

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.

		FY 2005 Actual	FY 2006 Enacted	FY 2007			Change From 2006 (+/-)
				Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	\$(000)	23,663	21,000	0	+3,000	24,000	+3,000
Import Duties on Arms and Ammunition	\$(000)	15,641	20,900	0	100	21,000	+100
Entrance Fee	\$(000)	90	0	0	0	0	0
User-Pay Cost Share	\$(000)	[833]	[1,027]	0	0	[1,038]	[+11]
Total National Wildlife Refuge Fund		39,397	41,900	0	+3,100	45,000	+3,100
	FTE	73	73	0	0	73	0

Summary of FY 2007 Program Changes for the Migratory Bird Conservation Account

Migratory Bird Conservation Account	Amount	FTE
Program Changes		
• Increased Receipts	+3,100	0
TOTAL, Program Changes	+3,100	0

The FY 2007, budget request for the Migratory Bird Conservation Account is \$45,000,000 and 73 FTE, a net program increase of \$3,100,000 and 0 FTE from the 2006 enacted level.

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 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 or influenced lands.

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 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 acquisition 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 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) as submitted by regional offices and recommended by the Secretary. The *Migratory Bird Hunting and Conservation Stamp Act* authorizes the Secretary to approve purchases of waterfowl production areas. 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 rented, 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, 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 2007, 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)

In 2004, the program was evaluated by the Administration using the Program Assessment Rating Tool (PART). The Program was found to be deficient in that suitable performance measures to evaluate conservation activities were not in place. In response to that evaluation, the Service adopted the long-term performance measure of attaining healthy and sustainable population levels for 564 of 913 migratory bird populations by 2007, an increase of 5 healthy populations over what is presently the case. The Service further stipulated that by 2012, the status of another 5 birds will be similarly improved. The adoption of this measure clarifies that the Migratory Bird Management Program 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.

2007 Program Performance Estimates

For the purposes 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. Additionally, the acquisitions help achieve program goals shared with Migratory Bird Management and the North American Wetlands Conservation Fund program. Specifically, the program will help achieve the protection of habitat for focal species as well as other migratory bird species.

STATE	Estimated Acres FY 2007	Estimated Acquisition Costs FY 2007
Misc. Lease Payments	13,075	\$135,521
Arkansas	1,335	\$2,250,000
California	3,326	\$4,577,000
Iowa	850	\$2,150,000
Louisiana	439	\$450,000
Maine	575	\$498,500
Maryland	488	\$293,000
Michigan	550	\$600,000
Minnesota	4,600	\$4,282,000
Mississippi	1,301	\$1,900,000
Montana	5,000	\$1,150,000
New Jersey	929	\$935,500
New York	564	\$666,000
North Carolina	318	\$566,000
North Dakota	3,500	\$1,401,110
South Dakota	38,963	\$7,850,000
Tennessee	484	\$486,722
Texas	5,988	\$3,970,647
Virginia	205	\$1,000,000
Vermont	10	\$38,000
Wisconsin	500	\$1,500,000
TOTALS	83,000	\$36,700,000

Note: The FY 2007 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.

2006 Planned Program Performance

For the purposes 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.

STATE	Estimated Acres FY 2006	Estimated Acquisition Costs FY 2006
Misc. Lease Payments	13,025	\$133,521
Arkansas	1,235	\$2,100,000
California	3,226	\$4,427,164
Iowa	750	\$2,000,000
Louisiana	339	\$300,000
Maine	275	\$192,500
Maryland	388	\$143,496
Michigan	500	\$500,000
Minnesota	4,500	\$4,132,243
Mississippi	1,301	\$1,900,000
Montana	5,000	\$1,000,000
New Jersey	929	\$935,500
New York	564	\$666,000
North Carolina	318	\$466,000
North Dakota	3,500	\$1,401,110
South Dakota	38,963	\$7,850,000
Tennessee	484	\$486,722
Texas	5,988	\$3,999,920
Virginia	205	\$1,000,000
Vermont	10	\$38,000
Wisconsin	500	\$1,500,000
TOTALS	82,000	\$35,172,176

Note: The FY 2006 program performance is based on the assumption that every project that is being planned will be submitted and subsequently approved by the Migratory Bird Conservation Commission.

2005 Program Performance Accomplishments

From 1935 to 2005 the Migratory Bird Conservation program has generated roughly \$856,823,276 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 2,975,011 acres in fee title and 2,277,697 acres in easements or leases. At

Acre Acquired By Fee and Easement FY 2001 - 2005			
FY	Fee	Easement	Total
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
2001	22,300	79,292	101,592
Total	103,604	257,851	361,455

the close of FY 2005, the Service protected a total of 5,252,708 acres with a purchase price of \$923,302,993.

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. The Service's use of conservation easements protected about 78 percent of the total 62,871 acres purchased under the program during FY 2005. 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 fee interest in the land, though 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.

Import duties collected on arms and ammunition are deposited into the MBCA account, as specified by the *Emergency Wetland Resources Act of 1986* (P.L. 95-645), which constituted approximately 40 percent of receipts in FY 2005. 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 deposited into the MBCA and 30 percent allocated for refuge operations and maintenance. The contribution of receipts to MBCA from entrance fees on refuges has decreased in recent years with the expanded authority for use of funds under the Recreational Fee Demonstration Program authorized by *FY 1996 Omnibus Appropriations Act*. 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, with entrance fees from refuges now going solely to the Recreation Fee Program (authorized under the Federal Lands Recreation Enhancement Act).

Fiscal Year 2005 was the U. S. Postal Service's first year on the Standard Government Fiscal Year and the MBCA received four quarterly payments. Approximately 60 percent of funding for the MBCA in 2005 came from the sale of Duck Stamps. The number of stamps sold in FY 2005 was up slightly to about 1.6 million. Costs for printing and distribution of the stamps are deducted from the revenues. The Service directs the balance of funds to acquisition for refuges and waterfowl protection areas.

STATE	Accomplishments/Acres FY 2005	FY Acquisition Costs & Misc. Lease Payments
Arkansas	1,958	\$2,664,591
California	2,116	\$2,733,305
Colorado	0	\$1,691
Iowa	1,108	\$2,678,900
Louisiana	900	\$753,027
Maine	1,066	\$535,149
Minnesota	3,372	\$4,860,831
Mississippi	0	\$18,632
Montana	2,064	\$728,543
New Hampshire	503	\$304,000

STATE	Accomplishments/Acres FY 2005	FY Acquisition Costs & Misc. Lease Payments
New Jersey	91	\$210,247
North Dakota	8,791	\$1,832,725
South Dakota	35,320	\$10,104,555
Tennessee	57	\$110,000
Texas	4,729	\$2,922,241
Utah	0	\$12,750
Virginia	117	\$585,000
West Virginia	561	\$1,566,150
Wisconsin	118	\$424,000
Wyoming	0	\$3,918
TOTAL	62,871	33,050,255

Program Performance Overview

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 2005		FY 2006				FY 2007			
	Actual \$(000)	Actual Acres	Estimated \$(000)	Estimated Acres	Change from 2005		Estimated \$(000)	Estimated Acres	Change from 2006	
					\$(000)	Acres			\$(000)	Acres
Refuge Acquisition	12,421	13,768	16,700	28,500	+4,279	+14,732	16,700	28,500	0	0
Waterfowl Production Areas	20,629	49,103	18,472	53,500	-2,157	+4,397	20,000	54,500	+1,528	+1,000
Duck Stamp Printing and Distribution Costs	486	n/a	750	n/a	+264		750	n/a	0	
Total	33,536	62,871	35,922	82,000	+2,386	+19,129	37,450	83,000	+1,528	+1,000

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

Program and Financing (in thousands of dollars)	2005	2006	2007
Identification code 14-5137-0-2-303	Actual	Estimate	Estimate
01.99 Balance, start of year	0	0	0
Receipts:			
02.01 Migratory bird hunting and conservation stamps	23,664	21,000	24,000
02.02 Import duties on arms and ammunition	15,641	20,900	21,000
02.99 Total receipts and collections	39,305	41,900	45,000
Appropriations:			
05.01 Migratory Bird Conservation Account (-)	-39,305	-41,900	-45,000
07.99 Balance, end of year	0	0	0

Obligations by program activity:			
00.01 Printing and sale of hunting stamps	486	501	509
00.02 Migratory Bird Conservation Commission	3	5	5
00.03 Acquisition of refuges and other areas	42,898	42,499	44,499
10.00 Total obligations	43,387	43,005	45,013

Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	6,943	3,154	2,249
22.00 New budget authority (gross)	39,396	41,900	45,000
22.10 Resources available from recoveries of prior year obligations	202	200	200
23.90 Total budgetary resources available for obligation	46,541	45,254	47,449
23.95 Total new obligations (-)	-43,387	-43,005	-45,013
24.40 Unobligated balance carried forward, end of year	3,154	2,249	2,436

New budget authority (gross), detail:			
Permanent:			
60.20 Appropriation (special fund)	39,396	41,900	45,000
70.00 Total new budget authority (gross)	39,396	41,900	45,000

Change in obligated balances:			
72.40 Obligated balance, start of year	16,047	12,685	16,569
73.10 Total new obligations	43,387	43,005	45,013
73.20 Total outlays, gross (-)	-46,547	-39,122	-44,830
73.45 Recoveries of prior year obligations (-)	-202	0	0

74.40 Obligated balance, end of year	12,685	16,569	16,752
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**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MIGRATORY BIRD CONSERVATION ACCOUNT**

Program and Financing (in thousands of dollars)	2005 Actual	2006 Estimate	2007 Estimate
Identification code 14-5137-0-2-303			
<u>Outlays, (gross) detail:</u>			
86.97 Outlays from new mandatory authority	32,400	29,330	31,500
86.98 Outlays from mandatory balances	14,147	9,792	13,330
87.00 Total outlays (gross)	46,547	39,122	44,830
<u>Net budget authority and outlays:</u>			
89.00 Budget authority	39,396	41,900	45,000
90.00 Outlays	46,547	39,122	44,830

<u>Direct obligations:</u>			
Personnel compensation:			
11.1 Full-time permanent	5,137	5,346	5,640
11.3 Other than full-time permanent	78	81	86
11.5 Other personnel compensation	62	65	68
11.9 Total personnel compensation	5,277	5,492	5,794
12.1 Civilian personnel benefits	1,335	1,389	1,466
13.0 Benefits for former personnel	1	1	1
21.0 Travel and transportation of persons	304	309	313
22.0 Transportation of things	20	20	21
23.1 Rental Payments to GSA	659	669	678
23.2 Rental payments to others	5	5	5
23.3 Communications, utilities, and miscellaneous charges	126	128	130
24.0 Printing and reproduction	17	17	17
25.1 Contracts - consultants	111	113	114
25.2 Other services	1,108	1,125	1,139
25.3 Purchase of goods and services from Government accounts	2,220	2,253	3,102
25.4 Operation and maintenance of facilities	1	1	1
25.7 Operation and maintenance of equipment	34	35	35
26.0 Supplies and materials	159	161	163
31.0 Equipment	114	116	117
32.0 Land and structures	31,865	31,140	31,885
41.0 Grants, subsidies and contributions	31	31	32
99.9 Total new obligations	43,387	43,005	45,013

Personnel Summary			
<u>Direct:</u>			
Total compensable workyears:			
1001 Full-time equivalent employment	74	73	73
Average salary per FTE	89,351	94,266	99,450

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