

Activity: Migratory Birds, Law Enforcement and International Conservation
Subactivity: Law Enforcement

	2011 Actual	2012 Enacted	2013			Change from 2012 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Operations (\$000)	62,061	61,168	+465	+1,293	62,926	+1,758
Equipment Replacement (\$000)	869	975	0	0	975	0
Total, Law Enforcement (\$000)	62,930	62,143	+465	+1,293	63,901	+1,758
FTE	296	292	-		292	0

Summary of 2013 Program Changes for Law Enforcement

Request Component	(\$000)	FTE
• Operations-Energy and Conservation	+1,000	0
• Operations-Sustaining Core Investigative Capacity	+293	0
Program Changes	+1,293	0

Justification of 2013 Program Changes

The 2013 budget request for the Office of Law Enforcement (OLE) is \$63,901,000 and 292 FTE, which is a net program change of +\$1,293,000 and 0 FTE from the 2012 Enacted.

Law Enforcement Operations/Energy and Conservation (+\$1,000,000/ 0 FTE)

This increase provides \$1 million to bolster Service law enforcement activities that help address the impact of new energy development and ongoing energy production on wildlife and wildlife habitat. This initiative will contribute to the Department of the Interior’s mission of “protecting America’s Great Outdoors and powering our future” by funding expanded compliance outreach and investigations in this arena.

These efforts will help ensure that the Nation’s dual quest to secure energy independence and reduce its reliance on traditional nonrenewable energy resources that contribute to climate change are achieved in tandem with its longstanding commitment to wildlife conservation. Specifically, the funding will allow the Service to provide specialized training and ongoing operational support for special agents so that they can undertake new priority work in this critical and sensitive conservation arena on an expanded. . This includes comprehensive training for the agent force on the new voluntary conservation guidelines for the wind industry and their application in outreach and enforcement; increased agent travel to remote locations involved in energy production for outreach and investigative efforts; increased agent participation in industry meetings, forums and conferences to conduct conservation outreach; acquisition and utilization of new monitoring and investigative technologies and equipment; and increased use of

aerial surveys to inspect oil and gas fields and other energy industry operations that affect protected wildlife. This funding will put dedicated and specially trained investigative resources on the ground (and in the air) to uphold statutory protections for wildlife, secure industrial engagement in cooperative conservation efforts, and promote wildlife stewardship as government and the private sector work to meet the Nation's energy needs.

These efforts will target impacts on distinctive species at risk as well as expanding energy industry sectors that are taking an increased toll on wildlife populations.

Focus on Key Species: Goals will include proactive outreach and (when necessary) investigative efforts to protect specific species that are at risk from either habitat modifications associated with the siting and development of new energy facilities or actual energy production operations by facilities that already are, or will soon come, on line. This portion of this enforcement initiative, for example, will prioritize enforcement activities that support the recovery of the endangered desert tortoise as the development of solar energy projects in its desert Southwest habitat increases threats to species survival related to habitat modification.

Agents will also focus on expanded efforts to protect golden eagles. Populations of this federally protected species are now in decline, not only because of habitat loss but also because they are all too often subject to "collateral" take in connection with existing oil, gas, and electric utility operations in the West. New development in these sectors plus the expansion of the wind industry throughout much of its range will only increase threats to golden eagles. Scores, for example, already die each year from turbine collisions at operating wind projects.

The Service also anticipates that increased efforts to protect golden eagles in the West will have "carry over" benefits for the greater sage grouse – a prey species that occupies much of the same habitat. A candidate for listing under the Endangered Species Act, this bird's shrinking population is already the focus of intensive public/private and Federal/State conservation efforts to address habitat loss and fragmentation. But the greater sage grouse has also been identified by the American Bird Conservancy as one of the three U.S. bird species (along with golden eagles and endangered whooping cranes) that will be most affected by the erection and operation of new wind energy facilities because the presence of large looming structures like wind turbines can cause them to abandon their breeding habitat. Wind project planning and other land development that takes into account protections for golden eagles should pay off for this species as well.

Focus on Key Sectors: In fact, the rapid expansion of the wind industry will also be addressed in general as the second part of this Law Enforcement initiative to lessen the impact of energy production on wildlife resources. While wind power promises to be an important part of the Nation's strategy to address climate change, wind farm operations already kill significant numbers of birds, bats, and other species. With more than 100,000 turbines expected to be in operation in the United States by 2030, annual bird mortality rates alone (now estimated by the Service at 440,000 per year) are expected to exceed one million.

The Service's issuance of voluntary guidelines for the wind power industry in 2012 will set the stage for increased outreach and investigative efforts by Service special agents to address impacts on wildlife. With these guidelines as a reference with respect to recommended conservation measures, the agent force will be better positioned to apply the longstanding industrial enforcement model that has successfully been utilized to secure compliance with Federal wildlife laws by companies operating in traditional energy sectors.

This initiative will fund accelerated enforcement activities in this arena with the goal of promoting industry adherence to the Service's voluntary guidelines and reducing the unlawful take of federally protected species (including eagles as noted above, other migratory birds and bats). Specific efforts will include educational outreach to wind farm developers and operators and land management agencies; compliance assistance and monitoring; and investigative work to document ongoing violations of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Endangered Species Act in circumstances where known mitigation measures have not been adopted. As when working with other industries, the Service will focus on education and outreach as it implements the guidelines and pursues this enforcement initiative. These efforts will help ensure that companies understand the criteria that must be addressed to site wind energy infrastructure in an environmentally responsible manner that takes into account impacts on wildlife and wildlife habitat. They will also provide regulatory certainty (since companies will know what expectations apply for wind power development and operations) and help spur future growth in the industry.

Law Enforcement Operations/Sustaining Core Investigative Capacity (+293,000, 0 FTE)

This increase will allow the Law Enforcement program to absorb inflationary increases in its operating costs for conducting investigations, working effectively with Federal, State and international partners, and promoting compliance with Federal wildlife protection laws. Service special agents are responsible for enforcing these laws nationwide, and many of these criminal investigators are assigned core jurisdictions that encompass large geographic areas or large human populations. Agent staffing per-capita and per-acre is such that investigative work routinely and unavoidably involves considerable expenditures each year on gasoline, mission-essential travel, and other necessities for which prices are expected to increase. Without an offsetting funding increase, operational costs might over time limit the effectiveness or require an actual scaling back of critical enforcement work needed to safeguard endangered species, conserve wildlife habitat, and protect global animal and plant resources from unsustainable trade and illegal trafficking.

Program Overview

Under the provisions of the Lacey Act (16 U.S.C. 3771-3778), the Endangered Species Act (16 U.S.C. 1531-1544), and other U.S. wildlife conservation laws, the Office of Law Enforcement (OLE) protects fish, wildlife, and plant resources by investigating wildlife crimes, including those involving commercial exploitation, habitat destruction, and industrial hazards, and monitoring the Nation's wildlife trade to intercept smuggling and facilitate legal commerce. Effective enforcement of the Nation's wildlife laws is essential to the Service's conservation mission and supports the Department's goal of protecting and enhancing "America's Great Outdoors."

Service special agents, wildlife inspectors, and forensic scientists help recover endangered species, conserve migratory birds, restore fisheries, combat invasive species, safeguard wildlife habitat, and promote international wildlife conservation. Law Enforcement efforts that protect species and support strategic habitat conservation are increasingly critical as wildlife resources face accelerating threats from climate change and habitat loss. These threats make wildlife populations even more vulnerable to such crimes as poaching, black market trafficking, and industrial take.

Protecting the Nation's Species: Service special agents investigate crimes involving Federally-protected resources, including endangered and threatened species native to the United States, migratory birds, eagles, and marine mammals. Enforcement efforts focus on dismantling criminal enterprises illegally profiting from trade in U.S. wildlife and plants, as well as addressing other potentially devastating threats to wildlife, including habitat destruction, environmental contaminants, and industrial hazards. Service special agents provide enforcement assistance to support the strategic habitat conservation efforts

of the Department's Landscape Conservation Cooperatives; help negotiate and enforce Habitat Conservation Plans under the Endangered Species Act; and investigate violations of laws that safeguard wildlife and wildlife habitat. Law Enforcement also works with industries whose activities affect U.S. wildlife resources and their habitat to reduce hazards and secure voluntary compliance with wildlife laws.

Combating Illegal Global Wildlife Trafficking: The United States remains one of the world's largest markets for wildlife and wildlife products, both legal and illegal. Illegal global trafficking represents a threat to the continued viability of thousands of species around the world. Law Enforcement's trade monitoring activities at U.S. ports provide a front-line defense against illegal wildlife trade. Service wildlife inspectors process declared shipments, intercept wildlife contraband, conduct proactive enforcement blitzes to catch smugglers, and work with special agents to investigate businesses and individuals engaged in illegal wildlife trafficking. Service Law Enforcement officers also work to prevent the introduction of invasive species via international trade and travelers. Special agents and wildlife inspectors enforce prohibitions on the importation and interstate transport of injurious wildlife.

Facilitating Legal Wildlife Trade: OLE's mandate to enforce wildlife trade laws encompasses a responsibility to deal fairly and efficiently with the businesses, organizations, and individuals that legally import and export wildlife. The speed and efficiency of wildlife inspection operations affect not only businesses trading in legal commodities but also the international movement of wildlife for purposes that range from scientific research to public entertainment. Service officers provide guidance to individuals and businesses to help them obey wildlife laws and expedite their import and export transactions. Customer service efforts use technology to speed trade, streamline communication, and improve public access to information about laws and regulations affecting trade in wildlife and wildlife products.

Management Excellence: Law Enforcement's success in protecting the Nation's wildlife, stemming illegal global wildlife trafficking and facilitating legal wildlife trade depends on how well it uses its resources to meet these goals. The program maintains ongoing strategic planning and performance management; is implementing comprehensive workforce plans; and is working to strengthen the career development and professional integrity of its workforce. Law Enforcement also leverages technology to support its investigative and inspection efforts and works to reduce the impact of its operations and facilities on global climate change.

Use of Cost and Performance Information

Performance information for the Law Enforcement program is collected through both the Service's Activity Based Costing (ABC) program (which ties costs directly to work-hours spent on activities that address broad performance goals in the Service operational plan) and through the more detailed performance monitoring that is being conducted under the program's Strategic Plan.

OLE implemented its first 5-year Strategic Plan (which set goals and performance measures through 2010) in 2006. That plan was reviewed in 2010 and updated to reflect goals, objectives, and measures for the period 2011-2015.

This updated plan examines OLE's role in addressing stressors on wildlife that include commercial exploitation, industrial hazards, and injurious species and its utilization as a "tool" to support the on-the-ground conservation efforts deployed by the Department's Landscape Conservation Cooperatives to protect the lands and resources that constitute "America's Great Outdoors." Performance monitoring under this plan is used in conjunction with the ABC-driven measures included in the Program Performance Overview table to analyze both the scope and impact of OLE's work and track its progress in protecting U.S. species and wildlife, preventing illegal trafficking in global resources, and facilitating legal wildlife trade in the United States.

2013 Program Performance

In 2013, the Law Enforcement program will build on past successes in stemming the exploitation of the Nation's wildlife and plant resources and combating global trafficking in protected species. In 2011 and 2012, these efforts exposed unlawful take (and in some cases, sale) of federally protected Mexican wolves, grizzlies, and manatees; endangered mussels and insects; protected birds such as whooping cranes, Newell's shearwaters, piping plovers, brown pelicans, and bald and golden eagles; threatened Marianas fruit bats, western prairie fringed orchids; and sea otters; fish such as salmon, alligator gar, paddlefish, lobster, and striped bass; freshwater U.S. turtles and other native reptiles; American alligators; and big game resources. Inspections, investigations, and prosecutions were completed that disrupted illegal trafficking in African elephant ivory, rhino horn, jaguar skins, endangered Asian arowana fish, sea turtle eggs, black and other CITES-listed coral, protected turtles and tarantulas, and foreign woods.

As in past years, the program will focus on those enforcement efforts that address the greatest conservation concerns. Investigations will address unlawful take and trafficking of wildlife and plants, with priority given to crimes that jeopardize wild populations of protected species (including populations that are already being affected by habitat loss and environmental degradation, including climate change). This work, which will be facilitated by the \$293,000 increase requested to offset inflationary increases in operational costs, will help promote the recovery of U.S. species listed as endangered or threatened; improve safeguards for other federally protected wildlife, including marine mammals and migratory birds; and protect wildlife resources and habitat that are integral components of America's Great Outdoors.

The \$1 million increase requested above for energy-related enforcement will allow Service special agents to expand both proactive outreach and investigative activities focused on securing compliance with wildlife protection laws from industries whose activities affect wildlife and wildlife habitat. These efforts (as described previously) will help the Nation meet its energy needs using both traditional nonrenewable resources (oil, gas, and coal-generated electricity) and "green" technologies (including solar and wind) without undue negative impacts on wildlife and wildlife conservation.

Populations of species that are already in decline (notably desert tortoises and golden eagles) will benefit over time as will other struggling species with overlapping habitat (such as the greater sage grouse). The Service Law Enforcement will also step up its efforts to protect the entire array of wildlife resources that are threatened by the rapid expansion of the wind power sector. Increased enforcement outreach and documentation of violations with respect to wind energy operations is expected to result in voluntary implementation of conservation measures or, if needed, court-ordered actions to protect wildlife.

Law Enforcement - Performance Overview Table

Performance Goal	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Plan	2013 PB	Change from 2012 Plan to 2013 PB	Long Term Target 2016
CSF 6.5 Number of individuals and businesses conducting illegal activities involving migratory birds	3,370	2,755	2,739	2,596	2,440	2,420	-20	2,690
6.5.4.1 # of migratory bird investigations	1,476	1,230	1,267	1,175	1,100	1,000	-100	1,200
6.5.4.2 total # of investigations	15,000	15,000	14,000	12,013	11,000	11,000	0	14,000
CSF 7.33 Number of individuals and businesses conducting illegal activities involving T&E species	4,051	3,430	3,261	2,941	2,700	2,700	0	3,330
7.33.4.1 # of T&E investigations	2,988	2,529	2,330	2,116	1,900	1,900	0	2,500
CSF 9.2 Number of individuals and businesses conducting illegal activities involving marine mammals	327	218	250	224	207	207	0	206
9.2.4.1 # of marine mammal investigations	301	208	218	212	205	205	0	205
CSF 10.4 Number of individuals and businesses conducting illegal activities involving foreign species	9,773	8,660	8,758	8,237	7,800	7,800	0	8,600
10.4.4.1 # of investigations involving foreign species	9,834	8,921	9,180	8,671	8,500	8,500	0	9,000
10.4.5.2 total # of wildlife shipments	175,000	180,000	185,000	164,485	155,000	165,000	10,000	185,000

1/ The \$1 million increase in enforcement focused on energy impacts will not necessarily result in an increase in the number of investigations being conducted. In fact, enforcement work in this area will focus heavily on outreach, education, and monitoring efforts to secure voluntary compliance with Federal wildlife laws and will only result in investigations when companies fail to adopt reasonable measures to prevent negative impacts on wildlife.