

Migratory Bird Conservation Account

Appropriations Language

This activity does not require appropriations language, except for advances, which are not being requested, as there is permanent authority to use the receipts.

Authorizing Statutes

The Migratory Bird Conservation Act, as amended (16 U.S.C. 715), establishes a Migratory Bird Conservation Commission to approve areas recommended for acquisition by the Secretary of the Interior. The Act authorizes the Secretary of the Interior to acquire migratory bird areas approved by the Commission.

National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd-ee), requires payment of fair market value for any right-of-way easement or reservation granted within the refuge system. These funds are to be deposited in the Migratory Bird Conservation Account.

Wetlands Loan Act, as amended (16 U.S.C. 715k-3 through 715k-5), authorizes the appropriation of advances (not to exceed \$200 million, available until expended) to accelerate acquisition of migratory waterfowl habitat. To date, \$197,439,000 have been appropriated under this authority. Funds appropriated under the *Wetlands Loan Act* are merged with receipts from sales of "Duck Stamps" and other sources and made available for acquisition of migratory bird habitat under provisions of the *Migratory Bird Conservation Act* or the *Migratory Bird Hunting and Conservation Stamp Act*.

Migratory Bird Hunting and Conservation Stamp Act, as amended (16 U.S.C. 718), requires all waterfowl hunters 16 years of age or older to possess a valid Federal Migratory Bird Hunting and Conservation Stamp (commonly known as a "Duck Stamp"). Funds from the sale of this stamp are deposited in the Migratory Bird Conservation Fund established by this Act. The Act also authorizes the Secretary of the Interior to acquire waterfowl production areas.

Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3901), provides for: (1) an amount equal to the amount of all import duties collected on arms and ammunition to be paid quarterly into the Migratory Bird Conservation Account; (2) seventy percent of admission fees collected at units of the National Wildlife Refuge System to be deposited into the Migratory Bird Conservation Account; (3) removal of the repayment provision of the wetlands loan; and (4) the graduated increase in the price of the Migratory Bird Hunting and Conservation Stamp over a five year period to \$15.00. The FY 2005 Omnibus Appropriations Act eliminated the deposits of admission fees to the Migratory Bird Conservation Account beginning in FY 2005.

		2006 Actual	2007 CR	2008			Change From 2007 (+/-)
				Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	(\$000)	23,281	21,000	0	0	21,000	0
Import Duties on Arms and Ammunition	(\$000)	16,614	17,000	0	0	17,000	0
Estimated User-Pay Cost Share	(\$000)	[856]	[887]		0	[897]	
Total, Migratory Bird Conservation Fund	(\$000)	39,895	38,000	0	0	38,000	0
	FTE	71	71			71	0

The FY 2008 budget request for the Migratory Bird Conservation Account is \$38,000,000 and 71 FTE, with no net program changes from the 2007 President's Budget.

Program Overview

The Service acquires important migratory bird breeding areas, migration resting places, and wintering areas under the authority of the *Migratory Bird Conservation Act* and the *Migratory Bird Hunting and Conservation Stamp Act*. Areas acquired become units of the National Wildlife Refuge System. These acquisitions, through state-level review, contribute to the Secretary's goal to conserve resources through cooperation, consultation, and communication. Under the draft DOI Strategic Plan, acquisitions support the Resource Protection goal to sustain biological communities on DOI managed lands and waters.

Service policy is to acquire land and water interests including, but not limited to, fee title, easements, leases, and other interests. We encourage donations of desired lands or interests. The Service acquires land and waters consistent with Federal legislation, other congressional guidelines, and Executive Orders for the conservation, management, and, where appropriate, restoration of ecosystems, fish, wildlife, plants and related habitat. Acquired lands and waters also provide compatible wildlife-dependent educational and recreational opportunities.

The Service considers many factors before seeking approval for acquisitions from willing sellers, including:

- the value of the habitat to the waterfowl resource (in general or for specific species),
- the degree of threat to these values due to potential land use changes,
- the possibility of preserving habitat values through means other than Service acquisition, and
- the long-term operation and maintenance costs associated with acquisition.

The Service focuses its acquisition efforts, with state-level review and input, to benefit waterfowl species most in need of habitat protection. The migratory bird habitat acquisition program supports the Service's emphasis on nine waterfowl National Resource Species (American black duck, cackling Canada goose, canvasback, mallard, Pacific brant, Pacific white-fronted goose, pintail, redhead, and wood duck).

The Migratory Bird Conservation Commission (MBCC), under authority of the *Migratory Bird Conservation Act*, is responsible for considering and approving acquisition of areas of migratory bird habitat that are proposed by Service regional offices, approved by the Director, and recommended by the Secretary. The Secretary is authorized to approve purchases of waterfowl production areas that are approved by the Director without approval of the MBCC, under authority of the *Migratory Bird Hunting and Conservation Stamp Act*. The MBCC:

- is composed of representatives from the Legislative and Executive Branches of government,
- fixes the price at which such areas may be purchased or leased, and
- meets three times per year (normally March, June and September).

To carry out these approved projects, MBCA funds support a staff of realty specialists, surveyors, realty assistants, cartographers and program managers. This staff performs detailed, technical duties including boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking associated with land acquisition at national wildlife refuges and waterfowl production areas using MBCA funds. For FY 2008, the Service will continue to align resources with workload demands, which may include the use of contractors for commercial activities such as cartography and surveying.

Program Assessment and Rating Tool (PART)

The Administration evaluated the Migratory Bird Management Program (MBMP) in 2004, using the Program Assessment Rating Tool (PART). The mission of the MBMP is to conserve and manage the 913 native species/populations of migratory birds and their habitats, in partnership with others, to fulfill U.S. treaty obligations and trust responsibilities. The Service addresses these responsibilities through a variety of programs, including the migratory bird habitat acquisition program.

When the Administration evaluated the MBMP, it was found to be deficient because suitable performance measures to evaluate conservation activities were not in place. In response to the evaluation, the Service adopted the long-term performance measure of attaining healthy and sustainable bird population levels for 564 of 913 migratory bird populations by 2008, an increase of five healthy populations over current levels. The Service further stipulated that the status of another five healthy populations will be similarly improved by 2012. The adoption of this measure clarifies that the MBMP is expected to coordinate with partners and implement focused management actions that produce desired changes in the status of targeted bird populations in addition to the other activities for which it presently is responsible.

The Service acquires migratory bird habitat using MBCA funds; therefore, the migratory bird habitat acquisition program assists the MBMP in attaining their objectives of increasing healthy and sustainable bird population levels by protecting valuable migratory bird habitat.

2008 Program Performance

For the purpose of reporting the number of acres added to the National Wildlife Refuge System under the DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account are combined with acquisitions from the Land Acquisition Account. The combined acquisitions (reported in the Land Acquisition section of the budget justifications) support the Resource Protection goal to sustain biological communities on DOI lands and waters.

STATE	Estimated Acres FY 2008	Estimated Acquisition Costs FY 2008
Misc. Lease Payments	13,075	\$135,000
Arkansas	1,177	\$2,000,000
California	2,857	\$3,408,916
Iowa	658	\$2,000,000
Louisiana	339	\$300,000
Maine	219	\$124,500
Maryland	295	\$1,180,000
Massachusetts	210	\$518,632
Michigan	215	\$125,000
Minnesota	2,274	\$3,761,827
Mississippi	1,252	\$1,827,811
Montana	5,263	\$500,000
New Jersey	99	\$190,000
New York	70	\$84,000
North Dakota	4,794	\$1,212,951
South Dakota	11,699	\$6,200,000
Texas	1,600	\$3,079,938
Vermont	76	\$59,000
Wisconsin	61	\$375,000
TOTALS	46,233	\$27,082,575

Note: The FY 2008 program performance is based on the assumption that every project under consideration will be proposed and subsequently approved by the Migratory Bird Conservation Commission.

From 1935 to 2006, the Migratory Bird Conservation program has received roughly \$900,477,492 in receipts for the acquisition of wetlands important to waterfowl. The *Migratory Bird Conservation Act* requires these funds, along with proceeds from import duties on certain firearms and ammunition, payments from rights-of-way on refuges, sale of refuge lands, and reverted Federal Aid funds, to be deposited in the MBCA account. The Service used these funds, in addition to some appropriations in the early years of the program, to purchase approximately 2,985,136 acres in fee title and 2,308,763 acres in easements or leases. At the close of FY 2006, the Service protected a total of 5,293,899 acres with a purchase price of \$950,315,924, which includes grants received outside of the MBCA.

The mix of acreage available for protection by conservation easement or fee title acquisition varies from year to year, depending, in part, on the wishes of the landowners involved. Easements are agreements that allow the private landowner to retain ownership of the land with certain restrictions on specified activities within that portion of the property that is under the conservation easement. For example,

draining or filling the wetland or burning the associated grassland in the easement area may be prohibited. These perpetual easements cost a fraction of what it would cost to acquire the fee interest in the land, although the actual percentage varies depending on the market value and the restrictions imposed. Our easement program benefits taxpayers, landowners, and conservationists alike, and is a prime example of a federal program that works on all levels. In addition, landowners continue to pay the taxes on their easement property.

See performance summary reported in the Land Acquisition section of the budget justifications for details. The program directly supports the Resource Protection goal to sustain biological communities on DOI managed lands and waters, and contributes to additional goals regarding recreational use, protecting cultural and natural heritage resources, and serving communities.

Workload Indicators

Subactivity	FY 2006		FY 2007				FY 2008			
	Actual (\$000)	Actual Acres	Estimated (\$000)	Estimated Acres	Change from 2006 (\$000) Acres		Estimated (\$000)	Estimated Acres	Change from 2007 (\$000) Acres	
Refuge Acquisition	7,461	6,920	13,033	20,084	+5,572	+13,164	13,033	20,084	0	0
Waterfowl Production Areas	18,810	34,678	14,050	26,149	-4,760	-8,529	14,050	26,149	0	0
Duck Stamp Printing and Distribution Costs	493	n/a	750	n/a	+257	n/a	750	n/a	0	n/a
Total	26,764	41,598	27,833	46,233	+1,069	+4,635	27,833	46,233	0	0

FY	Fee	Easement	Total
2006	9,634	31,964	41,598
2005	13,768	49,103	62,871
2004	10,098	38,819	48,917
2003	36,164	41,706	77,870
2002	21,274	48,931	70,205
Total	90,938	210,523	301,461

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DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in millions of dollars)	2006 Actual	2007 Estimate	2008 Estimate
Identification code 14-5137-0-2-303			
01.99 Balance, start of year	0	0	0
<u>Receipts:</u>			
02.01 Migratory bird hunting and conservation stamps	23	21	21
02.02 Import duties on arms and ammunition	17	17	17
02.99 Total receipts and collections	40	38	38
<u>Appropriations:</u>			
05.01 Migratory Bird Conservation Account (-)	-40	-38	-38
07.99 Balance, end of year	0	0	0

<u>Obligations by program activity:</u>			
00.01 Printing and sale of hunting stamps	0	1	1
00.03 Acquisition of refuges and other areas	38	39	39
10.00 Total obligations	38	40	40

<u>Budgetary resources available for obligation:</u>			
21.40 Unobligated balance carried forward, start of year	3	6	4
22.00 New budget authority (gross)	40	38	38
22.10 Resources available from recoveries of prior year obligations	1	0	0
23.90 Total budgetary resources available for obligation	44	44	42
23.95 Total new obligations (-)	-38	-40	-40
24.40 Unobligated balance carried forward, end of year	6	4	2

<u>New budget authority (gross), detail:</u>			
Permanent:			
60.20 Appropriation (special fund)	40	38	38
70.00 Total new budget authority (gross)	40	38	38

<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	13	11	11
73.10 Total new obligations	38	40	40
73.20 Total outlays, gross (-)	-39	-40	-38
74.40 Obligated balance, end of year	11	11	13

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DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in millions of dollars)	2006 Actual	2007 Estimate	2008 Estimate
Identification code 14-5137-0-2-303			
<u>Outlays, (gross) detail:</u>			
86.97 Outlays from new mandatory authority	36	27	27
86.98 Outlays from mandatory balances	3	13	11
87.00 Total outlays (gross)	39	40	38
<u>Net budget authority and outlays:</u>			
89.00 Budget authority	40	38	38
90.00 Outlays	39	40	38
95.02 Unpaid obligations end of year	11	0	0

<u>Direct obligations:</u>			
Personnel compensation:			
11.1 Full-time permanent	5	5	5
11.9 Total personnel compensation	5	5	5
12.1 Civilian personnel benefits	2	2	2
25.2 Other services	1	1	1
25.3 Purchase of goods and services from Government accounts	2	2	3
32.0 Land and structures	27	28	27
99.95 Below Threshold	1	2	2
99.9 Total new obligations	38	40	40

Personnel Summary			
<u>Direct:</u>			
Total compensable workyears:			
1001 Full-time equivalent employment	71	71	71

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