

Miscellaneous Permanent Appropriations

Appropriations Language

Activities funded from these mandatory spending accounts do not require appropriation language since they were authorized in previous years.

Authorizing Statutes

Department of the Interior and Related Agencies Appropriations Act of 1985, as amended (P.L. 98-473, section 320; 98 Stat. 1874). Provides that all rents and charges collected for quarters of agencies funded by the Act shall be deposited and remain available until expended for the maintenance and operation of quarters of that agency. Authorizing language is:

“Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency...”

Flood Control Act of 1944, as amended (16 U.S.C. 460(d)). Provides that receipts collected from the sales of timber and crops produced on U.S. Army Corps of Engineers land leased by another Federal agency for natural resources conservation may be used to cover expenses of producing these products and for managing the land for natural resource purposes. Authorizing language is:

“The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest... [P]rovided further, that in any such lease or license to a Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands.”

Truckee-Carson Pyramid Lake Water Rights Settlement Act (P.L. 101-618, section 206(f)), **as amended by Department of the Interior and Related Agencies Appropriations Act for FY 1998** (P.L. 105-83). Authorizes certain revenues and donations from non-federal entities to be deposited into the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund to support restoration and enhancement of wetlands in the Lahontan Valley and to restore and protect the Pyramid Lake fishery, including the recovery of two endangered or threatened species of fish. Payments to the Bureau of Reclamation for storage in Northern Nevada’s Washoe Project that exceed the operation and maintenance costs of Stampede Reservoir are deposited into the Fund and are available without further appropriation, starting in FY 1996. Beginning in FY 1998, P.L. 105-83 provides that receipts from the sales of certain lands by the Secretary of the Interior are to be deposited into the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund. Authorizing language is:

“Lahontan Valley and Pyramid Lake Fish and Wildlife Fund – (1) There is hereby established in the Treasury of the United States the ‘Lahontan Valley and Pyramid

Lake Fish and Wildlife Fund' which shall be available for deposit of donations from any source and funds provided under subsections 205(a) and (b), 206(d), and subparagraph 208(a)(2)(C), if any, of this title; (2) Moneys deposited into this fund shall be available for appropriation to the Secretary for fish and wildlife programs for Lahontan Valley consistent with this section and for protection and restoration of the Pyramid Lake fishery consistent with plans prepared under subsection 207(a) of this title. The Secretary shall endeavor to distribute benefits from this fund on an equal basis between the Pyramid Lake fishery and the Lahontan Valley wetlands, except that moneys deposited into the fund by the State of Nevada or donated by non-Federal entities or individuals for express purposes shall be available only for such purposes and may be expended without further appropriation, and funds deposited under subparagraph 208(a)(2)(C) shall only be available for the benefit of the Pyramid Lake fishery and may be expended without further appropriation."

P.L. 105-83 – "Provided further, that the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsection 206(a) and 207(c) of Public Law 101-618, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law."

Miscellaneous Permanent Appropriations

		2009 Actual	2010 Enacted	2011			Change from 2010 (+/-)
				DOI-wide Changes & Transfers (+/-)	Program Changes (+/-)	Budget Request	
Operations and Maintenance of Quarters	(\$000) FTE	3,052 5	3,000 5	0 0	0 0	3,000 5	0 0
Proceeds from Sales	(\$000) FTE	459 0	495 0	0 0	0 0	495 0	0 0
Lahontan Valley & Pyramid Lake Restoration Fund	(\$000) FTE	594 1	1,000 1	0 0	0 0	1,000 1	0 0
Miscellaneous Permanent Appropriations	(\$000) FTE	4,105 3	4,495 3	0 0	0 0	4,495 3	0 0

Justification of 2010 Program Changes

The 2011 budget request for Miscellaneous Permanent Appropriations is \$4,495,000 and 6 FTE, a program change of +\$0 and +0 FTEs from the FY 2010 Enacted Budget.

Program Overview

Operations and Maintenance of Quarters - The Operations and Maintenance of Quarters Account (O & M Quarters) uses receipts from the rental of Service quarters to pay for maintenance and operation of those quarters. Certain circumstances require Service personnel to occupy government-owned quarters, including a lack of off-site residences due to the isolation of the site, and the need for staff to be available for onsite work. Such work includes protecting fish hatchery stock (ex. maintaining water flow to fish rearing ponds during freezing temperatures), monitoring water management facilities, ensuring the health and welfare of visitors, responding to fires and floods, and protecting government property. To provide for these needs, the Service manages 1,078 units

comprised of 857 quarters on 216 refuges, 220 quarters on 61 hatchery facilities, and 1 quarter at an Ecological Services facility.

Quarters require regular operational maintenance, periodic rehabilitation, and upgrading to maintain safe and healthy conditions for occupants. Rental receipts are used for general maintenance and repair of quarters buildings; code and regulatory improvements; retrofitting for energy efficiency; correction of safety discrepancies, repairs to roofs and plumbing; utilities upgrades, access road repair and maintenance, grounds and other site maintenance services; and the purchase of replacement equipment such as household appliances, air conditioners, and furnaces. Funds are used to address the highest priority maintenance and rehabilitation projects to address health, safety, and structural problems. Refuges replace equipment when appropriate with energy efficient systems and equipment. Vacant housing is made available for occupancy to volunteers who are not subject to rental payments.

In 2008, O & M Quarters funds were utilized at Modoc National Wildlife Refuge (NWR) to complete a "cast-in-place" relining of the chimney resulting in a fireplace that is safe while still retaining the historical appearance of the National Historic Registry eligible structure. San Luis NWR Complex and Sacramento NWR Complex made use of the funds repairing unsafe or unusable plumbing, heating/cooling systems and appliances. In 2009, O & M Quarters funding was used for seismic remediation work on the quarters at the Willow Beach National Fish Hatchery in Arizona. Also in 2009, O & M Quarters funds were utilized at Modoc NWR to purchase an energy efficient, tankless on-demand water heater for the main quarters, replacing an older 70 gallon electric tank water heater. Funds were also utilized to upgrade and modernize one of the bathrooms in the same quarters.

Rental rates are based upon comparability with the private sector. Quarters rental rates are reset on a rotating basis every five years using statistical analysis of comparable rentals from 16 areas nationwide. Between surveys, rents are adjusted using the Consumer Price Index-Rent Series annual adjustment from the end of the fiscal year. No changes are anticipated in 2011.

Proceeds From Sales, Water Resources Development Projects - The Proceeds from Sales special fund receipt account pays for the development and maintenance of wildlife habitat, and covers expenses of forestry technicians administering timber harvest activities.

Twenty-nine national wildlife refuges were established as overlay projects on U.S. Army Corps of Engineers land and are administered in accordance with cooperative agreements. The agreements provide that timber and grain may be harvested and sold with the receipts returned for development, conservation, maintenance, and utilization of such lands. These expenses cannot exceed the receipt amounts deposited as proceeds from sales. Refuge examples include Mark Twain NWR Complex (IL) and Flint Hills NWR (KS), which are currently engaged in grain harvesting on water resources development projects.

Examples of some of the projects undertaken using Proceeds from Sales receipts are: soil amendments (ex. addition of lime or fertilizer), road construction and repairs, or ditch and fence construction and maintenance. The agreements with the Corps of Engineers specify that the receipts collected on refuges must be spent within five years. This provides for carryover balances from year to year which allows the receipts to accumulate until sufficient funds are available to support some of the larger development projects on these refuges.

In 2009, Midwest Region Service staff at the Two Rivers NWR used funds to purchase native tree seedlings and grass seed, which was used to restore agricultural lands to natural savanna habitat on the Refuge. The Proceeds from Sales funds used for restoration fulfill a specific management

strategy identified in the Refuge's Comprehensive Conservation Plan (CCP) and were generated on the same acres that were restored. Through implementation of the Two Rivers CCP with available Proceeds from Sales funds, the Service has successfully reduced the agricultural acres on Two Rivers NWR to a nominal amount, such that the total area now provides important habitat and supplemental food for migratory birds along the Mississippi River.

Lahontan Valley and Pyramid Lake Fish and Wildlife Fund - Pursuant to the Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990 (P.L. 101-618, Title II) and the Department of the Interior and Related Agencies Appropriations Act for FY 1998 (P.L. 105-83), this fund was established for fish and wildlife purposes in the Lahontan Valley and for protection and restoration of the Pyramid Lake Fishery. Deposits to this fund are authorized to be made from the storage revenues received by the Bureau of Reclamation's Washoe Project after operating costs are paid for Stampede Reservoir, proceeds from land sales, donations and other sources.

Wetlands in Northern Nevada's Lahontan Valley, including those at Stillwater National Wildlife Refuge and Carson Lake, are a key migration and wintering area for up to 1,000,000 waterfowl, shorebirds, and raptors traveling on the eastern edge of the Pacific Flyway. More than 410,000 ducks, 28,000 geese and 14,000 swans have been observed in the area during wet years. In addition to migratory populations, the wetlands support about 4,500 breeding pairs producing 35,000 waterfowl annually. Up to 70 bald eagles, Nevada's largest concentration, have wintered in the valley.

In 1996, the Service completed a Final Environmental Impact Statement and Record of Decision which described, analyzed and implemented a program to purchase up to 75,000 acre-feet of water from the Carson Division of the Newlands Project for Lahontan Valley wetlands. In partnership with the State of Nevada, the Bureau of Indian Affairs (BIA), and the Bureau of Reclamation, 34,200 acre-feet of Newlands Project water rights have been acquired for Lahontan Valley wetlands to date. Of the acquired water rights; approximately 23,600 acre-feet were acquired by the Service, 1,800 acre-feet were acquired by BIA and 8,800 acre-feet were acquired by the State. In addition, the Service has purchased 4,300 acre-feet from the Carson River. Water rights have been purchased from willing sellers at appraised market value. In addition to purchasing water, the Service is authorized to pay customary operations and maintenance charges to the local irrigation district for delivering the acquired water.

The Service is pursuing various activities to protect and restore the Pyramid Lake fishery, including operation and maintenance of Marble Bluff Fish Passage Facility, Lahontan cutthroat trout incubation operations at Marble Bluff Fish Passage Facility, and other ongoing conservation efforts for the fishes of Pyramid Lake.

Expenditures from the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund continue to support the Service's water rights acquisition and land sales programs at Stillwater NWR. Among other expenses covered from this fund, \$394,246 was paid for annual water charges to the Truckee-Carson Irrigation District for delivery of acquired water to wetlands.

2011 Program Performance

Operation and Maintenance of Quarters

Estimated receipts in 2010 and 2011 are expected to be approximately \$3,000,000 each year. Revisions continue to be made in the management of the program to reduce the operating balance of the account and target the highest priority repairs and improvements.

Proceeds From Sales, Water Resources Development Projects

Estimated receipts in 2010 and 2011 are expected to be approximately \$495,000 each year for timber and grain harvest. Receipts depend on the amount of the commodity harvested, current market value, and the amount of the commodity that the Service uses for wildlife habitat management purposes. Annual receipts may also vary from year to year due to the influence of natural events such as flood or drought.

Lahontan Valley and Pyramid Lake Fish and Wildlife Fund

In 2011, receipts from land sales are estimated at \$1,000,000. The anticipated receipts have dropped from prior years because of adverse regional real estate market conditions.

**FISH AND WILDLIFE SERVICE
MISCELLANEOUS PERMANENT ACCOUNTS**

Program and financing (in millions of dollars)			
Identification code 14-9927-0-2-303	2009 Actual	2010 Enacted	2011 Estimate
<u>Obligations by program activity:</u>			
00.01 Operations and Maintenance of Quarters	3	3	3
00.02 Proceeds from Sales	0	0	0
00.03 Lahontan Valley and Pyramid Lake	1	1	1
10.00 Total new obligations	4	4	4
<u>Budgetary resources available for obligation:</u>			
21.40 Unobligated balance carried forward, start of year	4	4	4
22.00 New budget authority (gross)	4	4	4
22.10 Resources available from recoveries of prior year obligations	0	0	0
23.90 Total budgetary resources available for obligation	8	8	8
23.95 Total new obligations (-)	-4	-4	-4
24.40 Unobligated balance carried forward, end of year	4	4	4
<u>New budget authority (gross), detail:</u>			
Mandatory:			
60.20 Appropriation (special fund)	4	4	4
70.00 Total new budget authority (gross)	4	4	4
<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	0	0	0
73.10 Total new obligations	4	4	4
73.20 Total outlays (gross) (-)	-4	-4	-4
73.45 Adjustments in unexpired accounts (-)	0	0	0
74.40 Obligated balance, end of year	0	0	0
<u>Outlays (gross), detail:</u>			
86.97 Outlays from new mandatory authority	3	3	3
86.98 Outlays from mandatory balances	1	2	1
87.00 Total outlays (gross)	4	5	4
<u>Net budget authority and outlays:</u>			
89.00 Budget authority	4	4	4
90.00 Outlays	4	5	4
Personnel compensation:			
25.2 Other Services	1	1	1
25.4 Operation and maintenance of facilities	1	1	1
26.0 Supplies and materials	1	1	1
32.0 Land and Structures	0	0	0
99.5 Below reporting threshold	1	1	1
99.9 Total obligations	4	4	4
Personnel Summary			
Total compensable workyears:			
Full-time equivalent employment	3	3	3