

111TH CONGRESS
2^D SESSION

H. R. 5101

To expand the science and stewardship of America's most important wildlife corridors.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2010

Mr. HOLT (for himself, Mr. POLIS of Colorado, Mr. HINCHEY, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expand the science and stewardship of America's most important wildlife corridors.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildlife Corridors Con-
5 servation Act of 2010”.

1 **SEC. 2. NATIONAL FISH AND WILDLIFE HABITAT AND COR-**
2 **RIDORS INFORMATION PROGRAM.**

3 (a) ESTABLISHMENT.—Within 6 months after the
4 date of enactment of this Act, the Secretary of the Inte-
5 rior, in cooperation with the States and Indian tribes, shall
6 establish a National Fish and Wildlife Habitat and Cor-
7 ridors Information Program in accordance with the re-
8 quirements of this section.

9 (b) PURPOSE.—The purpose of this program is to—

10 (1) support States and Indian tribes in the de-
11 velopment of a geographic information system data-
12 base of fish and wildlife habitat and corridors that
13 would inform planning and development decisions
14 within each State and Indian tribe, enable each
15 State and Indian tribe to model climate impacts and
16 adaptation, and provide geographically specific en-
17 hancements of State and tribal wildlife action plans;

18 (2) ensure the collaborative development, with
19 the States and Indian tribes, of a comprehensive,
20 national geographic information system database of
21 maps, models, data, surveys, informational products,
22 and other geospatial information regarding fish and
23 wildlife habitat and corridors, that—

24 (A) is based on consistent protocols for
25 sampling and mapping across landscapes that
26 take into account regional differences; and

1 (B) that utilizes—

2 (i) existing and planned State- and
3 tribal-based geographic information system
4 databases; and

5 (ii) existing databases, analytical
6 tools, metadata activities, and other infor-
7 mation products available through the Na-
8 tional Biological Information Infrastruc-
9 ture maintained by the Secretary and non-
10 governmental organizations; and

11 (3) facilitate the use of such databases by Fed-
12 eral, State, local, and tribal decisionmakers to incor-
13 porate qualitative and quantitative information on
14 fish and wildlife habitat and corridors at the earliest
15 possible stage to—

16 (A) prioritize and target natural resources
17 adaptation strategies and activities;

18 (B) avoid, minimize, and mitigate the im-
19 pacts on fish and wildlife habitat and corridors
20 in siting energy development, water, trans-
21 mission, transportation, and other land use
22 projects;

23 (C) assess the impacts of existing develop-
24 ment on habitats and corridors; and

1 (D) develop management strategies to en-
2 hance the ability of native fish, wildlife, and
3 plant species to migrate or respond to shifting
4 habitats within existing habitats and corridors.

5 (c) HABITAT AND CORRIDORS INFORMATION SYS-
6 TEM.—

7 (1) IN GENERAL.—The Secretary, in coopera-
8 tion with the States and Indian tribes, shall develop
9 a Habitat and Corridors Information System.

10 (2) CONTENTS.—The System shall—

11 (A) include maps, data, and descriptions of
12 fish and wildlife habitat and corridors, that—

13 (i) have been developed by Federal
14 agencies, State wildlife agencies and nat-
15 ural heritage programs, Indian tribes, local
16 governments, nongovernmental organiza-
17 tions, and industry; and

18 (ii) meet accepted Geospatial Inter-
19 operability Framework data and metadata
20 protocols and standards;

21 (B) include maps and descriptions of pro-
22 jected shifts in habitats and corridors of fish
23 and wildlife species in response to climate
24 change;

1 (C) assure data quality and make the data,
2 models, and analyses included in the System
3 available at scales useful to decisionmakers—

4 (i) to prioritize and target natural re-
5 sources adaptation strategies and activi-
6 ties;

7 (ii) to assess the impacts of proposed
8 energy development, water, transmission,
9 transportation, and other land use projects
10 and avoid, minimize, and mitigate those
11 impacts on habitats and corridors;

12 (iii) to assess the impacts of existing
13 development on habitats and corridors; and

14 (iv) to develop management strategies
15 to enhance the ability of fish, wildlife, and
16 plant species to migrate or respond to
17 shifting habitats within existing habitats
18 and corridors;

19 (D) establish a coordinated process for up-
20 dating maps and other information as land-
21 scapes, habitats, corridors, and wildlife popu-
22 lations change or as other information becomes
23 available;

24 (E) encourage the development of collabo-
25 rative plans by Federal and State agencies and

1 Indian tribes to monitor and evaluate the effi-
2 cacy of the System to meet the needs of deci-
3 sionmakers;

4 (F) identify gaps in habitat and corridor
5 information, mapping, and research that should
6 be addressed to fully understand and assess
7 current data and metadata, and to prioritize re-
8 search and future data collection activities for
9 use in updating the System and provide support
10 for those activities;

11 (G) include mechanisms to support collabo-
12 rative research, mapping, and planning of habi-
13 tats and corridors by Federal and State agen-
14 cies, Indian tribes, and other interested stake-
15 holders;

16 (H) incorporate biological and geospatial
17 data on species and corridors affected by energy
18 development and transmission plans, including
19 renewable energy initiatives, transportation, and
20 other land use plans;

21 (I) be based on the best scientific informa-
22 tion available; and

23 (J) identify, prioritize, and describe key
24 parcels of non-Federal land located within the
25 boundaries of units of the National Park Sys-

1 tem, National Wildlife Refuge System, National
2 Forest System, or National Grassland System
3 that are critical to maintenance of wildlife habi-
4 tat and migration corridors.

5 (d) FINANCIAL AND OTHER SUPPORT.—The Sec-
6 retary may provide support to the States and Indian
7 tribes, including financial and technical assistance, for ac-
8 tivities that support the development and implementation
9 of the System.

10 (e) COORDINATION.—The Secretary, in cooperation
11 with the States and Indian tribes, shall make rec-
12 ommendations on how the information developed in the
13 System may be incorporated into existing relevant State
14 and Federal plans affecting fish and wildlife, including
15 land management plans, the State Comprehensive Wildlife
16 Conservation Strategies, and appropriate tribal conserva-
17 tion plans, to ensure that they—

18 (1) prevent unnecessary habitat fragmentation
19 and disruption of corridors;

20 (2) promote the landscape connectivity nec-
21 essary to allow wildlife to move as necessary to meet
22 biological needs, adjust to shifts in habitat, and
23 adapt to climate change; and

24 (3) minimize the impacts of energy, develop-
25 ment, water, transportation, and transmission

1 projects and other activities expected to impact habi-
2 tat and corridors.

3 (f) DEFINITIONS.—In this section:

4 (1) GEOSPATIAL INTEROPERABILITY FRAME-
5 WORK.—The term “Geospatial Interoperability
6 Framework” means the strategy utilized by the Na-
7 tional Biological Information Infrastructure that is
8 based upon accepted standards, specifications, and
9 protocols adopted through the International Stand-
10 ards Organization, the Open Geospatial Consortium,
11 and the Federal Geographic Data Committee, to
12 manage, archive, integrate, analyze, and make acces-
13 sible geospatial and biological data and metadata.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section there is authorized to be appropriated to
18 the Secretary \$1,000,000.

19 **SEC. 3. ADDITIONAL PROVISIONS REGARDING INDIAN**
20 **TRIBES.**

21 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in
22 this Act is intended to amend, alter, or give priority over
23 the Federal trust responsibility to Indian tribes.

24 (b) EXEMPTION FROM FOIA.—Information received
25 by a Federal agency pursuant to this Act relating to the

1 location, character, or ownership of human remains of a
2 person of Indian ancestry; or resources, cultural items,
3 uses, or activities identified by an Indian tribe as tradi-
4 tional or cultural because of the long-established signifi-
5 cance or ceremonial nature to the Indian tribe; shall not
6 be subject to disclosure under section 552 of title 5,
7 United States Code, if the head of the agency, in consulta-
8 tion with the Secretary of the Interior and an affected In-
9 dian tribe, determines that disclosure may—

- 10 (1) cause a significant invasion of privacy;
- 11 (2) risk harm to the human remains or re-
12 sources, cultural items, uses, or activities; or
- 13 (3) impede the use of a traditional religious site
14 by practitioners.

15 (c) APPLICATION OF OTHER LAW.—The Secretary of
16 the Interior may apply the provisions of Public Law 93–
17 638 where appropriate in the implementation of this sub-
18 part.

19 **SEC. 4. WILDLIFE CORRIDORS STEWARDSHIP AND PROTEC-**
20 **TION PROGRAM.**

21 (a) ESTABLISHMENT OF PROGRAM.—

- 22 (1) IN GENERAL.—Subject to paragraph (2),
23 the Secretary of the Interior shall transfer amounts
24 in the Wildlife Corridors Stewardship and Protection
25 Fund established by this section, without further Act

1 of appropriation, to the National Fish and Wildlife
2 Foundation for use by the Foundation to establish
3 and implement a Wildlife Corridors Stewardship and
4 Protection Grant Program in accordance with this
5 section to fund projects to advance important wild-
6 life corridor stewardship and protection.

7 (2) ADMINISTRATIVE EXPENSES.—The Sec-
8 retary of the Interior may transfer funds to the
9 Foundation under this subsection in advance, with-
10 out regard to when expenses are incurred. The funds
11 transferred shall be subject to the provisions of the
12 National Fish and Wildlife Foundation Establish-
13 ment Act, excluding subsection (a) of section 10 of
14 that Act (16 U.S.C. 3709(a)).

15 (b) PROJECT APPLICANTS.—A project proposal may
16 be submitted to the Foundation for funding under the
17 Program only by—

18 (1) an individual, corporation, partnership, non-
19 governmental organization, trust, association, or
20 other private entity; or

21 (2) an officer, employee, agent, department, or
22 instrumentality of the Federal Government, of any
23 State, municipality, or political subdivision of a
24 State.

1 (c) PROJECT SELECTION.—The Foundation, in con-
2 sultation with the Secretary, shall select for funding under
3 the Program projects that will have the most significant
4 on-the-ground impact for wildlife species of greatest con-
5 servation need by—

6 (1) enhancing the management and stewardship
7 of important wildlife corridors identified by State or
8 Federal agencies; or

9 (2) protecting important wildlife corridors iden-
10 tified by State or Federal agencies.

11 (d) COST SHARING.—The Federal share of the cost
12 of each project funded under the Program shall be not
13 greater than 50 percent, and the non-Federal share re-
14 quired for such a project shall not be derived from any
15 Federal grant program and may be paid in cash or in
16 kind.

17 (e) ADMINISTRATIVE EXPENSES.—Of amounts trans-
18 ferred to the Foundation under this section each fiscal
19 year, the Foundation may expend not more than 5 percent
20 or \$100,000, whichever is greater, to pay the administra-
21 tive expenses necessary to administer the Program.

22 (f) WILDLIFE CORRIDORS STEWARDSHIP AND PRO-
23 TECTION FUND.—

24 (1) ESTABLISHMENT.—There is established in
25 the Treasury a separate account, which shall be

1 known as the “Wildlife Corridors Stewardship and
2 Protection Fund”. The Secretary of the Treasury
3 shall deposit into the Fund—

4 (A) all amounts received by the Secretary
5 of the Interior in the form of donations for
6 wildlife corridor stewardship and protection
7 under this section; and

8 (B) other amounts appropriated to the
9 Fund.

10 (2) DONATIONS.—The Secretary may accept
11 donations of funds for wildlife corridor stewardship
12 and protection under this section.

13 **SEC. 5. WILDLIFE CORRIDOR MANAGEMENT ON PUBLIC**
14 **LANDS.**

15 (a) FINDING.—Section 102(a)(8) of the Federal
16 Land Policy and Management Act of 1976 (43 U.S.C.
17 1701(a)(8)) is amended by inserting “, including impor-
18 tant wildlife corridors,” before “in their natural condi-
19 tion”.

20 (b) DEFINITION OF AREAS OF CRITICAL ENVIRON-
21 MENTAL CONCERN.—Section 103(a) of the Federal Land
22 Policy and Management Act of 1976 (43 U.S.C.1702(a))
23 is amended by inserting “(including important wildlife cor-
24 ridors)” after “fish and wildlife resources”.

1 **SEC. 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.**

2 Section 6(e)(1) of the Forest and Rangeland Renew-
3 able Resources Act of 1974 (16 U.S.C. 1604(e)(1)) is
4 amended by inserting “important wildlife corridors,” be-
5 fore “and wilderness”.

6 **SEC. 7. TRANSPORTATION PROGRAMS.**

7 (a) ACCOMMODATION OF WILDLIFE MOVEMENT.—As
8 a condition for the receipt of Federal assistance for a high-
9 way construction project under title 23, United States
10 Code, the Secretary of Transportation may ensure that a
11 State or other recipient of such assistance gives the ac-
12 commodation of wildlife movement full consideration dur-
13 ing the development and construction of the project, as
14 it relates to—

- 15 (1) improving motorist safety;
- 16 (2) reducing wildlife mortality on highways; and
- 17 (3) providing ecological connectivity to support
18 population viability and other wildlife conservation
19 objectives.

20 (b) SPECIFIC CONDITIONS.—In carrying out sub-
21 section (a), the Secretary shall ensure that a State or
22 other recipient of assistance under title 23, United States
23 Code—

- 24 (1) considers incorporating wildlife crossings in
25 any highway construction project carried out using

1 such assistance, and incorporates wildlife crossings
2 in the project, if appropriate;

3 (2) provides to the Secretary a statement of
4 reasons explaining the extent of wildlife crossings to
5 be included in such highway construction projects or
6 why wildlife crossings are not appropriate; and

7 (3) utilizes the best available commercial and
8 scientific data in making determinations on incor-
9 porating wildlife crossings in such highway construc-
10 tion projects.

11 **SEC. 8. AGRICULTURAL CONSERVATION PROGRAMS.**

12 (a) SPECIAL RULE INVOLVING PAYMENTS FOR
13 FOREGONE INCOME.—Section 1240B(d)(3) of the Food
14 Security Act of 1985 (16 U.S.C. 3839aa–2(d)(3)) is
15 amended to read as follows:

16 “(3) SPECIAL RULE INVOLVING PAYMENTS FOR
17 FOREGONE INCOME.—In determining the amount
18 and rate of payments under paragraph (2)(B), the
19 Secretary may accord great significance to a practice
20 that, as determined by the Secretary, promotes—

21 “(A) residue management;

22 “(B) nutrient management;

23 “(C) air quality management;

24 “(D) invasive species management;

25 “(E) pollinator habitat;

1 “(F) animal carcass management tech-
2 nology;

3 “(G) pest management; or

4 “(H) wildlife corridor management.”.

5 (b) ENCOURAGEMENT OF POLLINATOR DEVELOP-
6 MENT AND PROTECTION OR IMPORTANT WILDLIFE COR-
7 RIDOR STEWARDSHIP AND PROTECTION.—Section
8 1244(h) of the Food Security Act of 1985 (16 U.S.C.
9 3844(h)) is amended to read as follows:

10 “(h) ENCOURAGEMENT OF POLLINATOR DEVELOP-
11 MENT AND PROTECTION OR IMPORTANT WILDLIFE COR-
12 RIDOR STEWARDSHIP AND PROTECTION.—In carrying out
13 any conservation program administered by the Secretary,
14 the Secretary may, as appropriate, encourage—

15 “(1) the development of habitat for native and
16 managed pollinators;

17 “(2) the stewardship of habitat in important
18 wildlife corridors; and

19 “(3) the use of conservation practices that ben-
20 efit native and managed pollinators or important
21 wildlife corridors identified as such by a State.”.

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