

## 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.

### Legislative Proposal

Concurrent with this budget request the Service is proposing to amend the Migratory Bird Hunting and Conservation Stamp Act, to increase the sales price for Duck Stamps from \$15 to \$25 beginning in 2011. Increasing the cost of Duck Stamps in 2011 will bring the estimate for the Migratory Bird Conservation Account to approximately \$58.0 million.

### 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**

|  |                | 2009<br>Actual | 2010<br>Enacted | 2011   |                             |                   | Change<br>from 2010<br>(+/-) |
|--|----------------|----------------|-----------------|--|-----------------------------|-------------------|------------------------------|
|  |                |                |                 | DOI-wide<br>Changes<br>&<br>Transfers<br>(+/-) | Program<br>Changes<br>(+/-) | Budget<br>Request |                              |
| Duck Stamp Receipts                            | (\$000)        | 22,933         | 22,000          | 0  | +14,000                     | 36,000            | +14,000                      |
| Import Duties on Arms and Ammunition           | (\$000)        | 29,447         | 22,000          | 0  | 0                           | 22,000            | 0                            |
| Estimated User-Pay Cost Share                  | (\$000)        | [801]          | [794]           | 0  | 0                           | [800]             | [+6]                         |
| <b>Total, Migratory Bird Conservation Fund</b> | <b>(\$000)</b> | <b>52,380</b>  | <b>44,000</b>   | <b>0</b>                                       | <b>0</b>                    | <b>58,000</b>     | <b>+14,000</b>               |
|  | <b>FTE</b>     | <b>62</b>      | <b>62</b>       | <b>0</b>                                       | <b>+10</b>                  | <b>72</b>         | <b>+10</b>                   |

**Summary of FY 2011 Program Changes for Migratory Bird Conservation Account**

| Request Component                                   | (\$000)        | FTE        |
|---|----------------|------------|
| • Legislative Proposal to Increase Duck Stamp Price | +14,000        | +10        |
| <b>Total, Program Changes</b>                       | <b>+14,000</b> | <b>+10</b> |

**Justification of 2011 Program Changes**

The 2011 budget request for the Migratory Bird Conservation Account (MBCA) is \$58,000,000 and 72 FTEs, a program change of +\$14,000,000 and +10 FTEs from the 2010 Enacted. The additional receipts will generate more acquisition work than can be accomplished by current staff. The additional 10 staff will be distributed to the regions based on need and include realty specialists, land surveyors, realty assistants, cartographers, and program managers. Their duties will include boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking associated with land acquisition at National Wildlife Refuge System lands and Waterfowl Production Areas.

**Legislative Proposal**

Concurrent with this budget request the Administration is proposing to amend the *Migratory Bird Hunting and Conservation Stamp Act*, to increase the sales price for Duck Stamps from \$15 to \$25 beginning in 2011. Increasing the cost of Duck Stamps in 2011 will bring the estimate for the Migratory Bird Conservation Account to approximately \$58.0 million. With the additional receipts, the Service anticipates acquisition of approximately 7,000 additional acres in fee and approximately 10,000 additional conservation easement acres in 2011. Total acres acquired for 2011 would then be approximately 28,000 acres in fee title and 47,000 acres in perpetual conservation easements.

**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 important migratory bird habitat.

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*, considers and acts 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 2009, 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 over 3 million acres in fee title and 2.4 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. Another benefit of conservation easements to local communities is that landowners continue to pay the taxes on their easement property. Our

easement program benefits taxpayers, landowners, and conservationists alike, and is a prime example of a federal program that works cooperatively on multiple levels.

### **Delivering Conservation for Migratory Birds**

The first national “State of the Birds” report, released in 2009, 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 raises 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 expand conservation for waterfowl and other birds that all use imperiled habitats within our Nation, including coastlines, grasslands, and forests. The following are three examples of MBCA funds conserving waterfowl and other wetland dependent species in a variety of habitats.

- The Texas Mid-Coast National Wildlife Refuge (NWR) Complex serves as the end point of the Central Flyway for waterfowl in winter. Three national wildlife refuges, Brazoria, San Bernard and Big Boggy, hold a complex of coastal wetlands that feature the thunder of 40,000 snow geese taking flight, the calls of more than 20 species of ducks, and the salty breeze off the Texas Gulf. In addition to waterfowl, the Texas Mid-Coast Refuge Complex hosts a variety of shorebirds such as dowitchers, dunlins, and lesser yellowlegs, during spring migration. Over the years, the Service has spent just over \$35.0 million in MBCA funds to acquire over 82,000 acres of prime habitat at the Texas Complex.
- Umbagog NWR, in Maine and New Hampshire, sits at the southern range of the boreal forests and the northern range of the deciduous forests, making it a transition zone that accommodates a variety of waterfowl and other bird species. Refuge staff and visitors have observed more than 200 types of birds on the Refuge, and more than 100 bird species breed there. This includes waterfowl, such as common mergansers, American black ducks and common goldeneye. The Service has expended \$4.8 million in MBCA funds to acquire almost 10,500 acres in fee title at Umbagog NWR, permanently protecting this important habitat.
- In California’s San Joaquin River basin, the Service established the Grasslands Wildlife Management Area (GWMA), in 1979. The GWMA consists of mostly privately owned lands that the Service protects through perpetual conservation easements. These easements preserve wetland and grassland habitats for a variety of Pacific Flyway waterfowl species and prevent conversion to croplands or other development. The Service has spent \$45.5 million in MBCA funds to protect over 78,500 acres of this prime waterfowl habitat in the GWMA.

### **2011 Program Performance**

With the legislatively proposed increase in the price of the Federal Duck Stamp, we anticipate an increase in the number of dollars and protected acres in 2011, as shown in the Workload Indicators table, below.

When 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 the 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 2009       |               | FY 2010           |                 |                                |          | FY 2011           |                 |                                |                |
|--|---------------|---------------|-------------------|-----------------|--------------------------------|----------|-------------------|-----------------|--------------------------------|----------------|
|  | Est. (\$000)  | Est. Acres    | Estimated (\$000) | Estimated Acres | Change from 2008 (\$000) Acres |          | Estimated (\$000) | Estimated Acres | Change from 2010 (\$000) Acres |                |
| Refuge Acquisition                         | 19,000        | 20,900        | 19,000            | 20,900          | -                              | -        | 25,500            | 35,000          | +6,500-                        | +14,100        |
| Waterfowl Production Areas                 | 21,000        | 36,700        | 21,000            | 36,700          | -                              | -        | 28,500            | 40,000          | +7,500                         | +3,300         |
| Duck Stamp Printing and Distribution Costs | 750           | n/a           | 750               | n/a             | -                              | n/a      | 750               | n/a             | -                              | n/a            |
| <b>Total</b>                               | <b>40,000</b> | <b>57,600</b> | <b>40,000</b>     | <b>57,600</b>   | <b>-</b>                       | <b>-</b> | <b>54,000</b>     | <b>75,000</b>   | <b>+14,000</b>                 | <b>+17,400</b> |

| Acres Acquired By Fee and Easement<br>FY 2002 - 2008 |                |                |                |
|--|----------------|----------------|----------------|
| FY   | Fee            | Easement       | Total          |
| 2008   | 7,716          | 32,073         | 39,789         |
| 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         |
| <b>Totals</b>  | <b>106,695</b> | <b>271,743</b> | <b>378,438</b> |

## Standard Form 300

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

| Program and Financing (in millions of dollars)                              | 2009   | 2010     | 2011     |
|---|--------|----------|----------|
| Identification code 14-5137-4-303   | Actual | Estimate | Estimate |
| <b>Receipts:</b>  |        |          |          |
| 02.00 Migratory bird hunting and conservation stamps                        | 23     | 22       | 22       |
| 02.01 Migratory bird hunting and conservation stamps - Legislative Proposal | -      | -        | 14       |
| 02.02 Custom duties on arms and ammunition                                  | 29     | 22       | 22       |
| 02.99 Total receipts and collections  | 52     | 44       | 58       |
| <b>Appropriations:</b>  |        |          |          |
| 05.99 Migratory Bird Conservation Account (-)                               | -52    | -44      | -58      |

| <b>Obligations by program activity:</b>      |    |    |    |
|--|----|----|----|
| 00.01 Printing and sale of hunting stamps    | 1  | 1  | 1  |
| 00.03 Acquisition of refuges and other areas | 49 | 43 | 57 |
| 10.00 Total obligations                      | 50 | 44 | 58 |

| <b>Budgetary resources available for obligation:</b>     |     |     |     |
|--|-----|-----|-----|
| 21.40 Unobligated balance carried forward, start of year | 7   | 9   | 9   |
| 22.00 New budget authority (gross)                       | 52  | 44  | 58  |
| 23.90 Total budgetary resources available for obligation | 59  | 53  | 67  |
| 23.95 Total new obligations (-)                          | -50 | -44 | -58 |
| 24.40 Unobligated balance carried forward, end of year   | 9   | 9   | 9   |

| <b>New budget authority (gross), detail:</b> |    |    |    |
|--|----|----|----|
| Permanent:                                   |    |    |    |
| 60.20 Appropriation (special fund)           | 52 | 44 | 44 |
| 60.20 Appropriation Legislative Proposal     |    |    | 14 |
| 70.00 Total new budget authority (gross)     | 52 | 44 | 58 |

| <b>Change in obligated balances:</b>   |     |     |     |
|--|-----|-----|-----|
| 72.40 Obligated balance, start of year | 7   | 10  | 9   |
| 73.10 Total new obligations            | 50  | 44  | 58  |
| 73.20 Total outlays, gross (-)         | -47 | -45 | -54 |
| 74.40 Obligated balance, end of year   | 10  | 9   | 13  |

Standard Form 300

DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE

MIGRATORY BIRD CONSERVATION ACCOUNT

| <b>Program and Financing (in millions of dollars)</b> | <b>2009 Actual</b> | <b>2010 Estimate</b> | <b>2011 Estimate</b> |
|---|--------------------|----------------------|----------------------|
| <b>Identification code 14-5137-4-303</b>              |                    |                      |                      |
| <b><u>Outlays, (gross) detail:</u></b>                |                    |                      |                      |
| 86.97 Outlays from new mandatory authority            | 41                 | 31                   | 41                   |
| 86.98 Outlays from mandatory balances                 | 6                  | 14                   | 13                   |
| 87.00 Total outlays (gross)                           | 47                 | 45                   | 54                   |
| <b><u>Net budget authority and outlays:</u></b>       |                    |                      |                      |
| 89.00 Budget authority                                | 52                 | 44                   | 58                   |
| 90.00 Outlays   | 47                 | 45                   | 54                   |
| 95.02 Unpaid obligations end of year                  | 10                 | 0                    | 0                    |

|  |    |    |    |
|--|----|----|----|
| <b><u>Direct obligations:</u></b>                            |    |    |    |
| 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 | 3  | 2  | 2  |
| 32.0 Land and structures                                     | 39 | 33 | 47 |
| 99.95 Below Threshold  | 1  | 2  | 2  |
| 99.9 Total new obligations                                   | 50 | 44 | 58 |

|                                      |    |    |    |
|--------------------------------------|----|----|----|
| <b>Personnel Summary</b>             |    |    |    |
| <b><u>Direct:</u></b>                |    |    |    |
| Total compensable workyears:         |    |    |    |
| 1001 Full-time equivalent employment | 62 | 62 | 72 |

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