

## 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), [\$47,647,000]\$42,647,000, to remain available until expended. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.*)

### 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, Section 4406 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 2008. 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. Reauthorization is pending.

**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).

**Appropriation: North American Wetlands Conservation Fund**

	2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
			DOI-wide Changes & Transfers (+/-)	Program Changes (+/-)	Budget Request	
<b><u>Appropriations:</u></b>						
North American Wetlands Conservation Fund (\$000)	42,647	47,647	0	-5,000	42,647	-5,000
<b><u>Receipts:</u></b>						
Migratory Bird Treaty Act Fines (\$000)	799	5,834	0	-4,834	1,000	-4,834
<b>Total, North American Wetlands Conservation Fund (\$000)</b>	<b>43,446</b>	<b>53,481</b>	<b>0</b>	<b>-9,834</b>	<b>43,647</b>	<b>-9,834</b>
<b>FTE</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>

**Summary of 2011 Program Changes for North American Wetlands Conservation Fund**

Request Component	(\$000)	FTE
• North American Wetlands Conservation Fund	-5,000	+0
<b>TOTAL Program Changes</b>	<b>-5,000</b>	<b>+0</b>

**Justification of 2011 Program Changes**

The 2011 budget request for the North American Wetlands Conservation Act (NAWCA) grants program is \$42,647,000 and 12 FTE, with a net program change of -\$5,000,000 from the 2010 enacted budget.

**North American Wetlands Conservation Fund (-\$5,000,000/+0 FTE)**

The Administration requests \$42.647 million for the North American Wetlands Conservation Fund in 2011. This funding level, while a reduction from 2010, is level with the program funding in 2009, and consistent with the average funding level for the program over the past five years.

Receipts are derived from court imposed fines for violations of the Migratory Bird Treaty Act and vary greatly from year to year. The amount received in 2010 was an anomaly due to one court case and therefore an estimate of \$1.0 million is more consistent with the trend for this account.

**Program Performance Change**

Performance Goal	2007 Actual	2008 Actual	2009 Actual	2010 Plan	2011 Base Budget	2011 President's Budget Request	Program Change Accruing in 2011	Program Change Accruing in Out- years
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)	559,947	974,658	458,713	656,578	656,578	252,450	-404,127 (-62%)	
CSF Total Actual/Projected Expenditures(\$000)	\$36,921	\$44,848	\$48,479	\$70,986	\$70,986	\$27,921	-43,064	
CSF Program Total Actual/Projected Expenditures(\$000)	\$11,522	\$18,252	\$18,716	\$19,147	\$19,147	\$19,587	440	
Actual/Projected Cost Per Acre (whole dollars)	\$66	\$46	\$106	\$108	\$108	\$111	2	
4.1.6 # of habitat acres enhanced/restored of habitat in North America through NAWCF - annual (GPRA)	453,748	468,928	264,189	463,959	463,959	203,960	-259,999 (-56%)	

Performance Goal	2007 Actual	2008 Actual	2009 Actual	2010 Plan	2011 Base Budget	2011 President's Budget Request	Program Change Accruing in 2011	Program Change Accruing in Out-years
4.1.7 # of acres of wetlands restored per \$1 Million via NAWCF grants in the U.S.	8,366	2,190	2,609	2,995	2,995	3,908	913 (30.5%)	
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)	31,556,449	7,872,799	2,440,943	600,667	600,667	322,089	-278,578 (-46%)	
CSF Total Actual/Projected Expenditures(\$000)	\$28,640	\$37,147	\$37,179	\$9,359	\$9,359	\$5,134	-4,225	
CSF Program Total Actual/Projected Expenditures(\$000)	\$11,432	\$18,204	\$18,689	\$19,119	\$19,119	\$19,558	440	
Actual/Projected Cost Per Acre (whole dollars)	\$1	\$5	\$15	\$16	\$16	\$16	0	
4.4.1 # of non-FWS wetland acres protected/secured through NAWCF - annual (GPRA)	1,417,084	709,942	497,254	518,641	518,641	277,256	-241,385 (-46%)	
Comments:	Acres of habitat reported as restored or enhanced are the result of projects funded from several previous years that were completed in a particular fiscal year. The annual changes in performance demonstrate the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported complete. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year - including the estimates for 2011 which are largely the result of these year-to-year fluctuations and are not solely related to the funding change in 2011. This decrease also reflects the increased cost of land protection and restoration.							

Note: 2011 Base Budget is equal to 2010 Plan (enacted level) plus fixed cost (absorbed).

**Program Overview**

The North American Wetlands Conservation Act (NAWCA) grant program 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 2009, the NAWCA program has supported 1,906 projects in 50 U.S. States, Puerto Rico, the U.S. Virgin Islands, 13 Canadian provinces and territories, and 31 Mexican states and the Federal District of Mexico. Millions of acres have been protected, restored and enhanced by the 4,032 partners participating in this internationally recognized program.

Country	Protected Acres	Enhanced, Restored, and Created Acres	Number of Projects
Canada	14,243,203	3,196,309*	484
Mexico	1,843,373	984,439	234
U.S.	4,128,489	3,270,648	1,188
<b>All Countries</b>	<b>20,215,065</b>	<b>7,451,396</b>	<b>1,906</b>

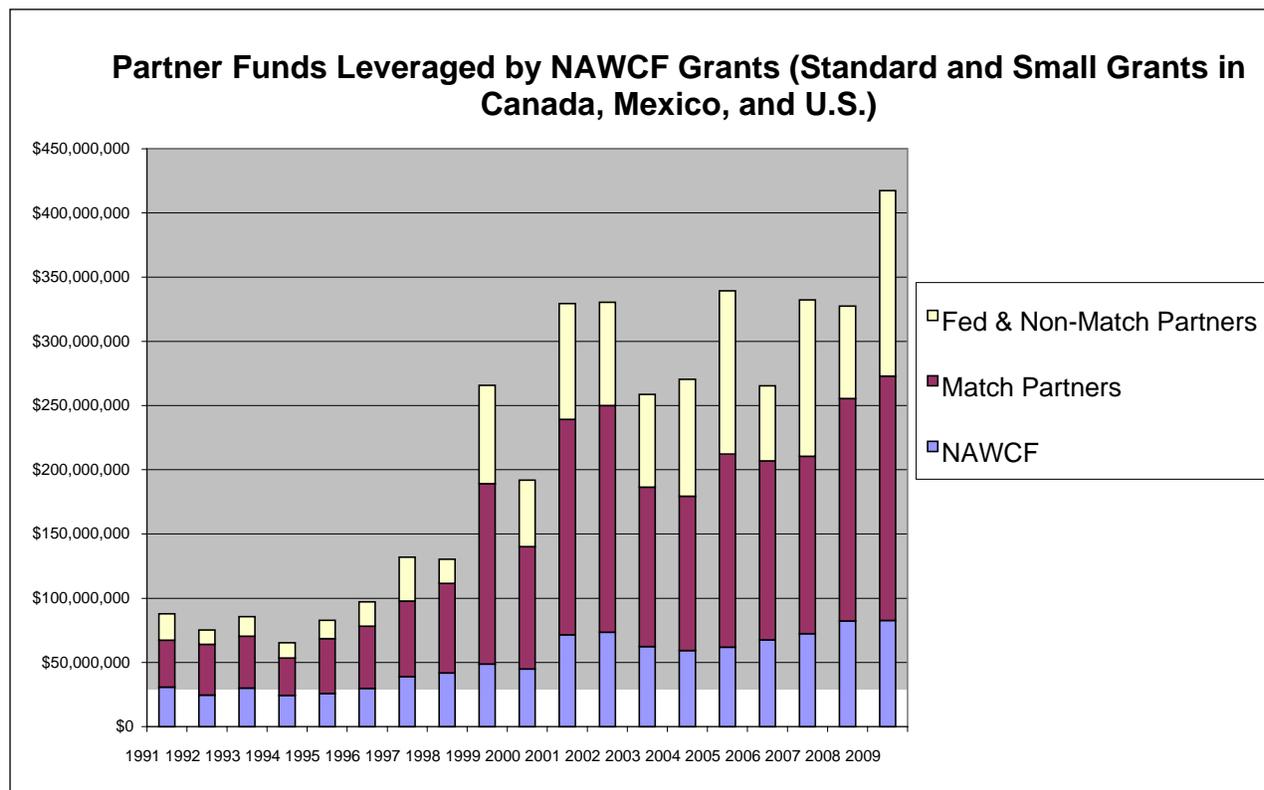
Acreages represent total proposed acres approved for funding in the U.S. and Canada through FY 2009. Some acres are included in both "Protected" and "Enhanced, Restored and Created" due to multiple activities occurring on the same property. Therefore, while the two categories should not be added to demonstrate total acres affected, approximately 27.7 million acres have been affected by protection, enhancement, or restoration activities.

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

By partnering with private landowners, States, non-governmental conservation organizations, tribes, Federal agencies, trusts, and corporations, NAWCA has effectively leveraged Federal funds to generate private matching funds for wetlands conservation, almost doubling the legally required 1:1 match-to-grant ratio. NAWCA grants are the catalysts for partnerships and projects that:

- Generate migratory bird conservation, flood control, erosion control, and water quality improvement;
- Sustain cultural traditions;
- Help implement the tri-national North American Waterfowl Management Plan and other national and international bird conservation plans;
- Assist in the recovery of endangered and threatened species; and,
- Achieve the Service’s long-term outcome goal of healthy and sustainable migratory bird populations.

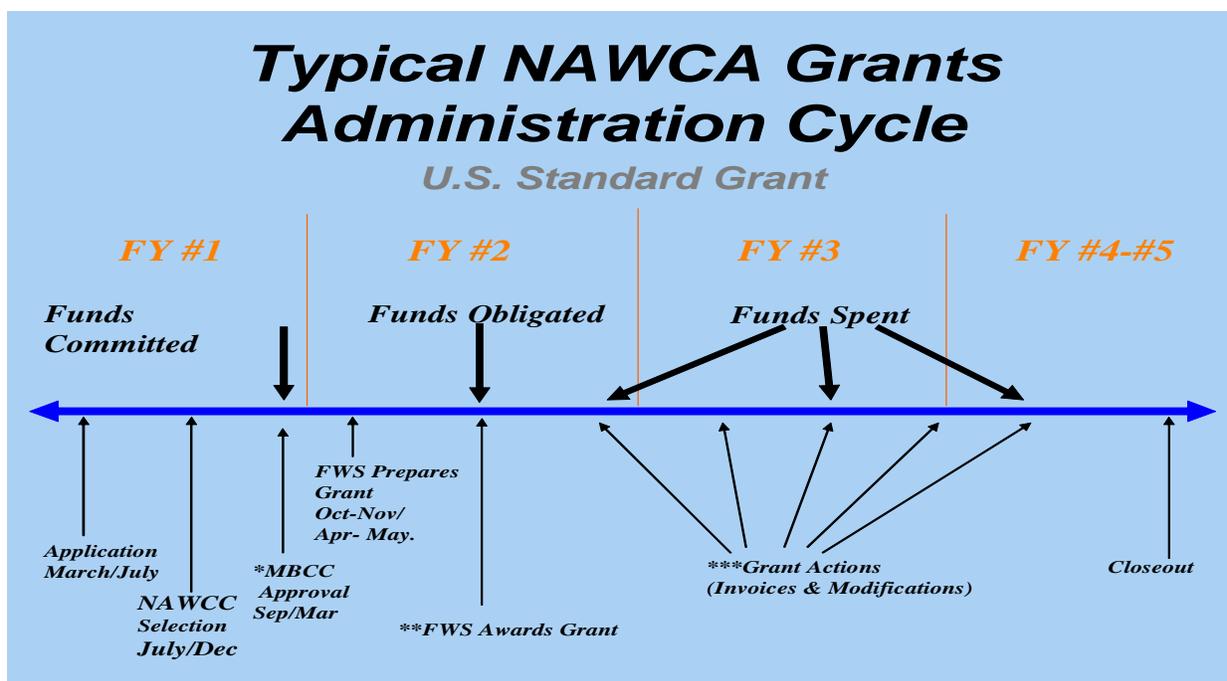
NAWCA administers both Standard and Small Grants programs. The Standard Grants Program is open to applicants in the U.S., Canada, and Mexico. Standard grant amounts in the U.S. are generally \$750,000 to \$1,000,000, and eligible grantees must provide matching funds at least equal to the award amount. Usually, the non-federal match amount 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 to 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 2009 shows the Standard Grants Program has supported nearly 3,100 partners, including environmental organizations; sportsmen’s groups; corporations; farmers and ranchers; small businesses; Federal, State and local governments; and private landowners, as they implemented 1,450

projects worth over \$3.9 billion. NAWCA has contributed over \$950 million to these projects, with total partner funds of more than \$2.9 billion. Approximately 80% of these partner funds are from non-federal sources, and the ratio of non-Federal match to grant funds is \$1.98 for every \$1.00 of grant funds. More than 25 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 2009, 456 projects have been approved for more than \$22.9 million in grant funds. Eligible partners have contributed more than \$101 million in non-Federal matching funds (including in-kind contributions) to projects located in 48 States and Puerto Rico. Small grants have leveraged \$4.42 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, four Directors of State fish and game agencies representing each of the 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. Electronic submission and fund withdrawal have helped streamline procedures for grant recipients. More rigorous internal controls have helped insure administrative funds are used effectively. The Service also has increased the amount and intensity of project monitoring to help grantees' projects succeed and ensure grant program accountability. Consistent and thorough monitoring helps the Service identify areas of technical assistance needed by partners; evaluate grantee performance; ensure regulatory compliance and responsible financial management; correct grant administration errors, irregularities and noncompliance; and deter waste, fraud and abuse.

### 2011 Program Performance

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.



*NAWCA Restoration Project in the Sonoma Baylands Wetlands in California*

FY 2011 funding will allow NAWCA to select and fund wetland protection, restoration, and enhancement projects that will ultimately conserve approximately 931,000 acres of wetland and wetland associated habitat in out years. 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; accomplished acres are completed and reported in out years. The FY 2011 performance is estimated to be approximately 481,216 acres of habitat protected, restored, or enhanced. All of these acres will result from previously funded projects that are currently scheduled for completion in this fiscal year. The FY 2011 performance numbers are about one-third less than those achieved in FY 2009. This decrease

reflects both the increased cost of land protection and restoration and demonstrates the significant year-to-year variability than can occur when projects have unique acreage objectives and funding periods that may be extended up to five years.

In FY 2011, 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	2006 Actual	2007 Actual	2008 Actual	2009 Plan	2009 Actual	2010 Plan	2011 Base Budget	2011 President's Budget Request	Program Change Accruing in 2011	Long-term Target 2012
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	974,658	708,180	458,713	656,578	656,578	252,450	-404,127 (-62%)	252,450
CSF Total Actual/Projected Expenditures(\$000)	\$19,580	\$36,921	\$44,848	n/a	\$48,479	\$70,986	\$70,986	\$27,921	-43,064	\$28,564
CSF Program Total Actual/Projected Expenditures(\$000)	\$1,210	\$11,522	\$18,252	n/a	\$18,716	\$19,147	\$19,147	\$19,587	440	\$20,038
Actual/Projected Cost Per Acre (whole dollars)	\$33	\$66	\$46	n/a	\$106	\$108	\$108	\$111	2	\$113
4.1.6 # of habitat acres enhanced/restored of habitat in North America through NAWCF - annual (GPRA)	483,800	453,748	468,928	602,595	264,189	463,959	463,959	203,960	-259,999 (-56%)	203,960
4.1.7 # of acres of wetlands restored per \$1 Million via NAWCF grants in the U.S.	16,303	8,366	2,190	2,228	2,609	2,995	2,995	3,908	913 (30.5%)	3,908
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	7,872,799	748,660	2,440,943	600,667	600,667	322,089	-278,578 (-46%)	322,089
CSF Total Actual/Projected Expenditures(\$000)	\$17,533	\$28,640	\$37,147	n/a	\$37,179	\$9,359	\$9,359	\$5,134	-4,225	\$5,252
CSF Program Total Actual/Projected Expenditures(\$000)	\$1,163	\$11,432	\$18,204	n/a	\$18,689	\$19,119	\$19,119	\$19,558	440	\$20,008
Actual/Projected Cost Per Acre (whole dollars)	\$5	\$1	\$5	n/a	\$15	\$16	\$16	\$16	0	\$16
4.4.1 # of non-FWS wetland acres protected/secured through NAWCF - annual (GPRA)	1,945,573	1,417,084	709,942	684,792	497,254	518,641	518,641	277,256	-241,385 (-46%)	277,256
Comments:	Acres of habitat reported as restored or enhanced are the result of projects funded from several previous years that were completed in a particular fiscal year. The annual changes in performance demonstrate the variability inherent in multi-year grants as to when they are proposed/funded and when they are reported complete. This year-to-year variability is responsible for the fluctuation in reported acreages that are associated with a given fiscal year - including the estimates for 2011 which are largely the result of these year-to-year fluctuations and are not solely related to the funding change in 2011. This decrease also reflects the increased cost of land protection and restoration.									

Note: 2011 Base Budget is equal to 2010 Plan (enacted level) plus fixed cost (absorbed).

Standard Form 300

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

Program and Financing (in millions of dollars)		2010	2011
Identification code 14-5241-0-302	2009 Actual	Estimate	Estimate
<b>Unavailable Collections</b>			
01.99 Balance, start of year	1	6	1
<b>Receipts:</b>			
02.00 Fines, penalties, and forfeitures from Migratory Bird Treaty Act	6	1	1
<b>Appropriations:</b>			
05.00 North American Wetlands Conservation Fund (-)	-1	-6	-1
07.99 Balance, end of year	6	1	1
<b>Obligations by Program Activity:</b>			
00.03 Wetlands conservation projects - Title 1 LWCF	45	50	52
00.04 Administration - Title 1 LWCF	2	2	2
10.00 Total obligations	47	52	54
<b>Budgetary Resources Available for Obligation:</b>			
21.40 Unobligated balance available, start of year	11	10	13
22.00 New budget authority (gross)	44	54	44
22.10 Resources available from recoveries of prior year obligations	2	1	1
23.90 Total budgetary resources available for obligation	57	65	58
23.95 Total new obligations	-47	-52	-54
24.40 Unobligated balance carried forward, end of year	10	13	4
<b>New Budget Authority (gross), detail:</b>			
Current:			
40.00 Appropriation (total discretionary)	43	48	43
Permanent:			
60.20 Special fund (indefinite)	1	6	1
70.00 Total new budget authority (gross)	44	54	44
<b>Change in Unpaid Obligations:</b>			
72.40 Obligated balance, start of year	81	82	75
73.10 Total new obligations	47	52	54
73.20 Total outlays, gross (-)	-44	-58	-58
73.45 Recoveries of prior year obligations	-2	-1	-1
74.40 Obligated balance, end of year	82	75	70
<b>Outlays, (gross) detail:</b>			
86.90 Outlays from new discretionary authority	8	10	9
86.93 Outlays from discretionary balances	34	44	46
86.97 Outlays from new mandatory authority	1	4	1
86.98 Outlays from mandatory balances	1	0	2
87.00 Total outlays (gross)	44	58	58
<b>Net Budget Authority and Outlays:</b>			
89.00 Budget authority	44	54	44
90.00 Outlays	44	58	58
95.02 Unpaid obligations end of year	81	0	0
<b>Direct Obligations:</b>			
11.1 Personnel Compensation :Full-time permanent	1	1	1
25.2 Other services	1	1	1
32.0 Land and structures	1	2	2
41.0 Grants, subsidies, and contributions	44	48	50
99.9 Total obligations	47	52	54
<b>Personnel Summary</b>			
1001 Full-time equivalent employment	12	12	12