

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 was 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), This Act 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 placed 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.

MIGRATORY BIRD CONSERVATION ACCOUNT

Migratory Bird Conservation Account	2004 Actual	2005 Enacted	Uncontrollable & Related Changes (+/-)	Program Changes (+/-)	2006 Budget Request	Changes From 2005 (+/-)
Duck Stamp and Misc. Receipts \$(000)	21,501	23,700	0	+300	24,000	+300
Import Duties on Arms and Ammunition \$(000)	22,729	20,900	0	+100	21,000	+100
Entrance Fees \$(000)	120	0	0	0	0	0
Cost Allocation Methodology \$(000)		0	0	0	0	0
Total, Migratory Bird Conservation Account \$(000)	44,350	44,600	0	400	45,000	+400
FTE	73	73		0	73	0

Program Overview

The Service acquires important migratory bird breeding areas, migration resting places, and wintering areas under terms 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 "four C's." Under the DOI Strategic Plan, acquisitions support the Resource Protection goal to sustain biological communities on DOI managed or influenced lands.

Service policy is to acquire land and water interests including, but not limited to, fee title, easements, and leases. While the Service encourages donations of desired lands or interests, the Service primarily acquires land and waters consistent with legislation, other congressional guidelines, and Executive Orders for the conservation, management, and where appropriate, restoration of ecosystems, fish, wildlife, plants and related habitat, and to provide compatible, wildlife-oriented public use for education and recreational purposes.

The Service considers many factors before seeking approval for acquisition, including:

- Value of the habitat to the waterfowl resource (in general or for specific species);
- Degree of threat to these values due to potential land use changes;
- Alternative means through which the habitat values might be preserved; and
- Long-term operations 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 waterfowl habitat acquisition program supports the Service's emphasis on nine waterfowl National Resource Species: black duck, cackling Canada goose, canvasback, mallard, Pacific brant, Pacific white-fronted goose, pintail, redhead, and wood duck.

The Migratory Bird Conservation Commission (MBCC) is responsible for considering, and approving for acquisition, areas of migratory bird habitat (other than waterfowl production areas) that have been submitted by regional offices and recommended by the Secretary. The Secretary is authorized to approve purchases of waterfowl production areas under the *Migratory Bird Hunting and Conservation Stamp Act*. Composition of the MBCC is set in law and must be composed of

representatives from the Legislative and Executive Branches of government. Primary duties of the MBCC include:

- Fixing the price at which such areas may be purchased or rented;
- Meeting three times a year (typically March, June and September); and
- Compiling an annual report of activities.

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, legally technical duties including boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking resulting from land acquisition at national wildlife refuges and waterfowl production areas with MBCA funding. For FY 2006, the Service will continue to emphasize programmatic streamlining.

During FY 2004, the MBCA was included in a suite of related programs reviewed using the Administration's Program Assessment Rating Tool (PART). Other programs under this Migratory Bird Management PART included the Migratory Bird Management program and the North American Wetlands Conservation Fund. The assessment found that the program has a clear mission and has undertaken important cooperative strategic management steps with partners. Further, the PART recommended that budget decisions be more clearly linked to long-term performance measures and that long-term outcome and annual output performance goals be developed. In response, the Migratory Bird program will adopt long-term outcome and annual goals developed during the PART process and will link individual performance plans to specific goal-related performance targets for each year.

2004 Program Performance Accomplishments

STATE	Accomplishments FY Acres	FY Acquisition Costs & Misc. Lease Payments
Arkansas	1,158	\$2,000,000
California	3,857	\$6,681,658
Colorado*	0	\$1,691
Iowa	881	\$1,957,640
Louisiana	556	\$939,436
Maine	19	\$55,000
Michigan	100	\$1,000,000
Minnesota	2,062	\$2,228,579
Mississippi	0	\$24,155
Montana	1,937	\$732,220
New Jersey	293	\$252,017
North Carolina	1,585	\$993,000
North Dakota	4,706	\$670,825
Ohio	73	\$160,800

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South Dakota	29,617	\$7,803,395
Tennessee	254	\$625,773
Texas	657	\$1,127,967
Utah	0	\$18,750
Virginia	829	\$867,200
Washington	80	\$152,000
Wisconsin	253	\$464,750
Wyoming	0	\$3,881
TOTAL	48,917	\$28,760,737
* States with zero acres, but list funds are generally funds allocated to the state for preparatory acquisition costs, lease payments, or exchange overages.		

For the purposes of reporting 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 LWCF 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.

From 1935 to 2004 the Migratory Bird Conservation program generated roughly \$817,426,276 in receipts for the acquisition of wetlands important to waterfowl. The *Migratory Bird Conservation Act* directs these funds, along with proceeds from import duties on certain firearms and ammunition, refuge entrance fees, payments from rights-of-way on refuges, sale of refuge lands and reverted Federal Aid funds, be deposited in the Migratory Bird Conservation Account. Cumulative disbursements from this fund (which initially included some appropriations) purchased some 2,939,716 acres in fee title and 2,235,066 acres in easements or leases. At the close of FY 2004, the Service protected a total of 5,174,782 acres with a purchase price of \$890,072,165.

FY	Fee	Easement	Total
2004	10,098	38,819	48,917
2003	36,164	41,706	77,870
2002	21,274	48,931	70,205
2001	22,300	79,292	101,592
2000	30,507	76,309	106,816
Total	120,343	285,057	405,400

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. About 79 percent of the total 48,917 acres purchased under the program during FY 2004 were protected by acquiring conservation easements. 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 during bird nesting season may be prohibited. These perpetual easements cost a fraction of what it would cost to acquire fee interest in the land, though the actual percentage varies depending on the market value and the restrictions imposed. Conservation easements benefit taxpayers, landowners and conservationists alike, and is a prime example of a federal program that works on all levels. In addition, landowners continue to own the underlying land and thus maintain the lands on the tax rolls.

Import duties collected on arms and ammunition are deposited into the MBCA, as specified by the

Emergency Wetland Resources Act of 1986 (P.L. 95-645), and constituted approximately 51 percent of receipts in FY 2004. The *Emergency Wetland Resources Act of 1986* also included a provision for establishment and collection of entrance fees at national wildlife refuges, with 70 percent of the fee receipts to be deposited into the MBCA and 30 percent to be allocated for refuge operations and maintenance. The FY 2004 entrance fees deposited to MBCA were less than 1 percent of total MBCA receipts. The Recreational Fee Demonstration Program authorized by *FY 1996 Omnibus Appropriations Act*, as amended, allows participating refuges to retain fees collected at participating field stations from FY 1997 through FY 2005, with spending authority through FY 2008. The 108 refuges participating in the Recreation Fee Demonstration Program do not contribute to the MBCA. Refuges participating in the original program authorized under the *Emergency Wetland Resources Act of 1986* continue to deposit 70 percent of funds collected to the MBCA. However, the FY 2005 Omnibus Appropriations Act repealed the provision of the *Emergency Wetland Resources Act of 1986* containing the authority for the entrance fees to be deposited in the MBCA.

2005 Planned Program Performance

STATE	Estimated Acres FY 2005	Estimated Acquisition Costs FY 2005
Misc. Lease Payments	11,455	\$106,712
Arkansas	980	\$1,480,000
California	3,978	\$4,555,000
Florida	939	\$1,640,200
Iowa	850	\$2,000,000
Louisiana	2,329	\$1,150,000
Maine	810	\$563,000
Maryland	29	\$42,235
Michigan	1,000	\$500,000
Minnesota	5,400	\$4,321,000
Montana	5,000	\$760,000
New Jersey	637	\$1,047,300
New York	45	\$158,095
North Carolina	384	\$400,000
North Dakota	1,000	\$1,810,000
Pennsylvania	15	\$15,000
South Dakota	40,000	\$8,000,000
Tennessee	418	\$750,000
Texas	3,960	\$3,915,000
Virginia	1,154	\$721,128
Wisconsin	1,083	\$1,500,000
TOTALS	81,466	\$35,434,670

Note: The FY 2005 program performance is based on the assumption that every project that is tentatively being planned will be submitted and subsequently approved by the Migratory Bird Conservation Commission.

In Fiscal Year 2004 the U. S. Postal Service converted to the Standard Government Fiscal Year and the MBCF will be receiving four quarterly payments. The last quarter's payment was not received until October 12, 2004 which falls in Fiscal Year 2005. Approximately 48 percent of funding for the MBCA in 2004 came from the sale of Duck Stamps. The number of stamps sold in FY 2004 was down slightly to about 1.4 million. The reduction can be attributed to the conversion to the standard Government Fiscal Year which forced the last quarter payment into FY 2005. Costs for printing and distribution of the stamps are deducted from the revenues and the balance is directed to acquisition of refuges and waterfowl protection areas.

Program Performance Summary

See performance summary reported in Land Acquisition section of the budget justifications for details. The program directly supports the draft 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 2004 Actual		FY 2005 Estimated		FY 2006 Estimated	
	(\$000)	Acres	(\$000)	Acres	(\$000)	Acres
Refuge Acquisition	14,906	10,098	16,543	28,216	16,700	28,500
Waterfowl Production Areas	13,855	38,819	18,891	53,250	18,900	53,500
Duck Stamp Printing and Distribution	212		750		750	
Total	28,973	48,917	36,184	81,466	36,350	82,000

Standard Form 300

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

Unavailable Collections (in thousands of dollars)			
Identification code 14-5137-0-2-303	2004 Actual	2005 Estimate	2006 Estimate
01.99 Balance, start of year	0	0	0
Receipts:			
02.01 Migratory bird hunting and conservation stamps	21,501	23,700	24,000
02.02 Import duties on arms and ammunition	22,729	20,900	21,000
02.03 Entrance fees, refuge units	120	0	0
02.99 Total receipts and collections	44,350	44,600	45,000
Appropriations:			
05.01 Migratory Bird Conservation Account (-)	-44,350	-44,600	-45,000
07.99 Balance, end of year	0	0	0

Program and Financing (in thousands of dollars)			
Identification code 14-5137-0-2-303	2004 Actual	2005 Estimate	2006 Estimate
Obligations by program activity:			
00.01 Printing and sale of hunting stamps	212	215	218
00.02 Migratory Bird Conservation Commission	4	5	5
00.03 Acquisition of refuges and other areas	44,577	44,380	44,777
10.00 Total obligations	44,793	44,600	45,000

Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	7,230	6,943	7,103
22.00 New budget authority (gross)	44,350	44,600	45,000
22.10 Resources available from recoveries of prior year obligations	156	160	160
23.90 Total budgetary resources available for obligation	51,736	51,703	52,263
23.95 Total new obligations (-)	-44,793	-44,600	-45,000
24.40 Unobligated balance carried forward, end of year	6,943	7,103	7,263

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<u>New budget authority (gross), detail:</u>			
Permanent:			
60.20 Appropriation (special fund)	44,350	44,600	45,000
70.00 Total new budget authority (gross)	44,350	44,600	45,000

<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	14,971	16,047	16,122
73.10 Total new obligations	44,793	44,600	45,000
73.20 Total outlays, gross (-)	-43,561	-44,525	-44,720
73.45 Recoveries of prior year obligations (-)	-156	0	0
74.40 Obligated balance, end of year	16,047	16,122	16,403

Standard Form 300

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

Program and Financing (in thousands of dollars)	2004 Actual	2005 Estimate	2006 Estimate
Identification code 14-5137-0-2-303			
<u>Outlays, (gross) detail:</u>			
86.97 Outlays from new mandatory authority	28,590	31,220	31,500
86.98 Outlays from mandatory balances	14,971	13,305	13,220
87.00 Total outlays (gross)	43,561	44,525	44,720

<u>Net budget authority and outlays:</u>			
89.00 Budget authority	44,350	44,600	45,000
90.00 Outlays	43,561	44,525	44,720

<u>Direct obligations:</u>			
Personnel compensation:			
11.1 Full-time permanent	4,875	4,579	4,830
11.3 Other than full-time permanent	85	80	84
11.5 Other personnel compensation	74	70	73
11.9 Total personnel compensation	5,034	4,728	4,988
13.0 Benefits for former personnel	11	10	10
12.1 Civilian personnel benefits	1,337	1,256	1,325
21.0 Travel and transportation of persons	225	228	231
22.0 Transportation of things	33	33	34
23.1 Rental Payments to GSA	1,485	1,507	1,527
23.2 Rental payments to others	2	2	2
23.3 Communications, utilities, and miscellaneous charges	133	135	137
24.0 Printing and reproduction	9	9	9
25.1 Contracts - consultants	28	28	29
25.2 Other services	1,237	1,256	1,272
25.3 Purchase of goods and services from Government accounts	1,403	1,424	2,262
25.4 Operation and maintenance of facilities	1	1	1
25.7 Operation and maintenance of equipment	31	31	32
26.0 Supplies and materials	124	126	127
31.0 Equipment	326	331	335
32.0 Land and structures	33,370	33,494	32,680
99.9 Total new obligations	44,793	44,600	45,000

MIGRATORY BIRD CONSERVATION ACCOUNT

Personnel Summary Identification code 14-5137-0-2-303	2004 Actual	2005 Estimate	2006 Estimate
<p><u>Direct:</u> Total compensable workyears: 1001 Full-time equivalent employment</p> <p>Average salary per FTE</p>	<p>82</p> <p>77,695</p>	<p>73</p> <p>81,968</p>	<p>73</p> <p>86,477</p>