

Resource Management

Appropriations Language

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, [\$1,269,406,000]*\$1,266,410,000*, to remain available until September 30, [2011] *2012* except as otherwise provided herein: Provided, [That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further,] That not to exceed [\$22,103,000]*\$20,945,000* shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed [\$11,632,000]*\$10,548,000* shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009; *and of which, not to exceed \$1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are not indigenous to the United States:* Provided further, That, *in fiscal year 2011 and hereafter*, of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That, *in fiscal year 2011 and hereafter*, of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.*)

Justification of Language Changes

Deletion: “. . . That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps. . . .”

Historically, this language insured that a limited amount of funding, within the approved budget, would be made available for projects to be carried out by the Youth Conservation Corps. We find that the language is limiting and no longer necessary. The Youth Conservation Corps Act of 1972, (16 USC 1701-1706) as amended by P.L. 93-408, September 3, 1974, to expand and make permanent the Youth Conservation Corps, and for other purposes, provides the authority for the Service to fund YCC activities. The Service would like the flexibility to be able to spend in excess of \$2.5 million for youth employment programs.

Addition: “. . . and of which, not to exceed \$1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are not indigenous to the United States. . . .”

This new language provides a funding sub-cap for foreign species listings. The appropriations cap language has provided the Service with a defensible means to allocate efforts among various mandatory duties under the Act. This modification is necessary to the appropriations language to include a sub-cap that would help limit foreign listing duties so that the Endangered Species Act program funding resources are directed to activities that provide the best conservation benefit, particularly for domestic species. A foreign species budget sub-cap will allow the Service to balance the protection of both foreign and domestic species in a way that will not detract from efforts to protect imperiled domestic species.

Addition: “. . . , *in fiscal year 2011 and hereafter*, of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate . . .”

The Service is requesting that this provision be made permanent in law. We have requested this language and dollar amount every year for the last 10 years. The provision continues to be relevant today. Making the provision permanent eliminates the need to request special appropriation language year after year.

Addition: “. . . , *in fiscal year 2011 and hereafter*, of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses. . .”

The Service is requesting that this provision be made permanent in law. We have requested this language and dollar amount every year for the last 20 years. The provision continues to be relevant today. Making the provision permanent eliminates the need to request special appropriation language year after year.

Authorizing Statutes

African Elephant Conservation Act, (16 U.S.C. 4201-4245, 1538). Authorizes funding for approved projects for research, conservation, management or protection of African elephants. Authorizes prohibitions against the sale, importation, and exportation of ivory derived from African elephants. Authorization of Appropriations: Expires September 30, 2012.

Agricultural Credit Act of 1987, (P.L. 100-233). Section 616 authorizes the Secretary of Agriculture to transfer lands, interest therein, to Federal or State agencies for conservation purposes. The Fish and Wildlife Service assesses inventory lands to determine when such lands would be of benefit to the National Wildlife Refuge System and makes transfer recommendations.

Airborne Hunting Act, (16 U.S.C. 742 j-1). Section 13 of the Fish and Wildlife Act of 1956 prohibits taking or harassing wildlife from aircraft, except when protecting wildlife, livestock, and human health or safety as authorized by a federal or state issued license or permit.

Alaska National Interest Lands Conservation Act of 1980, (16 U.S.C. 410hh-3233, 43 U.S.C 1602-1784). Provides for the designation and conservation of certain public lands in Alaska, including units of the National Wildlife Refuge System, and for the continuing subsistence needs of the Alaska Natives. Sec. 42(g) of this Act makes use of such Native lands subject to refuge regulations.

Alaska Native Claims Settlement Act, (43 U.S.C. 1601-1624). Provided various measures for settling the claims of Alaska Native peoples to land in Alaska, including authorization of selection and ownership of land within National Wildlife Refuges in Alaska by Native Corporations.

Anadromous Fish Conservation Act, (P.L. 89-304). Authorizes the Secretaries of Interior and Commerce to enter into cooperative agreements with the 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 of the costs of carrying out such agreements.

Antarctic Conservation Act of 1978, (16 U.S.C. 2401). Provides for the conservation and protection of the fauna and flora of Antarctica, and their ecosystems.

Archaeological Resources Protection Act of 1979, as amended, (16 U.S.C. 470aa-47011). Provides for protection of archaeological resources and sites on public and tribal lands and for increased cooperation between government authorities, the professional archaeological community, and private collectors with collections obtained before October 31, 1979.

Arctic Tundra Habitat Emergency Conservation Act, (P.L.106-108). Requires the Secretary of the Interior to prepare, and as appropriate implement, a comprehensive, long-term plan for the management of mid-continent light geese and conservation of their habitat.

Asian Elephant Conservation Act, (16 U.S.C. 4261-4266). Provides for cooperative projects for the conservation and protection of Asian elephants. Authorization of Appropriations: Expires September 30, 2012.

Atlantic Striped Bass Conservation Act, as amended, (16 U. S.C. 1851, as amended). The purpose of this act is to support and encourage development, implementation, and enforcement of effective interstate action regarding the conservation and management of Atlantic striped bass. The three partners which share management responsibility for Atlantic striped bass are the Atlantic States Marine Fisheries Commission (ASMFC), the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS). Every two years, NMFS and the FWS are required to produce an Atlantic Striped Bass Biennial Report to Congress on the status and health of Atlantic Coast Striped Bass Stocks. The most recent report delivered to Congress was the 2007 Biennial Report to Congress.

Bald and Golden Eagle Protection Act, as amended, (16 U.S.C. 668-668d). Prohibits the importation, exportation, or taking of bald or golden eagles to sell, purchase, or barter their parts, nests, or eggs, or products made from the animals, their nests or eggs.

Chehalis River Basin Fishery Resources Study and Restoration Act of 1990, (P.L. 101-452). Authorizes a joint federal, state, and tribal study for the restoration of the fishery resources of the Chehalis River Basin, Washington.

Coastal Barrier Resources Act of 1982, as amended by the Coastal Barrier Improvement Act of 1990, (16 U.S.C. 3501 et. seq.). Requires the Secretary (delegated to the Service) to maintain the maps of the Coastal Barrier Resources System, to review the system at least every 5 years for changes which have occurred as a result of natural forces, and to make minor and technical changes to the maps of the System reflecting those natural changes. It also requires the Secretary to submit a study to Congress on the need to include the west coast in the system, and to lead an interagency task force to provide recommendations to Congress for legislative action and federal policies on developed and undeveloped coastal barriers. Authorization of Appropriations: Expires September 30, 2010.

Coastal Wetlands Planning, Protection, and Restoration Act of 1990, (16 U.S.C. 3951 et. seq.). Provides a federal grant program for the acquisition, restoration, management, and enhancement of coastal wetlands of states adjacent to the Atlantic, Gulf of Mexico, the Great Lakes, and the Pacific, including Puerto Rico, the U.S. Virgin Islands, American Samoa, and the Pacific U.S. insular areas. Provides that the Service update and digitize wetlands maps in Texas and conduct an assessment of the status, condition, and trends of wetlands in that state. Provides permanent authorization to appropriate receipts, coastal wetlands conservation grants and North American Wetlands Conservation protects. Authorization of Appropriations: Expired.

Colorado River Storage Project Act, (43 U.S.C. 620). Provides that facilities will be built and operated to mitigate losses of, and improve conditions for, fish and wildlife in connection with the Colorado River Storage.

Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (42 U.S.C. 9601, et. seq.). Provides that responsible parties, including federal landowners, investigate and clean up releases of hazardous substances. Trustees for natural resources, which includes the Secretary of the Interior, may assess and recover damages for injury to natural resources from releases of hazardous substances and use the damages for restoration, replacement or acquisition of equivalent natural resources. Provides permanent authorization to appropriate receipts from responsible parties.

Emergency Wetlands Resources Act of 1986, as amended, (16 U.S.C. 3901). Provides for the collection of entrance fees, thirty percent of which may be used for refuge operations and maintenance, and for the Secretary to establish and periodically review a national wetlands priority conservation plan for federal and state wetlands acquisition, complete National Wetlands Inventory maps for the contiguous United States by September 30, 1998, to update the report on wetlands status and trends by September 30, 1990, and at 10-year intervals thereafter.

Endangered Species Act of 1973, as amended, (16 U.S.C. 1531-1544). Prohibits the import, export, or taking of fish and wildlife and plants that are listed as threatened or endangered species; provides for adding species to and removing them from the list of threatened and endangered species, and for preparing and implementing plans for their recovery; provides for interagency cooperation to avoid take of listed species and for issuing permits for otherwise prohibited activities; provides for cooperation with States, including authorization of financial assistance; and implements the provisions of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

Fallon-Paiute Shoshone Indian Water Settlement Act, (P.L. 101-618). Establishes the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund. Funds are administered by the Service for use in restoring Lahontan Valley wetlands and recovering the endangered and threatened fish of Pyramid Lake. Section 206(a) authorizes the acquisition of water rights for restoring wetlands in Lahontan Valley. The Act stipulates that sufficient water rights be acquired to restore and sustain, on a long term average, approximately 25,000 acres of primary wetland habitat within Nevada's Lahontan Valley.

Federal Insecticide, Fungicide and Rodenticide Control Act, (7 U.S.C. 136-136y). Provides for the registration of pesticides to avoid unreasonable adverse effects to humans or the environment. Such registrations are considered Federal actions and are subject to consultations with the Service under the Endangered Species Act.

Federal Power Act, (16 U.S.C. 791a et. seq.). Provides that each license for hydropower projects issued by the Federal Energy Regulatory Commission include fishways prescribed by the Secretary of the Interior or Commerce, and that conditions for the protection, mitigation and enhancement of fish and wildlife based on recommendations of the Service and other agencies.

Federal Water Pollution Control Act (Clean Water Act), as amended, (33 U.S.C. 1251-1387). Section 404 (m) authorizes the Service to comment on permit applications submitted to the U.S. Army Corps of Engineers for the discharge of dredged or fill material into navigable waters of the United States. Section 208(i) authorizes the Service to provide technical assistance to states in developing management practices as part of its water pollution control programs and to continue with the National Wetlands Inventory. Section 320 authorizes the establishment of a state/federal cooperative program to nominate

estuaries of national significance and to develop and implement management plans to restore and maintain the biological and chemical integrity of estuarine waters.

Fish and Wildlife Act of 1956, as amended, (16 U.S.C. 742(a)-754). Establishes a comprehensive national fish and wildlife policy and authorizes the Secretary to take steps required for the development, management, advancement, conservation, and protection of fisheries resources and wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

Fish and Wildlife Conservation Act, as amended, (16 U.S.C. 2901-2911). Directs the Secretary to undertake research and conservation activities, in coordination with other federal, state, international and private organizations, to fulfill responsibilities to conserve migratory nongame birds under existing authorities. The Secretary is required, for all species, subspecies, and migratory nongame birds, to monitor and assess population trends and status; to identify environmental change and human activities; and to identify species in need of additional conservation and identify conservation actions to ensure perpetuation of these species. Authorization of Appropriations: Expired.

Fish and Wildlife Coordination Act, as amended, (16 U.S.C. 661-666(e)). Directs the Service to investigate and report on proposed federal actions that affect any stream or other body of water and to provide recommendations to minimize impacts on fish and wildlife resources.

Fisheries Restoration and Irrigation Mitigation Act of 2000, (16 U.S.C. 777 note; Public Law 106-502). Congress recently passed, and the President signed into law, legislation reauthorizing the Fisheries and Irrigation Mitigation Act (FRIMA) as part of the Omnibus Public Land Management Act of 2009, P.L. 111-11. FRIMA was established in 2000 and has been an important tool for addressing fish screening and fish passage needs in the Pacific Northwest states. Authorization of Appropriations: Expires September 30, 2015.

Fishery Conservation and Management Act of 1976, (Magnuson-Stevens Act), (16 U.S.C. 1801-1882, 90 Stat. 331). Authorizes the conservation and management of the fishery resources found within the Exclusive Economic Zone of the United States, including anadromous species, through eight Regional Fishery Management Councils. Establishes the Service as a nonvoting member of the Councils.

Food Security Act of 1985, as amended, (16 U.S.C. 801-3945). Provides that the Secretary of Agriculture consult with the Secretary of the Interior on the identification of wetlands, determinations of exemptions, and issuance of regulations to carry out the provisions of this Act. Requires the Service to concur in wetland mitigation plans in association with minimal effect exemptions and to concur in conservation plans for lands proposed for inclusion in the Wetlands Reserve program. Establishes a program to protect and restore wetlands on Farmers Home Administration inventory property and provides for the Service to identify such wetlands.

Great Ape Conservation Act of 2000, (16 U.S.C. 6301-6305). Authorizes grants to foreign governments, the CITES secretariat, and non-governmental organizations for the conservation of great apes. The funds are to be a sub-account of the Multinational Species Conservation Fund. Authorization of Appropriations: Expires September 30, 2010.

Great Lakes Critical Programs Act of 1990, (P.L. 101-596). Authorization for Service activities are contained in title III, the "Lake Champlain Special Designation Act of 1990". Authorization of Appropriations: Expired.

Great Lakes Fish and Wildlife Restoration Act of 2006, (P.L. 109-326). On October 12, 2006, President Bush signed the bill into law. The measure was first enacted in 1990 and reauthorized in 1998. The 2006 reauthorization places new emphasis on terrestrial wildlife projects, whereas the previous Acts were primarily devoted to fisheries. The bill also reauthorizes the existing state and tribal grant program and provides new authority for the Service to undertake regional restoration projects. In addition, it directs the Service to create and maintain a website to document actions taken as a result of the Act. Under authority of the Great Lakes Fish and Wildlife Restoration Act of 2006, the Great Lakes Fish and Wildlife Restoration Act Grant Program provides federal grants on a competitive basis to states, tribes and other interested entities to encourage cooperative conservation, restoration and management of fish and wildlife resources and their habitat in the Great Lakes basin. Authorization of Appropriations expires September 30, 2011.

Great Lakes Fishery Act of 1956, (16 U.S.C. 931-939). Implements the Convention on Great Lakes Fisheries between the United States and Canada, and authorizes the Secretary and the Service to undertake lamprey control and other measures related to the Convention.

Junior Duck Stamp Conservation and Design Program Act, (16 U.S.C. 719). Authorizes an annual Junior Duck Stamp competition and environmental education program for school children; provides for the licensing and marketing of winning designs, with proceeds used for awards and scholarships to participants. Public Law 109-166 reauthorizes the Junior Duck Stamp Conservation and Design Program Act of 1994. Authorization of Appropriations: Expires September 30, 2010.

Klamath River Basin Fishery Resources Restoration Act, (16 U.S.C. 746o-ss et. seq.). Requires the Secretary to develop and implement a restoration plan for the Klamath River Basin. Authorization of Appropriations: Expired.

Lacey Act Amendments of 1981, (18 U.S.C. 42; 16 U.S.C. 3371-3378). Provides that the Secretary designate injurious wildlife and ensure the humane treatment of wildlife shipped to the United States. Prohibits importation, exportation, transportation, sale, or purchase of fish and wildlife taken or possessed in violation of state, federal, Indian tribal, and foreign laws. Provides for enforcement of federal wildlife laws, and federal assistance to the states and foreign governments in the enforcement of non-federal wildlife laws.

Magnuson Fishery Conservation and Management Act, as amended, (16 U.S.C. 1801-1882). Provides a framework for managing fisheries within the Exclusive Economic Zone and through eight Regional Fishery Management Councils. Establishes the Service as a nonvoting member of the Councils.

Marine Mammal Rescue Assistance Grants, (16 U.S.C. 1421f; 114 Stat. 2765. Title II of P.L. 106-555) Amended the Marine Mammal Protection Act to authorize grants to non-governmental organizations which participate in the rescue and rehabilitation of stranded marine mammals. Authorization of Appropriations: Expired.

Migratory Bird Conservation Act, (16 U.S.C. 715-715d). Authorizes the Secretary to conduct investigations and publish documents related to North American birds, and establishes a Migratory Bird Conservation Commission (MBCC) to approve areas recommended by the Secretary for acquisition. The MBCC also approves wetlands conservation projects recommended by the North American Wetlands Conservation Council under the North American Wetlands Conservation Act.

Migratory Bird Hunting and Conservation Stamp Act, as amended (16 U.S.C. 718). This Act, commonly referred to as the Duck Stamp Act, requires waterfowl hunters, 16 years of age or older, to purchase and possess a valid Federal waterfowl hunting stamp prior to taking migratory waterfowl. The

Secretary is authorized to use \$1 million from sales of migratory bird hunting and conservation stamps to promote additional sales of stamps.

Migratory Bird Treaty Act of 1918, as amended, (16 U.S.C. 703-712). Implements four international treaties that affect migratory birds common to the United States, Canada, Mexico, Japan, and the former Soviet Union. Establishes federal responsibility for protection and management of migratory and non-game birds, including the establishment of season length, bag limits, and other hunting regulations, and the issuance of permits to band, possess or otherwise make use of migratory birds. Except as allowed by implementing regulations, this Act makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including the feathers or other parts, nests, eggs, or migratory bird products.

National Environmental Policy Act of 1969 (NEPA), as amended, (42 U.S.C. 4321 et. Seq.). Provides that the Service examine the environmental impacts, incorporate environmental information, and use public participation in the planning and implementation of all actions; integrate NEPA with other planning requirements; prepare NEPA documents to facilitate better environmental decision making; and review federal agency environmental plans and documents when the Service has jurisdiction by law or special expertise with respect to any environmental impacts involved. Permanent authority.

National Fish and Wildlife Foundation Establishment Act, (16 U.S.C. 3701 et. seq.). Established a federally chartered, nonprofit corporation to encourage and administer donations to benefit Service programs and other activities to conserve fish, wildlife, and plant resources. Title II of P.L. 109-363, reauthorized appropriations for the Foundation through fiscal year 2010.

National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470-470b, 470c-470n). Directs federal agencies to preserve, restore, and maintain historic cultural environments.

National Wildlife Refuge System Administration Act of 1966, as amended, (16 U.S.C. 668dd et. Seq.). Provides authority, guidelines and directives for the Service to improve the National Wildlife Refuge System; administer a national network of lands and waters for the conservation, management, and restoration of fish, wildlife and plant resources and habitat; ensure the biological integrity, diversity, and environmental health of refuges is maintained; define compatible wildlife-dependent recreation as appropriate general public use of refuges; establish hunting, fishing, wildlife observation and photography, and environmental education as priority uses; establish a formal process for determining compatible uses of refuges; and provide for public involvement in developing comprehensive conservation plans for refuges.

The National Wildlife Refuge System Improvement Act of 1997, (P.L. 105-57). Spells out wildlife conservation as the fundamental mission of the refuge system; requires comprehensive conservation planning to guide management of the refuge system; directs the involvement of private citizens in land management decisions; and provides that compatible wildlife-dependent recreation is a legitimate and appropriate use that should receive priority in refuge planning and management.

National Wildlife Refuge System Volunteer and Community Partnership Act of 2004, (P.L. 108-327). Authorizes cooperative agreements with nonprofit partner organizations, academic institutions, or state and local governments to construct, operate, maintain, or improve refuge facilities and services, and to promote volunteer, outreach, and education programs. Authorization of Appropriations: Expired.

The National Wildlife Refuge System Centennial Act of 2000, (P.L. 106-408). Reinforces *National Wildlife Refuge System Improvement Act* provisions to raise public understanding and

appreciation for the refuge system; calls on the Secretary of the Interior to establish a Centennial Commission to oversee special public outreach activities leading up to and during the Centennial year, leverage resources with public and private partners for outreach efforts, and plan and host a major conference in 2003; calls on the Service to develop a long-term plan to address the highest priority operations, maintenance, and construction needs of the National Wildlife Refuge System; and requires an annual report assessing the operations and maintenance backlogs and transition costs associated with newly acquired refuges lands.

Neotropical Migratory Bird Conservation Act of 2000, (16 U.S.C. 6101 et. seq.). Authorizes grants for the conservation of neotropical migratory birds in the United States and Latin America and the Caribbean, with 75 percent of the amounts made available to be expended on projects outside the United States. The funds are to be a sub-account of the Multinational Species Conservation Fund. Title III of P.L. 109-363, reauthorized appropriations for the Neotropical Migratory Bird Conservation Act through fiscal year 2010.

New England Fishery Resources Restoration Act of 1990, (P.L. 101-593). Authorizes the Service to formulate, establish, and implement cooperative programs to restore and maintain nationally significant interjurisdictional fishery resources in New England river systems.

Nonindigenous Aquatic Nuisance Species Prevention and Control Act of 1990, as amended by the National Invasive species Act of 1996, (NISA, 16 U.S.C. 4701 et. seq.), authorizes the Service to develop and implement a program to prevent and control infestations of zebra mussels and other nonindigenous aquatic invasive species in waters of the United States. Authorization of Appropriations: Expired.

North American Wetlands Conservation Act of 1989, (16 U.S.C. 4401 et. seq.). Authorizes grants to public-private partnerships in Canada, Mexico and the U.S. to protect, enhance, restore, and manage waterfowl, other migratory birds and other fish and wildlife, and the wetland ecosystems and other habitats upon which they depend, consistent with the North American Waterfowl Management Plan. Requires at least 50% non-federal matching funds for all grants. Public Law 109-322 reauthorizes the North American Wetlands Conservation Act. Authorization of Appropriations: Expires September 30, 2012.

Oil Pollution Act of 1990, (P.L. 101-380). Provides that the Service consult with others on the development of a fish and wildlife response plan for the protection, rescue, and rehabilitation of, and the minimization of risk of damage to fish and wildlife resources and their habitat harmed or jeopardized by an oil discharge.

Partnerships for Wildlife Act, (16 U.S.C. 3741-3744). This Act establishes a Wildlife Conservation and Appreciation Fund to receive appropriated funds and donations from the National Fish and Wildlife Foundation and other private sources to assist the State fish and game agencies in carrying out their responsibilities for conservation of nongame species and authorizes grants to the States for programs and projects to conserve nongame species.

Partners for Fish and Wildlife Act, (16 U.S.C. 3771 et. seq.). Provides for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States. Authorization of Appropriations expires FY 2011.

Pelly Amendment to the Fishermen's Protective Act, (22 U.S.C. 1978). Authorizes the President to embargo wildlife products, including fish, and limit other imports from nations whose nationals are determined by the Secretary of the Interior or Commerce to be engaging in trade or take that undermines the effectiveness of any international treaty or convention for the protection of endangered or threatened species to which the United States is a party.

Public Utility Regulatory Policies Act of 1978, (16 U.S.C. 2602-2645) and **Energy Security Act of 1980**, (16 U.S.C. 792-828(c)). Authorizes the Service to investigate and report on effects of hydropower development on fish and wildlife during the licensing process of the Federal Energy Regulatory Commission.

Recreational Use of Fish and Wildlife Areas, (16 U.S.C. 460k-460k-4). Commonly known as the Refuge Recreation Act of 1962, authorizes the Secretary to administer refuges, hatcheries, and other conservation areas for recreational use when such use does not interfere with the primary purpose for which these areas were established.

Refuge Recreation Act, (16 U.S.C. 460k-460k-4). Public Law 87-714, approved September 28, 1962 (76 Stat.653) as amended by Public Law 89-669, approved October 14, 1966, (80 Stat.930) and Public Law 92-534, approved October 23, 1972, (86 Stat. 1063) authorized the Secretary of the Interior to administer refuges, hatcheries and other conservation areas for recreational use, when such uses do not interfere with the areas primary purposes.

Resource Conservation Recovery Act, as amended, (42 U.S.C. 6901). Establishes standards for federal agencies on the treatment, transportation, storage, and disposal of solid and hazardous wastes on federal lands and facilities.

Rhinoceros and Tiger Conservation Act, (16 U.S.C. 5301-5306). Authorizes grants to other nations and to the CITES Secretariat for programs directly or indirectly assisting in the conservation of rhinoceros and tigers. Prohibits the sale, importation, and exportation of products derived from any species of rhinoceros and tiger. Authorization of Appropriations: September 30, 2012.

Salmon and Steelhead and Conservation and Enhancement Act of 1980, (16 U.S.C. 3301, 11-15, 21-25, 31-36, 41-45). Provides for management and enhancement planning to help prevent a further decline of salmon and steelhead stocks, and to assist in increasing the supply of these stocks within the Columbia River conservation area and the Washington conservation area.

Sikes Act, as amended, (16 U.S.C. 670a-670o). Authorizes the Secretary to cooperate with the Department of Defense, Department of Energy, National Aeronautics and Space Administration, Bureau of Land Management, and state agencies in planning, developing, maintaining and rehabilitating federal lands for the benefit of fish and wildlife resources and their habitat. Authorization of Appropriations: Expired.

Surface Mining Control and Reclamation Act of 1977, (30 U.S.C. 1201 et seq.). Authorizes the Secretary to regulate surface mining and reclamation at existing and future mining areas. The Service provides technical assistance for fish and wildlife aspects of the Department of Interior's programs on active and abandoned mine lands.

Water Resources Development Act of 1976, (90 Stat. 2921). Authorizes the Lower Snake River Compensation Plan to mitigate fish and wildlife losses caused by power generation at four Corps of Engineers dams on the Lower Snake River in Washington.

Wild Bird Conservation Act of 1992, (16 U.S.C. 4901-4916). Requires that all trade in wild bird involving the United States is biologically sustainable and to the benefit of the species, and by limiting or prohibiting imports of exotic birds when not beneficial to the species. Authorization of Appropriations: Expired.

Youth Conservation Corps Act of 1972, (16 USC 1701-1706) as amended by P.L. 93-408, September 3, 1974, to expand and make permanent the Youth Conservation Corps, and for other purposes. The Youth Conservation Corps (YCC) program, started in 1971, is a summer employment program for young men and women (ages 15 – 18) from all segments of society who work, learn, and earn together by doing projects for the U.S. Fish and Wildlife Service's National Wildlife Refuge System lands and National Fish Hatcheries. The objectives of this program (as reflected in Public Law 93-408) authorizes the Department of the Interior, Fish and Wildlife Service to operate the YCC Program.

Executive Orders

Floodplain Management, (Executive Order 11988). Requires that federally owned floodplains be protected through restricting future activities that would harm the floodplain resource or withhold such properties from lease or disposal to non-federal public or private partners.

Migratory Birds, (Executive Order 13186). Directs federal agencies taking actions that may have measurable negative impacts on migratory bird populations to enter into memoranda of understanding (MOU) with the Service to promote conservation of migratory bird populations and directs the Secretary of Interior to establish a multi-agency Council for the Conservation of Migratory Birds.

Protection of Wetlands, (Executive Order 11990). Requires that federally owned wetlands proposed for lease or conveyance to non-federal public or private parties be protected through restricting any future uses that would degrade or harm the wetland resource in the conveyance or withhold such properties from lease or disposal.

Recreational Fisheries, (Executive Order 12962). Directs federal agencies to improve the quantity, function, and sustainable productivity, and distribution of U.S. aquatic resources for increased resources for recreational fishing opportunities. The Service and the National Marine Fisheries Service are ordered to promote compatibility and to reduce conflicts between the administration of the *Endangered Species Act* and recreational fisheries. The Secretary is directed to expand the role of the Sport Fishing and Boating Partnership council to monitor specific federal activities affecting aquatic systems and the recreational fisheries they support.

Major Treaties and Conventions

The Service is party to numerous International Treaties and Conventions, all of which cannot be listed here due to space constraints. However, those listed below are a few of the more pertinent to the daily activities of Service programs.

Convention on International Trade in Endangered Flora and Fauna, (TIAS 8249). Parties who signed the Convention in March of 1973 agreed to restrict international trade in all species threatened with extinction (Appendix I species), all species which may be threatened with extinction unless trade is halted or restricted (Appendix II species), and all species which the parties identify as being subject to regulation for the purpose of preventing or restricting exploitation (Appendix III species). Many species listed under CITES are also listed under the *Endangered Species Act*. The Service is responsible for issuing all CITES permits in the United States.

Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, (56 Stat. 1354). Signed in October of 1940, this Convention authorizes the contracting parties to establish national parks, national reserves, nature monuments, and strict wilderness reserves for the preservation of flora and fauna, especially migratory birds.

Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar), (TIAS 11084). The Ramsar Convention, ratified by over 90 nations, promotes the sustainable management of important wetlands around the world, especially as habitat for waterfowl. The Service's objective with this initiative is to strengthen worldwide collaboration regarding conservation and management of wetlands habitats which sustain resources shared by or of importance to all countries of the globe.

Summary of Requirements

Appropriation: Resource Management

(Dollars in Thousands)

Activity and Subactivity	2009 Actual FTE Amount	2010 Enacted FTE Amount	Internal Transfers (+/-) FTE Amount	Fixed Costs & Related Changes (+/-) FTE Amount	Program Changes (+/-) FTE Amount	2011 Budget Request FTE Amount	Inc.(+) Dec.(-) from 2010 FTE Amount
Ecological Services							
Endangered Species	73	10,670					
Candidate Conservation	108	19,266					
Listing	423	53,462					
Consultation/HCP	436	74,575					
Recovery							
Subtotal, Endangered Species	1,040	157,973	0	0	+33	181,326	+33
Habitat Conservation	578	105,055					
Environmental Contaminants	86	13,242					
Subtotal, Ecological Services	1,704	276,270	0	0	+56	314,802	+56
Refuges and Wildlife							
National Wildlife Refuge System	2,914	462,859					
Migratory Bird Management (FY09/10 include PA)	253	50,846					
Law Enforcement	292	62,667					
International Affairs (FY 2009 includes \$2.5M Legislative transfer from USAID for Congo Apes)	63	15,704					
Subtotal, RW, MMB, LE & IA	3,522	592,076	0	0	-9	628,677	-9
Fisheries and Aquatic Resource Conservation							
National Fish Hatchery Operations	386	48,649					
Maintenance and Equipment	90	19,048					
Aquatic Habitat and Species Conservation	323	64,134					
Subtotal, Fisheries & Aquatic Resources	799	131,831	0	0	+6	142,477	+6
Climate Change and Science Capacity							
Climate Change and Science Capacity	45	20,000					
General Operations							
Central Office Operations	238	39,652					
Regional Office Operations	404	42,305					
Operational Support	30	34,620					
National Fish and Wildlife Foundation		7,537					
National Conservation Training Center	109	19,171					
Undistributed fixed cost							
Subtotal, General Operations	781	143,285	0	0	0	151,704	0
1./ Total, Resource Management w/o ARRA)	+6,806	+1,143,462	0	0	+90	+1,266,410	+90
2./3./ American Recovery and Reinvestment Act of 2009	74	165,000	244	-244	0	0	-244
Total, Resource Management (w/ARRA)	6,880	1,308,462	7,338	-154	7,184	1,266,410	-154

1./ The FY 2009 enacted does not include: a) \$2.8 million unobligated balances transfer from Bureau of Reclamation for studies at Walker River NWR, and b) \$2.5 million unobligated balances transfer in FY 2009 from USAID for the Great Apes Conservation Program in the Congo Basin. Does include \$2.5 new BA transfer for Great Apes program.

2./ The FY 2010 FTE estimates include the net impact of changes due to additional Recovery Act hiring, delayed hiring to fill 2009 vacancies, and proposed changes in FY 2010.

3./ The FY 2011 FTE estimates include the net impact of changes due to separations following completion of Recovery Act activities, and proposed changes in FY 2011.

Justification of Fixed Costs and Related Changes

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Additional Operational Costs from 2010 and 2011 January Pay Raises</u>			
1. 2010 Pay Raise, 3 Quarters in 2010 Budget	+\$8,730	+\$8,730	NA
<i>Amount of pay raise absorbed</i>	[\$0]	[\$0]	NA
2. 2010 Pay Raise, 1 Quarter (Enacted 2.0%)	NA	NA	NA
<i>Amount of pay raise absorbed</i>			[\$3,023]
3. 2011 Pay Raise (Assumed 1.4%)	NA	NA	NA
<i>Amount of pay raise absorbed</i>			[\$6,348]
<p>These adjustments are for an additional amount needed to fund estimated pay raises for Federal employees.</p> <p>Line 1 2010 Revised column is an update of the 2010 budget estimates based upon the 2010 Enacted amount of 2.0%.</p> <p>Line 2 is the amount needed in 2011 to fund the enacted 2.0% January 2010 pay raise from October through December 2010.</p> <p>Line 3 is the amount needed in 2011 to fund the estimated 2.0% January 2010 pay raise from January through September 2011.</p> <p>The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.</p>			

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
<u>Other Fixed Cost Changes</u>			
One Less Paid Day	NA	NA	NA
<p>The number of paid days is constant from 2010 to 2011.</p>			
Non-Foreign Area COLA – Locality Pay Adjustment			NA
<i>Amount of Non-Foreign Area COLA – Locality Pay Adjustment absorbed</i>		[\$363]	[\$984]
<p>This adjustment is for changes to pay and benefits for Federal employees stationed in U.S. States, territories, and possessions outside the continental United States. Specifically, the Nonforeign Area Retirement Equity Assurance Act, as contained in subtitle B (sections 1911-1919) or title XIX of the National Defense Authorization Act (NDAA) for Fiscal Year 2010 (P.L. 111-84) transitions the nonforeign area cost-of-living allowance (COLA) authorized under 5 U.S.C. 5941(a)(1) to locality pay authorized under 5 U.S.C. 5304 in the nonforeign areas as listed in 5 CFR 591.205. The act also extends locality pay to American Samoa and other nonforeign territories and possessions of the United States where no COLA rate applies. The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.</p>			
Employer Share of Federal Health Benefit Plans	+\$2,452	+\$2,452	NA
<i>Amount of health benefits absorbed</i>	[\$0]	[\$0]	[+\$2,818]
<p>The 2010 adjustment is for changes in Federal Government's share of the cost of health insurance coverage for Federal employees. For 2011, the increase is estimated at 7.0%. The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.</p>			
Workers' Compensation Payments	\$6,709	\$6,709	NA
<i>Amount of workers compensation absorbed</i>	[\$0]	[\$0]	[-\$634]
<p>The adjustment is for actual charges through June 2009 in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2011 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273. The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.</p>			

	2010 Budget	2010 Revised	2011 Fixed Costs and Related Changes
Unemployment Compensation Payments	\$1,787	\$1,787	NA
<i>Amount of unemployment compensation absorbed</i>	<i>[\$0]</i>	<i>[\$0]</i>	<i>[\$19]</i>
The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499. The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.			
Rental Payments	\$54,148	\$54,148	NA
<i>Amount of rental payments absorbed</i>	<i>[\$0]</i>	<i>[\$0]</i>	<i>[\$888]</i>
The adjustment is for changes in the costs payable to General Services Administration and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to DHS. Costs of mandatory office relocations, i.e. relocations in cases due to external events there is no alternative but to vacate the currently occupied space, are also included. The estimated cost increase will be absorbed through increased efficiencies such as delayering organizations, re-examining position grades, management streamlining, and business process improvement.			
Departmental Working Capital Fund	\$20,231	\$20,231	-\$80
<i>Amount of WCF payments absorbed</i>	<i>[\$0]</i>	<i>[\$0]</i>	<i>[\$0]</i>
The Working Capital Fund budget for 2011 is being held level with 2010 Department-wide. Reallocations among bureaus reflect shifts of funding within WCF projects.			

<u>Related Changes – Internal Transfers and Other Changes</u>	
Travel Savings	-\$3,977
FWS will save \$3,977,000 by reducing travel and relocation expenditures through adoption of new technologies and efficiency improvements..	
Information Technology Savings	-\$2,446
FWS will save \$2,446,000 by improved effectiveness and efficiencies in information technology.	
Acquisition Savings	-\$4,638
FWS will save \$4,638,000 as a result of the expansion of strategic sourcing for enterprise acquisitions.	
Energy Savings	-\$50
FWS will save \$50,000 as a result of improved energy efficiencies.	
Competitive Sourcing Savings	-\$425
FWS will save \$425,000 as a result of the elimination of competitive sourcing studies.	
Disposition of Excess Property Savings	-\$500
FWS will save \$500,000 as a result of the disposal of surplus assets.	
Foreign Listing Transfer	-1,000
Within the Resource Management appropriation's Endangered Species subactivity, the Service is splitting the Listing program component from two to three program elements. Funding will be transferred from the Listing program to a new Foreign Species program element to improve accountability and transparency of workload.	
	+1,000
Within the Resource Management appropriation's Endangered Species subactivity, the Service funding will be transferred to a new Foreign Species program element funding from the Listing program to improve accountability and transparency of workload.	

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**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT**

Program and Financing (in thousands of dollars) code 14-1611-0-302	Identification	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
<u>Obligations by program activity:</u>				
Direct program:				
00.01	Ecological Services	274	318	320
00.02	National Wildlife Refuge System	463	504	510
00.03	Migratory Bird Management and Law Enforcement and International Affairs	148	154	143
00.05	Fisheries and Aquatic Resource Conservation	131	150	146
00.06	Climate Change Adaptive Science Capacity	0	16	31
00.07	General Administration	148	156	150
00.08	Recovery Act Activities	38	127	0
01.00	Subtotal, direct program	1,202	1,425	1,300
09.00	Reimbursable program	144	144	160
09.01	Great Lakes Restoration Initiative		58	
10.00	Total new obligations	1,346	1,627	1,460
<u>Budgetary resources available for obligation:</u>				
21.40	Unobligated balance carried forward, start of year	145	305	143
22.00	New budget authority (gross)	1,474	1,445	1,418
22.10	Resources available from recoveries of prior year obligations	27	20	20
22.22	Unobligated balance transferred from other accounts [72-1021]	3		
22.22	Unobligated balance transferred from other accounts [14-0680]	2		
23.90	Total budgetary resources available for obligation	1,651	1,770	1,581
23.95	Total new obligations (-)	-1,346	-1,627	-1,460
24.40	Unobligated balance carried forward, end of year	305	143	121
<u>New budget authority (gross), detail:</u>				
Discretionary:				
40.00	Appropriation	1,306	1,269	1,266
42.00	Transferred from other accounts [72-1021]	3		
43.00	Appropriation Total	1,309	1,269	1,266
Spending authority from offsetting collections: Discretionary				
58.00	Offsetting collections (cash)	167	176	152
58.10	Change in uncollected customer payments from Federal sources (unexpired)	-2		
58.90	Spending authority from offsetting collections total discretionary	165	176	152
70.00	Total new budget authority (gross)	1,474	1,445	1,418

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**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT**

Program and Financing (in thousands of dollars) code 14-1611-0-302	Identification	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
<u>Change in obligated balances:</u>				
Unpaid obligations, start of year:				
72.40	Obligated balance, start of year	257	291	355
73.10	Total new obligations	1,346	1,627	1,460
73.20	Total outlays, gross (-)	-1,292	-1,543	-1,525
73.40	Adjustments in expired accounts (net) (-)	-4	0	0
73.45	Recoveries of prior year obligations (-)	-27	-20	-20
74.00	Change in uncollected customer payments from Federal sources (unexpired)	2	0	0
74.10	Change in uncollected customer payments from Federal sources (expired)	9	0	0
74.40	Obligated balance, end of year	291	355	270
<u>Outlays (gross), detail:</u>				
86.90	Outlays from new discretionary authority	971	1,191	1,165
86.93	Outlays from discretionary balances	321	352	360
87.00	Total outlays (gross)	1,292	1,543	1,525
<u>Offsets:</u>				
Against gross budget authority and outlays				
Offsetting collections (cash) from:				
88.00	Federal sources	-118	-131	-107
88.40	Non-Federal sources	-57	-45	-45
88.90	Total, offsetting collections (cash)	-175	-176	-152
Against gross budget authority only				
88.95	Change in uncollected customer payments from Federal Sources (unexpired)	2		
88.96	Portion of offsetting collections (cash) credited to expired accounts	8		
<u>Net budget authority and outlays:</u>				
89.00	Budget authority	1,309	1,269	1,266
90.00	Outlays	1,467	1,719	1,677
95.02	Unpaid obligation, end of year	408	0	0

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**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT**

Program and Financing (in thousands of dollars) code 14-1611-0-302	Identification	FY 2009 Actual	FY 2010 Estimate	FY 2011 Estimate
Direct obligations:				
Personnel compensation:				
11.1	Full-time permanent	455	496	498
11.3	Other than full-time permanent	30	36	30
11.5	Other personnel compensation	23	28	23
11.9	Total personnel compensation	508	560	551
12.1	Civilian personnel benefits	169	185	185
21.0	Travel and transportation of persons	31	32	28
22.0	Transportation of things	9	10	10
23.1	Rental payments to GSA	56	57	58
23.2	Rental payments to others	1	1	1
23.3	Communications, utilities, and misc.charges	21	22	20
24.0	Printing and reproduction	4	5	4
25.1	Advisory and assistance services	3	3	3
25.2	Other services	85	112	100
25.3	Purchases of goods and services from Gov't. accounts	32	40	34
25.4	Operation and maintenance of facilities	22	30	24
25.7	Operation and maintenance of equipment	12	14	12
25.8	Subsistence and support of persons	1	1	1
26.0	Supplies and materials	50	56	52
31.0	Equipment	48	60	52
32.0	Land and structures	45	80	45
41.0	Grants, subsidies, and contributions	105	157	120
99.0	Subtotal obligations, direct obligations	1,202	1,425	1,300
Reimbursable obligations:				
Personnel compensation:				
11.1	Full-time permanent	38	40	38
11.3	Other than full-time permanent	8	8	8
11.5	Other personnel compensation	2	2	2
11.9	Total personnel compensation	48	50	48
12.1	Civilian personnel benefits	14	15	15
21.0	Travel and transportation of persons	3	3	3
23.3	Communications, utilities, and miscellaneous charges	2	3	3
25.2	Other services	12	25	14
25.3	Other purchases of goods and services from Government accounts	17	30	20
25.4	Operation and maintenance of facilities	3	4	4
25.7	Operation and maintenance of equipment	2	4	3
26.0	Supplies and materials	7	12	7
31.0	Equipment	4	6	5
32.0	Land and structures	5	10	6
41.0	Grants, subsidies, and contributions	25	40	32
29.90	Subtotal obligations, Reimbursable obligations	142	202	160
99.95	Below reporting threshold	2		
99.99	Total new obligations	1,346	1,627	1,460
Personnel Summary				
Direct:				
1001	Civilian full-time equivalent employment	7,072	7,530	7,376
Reimbursable:				
2001	Civilian full-time equivalent employment	723	733	723
Allocation account				
3001	Civilian full-time equivalent employment	647	621	569

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