



Midwest Association of Fish and Wildlife Agencies



58th Annual Director's Meeting Proceedings (no minutes)

July 8 – 10, 1991

Rapid City, South Dakota

Hosted by:

South Dakota Department of Game, Fish & Parks



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182



June 12, 1991

Dear Association Members and Guests:

This is a final announcement for the 58th annual meeting of the Association of Midwest Fish and Wildlife Agencies. We'll be meeting July 8 - 10 in Rapid City, SD.

A final agenda is enclosed. The South Dakota Department of Game, Fish and Parks is ready to host a productive and enjoyable meeting. All we need is your participation. Registration fee has been set at \$100, which will include most of your meals during the meeting.

The agenda is designed to encourage dialogue and sharing of information from member states and provinces. I think topics of the invited presentations will be of interest to most everybody. I will also be asking delegates of each state and province to address specific topics during their reports. The Back to the Future exercise will focus on the direction of the Association.

By now you should have made your reservations at the Hotel Alex Johnson. In case you haven't, you must do so immediately. The block of rooms being held for our meeting will be held until June 21. Call now! (1-800-843-8800, Ext. 25)

The Hotel Alex Johnson is located in downtown Rapid City. It is relatively small, so just check the announcement board as you arrive to find out our meeting rooms.

Rapid City Regional Airport does have shuttle service into town. We will also have some transportation available if the need arises.

If possible, I would encourage you to bring your spouse or families so they can enjoy the Black Hills. We will have some activities planned for them during the meeting.

Please call me at 605-773-3381 if you have any questions regarding the meeting. I am being assisted by George Vandell and Lorraine Doran and you can ask for them if I am not available.

I hope you can join us on the Earlybird Tour of the Badlands too!

Sincerely,

Doug Hansen, President

South Dakota

Joe

DEPARTMENT OF GAME, FISH AND PARKS

MAR 19 1991

Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182

GREAT FACES. GREAT PLACES.

March 15, 1991

ATTENTION:

The enclosed Association of Midwest Fish and Wildlife Agencies 1991 Agenda was inadvertently left out of your mailing dated March 8, 1991.

Sorry for the inconvenience.

58th ANNUAL MEETING
ASSOCIATION OF MIDWEST FISH AND WILDLIFE AGENCIES
HOTEL ALEX JOHNSON, RAPID CITY, SD
July 8-11, 1991

Tentative Agenda

Monday, July 8

9:00 - 6:00

Registration at the Alex Johnson Hotel

1:00 - 5:00

Earlybird Badlands Ecology and Indian Country Tour

6:00 - 9:00

President's Reception at the Alex Johnson

Tuesday, July 9

8:00 - 12:00

INVITED PRESENTATIONS AND INTERACTION

Topics being considered:

1. Native American Hunting and Fishing Issues
2. Marketing and Responsive Management
3. Captive and Exotic Wildlife Problems
4. Private Lands Habitat Programs
5. Send us your suggestions: _____

12:00 NOON

ASSOCIATION LUNCHEON

1:00 - 3:00

MEMBERSHIP ROUND ROBIN PRESENTATIONS AND DISCUSSION
ON SELECTED TOPICS

Topics being considered:

1. Agency Structure and Administrative Challenges
(FLSA, management systems, political process, etc.)
2. News on Innovative Funding Ideas
3. Animal Rights and Anti-Management Issues
4. IAFWA Priority Issues - Midwest's Role

3:00 - 10:00

FIELD TOUR AND SOCIAL INTERACTION

- Visit Custer State Park, wild fire sites, stream improvements, and area forest management practices
- Dining at Sylvan Lake Lodge
- Visit Mt. Rushmore and attend lighting ceremony

Wednesday, July 10

8:00 - 12:00

ASSOCIATION BUSINESS MEETING, (will include discussion of
priority issues from previous day)

12:00 NOON

ASSOCIATION AWARDS LUNCHEON

1:00 - 11:00

AFTERGLOW TOUR AND ENTERTAINMENT

Tentative sites and events include Cleghorn Springs Fish
Hatchery, stream improvements, and mining activities

DINING AT LATCHSTRING INN AND MINING VISITOR CENTER
DEADWOOD, A NIGHT ON THE TOWN

Thursday, July 11

9:00 - 11:00

BRUNCH & COOL DOWN SESSION WITH IAFWA & LEADERSHIP

PS: This schedule allows travel in and out of Rapid City at various times.
We will accommodate you on the optional Earlybird and Afterglow Tours.



MAR 15 1991

DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

GREAT FACES. GREAT PLACES.

March 8, 1991

Mr. Joe Kramer, Chief
Fisheries & Wildlife Division
Dept. of Wildlife & Parks
Box 54A, Route 2
Pratt, KS 67124-9599

Dear Mr. Kramer:

Rapid City, South Dakota is the site of our 58th Annual Meeting of the Association of Midwest Fish and Wildlife Agencies on July 8-11, 1991. We are looking forward to hosting a productive meeting and showing you some of the beauty of the Black Hills. Please mark your calendars for this date and come enjoy some of the outdoor resources that the Association has worked hard to protect and enhance.

At our past two meetings in Michigan and Minnesota we have discussed ways the Association could have a greater influence on international fish and wildlife issues and be even more responsive to individual needs of the member states and provinces. Last year in Grand Rapids, I felt there was an informal but definite mandate for a change in our meeting format. Consequently, we have designed a tentative agenda and meeting format for your review which will hopefully be effective, efficient and enjoyable for all. To this end we encourage your continued involvement and welcome your suggestions on the attached tentative agenda.

You will note that we propose a more streamlined and participatory meeting format. Tours are arranged both preceeding and following the meeting. We would love to have you and your families come and enjoy all the events. However, if your schedules do not allow, the meeting is designed for your alternative travel plans.

The Alex Johnson is a great place to relax and is central to all activities in the Black Hills. I look forward to visiting with you about the meeting at the North American and I'm confident we will have a good meeting in July. Please share this information with appropriate members of your staff and feel free to contact me or Art Talsma, our conference coordinator, at 605-773-5914, if we can assist you in any way.

Sincerely,

Douglas R. Hansen, Director
Wildlife Division



OPERATIONS OFFICE
RR 2, Box 54A
Pratt, Kansas 67124
316-672-5911

Equal Opportunity Employer

April 2, 1991

Mr. Douglas R. Hansen, Director
Wildlife Division
Department of Game, Fish, and Parks
Foss Building
523 East Capitol
Pierre SD 57501-3182

Dear Doug; *Doug*

We were able to visit just a short while at the North American, but we did not discuss the July Midwest meeting at Rapid City.

I would be more than happy to give the Association presentations on:

- 1) Private Lands Habitat Programs,
- 2) Marketing and Responsive Management, and
- 3) Captive and Exotic Wildlife Problems.

Other topics for July 9th 8:00 to 12:00 could be 1990 Farm Bill and State and Province Joint Venture Status and Progress.

I also think that the July 9th p.m. session should be heavy with IAFWA priority issues. Your tentative agenda looks good. I would echo the feelings that Ken Babcock from Missouri had last year at Grand Rapids about more influence on IAFWA issues at our meetings, and that more business work should be required at our Midwest annual meetings.

Good luck with the meeting, and please do not hesitate to call on me for any assistance.

Sincerely,

Joe D. Kramer, Chief
Fisheries and Wildlife Division

JDK:bjj

JDK-070-91

PREAMBLE
TO ASSOCIATION'S CONSTITUTION

The name of this organization shall be the Association of Midwest Fish and Wildlife Agencies. The objectives of the Association shall be to protect the right of jurisdiction of the Midwestern states over their wildlife resources on public and private lands; to scrutinize carefully state and federal wildlife legislation and regulations and to offer support or opposition to legislative proposals or federal regulations in accordance with the best interests of the Midwestern states; to serve as a clearinghouse for the exchange of ideas concerning wildlife and fisheries management, research techniques, wildlife law enforcement, hunting and outdoor safety, and information and education; and to encourage and assist sportsmen's and conservationists' organizations so that the fullest measure of cooperation may be secured from our citizenry in the protection, preservation, restoration and management of our fish and wildlife resources.

58th Annual Meeting
**ASSOCIATION
OF MIDWEST
FISH AND
WILDLIFE
AGENCIES**

Hotel Alex Johnson
Rapid City, South Dakota
July 8-10, 1991



58th Annual Meeting

ASSOCIATION OF MIDWEST FISH AND WILDLIFE AGENCIES

July 8-10, 1991

OFFICERS

President—Douglas R. Hansen, South Dakota
 First Vice President—Steve Wilson, Arkansas
 Secretary/Treasurer—John Urbain, Minnesota

Spouse activities will be arranged for Tuesday and Wednesday morning. Inquire at registration table.

MONDAY, JULY 8

11:00 am-6:00 pm Registration

1:00-5:00 pm Early Bird Tour—Badlands National Park (details at registration table)

6:00 pm President's Reception

TUESDAY, JULY 9

8:00 am Registration

8:30 am Call to Order—Doug Hansen, President, Association of Fish and Wildlife Agencies

Welcome—Richard Beringson, Secretary, South Dakota Department of Game, Fish and Parks

9:00 am *Marketing and Responsive Management in Wildlife Agencies*—Mark Duda, Executive Director, Responsive Management

10:00 am

Break

10:15 am

Law Enforcement Operations: An Overview for Wildlife Agency Administrators—Terry Grosz, Assistant Regional Director, Law Enforcement, U.S. Fish and Wildlife Service

12 Noon

Association Luncheon

1:00 pm

Native American Issues in the 1990s: Some Perspectives for Wildlife Management—John Cooper, Senior Resident Agent, U.S. Fish and Wildlife Service

2:00 pm

Private Land Habitat Programs: The Lake Thompson, S.D., Experience—Dan Limmer, Wetlands Habitat Biologist, South Dakota Department of Game, Fish and Parks

2:45 pm

The Best of Partners—Art Talsma, Regional Director, Rocky Mountain Elk Foundation

3:00 pm

Preparatory Comments for Tomorrow's Session (and other announcements)—President Hansen

3:30 pm

Board bus for Custer State Park tour, Sylvan Lake Lodge dinner, and Mount Rushmore Lighting Ceremony. (Will return approximately 11:00 pm—spouses welcome.)

WEDNESDAY, JULY 10

8:00 am

Delegate reports and round table dialogue on matters of administrative importance

10:00 am

Break

10:30 am

Continue reports and dialogue

11:00 am

Facilitated Exercise: Back to the Future, Part 2

12 Noon

Business Meeting and Awards Luncheon

2:00 pm

Adjournment

3:00 pm

Afterglow Activities (a menu of possibilities will be presented at beginning of meeting. Hosts will accommodate you at *your* expense, especially gambling in Deadwood!)



Region 3 Federal Aid Renovation == **UPDATE** ==

to FA Coordinators and Staff

NUMBER 19

JUNE 26, 1991 (Please distribute copies to your Renovation participants.)

[In the past we have used the "Update" sheets primarily to prepare for upcoming Renovation events (e.g. the McCormick's Creek meeting) and to share Renovation accomplishments. The time has come to enlarge the purpose of the "Update" to be a more instigative tool. Update 19 begins this approach.]

RESOURCE TEAM CONFERENCE CALL MEETINGS: are now scheduled monthly. The 8 FA Coordinators, the FA "Chief", and the 3 FA Staff Team Leaders all like the 1-hour conference calls as an opportunity to deal with common issues, jointly clarify status and schedules of events of mutual interest, and be briefed on the results of meetings. Increasingly the conversations are multilateral, and less and less one-way communication. At about \$230 per call I consider them a real bargain.

HANDICAPPED ACCESS WORKSHOP: is being offered July 8-12 in the Twin Cities. Developed by the Fish & Wildlife Service, Office of Human Resources, the workshop is designed to help us all better understand how to comply with accessibility standards (Section 504). Two representatives from each state are scheduled to attend.

Note: Ohio DOW has begun implementing their Section 504 Transition Plan which resulted from their self evaluation process (contact Al Cannon). The Plan identifies over 30 boating and shore-fishing sites to be upgraded for accessibility. Implementation will include replacing/modifying docks, adding wheelchair "stops" and walkways at piers, replacing latrines, and resurfacing and/or re-stripping parking lots.

IMPROVEMENT PROJECT 10 (FEDERAL AID REVIEW): As I watch it evolve I've come to regard this Improvement Project as "Son of Renovation". The Improvement Project #10 Team is trying some pilot improvement processes that show how the Project can be used regularly to re-design and fine tune the FA grants machinery. Their initial effort is focused on determining whether FA's practice of issuing news releases on "FONSI's" is productive enough to continue doing. I encourage your active support of this Renovation "maintenance worker" Improvement Project. [A 2 or 3 hour workshop on the Improvement Project #10 opportunities and process is tentatively scheduled for the FA Coordinators' meeting this autumn.]

RECOMMENDATION 19b (ROLES IN OPTION PROJECTS): (in the form of "Attachment B") has been incorporated directly into the AFAs for Wisconsin's two projects to implement a comprehensive management system (renewal of "Fish Management in Wisconsin", F-95-P; and the new "Wildlife Management in Wisconsin", W-160-P). The definition of roles is used to help describe how the FA projects mesh with the DNR's comprehensive management system.

APPROVAL OF ALTERNATE APPRAISAL METHOD BEING SOUGHT: At the request of Iowa DNR, FA staff are requesting approval from the Service Director to allow for alternate appraisal methods to be accepted to establish value for special use properties. Currently, OMB regulations state that appraisals for in-kind properties must meet market value. In the case of special use properties, such as Rathbun Fish Hatchery, meeting market value may result in a negative or unfairly low value. Approval of an alternate method would mean that a substantial amount of additional "state match" would be available.

IMPROVEMENT PROJECT 8/18 (USER-FRIENDLY FAM) DUE FOR ACTION: The FA Manual final review draft is due out mid-June for a 60-day comment period. As the Renovation Project Leader, I am encouraging Ken Fritz (OH) and Tim Trasky (MI) to get the 8/18 Improvement Project Team directly involved in coordinating the review of the manual by the Region 3 states. This would produce both constructive input to the FAM Task Force in drafting the final version of the FAM, but also set the stage for our follow up to the FAM. We have purposely postponed action on this Improvement Project pending the issue of the final FAM. It is time to prepare for action.

Note: The Federal Aid Manual Task Force has prepared a final review draft of the Federal Aid Manual. However, the Federal Aid Washington Office is holding off issuing the final review draft pending the issue of the final FA Program Rules (50 CFR 80). The primary objective of the new FAM is to provide guidance on how to implement the new Rules. Currently the draft final Program Rules are being held at the Office of Management and Budget, due to controversy over the provision that interest on hunting and fishing licenses be earmarked in the same way the actual hunting and fishing revenues are. The date that the Rules will be issued is unknown. How soon the Rules are issued may depend on how much interest is shown by the States.

IMPROVEMENT PROJECT 6/17 (PROGRAM RECOGNITION): has begun with a letter from Ken Nettles on IN DNR letterhead to agencies and industry. The letter, sent May 10, 1991, explains how it is in the best interest of both the agencies and the industry to help anglers and hunters understand the connection between the excise taxes they pay and the benefits they get. Emphasis is placed on getting the logo(s) on product packages and posted at project sites. Letters were sent to the National Shooting Sports Foundation, the American Fishing Tackle Manufacturers Association, the National Marine Manufacturers Association, and all state fish & wildlife agencies.

IMPROVEMENT PROJECT 9 (INTER-AGENCY COMPUTER SYSTEM): A survey of states and FA staff is underway regarding interest, potential uses, and existing equipment for developing an inter-agency, electronic communication system. Such a system would link FA staff in the eight states and the Regional Office, with the potential for expansion to a much broader range of personnel. Most of the surveys have been returned. Initial responses are generally favorable to such a system. Once the surveys are all in and analyzed, the Improvement Project 9 Team will develop recommendations for system implementation.

IMPROVEMENT PROJECT 11 (SECTION 106 COMPLIANCE): is proceeding on three independent fronts to "delegate" some of the more rudimentary, cultural resource requirements. Iowa DNR is pursuing a Memorandum of Understanding with their SHPO. Illinois DOC and Wisconsin DNR are pursuing "programmatic agreements" with their SHPOs. Though these efforts are not being coordinated, the products of the three efforts may provide very useful alternatives for other states to reduce the administrative burden of complying with Section 106 requirements.

IMPROVEMENT PROJECT 7/15 (STATE/FEDERAL TRAINING): Three things to note - 1st/ as noted below, Tom Niebauer is pursuing a half-day to 1-day training session at the 1991 FA Coordinators' Meeting. 2nd/ as noted above, on July 8-12, 1991, a workshop on handicapped access is being offered in the Twin Cities. 3rd/ I also have to brag some on the soon-to-be-released video on Section 504 compliance. Rick Julian has been a primary mover and shaker in the process and content of the video, consistently working to keep the States needs at the forefront of the process.

IMPROVEMENT PROJECT 13 (PREPARING GENERIC EAs): A proposed pilot, "generic" environmental assessment for lake renovations (rotenone application) has stalled due to the loss of a "lead writer". Project Leader Lucinda Corcoran will soon be calling on the Resource Team members to ask for state representatives for this Improvement Project Team. Lucinda has identified that the first items of business for this Team will be to select several broadly applicable subjects for generic EA's and finding a lead writer for each.

RECOMMENDATIONS 16, 19, & 22: A year ago Regional Director Jim Gritman sent letters to the 8 State Directors committing the Service, a/ to delegating external compliance procedures wherever possible (Recommendation 16), b/ to the State and Federal roles in traditional and option projects defined at the McCormick's Creek meeting (Recommendation 19), c/ and to a working definition of "substantiality of character and design" (Recommendation 22). These are tools that can be used to improve our grant machinery. Have you used any of them? Take a moment and re-read these recommendations and Jim Gritman's endorsement.

SUGGESTIONS FOR TRAINING SUBJECT: at the next FA Coordinators' meeting are being solicited by Tom Niebauer. He will be sending out a questionnaire in June. The Resource Team is very supportive of continuing the precedent set in Missouri last year, noting that such half-day or 1-day training is very productive.

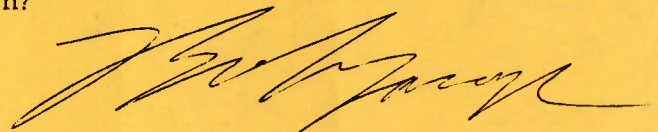
REGIONAL ENVIRONMENTAL COORDINATOR: Lynn Lewis has changed jobs to become the Supervisor of the Ecological Field Office for Minnesota. Lynn has been a key player in the development of Renovation improvement recommendations and projects dealing with external compliance issues. Special effort will be made to bring Lynn's replacement quickly into the Renovation process when he/she is on board.

FA ADMIN \$ TO MEET STATE TRAINING NEEDS: a/ The American Fisheries Society's Urban Stream Management Workshop organized by Don Roseboom was held in May near Chicago. Responding to a request from the Illinois DOC, \$10,000 of FA Administrative funds helped to sponsor the workshop and symposium. b/ In mid-May the Organization of Wildlife Planners' (OWP) Facilitative Behavior Course was provided to Missouri DOC staff in Jefferson City. FA administrative funds covered the travel cost of instructors Jack Hicks, Dale Burkett, and myself. I was very pleased to teach in this course. The opportunity to interact with FA project leaders in an informal setting and listening mode was valuable. I'd like to do it some more in other states. c/ We are also cleaning up the last bit of sponsorship business with Randy Sauer (IL DOC) for the AFS's "Restoration of Midwestern Stream Habitat" Symposium held last December. FA administrative funds covered costs of getting speaker David Rosgen to the symposium and paying for production of the training manual (approximately \$2,500 total).

PROJECTS TO IMPLEMENT COMPREHENSIVE MANAGEMENT SYSTEMS: are vehicles to realize FA Renovation goals. Early in June Brian Stenquist, in his new role as Minnesota's Division of Fish & Wildlife "primary planner", met with my staff planning specialist to evaluate the pros and cons of the Division pursuing a FA ("Program Funding Option") project to implement their comprehensive management system (CMS). Brian observed that we seemed to be fostering FA projects to implement state CMSs as a way to achieve Renovation objectives. Brian's observation is absolutely correct. The changes in the way we do business under a project to implement a CMS are very much the kind of changes the Renovation is intended to effect.

The Wisconsin Bureau of Wildlife Management, under the leadership of Harry Libby, committed this winter to shifting his Bureau's FA work to a FA project to implement a CMS for the Bureau. While working with my staff on developing the needed documentation, Harry made it clear that, in part, his decision to make the shift to a CMS was to support and enhance the FA Renovation. By making the shift to a CMS project, Harry and the whole of the Wisconsin DNR is helping to make the Region 3 FA Renovation a reality.

I encourage you to investigate the two CMS projects being implemented by Wisconsin in July (WI F-95-P, renewal; and WI W-160-P, new) to determine the benefits. A CMS is certainly a benefit to a State agency's internal business operation. But there are also clear benefits in streamlining the way FA business is transacted. Sound like Renovation?





Association of Midwest Fish and Wildlife Agencies



58th ANNUAL MEETING
July 10, 1991
Business Meeting Agenda

- I. Call to Order and Roll Call
- II. President's Remarks
- III. Approval of Minutes from 1990 Meeting
- IV. Treasurer's Report
- V. Committee Reports
 - A. Audit
 - B. Legislative *Joe Kramer*
 - C. Resolutions *(3) Lloyd Jones*
 - ✓ D. Nominations *Bill Bailey*
 - E. Awards *Art Talsma*
- VI. Old Business *Topics of Discussion*
- VII. New Business *Weekend meeting*
 - A. Withdrawal of Arkansas from AMFWA
 - B. Other
- VIII. Passing of Gavel
- IX. Adjourn

1991

ROLL CALL

~~Arkansas~~

Colorado

Illinois

Indiana

Iowa *NO*

Kansas

Kentucky

Manitoba *NO*

Michigan

Minnesota

Missouri

Nebraska *NO*

North Dakota

Ohio

Ontario *NO*

Saskatchewan *NO*

South Dakota

Wisconsin

J. Urbain
1991

C O N S T I T U T I O N

ASSOCIATION OF MIDWEST FISH AND WILDLIFE AGENCIES

PREAMBLE

The name of this organization shall be the Association of Midwest Fish and Wildlife Agencies. The objectives of the Association shall be to gather and disseminate information, exchange ideas and lend helpful cooperation in all matters of administration, management, research and investigation pertinent to the conservation of fisheries, wildlife and general outdoor recreation; to lend its support to the United States Department of the Interior, Fish and Wildlife Service, National Marine Fisheries Service, and Canadian Wildlife Service, and to other agencies of the federal government of both countries, in programs beneficial to fisheries and wildlife; to cooperate in the establishment and creation of migratory bird sanctuaries, refuges and shooting areas, and to submit factual information upon which the Fish and Wildlife Service may base conclusions in prescribing waterfowl regulations; and to encourage and assist sportsmen's and conservationists' organizations so that the fullest measure of cooperation may be secured from our citizenry in the protection, preservation, restoration and management of our fish and wildlife resources.

ARTICLE I

OFFICERS

Section 1

The officers of the Association shall be President, First Vice-President, Second Vice-President, Secretary and Treasurer. The President, First Vice-President and Second Vice-President shall be elected by the members of the Association for a term of one year. The Secretary shall be appointed by the President for a term concurrent with the President's. The Treasurer shall be elected by the members and serve until replaced.

Section 2

The Board of Directors shall be composed of the elected officers, and one representative from each state and province except those represented by the elected officers. Such state or provincial Board member shall be the chief executive officer of the fish and wildlife agency of his state or province, or his designee.

ARTICLE II

MEMBERSHIP

Section 1

Membership shall be by states and provinces and representation of each state and province meetings shall be by its duly authorized representative or representatives.

Section2

The area of membership in the Association shall be the states of Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, and the provinces of Manitoba, Saskatchewan and Ontario and such additional states and provinces as may request membership and be elected by majority vote of the member states and provinces in annual meeting.

BY-LAWS

ASSOCIATION OF MIDWEST FISH AND WILDLIFE AGENCIES

ARTICLE I

DUTIES OF OFFICERS

Section 1

The President shall provide at all meetings of the Association, appoint all special committees, preside at meetings of the Board of Directors and perform such other duties as are naturally incumbent upon the office.

Section 2

The First Vice-President shall perform the duties of the President in the latter's absence.

Section 3

The Secretary shall keep a record of all transactions of the meetings of the Association, as well as meetings of the Board of Directors, shall notify members of the time and place of meetings and perform such other duties as are naturally incumbent upon the office. The incumbent Secretary of each year shall record and compile three hundred copies of the proceedings of that year. He shall forward ten copies to each member in good standing, with the cost of preparation and handling to be paid out of the Associations's fund. All other copies are for distribution at the discretion of the host state.

Section 4

The Treasurer shall be custodian of all funds of the Association and draw all warrants for the payment of claims properly presented. He shall bill the several members and collect the annual dues. The annual dues, and earnings therefrom, shall

constitute the funds of the Association. It is the intent of the Association that the costs of the annual meeting and related business functions, not to exceed \$500, may be paid by the Association.

Section 5

The Board of Directors shall constitute an Interim Committee to conduct the usual business of the Association.

Section 6

The tenure of the succeeding officers of the Association will be from thirty (30) days following adjournment of the annual Association meeting through thirty (30) days following adjournment of the succeeding annual Association meeting.

ARTICLE II

MEETINGS

Our regular meeting shall be held annually; the place and date of such meeting to be determined by the Association. When necessary, special meetings may be called by the President. Members shall be given thirty days notice of regular annual meetings and special meetings may be called on ten days notice.

ARTICLE III

VOTING

Voting shall be by states and provinces, as units. Each state and province shall have one vote. All voting shall be by voice vote, except that a request by any member state or province

for a secret ballot shall be honored. Any matters of Association business requiring action in the interim between meetings may be handled by the Board of Directors, by majority vote by mail ballot.

ARTICLE IV

DUES

Annual Dues shall be \$100 per member state and province, payable in advance, at, or before each annual meeting; provided, that annual dues may be suspended for any given year by an affirmative vote of two-thirds of the membership.

ARTICLE V

QUORUM

A simple majority of all members states and provinces in good standing constitute a quorum.

ARTICLE VI

AMENDMENT

The Constitution and By-Laws of the Association may be amended at any regular meeting by affirmative vote of two-thirds of members in good standing; provided, however, a written copy of such proposed amendment shall have been received by the President and sent by him to the Secretary and to the members at least thirty days before the regular annual meeting or special meeting called for that purpose. With approval of the First and Second

Vice-Presidents, the President may call for voting by mail in lieu of a meeting. In this event, the thirty day notice shall still apply, the date of opening ballots shall be previously announced, written notice sent to each member within forty-eight hours of vote tabulation by Secretary, and the Secretary shall keep all ballots for one year following the vote.



JUN 27 1991

DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

GREAT FACES. GREAT PLACES.

LAST MINUTE MEMO

TO: Midwest Association Delegates
FROM: Doug Hansen, Association President
SUBJECT: Agency Organizational Structure
DATE: 6/25/91

Doug Hansen

I would like your last minute cooperation on a small matter that I think will be very useful at our upcoming annual meeting.

Several people have mentioned that it would help to know who the leaders are in each agency and where the meeting attendees are located in their agency's organizational structure. We probably won't take too much time to discuss this at the meeting. However, I would like to have a packet of organizational charts to hand out at the meeting. Then we can make quick reference to them as necessary.

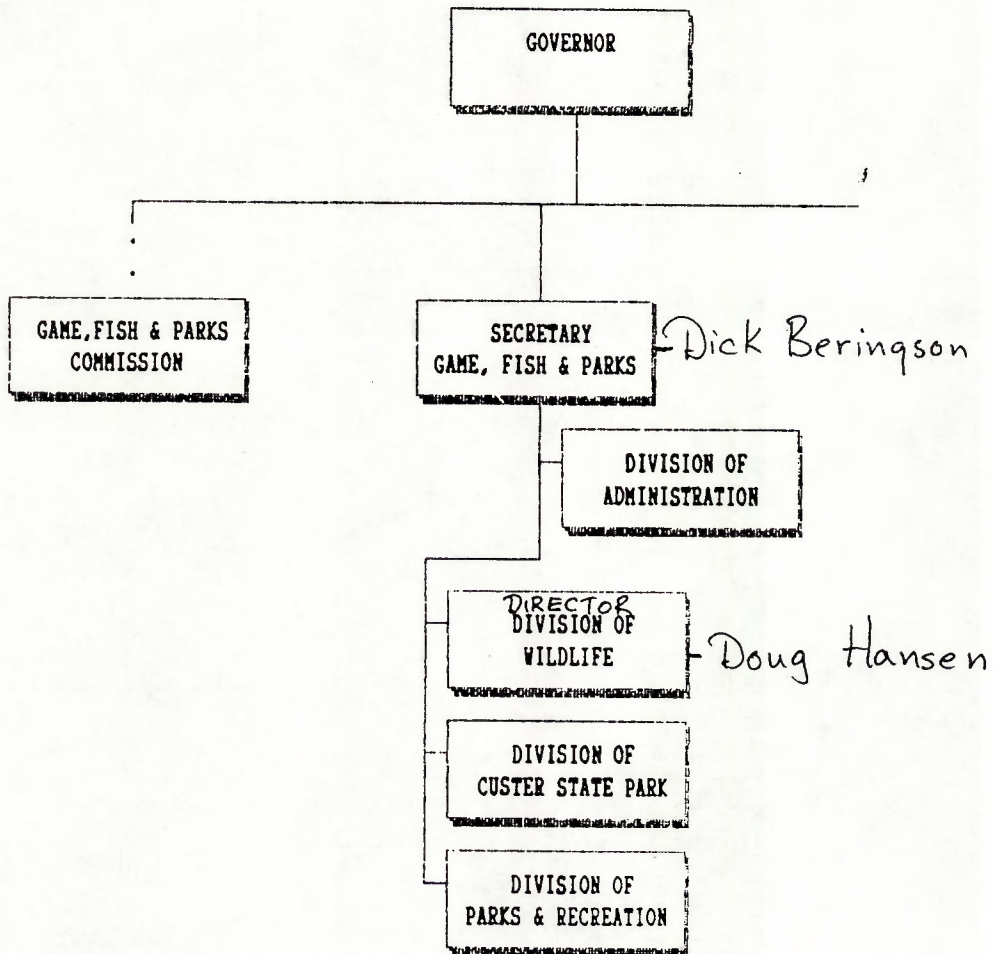
You are the only one I am sending this to in your agency. Please take a few minutes now and either create a simplified organizational chart for your agency, send me one that you have available, or pass it on to the right person.

The important things to keep in mind are: 1) keep it as simple as possible; 2) include only the names of your top level administrators. 3) if I am to get it back in time for the meeting, you need to send it back to me almost the day you receive it; 4) if all else fails, bring or send it along to the meeting.

I have enclosed a sample of what South Dakota's contribution will look like (yours can even be hand written).

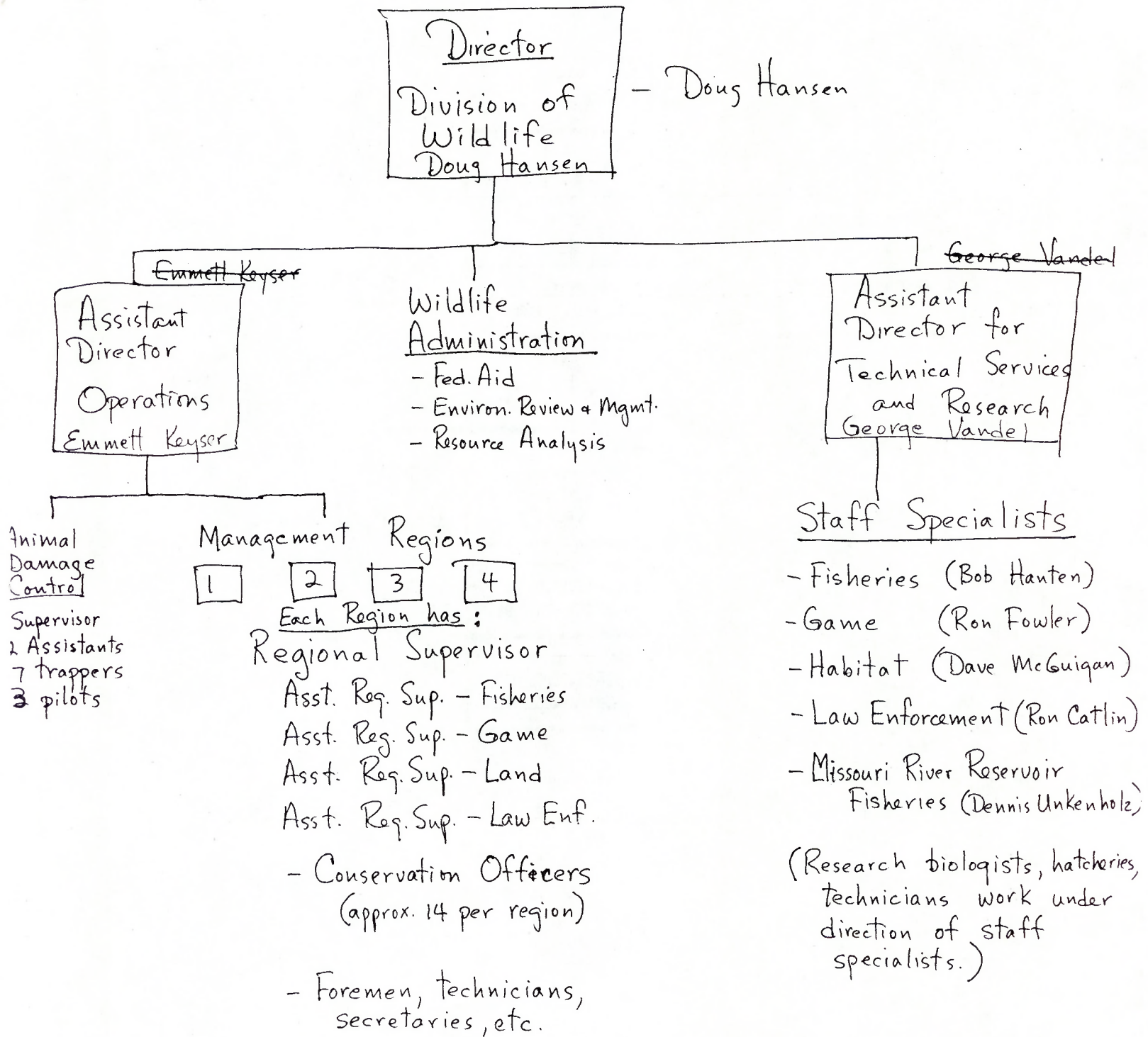
Thank you very much. Looking forward to seeing you all in Rapid City.

STATE OF SOUTH DAKOTA
DEPARTMENT OF GAME, FISH AND PARKS



(over)

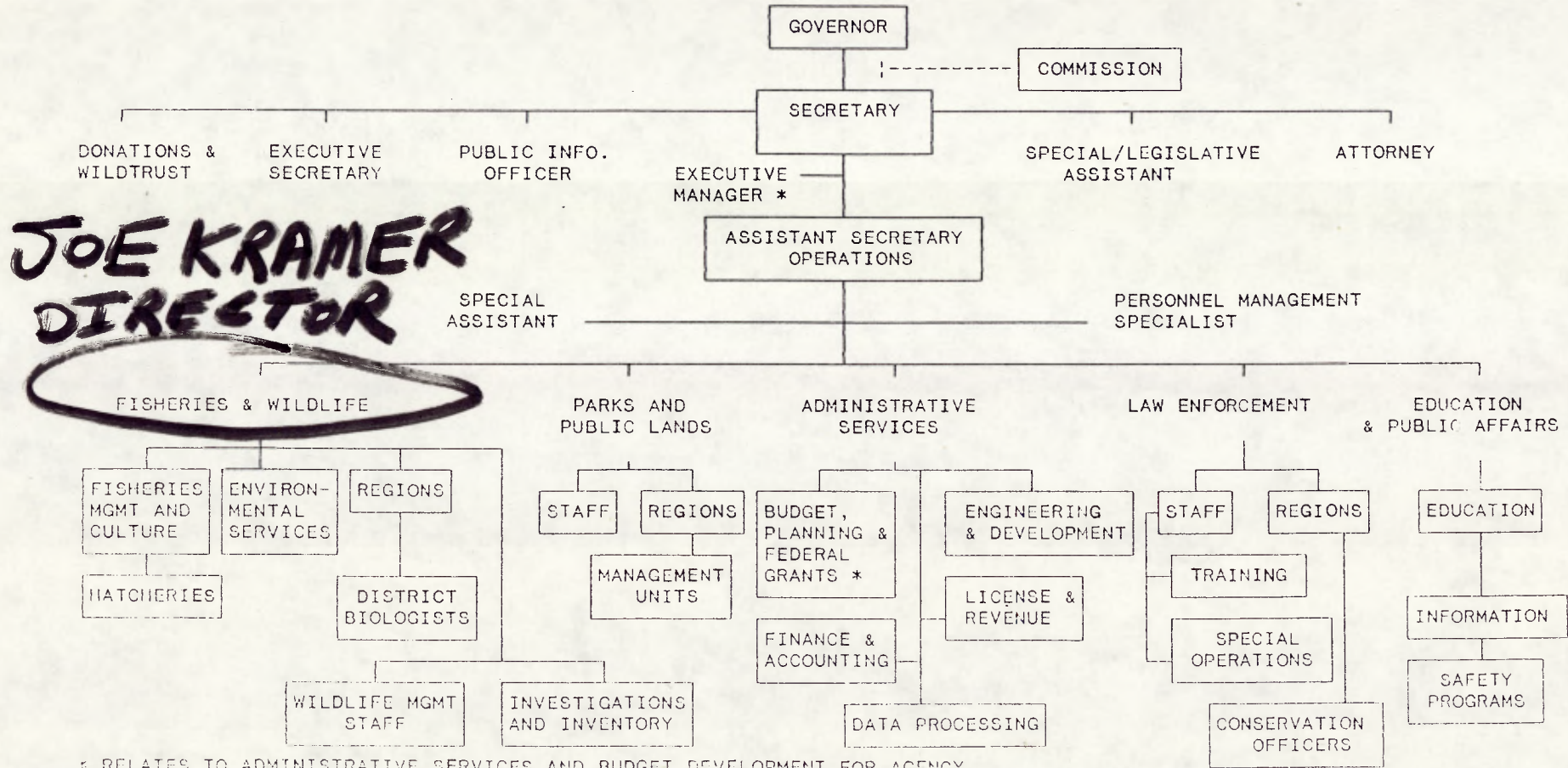
WILDLIFE DIVISION



Approximately 200 permanent FTE's in Wildlife Division

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To	Doug Hansen	
From	Joe Kramer	
Co.	SD Dept Game/Fish/Pks	
Co.	KDWP	
Dept.	Wildlife	Phone # 316-672-5911
Fax #	605-773-6245	Fax # 316-672-6020

KANSAS DEPARTMENT OF WILDLIFE AND PARKS



DIRECTOR - FISHERIES AND WILDLIFE
Joe Kramer

SECRETARY II
Barbara Jarvis

SECRETARY I
Marilyn Bigler

SECRETARY I
Betty Keiffer

REGIONAL
SUPERVISOR
REGION 1

Troy
Schroeder

BIOLOGIST
II (8)
Austin
Davignon
Funk
Hays
Hopper
Price
Ruthstrom
Zamrzla

REGIONAL
SUPERVISOR
REGION 2

Steve
Hawks

BIOLOGIST
II (10)
Bergquist
Bever
Bowman
Howe
Lekie
McFadden
Reinke
Sanders
Whiteaker
Wolfe

REGIONAL
SUPERVISOR
REGION 3

Scotty
Baugh

BIOLOGIST
II (5)
Berger
Fisher
Mitchener
Stephens
Swank

REGIONAL
SUPERVISOR
REGION 4

Steve
Sorensen

BIOLOGIST
II (6)
Clark
Lange
Martney
Miller
Nygren
Schneider

REGIONAL
SUPERVISOR
REGION 5

Larry
Tiemann

BIOLOGIST
II (10)
Culbertson
Dowlin
Friggeri
George
Giffin
Glick
Jirak
Miller
Swan
Tush

PROGRAM
SPEC. II
WILDLIFE
MANAGEMENT
Bill
Hlavachick

BIOLOGIST
III
Brunson

PROGRAM
SPECIALIST
I
Horak

PROGRAM
SPECIALIST
I
AG LIAISON
Lee

PROGRAM
SPEC. II
INVEST. &
INVENTORY
Bob
Hartmann

BIOLOGIST
III (4)
Church
Gabelhouse
Kraft
Sexson

SECRETARY
II
Johnson

PROGRAM
SPECIALIST
I (5)
Fox
Mosher
MacCracken
Rodgers
Stephen

PROGRAM
SPEC. II
FISHERIES
MANAGEMENT
Jim
Beam

HATCHERY
MGR MILF
Crawford

HATCHERY
ASST (2)
Dorzab
Jagerson

GMRT I (3)
Hastings
Hazlett
S. Kramer

HATCHERY
MGR PRFH
Patton

HATCHERY
ASST (3)
Amspacker
Houdyshell
Kumberg

GMRT I
Becker

HATCHERY
MGR MEFR
Lillie

HATCHERY
MGR FARH
Mense

HATCHERY
ASST (2)
Mosier
Nelson

PROGRAM
SPEC. II
ENVIRONMENT
SERVICES
Eric
Schenck

PROGRAM
SPECIALIST
I PRATT (3)
Mammoliti
Wood
Zuckerman

PROGRAM
SPECIALIST
I TOPEKA
Adams

Indiana

The Department of Natural Resources Flow Chart

The Bureau of Land, Forest and Wildlife Resources will oversee the divisions of Forestry, Reservoir Management, State Parks, Nature Preserves, Land Acquisition, Historic Preservation and Archaeology and State Museum and Historic Sites.

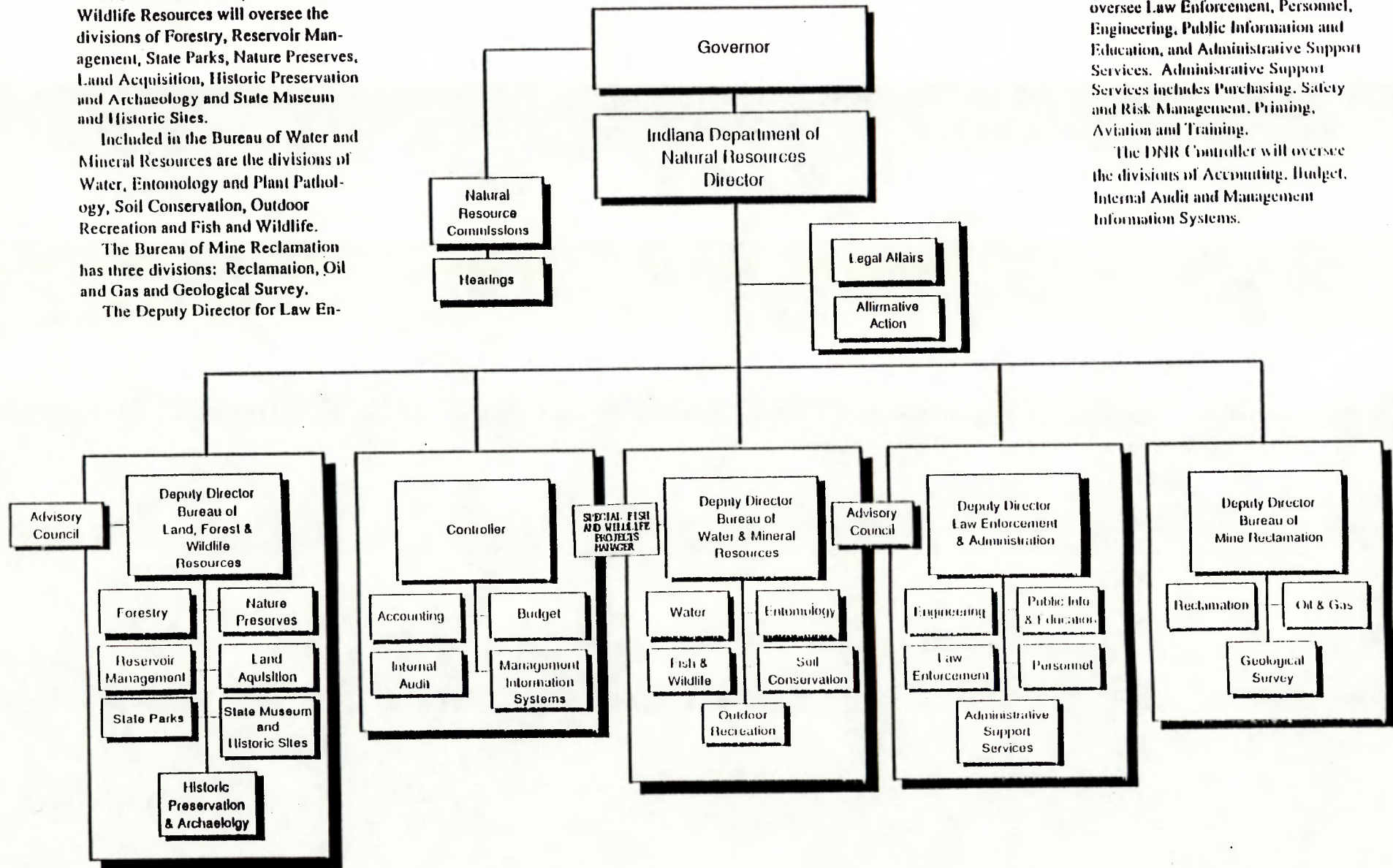
Included in the Bureau of Water and Mineral Resources are the divisions of Water, Entomology and Plant Pathology, Soil Conservation, Outdoor Recreation and Fish and Wildlife.

The Bureau of Mine Reclamation has three divisions: Reclamation, Oil and Gas and Geological Survey.

The Deputy Director for Law En-

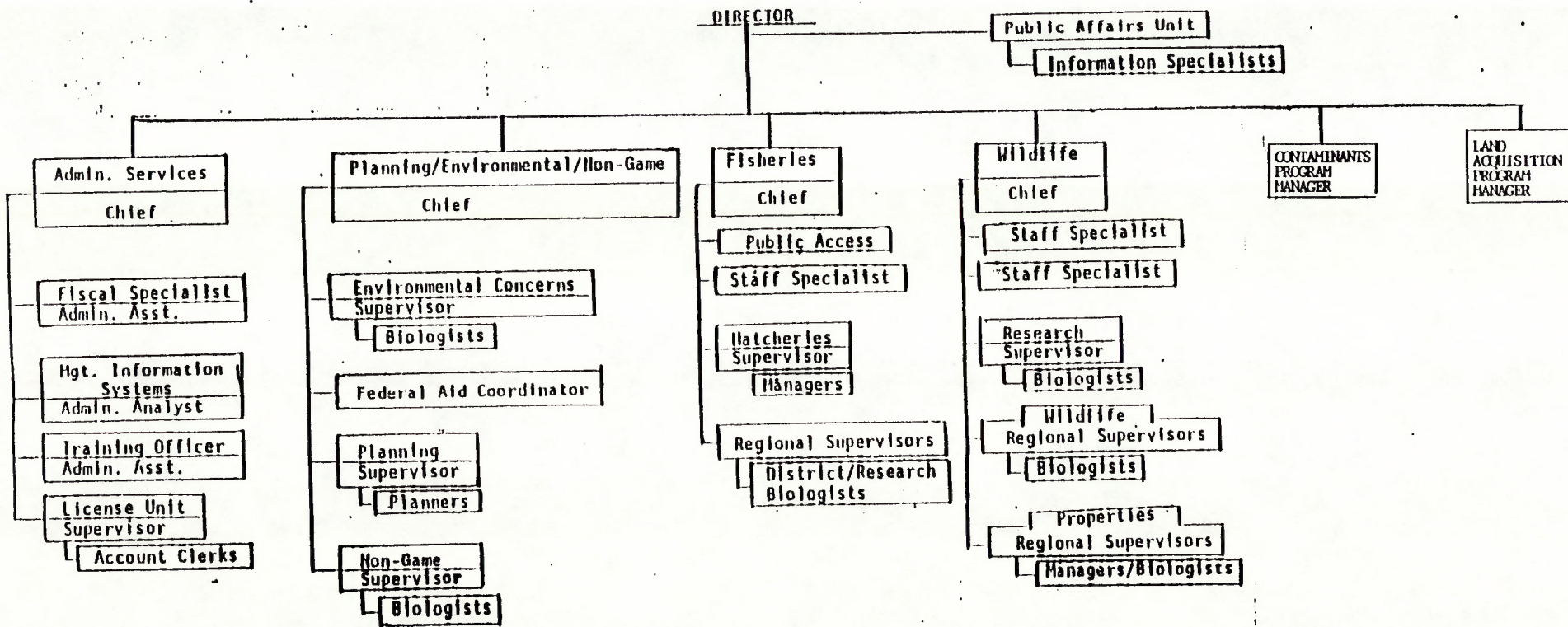
forcement and Administration will oversee Law Enforcement, Personnel, Engineering, Public Information and Education, and Administrative Support Services. Administrative Support Services includes Purchasing, Safety and Risk Management, Printing, Aviation and Training.

The DNR Controller will oversee the divisions of Accounting, Budget, Internal Audit and Management Information Systems.

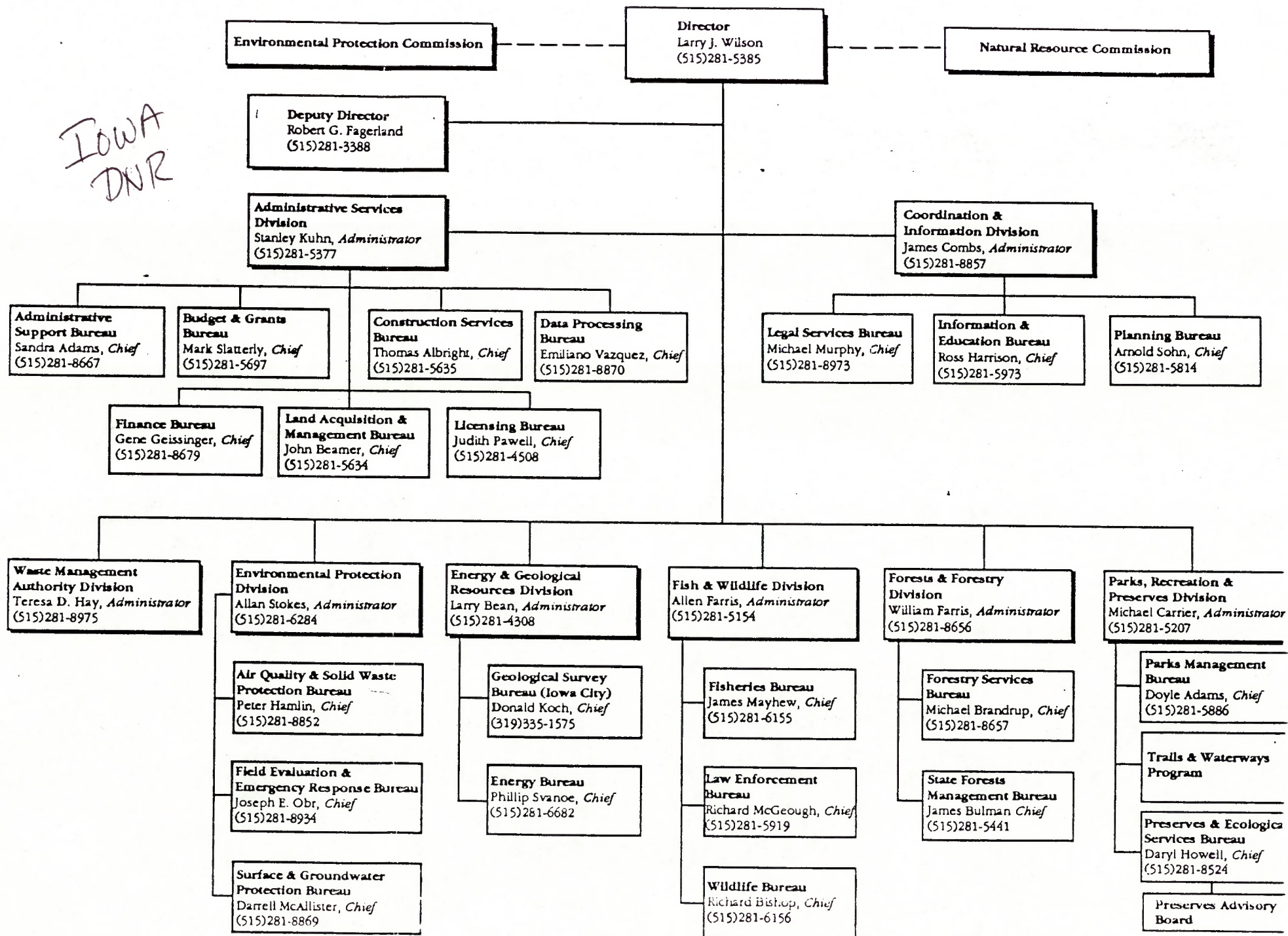


Indiana

DIVISION OF FISH AND WILDLIFE



IOWA
DNR



Fish & Wildlife Division
Division
Administrator
Al Farris

Richard Bishop

Wildlife
Bureau
Chief

Research
Supervisor

Ferry Little

Research
Bio's &
Tech's.

Management
Supervisor

Don Cummings

District
Supervisors

Management
Bio's & Tech's &
Workers

Rick McGeough

Law Enforcement
Bureau
Chief

Safety
Supervisor

District
Supervisors

Conservation
Officers

Jim Mayhew

Fisheries
Bureau
Chief

Hatchery
Supervisor

Terry H. Jennings

Hatchery
Bio's &
Tech's

Management
Supervisor

Marion Crowder

District
Supervisors

Management
Bio's & Tech's

Research
Supervisor

Don Bonneau

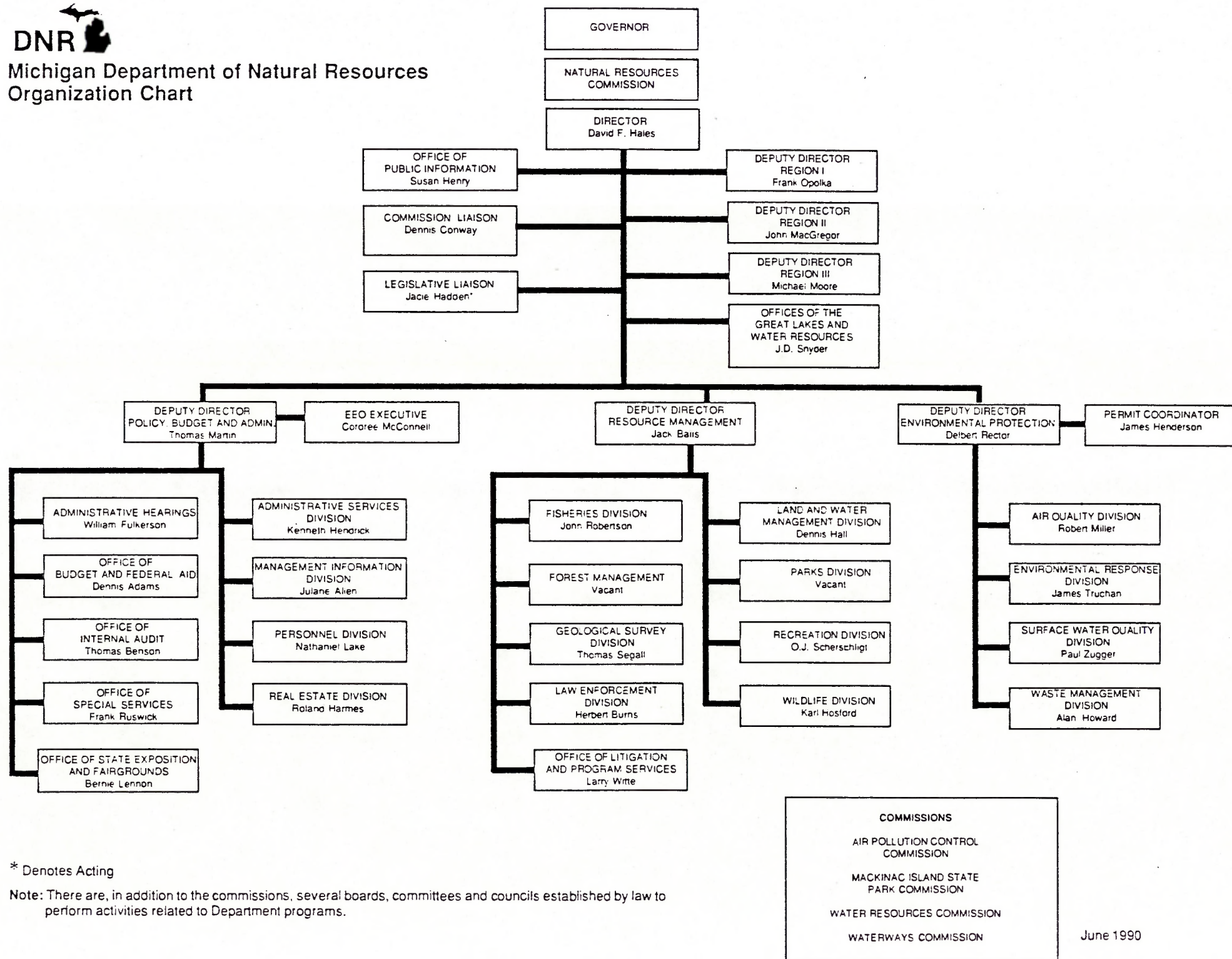
Research
Bio's &
Tech's

Fish & Wildlife Division 335 FTE's in FY-92

Iowa DNR



Michigan Department of Natural Resources Organization Chart

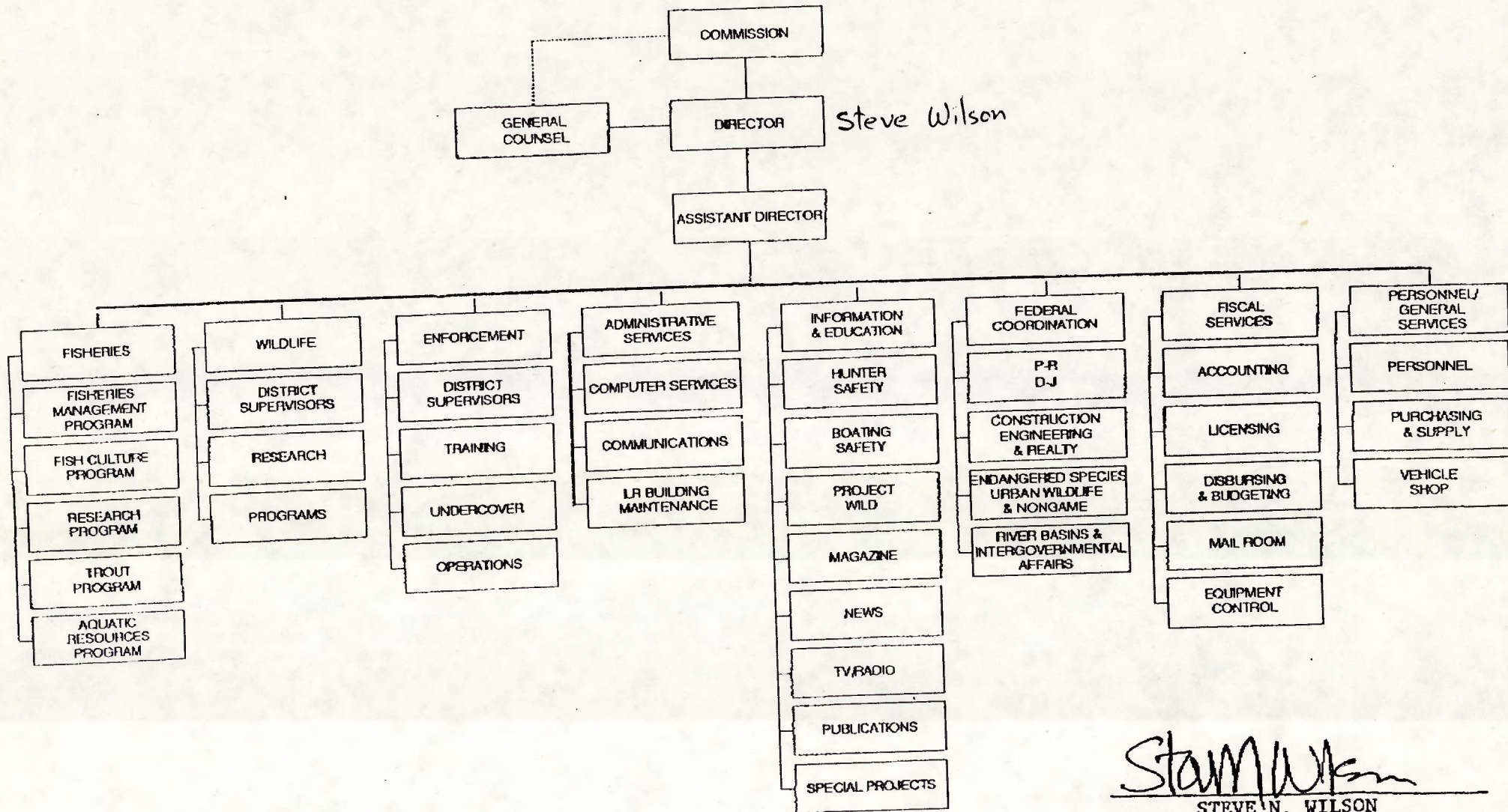


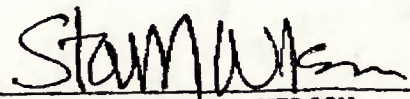
* Denotes Acting

Note: There are, in addition to the commissions, several boards, committees and councils established by law to perform activities related to Department programs.

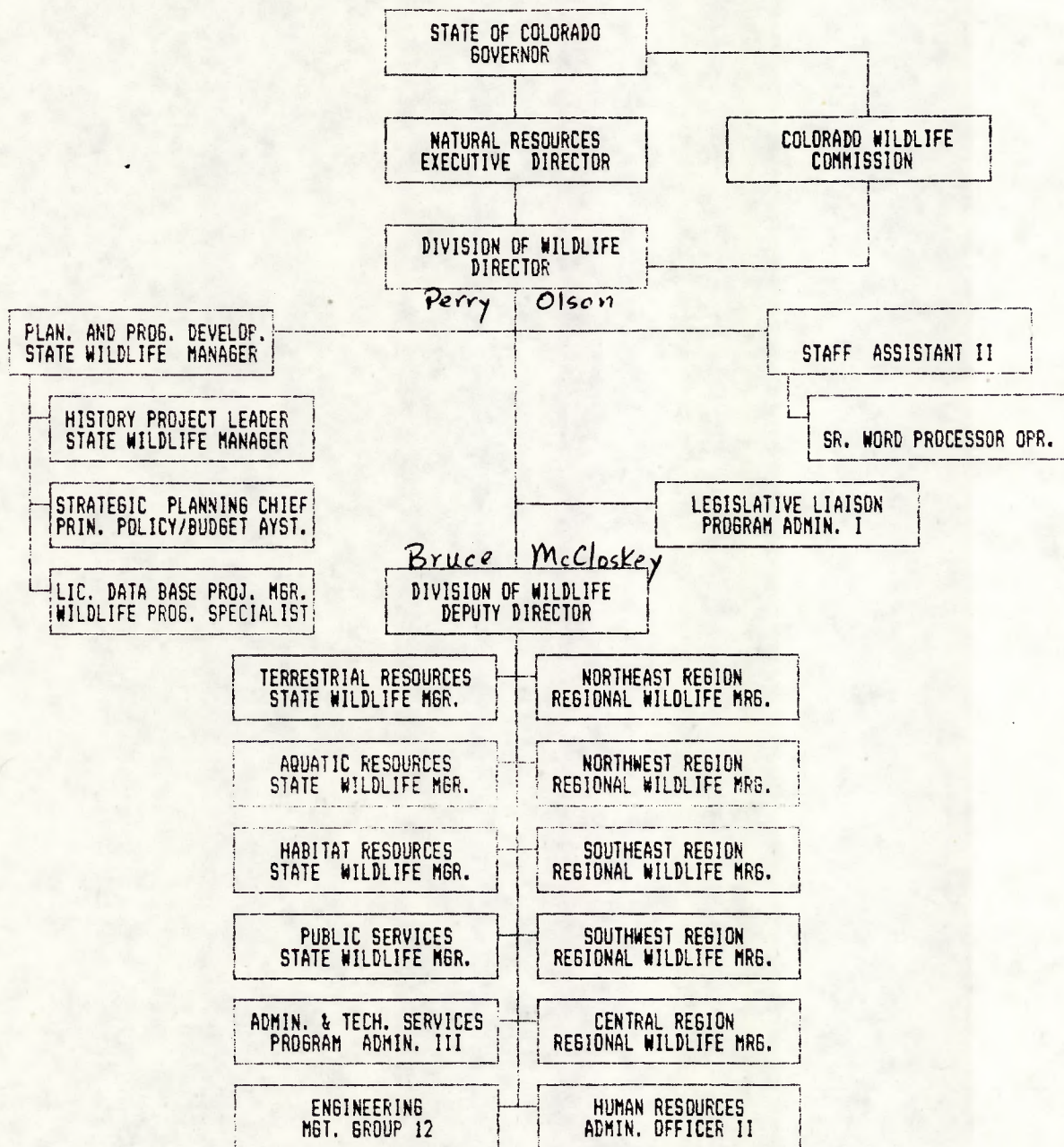
June 1990

ORGANIZATION CHART ARKANSAS GAME & FISH COMMISSION



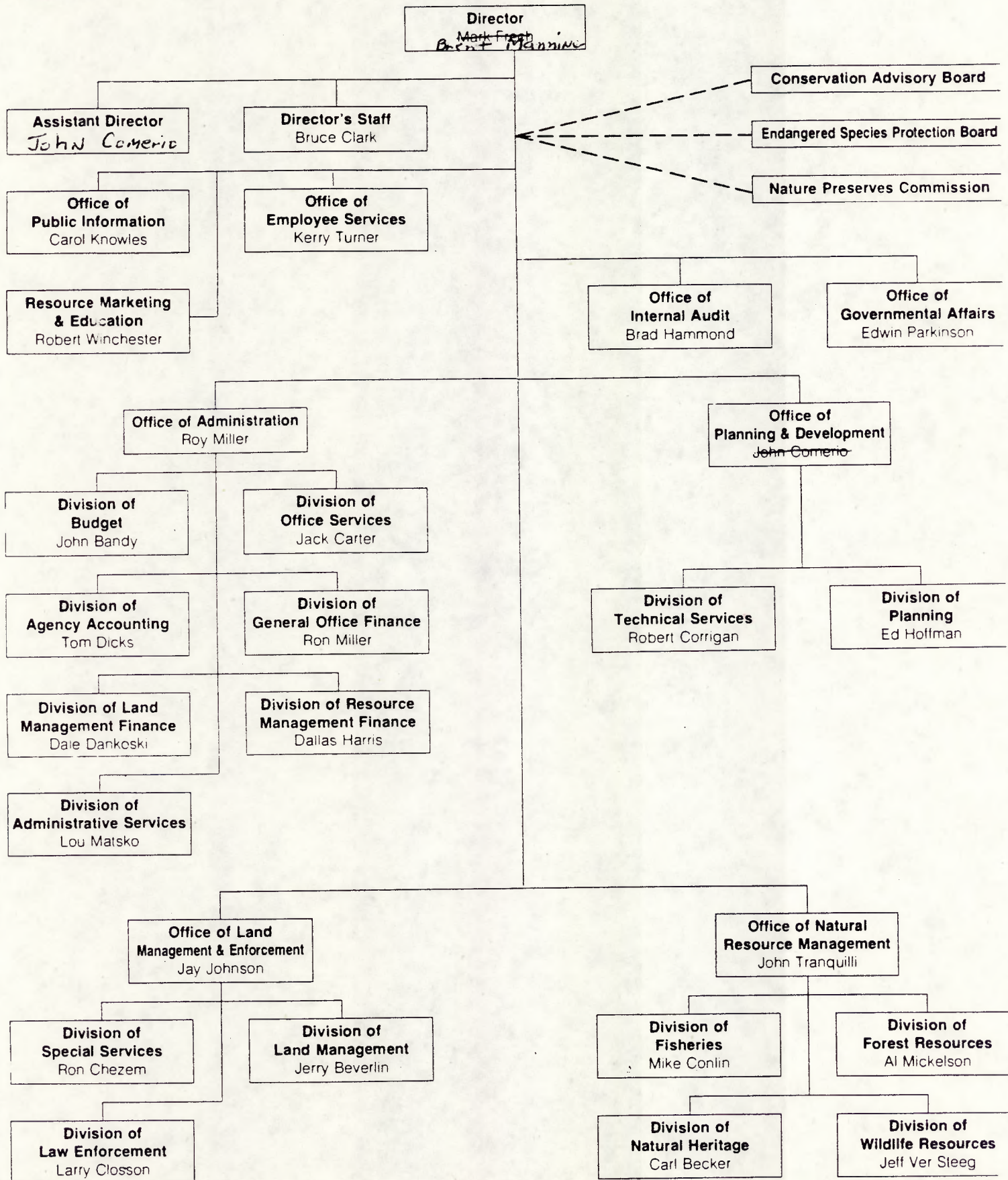

 STEVE N. WILSON
 May 10, 1991
 DATE

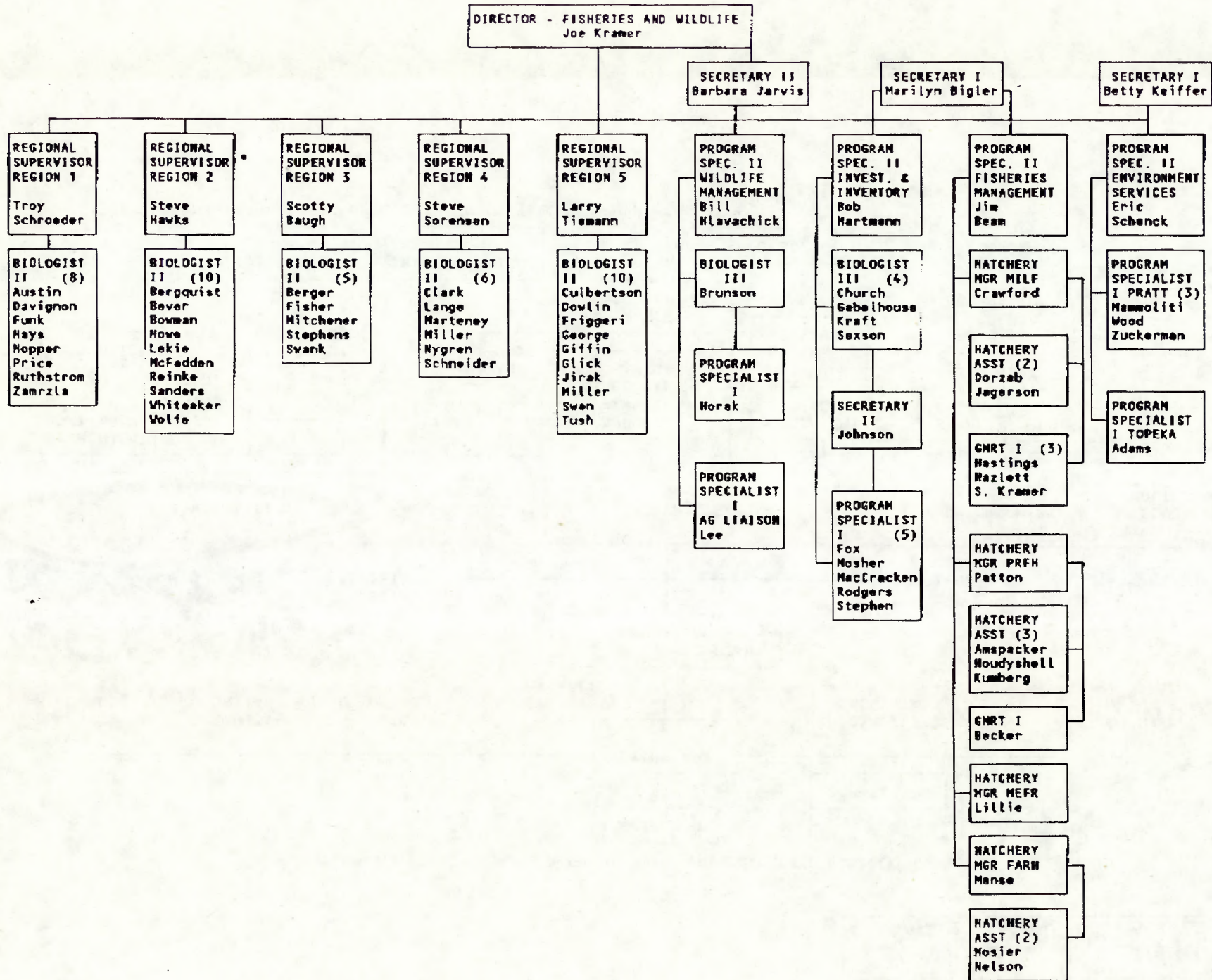
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
AS OF APRIL 1, 1990



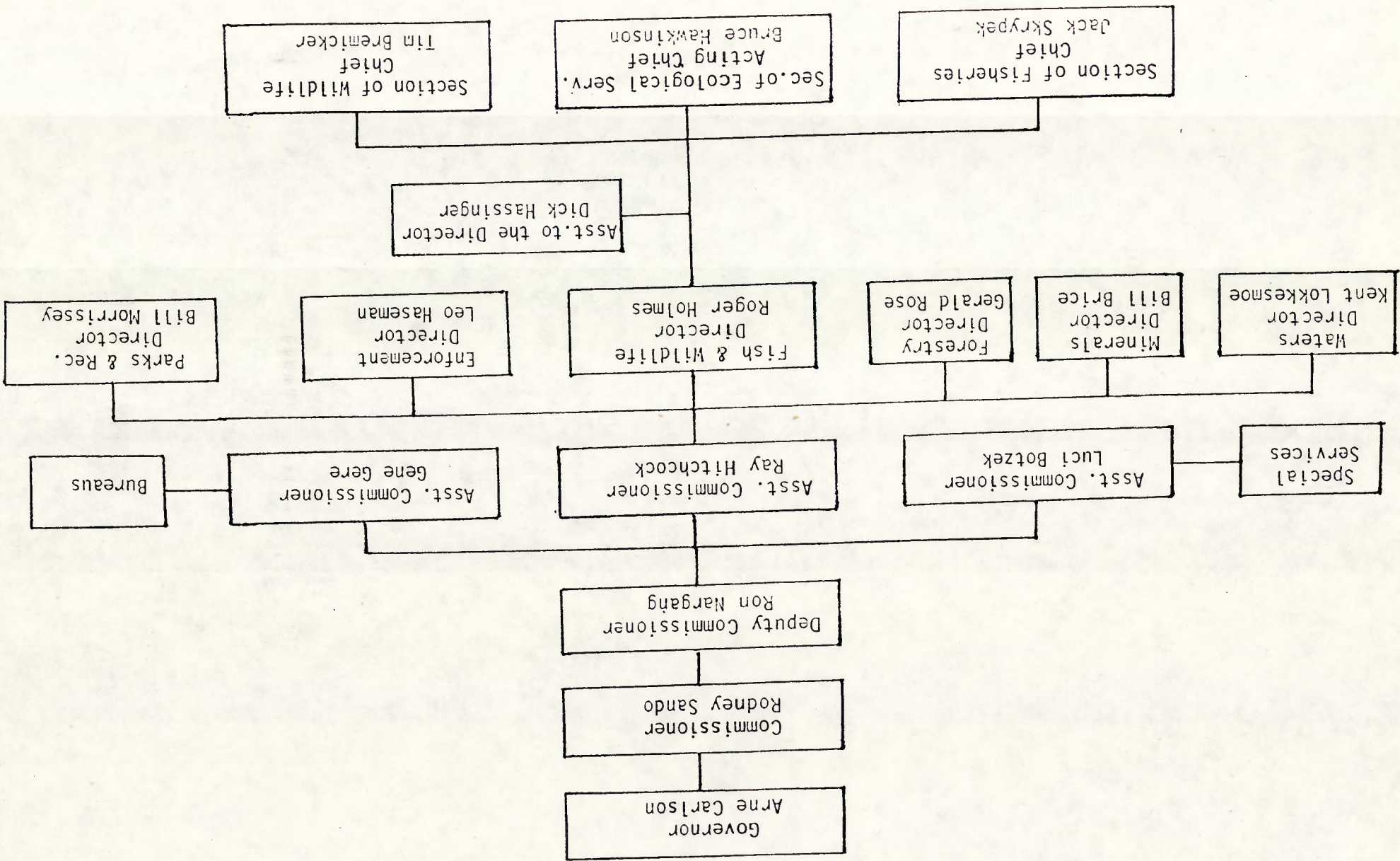


Department Organization

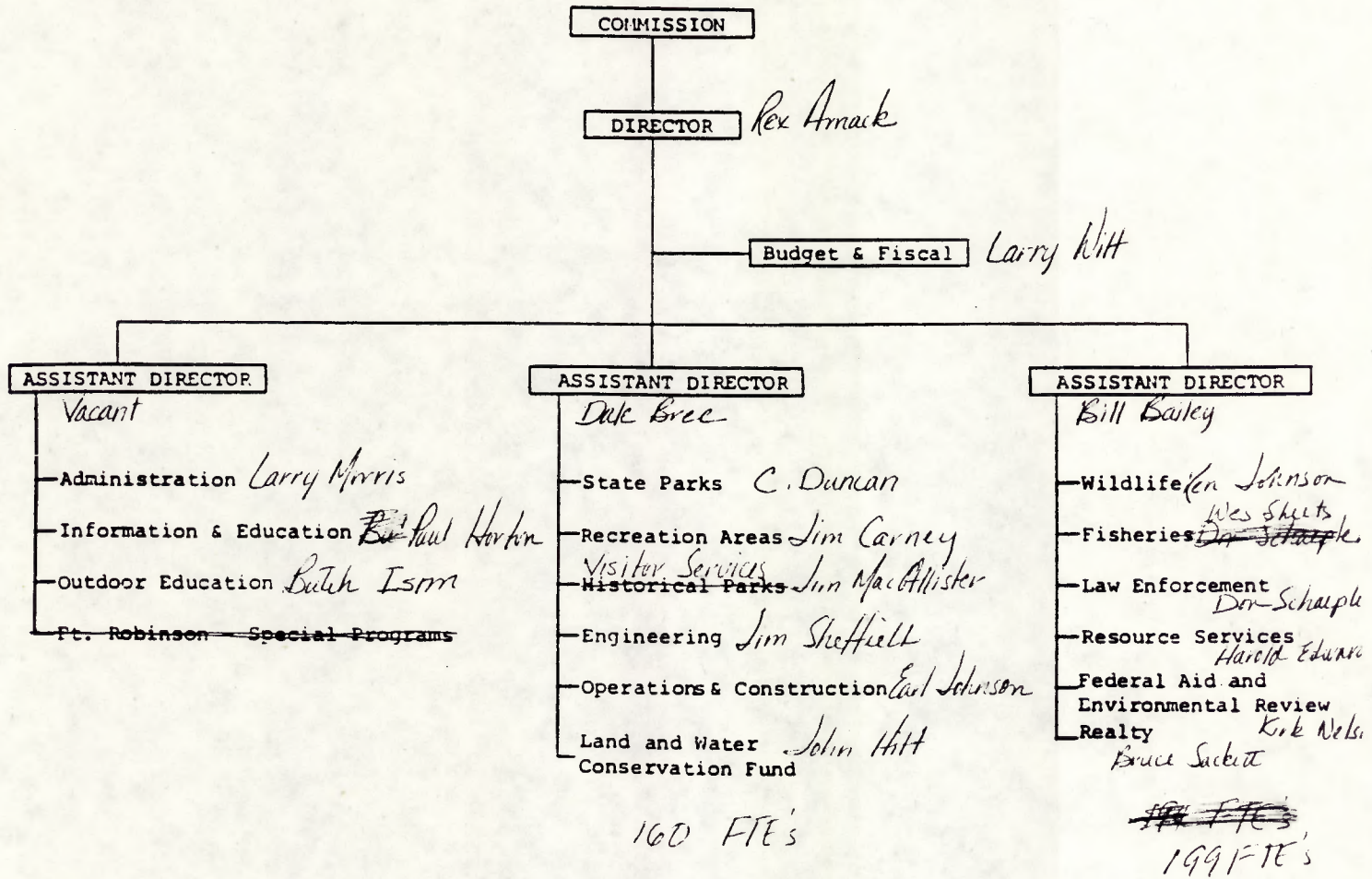




MINNESOTA

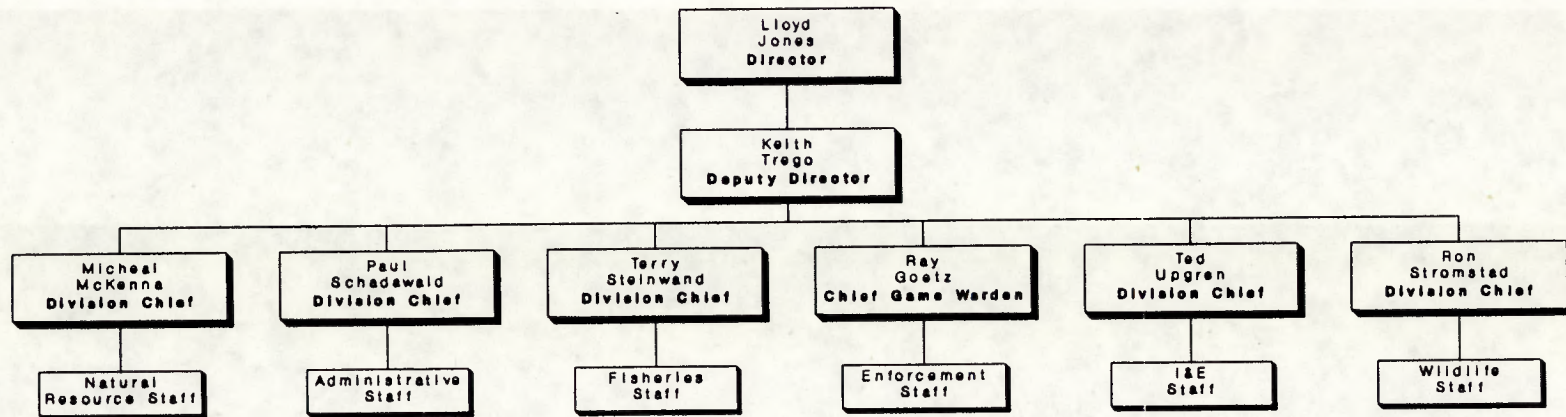


Nebraska Game and Parks Commission



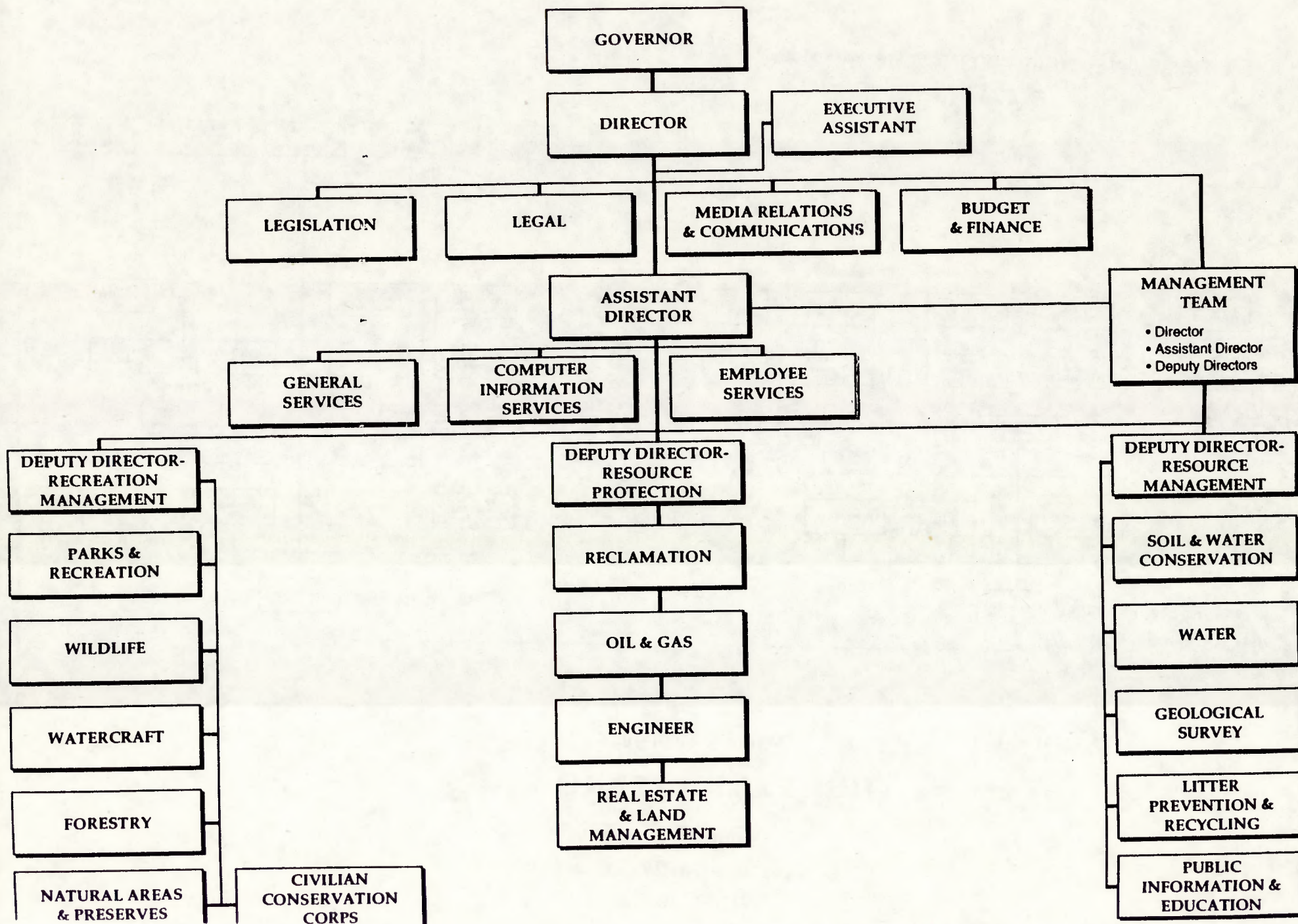
Total Agency FTE 440.4

NORTH DAKOTA GAME AND FISH DEPARTMENT



OHIO DEPARTMENT OF NATURAL RESOURCES
TABLE OF ORGANIZATION

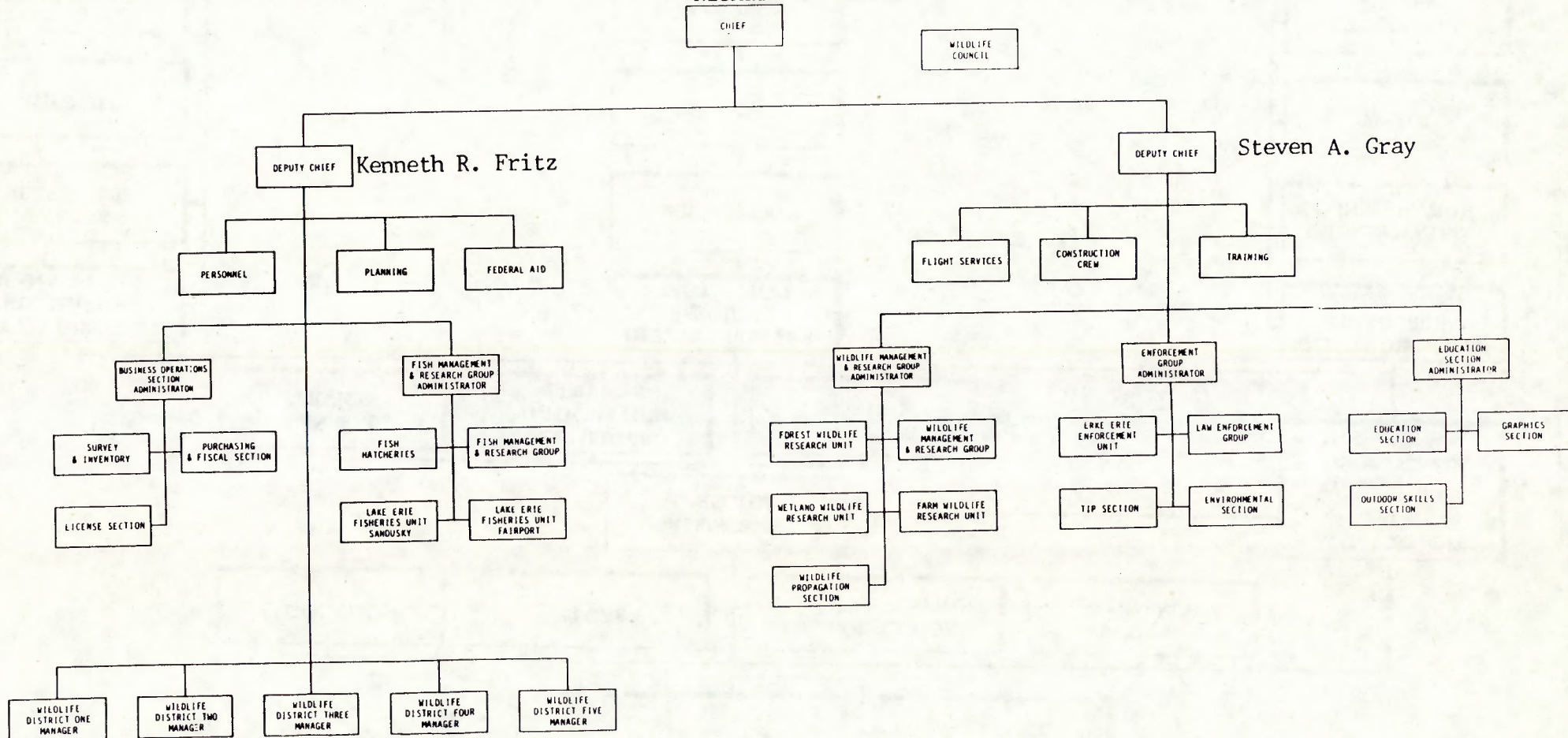
REVISED MAY 1991



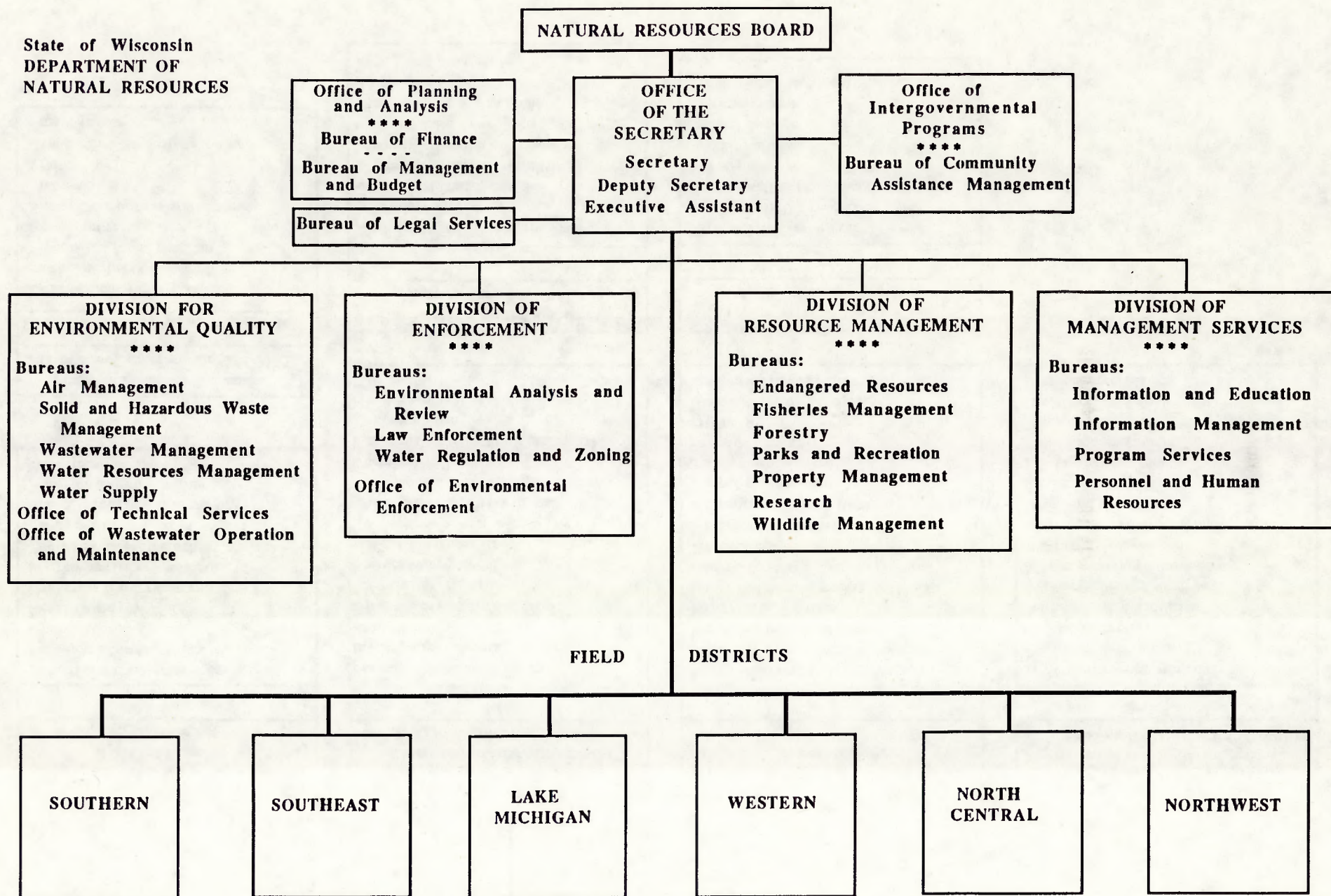
STATE OF OHIO
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

Table of Organization

Richard B. Pierce



State of Wisconsin
DEPARTMENT OF
NATURAL RESOURCES



Wisconsin Department of Natural Resources
Division of Resource Management

Division of Resource Management
J. Addis, Administrator
266-0837
C. Karr, Asst. Admin.
266-5782

Bureau of Research R. Dumke, Director 266-8170	
Natural resources sociology Resource information and publications Research surveys Coldwater fishery research Warmwater fishery research Water resources research Management of Little Rock Lake Inland lake renewal limnology Water quality monitoring Wildlife research	

Bureau of Fisheries Management L. Kernen, Director 266-7025	
Statewide fisheries program Investigative planning on lakes and streams Great Lakes surveys and creel census Species management Habitat management Cooperative services, including ACP and SCS fish ponds and cooperative fish rearing facilities Chemical fish control Fish control, including detrimental and rough fish Hatchery operations Fish health	

Bureau of Forestry C. Higgs, Director 266-0842	
Statewide forestry program Statewide fire protection program Forest fire command center Federal ASCS liaison Insect and disease programs County forestry Tree nurseries Statewide forest inventories Menominee County liaison Timber management State-owned islands Forest tax laws Private forestry Utilization and marketing Equipment development	

Bureau of Property Management H. S. Druckenmiller, Director 266-2136	
DNR construction projects Engineering services Capital budgeting Administrative facilities Mississippi River work unit Master planning coordination Wild rivers program DNR facilities and road maintenance DNR land acquisition Real estate matters Land ownership records Relocation payments Management of integrated properties Division data management Historic preservation	

Bureau of Parks and Recreation D. Weizenicker, Director 266-2185	
Development and operation of statewide parks and southern recreation forest program Ice age program Statewide naturalists/interpretive program Trails Canoe campsite designation and maintenance	

Bureau of Endangered Resources R. Nicotera, Director 266-2625	
Endangered and threatened species list development Issuance of endangered and threatened species permits Acquisition and management of natural areas Natural areas designations Heritage inventory program Non-game program	

Bureau of Wildlife Management S. Miller, Director 266-2193	
Farm wildlife resources Wetland wildlife resources Forest wildlife resources Fur resources Wildlife disease Animal damage PHG program Private lands technical assistance	



OPERATIONS OFFICE
RR 2, BOX 54A
PRATT, KS 67124-9599
(316) 672-5911
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DEPARTMENT OF WILDLIFE AND PARKS
JOAN FINNEY, Governor
JACK LACEY, Secretary
JOHN S. C. HERRON, Assistant Secretary

MEMORANDUM

TO: JOHN HERRON
FROM: JOE KRAMER
DATE: August 7, 1991

SUBJECT: ASSOCIATION OF MIDWEST FISH AND WILDLIFE AGENCIES
AND CENTRAL FLYWAY COUNCIL MEETINGS

*Thanks. Please continue
our involvement in the
Midwest Assoc. as
Dept. representative.*

The Association of Midwest Fish and Wildlife Agencies held their 58th meeting at Rapid City, South Dakota on July 8-10th. All fifteen states were in attendance except Arkansas. Arkansas has officially withdrawn from the Midwest Association, mainly because their state has been members of both the Midwest and Southeast associations and they have elected to drop the Midwest and stay with the Southeast Association. Colorado may also drop from the Midwest because of their Western Association activity.

The major guest speakers' topics at Rapid City were Responsive Management and Marketing, Law Enforcement Covert Operations, Indian Affairs, Laws, and Regulations, and Non-profit Partnerships; agenda enclosed.

Workshop topics were: FLSA and labor representation in state government, wetland planning in states, legal council representation with states, and many more; agenda enclosed.

The meeting was productive and the atmosphere was outstanding. Max Peterson from IAFWA gave a luncheon report on the IAFWA activities which included the hiring of the new legislative action employee. Update enclosed.

Doug Hansen from the host state, South Dakota, asked for an open discussion on the format of this Midwest meeting and for future meetings. The other states felt that the meetings should start on Saturday instead of Sunday for cheaper flight tickets and less time away from office on weekdays.

The workshop session seemed to be the most productive part of the meeting so the states want more workshop time and less formal paper presentations. Also, the business meeting should be held the first

or second day instead of the third day in case states can only stay two days.

The Central Flyway Council Meeting was held in Corpus Christi, Texas, on July 27 through 30. The major topic of discussion was the eastern teal dark geese season and bag limit. The population of eastern teal Canada geese has grown considerably to allow for more Canada geese in the bag over a longer period of time. Kansas will get extra days and more opportunity to bag two Canada geese. This passed by USFWS 8/2/91.

Again this year, the Central Flyway Council will ask the USFWS to implement a three mallard drake option for Central Flyway states. We are uncertain as to whether this recommendation will pass. It did not pass by USFWS. Two mallard drakes will be allowed in Central Flyway.

The blue-wing teal season should be re-introduced next year unless there is a disaster on the breeding grounds next year.

Much of my time at the Flyway Council meeting was spent on Playa Lake Joint Venture activity. Playa Lakes was a topic on everyone's agenda. I had four separate meetings alone on playa lakes. Topics included: next meeting, full time coordinator (Harvey Miller), coordinator office location, five state involvement, and much more. The five PLJV states had concern over PLJV direction, Region 2 USFWS direction with PLJV, Texas Tech direction with PLJV, NAWCAC relations with PLJV, and much more.

The meeting was very productive and Marvin Kraft represents Kansas well on the technical committee. Marvin is well respected and makes good flyway recommendations in the heat of battle over duck pies and goose pies.

cc: Jack Lacey
Division Directors
Darrell Montei

To: Joe Kramer
From: Eric Schenck
Date: July 3, 1991
RE: Midwest F&W ~~Conf.~~ ~~Dir~~ Administrators Mtg.

From

Regarding legislative issues, I suggest that you inquire of the status of the International's Legislative Counsel position. We ~~are~~ have taken it in the shorts in Farm Bill regulations because of lack of representation in D.C.

Also, alot is happening on the ^{wetlands} ~~legislative~~ front. New ~~changes in~~ proposed changes to 404 of The Clean Water Act are circulating with numerous co-sponsors.

Legislative bills you should hear about are HR1330, HR407 ~~and~~ 550 among others.

One problem I see is that while people are concentrating on ~~legisla~~ legislative proposals, wetland policy changes are happening through administrative action (eg ~~expansion~~ ^{Corps'} regulatory guidance letter 90-7 exempting SCS prior converted wetlands from 404, expansion of ~~coverage~~ Corps' nationwide general permits, and changes to the inter-jurisdictional wetland delineation

~~The~~ manual) Such changes may make legislative issues more or put ~~us~~ us in the position of not defending or expanding existing regulatory protection, but on the offensive of trying to get back our ~~old~~ old ~~laws~~ protection measures.

You also might "lobby" for our ~~state~~ Federal Aid Stream Grant proposal with surrounding States (IA, MO, NE, OK etc.) This proposal in a nutshell will develop guidelines and procedures for conducting a Stream Fisheries Survey using volunteers ^{to assist KDWP} ~~assistance~~ biologists. The Completed Survey will be used to incorporate into state water quality standards, minimum flow designations and other regulatory programs, as well as to target technical and financial assistance. The Izaak Walton League will be a partner in the project. The Ike's job is to transfer & guidelines, volunteer workshop materials, etc. to other states to use in organizing their own volunteers.

Most states' administrators' first reaction ^{probably} will be "what's ~~good~~ in it for our state?" ~~I think~~ if the project makes it through the first FWS cut, we will need other states' support in Grants-in-Aid



Carroll D. Besadny
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

July 3, 1991

IN REPLY REFER TO: 8300

Members of Midwest Assoc.
of Fish and Wildlife Officers

Dear Sir/Madam:

An organizational meeting for an attorneys section in the Midwest Association of Fish and Wildlife Officers was held on June 17, 1991, as part of the Midwest meeting in Green Bay, Wisconsin. Representatives from the States of Wisconsin and Missouri and the United States Fish and Wildlife Service attended.

Participants discussed the desirability of an attorneys section within the Midwest Association. It was agreed that we should continue to discuss the issue with the Midwest Directors and contact the Province of Ontario which will host the 1992 Midwest meeting. Participants also discussed the possibility of delaying the next attorneys meeting until the 1993 Midwest meeting to allow more time for organizing the attorneys section.

The remainder of the meeting was spent on discussion of conservation law areas of common interest. A summary of discussion topics follows:

Anti-hunting and Harassment

Anti-hunting groups are of concern to the legal staff for fish and game agencies as well as to management staff. Department attorneys must become involved in the drafting of any laws prohibiting the harassment of hunters or fishers. Due to the litigation in Connecticut which found portions of the Connecticut law unconstitutionally overbroad, other states must take great efforts to distinguish their laws from the Connecticut example. Wisconsin has done so by attempting to limit those acts which constitute harassment to physical conduct. However, Wisconsin is currently involved in litigation in which the claim of constitutionally overbroad is being raised. Wisconsin is also faced with the claim that its prohibition on harassing those preparing to hunt or fish is unconstitutionally vague. Attorneys in the group agreed that the harassment provisions should be drafted as conduct specific as possible. There is also a need to exchange materials regarding litigation in each of the states as these materials seem to be circulated among anti-hunting groups faster than among government agencies.

Another tactic used by anti-hunting groups is the claim that the environmental review process should be used to evaluate the continued existence of various

hunting seasons. This has caused California to prepare environmental documents regarding a number of its hunting seasons. These materials were circulated among the attorneys in attendance.

Forest Management

For those attorneys involved in management of forest properties, a continuing concern exists with those groups using the environmental review process to influence the agency's management decisions. Examples include the litigation in Oregon and Washington regarding the spotted owl and a suit in Wisconsin regarding management of the National Forests. The Wisconsin litigation and tactics used by those second-guessing agency management decisions were discussed.

Indian Treaty Rights

Wisconsin has been involved in a great deal of litigation regarding off-reservation treaty rights. It is unlikely that any other state has been faced with such an extensive off-reservation treaty right. Potentially, all species of fish, game and plants were subject to the treaty right. While the cutting of commercial timber has been excluded from the treaty right, very few other plants or animals are free from at least the claim that they are subject to a treaty right. The participants discussed the precedential nature of a number of the decisions issued by the federal court in Wisconsin. Attorneys should be aware that when dealing with off-reservation treaty rights a great deal of assistance is now available not only from the reported decisions arising from Wisconsin and other states but also from those attorneys who have been involved in the issues from their beginnings.

Deer Shining

As attorneys who deal directly with field enforcement staff, the group discussed the lack of reported decisions dealing with issues such as deer shining. It is often difficult to find case law which can be of assistance in common situations as the ability to stop a vehicle involved in shining activities. A situation which was discussed was whether shining during a time period in which shining is legal can alone constitute a reasonable suspicion of a violation. While some states have laws authorizing an inspection-type stop for individuals engaged in shining, the more likely approach is to argue to the courts that shining, even apparently legal shining, can constitute a reasonable suspicion of a violation, at least depending on the circumstances under which it is being done. Again, the circulation among various state attorneys of cases dealing with this type of issue will continue to be important.

Commercialization

All states have laws regarding the importation of wildlife. However, there is a wide variation in the standards under which an item which is legal in one state can be legally possessed in another. A discussion was held regarding

the need for some standardization among the various states for when imported items will be recognized as legally possessed. A great deal of discussion is still needed on this issue.

Ethics and Fair Chase

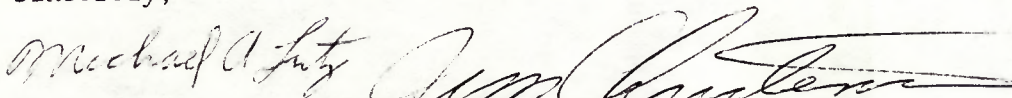
A new issue in Wisconsin, although not so new in other states, is the regulation of ethics especially as it relates to contests. Some states are already heavily involved in this type of regulation and a sharing of information can assist those other states just beginning to enter the fray of contest regulation. Issues recently raised in Wisconsin, such as baiting and tree stands, were discussed.

Recreational Liability

The final point of discussion, again primarily applicable to those who are property managers, was the area of recreational liability. Wisconsin has a recreational liability law which exempts the state from liability arising from recreational activities on its lands unless some malice is shown on the part of employees or agents of the State of Wisconsin. This is a very difficult burden to overcome and has substantially limited litigation against the State of Wisconsin for injuries occurring on its properties. The wording of this statute and the accompanying case law is available to other agencies wishing to examine its applicability to their own situation.

It is hoped by all in attendance that a discussion on these items and others could continue at future attorneys' meetings. Although many could not attend due to budget constraints, the meeting was still felt very useful for those of us who were lucky enough to be able to attend.

Sincerely,



Michael A. Lutz Jim S. Christenson
Attorney at Law Attorney at Law
Bureau of Legal Services Bureau of Legal Services

MAL:JSC:rh
v:\9108\lc9membr.mal



0600P

International Association of Fish and Wildlife Agencies

Hall of the States

444 North Capitol St. NW, Suite 534, Washington, DC 20001

(202) 624-7890

R. Max Peterson, Executive Vice President

BY FAX

URGENT -- IMMEDIATE ACTION NEEDED

MEMORANDUM

TO: State Governmental Members
FROM: R. Max Peterson, Executive Vice President
DATE: June 12, 1991
SUBJECT: Fiscal Year 1992 House Appropriations Subcommittee Marks

The House Appropriations has Subcommittee completed its action on the Fiscal Year 1992 appropriation for agencies under its jurisdiction which includes the Fish and Wildlife Service, Forest Service, Bureau of Land Management, National Park Service, and the Bureau of Indian Affairs, which are of primary interest to us.

The Subcommittee was faced with a difficult task because last year's budget agreement resulted in the Subcommittee having to reduce Fiscal 1992 outlays by about \$800 million.

The information we have on the Subcommittee action is still incomplete because the report is not available at this time. From the information that is available to us, it is clear that the Subcommittee made a number of reductions as well as a few additions to the President's Fiscal 1992 budget. Generally speaking, the Subcommittee stayed rather close to the actual Fiscal Year 1991 appropriation levels except for two items of great importance to us. These are:

1. The Subcommittee action would reduce the Sport Fish Restoration Account by \$16 million. That would be done by placing a limitation on the permanent appropriation. Whether that money would be available sometime in the future is not known.
2. The Subcommittee would not appropriate the \$15 million requested in the President's budget to fund the North American Wetlands Conservation Act. The \$14 million from the permanent appropriation (interest on Pittman-Robertson funds) would remain.

We have been advised that the full House Appropriations Committee will take up the Subcommittee recommendations next week, June 19. It is important that the members of the House Appropriations Committee as well as the Senate Appropriations Committee know of our concern about these two actions which are very detrimental to fish and wildlife programs. For your ready reference, enclosed is a list of the House and Senate Appropriations Committee members.

We are also enclosing some points you might wish to make in either letters or phone calls to members of the committees. Because of the short time frame, it would be wise to contact members by phone and follow up by letter.

Enclosures

SUGGESTED POINTS ON THE LIMITATION
ON THE SPORT FISH RESTORATION ACCOUNT

The Sport Fish Restoration Account is entirely funded by user fees. These user fees include excise taxes on fishing tackle and equipment, as well as federal tax on gasoline used by boats.

Placing a limitation on the Sport Fish Restoration Account would be unprecedented action by the Congress and undermines the whole concept of user fees.

The limitation on the Sport Fish Restoration Account, coupled with the serious financial condition of many states, would combine to seriously reduce the capability of the states to sustain and enhance important fishery resources.

Users who pay the tax will undoubtedly question why they should pay a tax which is not going for its intended purpose. This could result in loss of long-term support for this and other user fees.

The proposed action to reduce funds available to the North American Wetlands Conservation Fund by \$15 million would be more than a 50% reduction in funding for that important program which is a cooperative program between the United States, Canada and Mexico to reverse the decline in waterfowl and other water-dependent migratory birds.

The \$15 million in federal funds will levy \$30-50 million in matching funds. A long-term public/private partnership program is absolutely essential to the success of this cooperative program.

The more than 50% reduction in the North American Wetlands Conservation Fund constitutes a major slashing of funds available for that program and is inconsistent with the Subcommittee's general approach to retain at least the Fiscal 1991 funding for other activities.

Enclosed is an information sheet that shows each state's Wallop-Breaux apportionment and the current status of North American wetlands projects.

FACT SHEET

NORTH AMERICAN WETLANDS CONSERVATION FUND

- o Fund was established by the North American Wetlands Conservation Act, December 13, 1989 (P.L. 101-233).
- o FY 1991 - Appropriated funding - \$15,000,000.
 - Carryover and FY 1991 interest - \$21,000,000
- o First call for proposals - 182 Canadian, Mexican and U.S. sponsors requested \$47 Million.
- o North American Wetlands Conservation Council recommended 103 wetlands conservation projects to Migratory Bird Conservation Commission:

	<u>Number</u>	<u>Act Funds</u>	<u>Partner Funds</u>
Canada	56	\$15,897,620	\$24,357,480
U.S.	43	\$15,951,789	\$27,806,641
Mexico	4	\$ 160,593	\$ 347,588

- o Successful U.S. sponsors represented projects from 24 states.
- o FY 1992: - President requested general appropriation of \$15,000,000.
 - Interest projected at \$14,000,000.
 - FY 1992 receipts from the Coastal Wetlands Planning, Protection, and Restoration Act for use by the NAWCA are projected at \$7,000,000 (can only be spent in U.S. coastal states).
- o FY 1992 projected opportunities (Act funds to be matched by U.S. non-Federal funds and by in-country funds in Canada and Mexico.)

Canada	\$16,000,000	(call for proposals issued Feb. 1991: -- 25 U.S. sponsors already requested \$10,296,887 they will match with \$14,414,251. Additional projects currently being reviewed.)
Mexico	\$ 1,000,000	
U.S.	\$45,000,000	

Table 4 - Tentative AL sensus 5/3/91

	1985	1986	1987	1988	1989	1990	1991	1992*	1993*	1994*	1995*	1996*
Fishing Tackle & Eqmt	38,086	43,842	65,684	74,894	77,044	74,037	74,754	88,500 ²	81,900	86,200	90,600	95,300
Trolling Motors & Fish Finders	N/A	1,600	2,295	2,138	2,656	2,151	2,703	2,300	2,400	2,600	2,700	2,800
Gasol. Used in Mtrbts	N/A	50,352	28,165	50,775	60,451	50,917	52,004	68,000	81,000	87,000	93,000	99,000
Gasoline Used in Small Engines	N/A	N/A	N/A	N/A	N/A	N/A	N/A	41,003	49,910	50,470	51,029	51,598
Imprt Duties on Fshg Eqmt & Pleasure Boats	N/A	22,495	31,294	18,688	22,464	46,722 ¹	28,711	30,130	32,064	35,286	36,417	37,584
Interest Investments	N/A	3,878	13,578 ³	14,578	24,148	31,812	35,431	40,000	37,000	37,000	37,000	37,000
Total	38,086	122,167	141,016	161,073	186,663	205,639	193,603	269,933	284,274	298,556	310,746	323,282
Sequestered	N/A	-4,941	-4,941	N/A	N/A	-15,400	+15,400	N/A	N/A	N/A	N/A	N/A
Total		117,226	146,957	161,073	186,663	190,230	209,003	269,933	284,274	298,556	310,746	323,282
Boating Safety Acct.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-10,000	-15,000	-15,000	-20,000
Total								269,933	274,274	283,556	295,746	303,282
Wetland Grants (18%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-48,588	-49,369	-51,040	-53,234	-54,591
Total	38,086	122,167	141,016	161,073	186,663	190,230	209,003	221,345	224,905	232,516	242,512	248,691
Admin. Cost (6.0%)	- 3,026	- 7,267	- 6,856	- 5,373	- 7,162	-10,390	-12,493	-13,281	-13,494	-13,951	-14,551	-14,921
Apportion to States	35,060	109,959	140,101	155,700	179,501	179,840	196,510	208,064	211,411	218,565	227,961	233,770
Boat Access (12.5%)	- 3,510	-11,000	-14,010	-15,570	-17,950	-17,984	-19,651	-27,668	-26,426	-27,321	-28,495	-29,221
St. Bal. Unearmarked	31,550	98,959	126,091	140,130	161,551	161,856	176,859	180,396	184,985	191,244	199,466	204,549

¹Includes \$19.8 million adjustment for previously unreported import duties.

²Includes \$10.6 million adjustment for previously undeposited excise taxes.

³Includes \$4.94 million withheld in 1986 sequester.

⁴Receipts collected in previous fiscal year available for program in the next year.

*Estimate

B.S.
Account
included

KEY MEMBERS FROM HOUSE AND SENATE APPROPRIATIONS.

HOUSE FULL APPROPS. COMMITTEE CONSIDERATION 6/¹⁹20/91SENATE APPROPS. FINAL ALLOCATIONS BY COMMITTEE STAFF 6/14/91
*Committee Action expected before 6/30*California:

Congressman Bill Lowery
" Ed Roybal
" Julian Dixon
" Vic Fazio
" Jerry Lewis
Congresswoman Nancy Pelosi

Pennsylvania:

Senator Arlen Specter
Congressman John Murtha
" William Gray III
" Joseph McDade
" Lawrence Coughlin

Ohio:

Congressman Louis Stokes
Congresswoman Marcy Kaptur
Congressman Ralph Regula
" Clarence E. Miller

Michigan:

Congressman Bob Traxler
" Bob Carr
" Carl Pursell

Florida:

Congressman William Lehman
" C.W. "Bill" Young
" Lawrence Smith

Texas:

Senator Phil Gramm
Congressman Charlie Wilson
" Ronald Coleman
" Jim Chapman

Illinois:

Congressman Sidney Yates
" Richard Durbin
" John Porter

Oregon:

Sen. Mark Hatfield
Cong. Les AuCoin

West Virginia:

Sen. Robert Byrd
Cong. Alan Mollohan

Mississippi:

Senator Thad Cochran
Cong. Jamie Whitten

Washington:

Sen. Brock Adams
" Slade Gorton
Cong. Norm Dicks

Kentucky:

Cong. William Natcher
" Harold Rogers

N. Carolina:

Cong. Bill Hefner
" David Price

Minnesota:

Cong. Martin Sabo
" Vin Weber

New York:

Senator Alfonse D'Amato
Congressman Matthew McHugh
" Robert Mrazek

Massachusetts:

Cong. Joseph Early
" Chester Atkins

New Jersey:

Senator Frank Lautenberg
Congressman Bernard Dwyer
" Dean Gallo

Iowa

Senator Tom Harkin
Congressman Neal Smith
" Jim Lightfoot

Louisiana:

Senator J. Bennett Johnston
Congressman Bob Livingston

Arizona:

Senator Dennis DeConcini
Congressman Jim Kolbe

Arkansas:

Senator Dale Bumpers
Congressman Jim Kolbe

Maryland:

Senator Barbara Mikulski
Congressman Steny Hoyer

Nevada:

Senator Harry Reid
Congresswoman Barbara Vucanovich

Georgia:

Senator Wyche Fowler
Congressman Lindsay Thomas

New Mexico:

Senator Pete Domenici
Congressman Joe Skeen

Oklahoma:

Senator Don Nickles
Congressman Mickey Edwards

Report Language.

1. \$250,000 from acquisition management for Afognak study and study of lands in Prince William Sound area for possible acquisition once an oil spill settlement is reached.
2. Sacramento River NWR, CA includes Parrott Ranch.
3. E.B. Forsythe NWR, NJ is for Reedy Creek area.
4. Rainwater Basin acquisition dependent on contributions from others.

National Wildlife Refuge Fund

-3,066,000 Maintains FY 1991 level.

Cooperative Endangered Species Fund

+1,000,000 Restores FY 1991 level. Spotted owl states receive emphasis in grants to States.

North American Wetlands Conservation Fund

✓ -15,021,000 \$14,000,000 program from permanent appropriation remains.

Sport Fish Restoration Account
(Limitation on Permanent Appropriation)

✓ ¹⁸ -16,000,000 Allows 4% increase over FY 1991 for State programs

SPORT FISH RESTORATION ACCOUNT
(LIMITATION ON OBLIGATIONS)

The Committee recommends a limitation on the amount available for Payments to States in the Sport Fish Restoration Account. The limitation on obligations is set at \$190,000,000. This amount will still allow the States to receive \$8,013,000 more than the estimate for fiscal year 1991, an increase of 4.4 percent.

ADMINISTRATIVE PROVISIONS

The Committee recommends the redesignation of the Tinicum National Environmental Center in Philadelphia, Pennsylvania, as the John Heinz National Wildlife Refuge at Tinicum. Senator Heinz earned a national reputation for his tireless efforts in environmental protection. In particular, he worked to include Tinicum in the national system and drafted the law that established the Tinicum Marsh Wildlife Center. The Committee, in recognition of his work on behalf of the environment, believes it is fitting to honor Senator Heinz in this manner.

NATIONAL PARK SERVICE

The world has witnessed a staggering level and pace of change since the first national park was created at Yellowstone over 100 years ago. But the parks endure and continue to grow in importance, especially for the contrast they provide to that change. Noting this rapid change, Frederick Law Olmstead long ago observed that were there no place like national parks, there would be nothing against which to measure change. Today the complexity and speed of this change is mirrored in the National Park System which is now comprised of 357 areas, encompassing nearly 80 million acres, in 49 States and the District of Columbia. The areas range in size and character from the immense roadless wilderness of Gates of the Arctic National Park in Alaska to the small Federal Hall National Memorial in lower Manhattan. Visitation exceeded 336 million in 1990.

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation enacted, 1991.....	\$876,699,000
Budget estimate, 1992.....	970,526,000
Recommended, 1992.....	968,747,000
Comparison:	
Appropriation, 1991.....	+92,048,000
Budget estimate, 1992.....	-1,779,000

The budget proposed for the Operation of the National Park System is another step forward in the recovery of the parks. At the hearing on the fiscal year 1991 appropriation for the National Park Service, one witness stated that many of the parks are in "intensive care". The Congress responded to that cry for help and provided an appropriation of \$876,699,000, an increase of almost \$46,000,000 over the request. Even this increase fell significantly short of what individual park superintendents and regional directors identified as needs. The budget proposal for this year builds on the 1991 effort to provide adequate funds for our National Parks.

Again, the budget request for parks will fall short of what the Committee this year, individual park superintendents identified needs in the budget. Severe budget needs.

The amount recommended compared with the 1991 estimate is shown in the following table:

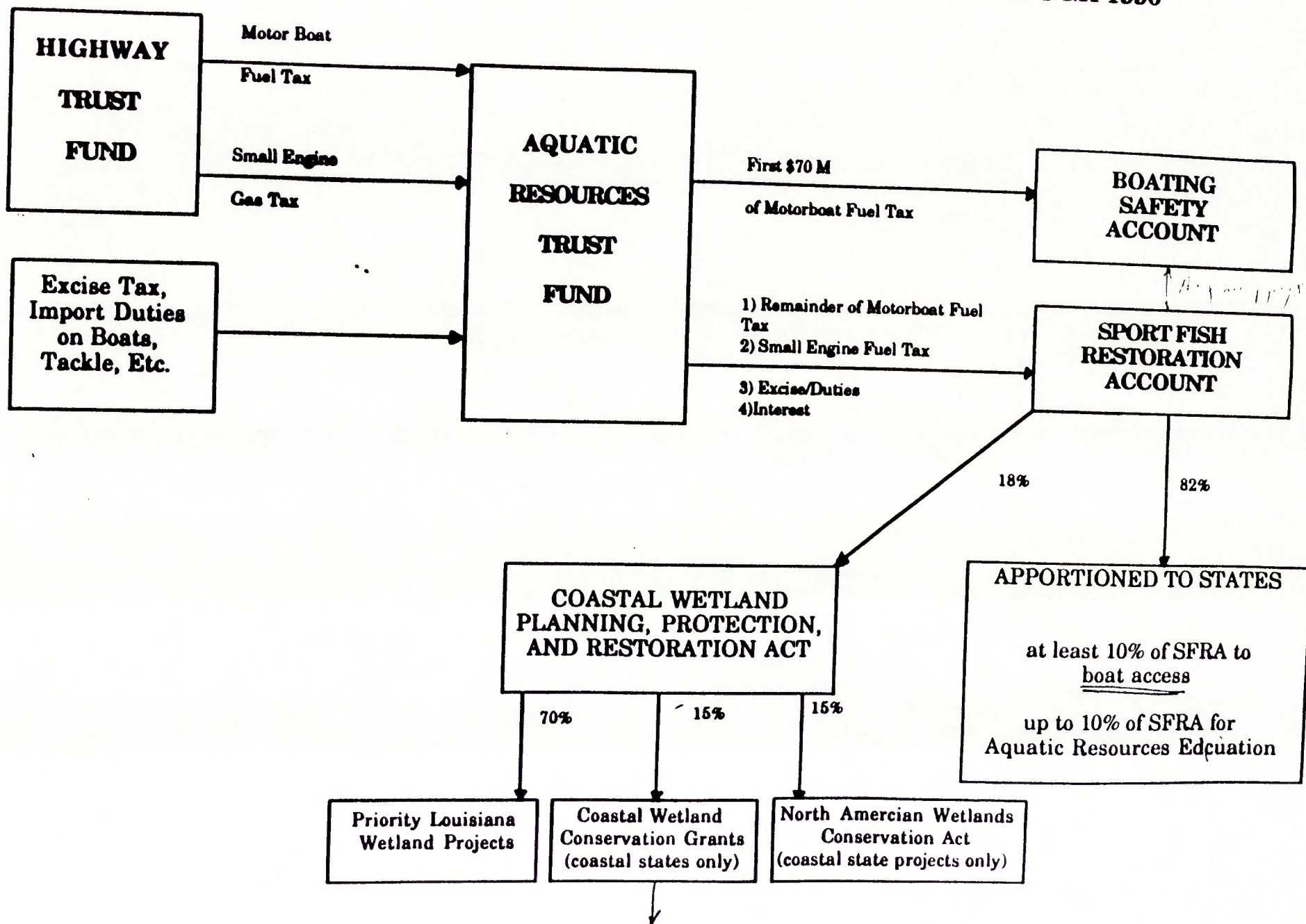
Management of park areas.....	
Concessions management.....	
Interpretation and visitor services.....	
Visitor protection and safety.....	
United States park police.....	
Maintenance.....	
Resource management.....	
Information publications.....	
International park affairs.....	
Volunteers-in-parks.....	
Challenge cost-share program.....	
Water resources.....	
General management plans.....	
Blackstone River Corridor.....	
Columbia River Bicentennial Commission.....	
Columbia and Lehigh Navigation Canal.....	
Delaware and Lehigh Navigation Canal.....	
Horseshoe Curve NHP.....	
Ice Age National Scientific Reserve.....	
International Peace Garden, United States.....	
Johnstown Area Heritage Association.....	
Lowell Historic Preservation Canal.....	
Maine Acadian Cultural Preservation.....	
Martin Luther King, Jr. Center.....	
Mary McLeod Bethune NHP.....	
Mississippi River Corridor Heritage.....	
National Constitution Center, PA.....	
National Folk Festival.....	
Native Hawaiian culture and arts program.....	
Owensboro Community College.....	
Roosevelt Campobello International Park.....	
Sloss Furnace NHP.....	
Southwestern Penn. Heritage Preserve.....	
Steel Industry Heritage Task Force.....	
Turkey Run Farm Park.....	
Warren County, MS.....	
Whitman Park Commission.....	
William McKinley Memorial.....	
General administration.....	
Administrative and staffing officials.....	
Pay restoration.....	

Total, Operation of the National Park System.....

Management of park areas
increase of \$977,000 for the increase of \$230,000 for the Alice Ferguson Foundation for the Blackstone River Maritime Commission provided for Lowell NHP \$102,000 for operation. There are two offsetting requested for Alaska \$1,400,000, requested Alaska subsistence pay \$3,333,000.

The Committee has Douglas Outdoor Education Monica Mountains NHP Concessions management capability of the recommends an increase reduction of \$250,000.

AQUATIC RESOURCES TRUST FUND, AS AMENDED THROUGH 1990



House Appropriation Committee Budget Request Effect Upon the FY 1992
Wallop-Breaux Apportionment to the States

State	<i>208 mm</i> Funds Available	<i>190 mm</i> House Request	<i>Diff</i> Loss to State
Alabama	\$ 3,367,196	\$3,075,803	\$291,393
Alaska	\$10,400,000	\$9,500,000	\$900,000
Arizona	\$ 4,339,237	\$3,963,725	\$375,512
Arkansas	\$ 3,962,526	\$3,619,614	\$342,912
California	\$10,400,000	\$9,500,000	\$900,000
Colorado	\$ 5,133,079	\$4,688,871	\$444,208
Connecticut	\$ 2,080,000	\$1,900,000	\$180,000
Deleware	\$ 2,080,000	\$1,900,000	\$180,000
Florida	\$ 5,133,079	\$4,688,871	\$444,208
Georgia	\$ 4,028,161	\$3,679,571	\$348,590
Hawaii	\$ 2,080,000	\$1,900,000	\$180,000
Idaho	\$ 3,414,242	\$3,118,778	\$295,464
Illinois	\$ 4,335,522	\$3,960,333	\$375,189
Indiana	\$ 3,176,803	\$2,901,887	\$274,916
Iowa	\$ 2,821,984	\$2,577,774	\$244,210
Kansas	\$ 3,045,204	\$2,781,676	\$263,528
Kentucky	\$ 3,341,411	\$3,052,251	\$289,190
Louisiana	\$ 3,209,815	\$2,932,042	\$277,773
Maine	\$ 2,080,000	\$1,900,000	\$180,000
Maryland	\$ 2,080,000	\$1,900,000	\$180,000
Massachusetts	\$ 2,080,000	\$1,900,000	\$180,000
Michigan	\$ 8,282,497	\$7,565,742	\$716,755
Minnesota	\$ 7,709,161	\$7,042,023	\$667,138
Mississippi	\$ 2,785,847	\$2,544,763	\$241,084
Missouri	\$ 5,516,399	\$5,039,019	\$477,380
Montana	\$ 4,770,522	\$4,357,688	\$412,834
Nebraska	\$ 2,692,388	\$2,459,394	\$232,944
Nevada	\$ 3,142,340	\$2,870,406	\$271,934
New Hampshire	\$ 2,080,000	\$1,900,000	\$190,000
New Jersey	\$ 2,080,000	\$1,900,000	\$190,000
New Mexico	\$ 3,832,012	\$3,500,396	\$331,616
New York	\$ 5,563,043	\$5,081,626	\$481,417
N. Carolina	\$ 3,036,929	\$2,774,118	\$262,811
North Dakota	\$ 2,200,118	\$2,009,723	\$190,395
Ohio	\$ 5,315,275	\$4,855,298	\$459,977
Oklahoma	\$ 3,845,702	\$3,512,901	\$332,801
Oregon	\$ 5,132,573	\$4,688,408	\$444,165
Pennsylvania	\$ 5,439,075	\$4,968,386	\$470,689
Rhode Island	\$ 2,080,000	\$1,900,000	\$180,000
S. Carolina	\$ 2,380,617	\$2,174,603	\$206,014
South Dakota	\$ 2,525,195	\$2,306,668	\$218,527
Tennessee	\$ 3,806,772	\$3,477,340	\$329,432
Texas	\$10,400,000	\$9,500,000	\$900,000
Utah	\$ 3,437,683	\$3,140,191	\$297,492
Vermont	\$ 2,080,000	\$1,900,000	\$180,000
Virginia	\$ 2,918,693	\$2,666,114	\$252,579
Washington	\$ 5,225,022	\$4,772,857	\$452,165
West Virginia	\$ 2,080,000	\$1,900,000	\$180,000
Wisconsin	\$ 6,891,826	\$6,295,418	\$596,408
Wyoming	\$ 3,146,868	\$2,874,543	\$272,325
Puerto Rico	\$ 2,080,000	\$1,900,000	\$180,000

Guam	\$ 693,334	\$ 633,333	\$ 60,001
Virgin Isl.	\$ 693,334	\$ 633,333	\$ 60,001
Am. Samoa	\$ 693,334	\$ 633,333	\$ 60,001
Mariana Isl.	\$ 693,334	\$ 633,333	\$ 60,001
Dist. of Col,	\$ 693,334	\$ 633,333	\$ 60,001
Total	\$208,000,000	\$190,000,000	\$18,000,000



International Association of Fish and Wildlife Agencies

Hall of the States

444 North Capitol St. NW, Suite 534, Washington, DC 20001

(202) 624-7890

R. Max Peterson, Executive Vice President

0601P

Typical Letter

June 14, 1991

The Honorable Joseph McDade
Ranking Minority Member
House Appropriations Committee
H-218 Capitol Building
Washington DC 20515

Dear Representative McDade:

We need your help to restore two major cuts in fish and wildlife activities made by the House Interior and Related Agencies Appropriations Subcommittee. The first action of the Subcommittee that concerns us is the unprecedented action to place a Congressional limitation of \$190 million on the amount that can be apportioned to the states from the Sport Fish Restoration Account, commonly referred to as Dingell-Johnson/Wallop-Breaux. This would reduce, by \$18 million, the amount otherwise available to the states in FY 1992. This is \$6.5 million below the amount apportioned to states in Fiscal Year 1991.

The Sport Fish Restoration Account is entirely financed by fishing and boating users through payment of specific federal excise taxes on fishing and boating equipment and the federal gas tax attributable to boat use. Congress to date has remained faithful to the concept of user benefit/user pay and resisting previous efforts by OMB to divert or cap these user funds. Not only will the lack of such funds be a serious detriment to already strapped state fish restoration programs, but will undoubtedly result in users being disillusioned with user benefit/user pay taxes.

The second major cut by the Subcommittee which concerns us greatly is eliminating entirely the President's budget request for \$15 million to be appropriated for the North American Wetlands Conservation Fund. The Subcommittee did leave the \$14 million derived from the permanent appropriation (interest on Pittman-Robertson funds).

In Fiscal Year 1991 the President requested, and Congress appropriated, \$15 million for the North American Wetlands Conservation Fund, in addition to the amount available from the permanent appropriation. This initial funding, which is more than matched by private and state contributions, is a start towards reducing the precipitous decline in wetland-associated migratory wildlife populations which have declined by about 50% since the 1970's.

The Honorable Joseph McDade
June 14, 1991
Page 2

To arrest this decline, the United States and Canada entered into an historic new agreement called the North American Waterfowl Management Plan in 1986. The Plan established a 15-year goal of habitat restoration and enhancement to reverse the decline and restore the populations of wetland dependent wildlife. A strong bipartisan Coalition in the Congress and President Bush united to pass the historic North American Wetlands Conservation Act in 1989 to provide funding for the Plan. The Federal funding is more than matched by private, state and Canadian funding. To cut this program in half at this time, with the attendant loss of private and state matching funds, would be a serious blow to the vital long-term efforts required to restore waterfowl and other migratory wildlife populations.

In making the request to restore funds for these two programs, we are not unmindful of the serious problem facing the Appropriations Subcommittee and the Congress as a whole in trying to meet tight budget constraints. There are numerous reductions made by the Appropriations Subcommittee that we could take issue with, but we recognize that some reductions must be made. These two reductions are particularly troublesome, both in terms of the precedent set by diverting user fees and the significant impacts of a 50% reduction in funding for the North American Wetlands Conservation Act.

We appreciate any help you could give in restoring these cuts.

Sincerely,

R. MAX PETERSON

R. Max Peterson
Executive Vice President

DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSTON, LOUISIANA
QUENTIN N. BURDICK, NORTH DAKOTA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DECONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
BROCK ADAMS, WASHINGTON
WYCHE FOWLER, JR., GEORGIA
J. ROBERT KERREY, NEBRASKA

MARK O. HATFIELD, OREGON
TED STEVENS, ALASKA
JAKE GARN, UTAH
THAD COCHRAN, MISSISSIPPI
ROBERT W. KASTEN, JR., WISCONSIN
ALFONSE M. D'AMATO, NEW YORK
WARREN RUDDMAN, NEW HAMPSHIRE
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

June 10, 1991

The Honorable Robert C. Byrd
Chairman
Subcommittee on Interior
and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Robert:

Last year a bipartisan group of over a dozen Members sought your support to retain \$15 million proposed in the President's budget for implementation of the North American Waterfowl Management Plan. With your leadership, the money was appropriated.

The private sector and state governments more than matched the federal dollars for a total financial commitment of over \$38 million. These FY91 funds were used to finance 43 wetlands restoration and enhancement and critical habitat acquisition projects in throughout the nation including projects in the Pacific, Central, Mississippi, and Atlantic Flyways.

Given the tremendous success of this program, the President has once again requested \$15 million to be used to create these innovative conservation partnerships between federal and state government and the private sector. It has come to our attention that the House Interior Appropriations Subcommittee zeroed out the President's request for funds to enhance the habitat of waterfowl and associated wildlife. If this cut is not restored by the Senate, we will not only lose the \$15 million in federal funding, but the \$15 million plus that would have been provided in state and private cost sharing monies.

Page Two

We hope you will support this important program once again. In recent years waterfowl and wildlife populations have declined precipitously largely due to the wholesale elimination of wetlands habitat and nesting cover. Mallard duck populations have fallen by 37 percent, blue winged teal by 28 percent, and pintail duck numbers are down by an alarming 37 percent. As a result of the destruction of habitat, many species are now endangered including the majestic whooping crane and our national symbol, the bald eagle.

This request is strongly supported by the National Fish and Wildlife Foundation, Ducks Unlimited, the National Audubon Society, and the International Association of Fish and Wildlife Agencies, among others. Thanks for your help.

Sincerely,

Dennis De Concini

Frank H. Munkharsali

Quinn Hatch

J. L. L. L.

Max Sanders

David Dwyer

Paul Cook

Jul Stevens

Rick Kessel

John Breary

Tom Kaschke

John Domenech

Art Bond

Paul Wellstone

Paul Dinklage

Lloyd Bentsen

Jim Dasser

Alan Cranston

Barbara A. Mikulski

Jack Danforth

Carl Levin

Cycle Fowler Jr.

Nick Ryan

Harry Reid

Al Franken

Also agreed to sign:

Dole

Gore

Pressler

Chafee

Shelby

Warner

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

DANIEL K. INOUE, HAWAII
CARNEY F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSON, LOUISIANA
QUENTIN N. BURDICK, NORTH DAKOTA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DYCONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
BROCK ADAMS, WASHINGTON
WYCHE POWYLER, JR., GEORGIA
J. ROBERT KERRY, MASSACHUSETTS

MARK O. MATTHEWS, OREGON
TED STEVENS, ALASKA
JAKE GARN, UTAH
THAD COCHRAN, MISSISSIPPI
ROBERT W. KASTEN, JR., WISCONSIN
ALFONSO M. D'AMATO, NEW YORK
WARREN RUSSMAN, NEW HAMPSHIRE
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMASINCI, NEW MEXICO
DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

June 10, 1991

The Honorable Don Nickles
Ranking Republican Member
Subcommittee on Interior
and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Don:

Last year a bipartisan group of over a dozen Members sought support to retain \$15 million proposed in the President's budget for implementation of the North American Waterfowl Management Plan. You joined in that effort which will help fund the first phase of the Deep Fork Lake project in Oklahoma which is expected to be approved next Tuesday by the Migratory Bird Conservation Commission. With your help, the money was appropriated.

The private sector and state governments more than matched the federal dollars for a total financial commitment of over \$38 million. These FY91 funds were used to finance 43 wetlands restoration and enhancement and critical habitat acquisition projects throughout the nation including projects in the Pacific, Central, Mississippi, and Atlantic Flyways.

Given the tremendous success of this program, the President has once again requested \$15 million to be used to create these innovative conservation partnerships between federal and state government and the private sector. It has come to our attention that the House Interior Appropriations Subcommittee zeroed out the President's request for funds to enhance the habitat of waterfowl and associated wildlife. If this cut is not restored by the Senate, we will not only lose the \$15 million in federal funding, but the \$15 million plus that would have been provided in state and private cost sharing monies.

We hope you will support this important program once again. In recent years waterfowl and wildlife populations have declined precipitously largely due to the wholesale elimination of wetlands habitat and nesting cover. Mallard duck populations have fallen by 37 percent, blue winged teal by 28 percent, and pintail duck numbers are down by an alarming 37 percent. As a result of the destruction of habitat, many species are now endangered including the majestic whooping crane and our national symbol, the bald eagle.

This request is strongly supported by the National Fish and Wildlife Foundation, Ducks Unlimited, the National Audubon Society, and the International Association of Fish and Wildlife Agencies, among others. Thanks for your help.

Sincerely,

Dennis De Concini

Frank H. Wunderschul

Orvin Hatch

J. L. L. L.

Max B. B.

David D.

Paul C.

Jul Stevens

R. K. K.

John B.

Tom D.

John D.

Art B.

Paul Wellstone

Paul Dumbugh

Lloyd Bantaen

Jim Passes

Alan Cranston

Barbara A. Mikulski

Jack Danforth

Carl Levin

Cycle Fowler Jr.

Nick Ryan

Farrington Reid

Chas. Fuchs

Also agreed to sign:

Dole

Gore

Pressler

Chafee

Shelby

Warner



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 1991
(House Floor)

See P 2 of the attachment

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2686 -- DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1992

(Sponsors: Whitten (D), Mississippi; Yates (D), Illinois)

This Statement of Administration Policy expresses the Administration's views on the Department of the Interior and Related Agencies Appropriations Bill, FY 1992, as reported by the Committee.

The Administration has several concerns about the bill. If these concerns are not addressed, the President's senior advisers will recommend that the bill be vetoed. The Secretary of the Interior addressed several of these concerns in more detail in his letter to the Committee of June 18th.

Firefighting Scorekeeping:

Although the Committee restored \$213 million in discretionary funding for firefighting costs eliminated by the Subcommittee, the Administration strongly objects to the approach taken in the amendment. The bill, as amended, would preclude use of the funds unless the President declares an emergency, thus exempting all expenditures from applicable spending limits. This appears to be a gimmick designed to force the President to declare an emergency for clearly anticipated costs and thereby evade the domestic discretionary caps. As such, it is a violation of the budget agreement.

Because these costs can be reasonably anticipated and funded in advance, the Office of Management and Budget would not recommend to the President that he designate appropriations for this purpose as "emergency requirements." The President's request reflects the average of annual firefighting costs over the past decade. The approach adopted by the Committee is inconsistent with the spirit and intent of the "emergency" exception in the Budget Enforcement Act (BEA).

The Administration urges the House to fund firefighting operations at the level of anticipated firefighting needs and to do so within the domestic discretionary spending limits established by the BEA.

007-10-01 11:00 2700 000 1000 FNS/DEC 0000

National Parks, Forests, and Wildlife Refuges:

The Administration strongly objects to inadequate funding for recreation, resource protection, treeplanting, and other needed initiatives for our public lands. The House Committee mark is about \$150 million below the needed amounts. At a time when visits to our national parks and forests are reaching record levels and placing them under increasing stress, the Administration strongly opposes cuts in funds designed to protect these valuable resources in order to fund low-priority earmarked projects.

The Committee has reduced funding for nationally significant resource protection programs under the Administration's "America the Beautiful" program. These include the President's program to plant one billion trees a year (-\$55 million), the new and widely acclaimed program to protect historic Civil War battlefield sites that are threatened with imminent development (-\$13 million), the "Targeted Parks" initiative to protect resources in America's "Crown Jewel" National Parks (-\$5 million), and Coastal America (-\$5 million).

The Committee used these reductions to fund millions of dollars for construction of unrequested facilities such as the Palau water and sewer systems, non-competitive grants to local Washington, D.C., arts and cultural agencies, and repair of non-Federal buildings such as the Chicago Public Library. In addition, the Committee added hundreds of millions of dollars for low-priority or unneeded energy research that has proven to be of little value to the energy industry.

Wallop-Breaux:

The Administration strongly opposes any restrictions on Federal funding for the mandatory Sport Fish Restoration Program, otherwise known as the Wallop-Breaux Program. This program is entirely self-financing -- those who benefit from it are assessed excise taxes and import duties. The Committee bill would cap all spending for restoring and developing fish habitats at \$190 million, which is well below the \$208 million in anticipated receipts. These funds should be used for the purposes intended -- fish habitat protection and restoration.

Strategic Petroleum Reserve Scoring:

The Administration strongly objects to the transfer of \$123 million of the proceeds from the test sale of Strategic Petroleum Reserve (SPR) oil in the SPR Petroleum account to the Strategic Petroleum Reserve account. The Administration believes that the SPR facilities account should be fully funded at the level requested in the President's Budget and that the test sale receipts should be used for the acquisition of oil. Receipts

00/20/91 11:38 0705 555 1000 FNS-DEC 0004

from the sale are scored as mandatory and should not be used to offset FY 1992 discretionary spending.

Outer Continental Shelf (OCS) Moratoria:

The Administration opposes the Committee's continuation of moratoria on all activity in Bristol Bay, Alaska, and on Sale 137 in the Eastern Gulf of Mexico. The Administration opposes new moratoria imposed by the Committee on activities associated with Sale 145 in the Atlantic and Sale 151 in the Florida panhandle, both of which are contained in Interior's proposed 1992-1997 leasing plan. The plan's reforms would make the OCS oil and gas program more selective, judicious, and environmentally sound; thus, continued legislative moratoria are inappropriate and unnecessary.

Outer Continental Shelf (OCS) Environmental Studies:

The Administration strongly opposes the Committee's elimination of all new funding (\$15 million) for environmental studies on the OCS. In the President's June 1990 announcement regarding the OCS activities, the President directed the Department of the Interior to develop adequate scientific and environmental information through additional studies in order to determine whether leasing should occur in a number of environmentally sensitive OCS areas.

By eliminating all new funding for the environmental studies program, the Committee would seriously impair the Minerals Management Service's ability to make sound leasing decisions in a timely fashion.

Grazing Fees:

The Administration opposes the sharp increase in grazing fees included in the Committee bill and in the Synar amendment. The Administration continues to support the Executive Order under which grazing fees are currently set.

Bureau of Indian Affairs (BIA) Management Improvement:

The Administration objects to bill language, and the related omission of funding, that would restrict efforts to improve the management and accountability of the Bureau of Indian Affairs (BIA). Bill language restricting organizational reforms to the BIA is counterproductive and perpetuates longstanding problems affecting the delivery of services to Indians. The Administration needs the flexibility to implement reforms that have been endorsed by the joint tribal and Federal advisory committee examining the BIA.

Reducing funding that would support improvements in BIA accounting and employee training sends the wrong signal to the BIA and its employees. Converting to a new accounting system -- the Federal Financial System (FFS) -- by October 1991 is the top management improvement priority for the BIA. Less than full support of this effort may jeopardize progress in improving the BIA accounting system and the ability to account properly for more than \$1.5 billion in appropriated funds.

The Administration believes that the bill language that would restrict organizational reforms in the BIA should be eliminated, and that full funding (\$2 million) for FFS and employee training should be restored.

BIA Dam Safety:

The Administration strongly objects to bill language intended to prevent the transfer of technical responsibility for dam safety from the BIA to the Bureau of Reclamation. Lives are at stake while serious and long-standing safety deficiencies go uncorrected at various BIA dams. BIA has failed to correct these deficiencies, so the Administration must be permitted to take reasonable, alternative steps to do so before a tragedy occurs.

On the basis of OMB's initial scoring, the Administration finds that the bill exceeds the House 602(b) budget authority allocation by \$170 million and the outlay allocation by \$436 million. In aggregate, the House 602(b) allocations are consistent with the statutory limits enacted in the BEA. The Administration strongly objects to the excessive funding levels in the bill.

Additional information concerning the Administration's views on the Committee bill is attached.

Attachments

**FY 1992 INTERIOR APPROPRIATIONS BILL: HOUSE APPROPRIATIONS COMMITTEE
REDUCTIONS IN RESOURCE PROTECTION TO FUND UNREQUESTED PROJECTS**

(dollars in millions)

Reductions

o America the Beautiful Natural/Historical Resource Programs:	-150
-Treeplanting	(-55)
-American Battlefield Protection	(-13)
-Resource Protection for "Crown Jewel" National Parks	(-5)
-Coastal America (zero-funded)	(-5)
-Interior and Forest Service Recreation and Wildlife Initiatives	(-70)
o Funding Cap on Wallop-Breaux Sport-Fish Restoration	-18
o North American Wetlands Conservation (zero-funded)	-15
o OCS Environmental Studies	-22
	<u>-205</u>

Increases

o Interior Department Construction (much for unneeded new buildings and other facilities): (est.)	+230
-Palau Water and Sewer Systems	(+8)
-Chicago Public Library Restoration; non-Federal	(+2)
-Uneconomic BIA Irrigation Projects	(+27)
o Non-Competitive Grants for Local Washington, D.C., Arts and Cultural Organizations:	+7
o Grants for Non-Federal Responsibilities and/or Build-up of Unused Federal Funds:	+32
	<u>+269</u>