

## 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 2012. Increasing the cost of Duck Stamps in 2012 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.

## Appropriation: Migratory Bird Conservation Account

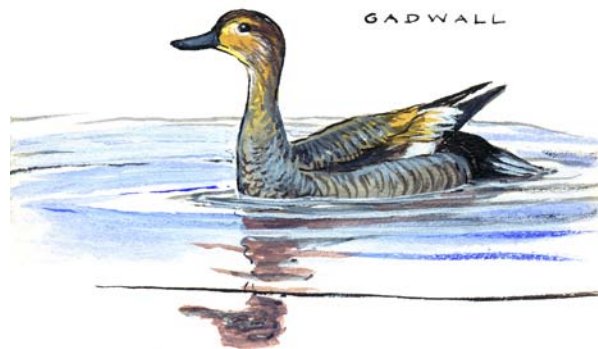
		2010 Actual	2011 Estimate	2012			Change from 2011 (+/-)
				Fixed Costs & Related Changes	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	(\$000)	23,984	22,000	0	+14,000	36,000	+14,000
Import Duties on Arms and Ammunition	(\$000)	27,157	22,000	0	0	22,000	0
Estimated User-Pay Cost Share	(\$000)	[803]	[780]	0	0	[743]	[-37]
<b>Total, Migratory Bird Management</b>	<b>(\$000)</b>	<b>51,141</b>	<b>44,000</b>	<b>0</b>	<b>+14,000</b>	<b>58,000</b>	<b>+14,000</b>
	<b>FTE</b>	<b>63</b>	<b>63</b>		<b>+10</b>	<b>73</b>	<b>+10</b>

### Summary of FY 2012 Program Changes for Migratory Bird Conservation Account

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

### Justification of 2012 Program Changes

The 2012 budget request for the Migratory Bird Conservation Account (MBCA) is \$58,000,000 and 73 FTEs, a program change of +\$14,000,000 and +10 FTEs from the 2011 estimated receipts. The increased receipts will generate more acquisition work that 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.



Art work by Bob Hines (1912 – 1994)

### 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 2012. Increasing the cost of Duck Stamps in 2012 will bring the estimate for the Migratory Bird Conservation Account to approximately \$58.0 million. With the additional receipts, the Service anticipates additional acquisition of approximately 7,000 acres in fee and approximately 10,000 acres in conservation easement in 2012. Total acres acquired for 2012 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 Migratory Bird Conservation Commission (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.

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).

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 2010, 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. The Service's 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**

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. Examples of MBCA funds conserving waterfowl and other wetland dependent species in a variety of habitats are:

- The Gulf of Mexico, site of the 2010 Deepwater Horizon oil spill, has 39 national wildlife refuges framing it. Of those 39 refuges, 26 contain land acquired with MBCA funds. In support of these Gulf Coast refuges, the Service has developed commemorative silk cachets. These decorative and collectable envelopes feature a photograph of St. Marks NWR, the 2010/2011 Federal Duck Stamp, and a special brown pelican cancellation stamp. These cachets sell for \$25 and proceeds go into the MBCA for land acquisition at Gulf Coast refuges.
- The Texas Mid-Coast National Wildlife Refuge (NWR) Complex is on the Gulf Coast and 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 \$38.0 million in MBCA funds to acquire over 83,000 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 over \$5 million in MBCA funds to acquire over 11,000 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



*Dunlin and western sandpipers.*

conversion to croplands or other development. The Service has spent \$49.4 million in MBCA funds to protect over 79,000 acres of this prime waterfowl habitat in the GWMA.

**2012 Program Performance**

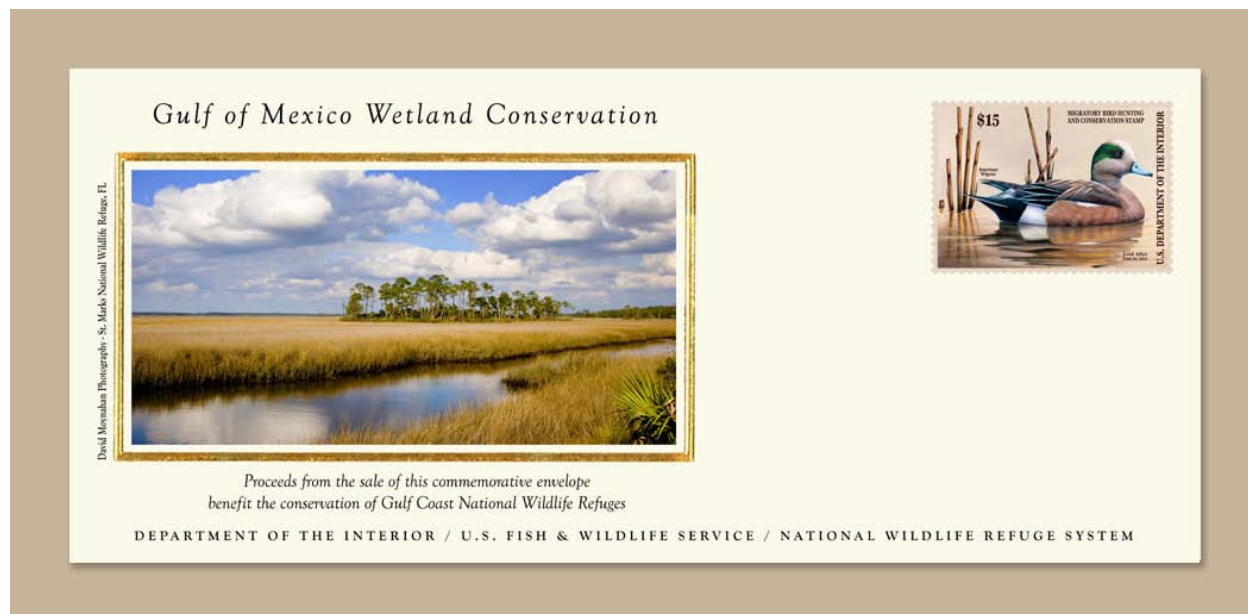
The Service reports MBCA and LWCF land acquisitions for the National Wildlife Refuge System, in two annual reports, the Annual Report of the Migratory Bird Conservation Commission, and the Annual Report of Lands Under the Control of the USFWS. The combined acquisitions support the Resource Protection goal to sustain biological communities on DOI-managed lands and waters.

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 2012, as shown in the Workload Indicators table, below.

**Workload Indicators**

Subactivity	FY 2011		FY 2012			
	Est. (\$000)	Est. Acres	Estimated (\$000)	Estimated Acres	Change from 2011 (\$000)	Change from 2011 Acres
Refuge Acquisition	19,000	20,900	25,500	35,000	+6,500-	++14,100
Waterfowl Production Areas	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
<b>Total</b>	<b>40,000</b>	<b>57,600</b>	<b>54,000</b>	<b>75,000</b>	<b>+14,000</b>	<b>+17,400</b>

Acres Acquired By Fee and Easement			
FY 2002 - 2010			
FY	Fee	Easement	Total
2010	6,398	25,297	31,695
2009	13,870	27,504	41,374
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>126,963</b>	<b>324,544</b>	<b>451,507</b>



*In support of Gulf Coast refuges, the Service has developed commemorative silk cachets. These decorative and collectable envelopes feature a photograph of St. Marks NWR, the 2010/2011 Federal Duck Stamp, and a special brown pelican cancellation stamp. These cachets sell for \$25 and proceeds go into the MBCA for land acquisition at Gulf Coast refuges. The public can purchase the special edition Federal Duck Stamp cachet from Amplex Corporation, the U.S. Fish and Wildlife Service's distributor, by dialing 1-800-852-4897 or at [www.duckstamp.com](http://www.duckstamp.com).*

Standard Form 300

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

Program and financing (in millions of dollars)	2010	2011	2012
Identification code 14-5137-0-303	Actual	Estimate	Estimate
<b>Receipts:</b>			
0200 Migratory bird hunting and conservation stamps	24	22	22
0201 Migratory bird hunting and conservation stamps - Legislative Proposal subject to PAYGO	0	0	14
0202 Custom duties on arms and ammunition	27	22	22
0299 Total Receipts	51	44	58
<b>Appropriations:</b>			
0500 Migratory Bird Conservation Account (-)	-51	-44	-44
0501 Migratory bird hunting and conservation stamps - Legislative Proposal subject to PAYGO			-14
0599 Total Appropriations	-51	-44	-58
0799 Balance, end of year	0	0	0
<b>Obligations by program activity:</b>			
0001 Printing and sale of duck stamps	1	1	2
0003 Acquisition of refuges and other areas	51	43	56
0900 Total obligations	52	44	58
<b>Budgetary resources:</b>			
1000 Unobligated balance available, start of year	9	8	8
1201 Appropriations, mandatory	51	44	58
1930 Total budgetary resources available for obligation	60	52	66
1941 Unobligated balance available, end of year	8	8	8
<b>Change in obligated balance:</b>			
3000 Obligated balance, start of year	10	17	14
3030 Total new obligations	52	44	58
3040 Total outlays, gross (-)	-45	-47	-57
3090 Unpaid obligations, end of year	17	14	15
<b>Budget authority and outlays, net:</b>			
4090 Budget authority, gross	51	44	58
4100 Outlays from new mandatory authority	36	31	41
4101 Outlays from mandatory balances	9	16	16
4110 Total outlays (gross)	45	47	57
4180 Budget authority	51	44	58
4190 Outlays	45	47	57

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MIGRATORY BIRD CONSERVATION ACCOUNT**

Program and financing (in millions of dollars)	2010	2011	2012
Identification code 14-5137-0-303	Actual	Estimate	Estimate
<b>Direct Obligations:</b>			
Personnel compensation:			
11.1 Full-time permanent	5	5	6
12.1 Civilian personnel benefits	1	1	1
25.2 Other Services	1	1	1
25.3 Other goods and services from Federal sources	2	2	2
32.0 Land and structures	41	33	46
99.0 Subtotal, obligations, Direct obligations	50	42	56
99.5 Reporting below threshold	2	2	2
<b>Personnel Summary</b>			
1001 Civilian full-time equivalent employment	63	63	73