

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 restore and protect the Pyramid Lake fishery, including the recovery of two endangered or threatened species of fish species. Payments exceeding 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:

P.L. 101-618, section 206(f) – “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

		2007 Actual	2008 Estimate	2009			Change from 2008 (+/-)
				Fixed Costs &Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Operation and Maintenance of Quarters	(\$000) FTE	2,832 6	2,700 6			2,700 6	0 -
Proceeds from Sales	(\$000) FTE	87 -	100 -			100 -	0 -
Lahontan Valley & Pyramid Lake Restoration Fund	(\$000) FTE	523 -	3,000 -		+1,000 -	4,000 -	+1,000 -
Miscellaneous Permanent Appropriations	(\$000) FTE	3,442 6	5,800 6		+1,000 -	6,800 6	+1,000 -

Summary of FY 2009 Program Changes for Miscellaneous Permanent Appropriations

Request Component	(\$000)	FTE
• Contributions to the Lahontan Valley & Pyramid Lake Restoration Fund	+1,000	-
TOTAL Program Changes	+1,000	-

Justification of 2009 Program Changes

The 2009 budget request for Miscellaneous Permanent Appropriations is \$6,800,000 and 6 FTE, a program change of +\$1,000,000 from the 2008 Enacted.

Lahontan Valley and Pyramid Lake (+1,000,000)

The Fish and Wildlife Service projects Lahontan Valley and Pyramid Lake Restoration Fund receipts from land sales to increase by \$1,000,000 from FY 2008 to FY 2009. In FY 2008 and FY 2009, the program is striving to reduce its existing land inventory.

Program Overview

Operations and Maintenance of Quarters

This fund uses receipts from the rental of Fish and Wildlife 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 (e.g., maintaining water flow to fish tanks 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 1,033 units comprised of 807 quarters on 214 refuges, 224 quarters on 63 hatchery facilities, and 2 quarters on one Job Corps Center.

Quarters require regular operational upkeep, 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, access roads, grounds and other site maintenance services; and the purchase of replacement equipment such as household appliances, air conditioners, and furnaces. For example, 2006 Quarters funds paid for health and safety improvements including fire alarm system monitoring, pest control and septic system maintenance at the bunkhouse at Sonny Bono Salton Sea NWR (CA). Maintenance included antenna installation at bunkhouse and residence, replacement appliances and furnishings at bunkhouse. 2007 Quarters funds were also used to temporarily relocate refuge employees from government quarters to a hotel due to wildland fire threat at Hopper Mountain NWR (CA) and used to winterize a residential trailer at Upper Souris NWR (ND). Funds are used to address the highest priority maintenance and rehabilitation projects to address health, safety, and structural problems. Vacant housing is made available for occupancy by volunteers who are not subject to rental payments.

Rental rates are based upon comparability with the private sector. Quarters rental rates are reset on a rotating basis every 5 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.

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 receipts are: soil amendments (lime and fertilizer), road construction and repairs, ditch and fence construction and maintenance. The agreements with the Corps of Engineers specifies 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.

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. 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 million 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 – about 23,600 acre-feet by the Service, 1,800 acre-feet by BIA and 8,800 acre-feet by the state. In addition, the Service has purchased 4,300 acre-feet from the Carson River. Water rights are 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 cottonwood restoration in the lower Truckee River, operation and maintenance of Marble Bluff dam for fish passage, design of fish passage facilities at Derby Dam and other ongoing conservation efforts.

Deposits to this fund are authorized to be made with the net revenues from the Bureau of Reclamation's Stampede Reservoir, proceeds from land sales, donations and other sources.

Expenditures from the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund continued to support the Service's water rights acquisition and land sales programs at Stillwater NWR. Among other expenses covered from this fund, \$260,000 was paid for annual water charges to the Truckee-Carson Irrigation District for delivery of acquired water to wetlands, \$90,000 was used to evaluate potential sale properties for cultural and historic resources and \$84,000 was contributed to a joint effort with the U.S. Geological Survey and other partners to study changes in water use in the upper Carson River basin.

2009 Program Performance

Operation and Maintenance of Quarters

Estimated receipts in 2008 and 2009 are expected to be \$2,700,000 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 2008 and 2009 are expected to be \$100,000 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 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 2009, receipts from land sales are estimated at \$4,000,000 annually.

Standard Form 300

**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MISCELLANEOUS PERMANENT ACCOUNTS**

Program and financing (in millions of dollars) Identification code 14-9927-0-2-303	2007 Actual	2008 Estimate	2009 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	0	3	2
10.00 Total new obligations	3	6	5
<u>Budgetary resources available for obligation:</u>			
21.40 Unobligated balance carried forward, start of year	5	5	5
22.00 New budget authority (gross)	3	6	7
22.10 Resources available from recoveries of prior year obligations	0		
23.90 Total budgetary resources available for obligation	8	11	12
23.95 Total new obligations (-)	-3	-6	-5
24.40 Unobligated balance carried forward, end of year	5	5	7
<u>New budget authority (gross), detail:</u>			
Mandatory:			
60.20 Appropriation (special fund)	3	6	7
70.00 Total new budget authority (gross)	3	6	7
<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	1	0	2
73.10 Total new obligations	3	6	5
73.20 Total outlays (gross) (-)	-4	-4	-7
73.45 Adjustments in unexpired accounts (-)	0	0	0
74.40 Obligated balance, end of year	0	2	0
<u>Outlays (gross), detail:</u>			
86.97 Outlays from new mandatory authority	3	2	2
86.98 Outlays from mandatory balances	1	2	5
87.00 Total outlays (gross)	4	4	7
<u>Net budget authority and outlays:</u>			
89.00 Budget authority	3	6	7
90.00 Outlays	4	4	7
<u>Personnel compensation:</u>			
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	3	2
99.9 Total obligations	3	6	5
<u>Personnel Summary</u>			
Total compensable workyears:			
Full-time equivalent employment	6	6	6