

111TH CONGRESS
2D SESSION

H. R. 5344

To authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2010

Mr. KRATOVIL introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend.

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 “Coastal Habitat Con-
5 servation Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) an effective means of conserving and recov-
4 ering Federal trust species and promoting self-sus-
5 taining populations of those species is to protect,
6 conserve, restore, and enhance the habitats of the
7 species;

8 (2) coastal ecosystems are highly dynamic areas
9 that provide valuable breeding, nursery, staging, and
10 resting areas for a rich diversity of fish, shellfish,
11 migratory birds, and mammals;

12 (3) coastal areas support 40 percent of the ref-
13 uges within the National Wildlife Refuge System, 40
14 percent of the endangered and threatened species
15 (including 75 percent of the listed mammals and
16 birds), and 50 percent of the fisheries conservation
17 activities of the Service;

18 (4) although coastal counties make up only 17
19 percent of total contiguous United States land area,
20 coastal areas are home to more than 53 percent of
21 the human population of the United States, which is
22 placing enormous pressure on coastal ecosystems;

23 (5) during the 2 decades after the date of en-
24 actment of this Act, human populations in coastal
25 areas are projected to increase by approximately 25
26 percent, along with associated development and ac-

1 activities that threaten the health of coastal eco-
2 systems;

3 (6) because coastal deterioration can cause
4 fragmentation and landward migration of coastal
5 ecosystems as well as create new habitats along
6 shorelines, it has become necessary to incorporate
7 adaptation assistance into coastal ecosystem man-
8 agement strategies;

9 (7) in addition to value as fish and wildlife
10 habitat, coastal ecosystems—

11 (A) serve as an important source of food;

12 (B) protect coastal communities against
13 floods;

14 (C) filter polluted runoff; and

15 (D) provide valuable commercial and rec-
16 reational benefits to coastal communities and
17 the United States;

18 (8)(A) fish and wildlife conservation is a re-
19 sponsibility shared by citizens and government; and

20 (B) public-private partnerships should be sup-
21 ported through technical and financial assistance to
22 conduct assessment, protection, planning, restora-
23 tion, and enhancement of coastal ecosystems;

24 (9) successful fish and wildlife conservation in-
25 creasingly relies on interdependent partnerships in

1 which priority setting, planning, and conservation
2 delivery are collaborative endeavors;

3 (10) since 1985, the Service has administered a
4 coastal program through which the Service has
5 worked with willing partners to assess, protect, plan,
6 restore, and enhance coastal ecosystems, including
7 coastal wetland and watersheds, upland, and ripar-
8 ian and in-stream habitats, that provide significant
9 benefits to Federal trust species;

10 (11) through that coastal program, the Service
11 provides strategic conservation planning and design
12 at the regional and landscape scales, and integrates
13 the resources of the Service to address priorities
14 identified by partners; and

15 (12) the coastal program of the Service com-
16 plements and enhances the National Coastal Wet-
17 lands Conservation Grant Program under section
18 305 of the Coastal Wetlands Planning, Protection
19 and Restoration Act (16 U.S.C. 3954), which pro-
20 vides matching grants to coastal States to support
21 long-term conservation of coastal wetland and asso-
22 ciated habitats.

23 (b) PURPOSE.—The purpose of this Act is to legisla-
24 tively authorize the coastal program of the Service in ef-
25 fect as of the date of enactment of this Act to conduct

1 collaborative, long-term, landscape-level planning and on-
2 the-ground habitat protection, restoration, and enhance-
3 ment projects in priority coastal areas to conserve and re-
4 cover Federal trust species.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) COASTAL AREA.—The term “coastal area”
8 includes—

9 (A) a coastal wetland or watershed;

10 (B) coastal water;

11 (C) a coastline; and

12 (D) an estuary and associated upland.

13 (2) COASTAL ECOSYSTEM.—The term “coastal
14 ecosystem” means an ecological community that pro-
15 vides fish and wildlife habitat in coastal areas.

16 (3) COASTAL HABITAT ASSESSMENT.—The
17 term “coastal habitat assessment” means the proc-
18 ess of evaluating the physical, chemical, and biologi-
19 cal function of a coastal site to determine the value
20 of the site to fish and wildlife.

21 (4) COASTAL HABITAT ENHANCEMENT.—The
22 term “coastal habitat enhancement” means the ma-
23 nipulation of the physical, chemical, or biological
24 characteristics of a coastal ecosystem to increase or

1 decrease specific biological functions that make the
2 ecosystem valuable to fish and wildlife.

3 (5) COASTAL HABITAT PLANNING.—The term
4 “coastal habitat planning” means the process of de-
5 veloping a comprehensive plan that—

6 (A) characterizes a coastal ecosystem;

7 (B) sets long-term protection, restoration,
8 or enhancement goals;

9 (C) describes conservation strategies and
10 methodologies;

11 (D) establishes a timetable for implementa-
12 tion of the plan; and

13 (E) identifies roles of sponsors and partici-
14 pants.

15 (6) COASTAL HABITAT PROTECTION.—

16 (A) IN GENERAL.—The term “coastal
17 habitat protection” means a long-term action to
18 safeguard habitats of importance to fish and
19 wildlife species in a coastal ecosystem.

20 (B) INCLUSION.—The term “coastal habi-
21 tat protection” includes activities to support es-
22 tablishment of conservation easements or fee-
23 title acquisition by Federal and non-Federal
24 partners.

1 (7) COASTAL HABITAT RESTORATION.—The
2 term “coastal habitat restoration” means the manip-
3 ulation of the physical, chemical, or biological char-
4 acteristics of a coastal ecosystem with the goal of re-
5 turning, to the maximum extent practicable, the full
6 natural biological functions to lost or degraded na-
7 tive habitat.

8 (8) FEDERAL TRUST SPECIES.—The term
9 “Federal trust species” means—

10 (A) a species listed as threatened or en-
11 dangered under the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.);

13 (B) a species of migratory bird;

14 (C) a species of interjurisdictional fish;

15 (D) any species of marine mammal identi-
16 fied by the Secretary; and

17 (E) any other species of concern, as deter-
18 mined by the Secretary.

19 (9) FINANCIAL ASSISTANCE.—The term “finan-
20 cial assistance” means Federal funding support pro-
21 vided to eligible recipients through a grant or coop-
22 erative agreement.

23 (10) SECRETARY.—The term “Secretary”
24 means the Secretary of the Interior.

1 (11) SERVICE.—The term “Service” means the
2 United States Fish and Wildlife Service.

3 (12) TECHNICAL ASSISTANCE.—The term
4 “technical assistance” means a collaboration, facili-
5 tation, or consulting action relating to a habitat pro-
6 tection, planning, restoration, or enhancement
7 project or initiative in which the Service contributes
8 scientific knowledge, skills, and expertise to a project
9 or program.

10 (13) VOLUNTEER.—The term “volunteer”
11 means a person that is committed to performing a
12 task without remuneration.

13 **SEC. 4. COASTAL PROGRAM.**

14 The Secretary shall carry out the Coastal Program
15 within the Service—

16 (1) to identify the most important natural re-
17 source problems and solutions in priority coastal eco-
18 systems in partnership with—

19 (A) Federal, State, local, and tribal gov-
20 ernments;

21 (B) nongovernmental institutions;

22 (C) nonprofit organizations; and

23 (D) private individuals or corporate enti-
24 ties;

1 (2) to provide technical and financial support
2 through partnerships with Federal, State, local, and
3 tribal governments, nongovernmental institutions,
4 nonprofit organizations, and private individuals for
5 the conduct of voluntary habitat assessment, protec-
6 tion, planning, restoration, and enhancement
7 projects on public or private land;

8 (3) to assist in the development and implemen-
9 tation of monitoring protocols and adaptive manage-
10 ment procedures to ensure the long-term success of
11 coastal ecosystem conservation and restoration
12 measures; and

13 (4) to collaborate and share information with
14 partners and the public regarding methods and mod-
15 els for the conservation, restoration, and enhance-
16 ment of coastal ecosystems.

17 **SEC. 5. YOUTH INVOLVEMENT.**

18 In administering the Coastal Program, the Secretary
19 shall, to the maximum extent practicable (including con-
20 sideration of cost-effectiveness), employ youth volunteers
21 and organizations that provide service opportunities to
22 youths to carry out nonhazardous habitat restoration and
23 enhancement activities.

1 **SEC. 6. REPORTS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act and biennially thereafter,
4 the Secretary shall submit to the Committees on Appro-
5 priations and Environment and Public Works of the Sen-
6 ate, and the Committees on Appropriations and Natural
7 Resources of the House of Representatives, and make
8 available to the public, a report on the Coastal Program
9 carried out under this Act.

10 (b) REQUIREMENTS.—The report shall assess, as of
11 the date of submission of the report, on statewide and na-
12 tionwide bases—

13 (1) the state of coastal ecosystems;

14 (2) progress made toward identifying the most
15 important natural resource problems and solutions
16 in priority ecosystems; and

17 (3) long-term prospects for and success of pro-
18 tecting, restoring, and enhancing coastal ecosystems.

19 (c) INCLUSIONS.—The report shall include—

20 (1) quantitative information on areas protected,
21 restored, or enhanced;

22 (2) Federal funds expended or leveraged;

23 (3) a description of adaptive management prac-
24 tices implemented;

25 (4) a description of the number of volunteers
26 and contributions of those volunteers; and

1 (5) recommendations of the Secretary, if any,
2 for additional research, management, or legislation
3 needed to fully—

4 (A) address problems and implement solu-
5 tions in coastal ecosystems; and

6 (B) achieve the objectives of this Act.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to carry out
9 this Act such sums as are necessary for each of fiscal
10 years 2011 through 2015.

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