

Calendar No. 134

109TH CONGRESS
1ST SESSION

S. 260

[Report No. 109–86]

To authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2005

Mr. INHOFE (for himself, Mr. COCHRAN, Mr. JEFFORDS, and Mr. CHAFEE) introduced the following bill, which was read twice and referred to the Committee on Environment and Public Works

JUNE 22, 2005

Reported by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Partners for Fish and
3 Wildlife Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) approximately 60 percent of fish and wild-
7 life in the United States are on private land;

8 (2) it is imperative to facilitate private land-
9 owner-centered and results-oriented efforts that pro-
10 mote efficient and innovative ways to protect and en-
11 hance natural resources;

12 (3) there is no readily available source of tech-
13 nical biological information that the public can ac-
14 cess to assist with the application of state-of-the-art
15 techniques to restore, enhance, and manage fish and
16 wildlife habitats;

17 (4) a voluntary cost-effective program that
18 leverages public and private funds to assist private
19 landowners in the conduct of state-of-the-art fish
20 and wildlife habitat restoration, enhancement, and
21 management projects is needed;

22 (5) durable partnerships working collaboratively
23 with willing private landowners to implement on-the-
24 ground projects has lead to the reduction of endan-
25 gered species listings;

1 (6) Executive Order No. 13352 (69 Fed. Reg.
2 52989) directs the Departments of the Interior, Ag-
3 riculture, Commerce, and Defense and the Environ-
4 mental Protection Agency to pursue new cooperative
5 conservation programs involving the collaboration of
6 Federal, State, local, and tribal governments, private
7 for-profit and non-profit institutions, non-govern-
8 mental entities, and individuals;

9 (7) since 1987, the Partners for Fish and Wild-
10 life Program has exemplified cooperative conserva-
11 tion as an innovative, voluntary partnership program
12 that helps private landowners restore wetland and
13 other important fish and wildlife habitat; and

14 (8) through 33,103 agreements with private
15 landowners, the Partners for Fish and Wildlife Pro-
16 gram has accomplished the restoration of 677,000
17 acres of wetland, 1,253,700 acres of prairie and na-
18 tive grasslands, and 5,560 miles of riparian and in-
19 stream habitat since 1987, demonstrating much of
20 that success since only 2001.

21 (b) PURPOSE.—The purpose of this Act is to provide
22 for the restoration, enhancement, and management of fish
23 and wildlife habitats on private land through the Partners
24 for Fish and Wildlife Program, a program that works with
25 private landowners to conduct cost-effective habitat

1 projects for the benefit of fish and wildlife resources in
 2 the United States.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **FEDERAL TRUST SPECIES.**—The term
 6 “Federal trust species” means migratory birds,
 7 threatened species, endangered species, interjurisdic-
 8 tional fish, marine mammals, and other species of
 9 concern.

10 (2) **HABITAT ENHANCEMENT.**—

11 (A) **IN GENERAL.**—The term “habitat en-
 12 hancement” means the manipulation of the
 13 physical, chemical, or biological characteristics
 14 of a ~~native~~ habitat to change a specific function
 15 or seral stage of the ~~native~~ habitat.

16 (B) **INCLUSIONS.**—The term “habitat en-
 17 hancement” includes—

18 (i) an activity conducted to increase
 19 or decrease a specific function for the pur-
 20 pose of benefitting species, including—

21 (I) increasing the hydroperiod
 22 and water depth of a stream or wet-
 23 land beyond what would naturally
 24 occur;

1 (II) improving waterfowl habitat
2 conditions;

3 (III) establishing water level
4 management capabilities for native
5 plant communities;

6 (IV) creating mud flat conditions
7 important for shorebirds; and

8 (V) cross fencing or establishing
9 a rotational grazing system on native
10 range to improve grassland nesting
11 bird habitat conditions; and

12 (ii) an activity conducted to shift a
13 native plant community successional stage,
14 including—

15 (I) burning an established native
16 grass community to reduce or elimi-
17 nate invading brush or exotic species;

18 (II) brush shearing to set back
19 early successional plant communities;
20 and

21 (III) forest management that
22 promotes a particular seral stage.

23 (C) EXCLUSIONS.—The term “habitat en-
24 hancement” does not include regularly sched-
25 uled and routine maintenance and management

1 activities, such as annual mowing or spraying of
 2 unwanted vegetation.

3 (3) HABITAT ESTABLISHMENT.—The term
 4 “habitat establishment” means the manipulation of
 5 physical, chemical, or biological characteristics of a
 6 project site to create and maintain habitat that did
 7 not previously exist on the project site, including
 8 construction of—

9 (A) shallow water impoundments on non-
 10 hydric soils; and

11 (B) side channel spawning and rearing
 12 habitat.

13 (4) HABITAT IMPROVEMENT.—The term “habi-
 14 tat improvement” means restoring ~~or artificially pro-~~
 15 ~~viding~~, *enhancing, or establishing* physiographic,
 16 hydrological, or disturbance conditions necessary to
 17 establish or maintain native plant and animal com-
 18 munities, including periodic manipulations to main-
 19 tain intended habitat conditions on completed
 20 project sites.

21 (5) HABITAT RESTORATION.—

22 (A) IN GENERAL.—The term “habitat res-
 23 toration” means the manipulation of the phys-
 24 ical, chemical, or biological characteristics of a
 25 site with the goal of returning the majority of

1 natural functions to the lost or degraded native
2 habitat.

3 (B) INCLUSIONS.—The term “habitat res-
4 toration” includes—

5 (i) an activity conducted to return a
6 project site, to the maximum extent prac-
7 ticable, to the ecological condition that ex-
8 isted prior to the loss or degradation, in-
9 cluding—

10 (I) removing tile drains or plug-
11 ging drainage ditches in former or de-
12 graded wetland;

13 (II) returning meanders and sus-
14 tainable profiles to straightened
15 streams;

16 (III) burning grass communities
17 heavily invaded by exotic species to re-
18 establish native grass and plant com-
19 munities; and

20 (IV) planting plant communities
21 that are native to the project site;

22 (ii) if restoration of a project site to
23 its original ecological condition is not prac-
24 ticable, an activity that repairs 1 or more
25 of the original habitat functions and that

involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term “private land” means any land that is not owned by the Federal Government, ~~a State, or a political subdivision of a State~~ *or a State*.

(B) INCLUSIONS.—The term “private land” includes tribal land and Hawaiian homeland.

1 (7) PROJECT.—The term “project” means a
 2 project carried out under the Partners for Fish and
 3 Wildlife Program established by section 4.

4 (8) SECRETARY.—The term “Secretary” means
 5 the Secretary of the Interior.

6 **SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.**

7 The Secretary shall carry out the Partners for Fish
 8 and Wildlife Program within the United States Fish and
 9 Wildlife Service to provide technical and financial assist-
 10 ance to private landowners for the conduct of voluntary
 11 projects to benefit Federal trust species by promoting
 12 habitat improvement, habitat restoration, habitat en-
 13 hancement, and habitat establishment.

14 **SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.**

15 *The Secretary shall carry out the Partners for Fish*
 16 *and Wildlife Program within the United States Fish and*
 17 *Wildlife Service to provide—*

18 (1) *technical and financial assistance to private*
 19 *landowners for the conduct of voluntary projects to*
 20 *benefit Federal trust species by promoting habitat im-*
 21 *provement, habitat restoration, habitat enhancement,*
 22 *and habitat establishment; and*

23 (2) *technical assistance to other public and pri-*
 24 *vate entities regarding fish and wildlife habitat res-*
 25 *toration on private land.*

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act not more than \$75,000,000 for each of fiscal
4 years 2006 through 2011.

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