

H.R.3221

Renewable Energy and Energy Conservation Tax Act of 2007 (Engrossed as Agreed to or Passed by House)

I. Subchapter B--National Policy and Strategy for Wildlife

II. SEC. 7451. SHORT TITLE.

This subchapter may be cited as the 'Global Warming Wildlife Survival Act'.

III. SEC. 7452. NATIONAL POLICY ON WILDLIFE AND GLOBAL WARMING.

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, landowners, and citizens to use all practicable means and measures--

- (1) to assist wildlife populations and their habitats in adapting to and surviving the effects of global warming;
- and
- (2) to ensure the persistence and resilience of the wildlife of the United States, together with its habitat, as an essential part of our Nation's culture, landscape, and natural resources.

IV. SEC. 7453. DEFINITIONS.

In this chapter:

- (1) ECOLOGICAL PROCESSES- The term 'ecological processes' means the biological, chemical, and physical interactions between the biotic and abiotic components of ecosystems, including nutrient cycling, pollination, predator-prey relationships, soil formation, gene flow, hydrologic cycling, decomposition, and disturbance regimes such as fire and flooding.
- (2) HABITAT LINKAGES- The term 'habitat linkages' means areas that connect wildlife habitat or potential wildlife habitat, and that facilitate the ability of wildlife to move within a landscape in response to the effects of global warming.
- (3) SECRETARY- The term 'Secretary' means the Secretary of the Interior.
- (4) WILDLIFE- The term 'wildlife' means--

**(A) any species of wild, free-ranging fauna, including fish and other aquatic species; and
(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.**

(5) HABITAT- The term `habitat' means the physical, chemical, and biological properties that are used by wildlife for growth, reproduction, and survival, including aquatic and terrestrial plant communities, food, water, cover, and space, on a tract of land, in a body of water, or in an area or region.

V. SEC. 7454. NATIONAL STRATEGY.

(a) Requirement-

(1) IN GENERAL- The Secretary shall, within two years after the date of the enactment of this Act, on the basis of the best available science as provided by the science advisory board under section 7455, and in cooperation with State fish and wildlife agencies and Indian tribes, promulgate a national strategy for assisting wildlife populations and their habitats in adapting to the impacts of global warming.

(2) CONSULTATION AND COMMENT- In developing the national strategy, the Secretary shall--

(A) consult with the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, local governments, conservation organizations, scientists, and other interested stakeholders; and

(B) provide opportunity for public comment.

(b) Contents-

(1) IN GENERAL- The Secretary shall include in the national strategy prioritized goals and measures to--

(A) identify and monitor wildlife populations, including game species, likely to be adversely affected by global warming, with particular emphasis on wildlife populations at greatest need for conservation;

(B) identify and monitor coastal, marine, terrestrial, and freshwater habitat at greatest risk of being damaged by global warming;

(C) assist species in adapting to the impacts of global warming;

(D) protect, acquire, and restore wildlife habitat to build resilience to global warming;

(E) provide habitat linkages and corridors to facilitate wildlife movements in response to global warming;

(F) restore and protect ecological processes that sustain wildlife populations vulnerable to global warming; and

(G) incorporate consideration of climate change in, and integrate climate change adaptation strategies for wildlife and its habitat into, the planning and management of Federal lands administered by the Department of the Interior and lands administered by the Forest Service.

(2) COORDINATION WITH OTHER PLANS- In developing the national strategy, the Secretary shall to the maximum extent practicable--

(A) take into consideration research and information in State comprehensive wildlife conservation plans, the North American Waterfowl Management Plan, the National Fish Habitat Action Plan, and other relevant plans; and

(B) coordinate and integrate, to the extent consistent with the policy set forth in section 7452, the goals and measures identified in the national strategy with goals and measures identified in such plans.

(c) Revision- The Secretary shall revise the national strategy not later than five years after its initial promulgation, and not later than every ten years thereafter, to reflect new information on the impacts of global warming on wildlife and its habitat and advances in the development of strategies for adapting to or mitigating for such impacts.

(d) Implementation-

(1) IMPLEMENTATION ON FEDERAL LAND SYSTEMS- To achieve the goals of the national strategy and to implement measures for the conservation of wildlife and its habitat identified in the national strategy--

(A) the Secretary of the Interior shall exercise the authority of such Secretary under this title and other laws within the Secretary's jurisdiction pertaining to the administration of lands; and

(B) the Secretary of Agriculture shall exercise the authority of such Secretary under this title and other laws within the Secretary's jurisdiction pertaining to the administration of lands.

(2) WILDLIFE CONSERVATION PROGRAMS- To the maximum extent practicable, the Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall utilize their authorities under other laws to achieve the goals of the national strategy.

(e) Limitation on Effect- Nothing in this section creates new authority or expands existing authority for the Secretary to regulate the uses of private property.

VI. SEC. 7455. ADVISORY BOARD.

(a) Science Advisory Board-

(1) IN GENERAL- The Secretary shall establish and appoint the members of a science advisory board comprised of not less than 10 and not more than 20 members recommended by the President of the National Academy of Sciences with expertise in wildlife biology, ecology, climate change and other relevant disciplines. The director of the National Global Warming and Wildlife Science Center established under subsection (b) shall be an ex officio member of the science advisory board.

(2) FUNCTIONS- The science advisory board shall--

(A) provide scientific and technical advice and recommendations to the Secretary on the impacts of global warming on wildlife and its habitat, areas of habitat of particular importance for the conservation of wildlife populations affected by global warming, and strategies and mechanisms to assist wildlife populations and their habitats in adapting to the impacts of global warming in the management of Federal lands and in other Federal programs for wildlife conservation;

(B) advise the National Global Warming and Wildlife Science Center established under subsection (b) and review the quality of the research programs of the Center; and

(C) advise the Secretary regarding the best science available for purposes of developing and revising the national strategy under section 7454.

(3) PUBLIC AVAILABILITY- The advice and recommendations of the science advisory board shall be available to the public.

(b) National Global Warming and Wildlife Science Center-

(1) IN GENERAL- The Secretary shall establish the National Global Warming and Wildlife Science Center within the United States Geological Survey.

(2) FUNCTIONS- The National Global Warming and Wildlife Science Center shall--

(A) conduct scientific research on national issues related to the impacts of global warming on wildlife and its habitat and mechanisms for adaptation to, mitigation of, or prevention of such impacts;

(B) consult with and advise Federal land management agencies and Federal wildlife agencies regarding the impacts of global warming on wildlife and its habitat and mechanisms for adaptation to or mitigation of such impacts, and the incorporation of information regarding such impacts and the adoption of mechanisms for adaptation or mitigation of such impacts in the management and planning for Federal lands and in the administration of Federal wildlife programs; and

(C) consult, and to the maximum extent practicable, collaborate with State and local agencies, universities, and other public and private entities regarding their research, monitoring, and other efforts to address the impacts of global warming on wildlife and its habitat.

(3) INTEGRATION WITH OTHER FEDERAL ACTIVITIES- The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall ensure that research and other activities carried out pursuant to this section are integrated with climate change program research and activities carried out pursuant to other Federal law.

(c) Detection of Changes- The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall each exercise authorities under other laws to carry out programs to detect changes in wildlife abundance, distribution, and behavior related to global warming, including--

(1) conducting species inventories on Federal lands and in marine areas within the exclusive economic zone of the United States; and

(2) establishing and implementing robust, coordinated monitoring programs.

VII. SEC. 7456. AUTHORIZATION OF APPROPRIATIONS.

(a) Implementation of National Strategy- Of the amounts appropriated to carry out this subchapter for each fiscal year--

(1) 45 percent are authorized to be made available to Federal agencies to develop and implement the national strategy promulgated under section 7454 in the administration of the Federal land systems, of which--

(A) 35 percent shall be allocated to the Department of the Interior to--

(i) operate the National Global Warming and Wildlife Science Center established under section 7455; and

(ii) carry out the policy set forth in section 7452 and implement the national strategy in the administration of the National Park System the National Wildlife Refuge System, and on the Bureau of Land Management's public lands; and

(B) 10 percent shall be allocated to the Department of Agriculture to carry out the policy set forth in section 7452 and implement the national strategy in the administration of the National Forest System;

(2) 25 percent are authorized to be made available to Federal agencies to carry out the policy set forth in section 7452 and

to implement the national strategy through fish and wildlife programs, other than for the operation and maintenance of Federal lands, of which--

(A) 10 percent shall be allocated to the Department of the Interior to fund endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service, other than operations and maintenance of the national wildlife refuges; and

(B) 15 percent shall be allocated to the Department of the Interior for implementation of cooperative grant programs benefitting wildlife including the Cooperative Endangered Species Fund, Private Stewardship Grants, the North American Wetlands Conservation Act, the Multinational Species Conservation Fund, the Neotropical Migratory Bird Conservation Fund, and the National Fish Habitat Action Plan, and used for activities that assist wildlife and its habitat in adapting to the impacts of global warming; and

(3) 30 percent are authorized to be made available for grants to States and Indian tribes through the State and tribal wildlife grants program authorized under section 7461, to--

(A) carry out activities that assist wildlife and its habitat in adapting to the impacts of global warming in accordance with State comprehensive wildlife conservation plans developed and approved under that program; and

(B) revise or supplement existing State comprehensive wildlife conservation plans as necessary to include specific strategies for assisting wildlife and its habitat in adapting to the impacts of global warming.

(b) Availability-

(1) IN GENERAL- Funding is authorized to be made available to States and Indian tribes pursuant to this section subject to paragraphs (2) and (3).

(2) INITIAL 5-YEAR PERIOD- During the 5-year period beginning on the effective date of this title, a State shall not be eligible to receive such funding unless the head of the State's wildlife agency has--

(A) approved, and provided to the Secretary, an explicit strategy to assist wildlife populations in adapting to the impacts of global warming; and

(B) incorporated such strategy as a supplement to the State's comprehensive wildlife conservation plan.

(3) SUBSEQUENT PERIOD- After such 5-year period, a State shall not be eligible to receive such funding unless the State has submitted to the Secretary, and the Secretary has

approved, a revision to its comprehensive wildlife conservation plan that--

(A) describes the impacts of global warming on the diversity and health of the State's wildlife populations and their habitat;

(B) describes and prioritizes proposed conservation actions to assist wildlife populations in adapting to such impacts;

(C) establishes programs for monitoring the impacts of global warming on wildlife populations and their habitats; and

(D) establishes methods for assessing the effectiveness of conservation actions taken to assist wildlife populations in adapting to such impacts and for adapting such actions to respond appropriately to new information or changing conditions.

(c) Intent of Congress- It is the intent of Congress that funding provided to Federal agencies and States pursuant to this subchapter supplement, and not replace, existing sources of funding for wildlife conservation.

VIII. Subchapter C--State and Tribal Wildlife Grants Program

IX. SEC. 7461. STATE AND TRIBAL WILDLIFE GRANTS PROGRAM.

(a) Authorization of Program- There is authorized to be established a State and Tribal Wildlife Grants Program to be administered by the Secretary of the Interior and to provide wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes for the planning, development, and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished.

(b) Allocation of Funds-

(1) IN GENERAL- Of the amounts made available to carry out this section for each fiscal year--

(A) 10 percent shall be for a competitive grant program for Indian tribes that are not subject to the remaining provisions of this section;

(B) of the amounts remaining after the application of subparagraph (A), and after the deduction of the Secretary's administrative expenses to carry out this section--

(i) not more than one-half of 1 percent shall be allocated to each of the District of Columbia and to the Commonwealth of Puerto Rico; and
(ii) not more than one-fourth of 1 percent shall be allocated to each of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands;
and

(C) of the amount remaining after the application of subparagraphs (B) and (C), the secretary shall apportion among the States--

(i) one-third based on the ratio that the land area of each State bears to the total land area of all States; and

(ii) two-thirds based on the ratio that the population of each State bears to the total population of all States.

(2) ADJUSTMENTS- The amounts apportioned under subparagraph (C) of paragraph (1) for a fiscal year shall be adjusted equitably so that no State is apportioned under such subparagraph a sum that is--

(A) less than 1 percent of the amount available for apportionment under that subparagraph that fiscal year; or

(B) more than 5 percent of such amount.

(c) Cost Sharing-

(1) PLAN DEVELOPMENT GRANTS- The Federal share of the costs of developing or revising a comprehensive wildlife conservation plan shall not exceed 75 percent of the total costs of developing or revising such plan.

(2) PLAN IMPLEMENTATION GRANTS- The Federal share of the costs of implementing an activity in an approved comprehensive wildlife conservation plan carried out with a grant under this section shall not exceed 50 percent of the total costs of such activities.

(3) PROHIBITION ON USE OF FEDERAL FUNDS- The non-Federal share of costs of an activity carried out under this section shall not be paid with amounts derived from any Federal grant program.

(d) Requirement for Plan-

(1) IN GENERAL- No State, territory, or other jurisdiction shall be eligible for a grant under this section unless it submits to the Secretary a comprehensive wildlife conservation plan that-

(A) complies with paragraph (2); and

(B) considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the

greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species.

(2) CONTENTS- The comprehensive wildlife conservation plan must contain--

(A) information on the distribution and abundance of species of wildlife, including low and declining populations as the State, territory, or other jurisdiction's fish and wildlife agency considers appropriate, that are indicative of the diversity and health of the jurisdiction's wildlife;

(B) the location and relative condition of key habitats and community types essential to conservation of species identified in subparagraph (A);

(C) descriptions of problems which may adversely affect species identified in subparagraph (A) or their habitats, and priority research and survey efforts needed to identify factors that may assist in restoration and improved conservation of these species and habitats;

(D) descriptions of conservation actions proposed to conserve the identified species and habitats and priorities for implementing such actions;

(E) proposed plans for monitoring species identified in subparagraph (A) and their habitats, for monitoring the effectiveness of the conservation actions proposed in subparagraph (D), and for adapting these conservation actions to respond appropriately to new information or changing conditions;

(F) descriptions of procedures to review the comprehensive wildlife conservation plan at intervals not to exceed ten years;

(G) plans for coordinating the development, implementation, review, and revision of the comprehensive wildlife conservation plan with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the jurisdiction or administer programs that significantly affect the conservation of identified species and habitats; and

(H) provisions for broad public participation as an essential element of the development, revision, and implementation of the comprehensive wildlife conservation plan.

(e) Savings Clause- State comprehensive wildlife strategies approved by the Secretary pursuant to previous congressional authorizations and appropriations Acts shall remain in effect until such strategies expire or are revised in accordance with their terms. Except as specified in section 7456(b) with respect to funds made available under such section, conservation and education activities

conducted or proposed to be conducted pursuant to such previously approved strategies shall remain authorized.

(f) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.