and aesthetic benefits of restored or improved river habitats, increased fish and other aquatic populations, and sustained recreational and commercial fishing.

General Operations—The Service requests $124,053,000 a net decrease of $4,913,000 below the Fiscal Year 2001 enacted level but an increase of $809,000 above Fiscal Year 2000, for Central Office Administration, Regional Office Administration, Service-wide Administrative Support, National Fish and Wildlife Foundation, National Conservation Training Center, and International Affairs programs.

Cost Allocation Methodology

Allocation of General Operations Expenses * The Service has implemented a cost allocation methodology (CAM) to fund general operations expenses. General operations include both administrative and facility support programs that are essential to all Service programs. CAM distributes these costs among all Service appropriations and funding accounts based on actual use of specific business operations to benefiting activities. As a result, each appropriation and account funds an equitable share of general operations costs. CAM was implemented in response to internal and external

(Congress, the General Accounting Office) reviews of Service funding practices. The CAM is displayed on all funding tables as a non-add item indicating that the operating expenses are integral to program operation.

Streamlining

As part of the overall Department initiative, we will implement $3,518,000 in administrative cost savings, travel reductions, across-the-board initiatives, and headquarters and regional consolidation of functions.

Construction—The Service requests $35,849,000 for Construction, a net reduction of $27,028,000 below the Fiscal Year 2001 enacted level and $17,679,000 below Fiscal Year 2000, for our most urgent construction needs.

Construction Projects * The request includes $ 27,357,000 for 18 dam safety, road and bridge safety, and other priority projects at national wildlife refuges, fish hatcheries, and law enforcement facilities, including dam and bridge safety inspections. The rehabilitation and replacement projects will address the most critical health, safety, and resource protection needs in the Service's Five–Year Construction Plan.

Nationwide Engineering Services * The remaining $8,492,000 supports the Nationwide Engineering, seismic safety, and environmental compliance programs.

Land Acquisition—The Land Acquisition Account has been significantly restructured to reflect the President's commitment to fully funding the Land and Water Conservation Fund (LWCF) and enhance partnerships with states, communities, tribes, and private landowners. The Service requests $104,401,000 for high-priority acquisition of land and conservation easements from willing sellers. This request would acquire approximately 53,855 fee interest acres and 23,053 permanent easement interest acres. Major focus areas for Fiscal Year 2002 include Pelican Island, Balcones Canyonlands, Canaan Valley, Chickasaw and Columbia. A full list of requested projects is included in the Land Acquisition section of the budget.

The request includes $19,291,000 for acquisition management, land exchanges, inholding acquisitions, and emergency acquisitions, an increase of $7,218,000 above the Fiscal Year 2001 enacted level. The increase reflects an internal transfer of $4,526,000 from projects to land acquisition management to more accurately reflect personnel costs that were charged to projects in Fiscal Year 2001. This is an interim step, and the Service is working with the Department to estimate non-project costs and develop standards and the types of costs that should be charged to projects.

Landowner Incentive Program * The budget proposes a $50,000,000 Landowner Incentive Program for states to help private landowners protect imperiled species while engaging in traditional land use or working land conservation practices.

Private Stewardship Grants * The budget proposes a $10,000,000 Private Stewardship Grant Program to provide federal funding for private conservation initiatives.

Cooperative Endangered Species Conservation Fund—The Service requests $54,694,000 for the Cooperative Endangered Species Conservation Fund, $50,000,000 below the Fiscal Year 2001 enacted level but $31,694,000 above the Fiscal Year 2000 level. The proposed funding level would provide $21,000,000 to support Habitat Conservation Plan Land Acquisition; $17,759,000 for Recovery Land Acquisition grants to help implement approved species recovery plans; and $6,650,000 for HCP planning assistance to states. The Service will use $7,520,000 to provide conservation grants for habitat restoration, studies, surveys, and other state activities supporting endangered species conservation.

The budget provides additional funding opportunities to protect species and habitat by fully funding the Land and Water Conservation Fund at $900 million and giving states the flexibility to use these funds to meet the purposes of the Cooperative Endangered Species Conservation Fund.

North American Wetlands Conservation Fund

The Service requests $14,912,000 for the North American Wetlands Conservation Fund, $25,000,000 below the Fiscal Year 2001, but about the same as the Fiscal Year 2000 enacted level. These funds are being redirected toward new state conservation initiatives in the budget. This Fund protects and restores wetland ecosystems that serve as habitat and resting areas for migratory game and non-game birds. The Fund supports non-regulatory private-public investments in the U.S., Canada, and Mexico. To date, nearly 1,500 partners have worked together on nearly 900 projects in 48 states, the U.S. Virgin Islands, ten Canadian provinces, and 21 Mexican states to protect, restore and/or enhance almost seven million acres of wetlands and associated uplands in the U.S. and Canada and vital habitat on millions

of acres within Mexico's large biosphere reserves. This request is expected to generate approximately $49,000,000 in total partner funds and resources and protect and enhance 409,000 acres of wetland and upland habitat.

The budget provides additional funding opportunities to protect species, habitat and wetlands by fully funding the Land and Water Conservation Fund at $900 million and giving states the flexibility to use these funds to meet the purposes of the North American Wetlands Conservation Fund. Likewise, the existing Partners for Fish and Wildlife program and two new grant programs, the $50 million Landowner Incentive Program and the $10 million Private Stewardship Program, may also fulfill these purposes by protecting imperiled species and their habitats.

Multinational Species Conservation Fund

The Service requests $3,243,000 for the Multinational Species Conservation Fund, the same as the Fiscal Year 2001 enacted level, to provide technical and cost-sharing grant assistance to African and Asian nations for conserving elephants, rhinoceros, tigers, great apes, and their habitats. African elephants, Asian elephants, rhinoceros, tigers and great apes are endangered species protected from take and trade by CITES and U.S. laws. This Fund provides successful, on-the-ground support to range countries involved in elephant, rhinoceros, tiger and great ape conservation; and, generates local matching resources from these countries.

National Wildlife Refuge Fund

The Service requests $11,414,000, the same as the Fiscal Year 2001 enacted level, for payments to counties in which Service lands are located. This amount will be augmented by an additional $197,000 in expected receipts from the sale of products, other privileges, and leases for public accommodations or facilities on the refuges. The Fiscal Year 2002 estimate for payments to counties is $15,682,000.

The Service's estimates indicate that refuge visitors contribute more than $400,000,000 to local economies each year. These benefits will continue to grow with projected increases in visitation.

Wildlife Conservation and Appreciation Fund

The Service proposes to discontinue this account in Fiscal Year 2002 and redirect these funds toward other state and local conservation initiatives. The President's Budget provides additional funding opportunities to protect species and habitat by fully funding the Land and Water Conservation Fund at $900 million and giving states the flexibility to use these funds to meet the purposes of the Wildlife Conservation and Appreciation Fund. Likewise, the Partners for Fish and Wildlife program and two new grant programs, the $50 million Landowner Incentive Program and the $10 million Private Stewardship Program, may also fulfill these purposes by protecting imperiled species and their habitats.

State Wildlife Grants Fund

The Service proposes to discontinue both the formula and competitive State Grant programs in Fiscal Year 2002 and redirect these funds toward other state and local conservation initiatives. The President's Budget provides additional funding opportunities to protect species and habitat by fully funding the Land and Water Conservation Fund at $900 million and giving states the flexibility to use these funds to meet the purposes of the State Wildlife Grants Fund. Likewise, the existing Partners for Fish and Wildlife program and two new grant programs, the $50 million Landowner Incentive Program and the $10 million Private Stewardship Program, may also fulfill these purposes by protecting imperiled species and their habitats.

Permanent Appropriations—In Fiscal Year 2002, receipts into the Service's permanent appropriations are projected to total $690,754,000, a combined $54,983,000 increase to Fiscal Year 2001 deposits, to the following accounts: National Wildlife Refuge Fund, North American Wetlands Conservation Fund, Cooperative Endangered Species Conservation Fund, Recreational Fee Demonstration Program, Migratory Bird Conservation Account, Sport Fish Restoration Account, Federal Aid in Wildlife Restoration Account, Miscellaneous Permanent Appropriations, and Contributed Funds. The major changes are:

Sport Fish Restoration Account * An additional $50,355,000 in receipts will become available to the U.S. Fish and Wildlife Service due to anticipated increases in tax revenues and interest on invested tax collections. Tax receipts and interest earned are available for obligation in the year following their deposit into the Aquatic Resources Trust Fund.

Federal Aid in Wildlife Restoration Account * Tax receipts available in Fiscal Year 2002 for Wildlife Restoration projects are expected to slightly increase by $66,000 above Fiscal Year 2001 levels, and due to increased interest rates, interest earned is estimated to increase by $2,000,000. Tax re-

ceipts become available for obligation in the year following their deposit to the U.S. Treasury, although interest earned in the current year is available during the year in which it is earned.

This concludes my statement. I would be pleased to respond to any questions you may have.

Mr. GILCHREST. Thank you very much, Mr. Jones.

The last couple of things that you talked about, the grant program for land use and people who will continue to use the land in a traditional way and receive grant dollars for habitat restoration or habitat protection, those kinds of things, were they two programs you just described? Two grant programs?

Mr. JONES. Yes, sir.

Mr. GILCHREST. What were the names?

Mr. JONES. The first was a $50 million landowner incentive program; the second, a $10 million private stewardship program. Both programs are directed toward ways that we can work with landowners and communities to address the needs of the—

Mr. GILCHREST. Those are existing programs in Fish and Wildlife right now?

Mr. JONES. No, sir. Those are both new programs.

Mr. GILCHREST. That we will have to authorize? We would have to authorize those programs?

Mr. JONES. That is correct. They would be authorized through the appropriations process.

Mr. GILCHREST. We would not have to authorize that here in this committee?

Mr. JONES. No, Mr. Chairman, because these programs are included in the broad umbrella of the Land and Water Conservation Fund request.

Mr. GILCHREST. I see.

Mr. JONES. But they, unlike the other part of Federal Land and Water Conservation Fund, the part that we would use—

Mr. GILCHREST. Well, Mr. Underwood said "consternation."

[Laughter.]

This is something I would like to talk to you further about—I don't know if any other members have questions—whether we need specific authorizing language from this committee or whether you just go through the Appropriations Committee. It sounds interesting, in the context that, between those two programs, it is about $60 million before some effort to work with the private sector.

Just briefly, on the Delmarva peninsula—Maryland, Delaware, Virginia—we have been working for about 2 years with a number of people, including farmers; chambers of commerce; planning and zoning committees; ag extension agents; and, to a lesser extent, just conversations with the Department of Agriculture, Federal and state; and the Department of Natural Resources; and, to some extent, Fish and Wildlife.

Without working through any existing structure or any existing program, what we want to do on the Delmarva peninsula, we are about ready to do some structural things, and $60 million pumped into Delmarva, I don't know if that is a national program or a Delmarva program—

[Laughter.]

At any rate, what we do with the Delmarva peninsula is keep its rural character, help create a situation where agriculture will be unique and profitable, and create a habitat conservation corridor for wildlife through public land and private land.

So this program sounds like it may not be a significant part of that, but certainly a piece of that. The director of Fish and Wildlife for this region has also been attending some of the meetings, and he has been very helpful.

While we are on the endangered species, can you give us some idea of the rationale for the proposed cap and how the agency may spend ESA listing funds to comply with the court orders for legal settlements? What is the practical effect of the funding restriction?

Mr. JONES. I would be pleased to do that, Mr. Chairman.

The cap itself is not new. We have had that included in our appropriation for the last couple of years.

We first asked for the cap when it became clear that we were no longer in control of the process of listing and designating critical habitats because of litigation. And all of our resources were being consumed with court-ordered actions or actions for which we had settled with plaintiffs, where we knew that we had little chance of winning in court.

And so the result was that we could foresee that not only our entire listing budget might be consumed with these actions that were the result of court orders of settlements, but in addition, if there were no barrier, courts might begin to direct us to spend other funds outside of the endangered species listing budget for these actions.

And so we could see, Mr. Chairman, kind of a black hole that could consume all the resources that get near it. That could include our very important resources for our consultation work, endangered species candidate work, for recovery, and then, at least conceivably, might even extend it beyond the Endangered Species Program into other programs in the Fish and Wildlife Service.

Mr. GILCHREST. Do you have any idea of the number of pending court cases or the number of settlement agreements?

Mr. JONES. Mr. Chairman, we have those statistics. As I recall, it is in the several dozens of pending actions that we have not yet been able to resolve right now. We also have large backlog of petitions that have not been addressed, of proposed rules that have not been finalized.

Specifically, Mr. Chairman, we have 22 cases right now that are pending, in terms of critical habitat designation, and we have nine other challenges to critical habitat designations that we have already made.

Mr. GILCHREST. Where are they? Are they mostly out west?

Mr. JONES. I would guess they are out west. But, Mr. Chairman, they are not all out west by any means. A very recent decision challenged our decision regarding critical habitat for the Gulf sturgeon on the gulf coast. So, these could come up anywhere.

We have 38 other active listing lawsuits right now, ones that are not pending, and 12 notices of intent to sue that are still within the mandatory 60 day period before they can actually be taken to court. And we have 82 notices of intent where the 60 day comment period has expired, but they have not actually gone to either court

or settlement, and another 200 or so listing actions that have some other kind of legal vulnerability.

Mr. GILCHREST. You proposed the cap because it is your sense that other monies of Fish and Wildlife could be siphoned off to go to lawsuits?

Mr. JONES. That is correct.

Mr. GILCHREST. There has to be some fix for the problem. Eventually, you have to deal with these lawsuits, I would guess.

Mr. JONES. And that is the other part of our proposal for this year, and that is what is new. The concept of a cap is not new. It has been in our appropriation for the last couple of years.

This year, we requested an increase for listing, so that the total amount would go from a little over $6 million to a little over $8 million. We would like to continue the cap, so that—

Mr. GILCHREST. What is the cap?

Mr. JONES. The cap would be that amount.

Mr. GILCHREST. The $8 million.

Mr. JONES. The $8.4 million.

Mr. GILCHREST. So you have asked for $8.4 million for listing, but you have some idea that instead of listing species, that money is going to be used for litigation.

Mr. JONES. As it stands now, Mr. Chairman, a significant part of that $8.4 million already was committed to those court-ordered actions and settlements we have already reached for next year. Those things go on even in 2003, some of them.

But we are requesting $8.4, and we are also requesting a limit that no more than that amount, $8.4, is going to be spent on all the different aspects of listing. Now, that will include addressing petitions for listings; it would include making the findings that are required; it would included proposed or final rules to list species; and it would also include critical habitat.

So under the broad category of listing, we would spend no more than $8.4 million on all of those actions.

Mr. GILCHREST. But any idea of the number of species you have not listed because of the lawsuits?

Mr. JONES. That have not been listed? Mr. Chairman, I am advised that we have 236 candidate species. Now, those species, some of those may be subject to the lawsuits that I mentioned.

Mr. GILCHREST. I see.

Mr. JONES. We have a number of outstanding notices. Others are not. Those are the species that we believe are ones that likely should be listed, but we have not been able to get to because we don't have all the resources that are necessary to address all of them in any given year.

But, Mr. Chairman, in addition to the cap, we ask for something else in the Fiscal Year 2002 proposal, and this is something new. We have asked that there also be some congressional guidance for us on how we should be spending that $8.4 million. And we asked for an endorsement of concepts that we proposed, so we suggested to Congress the guidance that we believe would be most helpful. That guidance would say that our expenditures of the $8.4 million in Fiscal Year 2002 would go for two things.

The first would be for those court-ordered actions and settlement agreements we have already made. We made a deal with people;

we do not believe there is any way we could go back on those agreements that we have already made.

But for the remainder of funds that are not yet committed, we are asking for an endorsement of the concept of a listing priority system, a system that we would develop this summer. We would propose it for public comment. We would work with this committee and the Congress and any others who are interested as we develop this so that we would have this priority system in place for next fiscal year.

And then we would be guided in all of our listing actions by that priority system.

Mr. GILCHREST. You feel that that priority system would reduce significant lawsuits?

Mr. JONES. We hope so. It would not eliminate in any way the citizen suit provision that is already in the Endangered Species Act, so we still could be sued. But we would feel that as long as we were acting in good faith, following that priority system, and were to work on those actions which were determined through the application of that system to be the highest priorities, we would believe that we were operating with guidance from Congress. And we would believe that it would unlikely, then, that courts would tell us to do something else.

Mr. GILCHREST. If you were acting with the guidance of Congress, you would feel much more secure—

[Laughter.]

I am out of my time. Thank you very much, Mr. Jones.

I yield to Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

You certainly would be, perhaps, one of most litigated agencies in the government.

I have to say that it is kind of a novel approach that you are pursuing here, with the capping of the money for listing issues. And I just wanted to ask: It is my understanding that the ESA listing language that you have requested will only restrict citizen suits seeking to have species listed as endangered or threatened, that it wouldn't restrict lawsuits to have a species down-listed, for example, from endangered to threatened or removed from the list altogether. Is that correct? And what is the rationale behind that?

Mr. JONES. Mr. Underwood, that is a very good question. We fund the down-listing and delisting out of our recovery program not from this.

We wish we had a big backlog of species ready to be delisted. We want to put more emphasis on recovery in the future so that we will have more species that can be delisted. But we don't have any contention there, in terms of a backlog of litigation. And the money that would fund that activity is a different source.

And one of the reasons we asked for the cap certainly would be to make sure that the resources which we would need for undertaking down-listing and delisting activities wouldn't be tied up in court orders. So that wall protects those funds as well as all the other endangered species activities.

Mr. UNDERWOOD. On the funding for the state conservation grant programs, it seems to me that what you have done by submitting this request for $450 million for the state Land and Water

Conservation Fund is, in reality, shifted some funds from other programs.

What is the rationale behind that? And what is the net effect on these programs? It seems to be a major policy shift.

Mr. JONES. I think that is true. This was reflective of the desire of the administration to give the states and territories more control over how the funds would be spent.

Let me start with a little background. The program for this current year, which funds outdoor recreation activities and urban parks and other things that are administered by the National Park Service, I believe is funded at about $90 million. So this would add another $360 million or so to that.

These funds would be available for additional wildlife purposes. This would include work that would benefit endangered species and candidate species. It would include work that would be consistent with the wetlands conservation goals of the North American Wetlands Conservation Act. And it would also include those projects and programs that were consistent with the new wildlife conservation and restoration program, which was in this year's budget.

That is an example; that $50 million new program is not included in the President's budget for next year. Instead, there is this larger program. But the states would have choice on how they would use their allocation of funds. The funds are apportioned to each state by a formula; part of it is a equal amount, part of it is an amount that reflects the population and the land area of the state or territory.

And then within that, they would have full choice. Each state could decide, and a state might decide to use its entire allocation for wildlife purposes or its entire allocation for parks purposes or anything in between.

And the Chairman mentioned the work in the Delmarva peninsula. That would be something that the states of Delaware, Maryland, and Virginia each could determine whether they felt there were projects there that were worthy of being funded under this program.

But the state would be the one to make the decision about how the funds would be applied. They would submit grant proposals that would be reviewed. The National Park Service would administer this program, but in consultation with the Fish and Wildlife Service. And we, in turn, will be working with states and territories to develop further the details of how that would be administered, so that we would have a new, cooperative program.

And I think it does reflect a new philosophy, Mr. Underwood.

Mr. UNDERWOOD. In general, I would support that philosophy. But it seems to me that we are going at this without a lot of attention to making sure that the money would be spent for the kinds of purposes that Congress has outlined in the past.

Like so many of the other things that we are talking about here, we are wondering whether this needs some kind of clarity in the legislative language, in the authorization of these activities.

Certainly, I am one that has always been supportive of trying to not only create opportunities for local communities to have more input into the operations of the Federal Government in their area,

but more participation in rulemaking. But it seems to me that this a major shift.

Lastly, I just want to one specific question, and it goes back to the invasive species.

And I have other questions, if we have another round, Mr. Chairman.

On the invasive species question, you know, it is kind of an old song with me. Certainly one of the things that is most disturbing is that I can't see any money that is being spent by Fish and Wildlife to deal specifically with the brown tree snake, other than supporting the Fish and Wildlife Refuge. Much of the money that is spent on actually controlling or trying to deal with the irradication of this invasive species comes from other units.

Would you like to explain to me the rationale of that? Perhaps I will be pleasantly surprised, Mr. Jones.

[Laughter.]

Mr. JONES. Well, Mr. Underwood, we do have some expenditures. You are correct that we don't spend what we used to spend.

At one time, the entire program for brown tree snake control was part of the research division of the Fish and Wildlife Service. When the previous administration made the decision that the research division would go out of the Fish and Wildlife Service, and eventually became part of the U.S. Geological Survey, all the funding that went with that program went with it. We had no funding left for that program. And we relied on them to do research on control mechanisms.

On the other hand, we are looking to find ways that we can be a good neighbor and a good partner with Guam, with the Air Force. And we are now exploring Federal money to provide matching funds for the brown tree snake trapping that is going on at the munitions storage area on the Andersen Air Force Base, matching funds that the Air Force has put forward and the U.S. Department of Agriculture, which also has a role here, has put forward.

We will seek other ways through the budget, both for the refuge division and through the budget for our ecological services activities, so that we can be a partner and participate. But it would be misleading for me to say that we could ever invest the same kinds of funds that we had at one time, since the bulk of that program, the funding for it, was transferred to another agency.

Mr. UNDERWOOD. Thank you.

Mr. GILCHREST. Thank you, Mr. Underwood.

Mr. Pombo?

Mr. POMBO. Thank you, Mr. Chairman.

In regard to the new programs that are being created under this budget, Mr. Chairman, it has been the position of the committee in the past that new programs would need to be authorized by the committee. And I would hope that you, as the new Chairman of the Subcommittee, and Mr. Hansen, as the Chairman of the full committee, would use the ability of this committee to authorize those programs by the committee and not allow the appropriation process to authorize new programs.

Mr. GILCHREST. Mr. Pombo, you can be assured that while we have great respect for the appropriators, we will look at this

particular issue. And I assure the members of the committee, it will be authorized by this committee first.

Mr. POMBO. I appreciate that.

Mr. Jones, in response to the question of how many species were not listed as a result of the legal challenges or the lawsuits, you gave the number as to the number of candidate species that are out there.

And I guess, in an effort to be fair, no one really knows how many species were not listed, because those species are candidate species because the science has not yet been done to determine whether or not they are endangered. And it could be a number of those may ultimately be listed as endangered species, but until Fish and Wildlife Service is allowed to actually do the science that is necessary to determine whether or not they are endangered, I don't think anybody really knows yet how many species there are.

Mr. JONES. I would agree with that in the sense that these are species that we believe right now, based on the information at hand, likely qualify.

But you are certainly right. Before they would ever be added to the list, there would be additional study, there would be a proposed rule, public comment. And we can't presume to say right now how many of them would wind up finally being added to the list.

But these are the ones that we believe are the best candidates right now.

Mr. POMBO. Along those lines, can you tell me how much money the Federal Government spent on those lawsuits? And how much of that went to the litigants to pay for their legal expenses?

Mr. JONES. Mr. Pombo, I do not have that figure. The Department of Justice pays for the litigation expenses for plaintiffs in many of these cases. And so, in terms of payments to attorneys for plaintiffs, that would have to come from the Department of Justice.

I suspect it would be a big number. I suspect it would be a number that all of us might feel, in an ideal world, ought to be used for things other than just paying legal fees. That is the situation we are in.

Then there would be our own costs, both our attorneys and our staff, who are involved on their side. And we would be pleased to get you some information for the record, but I don't have statistics with me today.

Mr. POMBO. I would appreciate it if you could get me the number as to how much money has been spent by the Federal Government as a whole, not just Fish and Wildlife Service, and, out of that, how much has gone to the plaintiffs in those cases, both in their attorneys' fees and in settlements that may have come as a result of any of those cases.

On the different requests that are being put forward, and I understand that you are trying to make an effort to limit the amount of money that would be spent in those particular lawsuits and to use as much money as we possibly can for its intended purpose, and you have outlined for us here this morning somewhat of a request that we put guidelines on that.

Can you give the committee this morning an idea of what kinds of things you are looking for in that particular request, as to how the money would be spent? Are you looking for specific line items

coming out of Congress, saying we want this money broken down in this way?

Mr. JONES. Mr. Pombo, we have not asked for it to be divided up any more specifically than $8.4 million as a maximum. What we have asked for, we provided suggested language, which I assume could be included a report to us that would accompany the appropriations bill, that would endorse the concept of a listing priority system, a system that we would develop, that we would propose over the summer, that all Members of Congress as well as all the interested parties—both those who have been involved in suing us, those who are affected by endangered species listings, and everyone else, the general public, everyone—would have a chance to comment on it.

And so everyone would see this before the time that the final appropriations are done. Here is the priority system that we would be working under. This priority system would address how you factor the best science into decisionmaking so that you have a balanced program that results in the highest priority actions going ahead first, and other actions will just have to wait their turn.

Since this was an appropriations issue, how to spend an amount that we know won't be as much the courts may ask us to do, that is why we put this forward in terms of appropriations guidance.

Mr. POMBO. I am very interested in how that is going to work. I think it is probably a good idea to try to put something like that together, but I am very interested to see how we proceed with that, how that is going to actually come out. So I appreciate it.

Thank you, Mr. Chairman.

Mr. JONES. Mr. Pombo, if I could just correct one thing? I think I said language to be included in report, but I think what we propose is actually appropriations bill language rather than report language.

But we would be pleased to work with you and all the other members of the committee as we go through this process.

Mr. POMBO. Well, Mr. Chairman, if it is bill language and would carry the force of law—which I think, in order to achieve what you want, it would have to be bill language, to have the force of law—that is one area where I believe this Subcommittee and the full committee ought to be very involved with, exactly how that language comes out, because that is completely under the jurisdiction of this committee and the Agriculture Committee.

Mr. GILCHREST. We will pay close attention to that as we move through the process.

Thank you, Mr. Pombo.

Mr. Ortiz?

Mr. ORTIZ. Thank you, Mr. Chairman. I am glad that I was able to come back.

Mr. Jones, as the director, I know you are aware of recent actions on piping plover critical habitat designation. And I understand that some think the economic impact assessment for the wintering habitat is inadequate, and you have had several months to develop it.

This is going to be devastating. I would like you to look at the impact of it.

Now, what are your plans for completing this assessment on 1,600 miles of coastline? And I might suggest that working together might be a lot easier than going through last 2 weeks again. For 2 straight weeks, I have tried to get a meeting with your office. Maybe you all were working hard in changing the assessment.

Mr. JONES. Mr. Ortiz, I recognize that. It certainly has been very difficult for us. I know that it was difficult for you.

On the advise of our legal counsel, Fish and Wildlife Service refused all requests for meetings that would take place because the comment period was closed, and because we were not allowed, under ex parte rules, to be able to consider any new information.

Ultimately, we made the decision. However, we also were not ready to adopt this as a final critical habitat designation.

I will note that this is one that we are here where we are because of litigation that resulted in our making an agreement that we would publish this final critical habitat designation by April 30. It wasn't in our plans at the time the litigation came about; we weren't ready to do that.

But as a result of the litigation, and the situation we are in, where we felt we had, as a result of previous court decisions, we were very unlikely to be able to prevail in court, we entered into the settlement. Thus, we have our staff working under extremely difficult conditions.

As you noted, Mr. Ortiz, this is a very complicated issue. There is a lot of coastline. We are talking about the wintering habitat, in particular for the piping plover, that stretches from the Carolinas all the way around to Texas.

Lots of information, biological information, that we had to assess. And in addition, we contracted for an economic analysis.

The economic analysis, the first version of it, required revision. We sent it back to the contractor. We only received the economic analysis with those revisions 1 week before the April 30 deadline, and that was not enough time for us to be able to make the rational decision we need to make.

The Endangered Species Act does include provisions under Section 4(b)(2). It says we should include areas of critical habitat unless the benefits of excluding those areas outweigh the benefits of including those areas. And we still need more time to go through that analysis and decide if there are areas that would meet that test and should be excluded.

I cannot say what the results of that evaluation will be. I can say that we sent to the Federal Register a notice that we need an additional time period of up to 60 days to complete this review. We have also notified the judge in this case. And the actions from here will depend partly on what the judge decides.

But let's assume the judge and the court doesn't do something which changes the course that we are on now. Over the next 60 days—so through the months of May and June—we would be reviewing the biological data and the economic analysis that we have. But we have said, in order to make sure that we don't run afoul further of the court, that we will do this based on the existing record.

Now, we know, Mr. Ortiz, you have constituents who have concerns. We believe that those concerns are on our record. We have

a lot of material, including quite a bit of material, I know, from constituents in your district, as there are from a number of other Members of Congress.

Everything that is on that record will be reviewed and will be part of this decision. We are not in a position to entertain new information. And so we are still going to be operating under ex parte rules. Otherwise, I think we would be in some real legal difficulties.

So our attorneys have advised us, we have to keep this process one where we are doing it internally, but we are going to use every bit of information that people provided to us, in making those decisions.

Mr. ORTIZ. I guess your agency understands the impact that this going to have. Maybe you can tell me, how are you going to be able to complete this in 60 days?

Mr. JONES. It is going to be a challenge for us. We certainly do recognize the concerns that are out there. And we will be taking those concerns into account as we go through this process, working within the structure of the law to decide what the final critical habitat should be.

Mr. ORTIZ. I wish you had a plan on how you are going to do this in 60 days.

Mr. JONES. It is going to take some concentrated effort by our staff to do that, Mr. Ortiz.

Mr. ORTIZ. I just have one more question, Mr. Chairman.

It is my understanding that the Kemp's ridley sea turtle population is doing better these days. I think that most of us are aware that the shrimping industry has had problems. In Mexico, they were harvesting the eggs and reducing turtle populations. At one time I think the service was giving them $200,000 to be sure that the population of the Kemp's ridley turtle was increased. All of a sudden, it was stopped. Am I correct?

Mr. JONES. Mr. Ortiz, I don't think it has been stopped. I think it has been reduced due to other competing priorities. But we still have an active program working with the government of Mexico to help them provide protection for Mexican nesting beaches.

Mr. ORTIZ. So you are still doing that now?

Mr. JONES. Yes, sir.

Mr. ORTIZ. What is the amount that it was reduced to, from $200,000.

Mr. JONES. I believe it was cut about in half, but let me consult here.

Mr. Ortiz, we will have to get you an answer for the record. But I have had discussions with our regional director in Albuquerque about this program to make sure that this is one that doesn't get cut unduly because we have other priorities and a limited budget. But I think it has been cut about in half, maybe $90,000 to $100,000, somewhere in that range.

But we still have people actively working with the government of Mexico and with private organizations. And I think they have done a marvelous job.

And we hope that, in the future, they will be able to take on an increasing share of this program, and then maybe we can shift

other resources to other places. But we will never walk away from this program, Mr. Ortiz.

Mr. ORTIZ. I just want to put in the record, Mr. Chairman, that the shrimping industry has done a great job. There has been real progress in working together, and I just want to make sure that this is included in the record.

Thank you, sir.

Mr. GILCHREST. Thank you, Mr. Ortiz.

I think we have time for another round of questions, if the witnesses don't mind.

Mr. JONES. We are at your disposal.

Mr. GILCHREST. Mr. Jones, getting back to the issue of invasive species, your agency has requested $2.7 million for invasive species problems. Does the agency have any ballpark estimate as to the damage, ecologically or economically, that invasive species have done around the country or specific refuges or looking at the brown tree snake or looking at nutria, comparing the ecological damage and the economic damage to the amount of money that Fish and Wildlife is putting forward to solve the problem?

Mr. JONES. Mr. Chairman, I don't have a number here. We would be happy to see what kind of number we can provide for you. Obviously, this is a much bigger issue than just the Fish and Wildlife Service. It involves all of us who are involved in conservation within the Federal Government, the states, private interests. When you look at—

Mr. GILCHREST. Do you have some idea? It is a pretty complicated issue, but do you have any idea as to the estimated costs of the number of projects recognized by the agency?

Mr. JONES. Mr. Chairman, in our budget proposal, we have an estimate of about $123 billion as the cost to the nation for aquatic invasive species.

Mr. GILCHREST. What is that figure?

Mr. JONES. $123 billion.

Mr. GILCHREST. $123 billion.

Mr. JONES. Yes, sir.

Mr. GILCHREST. Is that economic costs?

Mr. JONES. Economic costs; that is, the losses to regional and local economies as a result of invasive species, the costs of interference with operations—

Mr. GILCHREST. That is—

Mr. JONES. The zebra mussels that clog the intakes for power plants, and the costs of fighting the species and everything else with it.

Now, that is not specific, Mr. Chairman, to refuges. And that doesn't count nonaquatic. So it wouldn't count invasive beetles in trees or something like that.

Mr. GILCHREST. Or snakes.

Mr. JONES. Or snakes. Exactly.

Mr. Chairman, I am advised, though, in our refuge operations needs system, our database for future operating priorities for the refuge system, there is about $140 million in invasive-species-related projects. So those would be priority projects that we identified—

Mr. GILCHREST. Priority projects, $147 million.

Mr. JONES. No, sir. This is in our needs.
Mr. GILCHREST. That is the backlog.
Mr. JONES. That is the backlog of our—
Mr. GILCHREST. $140 million backlog—
Mr. JONES. Yes, sir.
Mr. GILCHREST. —for just refuge specific; billions of dollars of economic damage nationwide.
The Invasive Species Council—I think I have the name of that correct—a couple of years ago—
Mr. JONES. Right.
Mr. GILCHREST. Are they still out there?
Mr. JONES. Mr. Chairman, they are. The Invasive Species Council was established by an executive order in the previous administration. I think the new administration will need to sort out exactly how it wants to use the Invasive Species Council, but there is staff.
The staff is located in the Department of Interior, but it is a staff that serves not just Interior, but serves the Department of Commerce, NOAA, the Department of Agriculture, consists of people from several agencies. And they are actively working now on ideas about how the new administration might continue to address—
Mr. GILCHREST. Invasive species just has not been a high priority for a lot of people?
Mr. JONES. Mr. Chairman, I think it is an increasing priority. Obviously, in the Department of Interior right now, our only Senate-confirmed appointee is the secretary. Though we have a nominee for the deputy secretary, we have others who are still not even in the pipeline yet.
We in the Fish and Wildlife Service will certainly take every opportunity to educate all of the new appointees about the problems that invasive species are causing fish and wildlife conservation. And I think we will see the administration taking a hard look at what to do nationwide.
It is an issue that affects everyone. It is bipartisan. The Federal Government, the states, private industry, individual landowners, everyone, has a stake in a strong national program to combat and—
Mr. GILCHREST. Everyone has a stake in a strong national program, but you don't seem to be coordinating it out—
Mr. JONES. The Invasive Species Council is an attempt to do that.
Now, that builds on things that already existed, like aquatic nuisance task force that has been in existence for some time. It is very active. Our assistant director for fisheries and habitat conservation, Cathy Short, who is here today, is co-chair of that, along with a co-chair from NOAA. And we have a lot of state partners in that, other agencies.
So in the aquatics area, I think it is fair to say, Mr. Chairman, the country recognized this. There was legislation by Congress several years ago that authorized this, and we stepped out.
We are now coming to grips with the fact that we still need a lot more than we have. And that is something that we—
Mr. GILCHREST. I would like to work with you, to try to come up with a program that will have the resources to make it work.
Mr. Underwood?

Mr. UNDERWOOD. Thank you. I certainly want to associate myself with those remarks and concern about the invasive species.

You gave, Mr. Jones, a dollar amount related to aquatic invasive species. I don't know if you have a dollar related to beetles and snakes on land. And if there isn't, is there a way to come up with such a figure?

Mr. JONES. We certainly can provide you with a figure. In our budget, I think we have a total, right now, of about $9.5 million that will be oriented toward invasive species nationwide.

That includes a little under $2.7 million that Mr. Gudes mentioned for the refuge system. It includes about $4.5 million for our Fish and Wildlife management assistance office for the branch of invasive species which works on the aquatic nuisance task force and other things. It includes a little under $2 million in our partners for fish and wildlife program, private landowners with invasive species issues. And it includes about $200,000 for our international work, to work with other countries. So that is about $9.5 million total.

Again, brown tree snakes, there was an additional amount which previously was in our budget but now would be in the budget of the U.S. Geological Survey's biological resources division.

But in addition, we want to be a good partner. We want to work with the government of Guam. We want to work with the Air Force and others, and make sure that we do everything that we can to control brown tree snakes on Guam and prevent them from showing up anywhere else.

Mr. UNDERWOOD. It seems like the only way we can get attention is to have a dead snake show up on the tarmac in Honolulu. Then you get lots of it. [Laughter.]

But you get more for a live one. [Laughter.]

Okay, I want to ask you a question on the North American Wetlands Conservation Act. This is one of those activities that received a $25 million decrease from the Fiscal Year 2001 appropriation. And I would assume that this is part of the money that ended up in the LWCF.

My understanding of this program is that a good chunk of this money is done on a matching basis. And, in fact, it has been able to leverage a 3-to-1 basis so that, over the years since NAWCF's inception, over $1 billion has been generated from nonfederal partners. A $25 million cut, under the same understanding, would mean, basically, $75 million is not going into these activities from nonfederal resources.

It just doesn't seem to make a lot of sense when you have some programs that are designed to in fact generate the kinds of partnership across the country which would bring money into conservation activities, and now we are finding ways to actually reduce those grant programs.

Mr. JONES. Mr. Underwood, there is no question that the North American Wetlands Conservation Fund has been one of our most successful program, and it certainly enjoys wide support.

The funding level that we have requested for Fiscal Year 2002 basically is what we requested in Fiscal Year 2000, which is $15 million. In 2001, we had a substantial increase for it. We returned

it, in our proposal, back to the Fiscal Year 2000 level of $15 million.

But what we have that we hope will enable states to perhaps invest an even larger amount is the stateside Land and Water Conservation Fund. And the administration's proposal is that this fund, the stateside program, be amended to include the projects which would be consistent with the North American Wetlands Conservation Act.

We can't give a fixed dollar amount, because that would be up to states and territories to decide how much of the total amount available to each one of them they would actually choose to orient in this direction. But it is a total of $450 million altogether that would be available. And this would be one of the purposes that those funds could be—

Mr. UNDERWOOD. I understand the logic behind that. But in this particular instance, this is an example of a very popular program, a program widely supported in Congress, a program that is basically accountable, that we know where the funds are going and have a good sense of national direction. And in this particular instance, I think we are sacrificing some of that.

I understand the logic behind what you are outlining, and I understand the logic behind the proposal. But I just think that it is probably not a good idea at this time, certainly in reference to the Wetlands Conservation Act.

I just wanted to ask a quick question on Marine Sanctuary Program. In the National Marine Sanctuary system, NOAA has requested an increase of approximately $3.6 million over last year's appropriation. Has NOAA used this? And will NOAA be using this and other recent increases in funding to achieve its goal of establishing minimum management capability at all the existing national marine sanctuaries?

Ms. DAVIDSON. Congressman, we believe that the proposed increase would get about 70 percent of the sanctuaries up to what we consider the baseline operational level by year 2002, with 100 percent to be achieved by 2006, if the year 2002 numbers were to continue until that time.

I do have to point out, though, that would not take into account operations of a sanctuary program in the northwestern Hawaiian islands. And the process of the designation of that as a sanctuary has not yet quite begun.

Mr. UNDERWOOD. So none of this includes funding to support the designation process in the Northwestern Hawaiian Islands?

Ms. DAVIDSON. We actually had some separate appropriations to support the process of establishing the coral reef ecosystem reserve there, and to begin the process of the sanctuary designation. You might recall, perhaps, from your own experience, it actually takes several years to go through the designation process.

Mr. UNDERWOOD. How much funding will be spent on sanctuaries system-wide?

Ms. DAVIDSON. Excuse me, Congressman?

Mr. UNDERWOOD. How much funding will be spent on sanctuaries system-wide, as opposed to just individual sanctuaries?

Ms. DAVIDSON. Well, there are funds within the proposed increase that not only address individual site requirements,

management capabilities, such as official enforcement officers. But it also addresses system-wide concerns, such as the issue of reviewing management plans, which we have begun, for instance, on the California coast, and hope to complete throughout the sanctuary system over the next few years.

So there are system-wide increases accounted for in that request, sir.

Mr. UNDERWOOD. Okay, thank you.

If I could just ask one more question on backlogs, back to Fish and Wildlife. I remember in the previous year, you had a chart, a very interesting chart that defined the decline of backlogs, the decline of the rate of increase.

[Laughter.]

It is going to be a long time before I forget that chart. [Laughter.]

Now, under the budget proposal that you have, we are actually, probably, going to increase that rate of increase, are we not? Or is that decline of the rate of increase going to continue?

It is your chart, so that is why I am asking—

[Laughter.]

Mr. JONES. Mr. Underwood, I am glad that chart was so memorable.

The fact is that we are continuing to decrease that rate of increase. In other words, we are kind of flattening it out. We are doing our best to keep pace, but we also kind of have a large documented backlog.

We do believe that the President's budget proposal for Fiscal Year 2002, which puts an emphasis on our maintenance backlog with a $10 million increase for that, will continue to make a contribution in the right direction.

We have identified in our refuge operating needs system the full scale of the priority projects which are backlogged, and it is for operating projects, and it is considerable. Maintenance, we also have a big backlog of deferred maintenance, but we are continuing to chip away at it.

And we look forward over the next few years to working with this committee and with our new National Wildlife Refuge centennial commission, which the Secretary will be announcing soon, and the activities that lead up to the refuge centennial in 2003, to continue to think about ways that we can address the needs of the National Wildlife Refuge System in the right context.

Mr. UNDERWOOD. I won't forget that chart. I am also not going to forget Scott Gudes's nonhypothesis research.

[Laughter.]

Nonhypothesis research; that is, you just go in the ocean and whatever you find—

[Laughter.]

And that is how you go do research? I didn't get exactly what was going on with nonhypothesis research.

Look, we have a taker.

[Laughter.]

Ms. KOCH. The purpose of—

Mr. GILCHREST. Can you use a microphone, please?

Ms. KOCH. I'm sorry.

I am Louisa Koch, deputy director for the NOAA research program in which the ocean exploration program resides.

The concept of nonhypothesis-driven exploration came out of the commission. It was to respect the fact that, for example, NSF has specific scientific hypotheses for their going out, —and NOAA does, as well—to look at coral species and the health of them and what we think the factors are in continued health.

As to exploration, we were trying to differentiate exploring a deep trench for the sake of going there, where no one has ever been before, being able to go into depths where we never—

Mr. UNDERWOOD. It sounds like a good TV program.

Ms. KOCH. Excuse me?

Mr. UNDERWOOD. It sounds like a good TV program.

[Laughter.]

Ms. KOCH. Exactly. Exactly. We are hoping to get TV coverage.

Mr. UNDERWOOD. But I am glad to see that nonhypothesis research was validated by a commission.

[Laughter.]

Mr. GILCHREST. Thank you, Mr. Underwood.

If I may just follow up on a very good question on nonhypothesis research? I assume that is deep-ocean exploration. Is it your view that when you go down there, there is some sense of the landscape? There is some sense of what is there, so that we can connect that in an ecological way to other regions of the ocean and then pursue some specific hypothesis?

Ms. KOCH. Absolutely. In fact, one of the things that we have seen is, when there is exploration into deep trenches, there is often a follow-on activity, be it fishing or be it mineral exploration, where there are specific commercial pursuits.

And one of the things that we want to do when we explore geographic areas of interest is to make sure that we fully understand what is there, and understand the impact of what may be coming, and can protect and provide a proper framework for whatever follow-on endeavors there may be.

But certainly, there would be follow-on endeavors.

Mr. GILCHREST. Is that a collaborative effort with the Navy or with anybody else?

Ms. KOCH. Navy and NSF and also other NOAA programs, and also the National Geographic. We have a number of private sector partners as well.

Mr. GILCHREST. Are there specific areas that are targeted for this endeavor?

Ms. KOCH. We have target missions that we are pursuing both in 2001 and in 2002, along the east and west coast.

Mr. GILCHREST. Marianas Trench, is that one?

Ms. KOCH. Marianas Trench, no.

[The above question was originally answered incorrectly and the response was changed from "yes" to "no" during the editing process.]

Mr. UNDERWOOD. We are relieved to hear that.

[Laughter.]

Mr. GILCHREST. Where else?

Ms. KOCH. South Atlantic Bight

Ms. DAVIDSON. From Belize through the Keys, following the Gulf Stream, and then beginning in the Hudson Canyon this year and following the Hudson Canyon down through the mid-Atlantic region.

Mr. GILCHREST. And each of those, what you just described, is still in the stage of a nonhypothesis exploration?

Ms. DAVIDSON. To go where no man has gone before.

[Laughter.]

Mr. GILCHREST. No one has gone with nonhypothesis exploration.

But moving through the stages: So you are down there not with any particular, specific hypothesis or theory, but you will evaluate that after you are there.

While you are down there, is there any sense of studying continuing motion current, the potential for disruption for ocean current, its impact on the weather, those kinds of things?

Ms. KOCH. Absolutely. One of the areas that we are currently exploring and have been for a long time is the vents region off the west coast. One of the things that we looked at there is what is the contribution to warming of the ocean to ocean currents from those ocean vents. That kind of exploration topic would certainly be relevant to what we are continuing to do.

The purpose of going into deep trenches where we have never been before is to understand what is there and, therefore, to be able to develop hypotheses for reasons to go back, again, with our partners.

Mr. GILCHREST. The Navy's collaboration with you, is that pure science, pure nonhypothesis perspective? Is that partly science, partly understanding for defensive maneuvers or training or hiding a submarine somewhere or whatever?

Ms. KOCH. One area that we plan to pursue is ocean acoustics, and clearly the Navy has extremely sophisticated technologies that we will want to take advantage of, for example, as you mentioned earlier, the SOSUS array. So we will be building on the Navy's acoustical understanding when we try to explore further ocean acoustics.

In the ocean's heritage, shipwrecks would be one area that we would be interested in. Obviously, wherever it is a military shipwreck, they would be very interested in joining us for naval history, for example.

Mr. GILCHREST. How much money would this specific program—

Ms. KOCH. There is a $4 million appropriation in this fiscal year, and we are asking for an additional $10 million in 2002, for a total program of $14 million.

Mr. GILCHREST. That is just NOAA's contribution to this? The Navy adds another appropriation to this?

Ms. KOCH. The Navy does not have an appropriation explicitly for ocean exploration. However, they have other funds for ocean science, and we collaborate with them.

Mr. GILCHREST. I see. Thank you very much.

Mr. UNDERWOOD. Can I ask a follow-up?

Mr. GILCHREST. Certainly, Mr. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman.

Ms. Koch, is it?

Ms. KOCH. Yes.

Mr. UNDERWOOD. I know from the previous work, I remember when we went to Monterey and the President had an unveiling of national oceanographic efforts, that he had indicated that they Navy had released lots of documents that had been previously classified. Is that correct? There is that level of cooperation with the Navy?

Ms. KOCH. There is substantial cooperation with the Navy. And in fact, I was just talking to the researchers that we have off the west coast where they used the Navy's acoustic array to find an eruption that happened about 3 weeks ago. And they were actually able to target the SOSUS array at the spot they were interested in, in order to find out how much underwater turbulence there was.

So there is a high degree of cooperation there. Obviously, there are some Navy programs that are so sensitive that that limits the—

Mr. UNDERWOOD. How does this increase-funded program differ from the activities that are ongoing in NOPP and NURP?

Ms. KOCH. NURP is a very strong current partner. In fact, Barbara Moore, the director of NURP, was a very key leader in bringing this ocean exploration effort to fruition. And NURP is actually going to be involved in leading the signature mission this year, so they have a very strong and integral role.

We have not yet determined the role of NOPP in ocean exploration. Clearly, NOPP is an excellent forum to bring NSF and Navy and other agencies that are interested in ocean issues to the table. We are exploring exactly how the relationship with NOPP would work.

Mr. UNDERWOOD. Thank you very much.

Mr. GILCHREST. Thank you, Mr. Underwood.

Something a little closer to home, and not as exciting, I guess, Mr. Hogarth, could you comment on the ballast water program in the Chesapeake Bay and the fact that it was zeroed out in Fiscal Year 2002? I think your response is already noted.

[Laughter.]

Ms. KOCH. I am sorry, sir, but actually that program is within NOAA research, and, therefore, Bill Hogarth is not to blame for that.

[Laughter.]

It is an important program. We actually do have a $3 million aquatic nuisance species effort within Sea Grant. We are very interested in the Chesapeake Bay program, and it was crowded out of the budget due to other priorities, but it is something that we are very supportive of.

Mr. GILCHREST. The $800,000 was—

Ms. KOCH. The $800,000 program was eliminated. There remains a $3 million program within Sea Grant.

Mr. GILCHREST. So Sea Grant can pursue the ballast water issue?

Ms. KOCH. Yes, Sea Grant can pursue the ballast water issue. However, the $3 million is spread across the 29 Sea Grant programs, and, therefore, Chesapeake Bay would only be one target. But it is a very important target for that effort.

Mr. GILCHREST. Can you tell us, of that $3 million, how much might be spent for ballast water research in the Chesapeake Bay?

Ms. KOCH. I will have to get back to you on that.

[NOAA's response follows:]

Sea Grant's invasive species funds are distributed competitively and the final distribution of funds for FY 2001 and FY 2002 will not be determined until mid-summer. For reference, in FY 2000, about $263,000 of Sea Grant funds supported research on the ballast water issue (including $150,000 awarded through the Small Business Innovation Research Program). None of the funds went to the Chesapeake Bay or for Ballast Water in Chesapeake Bay.

Ms. KOCH. But I can tell you, since that is a continuation of a program ongoing in 2001, how much is being allocated to Maryland, to the Chesapeake Bay.

Mr. GILCHREST. From Sea Grant?

Ms. KOCH. From Sea Grant, yes, sir, in addition to the $800,000, obviously.

Mr. GILCHREST. Not too have you stand too much longer; I do have a question for Bill.

Under your jurisdiction comes oyster disease? Is that something you—

Ms. KOCH. Yes, it does.

Mr. GILCHREST. Sea Grant?

Ms. KOCH. Yes, it does.

Mr. GILCHREST. I guess this would be a topic of another hearing. But if I understand the nature of ballast water and MSX or dermo, would you say there is or there absolutely isn't any connection there?

Ms. KOCH. I am sorry that I don't—

Mr. GILCHREST. I shouldn't ask absolutes of scientists.

[Laughter.]

Ms. KOCH. I don't have a good answer for you on that. I would be happy to get back to you with a detailed response on the record.

[NOAA's response follows:]

NOAA has sponsored some research to look at transport of pathogens into Chesapeake Bay through ballast water, but this was a general look at pathogens, not specific to oyster pathogens. Recent findings have verified the presence of pathogens in ballast tanks of some ships that have entered Chesapeake Bay, but the question of whether or not the pathogens can survive long enough once they are released into the Bay to have an impact has not yet been addressed.

Mr. GILCHREST. We would like to work with you to pursue, certainly, oyster disease but also the critical problems based on the nature of the Chesapeake Bay and just the way it is—ballast water, the lack of flushing, the problems of anoxia, the nature of the inland port, the distance these ships travel. We would like to work with Sea Grant and your office with finding what we can do about ballast water.

Ms. KOCH. And we would very much like to work with you. It is a major topic, coming out of the Great Lakes region, the Gulf of Mexico, and the Chesapeake Bay. It is all over the country, and it is not something that we are adequately addressing now.

Mr. GILCHREST. Thank you very much.

Bill, the $2.5 million for the Chesapeake Bay studies program that has been requested, is that a total amount that would come to Chesapeake Bay studies? That includes the Chesapeake Bay office?

Dr. HOGARTH That is correct. Yes, sir.

Mr. GILCHREST. So it is $2.5 million for Chesapeake Bay studies. That is the total amount coming to the Chesapeake Bay?

Dr. HOGARTH The FY 2002 request for Chesapeake Bay related items is about $3.6 million for 2002.

Mr. GILCHREST. $3.6 million?

Dr. HOGARTH $3.6 million.

Mr. GILCHREST. We have this $2.5 million—

Dr. HOGARTH The $2.5 million is for the office itself.

Mr. GILCHREST. I see.

Dr. HOGARTH And there is $3.6 million in total for fishery activities. There is $200,000 for marine education, programs at the Virginia Institute of Marine Sciences. For the first time, it includes funding for species, including $500,00 for blue crabs and $850,000 for the Chesapeake Bay oyster recovery program.

Mr. GILCHREST. If you could sort of reemphasize from your position, we will certainly do it from our position, the strong collaborative effort with the private sector, the state and the Federal Government, and a great exchange of information on an ongoing basis about the critical nature of ocean recovery and the problems with oysters and blue crabs in the bay, both on the Virginian and our side.

Ms. Davidson, the study level the 2002 budget request includes the electronic navigation charts for less than 1 percent of the EEZ that have been determined to be crucial for navigation. Is that an acceptable percentage of the EEZ? And what is the status of that study?

Ms. DAVIDSON. First of all, Mr. Chairman, this actually represents the first time that we have had a specific line in the President's budget for electronic navigational charts (ENCs), so we are really pleased with that.

At that rate, you are correct that it would take a while to complete requirements. We are, actually, sitting down and working with the Coast Guard and the Navy as well, to talk about how best to implement that effort. In fact, we actually have started a test pilot effort in the current year with about $250,000 to sort of get us a little bit ahead in terms of our planning horizon, in terms of collaborating with those agencies.

And we are also discussing with the Navy the data-management requirements. The Navy is interested in us becoming more of a data archive for not only our electronic navigational charts and how we can get that information in real time to a bridge of a vessel, but also how we make those kinds of data available in other ways.

Mr. GILCHREST. Do you have some idea on the length of time it would take to complete about 1 percent of the EEZ for that type of charting?

Ms. DAVIDSON. I don't have that specific information. I can get back to you with that. I believe the number is, with that level of funding, that we will be able to actually convert about 60 to 70 charts to electronic navigational charts, with that rate of funding.

[NOAA's response follows:]

Responsible for over 3.4 million square nautical miles of the U.S. Exclusive Economic Zone (EEZ), NOAA has prioritized the EEZ to maximize the efficiency of re-

sources available for hydrographic survey data. Many areas portrayed on nautical charts have never been adequately surveyed, and nearly half the depths on current charts were acquired before 1940 using leadline techniques. NOAA has identified approximately 550,000 square nautical miles as navigationally significant, which are further prioritized by threat of hazard to surface navigation. The critical survey backlog addresses the 43,000 square nautical miles, or approximately 1.3% of NOAA's charting responsibility, considered most important to safe navigation. The highest priority are those critical waterways that have high commercial traffic volumes (cargo, fishing vessels, cruise ships, ferries, etc.), extensive petroleum or hazardous material transport, compelling requests from users, and/or transiting vessels with low underkeel clearance over the seafloor. Over half of the critical backlog area exists in Alaskan waters. At current funding levels, it will take about 20 years to eliminate the 43,000 square nautical miles critical survey backlog.

Mr. GILCHREST. So are there specific areas of the EEZ that you are targeting first?

Ms. DAVIDSON. I would have to check with the folks in Coast Survey. Our priorities would continue to be the major ports and the approach channels.

We actually have a listing of the 200 ENCs that would be required to cover the 40 major port areas, but it does not identify for me what the actual priority would be. But we do have them identified in terms of which ones we are trying to cover.

[NOAA's response follows:]

NOAA proposes to first provide coverage for the 40 major U.S. ports and harbors. The fiscal year 2002 request for a $3.6 million increase will enable NOAA to enhance, build and maintain the suite of 200 ENCs needed for the 40 major ports and harbors. These ports and harbors are listed below. The prioritization of the top 40 major U.S. ports and harbors for commercial navigation was determined by analyzing data ranking U.S. ports by cargo tonnage. This model includes major ports of call visited by the cruise line industry, and coordinates with planned NOAA hydrographic surveying activity for the most current hydrographic data.

NOAA will build 65 new ENCs in fiscal year 2002, as well as enhance existing ENCs, to complete the suite of 200. The ENCs will then be continually maintained with new data and updates as part of NOAA's nautical charting database.

Below is the listing of the ports which have or are scheduled for ENCs. Please note that one port name might cover a number of port cities. For example, Port Everglades in Florida includes Miami, Palm Beach and Fort Lauderdale.

Baltimore
Boston
Brunswick
Charleston
Charlotte Amalie
Chicago
Christiansted
Cleveland
Corpus Christi
Detroit
Duluth/Superior
Honolulu
Houston
Jacksonville
Lake Charles
Long Beach
Lorain
Mobile
Nikiski
Norfolk
Pascagoula
Philadelphia
Port Hueneme
Port of South Louisiana
Port Everglades
Port of NY/NJ
Portland, ME
Portland, OR
Richmond, VA
Richmond, CA
San Juan
San Diego
Savannah
Seattle
St. Clair
Tampa
Toledo
Valdez
Wilmington, NC

The current estimate of full ENC coverage for U.S. waters, including specialized charts NOAA now produces in paper format, is 1000. A total of 660 ENCs would be required to provide minimum full contiguous coverage for U.S. waters, in order to connect coastal waters between U.S. ports for safe navigation. These steps are not included in the President's request for fiscal year 2002.

Mr. GILCHREST. Does charting 1 percent of the EEZ represent the basic need? Will there be charting beyond the 1 percent once that is completed?

Ms. DAVIDSON. We certainly would hope so. With an upgrade of resources, we could of course accelerate the rate of conversion to electronic nautical charts.

Mr. GILCHREST. Okay. I just have one last question. I am not sure who from NOAA can answer it.

About a year or two or three ago, we worked with a number countries from around the world with the intent to reduce the slaughter of right whales. Can someone tell me what the status of that is? Is it ongoing? Is it successful? Have we reduced the deaths of right whales?

Dr. HOGARTH I know it has continued to work, but right whales still have ways to go.

[NOAA's response follows:]

NOAA works through several international fora, bi-lateral cooperation (with Canada), and ongoing research to help protect right whales. The following is a list of recent and ongoing international activities by NOAA to protect right whales:

International Whaling Commission (IWC)

NOAA scientists serve on the International Whaling Commission's (IWC) Scientific Committee (SC). The past US Commissioner was NOAA's Undersecretary for Oceans. The SC develops and provides recommendations to the IWC which in turn recommends protective measures for whales, globally. . Right whales have been a primary focus of this group and recent actions are no exception. For example, working through this group, NOAA scientists helped expose illegal hunting of right whales and data falsification by whalers from the former Soviet Union.

The International Maritime Organization (IMO)

NOAA works actively with the IMO, the primary international body regulating shipping activities, to raise awareness of the international shipping community to the plight of right whales.

- The IMO receives regular updates on right whales from the US delegation (including NOAA reps) at its annual and various committee meetings.
- NOAA staff helped Canada submit a proposal to the IMO on ship routing measures in Canadian waters to reduce the risk of ship strikes.

Mandatory Ship Reporting System

In a collaborative effort by NOAA, the US Coast Guard, and Marine Mammal Commission, the US submitted a proposal to the IMO to establish a Mandatory Ship Reporting system in U.S. east coast waters to reduce the likelihood of ship strikes. It was endorsed by the IMO. As planned, the system began operation in July 1999 and is functioning on a daily basis. The system affects all commercial vessels (over 300 gross tons) entering US ports, including foreign flag vessels.

Management Options for Reducing Ship Strikes

NOAA is studying various management options to reduce ship strikes and the legal authority needed to implement them. NOAA is working closely with the shipping industry, economists, and analysts to provide recommendations. The recommendations are due in September and will certainly affect foreign flag vessels and will almost certainly include recommendations on increasing international mariner awareness about right whales.

Navigational Aids

NOAA provides information to regularly update publications by the National Imagery and Mapping Agency, Notice to Mariners and Sailing Directions, which are essential documents for U.S. pilots entering foreign waters.

Collaboration with Canada

NOAA has regular bi-lateral meetings with Canada to facilitate collaboration on right whale (and other marine mammal) protective measures. Such collaboration includes:

- ensuring Canadian and US fishing gear restrictions are compatible, to the extent practicable, and collaboration on determining the types of fishing gear involved in whale entanglements
- right whale field studies in Canadian waters
- NOAA staff provides supporting documentation, information, and expertise for vessel traffic separation regimes and other measures taken in Canadian waters to reduce ship strikes of right whales
- NOAA scientists provide advice and expertise on permitting requirements for scientific research in on right whales in Canadian waters

North Pacific Right Whales

- NOAA scientists are currently engaged, with National Marine Fisheries Service funding, to conduct boat and aircraft surveys throughout the Bering Sea to assess abundance and distribution of North Pacific right whales. These studies include biopsy sampling (for genetic studies), individual photoidentification studies (to study demographics, population size, and assess types and extent of human impacts), and photogrammetry studies (to assess size distributions and assess health).
- NOAA scientists recently helped identify the existence of, helped quantify the size of, and are working to reduce human impacts to, a North Pacific right whale population found along the eastern North Pacific rim, in Russian and Asian waters.
- NOAA scientists recently published a paper on every known (historic) take or death of a North Pacific right whale, including all known causes due to human activities.

Mr. GILCHREST. Thank you, Bill.

My last comment, I guess, before I yield to Mr. Underwood.

About the piping plover, when I see Mr. Ortiz—just for frame of reference purposes, a neutral suggestion, for migrating shore birds, would be to read the book "Sea of Slaughter," by Farley Mowat. Just for frame of reference on what we have left and what we need to do.

Mr. Underwood?

Mr. UNDERWOOD. Thank you, and thank you for this hearing, again.

And I just wanted to ask one last question on fisheries research and data collection, for Mr. Hogarth, and ask about managing fisheries based on all the insufficient data.

This year, the agency requested a $13 million increase for stock assessment work. Is this amount sufficient to deal with the backlog in stock assessments? What would be an amount that would be sufficient?

Dr. HOGARTH I think this will get us to a point where we will be able to respond to the level of stock assessments now sort of on the back burner because we haven't been able to do them.

If you look through the budget, there is also money for increased surveys. And I think that total package is what we are looking at to give us the increased data. The quality research of the industry will help get improved data also. And the requested stock assessment funding will enable us to hire some new stock assessment

people, some who need to look at ecosystem management, some new thinking to look at modelling, to look at climatic conditions in the ecosystem as a whole.

So this will be a continuing effort, and it is not just a one-time, in my opinion, but it is a long-term, continuing level of funding that we need.

Mr. UNDERWOOD. Do you have a dollar amount that would satisfy the backlog?

Dr. HOGARTH I will think about it.

[NOAA's response follows:]

NOAA has two documents that define requirements for both expanding and improving stock assessments and their underlying fisheries data collection programs. The NMFS Stock Assessment Improvement Plan (SAIP) has projected the requirements to attain the goal of Tier Three stock assessments, which is a new term for the next generation of ecosystem assessments requiring substantial new or expanded data collection and research. There is a progression of improving the quality and quantity of assessment advice from Tier One to Tier Three.

Tier One status, closest to being achieved if the President's fiscal year 2002 requested increase of $13.3 million is funded, requires minimal new data collection. Currently, 23 percent of the U.S. stocks included in the annual report to Congress are being assessed at least at the Tier One level. With the requested increase in days-at-sea and the addition of more staff to process samples, manage and quality control data, and derive and interpret assessment models, we can mine existing data resources and assess some of the unknown stocks, or more frequently assess known stocks, using relatively basic single species models. Total costs for Tier One are $15.5 million per year.

Tier Two would elevate all stocks to a nationally-acceptable minimum standard of quality and frequency as identified by the regional councils and NMFS and consistent with National Research Council recommendations, but requires substantial amounts of new data in addition to more staff. Currently, 16 percent of U.S. stocks are being assessed at least at the Tier Two level. Funding Tier Two completely would achieve baseline monitoring for all federally-managed species, and upgrade core fishery management plan species to annual assessments using aggregated stock production models. Tier Two costs are estimated at $38 million per year.

Tier Three advances the state-of-the-art in stock assessment by incorporating multi-species, environmental, and spatial data into seasonal ecosystem analyses. Significant data and basic research investments are required to attain Tier Three status. The long term goal upon completion of the SAIP is for all managed species to have, at a minimum, a scientific application of a surplus production stock assessment model (level 3, on a one to five scale), with all core species assessed at a higher level (4 or 5), which incorporates ecosystem and environmental parameters into the models. An estimated $46 million would be needed to completely fund Tier Three's approach. Tier Three is a long-term objective because considerable research is required and new time series of consistent data collection must be initiated.

The different Tiers of stock assessment excellence provide useful benchmarks for monitoring performance improvements in the scientific knowledge base upon which management policies are developed. NOAA's strategy reflected in the fiscal year 2002 President's request is to seek a combination of Tier One and Tier Two improvements to reflect the priority species of NMFS and the regional councils. This investment will improve NOAA's scientific and technology competencies to collect and process the additional data into sound policy advice, and communicate it effectively to managers and the industry.

Mr. UNDERWOOD. Maybe some hypothesis-driven research.

[Laughter.]

Dr. HOGARTH One of the problems we have, to be honest with you, is people. There are just not enough people coming out of the universities to do stock assessments. So we are trying to work with the universities to develop programs to get people trained in stock assessment work. They are just not currently available and it is hard to find.

It is a total program, I think, of the modernization of the ships, to get improved data collection, to get improved stock assessments, social and economic data. It is all part of the big package to allow us to be more responsive to the issues and better data collection. Year 2001 started the process; 2002 will definitely continue it.

Mr. UNDERWOOD. Okay, thank you very much.

Mr. GILCHREST. Thank you, Mr. Underwood.

I have one last question. Actually, two last yes or no questions for Ms. Davidson from Mr. Young.

Mr. GILCHREST. Does NOAA intend to complete the site characterization work on Pribilof Islands this year?

Ms. DAVIDSON. I think that we are intending to make substantial headway on the site characterization.

As we explained in a recent briefing with some of Mr. Young's staff, we have almost fully characterized about 60 to 70 percent of the known sites. It is a fairly complex activity, because you don't always fully appreciate the extent of contamination until you get in and begin to do the site characterization work. But it would be our goal.

We just finished contracting with an outside company to review our on-site characterization to date, and they generally concurred with our conclusions to date and our estimates of likely requirements.

Mr. GILCHREST. That is a tentative "yes."

[Laughter.]

Ms. DAVIDSON. Yes.

[Laughter.]

It is, but with the understanding that cleanup is a complex issue.

Mr. GILCHREST. A tentative "yes" with the understanding that it is difficult.

With that in mind—apparently there is a two-party agreement, as far as the cost of all this—when will you have some idea of cost for the final cleanup?

Ms. DAVIDSON. Of course, that relates to the answer to the first question, Mr. Chairman.

So we hope, with this next season, which is now, I am told, November, that we not only have a better feeling for the extent of the contamination as well as the complete cost requirements.

We would be happy to get back to you at the end of the current season with the information.

Mr. GILCHREST. The end of the current season, that would be?

Ms. DAVIDSON. Well, cleanups can only really proceed from about May to November in that particular geography. After that, there are certain types of weather constraints.

Mr. GILCHREST. So you would like to wait until November to answer this question?

Ms. DAVIDSON. Well, I think that would be appropriate. I could probably more fully answer the question for you. You asked for a tentative answer, and I presume you would like—

Mr. GILCHREST. I didn't ask for a tentative answer. I think Mr. Young wanted a—

[Laughter.]

But I will pass along what you said.

Ms. DAVIDSON. Thank you, sir.

[NOAA's response follows:]

NOAA will make every effort to complete remaining site characterization field work during the 2001 work season on the Pribilof Islands. Once necessary field work is done, contractors will prepare reports of the results of their work, and then NOAA will need to review and evaluate those reports, and develop either risk assessments and/or corrective action plans for the newly characterized sites.

Once corrective action plans for all sites are available, NOAA will be able to develop an overall estimate of the cost to complete the Pribilofs cleanup. Based on site characterization and related work in past years, it is likely that NOAA's evaluation of contractors' reports, and preparation of corrective action plans, will take 4–8 months after the end of the field season, or until the late Spring of 2002.

Mr. GILCHREST. Thank you very much, Ms. Davidson.

Ladies and gentlemen, thank you for your attendance. Your testimony was very useful for all of us, and we would like to continue to work with you on these issues in the coming months.

Mr. GILCHREST. The hearing is adjourned.

[Whereupon, at 11:57 a.m., the Subcommittee was adjourned.]

FISH AND WILDLIFE SERVICE - BUDGET HEARING MAY 3, 2001

QUESTIONS FOR THE RECORD

Question 1. What is the rationale for the proposed cap on how the agency may spend ESA listing funds to comply with court orders or legal settlements? What is the practical effect of this funding restriction?

Answer 1: The revised appropriations language continues a provision recommended by the previous Administration, and enacted by Congress in fiscal years 1998 through 2001, limiting the amount of the resource management account that can be used for completing listings and critical habitat designations to the amount intended to be provided by Congress, as identified in accompanying legislative reports. That is, the effect of the language is to prohibit the Fish and Wildlife Service from reprogramming funds from other programs to the listing program. However, because some Courts have concluded that they have little or no discretion to give the Service relief from certain underlying mandatory deadlines in the ESA, even when limited listing funds do not allow the Service to meet all of the ESA listing requirements, the President's proposal also includes language clarifying that the Service may expend its listing resources in fiscal year 2002 only to comply with existing court orders or according to a priority system developed by the Service. It is our intention that the priority system be biologically based and issued only after public review and comment.

The Service listing program has a substantial backlog of work that is needed to meet statutory requirements. Because of this backlog, the Service needs a mechanism to allow for the orderly management of the listing program that allows the Service to address the species most in need. The Service also must be able to efficiently plan its work for the year, without having to abruptly stop and start work and shift resources from one Region to another in response to new court orders throughout the year.

The proposed language would preclude the Service from spending funds to comply with court orders to complete additional work in Fiscal Year 2002 as a result of past failure to meet the required deadlines identified in the ESA. The vast majority of deadlines we have missed, and the associated litigation, is related to our failure in the past to designate critical habitat at the time we listed the species. However, courts may find other appropriate remedies—for example, by ordering us to complete a critical habitat determination in fiscal year 2003. Also, the proposed language would not affect citizens" rights to sue over the merits of any listing decision, or the remedies available to Federal courts in such cases.

Question 2. On November 22, 2000, the U. S. Fish and Wildlife Service announced a listing freeze on threatened or endangered species because of court order or settlement agreements. Please update the Subcommittee on the number of pending court cases and settlement agreements?

Answer 2: The Service did not announce a listing freeze. We stated that we have allocated all of our fiscal year 2001 funding to meet court-ordered deadlines and there are no additional resources to spend this year on discretionary listing activities. Regretfully this notice was interpreted by some as a listing "freeze".

We currently have 78 active lawsuits. This includes 45 cases that we have not yet settled or are awaiting a court ruling. The remaining 33 cases have had an initial ruling or settlement agreement, but either we are considering additional legal recourse (e.g., an appeal), or we remain in litigation concerning the plaintiffs" claim for attorney fees.

Under an agreement announced August 28, 2001, with the Center for Biological Diversity the Southern Appalachian Biodiversity Project, and the California Native Plant Society, the Service will issue final listing decisions for 14 species and propose 8 more species for listing. The Service will also be able to take action on four citizen petitions to list species under the Act. The Service and the organizations have agreed to extend deadlines for either other critical habitat designations, thereby making funds available for these actions. This agreement was filed with the U.S. District Court on September 28, 2001.

The species covered by the agreement face significant threats. For example, the Service will consider emergency listing the Tumbling Creek cave snail, which declined precipitously in the single cave in Missouri where it is found, and Columbia Basin distinct population segment of pigmy rabbits in Washington, which has declined to fewer that 50 individuals. The Service will also make final determinations for the showy stickseed, the rarest plant in the State of Washington, with a single population of fewer than 300 individuals; and the Mississippi gopher frog, which is known from only one site in Harrison County, Mississippi.

Under the agreement, the deadlines for final critical habitat designations for five species and proposed and final critical habitat designations for three others will be extended into this fiscal year. The Service is using the funds that would have been spent on these actions in fiscal year 2001 and 2002 to list new species, propose new listings, work on other critical habitat designations, and respond to petitions.

Question 3. How many endangered species were not listed because of lawsuits and court ordered settlements?

Answer 3: It is impossible to determine exactly how many species were not added to the lists of endangered or threatened species as result of litigation. Unquestionably, the need to address critical habitat designations required by court order and settlement agreement have severely affected our ability to list species. For example, just looking at our recent track record for fiscal year 1997 - fiscal year 2000, it is clear that we typically listed many more species during that time frame than we will in fiscal year 2001. Final listing determinations ranged from 157 species in fiscal year 1997 to 39 species in fiscal year 2000, with a median of 48 final listing determinations per fiscal year. We completed 14 final listing determinations in fiscal year 2001.

In addition, we presently have 236 species which we have placed on the "candidate" list, all of which we have determined may warrant listing. However, we have been precluded from acting on these species due to the need to address the critical habitat issue described above.

Question 4. How much money did the federal government spend in these lawsuits and how much did the litigants receive for their legal efforts?

Answer 4: The Department of Justice estimates that the federal government has paid approximately $1.25 million dollars in attorneys' fees and costs since January 1995 for missed deadline cases and defending determinations that designation of critical habitat was not prudent.

While we do not have readily available figures for the costs relating to defending against these lawsuits, we budget approximately $800,000 in the listing program for litigation support. It is important to note that it is not the costs litigation support alone that is the primary problem for management of the endangered species listing program. It is rather that the costs of complying with the various court orders and attempting to meet the deadlines imposed by the courts have in recent years consumed, and in some cases threatened to exceed, the funds appropriated for these purposes.

Question 5. With the maintenance backlog at our National Wildlife Refuge System now exceeding $830 million, how is an increase of only $8 million going to make any real difference in reducing this staggering level?

Answer 5: All funding increases for maintenance projects help to address the maintenance backlog and benefit the Refuge System. The Refuge System has prioritized its maintenance needs in the DOI Five–Year Deferred Maintenance and Equipment Replacement Plan, which uses a standard scoring and ranking process to identify highest priority maintenance needs for the budget year and the subsequent four years, with highest priority given to health and safety. Any increase in Deferred Maintenance funding will complete high priority projects within that plan. Additionally, the fiscal year 2002 budget request included an increase of $1.9 million

in annual maintenance funding for maintenance workers who will take care of small cyclical maintenance needs and keep them from being added to the backlog.

The rate of increase of the maintenance backlog has been steadily slowing down in recent years as a result of increases in both annual maintenance and deferred maintenance funding. Refuge maintenance needs are also supported by the following appropriations: Construction, Operations and Maintenance of Quarters, BLM Wildland Fire Management, and Federal Aid - Highways.

Question 6. How much money is required for nutria eradication at the Blackwater National Wildlife Refuge in fiscal year 1902?

Answer 6: The cost to continue research on nutria population control and ecology at Blackwater NWR is $498,000, currently split between Refuges ($299K) and Ecological Services ($199K). Since the program is conducted both on and off the refuge, and involves other federal agencies, private landowners and the state, the Service is working with these partners to identify other sources of funds to initiate monitoring nutria-associated tidal marsh and wetland damage, wetland restoration experiments and outreach programs. This will adequately meet the highest objectives.

Question 7. What is the status of the National Wildlife Refuge System Centennial Commission? When will the membership of this Commission be announced?

Answer 7: On March 15, 2001, the Service sent a memorandum to the Secretary of Interior with a listing of potential candidates for the commission. At this time, the Secretary has made her appointments to the Commission, and we are in discussion with the Congressional ex officio members as to the best time to announce them. The charter for the commission has been prepared and is being reviewed within the Department.

Question 8. How many new refuges will be created in 2001?

Answer 8: At the time the budget was submitted, we projected the creation of 11 new National Wildlife Refuges (NWR's) in Fiscal Year 2001. Eight were actually established: Dakota Tallgrass Prairie WMA, North and South Dakota; Assabet River NWR, Massachusetts; Caddo Lake NWR, Texas; Oahu Forest NWR, Hawaii; Vieques NWR, Puerto Rico; and Palmyra Atoll NWR and Kingman Reef NWR in the Pacific.

Question 9. Why has the acquisition of 1,100 acres for the St. Marks NWR in Florida merited the top of the Service's LAPS list?

Answer 9: The Service's Land Acquisition Priority System (LAPS) for ranking Land and Water Conservation Fund projects was first used in the preparation of the Fiscal Year 1989 Budget Estimate. These criteria remained substantially unchanged until 1998 when a major revision of the criteria was undertaken. The revised criteria were first used in the development of the Fiscal Year 2001 Budget Estimate and include four Components and a Project Summary. Each component can have a maximum score of 200 points and the Project Summary an additional 50 points. The component questions are tied to Service trust responsibilities. The criteria are used to rank the resources of the project as a whole, not just the lands to be acquired. The overall score for St. Marks National Wildlife Refuge, Florida was 683 points, the highest score of the 133 projects on the list. The average project score for the 133 projects was 448.

The Fisheries and Aquatic Resources Component addresses: (1) the status and trends of aquatic populations; (2) species diversity for trust resources; (3) critical or essential habitats including watersheds and free-flowing rivers; (4) wetland types and trends status; and (5) wetland losses by percent of historic wetland base by state. St. Marks NWR scored 147 points on this component; the average component score was 110.

The Endangered and Threatened Species Component: (1) is recovery-oriented; (2) considers habitat and biological community integrity as well as species occurrences; and (3) focuses on actual habitat use. St. Marks NWR was one of 19 projects which scored the maximum, 200 points, on this component.

The Bird Conservation Component consists of: (1) regionally-developed lists of 70 species of concern for each region, as well as Hawaii and Puerto Rico; (2) a population importance index; and (3) an avian diversity index. Special emphasis is given to Non-game Species of Management Concern and the North American Wetlands Conservation Act Priority Waterfowl Species. St. Marks NWR scored 120 points on this component; the average component score was 112.

The Ecosystem Conservation Component addresses: (1) bio-diversity through distribution and abundance of rare communities; (2) ecosystem decline and protection of native diversity of threatened ecosystems: (3) landscape conservation by preserving large, intact habitats through partnerships; and (4) contributions to national plans and designations. St. Marks NWR scored 191 out of 200 possible points on this component. Only three of the 133 projects scored higher.

Question 10. I understand that a new visitors center is being built at the Parker River National Wildlife Refuge in Newburyport, Massachusetts. What is the cost of constructing that facility? How much has been appropriated for that headquarters complex? (A total of $3.4 million in fiscal year 1900 and fiscal year 1901) How will the additional money be raised? Is the public being asked to contribute and, if yes, is that a normal course of business?

Answer 10–1: The estimated cost to construct the facility is $7,217,294, including estimated private contributions of $1,950,000. Although the Service will complete the project with available funds, other federal funds are being sought to provide for other portions of the project.

Answer 10–2: Refer to the appropriation history provided below.

Fiscal Year	Appropriation	Purpose
Site Development		
FY 1985	426,000	Land Acquisition
FY 1992	4,270,000	Hazardous waste cleanup
FY 1993	1,164,000	Hazardous waste cleanup
Total	5,860,000	
Construction of the Complex		
FY 1997	1,150,000	Reprogramming of surplus hazardous waste cleanup funds for planning and design
FY 1999	760,000	Reprogramming surplus hazardous waste cleanup funds to complete design and initiate construction
FY 2000	2,130,000	Construction
FY 2001	1,227,294	Construction
Total	5,267,294	

Answer 10–3: The Commonwealth of Massachusetts is expected to contribute $1,000,000 for construction of the complex. The remaining $950,000 in non-federal funding is to be raised by local support groups, although these groups have not yet been able to meet this target.

Answer 10–4: The public is being asked to contribute and this is not an unusual practice. The remaining $950,000 in non-federal funding was to be raised by local support groups. Activities in support of fish and wildlife conservation are funded from unsolicited contributions to the Service from other governments, private organizations, and individuals. Donations for Visitor Centers are collected in special projects within Contributed Funds. Congress has stipulated that the cost of new Visitor Centers at sites such as Bear River NWR, Parker River NWR, and Chincoteague NWR will be split, with 50 percent of the public use portion of the project coming from private groups and other contributions, and 50 percent from federal funds.

Question 11. What is the cost to acquire the Kingman Island National Wildlife Refuge lands? Isn't the Service being sued by Americans who believe they have a legal title to Kingman Island? What is the status of this case and will this property be paid for with LWCF or Migratory Bird funding?

Answer 11: There was no cost to acquire the Kingman Reef National Wildlife Refuge lands. The FWS was delegated administrative jurisdiction and control of Kingman Reef through the Secretary of the Interior on January 18, 2001. The Office of Insular Affairs previously had administrative jurisdiction and control of the area.

A suit has been filed by the Fullard–Leo family against the FWS regarding their alleged ownership of Kingman Reef. A pre-trial conference was held between the magistrate and the attorneys on May 21, 2001, as the first step towards setting the time schedule for the rest of the proceedings. More specific information was not available as of the date of this report.

The United States Government has long held that Kingman Reef is federally-owned property and thus there is no to purchase the property with either LWCF nor Migratory Bird funds.

Question 12. The President's budget request included $6.705 million for the highly successful National Fish and Wildlife Foundation. This is some $519,000 less than the Foundation received in the current fiscal year. Why did the Foundation not receive at least level funding for fiscal year 1902?

In your opinion, could the Foundation effectively use additional resources? I am troubled by this request because of the fact that the Foundation grows every federal dollar it receives by at least one and in most cases three to one. It appears that this is the kind of program that we need to fund more often and to the maximum extent possible. Do you agree?

Answer 12: The Administration's budget request focused on core operating programs within the Service and funded the NFWF at historic funding levels. The Foundation has a proven track record of effectively leveraging Federal funding, and could probably use additional resources . . . but so too could many of the core Service programs. The budget request funds the highest priority Service needs.

Question 13. In fiscal year 1900, the Foundation received some $15 million from the Department of the Interior and some $10.5 million from the Fish and Wildlife Service alone. With all of the leveraging capability of the Foundation, what did this figure grow to during that year?

Answer 13: In fiscal year 2000, the Foundation received approximately $10.5 million through the FWS appropriation. These funds were matched by an additional $25 million in non-federal contributions generated by both the Foundation and its grantees, for a total conservation investment of $35.5 million. In general, for every federal dollar appropriated to the Foundation through the FWS in fiscal year 2000, $3.4 was invested in on-the-ground conservation.

Question 14. Why has the Administration not recommend either full funding or at least an increase for the National Wildlife Refuge Fund?

Answer 14: Units of local government receive annual payments from the U.S. Fish and Wildlife Service to offset tax losses from the purchase of fee title lands in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s). The Act requires the Service to deposit net receipts into the National Wildlife Refuge Fund to make annual payments to counties; if net receipts are not sufficient, the Service may request additional appropriations from Congress. The fiscal year 2002 budget requests $11,414,000 in appropriations for the National Wildlife Refuge Fund to supplement the estimated net receipts of $4,283,000 to make payments to counties and boroughs. The fiscal year 2002 request balances Revenue Sharing needs with other Service priorities within a limited budget.

However, the Service continues to provide other benefits to its county partners besides the annual Revenue Sharing payment. Using a substantial share of refuge and construction dollars for visitor services and facilities brings visitors to refuges and thus increases economic benefits to the local communities. For example, those who seek recreation on refuges (birdwatching, hunting, fishing, hiking, etc.) also circulate money into the local economies by staying in hotels, eating in restaurants, and buying recreational supplies. Having Service lands in the area provides both recreational and economic benefits to the local communities.

Question 15. The growth and expansion of invasive species is a growing problem within our refuge system. I understand the backlog for invasive species projects is at least $140 million. How much is being proposed for the elimination of invasive species in fiscal year 1902?

Answer 15: The Service will continue to spend at least $3 million on invasive species on national wildlife refuges in fiscal year 2002. Invasive species pose a great threat to habitats and wildlife not only on units of the National Wildlife Refuge System, but throughout the nation.

Question 16. What is the status of the Invasive Species Council? Has the Council met and have they issued any recommendations?

Answer 16: The National Invasive Species Council (Council) was established by Executive Order 13112 to provide national leadership regarding invasive species. The Council held its first meeting in July 1999. The specific focus of the Council is to ensure that Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective. The Council includes the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, Administrator of the Agency for International Development, and the Secretary of Health and Human Services (the last 2 joined recently). The Council is Co–Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. [The Council has met 3 times over the last two years—the most recent meeting occurred January 2001. UPDATE]

The Executive Order called for the Council to produce and update biennially a National Invasive Species Management Plan (Plan). The first edition of the Plan, entitled "Meeting the Invasive Species Challenge," was approved by the Council on January 18, 2001. It identifies nine priority areas for addressing invasive species prob-

lems. It also recommends actions that the Council will undertake in coordination and partnership with other stakeholders as appropriate.

The Executive Order also required the establishment of an Invasive Species Advisory Committee which consists of qualified representatives from outside of the Federal government. Their role is to provide stakeholder input to help the Council achieve the goals and objectives outlined in the Executive Order. The 32-member Advisory Committee was established in 1999, and it held its first meeting in January 2000. The Advisory Committee has met 5 times and provided significant input on the Plan and other Council initiatives.

Question 17. What is the current maintenance backlog at our National Fish Hatchery System? How would you describe the general condition of our hatcheries? For instance, how many hatcheries are older than 50 years old, 40 years old, 30 years or 20 years?

Answer 17: The current maintenance backlog at our 87 National Fish Hatchery System (NFHS) facilities consists of 1,341 projects totaling $280 million. This amounts to 31% of the $890 million replacement value of our field facilities, a ratio known as the Facility Condition Index. Ratios in excess of 10% indicate facilities in poor condition. Half of the backlog projects involve the rehabilitation of critical water supplies essential to fulfilling the station's mission. Effects on the NFHS's mission are already being felt due to the deteriorating water supplies at our National Fish Hatcheries, which average over 60 years old. Of the 70 National Fish Hatcheries, 41 are over 50 years old, 14 are between the age of 40 and 50 years, 9 are between the age of 30 and 40 years, 2 are between the age of 20 and 30 years, and only 4 are under 20 years old. Due to the aged and deteriorating state of water delivery and control systems, incidents of fish losses (some involving listed species) have occurred. Fortunately, the hatchery system received $4.0 million in Title VIII maintenance in fiscal year 2001, to help meet some of these needs. And, the Service continues to prioritize construction needs within available funding. For example, $7.4 million was appropriated in fiscal year 2001 and the Administration has requested $6.6 million in fiscal year 2002 for hatchery construction requests.

Question 18. What is the rationale for cutting funding for hatchery maintenance by $5 million dollars?

Answer 18: The funding referred to in the question was pass-through funding that Congress provided for fiscal year 2001 for the Washington State Hatchery Improvement Project. The fiscal year 2002 budget request proposed to discontinue this pass-through funding because of high priority needs within the Service. This funding was used by the state hatchery system, the Long Live the Kings project, and the Northwest Indian Fisheries Commission to initiate state-led reforms of salmon and steelhead hatcheries in Puget Sound and the marine coast of Washington State. Approximately $200,000 was available to the Service for these activities.

The Administration, however, is continuing to fund the Pacific Coast Salmon Recovery Fund in fiscal year 2002, which provides financial assistance to Pacific Northwest State, local and tribal governments to conduct activities, such as those under the Washington Hatchery Improvement Project, to restore Pacific salmon. The Recovery Fund is included in the Department of Commerce budget proposal.

Question 19. Why is the production of both hatchery fish and fish eggs down so significantly in fiscal year 02?

Answer 19: The Service's 70 National Fish Hatcheries produce fish and fish eggs to recover and restore troubled aquatic species, to help mitigate the deleterious effects of federal water projects, to meet tribal trust responsibilities, and help provide recreational opportunities for the Nation's 50 million licensed anglers.

Between fiscal year 1996 and fiscal year 2000, the number of fish and fish eggs produced by National Fish Hatcheries has been reduced by 8% and 16%, respectively, as shown in the following table. In fiscal year 2001 this trend is expected to continue with the number of fish and fish eggs decreasing by 1.4% and 2.5%, respectively. The Fisheries Program has recently increased its focus on recovery and restoration programs, which require fewer fish propagated under more rigorous scientific controls. Because of this, some production from on-going restoration and recovery programs may be reduced to incorporate better science and technology. The Service intends to produce a better quality fish that will have a greater chance of survival in the wild which will enhance the recovery and restoration of aquatic species.

Fiscal Year	# Fish Distributed	Weight in Lbs.	# Eggs Distributed
2001 (estimate)	146,500,000	5,362,000	118,500,000
2000	148,556,067	5,540,805	121,541,703
1999	138,755,275	5,462,582	147,523,505
1998	164,260,418	5,663,526	121,540,214
1997	165,563,876	5,500,395	112,904,047
1996	161,490,973	5,504,311	144,503,642

Question 20. Why are private hatcheries prohibited by the U.S. Fish and Wildlife Service from producing species like American sturgeon?

Answer 20: The Fish and Wildlife Service does not prohibit private hatcheries from holding or producing sturgeon, unless the species is listed under the Endangered Species Act, in which case a special permit is required. The Service has no other jurisdiction over commercial sturgeon production.

The Service's Southeast Region has recommended that the rearing of non-indigenous sturgeon species be avoided within watersheds that contain populations of native sturgeon, due to the potential for introduction of new diseases and the potential for competition or hybridization with native species. There are currently at least ten commercial producers of non-indigenous sturgeon in Florida alone. Best management practices have been developed by the State of Florida to minimize the chances for escapement. However, the effectiveness of these practices is unknown.

Commercial production of native species, such as the Atlantic sturgeon, presents risks to wild populations. New markets and increased demand for native sturgeon increases the potential for poaching wild fish. Additionally, native species bred for desirable aquaculture traits, such as fast growth, may not retain the genetic diversity needed to optimize survival in the wild. Escapement of aquaculture fish could thereby lead to a "swamping" of wild gene pools with fish of limited genetic diversity. The Service's Southeast Region has recommended that genetic guidelines, similar to those established by the Atlantic States Marine Fisheries Commission, be followed for commercial production of native Atlantic and Gulf sturgeon and that best management practices necessary to minimize chances for escapement be monitored and enforced.

The Fish and Wildlife Service does regulate trade of several sturgeon species for commercial purposes (e.g. caviar or flesh produced for international markets) under the Convention on International Trade of Endangered Species (CITES), but that does not affect production and sale within the U.S.

Question 21. What is the status of the Mescalero National Fish Hatchery in New Mexico?

Answer 21: Operations at the Mescalero NFH were suspended in November 2000 as a result of chronic physical problems at the facility including: radon levels in the hatchery building that at times greatly exceed OSHA allowable levels for human safety; high nitrogen levels in the water; hard water that creates kidney stones in older fish; and cracking raceways and buildings caused by unstable soil. In 1999 muddy, debris-laden water caused by a forest fire above the hatchery flooded the hatchery killing all 230,000 rainbow trout and burying Carrillo Spring, one of the hatchery's two main springs. In fiscal year 2000, the hatchery was flooded again, killing 70,000 rainbow trout and burying Carrillo Spring again. The Service recognized that without correcting the above problems, future fish production would be tenuous as best and decided to terminate operations. The Mescalero Tribal Council has passed a resolution supporting our decision to suspend operations. The Service has met with the other tribes that receive fish from Mescalero NFH, and is working closely with them to find a viable solution to this problem.

The Service is looking to replace the lost production at Mescalero by utilizing other National Fish Hatcheries.

Question 22. Last year, Congress provided $400,000 to fund grants to states for the portion of the Great Lakes Fish and Wildlife Restoration Act. When this Subcommittee extended that Act two years ago, the Service stated that this was a priority and that your need was $3.5 million and $4.5 million for state grants. Why does the Service refuse to ask for funding increases for this program?

Answer 22: The Service, the Great Lakes Fishery Commission, and the eight states in the Great Lakes have made progress in addressing the goals of the Great Lakes Fish and Wildlife Restoration Act and implementing the recommendations of the Great Lakes Fishery Resources Restoration Study. The Service has balanced this funding need against all other National funding priorities.

In fiscal year 2000, the Service's Fisheries Program reported accomplishing 112 projects in seven of the eight Great Lake states totaling $3.5 million to restore fishery resources and combat invasive species. Since fiscal year 1998, the maximum amount that the Service has requested under its authority in the Great Lakes Fish and Wildlife Restoration Act is $1,278,000. The remaining funds are requested under other Service authorities. Beginning in fiscal year 1998, the Service has provided $75,000 each year to fund restoration grants, as shown in the table below. In fiscal year 2000 and fiscal year 2001, Congress provided an additional $400,000 under the restoration grant authority. The Service has maximized the use of available funds to finance 27 recommended projects.

Great Lakes Fish and Wildlife Restoration
(Budget: FY 1998 - FY 2002)

Fiscal Year	Funds Appropriated for Service Activities	Funds Appropriated for Restoration Grants	Total Funds Available for Restoration Grants	Proposals Funded	Funds Requested in Project Proposals
1998	$1,278,000	$0	$75,000	3	$85,000
1999	$1,278,000	$0	$75,000	3	$87,000
2000	$1,278,000	$400,000	$475,000	9	$3,098,000
2001	$1,278,000	$398,000	$473,000	12	$1,730,000

Question 23. This Subcommittee was involved with passing the Fisheries Mitigation and Irrigation Partnership Act. Why did the Service fail to ask for new funds under the authorities of the new Act? If this is a priority for the Service, are you going to ask for funds in fiscal year 1903? If Congress appropriated funds for this Act, how would you spend the money?

Answer 23: The Fisheries Restoration and Irrigation Mitigation Act was signed into law in November 2000, after unfunded operational needs were identified and prioritized in the Fisheries Operational Needs System (FONS) and after fiscal year 2002 budget development. The Service will identify regional priorities this summer. The priorities can be used in both fiscal year 2002 and fiscal year 2003, depending on availability of funding.

If the additional funding were available, the Service would implement fish screening projects that provide major benefits in proportion to their costs and time requirements (table below). In partnership with state, tribal, and local governments, initial efforts would focus on known projects that can be undertaken without complex planning and engineering and using existing implementation processes. As the projects move forward, the Service would work with the Northwest states, tribes, and other partners to systematically identify other high priority projects by: (1) developing a regional inventory and a prioritization and review process; (2) entering into cooperative agreements with regional governments; (3) providing technical support; (4) implementing projects, and; (5) monitoring progress and accomplishments. Service administrative costs are limited to no more than six percent of the overall funding level of the program. The Service has not determined the direct costs for program implementation. Generally, the Service would use 75 percent of the funding for screening and passage facilities construction, equipment procurement, or modifications to existing structures. No more than 25 percent of available funds would be spent on coordination, planning and design.

Fisheries Restoration and Irrigation Mitigation Act
Estimated Program Funding

Estimated Funding level	Maximum administration overhead allowed under the Act	Funding for engineering, studies, and inventories (25% of total)	Funding for fish screen projects (75% of total)	Federal share of a 10 cfs fish screen cost*	Approximate Number of 10 cfs Projects in each state*
$300,000	$18,000	$70,500	$211,500	$39,000	1
$1,000,000	$60,000	$235,000	$705,000	$39,000	4
$5,000,000	$300,000	$1,175,000	$3,525,000	$39,000	22
$25,000,000	$1,500,000	$5,875,000	$17,625,000	$39,000	112

** - Assumes that a 10 cfs screen will cost $60,000 to complete*

Question 24. The Service testified last year before this Subcommittee on the importance and continued need for restoring striped bass during the oversight hearing on the Striped Bass Act. Why does the Service fail to request full funding for this Act?

Answer 24: The Atlantic Striped Bass Conservation Act authorizes a maximum amount of $250,000 for the Service. The Service's Fisheries Program utilizes a higher amount of general program funds to restore and manage striped bass. In fiscal year 2000, the Service reported accomplishing 23 anadromous striped bass projects in 7 states totaling $948,000 along the Atlantic Coast.

The Service, the National Marine Fisheries Service, the Atlantic States Marine Fisheries Commission, and the Atlantic Coast States have restored most of the Atlantic coast striped bass stocks under the jurisdiction of the Atlantic Striped Bass Conservation Act. The Service will continue to work with our partners to help properly manage these stocks. In other places, striped bass stocks remain below restoration goals, and the Service will continue to participate in appropriate restoration efforts.

Question 25. This Subcommittee intends to examine the Anadromous Fish Conservation Act. Please provide us with a detailed list of projects funded in the past and the amount of funding provided for these efforts.

Answer 25: The Anadromous Fish Conservation Act authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with states and other non-federal interests for the conservation, development, and enhancement of anadromous fish, including those in the Great Lakes, and to contribute up to 50 percent as the federal share of the cost of carrying out such agreements. The Act authorizes the Fish and Wildlife Service to conduct investigations, engineering and biological surveys, research, stream clearance, and construction, maintenance and operations of hatcheries and devices and structures for improving movement, feeding and spawning conditions.

Enacted in 1965, the Act allowed the Fish and Wildlife Service to work with states and others to rebuild the nation's anadromous fish resources, which were then at extremely low levels. For example, through a coordinated program among the Service, other federal agencies, states, and private interests, the decline of Atlantic Coast striped bass was reversed and stocks were restored to self-sustaining status.

Between 1966 and 1992, the Fish and Wildlife Service contributed nearly $55 million to fund over one thousand projects under the Act. The table below provides 23 examples, representative of projects funded through fiscal year 1991. However, no funds have been appropriated under the Act since 1992.

FISCAL YEAR	STATE	DESCRIPTION	AMOUNT
1991	Washington	Programs to Improve Wild Salmon Management	$192,000
1991	Michigan	Anadromous Fish Program St. Joseph River	$100,000
1991	Georgia	Restoration of Sturgeon in the Altamaha River	$25,000
1990	Washington	Treaty Indian Catch Monitoring System	$95,970
1990	Texas	Development & Evaluation of Striped Bass Restoration on the Gulf of Texas	$100,400
1988	Idaho	Fish Passage Improvements and Coordination	$26,600
1988	Minnesota	Reestablishment of Lake Sturgeon in the St. Louis River Estuary	$50,000
1988	Alabama	Alabama&Mississippi Cooperative Striped Bass	$103,000
1985	Ohio	Anadromous Fisheries Research and Surveys	$9,000
1985	Alaska	Southeast Chinook Study	$200,000
1984	Oregon	Evaluation and Development Techniques for Salmon and Steelhead Culture	$205,589
1984	Connecticut	Connecticut River Anadromous Fish Restoration	$144,240
1979	North Carolina	Anadromous Fisheries Research, Cape Fear, Phase II	$10,800
1979	Ohio	Anadromous Fish Resource Enhancement	$41,400
1979	Oregon	Rock Creek Fish Hatchery Rehabilitation	$58,600
1978	Oregon	Salmon Streamflow Requirements	$37,200
1978	New York	*Fish and Wildlife Management Act* Coordination	$9,900
1978	Mississippi	Striped Bass Rearing & Stocking Program	$17,500
1977	Oregon	Effects of Logging on Salmonids	$10,000
1977	Washington	Development of Anadromous Fish Catch Record System	$66,500
1977	Washington	Operation and Maintenance of Anadromous Fish Ponds	$117,000
1977	Indiana	Fish Production at Kingsbury Hatchery	$8,000
1976	Alaska	Crystal Lake Hatchery Improvements	$104,605

Question 26. How is the Service fulfilling its responsibilities to assist State and Interstate Commissions in conserving coastal and anadromous fishery resources?

Answer 26: The Service assists the Atlantic, Gulf, and Pacific States Marine Fisheries Commissions, which encompass 23 member states. In October 2000, the Atlantic and Gulf States Marine Fisheries Commissions approved a joint resolution recognizing Service contributions, including management assistance for coastal fisheries, cooperative conservation programs for anadromous species, conservation and enhancement of coastal fisheries habitat, and research to provide information for state and federal agencies to secure the public trust in coastal fishery resources. The resolution called for strengthening the Service's policies and programs that support the states.

In compliance with the Atlantic Coastal Act, the Service supports the Atlantic States Marine Fisheries Commission (ASMFC) in collecting, managing, and ana-

lyzing fishery data; law enforcement; habitat conservation; fishery research; and fishery management planning. The Service has official representation on ASMFC's Policy Board, Management Boards, Technical Committees and Plan Review Teams. We assist ASMFC in planning and implementing the Atlantic States Cooperative Statistics Program. The Service's Fisheries Program also maintains the striped bass tagging database, which is relied upon by the ASMFC to manage the economically important striped bass fishery.

The Service has three current Memoranda of Understanding with the Gulf States Marine Fisheries Commission (GSMFC), encompassing Federal Aid in Sport Fish Restoration administrative funding, co-location and administration support for the Service's Gulf Coast Fisheries Coordination Office, and a study on the restoration of striped bass in three Gulf of Mexico river systems. National Fish Hatcheries in the southeast and southwest produce Gulf striped bass in support of GSMFC restoration efforts. The Service participates in the development and implementation of the Fisheries Information Network (FIN) to improve the collection, management and dissemination of recreational and commercial fisheries statistics in the Gulf of Mexico and throughout the Southeast and Caribbean. GSMFC is an ex officio member of the national Aquatic Nuisance Species (ANS) Task Force, which Service co-chairs, and is a member of the ANS Task Force's Gulf of Mexico Regional Panel, which addresses prevention and control of aquatic invasive species.

The Pacific States Marine Fisheries Commission (PSMFC) is working to designate the Hanford Reach of the Columbia River as a Wild and Scenic River to be managed by the Service. The Service assists PSMFC in developing and maintaining a coordinated marking and mark recovery program for west coast salmon and steelhead populations. The Service provides financial support for the Regional Mark Processing Center, provides tag release and recovery information to the PSMFC Regional Mark Processing Committee, and serves as a Committee member. The Service participates in the development and implementation of the PSMFC Streamnet database to improve collection, management, and dissemination of fishery resource data for western and Pacific Coast states. The Service also works with the PSMFC to prevent the spread of invasive species through dissemination of outreach material.

Activities of the Service's National Wildlife Refuge System, Partners for Fish and Wildlife Program, and Coastal Program support the Commissions" plans through habitat protection and restoration. Under the Lacey Act and the Endangered Species Act, Service Law Enforcement personnel routinely assist states in protecting various anadromous fish and mollusk species. They work on task forces with the states and National Marine Fisheries Service agents to protect both saltwater and freshwater species around the country. The Service also provides funding from the Sport Fish Restoration Fund to state marine fishery agencies to support restoration of recreational fisheries, many of which are also harvested commercially. Each Commission receives $200,000 annually in Sport Fish Restoration Funds. Additionally, the PSMFC received $200,000 to support the Regional Mark Processing Center and $200,000 to manage the Hanford Reach of the Columbia River as a Wild and Scenic River.

Question 27. What is the outlook for restoring lake trout in the Great Lakes in view of the 2000 Consent Decree in the treaty rights litigation U.S. v Michigan and the Service's request for increased funding to implement the Decree?

Answer 27: The outlook is very optimistic, provided the parties to the consent decree are able to match their intentions with solid funding commitments. The August, 2000 Consent Decree provides an unprecedented opportunity to advance lake trout restoration in Lake Michigan and Lake Huron and to maintain success achieved in eastern Lake Superior. For decades, efforts to restore lake trout have been impeded by uncoordinated harvest management and controversy between anglers and tribal treaty fishers, as well as exotic species and the degraded environment of the Great Lakes. The 20-year Consent Decree makes lake trout restoration a joint focus of tribal governments and the State of Michigan, who share the harvest and management of fisheries in 19,000 square miles of treaty waters. Public support for lake trout restoration has never been greater. The Michigan United Conservation Clubs, representing 500 affiliated clubs and nearly 100,000 members, participated in negotiations leading to the Decree and expressed strong support for the settlement, especially the priority placed on lake trout restoration.

Successful implementation will depend on efforts by all parties to the settlement. The tribes and State of Michigan are required to closely manage lake trout harvest. The Fish and Wildlife Service is responsible for assessing lake trout populations, monitoring fisheries, providing third party technical consultation and advice, and expanding annual lake trout production by about one million yearlings. The

Service's National Fish Hatcheries have reared and stocked over 15 million quality lake trout yearlings into restoration zones during the past five years, a strategy that has proved successful in restoration of lake trout in Lake Superior. Stocked lake trout in restoration zones of Lake Huron and Lake Michigan are nearing abundance levels where reproduction could begin on historically important spawning reefs. The Decree also recognizes the need for effective control of the parasitic sea lamprey, especially in the St. Mary's River, where newly developed control methods have markedly reduced lake trout mortality. Parties to the Consent Decree also agree that research is needed to identify other factors limiting lake trout reproduction.

The President's fiscal year 2002 Budget Request includes $1.2 million for the Great Lakes Consent Decree. Funds will be administered through the Fisheries Program and will allow the Service to comply with the objectives outlined in the Consent Decree. Funding for the Hatchery system will enhance the lake trout rehabilitation program by increasing propagation and hatchery product evaluation in order to meet aggressive production goals for restoration of native lake trout. Funding for the Management Assistance Program will support stock assessment, lake trout stocking and biological and management assistance to tribal and state partners. In addition, the fiscal year 2002 construction request includes $940,000: $200,000 for the planning and design phase to replace the M/V Togue lake trout stocking vessel and $740,000 for Iron River NFH to replace the domes at the Schacte Creek with a structurally supported building. Full follow-on funding to complete these projects is included in the five-year plan: $2.46 million for Iron River NFH in fiscal year 2003 and $4.3 million in fiscal year 2004 for replacing the M/V Togue. This will provide a total of $7.7 million in construction.

Question 28. What are the prospects for recovery of listed fish species that have been the subject of long-term recovery efforts such as Apache trout, Gila trout and greenback cutthroat trout?

Answer 28: Prospects for recovery of the Apache trout, Gila trout, and greenback cutthroat trout are excellent. Due to the long-term recovery efforts, these species are on the brink of de-listing or down-listing. Coordinated recovery actions, including habitat restoration, removal of non-natives, and establishment of new populations through captive propagation have proven to be an effective formula for successful recovery of healthy, self-sustaining wild populations. Continued progress towards recovery, however, depends upon continued support and funding for recovery activities.

The Gila trout Recovery Team has recently recommended down-listing the Gila trout from endangered to threatened, and the Service expects to propose this action in late 2001. Recovery goals, including protecting and replicating the four known non-hybridized lineages, have been met. Habitat destruction and interbreeding with non-native rainbow trout, the main causes of the decline, have been remedied through removal of non-natives, construction of stream barriers to exclude non-natives, and the "seeding" of genetically appropriate new populations through captive propagation. Moving fish into "emergency refugia," has also been important in the recovery process, thereby saving remnant or newly replicated populations from catastrophic conditions and speeding recovery. Criteria for de-listing have been developed as part of the revised recovery plan.

A proposal to de-list the Apache trout is expected by December 2003. Recovery of the species requires replication of at least 13 lineages, comprising 30 populations. To date, five lineages have been replicated and 24 populations have been established. Eight populations remain to be replicated, along with the construction of five stream barriers (21 are now in place), which will result in 32 self-sustaining populations. The Fish & Wildlife Service, Forest Service, State of Arizona, and White Mountain Apache Tribe have made great strides toward the removal of threats (nonnative trout and habitat destruction) and the de-listing of the Apache trout.

The greenback cutthroat trout is within two populations of the recovery criterion of 20 stable reproducing populations. Eighteen populations have been established, representing the Arkansas River and South Platte River drainages. Removal of nonnative fish and introduction of captive propagated fish have been key to progress towards recovery. It is expected to take approximately five years to establish and document long-term persistence of the two remaining populations. A coordinated, long range management plan and cooperative agreement must also be completed prior to de-listing. Competition and interbreeding with non-native brook and brown trout were the primary factors in the decline of the species.

Question 29. Why is the Refuge Program trying to ban tournament fishing from all National Wildlife Refuges and recreational fishing from other units?

Answer 29: The Service is not trying to ban tournament fishing from all National Wildlife Refuges and recreational fishing from other units. We published the

proposed Recreational Fishing chapter (605 FW 3.1) and several other chapters relating to Refuge System management in the Federal Register on January 16, 2001. Section 3.13(I) of the proposal states that tournament fishing would be allowed if the "event builds appreciation for and an understanding of fish and wildlife resources, does not reasonably interfere with other refuge visitors, and if prizes of only nominal value are awarded." Similar wording was used in the proposed Appropriate Uses Chapter (603 FW 1) published for comment at the same time.

The Service has received substantial comment on the proposed change. We will review all comments and will make necessary changes to the policy to ensure it provides the best possible guidance to our managers. The Service has already entered into discussions with major fishing organizations, including those which support tournaments, in order to craft a revision which will meet the need fishing public and sound refuge management.

The Service continues to strongly support recreational fishing as an appropriate and wholesome form of outdoor recreation. Over 300 National Wildlife Refuges are open to fishing, and that number increases each year. The Refuge System offers visitors some of the greatest opportunities available to get out and go fishing and our policy will ensure that tradition continues.

Question 30. Describe the goals of the Landowner Incentive Program? When will authorizing legislation be submitted to Congress?

Answer 30: The new $50 million Landowner Incentive Program under the Land and Water Conservation Fund will increase the capability of states, the District of Columbia, territories, and tribes to provide technical and financial assistance to private landowners through the establishment of a matching grants program. This assistance will establish or supplement existing landowner incentives programs to protect and manage habitat for federally listed, proposed, or candidate species, or other at-risk species, while continuing to engage in traditional land use practices.

The President's budget included appropriations language to provide authority for the appropriation of funds for these programs, but we look forward to working with the authorizing Committees to fully develop this program in future years.

Question 31. Describe the intent of the Private Stewardship Grant Program? Isn't this a new unauthorized program?

Answer 31: The purpose of the Private Stewardship Grant Program is to establish a nationally competitive grants process that will provide funding and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species. The President's budget includes recommended language to provide authority for the appropriation of funds for this program. Again, however, look forward to working with you to fully develop this program in future years.

Question 32. How many acres will be conserved in fiscal year 1902 under the North American Wetlands Conservation Act?

Answer 32: The fiscal year 2002 request for the North American Wetlands Conservation Act is $14,912,000. These funds will benefit an estimated 409,000 acres.

Question 33. What is the rationale for the huge increase in the amount of excise taxes that will be allocated to the Sport Fish Restoration Account in fiscal year 1902?

Answer 33: The large difference that exists between the Sport Fish Restoration (SFR) interest of $41.884 million in Fiscal Year 2000 and the revised interest estimate of $83 million (The fiscal year 2001 interest estimate has recently been revised from $88 million to $83 million to more accurately reflect the lower yields caused by declining interest rates.) in Fiscal Year 2001 for the following two reasons:

1. Some investments matured on Saturday, September 30, 2000, the last day of fiscal year 2000. This timing meant the interest earned from these investments could not be credited to the SFR Account until the next business day, Monday, October 2, 2000 which falls in fiscal year 2001. Since interest earned is treated using the cash basis method and not the accrual method of accounting, approximately $18 million in interest was not credited until Fiscal Year 2001. This caused a decrease in the fiscal year 2000 interest amount while increasing the fiscal year 2001 interest amount. If this had not occurred, the interest earned in fiscal year 2000 would have been $59.828 million.
2. For fiscal year 2001, approximately $1.0 billion of SFR funds will be invested through the Aquatic Resource Trust Fund. The investment term, developed in coordination with Service partners involved in SFR funds management, is expected to yield approximately $65 million in interest for fiscal year 2001. This amount plus the $18 million which accrued in fiscal year 2000 and was credited to fiscal year 2001 totals the interest estimate of $83 million. Thus, if the $18 million had not been credited to fiscal year 2001, the fiscal year 2001 interest

estimate of $65 million would have been approximately $5 million higher than the amount earned in fiscal year 2000 ($59.828 million).

Question 34. When will an Assistant Director be named for the Federal Aid Program as required by the Wildlife and Sport Fish Restoration Program Improvement Act of 2000?

Answer 34: An Assistant Director for Migratory Birds and State Programs was established and filled by the Director in July, 2000, prior to enactment of the new Federal Aid legislation. This Assistant Director is responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration for the U.S. Fish and Wildlife Service.

Question 35. When will the Department allocate the Multi-state Conservation Grant money to the states for the current fiscal year?

Answer 35: As directed by the Fish and Wildlife Programs Improvement Act of 2000, the International Association of Fish and Wildlife Agencies delivered a list of projects for funding under the Multi-state Conservation Grant Program. The Service Director approved the list of projects and the Division of Federal Aid obtained the information necessary to process the grants from the recipients. The Division of Federal Aid then completed processing the 14 project grants. Federal Aid has finalized the grant agreements and made available the proper funding for electronic transfer of funds to the recipients using the Department of Health and Human Service's Smartlink processing software in their Payment Management System. The Division of Federal Aid is working with each recipient to implement each grant.

Question 36. What is the status of the additional $7.5 million that was authorized in fiscal year 1901 for Firearm and Bow Hunter Education and Safety Program grants?

Answer 36: The funds were apportioned to the states, commonwealths, and Territories as defined in the Act and are now available for obligation to Hunter Education Program grants.

In concert with states, non-governmental organizations, and Federal Aid staff, the Service developed interim policy for the use of these funds. A set of questions and answers was developed to deal with the complex issues brought up by use of these funds. The policy addresses appropriate use, obligations, deobligations, and reapportionment of these funds in future years. We plan to see how this policy resolves issues this year and, under the direction of a confirmed Service Director, develop permanent policy in the form of changes to the appropriate FWS Manual chapter next year.

Question 37. What type of projects are likely to be initially approved under the Great Ape Conservation Fund?

Answer 37: The Service has received more than 50 proposals for great ape conservation projects under the Great Ape Conservation Fund. Priority consideration will be given to those proposals that enhance the conservation of great apes by addressing human-great ape conflict; strengthening compliance with CITES or other applicable laws; implementing conservation education; and developing sound scientific information on, or methods for monitoring great ape habitat, populations and trends, or current and projected threats to habitat or populations. The Service recently awarded its first grant under this Fund for orangutan conservation in Gunung Palulng National Park, Indonesia. This grant will provide assistant to establish conservation education programs and build capacity of local community and government staff to protect the park from illegal logging and hunting.

Question 38. Why did the Administration not request any funding for the Neotropical Migratory Bird Conservation Account?

Answer 38: The President's fiscal year 2002 budget request provides adequate funding, given the overall priorities and resources available, to fund the highest priority projects that qualify for funding under the Multinational Species Conservation Funds.

Question 39. What is the status of the proposed regulations on Light Geese, Double–Crested Cormorants and Resident Canada Geese?

Answer 39–1 (Light Geese): The Service is preparing an Environmental Impact Statement (EIS) to consider the effects of a range of long-term solutions to the impacts of light goose over-population on the human environment. Light geese include greater snow geese, lesser snow geese, and Ross' geese. In May 1999, the Service announced its intent to prepare an EIS on light goose management. The public scoping phase was completed in November 1999 and a draft EIS was made available for public review and comment in October 2001. Following review of the public's comments, a final EIS document will be completed in 2002.

Answer 39–2 (Double-crested Cormorants): In dealing with cormorant conflicts, the Service cooperates with state agencies, private individuals, and USDA's Wildlife Services program to implement appropriate control measures where warranted. The

Service has released for public comment a draft EIS that: (1) evaluates the extent of cormorant impacts to fisheries and other natural resources; (2) analyzes the environmental effects of alternative management actions; and, (3) re-examines current cormorant depredation policy. After publishing a notice of intent announcing the EIS in the Federal Register in November 1999, the Service held public scoping meetings at 12 locations around the country that generated more than 1,400 comments regarding issues and concerns related to cormorant management. Following public review and comment, a final EIS document will be completed in the Spring of 2002.

Answer 39–3 (Resident Canada Geese): A draft EIS and proposed rule will be available for public review in late July, 2001. Following public review and comment, a final EIS document will be completed in December, 2001. Canada geese that nest and reside predominantly within the U.S. have increased exponentially and are increasingly coming into conflict with human activities. Overall, complaints related to personal and public property, agricultural damage, concerns related to human health and safety, and other public conflicts are increasing. New and innovative approaches and strategies for dealing with bird/human conflicts will be needed because of the unique locations where these geese nest, feed, and reside. The Service, with the full assistance and cooperation of the Flyway Councils and Animal and Plant Health Inspection Service/Wildlife Services (APHIS/WS), will develop a long-term strategy for the management of these birds. The result of this approach should provide states with more management flexibility and authority to deal with resident Canada geese while increasing the commitment to establish population goals and objectives, management planning, and population monitoring.

Question 40. Does the Service anticipate any additional auctions of surplus products from the National Wildlife Property Repository in Denver in fiscal year 2002?

Answer 40: No. The Service does not plan to auction any surplus wildlife products from the National Wildlife Property Repository in fiscal year 2002. The items auctioned in 1999 represented a 10-year accumulation of common commercial products, such as boots and belts, that were made from species that could lawfully be sold and that were not needed or appropriate for conservation education.

Question 41. On May 5, 1999, a group of Americans living outside of Chicago, Illinois, were "raided" by special agents of the U.S. Fish and Wildlife Service for alleged violations of U.S. wildlife laws. At this point, nearly two years later, no one has been indicted in this case. However, two of those Americans who were "raided" killed themselves. Several of those Americans allege that their constitutional rights were denied. For example, search warrants apparently were not served, legal representation was denied and personal property, including phone logs and unrelated wildlife trophies, were removed and have not been returned. What is the status of this case? What is the truth about these allegations and what steps are taken to ensure that the rights of all Americans are protected? Why was it necessary to conduct this raid at 6:30 in the morning? Is it normal procedure to retain citizens incommunicado in their homes, while law enforcement agents search for alleged wildlife violations? Is it legal to harvest captive bred lions and generic tigers which are not protected under the Endangered Species Act? If it is illegal, then please cite the appropriate legislative statues that prohibit the harvest of these animals.

Answer 41: We recently received complaints concerning the execution of a search warrant by Service special agents at a location near Chicago, Illinois, on May 5, 1999. The Service found nothing to substantiate any of the allegations of misconduct made against our agents. We are, however, cooperating fully with the Department of the Interior Office of Inspector General (OIG), which is conducting an independent investigation into the complaints concerning this search.

At the request of the Assistant U.S. Attorney handling the prosecution of the Chicago subjects investigated by the Service for wildlife violations, the OIG has delayed its administrative investigation into the allegations of misconduct until completion of the criminal proceedings. No information is thus available from the OIG review, and we cannot comment further on any of the specific allegations made by the complainants.

The search in question was conducted in connection with a Service investigation into the illegal take and commercialization of endangered species, primarily big cats including tigers, leopards, and jaguars. That investigation also remains open at this time. Evidence compiled by Service special agents has been submitted to various U.S. Attorney's offices. One individual in western Michigan has been found guilty of a felony Lacey Act violation related to the sale of three tiger skins, and prosecution efforts are underway in several other judicial districts.

The major U.S. wildlife laws enforced by the Service, including the Endangered Species Act, authorize Service officers to obtain and serve search warrants in the process of investigating possible wildlife violations. To obtain a search warrant, officers must show a federal judge or U.S. magistrate that there is probable cause to believe that evidence of a violation of federal law will be found at the premises. A federal search warrant describes the objects that officers may search for and seize; property not described in the warrant may also be seized if it constitutes evidence of other illegal activity.

Unless otherwise directed by the issuing judge or magistrate, federal search warrants may be served anytime between 6 a.m. and 10 p.m. Search warrants are often served in the morning to increase the likelihood that the search can be completed during daytime hours and that someone occupying the premises will be present and aware of the search. Individuals present during the execution of a search warrant may freely leave the premises.

Tigers are listed as endangered under the Endangered Species Act at the species level. All tigers, including those commonly referred to as "generic," are thus protected under this law, which generally prohibits the killing of listed animals, even if they were bred in captivity. Although the Service has relaxed registration requirements for those breeding generic tigers, take of these and other protected captive-bred animals is only permissible if it enhances the propagation or survival of the species. While euthanizing an ill or aged animal would be legal, hunting generic tigers or "harvesting" them for the subsequent interstate or international sale of their skins or parts is a violation of the Endangered Species Act.

African lions are not protected under the Endangered Species Act. These big cats are, however, regulated under the Animal Welfare Act, a federal law administered by the U.S. Department of Agriculture. State or local statutes may also regulate the possession and treatment of lions, including specimens bred in captivity.

Question 42. In the Consolidated Appropriations Act of 2000, the Department of the Interior received $50 million to distribute to the States for nongame grants. What is the status of those grants?

Answer 42: The fiscal year 2001Commerce, Justice, State and Related Agencies Appropriation Act (Public Law 106–553), provided $50 million to fund states, wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects, with a focus on species with the greatest conservation need. The Act created a subaccount under the Federal Aid in Wildlife Restoration Act for a Wildlife Conservation and Restoration Program (WCRP), a formula-based apportionment to the 56 states and territories. There has been considerable communication and cooperation among the Service, the states, and the International Association of Fish and Wildlife Agencies during the implementation of this new Program.

One new requirement established by the Act was for states to submit a Comprehensive Plan (Plan) for approval prior to being eligible to receive grants under the Act. Of the 56 states and territories, 29 had submitted their Plans by April 16, and all but one had submitted their Plans by May 2. Submission of a Plan by a state constitutes a commitment to develop and begin implementing, within 5 years, a Wildlife Conservation Strategy that will facilitate the identification of the state's greatest wildlife conservation needs. Each Plan must substantiate the authority and capability of the state to implement the WCRP and indicate public input and participation.

The Service has facilitated the delivery of these new funds to the states through three significant actions. It has: (1) developed and distributed WCRP implementation guidelines that make program requirements and planning clearer, (2) sponsored three regional workshops in cooperation with and for state and regional Federal Aid partners to promote implementation, and (3) established a WCRP Plan Eligibility Determination Team (with Federal and State members), which has met three times and forwarded recommendations to the Director to approve 51 of the 55 Comp Plans submitted to date.

The Team anticipates completion of its review and recommendations for all 56 state and territory WCRP Comp Plans by the end of June 2001. Two states have already submitted grants for specific projects to Service Federal Aid Regional Offices.

Question 43. The Act also required that the $50 million be invested and that the interest on that investment be made available to the North American Wetlands Office for the purchase of critical habitat. Were those funds invested? How were they invested——- daily securities or monthly securities? How much interest money was obtained from this investment?

Answer 43: The funding appropriated for Wildlife Conservation and Restoration was invested on March 21, 2001. The funds are invested in a combination of Treasury one-day and monthly securities. As of April 30, 2001, $216,696 is interest had

been earned. As of May 31, 2001, the estimated earnings from these investments will be approximately $396,000.

Question 44. The Wild Bird Conservation Act was passed in 1992 to stem the trade in wild-caught birds perceived as unsustainable by the Congress. The Act set about to regulate the import of wild birds into the United States by prohibiting unsustainable import. The law provided that exceptions could be made through the issuance of permits for personal pets, zoological display, scientific research and for cooperative breeding programs. Congress also mandated that the Act be implemented in such a manner as to assist wild bird conservation and management programs in foreign countries, and encourage and promote captive breeding in the United States. Regulations for permits were finalized in 1993, but aviculturists have complained that the permit process, under which Congress had intended to allow birds clubs and groups to import birds for cooperative breeding projects, was not working as promised, and target times of 60–90 days for approval were not being met. Also a problem was the Service's tardiness in completing regulation allowing imports of birds from foreign captive breeding facilities, and for birds sustainably harvested from the wild. In September 1995 a hearing was held by this Subcommittee to address these and other problems in the WBCA implementation.

At that hearing, Mr. Marshall Jones, then Deputy Director for International Affairs for the USFWS, testified that regulation for imports of sustainably taken birds from foreign countries was to be implemented by the end of the year. He further testified that the regulations providing for approval of foreign captive breeding facilities would be finalized by "early next year". Please clarify for the Subcommittee the following questions:

Question 44–1. When were these final rules published? If they were not published in the time frames projected by Mr. Marshall Jones, why not?

Answer 44–1: The regulations for approving sustainable-use management plans under the WBCA, which would allow the import of wild-caught birds sustainably taken in foreign countries, were published in final form on January 24, 1996. The regulations for approving foreign captive-breeding facilities are still pending, and under review by the Department.

Question 44–2. How many "sustainably taken" birds have been imported into the United States since the oversight hearing was held in September of 1995?

Answer 44–2: To date, we have only received one completed application to develop a sustainable use management plan for an exotic species within a range State. The Service obtained public comment on the application and is currently finalizing a proposed rule on the Argentina sustainable use management plan for blue-fronted amazon parrots (Amazona aestiva). Approval of this program will result in the first import of wild "sustainably taken" birds permitted under this program.

Question 44–3. How many foreign captive breeding facilities have been approved under the WBCA?

Answer 44–3: No foreign captive-breeding facilities have been approved because the regulations for this activity are still pending (see response to 1).

Question 44–4. How many cooperative breeding group applications have been submitted since 1993? Please list those that have been approved. Please list those that have been denied. Please list the times required for a decision to be made on each application submitted, and the time required for each first import to be made under permit?

Answer 44–4: The Service has received 26 complete applications for cooperative breeding programs since 1993. Following are the currently approved cooperative breeding programs:

- The Peregrine Fund, Inc (CB003); Species: harpy eagle.
- Dan L. Pike (CB004); Species: European sparrowhawk, European goshawk, rednapped shaheen, two non-native subspecies of Aplomado falcon.
- Northern Plains Breeding Co-op(CB005); Species: European goshawk, European sparrowhawk, Spanish peregrine falcon, European peregrine falcon, Australian peregrine falcon, South American peregrine falcon.
- Toucan Preservation Center (CB006); Species: keel-billed toucan, red-breasted toucan, saffron toucanet, chestnut-eared aracari, spot-billed toucanet, ariel toucan, channel-billed toucan, toco toucan.
- Hill Country Aviaries, L.L.C. (CB009); Species: fiery-shouldered conure, Hoffman's conure, white-eared conure, green-cheeked conure, blue mutation, pearly conure, crimson-bellied conure painted conure, and rose-crowned conure.
- AFA Red Siskin Recovery Project (CB012); Species: red siskin.

- The Lory and Hanging Parrot Breeding Consortium (CB013); Species: Papuan lory, fairy lorikeet, whiskered lorikeet, Duyvenbode's lory, Philippine hanging parrot.
- Northern Kentucky Falconers Association Breeding Cooperative (CB014); Species: saker falcon, sooty falcon, red-headed falcon, Bonelli's eagle, greater spotted eagle.
- Solomon Islands Consortium (CB016); Species: cardinal lory, yellow-bibbed lory, coconut (massena's) lorikeet, palm lorikeet, duchess lorikeet, Ducorp's cockatoo.
- Monk Parakeet Breeding Consortium (CB017); Species: Monk, or Quaker parakeet (captive-bred specimens only).
- Cooperative Breeding Program for Gracula religiosa (CB018); Species: Javan hill mynah, Sumatran hill mynah, greater Indian hill mynah.
- Turaco Cooperative Breeding Program (CB019); Species: great blue turaco, grey plantain-eater, Ross's plantain-eater, violacous plantain-eater, red-crested turaco, Fischer's turaco, Hartlaub's turaco, white-cheeked turaco, white-crested turaco, Livingston's turaco, green-crested turaco, violet-crested turaco, Schalow's turaco.
- Utah Falconers Cooperative Breeding Program (CB020); Species: European goshawk, European sparrowhawk, black sparrowhawk, English peregrine, Cassini peregrine, black shaheen, saker falcon, red-headed falcon.
- Coastal Carolina Conure Breeding Program (CB022); Species: fiery-shouldered conure, rose-crowned conure, rose-fronted conure.
- Cardinal Cooperative Breeding Program (CB023); Species: red-crested cardinal, yellow-billed cardinal.
- Crowned Pigeon Cooperative Breeding Program (CB024); Species: blue crowned pigeon, lesser blue crowned pigeon, Scheepmaker's crowned pigeon, Sclater's crowned pigeon, Victoria crowned pigeon, Beccari crowned pigeon.
- Fig Parrot Consortium (CB025); Species: orange-breasted fig parrot, double-eyed fig parrot, Desmarest's fig parrot, Edwards" fig parrot, Salvadori's fig parrot.
- Blue Headed Macaw Cooperative Breeding Program (CB026); Species: blue-headed macaw.
- Love Bird Cooperative Breeding Program (CB028);Species: Abyssinian lovebird, black-cheeked lovebird, Madagascar lovebird, nyasa lovebird, red-faced lovebird.
- Cut-throat Finch, North American Cooperative Breeding Program (CB029); Species: East African Cut-throat Finch, color mutations.

The following cooperative breeding program applications were denied:

- World Center for Exotic Birds (CB001); Species: various species of parrots, raptors and miscellaneous non-endangered species.
- William A. McClure (CB002); Species: yellow-crowned amazon parrot.
- International Aviculturists Society (CB007): Species: hyacinth macaw.
- Jerry Blocker (CB011); Species: Eurasian eagle owl, Lanner falcon, saker falcon, tawny eagle.
- Richard Cusick (CB021); Species: green-cheeked conure (blue mutation), painted conure, rose-crowned conure, blue-throated conure.
- COM USA, Inc. (CB027); Species: red siskin.

We received the first cooperative breeding program application in February 1994. The applicant requested approval for a cooperative breeding program to include various parrot and raptor species as well as several non-endangered species. We corresponded with the applicant for over a year in order to obtain the necessary information to complete the application. We required approximately six months to make a determination on that completed application. In reviewing an application, we must publish a Federal Register notice and open a 30-day comment period. In many cases we must also consult with the range state(s) for the species - often a prolonged process. The approval process for cooperative breeding programs has been a learning experience, and reviewing an application has often required more time than we would have liked. The process is, however, improving. For the three applications received in 2000, one applicant required three and a half months to provide adequate information to complete the application and two of the applications were complete upon receipt. We required almost five months to make a determination on one of these applications and the other two took our office approximately two months each. We feel confident that the timely review of future cooperative breeding program applications will continue.

Once a cooperative breeding program is approved, members of the program must submit an application for the actual importation of birds. Of the 20 programs that have been approved, only 15 have requested and received permits to import birds. For the first import application from an approved cooperative breeding program, the permits are issued on average within 45 days.

Question 44–5. Please list all funds collected from fines and penalties under the WBCA. Please indicate the amounts from these fines which were allocated to the Wild Bird Conservation Fund, as directed by the Congress. Please list the disposition of any funds from these sources which were not turned over to the Wild Bird Conservation Fund.

Answer 44–5: The Service has collected $7,450 in fines and $1,600 in penalties specifically under the authority of Section 114 of the Wild Bird Conservation Act (WBCA). Funds of $200 were allocated to the Special Victim Witness Fund and $250 was allocated to the Lacey Act Reward Account. The remainder of these funds was allocated to the General Treasury and tracked internally as collected under the WBCA since the Wild Bird Conservation Fund has not yet been established. Once the fund is established, we are committed to working with Treasury to transfer the funds. Because the WBCA does not have any provisions for forfeiture of wildlife or associated property, most violations are charged under other statutes such as the Endangered Species Act and the Lacey Act. Fines for violations of these two Acts are deposited into another account used by the Service for the care and handling of seized and forfeited wildlife. Fines and penalties under the WBCA, therefore, are limited.

Since January 1995, the Service has collected $6,000 in fines and $60,910 in penalties under the Endangered Species Act for violations involving live birds subject to the WBCA. The Service collected $600 in fines and $5,750 in penalties under the Lacey Act for violations involving live birds subject to the WBCA. The Service collected $400 in fines and $1,800 in penalties under the Migratory Bird Treaty Act for violations involving birds subject to the WBCA, and $1,392 in penalties for violations under other federal and state laws involving birds subject to the WBCA. In order to determine if any of these fines or penalties should be deposited into the Wild Bird Conservation Fund once it is established, we would be required to conduct a detailed review of each case.

Question 44–6. Please list the bird conservation and management projects the USFWS has supported in range countries, the name and address of the project manager, and all sums expended thereunder, or assistance of any kind provided.

Answer 44–6: Although the Service has not funded any projects under the Wild Bird Conservation Fund, our Winged Ambassadors initiative has more than 18 years of cooperative projects for conserving migratory birds throughout Latin America and the Caribbean. This initiative comes under the auspices of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere. Under the Winged Ambassadors initiative, the Service has worked with over a dozen Caribbean Islands to develop local pride in native and migratory birds, conduct outreach campaigns, and conserve vulnerable species, such as the West Indian whistling duck and a number of endemic parrots. It has assisted in Mexico to develop self-sustaining eco-tourism enterprises in rural communities and is active in South America to reverse the intensive destruction of North American migratory species such as osprey, Swainson's hawk, Dick Cissel, the latter species being slaughtered by the hundreds of thousand each year on its wintering grounds.

Question 44–7. Please list the amounts of money the Administration has requested each year since 1992 for implementation of the Wild Bird Conservation Act?

Answer 44–7: The Service received an allocation of $500,000 in fiscal year 1993 for implementation of the WBCA. That increase was subsequently included in the base funding for the International Wildlife Trade subactivity and serves as the funding necessary to continue to implement the WBCA. No funds have been requested for the grant component of the WBCA.