

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 2013. Increasing the cost of Duck Stamps in 2013 will bring the estimate for the Migratory Bird Conservation Fund (MBCF) to approximately \$61.0 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 (MBCC) 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 Fund established by this Act. The Act also authorizes the Secretary of the Interior to use funds from the MBCF 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 MBCF.

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 MBCF; (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

		2011 Actual	2012 Estimate	2013			Change from 2012 (+/-)
				Fixed Costs & Related Changes	Program Changes (+/-)	Budget Request	
Duck Stamp Receipts	(\$000)	22,539	22,000	0	+14,000	36,000	+14,000
Import Duties on Arms and Ammunition	(\$000)	28,295	25,000	0	0	25,000	0
Total, Migratory Bird Management	(\$000) FTE	50,834 65	47,000 65	0	+14,000 +10	61,000 75	+14,000 +10

Summary of FY 2013 Program Changes for Migratory Bird Conservation Account

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

Justification of 2013 Program Changes

The 2013 budget request for the MBCF is \$61,000,000 and 75 FTEs, a program change of +\$14,000,000 and +10 FTEs from the 2012 estimated level. The additional staff of realty specialists, land surveyors, realty assistants, cartographers, and program managers will be hired at the regional level based on workload and acquisition opportunities. 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 2013. Increasing the cost of Duck Stamps in 2013 will bring the estimate for the MBCF to approximately \$61.0 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 2013. Total acres acquired for 2013 would then be approximately 24,000 acres in fee title and 33,000 acres in perpetual conservation easements. The legislation also proposes that the price of the Duck Stamp can be increased after 2013 by the Secretary with approval of the Migratory Bird Conservation Commission.

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 also has authorized the Secretary to approve the use of the MBCF for the purchase of waterfowl production areas. 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 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, the MBCF supports 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 the MBCF.

From 1935 to 2011, the Migratory Bird land acquisition program has received over \$1.1 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 MBCF. 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.



Dusky Canada geese graze at Nestucca Bay NWR, Oregon

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 MBCF 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. Two new MBCF refuges exemplify the quality waterfowl habitats that the Fund supports.

- The Dakota Grasslands Conservation Area lies in the Prairie Pothole Region (PPR) and includes parts of both North and South Dakota. The PPR consists of shallow wetlands surrounded by native prairie. It is a biome renowned for its capacity to produce and sustain tremendous numbers of migratory waterfowl. The North American Waterfowl Management Plan identified the PPR as the continent's top priority for waterfowl conservation. At its most recent meeting, the Migratory Bird Conservation Commission approved the easement acquisition of over 2,700 acres for \$1.4 million.



Ducks dabble in a wetland at Dakota Grassland Conservation Area in South Dakota.

- The Nestucca Bay Refuge, in Tillamook County, Oregon, was established to provide wintering habitat for dusky Canada geese and Aleutian Canada (now cackling) geese and to protect diverse coastal wetland habitats and upland habitat buffers for a variety of migratory waterfowl, shorebirds, raptors, songbirds, and anadromous fish. Prior to the establishment of the Neskowin Marsh Unit of the Refuge, Neskowin Marsh was the largest unprotected freshwater marsh remaining on the Oregon Coast. It is a rare and outstanding example of a coastal bog ecosystem with exceptional biological values. Within the approved refuge acquisition boundary of 3,435 acres, the Fish and Wildlife Service has acquired 997 acres.

2013 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 2013, as shown in the Workload Indicators table.

Workload Indicators

Subactivity	FY 2012		FY 2013			
	Est. (\$000)	Est. Acres	Estimated (\$000)	Estimated Acres	Change from 2012 (\$000) Acres	
Refuge Acquisition	20,250	20,000	24,250	27,000	+4,000	+7,000
Waterfowl Production Areas	26,000	20,200	36,000	30,200	+10,000	+10,000
Duck Stamp Printing and Distribution Costs	750	n/a	750	n/a	-	n/a
Total	47,000	40,200	61,000	57,200	+14,000	+17,000

FY	Fee	Easement	Total
2011	16,719	23,160	39,879
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
Totals	143,682	347,704	491,386

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

Program and financing (in millions of dollars)	2011	2012	2013
Identification code 14-5137-0-303	Actual	Estimate	Estimate
<u>Receipts:</u>			
0200 Migratory bird hunting and conservation stamps	23	22	22
0201 Migratory bird hunting and conservation stamps - Legislative Proposal subject to PAYGO	0	0	14
0202 Custom duties on arms and ammunition	28	25	25
0299 Total Receipts	51	47	61
<u>Appropriations:</u>			
0500 Migratory Bird Conservation Account (-)	-51	-47	-47
0501 Migratory bird hunting and conservation stamps - Legislative Proposal subject to PAYGO			-14
0599 Total Appropriations	-51	-47	-61
0799 Balance, end of year	0	0	0
<u>Obligations by program activity:</u>			
0001 Printing and sale of duck stamps	1	1	2
0003 Acquisition of refuges and other areas	50	46	55
0900 Total obligations	51	47	57
<u>Budgetary resources:</u>			
1000 Unobligated balance available, start of year	9	9	9
1201 Appropriations, mandatory	51	47	61
1930 Total budgetary resources available for obligation	60	56	70
1941 Unobligated balance available, end of year	9	9	13
<u>Change in obligated balance:</u>			
3000 Obligated balance, start of year	17	21	19
3030 Total new obligations	51	47	61
3040 Total outlays, gross (-)	-47	-49	-59
3090 Unpaid obligations, end of year	21	19	21
<u>Budget authority and outlays, net:</u>			
4090 Budget authority, gross	51	47	61
4100 Outlays from new mandatory authority	31	33	43
4101 Outlays from mandatory balances	16	16	16
4110 Total outlays (gross)	47	49	59
4180 Budget authority	51	47	61
4190 Outlays	47	49	59

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

Program and financing (in millions of dollars)	2011	2012	2013
Identification code 14-5137-0-303	Actual	Estimate	Estimate
Direct Obligations:			
Personnel compensation:			
11.1 Full-time permanent	5	5	6
12.1 Civilian personnel benefits	2	2	2
25.2 Other Services	1	1	1
25.3 Other goods and services from Federal sources	2	2	2
32.0 Land and structures	40	36	49
99.0 Subtotal, obligations, Direct obligations	50	46	60
99.5 Reporting below threshold	1	1	1
99.9 Total obligations	51	47	61
Personnel Summary			
1001 Civilian full-time equivalent employment	65	65	75

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