

## Migratory Bird Conservation Account

### Appropriations Language

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

### Legislative Proposal

The Fish and Wildlife 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 for 2009. We estimate sales of approximately 1.4 million Duck Stamps in 2009 providing a total of \$35 million at the \$25 price, an increase of \$14 million annually. With the additional receipts, the Service anticipates acquisition of more than 6,000 acres in fee and more than 10,000 acres in conservation easements in 2009.

### Authorizing Statutes

***Migratory Bird Conservation Act of February 18, 1929***, as amended (16 U.S.C. 715), establishes a 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.

***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"). Funds from the sale of the stamp 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.

***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 have 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*.

***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.

***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.

		2007 Actual	2008 Estimate	2009			Change From 2008 (+/-)
				Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	(\$000)	22,542	22,000	-	+14,036	36,036	+14,036
Import Duties on Arms and Ammunition	(\$000)	21,181	18,000	-	-	18,000	-
Estimated User-Pay Cost Share	(\$000)	[887]	[824]	[+10]	-	[834]	[+10]
<b>Total, Migratory Bird Conservation Fund</b>	<b>(\$000) FTE</b>	<b>43,723 66</b>	<b>40,000 66</b>	<b>- -</b>	<b>+14,036 +10</b>	<b>54,036 76</b>	<b>+14,036 +10</b>

#### Summary of 2008 Program Changes for Migratory Bird Conservation Account

Request Component	(\$000)	FTE
• Legislative Proposal to Increase Duck Stamp Price	+14,036	+10
<b>TOTAL, Program Changes</b>	<b>+14,036</b>	<b>+10</b>

#### Justification of 2009 Program Changes

The 2009 budget request for the Migratory Bird Conservation Account is \$54,036,000 and 76 FTE, a net program change of +\$14,036,000 and +10 FTE from the 2008 Enacted.

#### Legislative Proposal to Increase Duck Stamp Price (+\$14,036,000/+10 FTE)

The Service is proposing to amend the *Migratory Bird and Hunting Conservation Stamp Act*, to increase the sales price for Duck Stamps from \$15 to \$25 for 2009 to 2011 and to \$35 beginning in 2013. We estimate sales of approximately 1.44 million duck stamps in 2009, providing \$36,036,000 at the \$25 price, providing an increase in receipts of \$14,036,000.

Federal Migratory Bird Hunting and Conservation Stamps, commonly known as "Duck Stamps," were originally created in 1934 as the Federal stamp required for hunting migratory waterfowl. Today, ninety-eight percent of the receipts generated from the sale of these stamps (\$15 per stamp per year) are used to acquire important migratory bird breeding areas, migration resting places, and wintering areas. The land and water interests located and acquired with the Duck Stamp funds establish or add to existing migratory bird refuges and waterfowl production areas. The price of the Duck Stamp has not increased since 1991; however, the cost of land and water has increased significantly over the past 16 years. The Administration proposes to increase these fees to \$25 per stamp per year, effective beginning in 2009.

The Service has identified a sufficient number of willing sellers and expects no delays in obligating the additional receipts that may result from the proposed price increase. With the additional receipts, the Service anticipates acquisition of approximately 6,800 additional acres in fee and approximately 10,000 additional conservation easement acres in FY 2009. Total acres acquired for FY 2009 would then be approximately 27,700 acres in fee title and 46,700 acres in perpetual conservation easements.

The additional receipts will generate more work than can be accomplished by onboard staff and so the need for approximately 10 additional staff is anticipated. The additional staff will be distributed to the regions based on need and include realty specialists, land surveyors, realty assistants, cartographers, and

program managers. Their duties include boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking associated with land acquisition at NWRS lands and WPA's.

### Program Overview

The Service acquires important migratory bird breeding areas, migration resting places, 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. Under the Department of the Interior's (DOI) Strategic Plan, acquisitions support the Resource Protection goal to sustain biological communities on DOI managed lands and waters.

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 pass upon any area of land, water, or land and water that may be recommended by the Secretary of the Interior for purchase or rental under the Act, and to fix the price or prices at which such area may be purchased or rented; 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. The Secretary is also authorized to approve the use of Migratory Bird Conservation Account funds for the purchase of waterfowl production areas, under authority of the *Migratory Bird Hunting Stamp Act of 1934, as amended*. 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 (normally March, June and September).

To carry out these approved projects, Migratory Bird Conservation Account 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 Migratory Bird Conservation Account funds. For FY 2009, the Service will continue to align resources with workload demands, which may include the use of contractors for commercial activities such as cartography and surveying.

From 1935 to 2007, the Migratory Bird land acquisition program has received just over \$980,000,000 for the acquisition of wetlands and 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 Migratory Bird Conservation Account. The Service has used these funds, including some appropriations received in the early years of the program, to purchase approximately 2,999,410 acres in fee title and 2,335,892 acres in easements or leases. At the close of FY 2007, the Service protected a total of 5,335,302 acres costing a total of \$982,493,172.

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. Easements are agreements that allow the private landowner to retain ownership of the land with certain 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 in the easement area may be prohibited. 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 all levels. In addition, landowners continue to pay the taxes on their easement property.

#### **Program Assessment and Rating Tool (PART)**

The Administration evaluated the Migratory Bird Management Program (MBMP) in 2004, using the Program Assessment Rating Tool (PART). The mission of the MBMP is to conserve and manage the 913 native species/populations of migratory birds and their habitats, in partnership with others, to fulfill U.S. treaty obligations and trust responsibilities. The Service addresses these responsibilities through a variety of programs, including the migratory bird habitat acquisition program.

When the Administration evaluated the MBMP, the Program was found to be deficient because suitable performance measures to evaluate conservation activities were not in place. In response to the evaluation, the Service adopted the long-term performance measure of attaining healthy and sustainable bird population levels for 564 of 913 migratory bird populations by 2008, an increase of five healthy populations over current levels. The Service further stipulated that the status of another five healthy populations will be similarly improved by 2012. The adoption of this measure clarifies that the MBMP is expected to coordinate with partners and implement focused management actions that produce desired changes in the status of targeted bird populations in addition to the other activities for which it presently is responsible. The Migratory Bird land acquisition program assists the MBMP in attaining its objective of increasing healthy and sustainable bird population levels by protecting valuable migratory waterfowl habitat. The Service expects to release the Birds of Conservation Concern report in 2008.

#### **2009 Program Performance**

For the purpose of reporting the number of acres added to the National Wildlife Refuge System under the DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account 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.

STATE	Estimated Acres FY 2009	Estimated Land Acquisition Costs FY 2009
Misc. Lease Payments	10,000	\$75,373
Arkansas	1,251	\$3,552,240
California	1,856	\$4,672,156
Iowa	810	\$2,771,980
Louisiana	704	\$1,455,000
Massachusetts	103	\$169,000
Minnesota	5,872	\$6,171,327
Mississippi	404	\$1,020,000
Montana	5,140	\$640,360
New Hampshire	216	\$165,000
New Jersey	694	\$2,254,240
North Dakota	7,922	\$1,891,260
Oregon	2,797	\$1,893,240
South Carolina	1,292	\$361,947
South Dakota	29,885	\$10,259,551
Texas	3,407	\$4,913,178
Virginia	1,507	\$1,391,132
Wisconsin	540	\$1,350,900
<b>SUBTOTALS:</b>	<b>74,400</b>	<b>\$45,007,884</b>
Waterfowl Production Area Acquisition Costs	n/a	\$4,514,058
Refuge Acquisition Costs	n/a	\$4,514,058
<b>TOTALS</b>	<b>74,400</b>	<b>\$54,036,000</b>

**Note:** The FY 2009 program performance will be based on the assumption that every project under consideration will be proposed and subsequently approved by the Migratory Bird Conservation Commission. Estimates are for the acquisition of approximately 20,885 fee title acres and 36,060 acres of perpetual conservation easements.

See 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, and contributes to additional goals regarding recreational use, protecting cultural and natural heritage resources, and serving communities.

**Workload Indicators**

Subactivity	FY 2007		FY 2008				FY 2009			
	Actual (\$000)	Actual Acres	Estimated (\$000)	Estimated Acres	Change from 2007 (\$000) Acres		Estimated (\$000)	Estimated Acres	Change from 2008 (\$000) Acres	
Refuge Acquisition	19,775	5,815	19,000	19,185	-775	+13,370	26,018	23,271	+7,018	+4,086
Waterfowl Production Areas	22,312	31,373	21,000	37,760	-1,312	+6,387	28,018	51,129	+7,018	+13,369
Duck Stamp Printing and Distribution Costs	478	n/a	750	n/a	+272	n/a	750	n/a	n/a	n/a
<b>Total</b>	<b>42,565</b>	<b>37,188</b>	<b>40,000</b>	<b>56,945</b>	<b>-2,565</b>	<b>+19,757</b>	<b>54,036</b>	<b>74,400</b>	<b>+14,036</b>	<b>+17,455</b>

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
<b>Totals</b>	<b>98,979</b>	<b>239,670</b>	<b>338,649</b>

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DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE

MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in millions of dollars) Identification code 14-5137-0-2-303	2007 Actual	2008 Estimate	2009 Estimate
01.99 Balance, start of year	0	0	0
<b>Receipts:</b>			
02.01 Migratory bird hunting and conservation stamps	23	22	36
02.02 Import duties on arms and ammunition	21	18	18
02.99 Total receipts and collections	44	40	54
<b>Appropriations:</b>			
05.01 Migratory Bird Conservation Account (-)	-44	-40	-54
07.99 Balance, end of year	0	0	0

<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	43	41	55
10.00 Total obligations	44	42	56

<b>Budgetary resources available for obligation:</b>			
21.40 Unobligated balance carried forward, start of year	5	5	3
22.00 New budget authority (gross)	44	40	54
22.10 Resources available from recoveries of prior year obligations	0	0	0
23.90 Total budgetary resources available for obligation	49	45	57
23.95 Total new obligations (-)	-44	-42	-56
24.40 Unobligated balance carried forward, end of year	5	3	1

<b>New budget authority (gross), detail:</b>			
Permanent:			
60.20 Appropriation (special fund)	44	40	54
70.00 Total new budget authority (gross)	44	40	54

<b>Change in obligated balances:</b>			
72.40 Obligated balance, start of year	11	11	11
73.10 Total new obligations	44	42	56
73.20 Total outlays, gross (-)	-44	-42	-51
74.40 Obligated balance, end of year	11	11	16

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FISH AND WILDLIFE SERVICE  
MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in millions of dollars) Identification code 14-5137-0-2-303	2007 Actual	2008 Estimate	2009 Estimate
<b><u>Outlays, (gross) detail:</u></b>			
86.97 Outlays from new mandatory authority	29	28	38
86.98 Outlays from mandatory balances	15	14	13
87.00 Total outlays (gross)	44	42	51
<b><u>Net budget authority and outlays:</u></b>			
89.00 Budget authority	44	40	54
90.00 Outlays	44	42	51
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	6
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	3	3
32.0 Land and structures	33	32	45
99.95 Below Threshold	1		
99.9 Total new obligations	44	42	56
<b><u>Personnel Summary:</u></b>			
Direct:			
1001 Civilian full-time equivalent employment	66	66	76