

Florida Fish & Wildlife Conservation Commission (FWC)
Office of Legislative Affairs
June/2005

Commission Report on Federal Relations

May/ 2005 Congressional Delegation Visits:

FWC Commission Chairman Herky Huffman, Executive Director Ken Haddad, and Federal Liaison Robert Reinshuttle will be in Washington D.C. on May 25th to meet with a number of key members of the Florida Congressional delegation. The focus of the meetings are FWC federal appropriation requests. A summary of these items follows. Among the members of Congress on the itinerary are Representatives Ander Crenshaw, Ginny Brown-Waite, Jim Davis, Mark Foley, Lincoln Diaz-Balart, Jeff Miller, John Mica, Tom Feeney, Alan Boyd and Senator Bill Nelson. A full report on the meetings will be sent to the Commission later this month.

Federal Appropriation Requests:

FWC Federal Relations program is actively pursuing through the Florida Congressional delegation, a number of FY 2006 appropriation items that would bring additional federal dollars to the Commission. These represent issues that were identified as having high priority:

Vessel Replacement for Law Enforcement – \$3 million - FWC is requesting the assistance of U.S. Representatives from Florida serving on the Appropriations Committee to earmark \$3 million in federal dollars to assist in the replacement of vessels that have more than 11 years of service and are not cost effective to repair, as well as some larger vessels. Currently the FWC Division of Law Enforcement has provided 33,000 hours of directed patrol toward domestic security (in addition to more than 16,000 hours of overtime) at a cost of over \$2.8 million. Our role in domestic security continues to grow, as there is increasing realization of the vulnerability of our waterfront infrastructure. Missions include providing protection to our seaports, military bases, Kennedy Space Center, nuclear power plants and along our extensive coastline. FWC also holds a Cooperative Enforcement Agreement with the NOAA to deputize FWC officers to enforce specific federal regulations and conduct effective patrols in federal waters. This agreement has evolved to include law enforcement input into the living marine resource management systems at both the state and federal levels. FWC staff has met with Appropriations Vice Chairman Bill Young and his staff to secure federal assistance for this purpose. To date the Commission has been able to secure a waiver of a previous federal rule that prevented Homeland Security dollars being sent to Florida law enforcement agencies through the Florida Department of Law Enforcement (FDLE), from being used for the purpose of purchasing vessels. This has provided FWC with

some additional monies for this purpose. FWC staff is working continually with Appropriations Committee staff, as well as Florida delegation members, to secure an additional \$3 million dollars.

Manatee Rescue and Carcass Salvage – \$275,000 - The number of manatee carcasses has been increasing by approximately seven percent annually, and costs associated with maintaining the program are also increasing, but state support for the program is declining. FWC was able to secure a \$200,000 line item appropriation in the federal Interior appropriation bill that has moved rapidly in the House. Although the federal government has had a significant role in the protection of manatees, no federal funding has ever been available to support this program. If we are able to keep this funding in the Interior bill, the additional dollars will be used to ensure ongoing data quality assurance, field staff time for recovery of carcasses and rescues of sick or injured manatees, and to buy supplies and repair equipment used in the state's Marine Mammal Pathobiology Laboratory, that requires specialized supplies and equipment.

Southeastern Cooperative Wildlife Disease Study (SCWDS) – \$250,000 - SCWDS is a university based veterinary medicine program that has conducted some of the top research nationally on the problem of chronic wasting disease. SCWDS scientists have provided thousands of diagnostic evaluations to determine the cause of death in wildlife populations involving more than 180 game and non-game species of wild animals. SCWDS is a vital source of wildlife health information for state and federal agencies, and serves as an advisor when questions arise regarding health issues. This effort is funded through the U.S. Geological Survey (USGS) at \$250,000 annually, and their budget has not been increased in more than 20 years. Because of the critical nature of their work and the direct benefit that has been provided to FWC in preventing chronic wasting disease, FWC has worked for an increase of \$75,000 in their appropriation (from \$250,000 to \$325,000).

State Wildlife Grants – State Wildlife Grants are the nation's core program for preventing wildlife from becoming endangered. This federal appropriation has provided Florida with resources to implement strategic, non-regulatory and cost efficient wildlife conservation programs. These dollars are being used to restore habitat, reintroduce native wildlife, collect data to learn more about declining fish and wildlife species and to fund research facilities that will help FWC in its conservation of all freshwater fisheries (including black bass and species of special concern). In federal fiscal year 2002, Congress appropriated \$85 million for this program from which Florida received \$3.2 million. In FY 2003, this amount declined to \$65 million (Florida received \$2.4 million). Last year, working with a coalition of states and our Congressional delegation, the allocation was increased to \$70 million, and Florida's share increased to \$2.6 million. For FY 2005, the Presidents budget requested \$80 million for this program, but despite a very determined effort, the House reduced the amount in the Interior budget to \$67.5 million. FWC staff has lobbied hard, to return the funding to at least last years level, and preferably the President's recommended budget. In FY 2006, the House Interior Appropriations Committee approved an allocation of \$65 million. This amount would

take us back to FY 2003 levels, however, the Senate may decide on a higher number, and the final amount will be determined in conference committee later this year.

2005 House Interior Appropriations Update

With the large federal budget deficit, most allocations are being reduced. The House Interior Appropriations subcommittee controls a great deal of government spending for natural resource related programs. Florida had a member on this subcommittee last year (Rep. Ander Crenshaw) but does not have a member on this important subcommittee at this time. Under their FY 2006 appropriations bill, the U.S. Fish and Wildlife Service will receive modest cuts (a reduction of \$62 million from last year). The final amount will be determined by a House/Senate Conference Committee.

Federal Legislative (Substantive) Issues:

Authorizing legislation allows the appropriation of funds for an indefinite period or for certain fiscal years. Congress reauthorizes highway and transportation legislation every six years. The bill under consideration is among the largest and most contentious that Congress is dealing with currently. This particular bill is of interest and concern to FWC because of key conservation provisions. This issue, which is currently on the Senate calendar, has already passed the House, and is expected to pass the Senate on May 17, and be sent to a conference committee. Although the main thrust of the bill is clearly transportation, the FWC has much at stake in the passage of this legislation. Among the key conservation provisions include the following:

Conservation Provisions in the Surface Transportation Act – The most important transportation legislation includes the Transportation Equity Act (TEA-LU) and the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA), contain significant provisions for the conservation of fish and wildlife resources critical to sportsmen. Among the funding priorities contained in this legislation that FWC has supported include:

- **Refuge Roads** – Allows funding to be used for the construction of wildlife observation infrastructure.
- **Sport Fishing and Boating Safety** – Recovers 4.8 cents of excise tax attributable to motorboat fuel taxes and places it in the Aquatic Resources Trust Fund. Florida Representative Clay Shaw, a senior member of the House Ways and Means Committee, has introduced separate legislation that accomplishes this objective. FWC will continue to work with Rep. Shaw and Florida's representatives on the Conference Committee to achieve this important objective, which, if adopted would add \$110 million annually under the Sport Fish Restoration Act which set up the Aquatic Resources Trust Fund as the collection point for motor boat fuel taxes and other excise taxes. In FY 2003, Florida was

apportioned \$7.42 million, and would expect to receive slightly more than \$3 million in additional revenue if the language in the conference reports stands.

- **Recreational Trails Program** – Current law provides \$50 million annually for the development and maintenance of thousands of miles of trails used by hunters and fisherman. This bill would increase funding to \$503 million over six years.
- **Hunting and Fishing Access** – Provides \$1 million nationally on an annual basis for new signage identifying hunting and fishing areas accessible to the public.

Among the Policy Initiatives contained in this legislation supported by FWC are the following:

- **Highway Safety and Wildlife** – Specific support for the vehicle collision reduction language contained in TEA-LU that is designed to reduce the 1.8 million accidents involving motorists and deer.
- **Wetlands and Habitat Planning** – Relates to transportation projects that include planning to protect and enhance wetlands and natural habitat
- **Invasive Species** – Specific support for the use of native plant species in highway construction and controlling the spread of invasive plant species through transportation corridors. SAFETEA contains provisions that make environmental restoration and the control of invasive plant species eligible for federal funding.
- **Sport Fishing and Boating Safety** - Policy changes to help streamline and amend the Aquatic Resources Trust Fund are an integral part of the reauthorization effort and will benefit Florida's anglers and boaters.

2005 Marine Mammal Legislation

The U.S. House Resources Committee marked up legislation to make several changes to the Marine Mammal Protection Act (MMPA). Efforts in the last Congress to reauthorize the MMPA became mired in controversy over what constitutes harassment of marine mammals. Under the new bill (HR 2130) this legislation includes language to:

- Permit the import and export of marine mammal products for non-commercial use
- Clarify captive marine mammal permits, including a ban on releasing marine mammals without approval
- Authorize research to improve fishing gear
- Authorize research on protection and conservation of marine mammals and their ecosystems
- Increase fines and penalties

HR 2130 avoids the harassment issue and does not contain language about take permits and geographic regions. In addition, the bill does not currently require the National Marine Fisheries Service to examine state and regional fishery management plans when developing the take reduction plan.

Florida has not had a member of its delegation serve on the House Resources Committee in more than 20 years.

Federal Agencies:

Marine Turtles

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service plans to conduct a five year review of all species of marine turtles nesting on U.S. beaches. The agencies will compile data on the turtles from universities, state and local agencies and the public to determine whether their current categories under the Endangered Species Act are accurate. Loggerhead turtles are considered threatened under federal law, but recent nesting data has shown a drop-off that could cause them to be re-listed as endangered. The U.S. Fish and Wildlife Service in Jacksonville is soliciting public comments relating to green, hawksbill, Kemp's ridley, leatherback, loggerhead and olive ridley turtle populations.