

HR 4942 Conference Report included HR 5548 (as introduced on 10/25/00) Title 9:

Title IX: Wildlife, Ocean and Coastal Conservation - Makes an amount available to support activities that supplement existing funding available to the States and territories from the sport fish restoration and wildlife restoration accounts to be used for wildlife conservation and restoration plans and programs.

(Sec. 902) Amends the Federal Aid in Wildlife Restoration Act to establish in the Federal aid to wildlife restoration fund a subaccount known as the Wildlife Conservation and Restoration Account. Authorizes and allocates appropriations.

Authorizes States to apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program or for Account funds to develop a program. Prohibits the use of no more than ten percent of the amount apportioned to a State for a program for wildlife-associated recreation. Permits Account funds to be used for wildlife conservation education programs except for programs that promote opposition to the regulated taking of wildlife.

Makes a State agency ineligible to receive matching funds under this title if sources of revenue available to the agency after January 1, 2000, for wildlife conservation are diverted for any purpose other than agency administration.

Amends the North American Wetlands Conservation Act to increase the maximum amount authorized to be appropriated to the Department of the Interior to carry out North American wetlands conservation.

(Sec. 903) Amends the Outer Continental Shelf Lands Act to authorize appropriations for coastal impact assistance to producing coastal States with approved coastal impact assistance plans. Defines a "producing coastal State" as a coastal State with a coastal seaward boundary within 200 miles from the geographic center of a tract leased for drilling, developing, and producing oil and natural gas other than a tract within any Outer Continental Shelf area where a specified moratorium on new leasing was in effect as of January 1, 2000.

Sets forth the formula for allocating such funds to producing coastal States and coastal political subdivisions and describes authorized uses.

Requires the development and submission of a Coastal Impact Assistance Plan by each producing coastal State for transmittal to the Secretary of Commerce for approval prior to the disbursement of funds.

TITLE IX--WILDLIFE, OCEAN AND COASTAL CONSERVATION

SEC. 901. WILDLIFE CONSERVATION AND RESTORATION PLANNING.

For expenses necessary to support activities that supplement, but not replace, existing funding available to the States and territories from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration plans and programs, \$50,000,000, to remain available until expended: *Provided*, That these funds may be used by a State, territory or an Indian Tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects: *Provided further*, That the Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; (B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and, (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That no State, territory or other jurisdiction shall receive a grant unless it has certified to the Service that it has in place, or has agreed to develop by a mutually agreed date certain, a wildlife conservation strategy and plan.

SEC. 902. WILDLIFE CONSERVATION AND RESTORATION.

- (a) PURPOSES- The purposes of this section are--
- (1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;
 - (2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

(b) REFERENCE TO LAW- In this section, the term 'Federal Aid in Wildlife Restoration Act' means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(c) DEFINITIONS- Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

'SEC. 2. DEFINITIONS.

'As used in this Act--

'(1) the term 'conservation' means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and translocation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

'(2) the term 'Secretary' means the Secretary of the Interior;

'(3) the term 'State fish and game department' or 'State fish and wildlife department' means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

'(4) the term 'wildlife' means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

'(5) the term 'wildlife-associated recreation' means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

'(6) the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including

those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

`(7) the term `wildlife conservation education' means projects, including public outreach, intended to foster responsible natural resource stewardship; and

`(8) the term `wildlife-restoration project' includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.'

(d) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT- Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended--

(1) in subsection (a) by inserting `(1)' after `(a)', and by adding at the end the following:

`(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the `Wildlife Conservation and Restoration Account'. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).'; and

(2) by adding at the end the following:

`(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

`(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

`(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

`(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.'

(e) APPORTIONMENTS OF AMOUNTS- Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

`(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT-

`(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration Account:

`(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof.

`(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof.

`(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each fiscal year among the States in the following manner:

`(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

`(ii) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

`(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

`(3) Of the amounts transferred to the Wildlife Conservation and Restoration Account, not to exceed 3 percent shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

`(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS-

`(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes--

`(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

- `(B) provisions for the development and implementation of--
 - `(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;
 - `(ii) wildlife-associated recreation projects; and
 - `(iii) wildlife conservation education projects pursuant to programs under section 8(a); and
- `(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.
- `(D) WILDLIFE CONSERVATION STRATEGY- Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that--
 - `(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;
 - `(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);
 - `(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;
 - `(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;
 - `(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;
 - `(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;
 - `(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that

significantly affect the conservation of species identified under paragraph (1) or their habitats.

`(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

`(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

`(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

`(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

`(5) For purposes of this subsection, the term `State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.'

(f) FACA- Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

(g) EDUCATION- Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: `Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.'

(h) PROHIBITION AGAINST DIVERSION- No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being

the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.

(i) NORTH AMERICAN WETLANDS CONSERVATION ACT- Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking '\$30,000,000' and inserting '\$50,000,000'.

SEC. 903. COASTAL IMPACT ASSISTANCE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

`SEC. 31. COASTAL IMPACT ASSISTANCE.

`Nothing in this section shall be construed as a permanent authorization.

`(a) DEFINITIONS- When used in this section--

`(1) The term `coastal political subdivision' means a county, parish, or any equivalent subdivision of a Producing Coastal State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).
