

114TH CONGRESS
2D SESSION

H. R. 6448

To establish the National Wildlife Corridors System to provide for the protection and restoration of native fish, wildlife, and plant species and their habitats in the United States that have been diminished by habitat loss, degradation, fragmentation, and obstructions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

Mr. BEYER introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Armed Services, Agriculture, and Transportation and Infrastructure, 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 establish the National Wildlife Corridors System to provide for the protection and restoration of native fish, wildlife, and plant species and their habitats in the United States that have been diminished by habitat loss, degradation, fragmentation, and obstructions, and for other purposes.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Wildlife Corridors Conservation Act of 2016”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Establishment of National Wildlife Corridors System.
- Sec. 4. Administrative designation of National Wildlife Corridors.
- Sec. 5. Protection and management.
- Sec. 6. Conservation support.
- Sec. 7. National native species habitats and corridors database.
- Sec. 8. Wildlife Corridors Stewardship and Protection Fund.
- Sec. 9. Protection of Indian tribes.
- Sec. 10. Definitions.
- Sec. 11. Relationship to other conservation laws.
- Sec. 12. Authorization of appropriations.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) America’s native fish, wildlife, and plant
9 species are part of our rich natural heritage and an
10 important legacy to pass on to future generations.

11 (2) Populations of many native fish, wildlife,
12 and plant species in the United States are declining.
13 Scientists estimate that one in five animal and plant
14 species in the United States is at risk of extinction
15 and many species are declining in numbers.

16 (3) One of the greatest threats to the survival
17 and diversity of many native fish, wildlife, and plant
18 species in the United States is the loss, degradation,
19 fragmentation, and obstructions of their natural
20 habitats.

1 (4) The conservation of landscape corridors and
2 hydrologic connectivity, where native fish, wildlife,
3 and plant species and ecological processes can tran-
4 sition from one habitat to another, is critical to con-
5 serving native biodiversity and ensuring resiliency
6 against impacts from a range of stressors.

7 (5) Climate change is a significant threat to na-
8 tive fish, wildlife, and plants. Conserving, restoring,
9 and establishing new ecological connections to facili-
10 tate the shift of species into more suitable habitat is
11 a key climate change adaptation strategy.

12 (6) Protecting landscape corridors and hydro-
13 logic connectivity is a broadly accepted strategy to
14 conserving native fish, wildlife, and plant species and
15 ensuring ecosystem resilience, and it is typically one
16 of the first steps in restoration and recovery plan-
17 ning. For example, States have recognized the im-
18 portance of connectivity in the Western Governors’
19 Association policy resolution, “Protecting Wildlife
20 Migration Corridors and Crucial Wildlife Habitat in
21 the West”, and the Conference of New England
22 Governors and Eastern Canadian Premiers’ resolu-
23 tion recognizing the importance of ecological
24 connectivity for the adaptability and resilience of
25 their region’s ecosystems, biodiversity, and human

1 communities in the face of climate change. The
2 United States Fish and Wildlife Service’s Strategic
3 Plan for Responding to Accelerating Climate Change
4 also acknowledges that “processes such as polli-
5 nation, seed dispersal, nutrient cycling, natural dis-
6 turbance cycles, predator-prey relations, and others
7 must be part of the natural landscapes we seek to
8 maintain or restore. These processes are likely to
9 function more optimally in landscapes composed of
10 large habitat blocks connected by well-placed cor-
11 ridors.”. The Department of the Interior’s Public
12 Land Policy for Implementing Mitigation at the
13 Landscape-Scale includes “protecting and restoring
14 core, unfragmented habitat areas, and the key link-
15 ages among them.”. Federal and State policies con-
16 tinue to be developed to address the importance of
17 conserving fish, wildlife, and plant corridors and eco-
18 logical connectivity.

19 **SEC. 3. ESTABLISHMENT OF NATIONAL WILDLIFE COR-**
20 **RIDORS SYSTEM.**

21 (a) ESTABLISHMENT.—There is established a Na-
22 tional Wildlife Corridors System to provide for the con-
23 servation and restoration of habitats that support a diver-
24 sity of ecologically associated native fish, wildlife, and
25 plant species in the United States, including species pro-

1 tected under Federal law, that have experienced or may
2 in the future experience habitat loss, degradation, frag-
3 mentation, or obstructions of connectivity.

4 (b) PURPOSE.—The purpose of the System is—

5 (1) to provide long-term habitat connectivity for
6 native fish, wildlife, and plant species for migration,
7 dispersal, adaptation to climate and other environ-
8 mental change, and genetic exchange;

9 (2) to restore ecological processes that have
10 been disrupted by habitat loss, degradation, frag-
11 mentation, or obstructions; and

12 (3) to facilitate coordinated landscape- and
13 seascape-scale connectivity planning and manage-
14 ment across jurisdictions.

15 (c) COMPONENTS.—The System shall consist of Na-
16 tional Wildlife Corridors that are designated as part of
17 the System by statute, rulemaking, or Federal manage-
18 ment plan issuance, revision, or amendment.

19 (d) STRATEGY.—

20 (1) IN GENERAL.—Not later than 18 months
21 after the date of the enactment of this Act, the Sec-
22 retary of the Interior shall issue a strategy for the
23 effective development of the National Wildlife Cor-
24 ridors System that will ensure achievement of the
25 purpose of the System, including consideration of

connectivity needs with respect to non-Federal lands and waters, achievement of effective coordination regarding Corridors spanning multiple jurisdictions, and an approximate development timeline. The scope of Corridors to be designated may vary according to the habitat needs of individual or ecologically associated native fish, wildlife, and plant species.

(2) CONSULTATION AND COORDINATION.—The Secretary shall develop the strategy—

(A) in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, and the Secretary of Transportation; and

(B) in coordination with States, tribes, and existing landscape- and seascape-scale partnerships, including the National Fish Habitat Partnership, National Ocean Policy regional planning bodies, Climate Science Centers of the Department of the Interior, and the Landscape Conservation Cooperative Network.

SEC. 4. ADMINISTRATIVE DESIGNATION OF NATIONAL WILDLIFE CORRIDORS.

(a) IN GENERAL.—

(1) RULEMAKING REQUIREMENT.—The Secretary of Agriculture, the Secretary of Commerce,

1 the Secretary of Defense, the Secretary of the Inte-
2 rior, and the Secretary of Transportation shall each
3 within two years after the date of the enactment of
4 this Act, through a rulemaking, create a process for
5 designating lands and waters under their respective
6 administration and control as National Wildlife Cor-
7 ridors in accordance with their land, water, and re-
8 source management planning authorities.

9 (2) RULEMAKING AUTHORITY.—The Secretary
10 of Agriculture, the Secretary of Commerce, the Sec-
11 retary of Defense, the Secretary of the Interior, and
12 the Secretary of Transportation may each issue such
13 regulations as he or she considers appropriate to
14 carry out this Act.

15 (3) FEDERAL LAND AND WATER MANAGE-
16 MENT.—The Secretary of Agriculture, the Secretary
17 of Commerce, the Secretary of Defense, the Sec-
18 retary of the Interior, and the Secretary of Trans-
19 portation shall consider designation of National
20 Wildlife Corridors in processes for issuance, revision,
21 or amendment of a management plan or plans for
22 lands and waters under their respective administra-
23 tion and control.

24 (b) CRITERIA FOR DESIGNATION.—Designation of
25 land or water as a Corridor under this section—

1 (1) shall be based on the best available science;

2 (2) may consider information contained in gov-
3 ernmental or nongovernmental assessments, plans,
4 monitoring reports, studies, and other sources of rel-
5 evant information, such as ecoregional assessments,
6 nongovernmental reports, public transportation
7 plans, State wildlife data and action plans, tradi-
8 tional ecological knowledge, and relevant agency re-
9 ports;

10 (3) shall be based on historic, current, or likely
11 future use of the areas by one or more native fish,
12 wildlife, and plant species continuously, annually, or
13 periodically;

14 (4) shall support the connectivity, persistence,
15 resilience, and adaptability of native fish, wildlife,
16 and plant species by providing for—

17 (A) dispersal and genetic exchange between
18 populations;

19 (B) range shifting, range expansion, or
20 range restoration, such as in response to cli-
21 mate change;

22 (C) seasonal movement or migration; or

23 (D) succession, movement, or recoloniza-
24 tion following—

1 (i) a disturbance, such as fire, flood,
2 drought, or infestation; or

3 (ii) population decline due to disease
4 or previous extirpation; and

5 (5) shall be informed by the National Native
6 Species Habitats and Corridors Geographic Informa-
7 tion System Database established under this Act.

8 (c) DESIGNATION OF LAND OR WATER REQUIRING
9 RESTORATION OR CONSOLIDATION OF HABITAT.—Land
10 or water designated as a Corridor may consist of—

11 (1) land or water that requires restoration, in-
12 cluding—

13 (A) land or water that is degraded; and

14 (B) land or water from which a species is
15 currently absent, but may be colonized or re-
16 colonized by the species or to which the species
17 may be reintroduced or restored; and

18 (2) fragmented land or water that consists of
19 only a portion of the habitat required for a native
20 fish, wildlife, and plant species to maintain itself.

21 (d) PETITION FOR DESIGNATION.—The process es-
22 tablished under subsection (a) shall include procedures
23 under which—

24 (1) any person may submit to the appropriate
25 Secretary a petition, along with information sup-

1 porting such petition, to designate an area under
2 their jurisdiction as a National Wildlife Corridor;
3 and

4 (2) such Secretary shall consider and respond
5 to each such petition pursuant to a petition response
6 process developed, through rulemaking, by the Sec-
7 retary.

8 (e) DESIGNATION ON MILITARY LANDS.—

9 (1) IN GENERAL.—Any designation of a Cor-
10 ridor on a military installation—

11 (A) must be consistent with the use of
12 military installations and State-owned National
13 Guard installations to ensure the preparedness
14 of the Armed Forces; and

15 (B) must not result in a net loss in the ca-
16 pability of installation lands to support the mili-
17 tary mission of the installation.

18 (2) SUSPENSION OR TERMINATION OF DESIGNA-
19 TION.—The Secretary of Defense may suspend or
20 terminate any designation of a Corridor on a mili-
21 tary installation if the Secretary considers such sus-
22 pension or termination necessary for military pur-
23 poses, after publication of—

24 (A) public notice of such suspension or ter-
25 mination; and

1 (B) any steps taken by the department to
2 ensure similar ecological connectivity elsewhere
3 on the military installation.

4 (3) MILITARY INSTALLATION DEFINED.—In
5 this subsection, the term “military installation” has
6 the meaning that term has under section 100(1) of
7 the Sikes Act (16 U.S.C. 670(1)).

8 (f) COORDINATION AND COOPERATION.—

9 (1) IN GENERAL.—To the maximum extent
10 practicable and consistent with applicable law, each
11 Secretary shall coordinate designation of National
12 Wildlife Corridors with other relevant Federal de-
13 partments and agencies, affected States, including
14 State fish and wildlife agencies and other State
15 agencies responsible for managing natural resources,
16 tribes, local governments, private landowners, and
17 nongovernmental organizations engaged in conserva-
18 tion of native fish, wildlife, and plant species.

19 (2) IDENTIFICATION OF SUPPORTING NON-FED-
20 ERAL LAND AND WATER.—In conjunction with proc-
21 esses to designate National Wildlife Corridors, each
22 Secretary may identify, in consultation with affected
23 States, tribes, local governments, private landowners
24 and nongovernmental organizations engaged in con-
25 servation of native fish, wildlife, and plant species,

1 non-Federal lands and waters that support the pur-
2 poses of designated National Wildlife Corridors by
3 maintaining habitat connectivity across jurisdictional
4 boundaries or providing other essential functions for
5 wildlife and its habitat.

6 **SEC. 5. PROTECTION AND MANAGEMENT.**

7 (a) IN GENERAL.—The Secretary of Agriculture, the
8 Secretary of Commerce, the Secretary of Defense, the Sec-
9 retary of the Interior, and the Secretary of Transpor-
10 tation, as applicable, shall, consistent with other applicable
11 land and water management requirements, manage each
12 National Wildlife Corridor under such Secretary’s admin-
13 istrative jurisdiction in a manner that contributes to the
14 long-term connectivity, persistence, resilience, and adapt-
15 ability of native fish, wildlife, and plant species, such as
16 by—

17 (1) preventing habitat loss, degradation, frag-
18 mentation, and obstructions within such Corridor;

19 (2) implementing strategies and activities that
20 enhance the ability of native fish, wildlife, and plant
21 species to respond to climate change and other envi-
22 ronmental factors;

23 (3) maintaining or restoring the integrity and
24 functionality of the Corridor and associated habitat;

1 (4) mitigating or removing human-caused bar-
2 riers to native fish, wildlife, and plant species move-
3 ment, including, but not limited to, power lines,
4 roads, fences, dams, bridges, culverts, and other hy-
5 drologic obstructions; and

6 (5) using existing conservation programs under
7 the Secretary's jurisdiction to contribute to the
8 connectivity, persistence, resilience, and adaptability
9 of native fish, wildlife, and plant species.

10 (b) CORRIDORS SPANNING MULTIPLE JURISDIC-
11 TIONS.—Where a Corridor spans the administrative juris-
12 diction of more than one Secretary, the relevant Secre-
13 taries shall coordinate management of the Corridor such
14 that the purposes of this Act are achieved regarding such
15 Corridor.

16 (c) ROAD MITIGATION.—With respect to a Corridor
17 that intersects, adjoins, or crosses a new or existing local,
18 State, or Federal road or highway, the relevant Secretaries
19 shall work with the Department of Transportation and
20 State and local transportation agencies, as appropriate, to
21 develop, implement, and fund environmental mitigation
22 measures to—

23 (1) improve public safety and reduce vehicle-
24 caused wildlife mortality while maintaining habitat
25 connectivity; and

1 (2) mitigate the damage to wildlife, aquatic spe-
2 cies passage, flood resiliency, habitat, and ecosystem
3 connectivity, such as by constructing, maintaining,
4 or replacing wildlife underpasses and overpasses and
5 culverts, or maintaining, replacing, or removing
6 dams, bridges, culverts, and other hydrologic ob-
7 structions, as appropriate, such that the purposes of
8 this Act are achieved regarding such Corridor.

9 (d) COORDINATION.—In managing National Wildlife
10 Corridors, each Secretary shall, to the maximum extent
11 practicable and consistent with applicable law, coordinate
12 on lands and waters within the System with other Federal
13 departments and agencies, and with relevant conservation
14 plans for native fish, plants, and wildlife and their habi-
15 tats, including State comprehensive wildlife strategies and
16 other State conservation strategies for species, tribal con-
17 servation plans, local government land use and conserva-
18 tion plans, and nongovernmental plans.

19 **SEC. 6. CONSERVATION SUPPORT.**

20 (a) WORKING LANDSCAPES.—The Secretary of Agri-
21 culture—

22 (1) may direct investment in working land-
23 scapes through conservation programs under such
24 Secretary's administration and control to support
25 the purposes of this Act; and

1 (2) shall give priority under such conservation
2 programs to non-Federal lands and waters identified
3 under section 4(f) as supporting the purposes of Na-
4 tional Wildlife Corridors.

5 (b) LAND AND WATER CONSERVATION.—The Sec-
6 retary of Agriculture, the Secretary of Commerce, the Sec-
7 retary of Defense, the Secretary of the Interior, and the
8 Secretary of Transportation may each acquire land and
9 interests in land, including permanent conservation ease-
10 ments, from willing donors and willing sellers, to establish
11 and enhance Corridors.

12 (c) METHOD.—Acquisitions under this section may
13 be made—

14 (1) subject to section 200306 of title 54, United
15 States Code, by purchase with amounts appropriated
16 from the Land and Water Conservation Fund;

17 (2) by purchase with amounts appropriated
18 from the Wildlife Corridors Stewardship and Protec-
19 tion Fund; or

20 (3) by acceptance of donation of land or inter-
21 ests in land.

22 **SEC. 7. NATIONAL NATIVE SPECIES HABITATS AND COR-**
23 **RIDORS DATABASE.**

24 The Director of the United States Geological Survey,
25 in cooperation with the States and Indian tribes and with

1 existing landscape- and watershed-scale partnerships, in-
2 cluding the National Fish Habitat Partnership, the Land-
3 scape Conservation Cooperative Network, and the Migra-
4 tory Bird Joint Ventures, shall—

5 (1) establish a comprehensive National Native
6 Species Habitats and Corridors Geographic Informa-
7 tion System Database that—

8 (A) consists of a database of maps, models,
9 data, surveys, and other information regarding
10 native fish, wildlife, and plant species habitats
11 and Corridors, particularly regarding species
12 most at risk due to habitat loss, degradation,
13 and fragmentation; and

14 (B) reflects the best scientific information
15 available; and

16 (2) make such database available to States, In-
17 dian tribes, Federal agencies, local decisionmakers,
18 and the general public, for use in—

19 (A) identifying and prioritizing natural re-
20 sources adaptation strategies and activities;

21 (B) assessing, avoiding, and minimizing
22 the impacts of development, energy, water,
23 transportation, and transmission projects and
24 other activities on Corridors; and

1 (C) developing strategies to promote land-
2 scape and aquatic connectivity necessary to
3 allow native fish, wildlife, and plant species to
4 move as necessary to meet biological and eco-
5 logical needs, adjust to shifts in habitat, and
6 adapt to climate change.

7 **SEC. 8. WILDLIFE CORRIDORS STEWARDSHIP AND PROTEC-**
8 **TION FUND.**

9 (a) ESTABLISHMENT AND CONTENTS.—There is es-
10 tablished in the Treasury of the United States a separate
11 account to be known as the Wildlife Corridors Stewardship
12 and Protection Fund, consisting of—

13 (1) amounts appropriated to the Fund under
14 this Act; and

15 (2) donations of funds accepted under sub-
16 section (c).

17 (b) USE.—The Fund—

18 (1) shall be administered by the National Fish
19 and Wildlife Foundation; and

20 (2) may be used by such Foundation to provide
21 financial assistance to States, local governments, the
22 Federal Government, tribes, and private landowners
23 for enhancing the management and the protection of
24 designated Corridors and other lands and waters

1 identified as important to further the purposes of
2 Corridors designated under this Act.

3 (c) DONATIONS.—The National Fish and Wildlife
4 Foundation may accept donations of funds for deposit into
5 the Fund.

6 (d) DISCLOSURE OF USE.—The National Fish and
7 Wildlife Foundation shall annually make publicly available
8 by March 1 a description of how the Fund was used dur-
9 ing the preceding calendar year.

10 **SEC. 9. PROTECTION OF INDIAN TRIBES.**

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

14 (b) EXEMPTION FROM FOIA.—

15 (1) EXEMPTION.—Information described in
16 paragraph (2) shall not be subject to disclosure
17 under section 552 of title 5, United States Code, if
18 the head of the agency that receives the information,
19 in consultation with the Secretary of the Interior
20 and the affected Indian tribe, determines that disclo-
21 sure may—

22 (A) cause a significant invasion of privacy;

23 (B) risk harm to human remains or re-
24 sources, cultural items, uses, or activities; or

1 (C) impede the use of a traditional reli-
2 gious site by practitioners.

3 (2) INFORMATION DESCRIBED.—Information
4 referred to in paragraph (1) is information received
5 by a Federal agency pursuant to this Act relating
6 to—

7 (A) the location, character, or ownership of
8 human remains of a person of Indian ancestry;
9 or

10 (B) resources, cultural items, uses, or ac-
11 tivities identified by an Indian tribe as tradi-
12 tional or cultural because of the long-estab-
13 lished significance or ceremonial nature to the
14 Indian tribe.

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) CONNECTIVITY.—The term “connectivity”
18 means the condition of an area that permits, with
19 respect to individual or ecologically associated native
20 fish, wildlife, and plant species, dispersal and genetic
21 exchange between populations; range shifts or ex-
22 pansion, such as in response to climate change; sea-
23 sonal movement or migration; or succession, move-
24 ment, or recolonization following disturbance or pop-
25 ulation decline.

1 (2) CORRIDOR.—The term “Corridor” means
2 any land or water designated as a National Wildlife
3 Corridor and part of the System by statute or by a
4 Federal agency rulemaking or management plan
5 issuance, revision, or amendment in accordance with
6 this Act.

7 (3) FUND.—The term “Fund” means the Wild-
8 life Corridors Stewardship and Protection Fund es-
9 tablished by this Act.

10 (4) SYSTEM.—The term “System” means the
11 National Wildlife Corridors System established by
12 this Act.

13 **SEC. 11. RELATIONSHIP TO OTHER CONSERVATION LAWS.**

14 Nothing in this Act shall be construed to amend or
15 otherwise affect any other statute or regulation relating
16 to conservation of fish, wildlife, or plants.

17 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated—

19 (1) for each fiscal year for designating and ad-
20 ministering Corridors under this Act—

21 (A) to the Secretary of the Interior,
22 \$7,500,000;

23 (B) to the Secretary of Agriculture,
24 \$3,000,000;

1 (C) to the Secretary of Defense,
2 \$1,500,000;

3 (D) to the Secretary of Commerce,
4 \$3,000,000; and

5 (E) to the Secretary of Transportation,
6 \$3,000,000;

7 (2) to the Secretary of the Interior, \$3,000,000
8 for the first fiscal year beginning after the date of
9 the enactment of this Act, and \$1,500,000 for each
10 fiscal year thereafter, to establish and maintain a
11 comprehensive National Native Species Habitats and
12 Corridors Geographic Information System Database
13 under this Act; and

14 (3) to the Fund, \$3,000,000 for each fiscal year
15 for the National Fish and Wildlife Foundation to
16 provide assistance authorized by this Act.

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