

Migratory Bird Conservation Account

Appropriations Language

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

Authorizing Statutes

The Migratory Bird Conservation Act of February 18, 1929, as amended (16 U.S.C. 715), established the Migratory Bird Conservation Commission to approve migratory bird areas that the Secretary of the Interior recommends for acquisition. The Act also authorizes the Secretary of the Interior to acquire MBCC-approved migratory bird areas.

The Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U.S.C. 718), requires all waterfowl hunters 16 years of age or older to possess a Migratory Bird Hunting and Conservation Stamp, commonly known as a Duck Stamp, while waterfowl hunting. Funds from the sale of Duck Stamps are deposited in a special treasury account known as the Migratory Bird Conservation Account established by this Act. The Act also authorizes the Secretary of the Interior to use funds from the Migratory Bird Conservation Account to acquire waterfowl production areas.

The Wetlands Loan Act of October 4, 1961, 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 has 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, as amended*, or the *Migratory Bird Hunting Stamp Act, as amended*.

The National Wildlife Refuge System Administration Act of 1966, 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 deposited into the Migratory Bird Conservation Account.

The Emergency Wetlands Resources Act of 1986, as amended (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) removal of the repayment provision of the wetlands loan; and (3) the graduated increase in the price of the Migratory Bird Hunting and Conservation Stamp over a five year period to \$15.00.

Activity: Migratory Bird Conservation Account

		2008 Actual	2009 Enacted	2010			Change from 2009 (+/-)
				Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	(\$000)	22,356	22,000	0	0	22,000	0
Import Duties on Arms and Ammunition	(\$000)	22,950	22,000	0	0	22,000	0
Estimated User-Pay Cost Share	(\$000)	[824]	[824]	0	0	[834]	[+10]
Total, Migratory Bird Conservation Fund	(\$000)	45,306	44,000	0	0	44,000	0
	FTE	64	66	0	0	66	0

Justification of 2010 Program Changes

The 2010 budget request for the Migratory Bird Conservation Account (MBCA) is \$44,000,000 and 66 FTEs, a program change of +\$0 and +0 FTEs from the FY 2009 Enacted. The FY 2009 budget request included a request for a legislative change to increase the price of duck stamps. This request is not included in the FY 2010 request, but the Service still has an interest in working with the Congress on this proposal.

Program Overview

The Service acquires important migratory bird breeding areas, resting areas, and wintering areas under the authority of the *Migratory Bird Conservation Act, as amended*, and the *Migratory Bird Hunting Stamp Act, as amended*. Areas acquired become units of the National Wildlife Refuge System. These acquisitions, with State-level review and approval, contribute to the Secretary of the Interior's goal to conserve resources through cooperation, consultation, and communication.

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 from the Migratory Bird Conservation Commission (MBCC) 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 Service's Migratory Bird Conservation 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 MBCC, under authority of the *Migratory Bird Conservation Act*, is authorized to consider and act on recommendations by the Secretary of the Interior for purchase or rental of land, water, or land and water for the conservation of migratory birds. Further, under the Act, the MBCC can fix the price or prices at which such area may be purchased or rented by the Service; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by the MBCC. Congress has also authorized the Secretary to approve the use of MBCA funds for the purchase of waterfowl production areas, under authority of the *Migratory Bird Hunting Stamp Act of 1934, as amended*. The MBCC:

- is composed of representatives from the Legislative and Executive Branches of government,
- is represented by State government officials when specific migratory bird areas are recommended to the MBCC, and
- meets three times per year, typically in March, June, and September.

To carry out these approved projects, MBCA funds support a staff of realty specialists, land surveyors, realty assistants, cartographers, and program managers, as well as indirect and direct program costs. 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.

From 1935 to 2008, the Migratory Bird land acquisition program has received over \$1 billion for the acquisition of wetlands and other habitat important to waterfowl. The *Migratory Bird Conservation Act, as amended*, 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. The Service has used these funds, including some appropriations received in the early years of the program, to purchase approximately 3 million acres in fee title and over 2.3 million acres in easements or leases.

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. Conservation easements are legal agreements that allow the private landowner to retain ownership of the land with certain binding 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 may be prohibited, in the area covered by the conservation easement. These perpetual easements typically 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 cooperatively on multiple levels. Another benefit to local communities, of conservation easements, is that landowners continue to pay the taxes on their easement property.

Delivering Conservation for Migratory Birds

The recent State of the Birds 2009 report highlights the status and trends of birds in various major habitat types throughout the United States. The report shows a robust upward trend in wetland bird populations since the late 1960s, but expresses high concern for coastal shorebirds, shows sharp declines in grassland bird species and expresses an uncertain future for forest birds with some forest birds showing sharp declines. Since its creation, the MBCA has contributed to the successful conservation of wetland birds and this program continues to work with partners to expand conservation for birds utilizing other imperiled habitats within our Nation, including coastal shorebirds, grassland birds, and forest birds.

- Conserving Coastal Shorebirds: At Cape May NWR, in New Jersey, the Refuge System continues to work with the U.S. Army Corps of Engineers to improve beach-nesting bird habitat, specifically for the federally-listed threatened piping plover. Creeping secondary

dunes were moved into the primary dune to create an overwash area. Within weeks, piping plovers and American oystercatchers were nested in the cleared area. The Service has also expended \$4.9 million MBCA funds to acquire over 4,400 acres at Cape May NWR, which represents nearly 40% of the entire refuge area of 11,149 acres. These acquisitions provide permanent protection to the important habitat at Cape May NWR.

- Conserving Forest Birds: The White River NWR, in Arkansas, lies in the floodplain of the White River and is one of the largest remaining bottomland hardwood forests in the Mississippi River Valley. Approximately two-thirds of the bird species found in Arkansas occur on the White River NWR. Many are neotropical migratory songbirds that use the refuge as a stopping point on their journey to and from Central and South America. During some years, up to 350,000 birds will winter in these flooded bottomland hardwood forests. The Service has expended \$5.7 million in MBCA funds to acquire over 10,300 acres in fee title at White River NWR, permanently protecting this important habitat.
- Conserving Grassland and Wetland Birds: Since 1975, National wetland bird populations have dramatically recovered from their previously diminished populations. Since that time, the Service has used MBCA funds to acquire over 317,900 acres in fee title and perpetual easements, on an additional 1,579,000 acres within the Prairie Pothole Region. The Region is known as the "duck factory" of North America as it produces over half of the continent's waterfowl. It also provides the most productive breeding habitat in North America for hundreds of other migratory wetland and grassland utilizing bird species. Today, almost 3.4 million acres in the Prairie Pothole Region are protected, and will contribute in perpetuity to wetland and grassland bird conservation.

2010 Program Performance

For the purpose of reporting the number of acres added to the National Wildlife Refuge System acquisitions from the MBCA 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.

See Program 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.

Workload Indicators

Subactivity	FY 2008		FY 2009				FY 2010			
	Est. (\$000)	Est. Acres	Estimated (\$000)	Estimated Acres	Change from 2008 (\$000) Acres		Estimated (\$000)	Estimated Acres	Change from 2009 (\$000) Acres	
Refuge Acquisition	19,000	20,900	19,000	20,900	-	-	19,000	20,900	-	-
Waterfowl Production Areas	21,000	36,700	21,000	36,700	-	-	21,000	36,700	-	-
Duck Stamp Printing and Distribution Costs	750	n/a	750	n/a	-	n/a	750	n/a	-	n/a
Total	40,000	57,600	40,000	57,600	-	-	40,000	57,600	-	-

Acres Acquired By Fee and Easement
 FY 2002 - 2007

FY	Fee	Easement	Total
2007	8,041	29,147	37,188
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
Totals	98,979	239,670	338,649

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

Program and Financing (in millions of dollars)	2008 Actual	2009 Enacted	2010 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	22	22	22
02.02 Import duties on arms and ammunition	23	22	22
02.99 Total receipts and collections	45	44	44
<u>Appropriations:</u>			
05.01 Migratory Bird Conservation Account (-)	-45	-44	-44
07.99 Balance, end of year	0	0	0

<u>Obligations by program activity:</u>			
00.01 Printing and sale of hunting stamps	1	1	1
00.03 Acquisition of refuges and other areas	43	45	43
10.00 Total obligations	44	46	44

<u>Budgetary resources available for obligation:</u>			
21.40 Unobligated balance carried forward, start of year	6	7	5
22.00 New budget authority (gross)	45	44	44
22.10 Resources available from recoveries of prior year obligations	0	0	0
23.90 Total budgetary resources available for obligation	51	51	49
23.95 Total new obligations (-)	-44	-46	-44
24.40 Unobligated balance carried forward, end of year	7	5	5

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

<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	10	7	8
73.10 Total new obligations	44	46	44
73.20 Total outlays, gross (-)	-47	-45	-44
74.40 Obligated balance, end of year	7	8	8

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DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in millions of dollars)	2008 Actual	2009 Enacted	2010 Estimate
Identification code 14-5137-0-2-303			
Outlays, (gross) detail:			
86.97 Outlays from new mandatory authority	38	31	31
86.98 Outlays from mandatory balances	9	14	13
87.00 Total outlays (gross)	47	45	44
Net budget authority and outlays:			
89.00 Budget authority	45	44	44
90.00 Outlays	47	45	44
95.02 Unpaid obligations end of year	7	0	0

Direct obligations:			
Personnel compensation:			
11.1 Full-time permanent	5	5	5
11.9 Total personnel compensation	5	5	5
12.1 Civilian personnel benefits	1	1	1
25.2 Other services	1	1	1
25.3 Purchase of goods and services from Government accounts	2	2	2
32.0 Land and structures	33	35	33
99.95 Below Threshold	2	2	2
99.9 Total new obligations	44	46	44

Personnel Summary			
Direct:			
Total compensable workyears:			
1001 Full-time equivalent employment	64	66	66

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