

## North American Wetlands Conservation Fund

### Appropriations Language

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), [42,647,000] \$52,647,000, and to remain available until expended. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009.*)

### Authorizing Statutes

**North American Wetlands Conservation Act of 1989** (16 U.S.C. 4401). Section 4406 of the Act (NAWCA) authorizes fines, penalties, and forfeitures from violations of the Migratory Bird Treaty Act to be made available for wetlands conservation projects. Section 4407 authorized interest on excise taxes for hunting equipment deposited for wetlands conservation grants and costs for administering this grant program. On October 11, 2006, this section was extended through fiscal year 2012. The Act authorizes appropriations to be used to encourage partnerships among public agencies and other interests to protect, enhance, restore, and manage wetland ecosystems and other habitats for migratory birds and other fish and wildlife; to maintain current or improved distributions of migratory bird populations; and to sustain an abundance of waterfowl and other migratory birds consistent with goals of the North American Waterfowl Management Plan and international obligations with other countries. The Act authorizes annual appropriations not to exceed \$55 million in FY 2003, \$60 million in FY 2004, and increasing annually by \$5 million until reaching an amount not to exceed \$75 million in FY 2007. The allocation of funds available for projects in Canada and Mexico is “at least 30 per cent and not more than 60 per cent” and the allocation of funds available for projects in the United States is “at least 40 percent and not more than 70 percent.” *Coastal Wetlands Planning, Protection and Restoration Act* funds are available only for U.S. projects.

**Coastal Wetlands Planning, Protection and Restoration Act** (16 U.S.C. 3951-3956). Establishes the National Coastal Wetlands Planning, Protection and Restoration Program within the Sport Fish Restoration Account for projects authorized by NAWCA in coastal states. Authorization of Appropriations expires September 30, 2009.

**Aquatic Resources Trust Fund** (26 U.S.C. 9504). Authorizes appropriations from the Sport Fish Restoration Account to carry out the *Coastal Wetlands Planning, Protection and Restoration Act*.

### Other Authorizations

**Appropriations Act of August 31, 1951** (P.L. 82-136, 65 Stat. 261).

**Federal Aid in Wildlife Restoration Act of 1937**, as amended (16 U.S.C. 669-669i).

**Migratory Bird Conservation Act**, as amended (16 U.S.C. 715).

**Migratory Bird Treaty Act of 1918**, as amended (16 U.S.C. 703-712).

**Nonindigenous Aquatic Nuisance Prevention and Control Act**, as amended (16 U.S.C. 4701 et.seq.).

**Federal Aid in Fish Restoration Act**, as amended (16 U.S.C. 777-777k).

**Activity: North American Wetlands Conservation Fund**

	2008 Actual	2009 Enacted	2010			Change from 2009 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
<b><u>Appropriations:</u></b>						
North American Wetlands Conservation Fund (\$000)	41,981	42,647	0	+10,000	52,647	+10,000
FTE	9	9	0	0	9	0
<b><u>Receipts:</u></b>						
Migratory Bird Treaty Act Fines (\$000)	4,583	800	0	0	800	0
<b>Total, North American Wetlands Conservation Fund</b>	<b>46,564</b>	<b>43,447</b>	<b>0</b>	<b>+10,000</b>	<b>53,447</b>	<b>+10,000</b>
FTE	9	9	0	0	9	0

**Summary of 2010 Program Changes for North American Wetlands Conservation Fund**

Request Component	(\$000)	FTE
• Wetlands Conservation	+10,000	0
<b>Total, Program Changes</b>	<b>+10,000</b>	<b>0</b>

**Justification of 2010 Program Changes**

The 2010 budget request for the North American Wetlands Conservation Act (NAWCA) grants program is \$53,447,000 and 9 FTE, a net program change of +\$10,000,000 and 0 FTE from the 2009 Enacted Budget.

**North American Wetlands Conservation Fund (+\$10,000,000/+0 FTE)**

The Service request level of \$53.447 million for the NAWCA grant program includes an increase of \$9.6 million for NAWCA grants and \$400,000 for NAWCA grant administration. The FY 2010 request will enable the NAWCA grant program to help partners acquire an additional 45,673 acres of wetlands and wetland-associated uplands and restore/enhance approximately 15,224 additional acres of habitat. Every NAWCA grant dollar will be matched at least 1:1 by partners. However, because the program currently is averaging more than \$2 in non-federal match for each grant dollar, the FY 2010 program change should result in an estimated \$19.2 million in additional partner funds for project support in the U.S., Canada, and Mexico.

The NAWCA program plays a vital role addressing wetland habitat loss. NAWCA grants support the goals of the North American Waterfowl Management Plan (NAWMP), a tri-lateral agreement signed by the U.S., Canada and Mexico, which responds to the loss of wetland and other habitats essential to the survival of waterfowl populations. In addition to advancing the NAWMP, NAWCA advances many other bird conservation initiatives such as Partners in Flight, the North American Bird Conservation Initiative, the U.S. Shorebird Plan, and the North American Waterbird Conservation Plan. NAWCA also is a primary funding source for habitat conservation projects developed by joint venture partners to meet the habitat conservation objectives identified via Strategic Habitat Conservation.

**Program Performance Change**

In FY 2010, 431,261 wetland acres in North America will be restored, a decrease of 217,624 acres over the FY 2009 level of 602,595 acres. Also, 523,500 wetland acres will be protected in North America, which is a reduction of 161,242 from the planned FY 2009 target of 684,792 acres.

The FY 2010 performance changes are not due to increased FY 2010 program funding. The changes in acres of habitat restored/enhanced or protected/secured are the result of projects funded from several years previous that were completed during a particular fiscal year. The change in performance from 2007 to 2008, 2009 and 2010 demonstrates the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported as completed. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year.

**Program Performance Change**

Performance Goal	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2010 Base Budget (2009 Plan + Fixed Costs)	2010 President's Budget	Program Change Accruing in 2010	Program Change Accruing in Out-years
<b>Landscapes and Watersheds</b>								
CSF 4.1 Number of non-FWS wetland acres restored, including acres restored through partnerships, as specified in management plans or agreements that involve FWS - annual (GPRA)	593,996	559,947	603,196	708,180	708,180	431,261	-276,918 ( -39.1% )	
CSF Total Actual/Projected Expenditures(\$000)	\$19,580	\$36,921	\$44,848	\$56,496	\$56,496	\$35,196	(\$21,300)	
CSF Program Total Actual/Projected Expenditures(\$000)	\$1,210	\$11,522	\$18,252	\$27,338	\$27,338	\$27,967	\$629	
Actual/Projected Cost Per Acre (whole dollars)	\$33	\$66	\$46	\$80	\$80	\$82	\$2	
4.1.6 # of habitat acres enhanced/restored of habitat in North America through NAWCF - annual (GPRA)	483,800	453,748	566,000	602,595	602,595	384,971	-217,624 ( -56.5% )	
Comments:	Acres of habitat reported as restored or enhanced are the result of projects funded from several years previous that were completed during a particular fiscal year. The change in performance from 2007 to 08, 09 and 10 demonstrates the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported as completed. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year.							

Performance Goal	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2010 Base Budget (2009 Plan + Fixed Costs)	2010 President's Budget	Program Change Accruing in 2010	Program Change Accruing in Out-years
4.1.7 # of acres of wetlands restored per \$1 Million via NAWCF grants in the U.S. (PART)	16,303	8,366	2,190	2,228	2,228	2,228	0	
CSF 4.4 Number of non-FWS wetland acres managed or protected to maintain desired condition, including acres managed or protected through partnerships, as specified in management plans or agreements that involve FWS - annual (GPRA)	3,684,773	31,556,449	785,719	748,660	748,660	585,254	-163,406 ( -21.8% )	
CSF Total Actual/Projected Expenditures(\$000)	\$17,533	\$28,640	\$37,147	\$45,334	\$45,334	\$36,254	(\$9,080)	
CSF Program Total Actual/Projected Expenditures(\$000)	\$1,163	\$11,432	\$18,204	\$27,287	\$27,287	\$27,915	\$628	
Actual/Projected Cost Per Acre (whole dollars)	\$5	\$1	\$5	\$61	\$61	\$62	\$1	
4.4.1 # of non-FWS wetland acres protected/secured through NAWCF - annual (GPRA)	1,945,573	1,417,084	738,680	684,792	684,792	523,550	-161,242 ( -30.8% )	
Comments:	Acres of habitat reported as protected or secured are the result of projects funded from several years previous that were completed during a particular fiscal year. The change in performance from 2007 to 08, 09 and 10 demonstrates the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported as completed. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year.							

### Program Overview

The North American Wetlands Conservation Act (NAWCA) grant program is an internationally recognized conservation program that provides grants throughout North America for the conservation of waterfowl and other wetland-associated migratory birds. For over 20 years, grants made available through NAWCA have helped thousands of public-private partnerships protect and improve the health and integrity of wetland and wetland-associated landscapes. Through FY 2008, the NAWCA program, through approximately 4,000 partners, has supported

almost 1,800 projects in all 50 U.S. States, Puerto Rico, the U.S. Virgin Islands, 13 Canadian provinces and territories, and 32 Mexican states.

Specifically, in Hawaii, NAWCA funds have been awarded to restore palustrine emergent wetlands and upland coastal dune and strand habitat in the Mana Plain State Wildlife Sanctuary, restore palustrine emergent habitats at Kauai National Wildlife Refuge Complex, and acquire estuarine habitat in the Kilauea Coastal Preserve in Hawaii. NAWCA projects in Hawaii will protect and restore declining habitats for the benefit of waterbirds, shorebirds, and endangered species such as the Hawaiian goose.

Country	Protected Acres	Enhanced, Restored, and Created Acres	Number of Projects
Canada	14,035,194	3,083,047 <sup>a</sup>	479
Mexico	1,647,869	897,950	224
U.S.	5,343,482	2,530,419	1,102
All Countries	21,026,545	6,511,416	1,796

Acreages represent total proposed acres approved for funding in the U.S. and Canada through FY 2008. Some acres are included in both "Protected" and "Enhanced, Restored and Created" due to multiple activities occurring on the same property. Therefore, while the two categories should not be added to demonstrate total acres affected, approximately 24.3 million acres have been affected by protection, enhancement, or restoration activities.

a – This figure includes 413,910 acres of moist soil management completed prior to 1998.

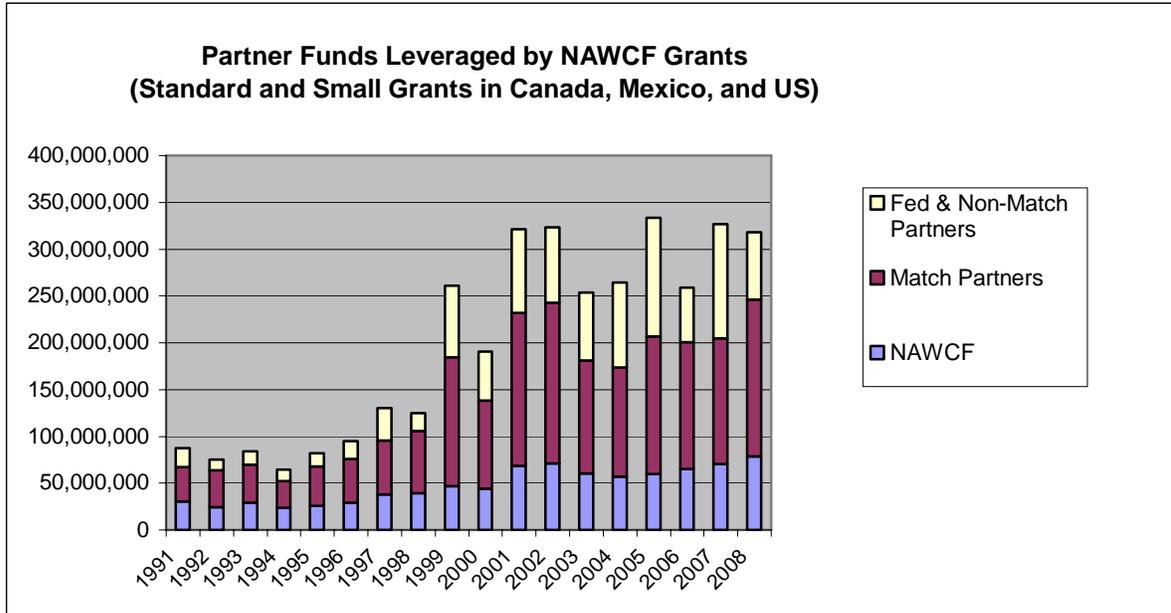
The NAWCA program has effectively used Federal funds to leverage private matching funds, and will continue to do so in building strong partnerships with private landowners, States, non-governmental conservation organizations, tribes, Federal agencies, trusts, and corporations. These partnerships are vital in helping the Service achieve its long-term outcome goal of healthy and sustainable migratory bird populations.

NAWCA grants act as catalysts in bringing partnerships together to support wetland projects and leverage funding. These grants successfully:

- Generate average partner contributions 2-3 times in excess of Federal NAWCA dollars invested;
- Foster public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality;
- Sustain cultural traditions;
- Provide a major source of funds to implement the tri-national North American Waterfowl Management Plan and other national and international bird conservation plans; and,
- Assist in the recovery of endangered and threatened species.

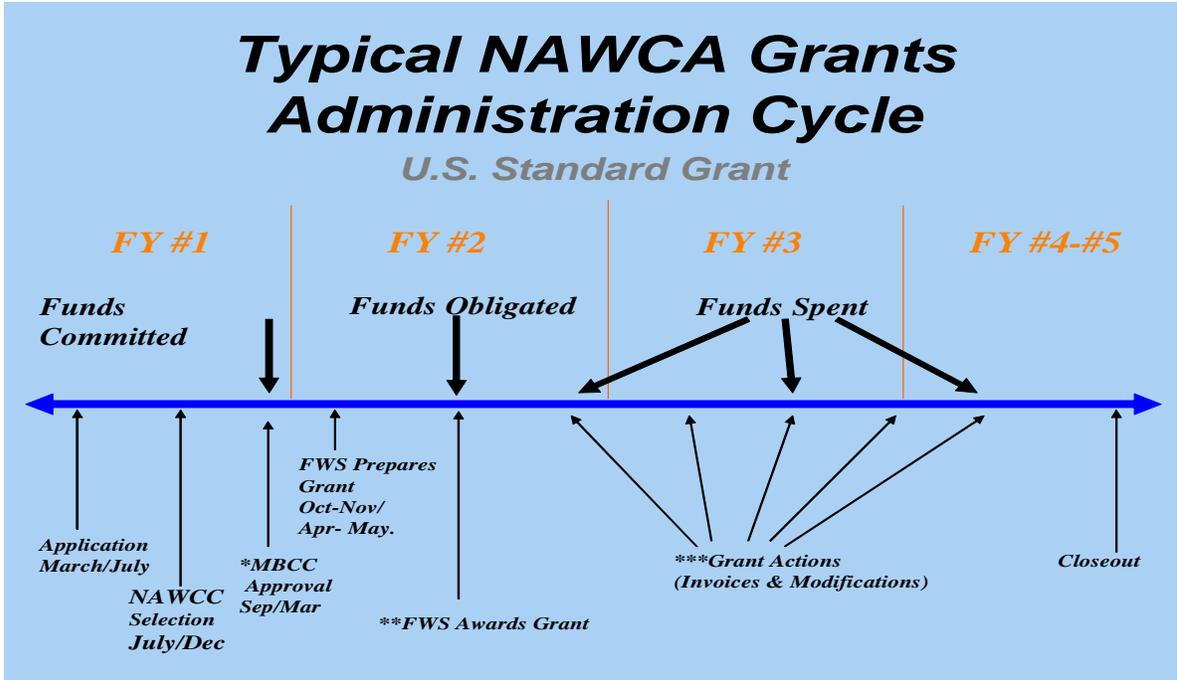
NAWCA administers both standard and small grants programs. The Standard Grants Program is open to applicants in the U.S., Canada, and Mexico. In the U.S., standard grant amounts are generally \$750,000 to \$1,000,000, and eligible grantees must provide matching funds at least equal to the award amount. Usually, the non-federal match committed exceeds the requested grant amount by more than 2:1. The Small Grants Program, available only in the U.S. and limited to \$75,000 per project, is intended to assist smaller partners and projects successfully

compete for NAWCA funds. This program attracts new partners for wetland conservation and helps diversify the types and locations of projects funded by NAWCA.



Data collected through FY 2008 shows the Standard Grants Program has supported nearly 2,900 partners, including environmental organizations; sportsmen’s groups; corporations; farmers and ranchers; small businesses; Federal, State and local governments; and private landowners, as they implemented 1,383 projects worth over \$3.5 billion. NAWCA has contributed almost \$872 million to these projects, with total partner funds of more than \$2.64 billion. Approximately 80% of these partner funds are from non-federal sources, and the ratio of non-Federal match to grant funds is \$1.95 for every \$1.00 of grant funds. More than 24.1 million acres of wetlands and associated uplands have been protected, restored, enhanced and/or established in the U.S., Canada, and Mexico.

The Small Grants Program started in 1996 with \$250,000. Currently up to \$5 million of NAWCA funds may be used for small grant awards each year, depending upon the availability of funds and qualifying projects. Through FY 2008, 413 projects had been approved for more than \$20.1 million in grant funds. Eligible partners have contributed more than \$92 million in non-Federal matching funds (including in-kind contributions) to projects located in 48 States and Puerto Rico. Small grants have leveraged \$4.57 in match dollars for every Federal grant dollar, benefiting a diversity of wetland and wetland-associated habitats, and fostering new and expanded partnerships for the NAWCA program.



May not accurately represent the less complex small grants.

\* 100% of NAWCA grants are approved and committed by the MBCC in the same fiscal year in which those funds are appropriated.

\*\* Processing/obligating grants may require 2-6 months due to the complexity of NAWCA projects, the need for environmental and historic preservation clearances, and FWS administrative procedures.

\*\*\* Funds are expended as requested by each grantee over the life of the grant, typically 2-5 fiscal years.

A nine-member North American Wetlands Conservation Council (NAWCC) recommends projects for final approval by the Migratory Bird Conservation Commission (MBCC). The NAWCC is comprised of the FWS Director, the Secretary of the Board of the National Fish and Wildlife Foundation, the Directors of State fish and game agencies representing each of the four migratory bird flyways (Atlantic, Mississippi, Central, Pacific), and representatives from three nonprofit conservation organizations actively involved in wetlands conservation projects.

The MBCC includes the Secretaries of Interior and Agriculture, the Administrator of the Environmental Protection Agency, two U.S. Senators and two U.S. Representatives. The MBCC approves or rejects projects, or may reorder the priority of any Council-recommended project list.

The Act authorizes funding from four sources:

- Direct appropriations
- Interest from receipts in the Federal Aid in Wildlife Restoration account
- Fines, penalties and forfeitures resulting from violations of the *Migratory Bird Treaty Act*, and
- Receipts from the Sport Fish Restoration account for U.S. coastal projects (Pacific and Atlantic coastal States, States bordering the Great Lakes, Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa).

Section 8(a)(1) of the North American Wetlands Conservation Act, as amended, authorizes the Secretary to use up to 4% of appropriated, interest, fines and coastal funding available in a given year for administering the wetlands conservation program. To more efficiently administer the

program and increase the level of customer service, the Service has implemented electronic processes that allow electronic withdrawal of grant funds by recipients, faster distribution of award and modification documents, and easier proposal submission. All information technology system enhancements are coordinated with the larger DOI effort to implement IT reforms and streamline grant processes. Additionally, the Service has increased the amount and intensity of grant monitoring to ensure grant program accountability. Monitoring is an ongoing management tool used to assist the grantee to succeed, identify areas of technical assistance needed by our partners, evaluate grantee performance, ensure regulatory compliance and responsible financial management, correct grant administration errors, irregularities and noncompliance, and deter waste, fraud and abuse.

### **2010 Program Performance**

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The NAWCA program directly contributes to the Service's strategic goal of "Improving the Number of non-FWS wetland, upland, and marine and coastal acres that have achieved watershed and landscape goals as specified in watershed or landscape management plans or agreements that involve the Service." Through voluntary habitat restoration projects, this program furthers two Service Operational Plan Critical Success Factors (measures). These are: number of non-FWS wetland acres restored, including acres restored through partnerships, as specified in management plans or agreements that involve FWS; and number of non-FWS wetland acres managed or protected to maintain desired condition, including acres managed or protected through partnerships, as specified in management plans or agreements that involve FWS.

In FY 2010, the NAWCA program will select and fund wetland protection, restoration, and enhancement projects that will ultimately conserve approximately 1.2 million acres of wetland and wetland associated habitat. NAWCA grants are typically multi-year projects so there is not a direct correlation between the funding received in a fiscal year and the accomplishments reported that year; these acres will actually be completed and reported in out years. The planned performance for FY 2010 is 908,521 acres of habitat protected, restored, or enhanced; these acres are the result of projects funded from several years earlier that are reaching their completion during this fiscal year. The FY 2010 numbers are approximately 29% less than those currently expected to be completed in FY 2009; this demonstrates the variability inherent in multi-year grants as well as the year to year variability in the acreages associated with proposed projects.

In FY 2010, NAWCA will continue to contribute to both the long term Outcome and Annual Output measures developed through the program review for the Service's Migratory Bird Program. The acres of habitat protected, restored, or improved through NAWCA are an integral part of ensuring that migratory bird species that are at healthy and sustainable levels remain there; and that suitable habitat is available and not a limiting factor for species that are on the Service's Birds of Management Concern List. NAWCA acres contribute significantly to meeting the habitat needs necessary to achieve healthy and sustainable levels of migratory birds.

**Program Performance Overview**

Performance Goal	2005 Actual	2006 Actual	2007 Actual	2008 Plan	2008 Actual	2009 Plan	2010 President's Budget	Change from 2009 Plan to 2010	Long-term Target 2013
<b>Landscapes and Watersheds</b>									
CSF 4.1 Number of non-FWS wetland acres restored, including acres restored through partnerships, as specified in management plans or agreements that involve FWS - annual (GPRA)	410,610	593,996	559,947	603,196	974,658	708,180	431,261	-276,918 ( -39.1% )	431,261
CSF Total Actual/Projected Expenditures(\$000)	unk	\$19,580	\$36,921	unk	\$44,848	\$56,496	\$35,196	(\$21,300)	\$37,680
CSF Program Total Actual/Projected Expenditures(\$000)	unk	\$1,210	\$11,522	unk	\$18,252	\$27,338	\$27,967	\$629	\$29,940
Actual/Projected Cost Per Acre (whole dollars)	unk	\$33	\$66	unk	\$46	\$80	\$82	\$2	\$87
4.1.6 # of habitat acres enhanced/restored of habitat in North America through NAWCF - annual (GPRA)	365,747	483,800	453,748	566,000	468,928	602,595	384,971	-217,624 ( -56.5% )	384,971
Comments:	Acres of habitat reported as restored or enhanced are the result of projects funded from several years previous that were completed during a particular fiscal year. The change in performance from 2007 to 08, 09 and 10 demonstrates the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported as completed. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year.								
4.1.7 # of acres of wetlands restored per \$1 Million via NAWCF grants in the U.S. (PART)	17,139	16,303	8,366	2,190	2,190	2,228	2,228	0	2,228
CSF 4.4 Number of non-FWS wetland acres managed or protected to maintain desired condition, including acres managed or protected through partnerships, as specified in management plans or agreements that involve FWS - annual (GPRA)	552,111	3,684,773	31,556,449	785,719	7,872,799	748,660	585,254	-163,406 ( -21.8% )	585,254
CSF Total Actual/Projected Expenditures(\$000)	unk	\$17,533	\$28,640	unk	\$37,147	\$45,334	\$36,254	(\$9,080)	\$38,813
CSF Program Total Actual/Projected Expenditures(\$000)	unk	\$1,163	\$11,432	unk	\$18,204	\$27,287	\$27,915	\$628	\$29,885
Actual/Projected Cost Per Acre (whole dollars)	unk	\$5	\$1	unk	\$5	\$61	\$62	\$1	\$66

Performance Goal	2005 Actual	2006 Actual	2007 Actual	2008 Plan	2008 Actual	2009 Plan	2010 President's Budget	Change from 2009 Plan to 2010	Long-term Target 2013
4.4.1 # of non-FWS wetland acres protected/secured through NAWCF - annual (GPRA)	458,820	1,945,573	1,417,084	738,680	709,942	684,792	523,550	-161,242 ( -30.8% )	523,550
Comments:	Acres of habitat reported as protected or secured are the result of projects funded from several years previous that were completed during a particular fiscal year. The change in performance from 2007 to 08, 09 and 10 demonstrates the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported as completed. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year.								

## Standard Form 300

**DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
NORTH AMERICAN WETLANDS CONSERVATION FUND**

Program and Financing (in millions of dollars) Identification code 14-5241-0-2-302	2008 Actual	2009 Estimate	2010 Estimate
<b>Unavailable Collections (in thousands of dollars)</b>			
01.99 Balance, start of year	4	1	1
<b>Receipts:</b>			
02.00 Fines, penalties, and forfeitures from Migratory Bird Treaty Act	1	1	1
<b>Appropriations:</b>			
05.00 North American Wetlands Conservation Fund (-)	-4	-1	-1
07.99 Balance, end of year	1	1	1
<b>Obligations by Program Activity:</b>			
00.03 Wetlands conservation projects - Title 1 LWCF	42	43	52
00.04 Administration - Title I LWCF	1	2	2
10.00 Total obligations	43	45	54
<b>Budgetary Resources Available for Obligation:</b>			
21.40 Unobligated balance available, start of year	6	10	9
22.00 New budget authority (gross)	46	44	54
22.10 Resources available from recoveries of prior year obligations	1	0	0
23.90 Total budgetary resources available for obligation	53	54	63
23.95 Total new obligations	-43	-45	-54
24.40 Unobligated balance carried forward, end of year	10	9	9
<b>New Budget Authority (gross), detail:</b>			
Current:			
40.00 Appropriation (total discretionary)	43	43	53
Permanent:			
60.20 Special fund (indefinite)	4	1	1
70.00 Total new budget authority (gross)	46	44	54
<b>Change in Unpaid Obligations:</b>			
72.40 Obligated balance, start of year	88	81	72
73.10 Total new obligations	43	45	54
73.20 Total outlays, gross (-)	-49	-54	-54
73.45 Recoveries of prior year obligations	-1	0	0
74.40 Obligated balance, end of year	81	72	72

## Standard Form 300

**DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
NORTH AMERICAN WETLANDS CONSERVATION FUND**

Program and Financing (in millions of dollars) Identification code 14-5241-0-2-302	2008 Actual	2009 Estimate	2010 Estimate
<b><u>Outlays, (gross) detail:</u></b>			
86.90 Outlays from new discretionary authority	4	9	11
86.93 Outlays from discretionary balances	43	42	42
86.97 Outlays from new mandatory authority	1	1	1
86.98 Outlays from mandatory balances	1	2	0
87.00 Total outlays (gross)	49	54	54
<b><u>Net Budget Authority and Outlays:</u></b>			
89.00 Budget authority	46	44	54
90.00 Outlays	49	54	54
95.02 Unpaid obligations end of year	81	0	0
<b><u>Direct Obligations:</u></b>			
11.1 Personnel Compensation :Full-time permanent	1	1	1
25.2 Other services	0	1	1
32.0 Land and structures	2	2	2
41.0 Grants, subsidies, and contributions	40	41	50
99.9 Total obligations	43	45	54
<b><u>Personnel Summary</u></b>			
1001 Full-time equivalent employment	9	9	9