

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, [\$1,228,142,000] \$1,247,044,000, to remain available until September 30, [2013] 2014, except as otherwise provided herein: *Provided*, That not to exceed [\$20,902,000] \$22,431,000 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 [\$7,472,000] \$4,548,000 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, [2010] 2011; of which not to exceed [\$1,500,000] \$1,498,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed [\$1,500,000] \$1,498,000 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 2012 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 2012 and hereafter, of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses]. (Consolidated Appropriations Act, 2012)

Justification of Language Changes

Change:

Deletion of the following wording:

[*Provided further*, That, in fiscal year 2012 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 2012 and hereafter, of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses].

This change in language is no longer needed because it was made permanent law in the Consolidated Appropriations Act, 2012 (P.L. 112-74). The Service no longer needs to request this special appropriation language each year. The law enforcement provision with exact dollar amount had been requested the previous 10 years, and the environmental contaminants provision with exact dollar amount had been requested the previous 20 years according to the FY 2012 President's Budget.

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 the 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. 5151-5158). 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 Act recognizes the commercial and recreational importance of Atlantic striped bass and establishes a consistent management scheme for its conservation. 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. Expires September 30, 2011.

Bald and Golden Eagle Protection Act, as amended, (16 U.S.C. 668-668d). This Act provides for the protection of Bald Eagles and Golden Eagles by prohibiting take, possession, sale, purchase, transport, export or import of such eagles or their parts or nests. Take, possession, and transport are permitted for certain authorized purposes.

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: Expired.

Coastal Wetlands Planning, Protection, and Restoration Act of 1990, (16 U.S.C. 3951-3156). 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 projects. Authorization of Appropriations: Expired.

Coastal Zone Management Act of 1972, (16 U.S.C. 1451-1464). Establishes a voluntary national program within the Department of Commerce to encourage coastal states to develop and implement coastal zone management plans. Activities that affect coastal zones must be consistent with approved state programs. The Act also establishes a National Estuarine Research Reserve System (NERRS). Expired.

Colorado River Floodway Protection Act, (43 U.S.C 1600; 42 U.S.C. 4029). Established a Task Force to advise the Secretary on the specific boundaries for and management for the area. 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.

Coral Reef Conservation Act of 2000, (16 U.S.C. 6401 et seq.). Promotes wise management and sustainable use of coral reef ecosystems and develop sound scientific information on the condition of coral reef ecosystems and threats to them. Provides financial resources to local communities and nongovernmental organizations to assist in the preservation of coral reefs. It establishes a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects. Expired.

Electronic Duck Stamp Act, (16 U.S.C. 718 note). Established a pilot program that authorized up to 15 states to issue electronic Duck stamps for three years. The Service is required to submit a report to Congress at the conclusion of the pilot program (in 2010).

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 Land Transaction Facilitation Act (FLTFA), (43 U.S.C. 2301-2306). Allows the sale of BLM lands identified for disposal, with sales proceeds used for land acquisition by the various land management agencies, including the U.S. Fish and Wildlife Service. Expired.

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, (161 S.C. 791a et seq.). Provides that each license for hydropower projects issued by the Federal Energy Regulatory Commission includes 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 et seq.). 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: Expired.

Great Lakes Critical Programs Act of 1990, (P.L. 101-596). Authorization for Service activities is 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, 2012.

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 et seq.). 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: Expired.

Klamath River Basin Fishery Resources Restoration Act, (16 U.S.C.460ss 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 Protection Act, (16 U.S.C. 1361-1407). Established a moratorium on taking and importing marine mammals, including parts and products. Defines the Federal responsibility for conservation of marine mammals, with management authority vested in the Department for the sea otter, walrus, polar bear, dugong, and manatee. Expired.

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.

Marine Turtle Conservation Act, (16 U.S.C. 6601-6607). Established a Marine Turtle Conservation Fund in the Multinational Species Conservation Fund. The fund is a separate account to assist in the conservation of marine turtles, and the nesting habitats of marine turtles in foreign countries. 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 Aquaculture Development Act, (16 U.S.C. 2801-2810). Established a coordinating group, the Joint Subcommittee on Aquaculture (JSA). The JSA has been responsible for developing the National Aquaculture Development Plan. The plan establishes a strategy for the development of an aquaculture industry in the United States. Expired.

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. 3701-3709). 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. Expired.

North American Wetlands Conservation Act of 1989, (16 U.S.C. 4401). 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.

Nutria Eradication and Control Act, (P.L. 108-16), Provides for the States of Maryland and Louisiana to implement nutria eradication or control measures and restore marshland damaged by nutria. Expired.

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. 3771-3774). 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 September 30, 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. 5306(a)). 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: September 30, 2014.

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 the 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) authorize the Department of the Interior, Fish and Wildlife Service to operate the YCC Program.

Executive Orders

The EOs listed are not an exhaustive list and are the most frequently reference and used by the Service.

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 the 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 <i>(Dollars in Thousands)</i>														
Activity and Subactivity	2011 Actual		2012 Enacted		Fixed Costs		Internal Transfers ^{1/2}		Program Changes (+/-)		2013 President's Budget		Changes from 2012	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Ecological Services														
Endangered Species														
Candidate Conservation	73	11,448	73	11,337	0	+159	0	-33	0	0	73	11,463	0	+126
Listing	129	20,902	129	20,869	0	+117	0	-55	+4	+1,500	133	22,431	+4	+1,562
Consultation/HCP	454	61,877	450	60,943	0	+542	0	-190	+4	+2,800	454	64,095	+4	+3,152
Recovery	470	81,219	470	82,806	0	+676	0	-180	-5	-1,593	465	81,709	-5	-1,097
Subtotal, Endangered Species	1,126	175,446	1,122	175,955	0	+1,494	0	-458	+3	+2,707	1,125	179,698	+3	+3,743
Habitat Conservation	614	112,524	605	110,637	0	+812	0	-246	-1	+1,239	604	112,442	-1	+1,805
Environmental Contaminants	83	13,316	82	13,128	0	+104	0	-39	+4	+1,200	86	14,393	+4	+1,265
Subtotal, Ecological Services	1,823	301,286	1,809	299,720	0	+2,410	0	-743	+6	+5,146	1,815	306,533	+6	+6,813
National Wildlife Refuge System ¹	3,244	492,059	3,203	485,691	0	+3,639	-20	-4,745	+3	+10,245	3,186	494,830	-17	+9,139
National Wildlife Refuge System	3,244	+492,059	3,203	+485,691	0	+3,639	-20	-4,745	+3	+10,245	3,186	494,830	-17	+9,139
Migratory Birds, Law Enforcement & Int'l Conservation														
Migratory Bird Management	249	52,175	248	51,453	0	+497	0	-111	-5	-776	243	51,063	-5	-390
Law Enforcement	296	62,930	292	62,143	0	+586	0	-121	0	+1,293	292	63,901	0	+1,758
International Affairs	72	13,119	71	12,971	0	+111	0	-28	0	0	71	13,054	0	+83
Subtotal, MIG Birds, Law Enforcement & IA	617	128,224	611	126,567	0	+1,194	0	-260	-5	+517	606	128,018	-5	+1,451
Fisheries and Aquatic Resource Conservation														
National Fish Hatchery Operations	374	48,856	335	46,075	0	+508	0	-165	-21	-3,229	314	43,189	-21	-2,886
Maintenance and Equipment	73	18,180	72	18,031	0	0	0	-34	0	0	72	17,997	0	-34
Aquatic Habitat and Species Conservation	342	71,903	331	71,211	0	+837	0	-143	-45	-1,484	286	70,421	-45	-790
Subtotal, Fisheries & Aquatic Resources	789	138,939	738	135,317	0	+1,345	0	-342	-66	-4,713	672	131,607	-66	-3,710
Cooperative Landscape Conserv. & Adaptive Science	55	30,970	79	32,198	0	+96	0	-10	0	+770	79	33,054	0	+856
Cooperative Landscape Conserv. & Adaptive Science	55	+30,970	79	+32,198	0	+96	0	-10	0	+770	79	33,054	0	+856
General Operations														
Central Office Operations ²	258	42,720	230	38,605	0	+344	0	+2,897	0	0	230	41,846	0	+3,241
Regional Office Operations	414	42,836	401	40,951	0	+1,053	0	-178	0	+800	401	42,626	0	+1,675
Servicewide Bill Paying	27	36,360	27	36,039	0	+1,740	0	0	0	-454	27	37,325	0	+1,286
National Fish and Wildlife Foundation	0	7,537	0	7,525	0	0	0	0	0	0	0	7,525	0	0
National Conservation Training Center	144	23,930	142	23,564	0	+169	0	-53	0	0	142	23,680	0	+116
Subtotal, General Operations	843	153,383	800	146,684	0	+3,306	0	+2,666	0	+346	800	153,002	0	+6,318
Total, Resource Management	+7,371	+1,244,961	+7,240	+1,226,177	0	+11,990	-20	-3,434	-62	+12,311	+7,158	+1,247,044	-82	+20,867

^{1/} -\$3,434 million / ^{2/} +20 FTE in FY13 Refuge Conservation Planning is a proposed transfer to Land Acquisition. ^{2/} Internal transfer of \$2,897 million is a consolidation of funding for the Office of Diversity.

Justification of Fixed Costs and Related Changes

U.S. Fish and Wildlife Service

Justification of Fixed Costs and Related Changes

(Dollars in Thousands)

Pay Raise and Pay-Related Changes	2011 PY	2012 CY Change	2013 BY Change
Calendar Year 2010 Quarter 4	3,023		
Calendar Year 2011 Quarters 1-3	-		
Calendar Year 2011 Quarter 4		+0	
Calendar Year 2012 Quarters 1-3		+0	
Calendar Year 2012 Quarter 4			+0
Calendar Year 2013 Quarters 1-3			+2,292
Non-Foreign Area COLA Adjustment to Locality Pay	-	+401	
Change in Number of Paid Days			+2,566
Employer Share of Federal Health Benefit Plans	2,818	+2,661	+3,269

Other Fixed Cost Changes and Projections	PY	CY Change	BY Change
Worker's Compensation Payments	6,075	+495	+144
The adjustment is for changes in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the BY 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.			
Unemployment Compensation Payments	1,806	+24	+212
The adjustment is for projected 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.			
GSA Rental Payments	55,036	+965	+2,215
The adjustment is for changes in the costs payable to General Services Administration (GSA) 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 where due to external events there is no alternative but to vacate the currently occupied space, are also included.			
Departmental Working Capital Fund	20,151	-872	+1,292
The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are displayed in the Budget Justification for Department Management.			

Internal Realignments and Non-Policy/Program Changes (Net-Zero)	BY (+/-)
Diversity Office	+4,244
<p>In response to a finding, the Service has established an Office of Diversity and Inclusive Workforce Management in 2011. This transfer will make permanent the transfer that was initially reflected in the 2011 Operating Plan. Funding is used for a Diversity Recruiter position in each region and at the headquarters office and to assist with outreach and recruitment activities.</p>	
Endangered Species	-458
Habitat Conservation	-246
Environmental Contaminants	-39
National Wildlife Refuge System\Refuge Wildlife and Habitat Management	-1,311
Migratory Bird Program	-111
Law Enforcement	-121
International Affairs	-28
Fisheries and Aquatic Resource Conservation	-342
Cooperative Landscape Conservation	-10
General Operations\Central Office Operations\Office of the Director	-1,578
Land Protection Planning	-3,434
<p>The National Wildlife Refuge System's Land Protection Planning Program directly supports the Land Acquisition program. The Service will transfer funding from the Resource Management Appropriation to the Land Acquisition Appropriation to better align the purpose of this program.</p>	

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

Program and Financing (in thousands of dollars) Identification code 14-1611-0-302	FY 2011 Actual	FY 2012 Estimate	FY 2013 Estimate
<u>Obligations by program activity:</u>			
Direct program:			
0001 Ecological Services	313	311	312
0002 National Wildlife Refuge System	525	498	511
0003 Migratory Bird Management, Law Enforcement and International Affairs	166	152	146
0005 Fisheries and Aquatic Resource Conservation	149	142	136
0006 Cooperative Landscape Conservation and Adaptive Science	38	32	33
0007 General Administration	169	147	158
0799 Total Direct Obligations	1,360	1,282	1,296
0801 Great Lakes Restoration Initiative	41	45	45
0802 Reimbursable program activity	218	175	175
0899 Total reimbursable obligations	259	220	220
0900 Total new obligations	1,619	1,502	1,516
<u>Budgetary Resources:</u>			
1000 Unobligated balance carried forward, start of year	242	204	178
1011 Unobligated balance transfer from [72-1021]	1		
1021 Recoveries of prior year unpaid obligations	36	30	30
1050 Unobligated balance (total)	279	234	208
1100 Appropriation	1,247	1,228	1,247
1120 Appropriations Transferred from other accounts [14-1611]	-1		
1121 Transferred from other accounts [14-1611]	1		
1130 Appropriations permanently reduced	-2		
1141 Appropriations permanently reduced (Sec 436, HR 2055)		-2	
1160 Appropriation, Total	1,245	1,226	1,247
Spending Authority from offsetting collections, Discretionary			
1700 Collected	221	220	220
1701 Change in uncollected payments, federal sources	80		
1750 Spending auth from offsetting collections, disc total	301	220	220
1900 Budget authority (total)	1,546	1,446	1,467
1930 Total budgetary resources available for obligation	1,825	1,680	1,675
Memorandum (non-add) entries:			
1940 Unobligated balance expiring	-2		
1941 Unexpired Unobligated balance, end of year	204	178	159

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**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT (Continued)**

Program and Financing (in thousands of dollars) Identification code 14-1611-0-302	FY 2011 Actual	FY 2012 Estimate	FY 2013 Estimate
<u>Change in obligated balances:</u>			
Unpaid obligations, start of year:			
3000 Unpaid obligations, brought forward, Oct 1 (gross)	585	589	522
3010 Uncollected pymts, Fed sources, brought forward, Oct 1	-252	-320	-320
3020 Obligated balance, start of year	333	269	202
3030 Total new obligations	1,619	1,502	1,516
3031 Obligations incurred expired accounts	3		
3040 Total outlays, gross (-)	-1,573	-1,539	-1,547
3050 Change in uncollected payments, Fed sources unexpired	-80		
3051 Change in uncollected payments, Fed sources expired	12		
3080 Recoveries of prior year unpaid obligations, unexpired	-36	-30	-30
3081 Recoveries of prior year unpaid obligations, expired	-9		
Obligated balance, end of year (net)			
3090 Unpaid obligations, end of year (gross)	589	522	461
3091 Uncollected pymts, Fed sources, end of year	-320	-320	-320
3100 Obligated balance, end of year (net)	269	202	141
<u>Budget Authority and Outlays, net:</u>			
4000 Budget Authority, gross,	1,546	1,446	1,467
Outlays, gross:			
4010 Outlays from new discretionary authority	1,062	1,201	1,217
4011 Outlays from discretionary balances	511	338	330
4020 Outlays, gross (total)	1,573	1,539	1,547
Offsets against gross budget authority and outlays:			
Offsetting collections (collected) from:			
4030 Federal sources	-176	-165	-165
4033 Non-Federal sources	-55	-55	-55
4040 Offsets against gross budget authority and outlays (total)	-231	-220	-220
Additional offsets against budget authority only			
4050 Change in uncollected customer payments from Federal Sources (unexpired)	-80		
4052 Offsetting collections credited to expired accounts	10		
4060 Additional offsets against budget authority only	-70	0	0
4070 Budget authority, net (discretionary)	1,245	1,226	1,247
4080 Outlays, net (discretionary)	1,342	1,319	1,327
4180 Budget authority, net (total)	1,245	1,226	1,247
4190 Outlays, net (total)	1,342	1,319	1,327

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

Program and Financing (in thousands of dollars) Identification code 14-1611-0-302	FY 2011 Actual	FY 2012 Estimate	FY 2013 Estimate
Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	509	500	495
11.3 Other than full-time permanent	33	30	26
11.5 Other personnel compensation	29	20	20
11.8 Special personal services payments	1	1	1
11.9 Total personnel compensation	572	551	542
12.1 Civilian personnel benefits	191	188	187
21.0 Travel and transportation of persons	31	27	27
22.0 Transportation of things	8	7	7
23.1 Rental payments to GSA	60	60	62
23.2 Rental payments to others	4	4	4
23.3 Communications, utilities, and misc.charges	21	20	20
24.0 Printing and reproduction	4	3	3
25.1 Advisory and assistance services	3	2	2
25.2 Other services from non-federal sources	99	98	98
25.3 Purchases of goods and services from federal sources	45	40	42
25.4 Operation and maintenance of facilities	19	14	14
25.6 Medical Care	1		
25.7 Operation and maintenance of equipment	12	10	11
26.0 Supplies and materials	55	47	47
31.0 Equipment	51	51	50
32.0 Land and structures	46	40	46
41.0 Grants, subsidies, and contributions	136	120	134
99.0 Direct Obligations	1,358	1,282	1,296
99.0 Reimbursable obligations	259	220	220
99.5 Below reporting threshold	2		
99.9 Total new obligations	1,619	1,502	1,516
Employment Summary			
1001 Direct Civilian full-time equivalent employment	7,594	7,240	7,158
2001 Reimbursable Civilian full-time equivalent employment	837	*1065	*1060
3001 Allocation account Civilian full-time equivalent employment	593	*581	*550

*The amounts presented differ from the Budget Appendix due to subsequent changes to estimates.

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