

111TH CONGRESS
1ST SESSION

H. R. 2192

To establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. DINGELL, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. PALLONE, Mrs. CAPPS, Mr. HOLT, Mr. THOMPSON of California, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Science and Technology, 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 an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification.

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 “Climate Change Safe-
5 guards for Natural Resources Conservation Act”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) establish an integrated Federal program to
4 protect, restore, and conserve the Nation’s natural
5 resources in response to the threats of climate
6 change and ocean acidification; and

7 (2) provide financial support and incentives for
8 programs, strategies, and activities that protect, re-
9 store, and conserve the Nation’s natural resources in
10 response to the threats of climate change and ocean
11 acidification.

12 **SEC. 3. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
13 **TION POLICY.**

14 It is the policy of the Federal Government, in co-
15 operation with State and local governments, Indian tribes,
16 and other interested stakeholders to use all practicable
17 means and measures to protect, restore, and conserve nat-
18 ural resources to enable them to become more resilient,
19 adapt to, and withstand the impacts of climate change and
20 ocean acidification.

21 **SEC. 4. DEFINITIONS.**

22 In this Act:

23 (1) **COASTAL STATE.**—The term “coastal
24 State” has the meaning given the term in section
25 304 of the Coastal Zone Management Act of 1972
26 (16 U.S.C. 1453).

1 (2) CORRIDORS.—The term “corridors” means
2 areas that provide connectivity, over different time
3 scales (including seasonal or longer), of habitat or
4 potential habitat and that facilitate the ability of ter-
5 restrial, marine, estuarine, and freshwater fish, wild-
6 life, or plants to move within a landscape as needed
7 for migration, gene flow, or dispersal, or in response
8 to the impacts of climate change and ocean acidifica-
9 tion or other impacts.

10 (3) ECOLOGICAL PROCESSES.—The term “eco-
11 logical processes” means biological, chemical, or
12 physical interaction between the biotic and abiotic
13 components of an ecosystem and includes—

- 14 (A) nutrient cycling;
- 15 (B) pollination;
- 16 (C) predator-prey relationships;
- 17 (D) soil formation;
- 18 (E) gene flow;
- 19 (F) disease epizootiology;
- 20 (G) larval dispersal and settlement;
- 21 (H) hydrological cycling;
- 22 (I) decomposition; and
- 23 (J) disturbance regimes such as fire and
24 flooding.

1 (4) HABITAT.—The term “habitat” means the
2 physical, chemical, and biological properties that are
3 used by fish, wildlife, or plants for growth, reproduc-
4 tion, survival, food, water, and cover, on a tract of
5 land, in a body of water, or in an area or region.

6 (5) INDIAN TRIBE.—The term “Indian tribe”
7 has the meaning given the term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450b).

10 (6) NATURAL RESOURCES.—The term “natural
11 resources” means the terrestrial, freshwater, estua-
12 rine, and marine fish, wildlife, plants, land, water,
13 habitats, and ecosystems of the United States.

14 (7) NATURAL RESOURCES ADAPTATION.—The
15 term “natural resources adaptation” means the pro-
16 tection, restoration, and conservation of natural re-
17 sources to enable them to become more resilient,
18 adapt to, and withstand the impacts of climate
19 change and ocean acidification.

20 (8) RESILIENCE.—Each of the terms “resil-
21 ience” and “resilient” means the ability to resist or
22 recover from disturbance and preserve diversity, pro-
23 ductivity, and sustainability.

24 (9) STATE.—The term “State” means—

25 (A) a State of the United States;

1 (B) the District of Columbia; and

2 (C) the Commonwealth of Puerto Rico,
3 Guam, the United States Virgin Islands, the
4 Northern Mariana Islands, and American
5 Samoa.

6 **SEC. 5. COUNCIL ON ENVIRONMENTAL QUALITY.**

7 The Chair of the Council on Environmental Quality
8 shall—

9 (1) advise the President on implementation and
10 development of—

11 (A) a Natural Resources Climate Change
12 Adaptation Strategy required under section 7;
13 and

14 (B) Federal natural resource agency adap-
15 tation plans required under section 9;

16 (2) serve as the Chair of the Natural Resources
17 Climate Change Adaptation Panel established under
18 section 6; and

19 (3) coordinate Federal agency strategies, plans,
20 programs, and activities related to protecting, restor-
21 ing, and maintaining natural resources to become
22 more resilient, adapt to, and withstand the impacts
23 of climate change and ocean acidification.

1 **SEC. 6. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
2 **TION PANEL.**

3 (a) ESTABLISHMENT.—Not later than 90 days after
4 the date of the enactment of this Act, the President shall
5 establish a Natural Resources Climate Change Adaptation
6 Panel, consisting of—

7 (1) the head, or their designee, of each of—

8 (A) the National Oceanic and Atmospheric
9 Administration;

10 (B) the Forest Service;

11 (C) the National Park Service;

12 (D) the United States Fish and Wildlife
13 Service;

14 (E) the Bureau of Land Management;

15 (F) the United States Geological Survey;

16 (G) the Bureau of Reclamation; and

17 (H) the Bureau of Indian Affairs;

18 (2) the Chair of the Council on Environmental
19 Quality; and

20 (3) the heads of such other Federal agencies or
21 departments with jurisdiction over natural resources
22 of the United States, as determined by the Presi-
23 dent.

24 (b) FUNCTIONS.—The Panel shall serve as a forum
25 for interagency consultation on and the coordination of the
26 development and implementation of a national Natural

1 Resources Climate Change Adaptation Strategy required
2 under section 7.

3 (c) CHAIR.—The Chair of the Council on Environ-
4 mental Quality shall serve as the Chair of the Panel.

5 **SEC. 7. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
6 **TION STRATEGY.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this Act, the President, through
9 the Natural Resources Climate Change Adaptation Panel
10 established under section 6, shall develop a Natural Re-
11 sources Climate Change Adaptation Strategy to protect,
12 restore, and conserve natural resources to enable them to
13 become more resilient, adapt to, and withstand the im-
14 pacts of climate change and ocean acidification and to
15 identify opportunities to mitigate those impacts.

16 (b) DEVELOPMENT AND REVISION.—In developing
17 and revising the Strategy, the Panel shall—

18 (1) base the strategy on the best available
19 science;

20 (2) develop the strategy in close cooperation
21 with States and Indian tribes;

22 (3) coordinate with other Federal agencies as
23 appropriate;

1 (4) consult with local governments, conservation
2 organizations, scientists, and other interested stake-
3 holders;

4 (5) provide public notice and opportunity for
5 comment; and

6 (6) review and revise the Strategy every 5 years
7 to incorporate new information regarding the im-
8 pacts of climate change and ocean acidification on
9 natural resources and advances in the development
10 of strategies for becoming more resilient and adapt-
11 ing to those impacts.

12 (c) CONTENTS.—The National Resources Adaptation
13 Strategy shall include—

14 (1) an assessment of the vulnerability of nat-
15 ural resources to climate change and ocean acidifica-
16 tion, including the short-term, medium-term, long-
17 term, cumulative, and synergistic impacts;

18 (2) a description of current research, observa-
19 tion, and monitoring activities at the Federal, State,
20 tribal, and local level related to the impacts of cli-
21 mate change and ocean acidification on natural re-
22 sources, as well as identification of research and
23 data needs and priorities;

24 (3) identification of natural resources that are
25 likely to have the greatest need for protection, res-

1 toration, and conservation because of the adverse ef-
2 fects of climate change and ocean acidification;

3 (4) specific protocols for integrating climate
4 change and ocean acidification adaptation strategies
5 and activities into the conservation and management
6 of natural resources by Federal departments and
7 agencies to ensure consistency across agency juris-
8 dictions and resources;

9 (5) specific actions that Federal departments
10 and agencies shall take to protect, conserve, and re-
11 store natural resources to become more resilient,
12 adapt to, and withstand the impacts of climate
13 change and ocean acidification, including a timeline
14 to implement those actions;

15 (6) specific mechanisms for ensuring commu-
16 nication and coordination among Federal depart-
17 ments and agencies, and between Federal depart-
18 ments and agencies and State natural resource agen-
19 cies, United States territories, Indian tribes, private
20 landowners, conservation organizations, and other
21 nations that share jurisdiction over natural resources
22 with the United States;

23 (7) specific actions to develop and implement
24 consistent natural resources inventory and moni-

1 toring protocols through interagency coordination
2 and collaboration; and

3 (8) a process for guiding the development of de-
4 tailed agency- and department-specific adaptation
5 plans required under section 9 to address the im-
6 pacts of climate change and ocean acidification on
7 the natural resources in the jurisdiction of each
8 agency.

9 (d) IMPLEMENTATION.—Consistent with its authori-
10 ties under other laws and with Federal trust responsibil-
11 ities with respect to Indian lands, each Federal depart-
12 ment or agency with representation on the National Re-
13 sources Climate Change Adaptation Panel shall consider
14 the impacts of climate change and ocean acidification and
15 integrate the elements of the strategy into agency plans,
16 environmental reviews, programs, and activities related to
17 the conservation, restoration, and management of natural
18 resources.

19 **SEC. 8. NATURAL RESOURCES ADAPTATION SCIENCE AND**
20 **INFORMATION.**

21 (a) COORDINATION.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 Commerce, acting through the Administrator of the Na-
24 tional Oceanic and Atmospheric Administration, and the
25 Secretary of the Interior, acting through the Director of

1 the United States Geological Survey, shall establish a co-
2 ordinated process for developing and providing science and
3 information needed to assess and address the impacts of
4 climate change and ocean acidification on natural re-
5 sources. The process shall be led by the National Climate
6 Change and Wildlife Science Center established within the
7 United States Geological Survey under subsection (d) and
8 the National Climate Service of the National Oceanic and
9 Atmospheric Administration.

10 (b) FUNCTIONS.—The Secretaries shall ensure that
11 such process avoids duplication and that the National Oce-
12 anic and Atmospheric Administration and the United
13 States Geological Survey shall—

14 (1) provide technical assistance to Federal de-
15 partments and agencies, State and local govern-
16 ments, Indian tribes, and interested private land-
17 owners in their efforts to assess and address the im-
18 pacts of climate change and ocean acidification on
19 natural resources;

20 (2) conduct and sponsor research and provide
21 Federal departments and agencies, State and local
22 governments, Indian tribes, and interested private
23 landowners with research products, decision and
24 monitoring tools and information, to develop strate-
25 gies for assisting natural resources to become more

1 resilient, adapt to, and withstand the impacts of cli-
2 mate change and ocean acidification; and

3 (3) assist Federal departments and agencies in
4 the development of the adaptation plans required
5 under section 9.

6 (c) SURVEY.—Not later than one year after the date
7 of enactment of this Act and every 5 years thereafter, the
8 Secretary of Commerce and the Secretary of the Interior
9 shall undertake a climate change and ocean acidification
10 impact survey that—

11 (1) identifies natural resources considered likely
12 to be adversely affected by climate change and ocean
13 acidification;

14 (2) includes baseline monitoring and ongoing
15 trend analysis;

16 (3) uses a stakeholder process to identify and
17 prioritize needed monitoring and research that is of
18 greatest relevance to the ongoing needs of natural
19 resource managers to address the impacts of climate
20 change and ocean acidification; and

21 (4) identifies decision tools necessary to develop
22 strategies for assisting natural resources to become
23 more resilient and adapt to and withstand the im-
24 pacts of climate change and ocean acidification.

1 (d) NATIONAL CLIMATE CHANGE AND WILDLIFE
2 SCIENCE CENTER.—

3 (1) ESTABLISHMENT.—The Secretary of the In-
4 terior shall establish the National Climate Change
5 and Wildlife Science Center within the United States
6 Geological Survey.

7 (2) FUNCTIONS.—The Center shall, in collabo-
8 ration with Federal and State natural resources
9 agencies and departments, Indian tribes, univer-
10 sities, and other partner organizations—

11 (A) assess and synthesize current physical
12 and biological knowledge and prioritize sci-
13 entific gaps in such knowledge in order to fore-
14 cast the ecological impacts of climate change on
15 fish and wildlife at the ecosystem, habitat, com-
16 munity, population, and species levels;

17 (B) develop and improve tools to identify,
18 evaluate, and, where appropriate, link scientific
19 approaches and models for forecasting the im-
20 pacts of climate change and adaptation on fish,
21 wildlife, plants, and their habitats, including
22 monitoring, predictive models, vulnerability
23 analyses, risk assessments, and decision support
24 systems to help managers make informed deci-
25 sions;

1 (C) develop and evaluate tools to adapt-
2 ively manage and monitor the effects of climate
3 change on fish and wildlife at national, regional,
4 and local scales; and

5 (D) develop capacities for sharing stand-
6 ardized data and the synthesis of such data.

7 (e) SCIENCE ADVISORY BOARD.—

8 (1) ESTABLISHMENT.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary of Commerce and the Secretary of the Inte-
11 rior shall establish and appoint the members of a
12 Science Advisory Board, to be comprised of not
13 fewer than 10 and not more than 20 members—

14 (A) who have expertise in fish, wildlife,
15 plant, aquatic, and coastal and marine biology,
16 ecology, climate change, ocean acidification, and
17 other relevant scientific disciplines;

18 (B) who represent a balanced membership
19 among Federal, State, Indian tribes, and local
20 representatives, universities, and conservation
21 organizations; and

22 (C) at least $\frac{1}{2}$ of whom are recommended
23 by the President of the National Academy of
24 Sciences.

1 (2) DUTIES.—The Science Advisory Board
2 shall—

3 (A) advise the Secretaries on the state-of-
4 the-science regarding the impacts of climate
5 change and ocean acidification on natural re-
6 sources and scientific strategies and mecha-
7 nisms for protecting, restoring, and conserving
8 natural resources to enable them to become
9 more resilient, adapt to, and withstand the im-
10 pacts of climate change and ocean acidification;
11 and

12 (B) identify and recommend priorities for
13 ongoing research needs on such issues.

14 (3) COLLABORATION.—The Science Advisory
15 Board shall collaborate with other climate change
16 and ecosystem research entities in other Federal
17 agencies and departments.

18 (4) AVAILABILITY TO THE PUBLIC.—The advice
19 and recommendations of the Science Advisory Board
20 shall be made available to the public.

21 **SEC. 9. FEDERAL NATURAL RESOURCE AGENCY ADAPTA-**
22 **TION PLANS.**

23 (a) DEVELOPMENT.—Not later than 1 year after the
24 date of the development of a Natural Resources Climate
25 Change Adaptation Strategy under section 7, each depart-

1 ment or agency that has a representative on the Natural
2 Resources Climate Change Adaptation Panel established
3 under section 6 shall—

4 (1) complete an adaptation plan for that de-
5 partment or agency, respectively, implementing the
6 Natural Resources Climate Change Adaptation
7 Strategy under section 7 and consistent with the
8 Natural Resources Climate Change Adaptation Pol-
9 icy under section 3, detailing the department’s or
10 agency’s current and projected efforts to address the
11 potential impacts of climate change and ocean acidi-
12 fication on natural resources within the depart-
13 ment’s or agency’s jurisdiction and necessary addi-
14 tional actions, including a timeline for implementa-
15 tion of those actions;

16 (2) provide opportunities for review and com-
17 ment on that adaptation plan by the public, includ-
18 ing in the case of a plan by the Bureau of Indian
19 Affairs, review by Indian tribes; and

20 (3) submit such plan to the President for ap-
21 proval.

22 (b) REVIEW BY PRESIDENT AND SUBMISSION TO
23 CONGRESS.—

24 (1) REVIEW BY PRESIDENT.—The President
25 shall—

1 (A) approve an adaptation plan submitted
2 under subsection (a)(3) if the plan meets the
3 requirements of subsection (c) and is consistent
4 with the strategy developed under section 7;

5 (B) decide whether to approve the plan
6 within 60 days after submission; and

7 (C) if the President disapproves a plan, di-
8 rect the department or agency to submit a re-
9 vised plan to the President under subsection
10 (a)(3) within 60 days after such disapproval.

11 (2) SUBMISSION TO CONGRESS.—Not later than
12 30 days after the date of approval of such adapta-
13 tion plan by the President, the department or agen-
14 cy shall submit the approved plan to the Committee
15 on Natural Resources of the House of Representa-
16 tives, the Committee on Energy and Natural Re-
17 sources of the Senate, and the committees of the
18 House of Representatives and the Senate with prin-
19 cipal jurisdiction over the department or agency.

20 (c) REQUIREMENTS.—Each adaptation plan shall—

21 (1) establish programs for assessing the current
22 and future impacts of climate change and ocean
23 acidification on natural resources within the depart-
24 ment's or agency's, respectively, jurisdiction, includ-
25 ing cumulative and synergistic effects, and for iden-

1 tifying and monitoring those natural resources that
2 are likely to be adversely affected and that have
3 need for conservation;

4 (2) identify and prioritize the department's or
5 agency's strategies and specific conservation actions
6 to address the current and future impacts of climate
7 change and ocean acidification on natural resources
8 within the scope of the department's or agency's ju-
9 risdiction and to develop and implement strategies to
10 protect, restore, and conserve such resources to be-
11 come more resilient, adapt to, and better withstand
12 those impacts, including—

13 (A) the protection, restoration, and con-
14 servation of terrestrial, marine, estuarine, and
15 freshwater habitats and ecosystems;

16 (B) the establishment of terrestrial, ma-
17 rine, estuarine, and freshwater habitat linkages
18 and corridors;

19 (C) the restoration and conservation of ec-
20 ological processes;

21 (D) the protection of a broad diversity of
22 native species of fish, wildlife, and plant popu-
23 lations across their range; and

24 (E) the protection of fish, wildlife, and
25 plant health, recognizing that climate can alter

1 the distribution and ecology of parasites, patho-
2 gens, and vectors;

3 (3) describe how the department or agency will
4 integrate such strategies and conservation activities
5 into plans, programs, activities, and actions of the
6 department or agency, related to the conservation
7 and management of natural resources and establish
8 new plans, programs, activities, and actions as nec-
9 essary;

10 (4) establish methods for assessing the effec-
11 tiveness of strategies and conservation actions taken
12 to protect, restore, and conserve natural resources to
13 enable them to become more resilient, adapt to, and
14 withstand the impacts of climate change and ocean
15 acidification, and for updating those strategies and
16 actions to respond to new information and changing
17 conditions;

18 (5) include a description of current and pro-
19 posed mechanisms to enhance cooperation and co-
20 ordination of natural resources adaptation efforts
21 with other Federal agencies, State and local govern-
22 ments, Indian tribes, and nongovernmental stake-
23 holders;

24 (6) include specific written guidance to resource
25 managers to—

1 (A) explain how managers are expected to
2 address the effects of climate change and ocean
3 acidification;

4 (B) identify how managers are to obtain
5 any site-specific information that may be nec-
6 essary; and

7 (C) reflect best practices shared among rel-
8 evant agencies, while also recognizing the
9 unique missions, objectives, and responsibilities
10 of each agency; and

11 (7) identify and assess data and information
12 gaps necessary to develop natural resources adapta-
13 tion plans and strategies.

14 (d) IMPLEMENTATION.—

15 (1) IN GENERAL.—Upon approval by the Presi-
16 dent, each department or agency that serves on the
17 Natural Resources Climate Change Adaptation
18 Panel shall implement its adaptation plan through
19 existing and new plans, policies, programs, activities,
20 and actions to the extent not inconsistent with exist-
21 ing authority.

22 (2) CONSIDERATION OF IMPACTS.—

23 (A) IN GENERAL.—To the maximum ex-
24 tent practicable and consistent with applicable
25 law, every natural resource management deci-

1 sion made by the department or agency shall
2 consider the impacts of climate change and
3 ocean acidification on those natural resources.

4 (B) GUIDANCE.—The Council on Environ-
5 mental Quality shall issue guidance for Federal
6 departments and agencies for considering those
7 impacts.

8 (e) REVISION AND REVIEW.—Not less than every 5
9 years, each adaptation plan under this section shall be re-
10 viewed and revised to incorporate the best available science
11 and other information regarding the impacts of climate
12 change and ocean acidification on natural resources.

13 **SEC. 10. STATE NATURAL RESOURCES ADAPTATION PLANS.**

14 (a) REQUIREMENT.—In order to be eligible for funds
15 under section 11, not later than 1 year after the develop-
16 ment of a Natural Resources Climate Change Adaptation
17 Strategy required under section 7 each State shall prepare
18 a State natural resources adaptation plan detailing the
19 State’s current and projected efforts to address the poten-
20 tial impacts of climate change and ocean acidification on
21 natural resources and coastal areas within the State’s ju-
22 risdiction.

23 (b) REVIEW OR APPROVAL.—

24 (1) IN GENERAL.—Each State adaptation plan
25 shall be reviewed and approved or disapproved by

1 the Secretary of the Interior and, as applicable, the
2 Secretary of Commerce. Such approval shall be
3 granted if the plan meets the requirements of sub-
4 section (c) and is consistent with the Natural Re-
5 sources Climate Change Adaptation Strategy re-
6 quired under section 7.

7 (2) APPROVAL OR DISAPPROVAL.—Within 180
8 days after transmittal of such a plan, or a revision
9 to such a plan, the Secretary of the Interior and, as
10 applicable, the Secretary of Commerce shall approve
11 or disapprove the plan by written notice.

12 (3) RESUBMITTAL.—Within 90 days after
13 transmittal of a resubmitted adaptation plan as a re-
14 sult of disapproval under paragraph (3), the Sec-
15 retary of the Interior and, as applicable, the Sec-
16 retary of Commerce, shall approve or disapprove the
17 plan by written notice.

18 (c) CONTENTS.—A State natural resources adapta-
19 tion plan shall—

20 (1) include a strategy for addressing the im-
21 pacts of climate change and ocean acidification on
22 terrestrial, marine, estuarine, and freshwater fish,
23 wildlife, plants, habitats, ecosystems, wildlife health,
24 and ecological processes, that—

1 (A) describes the impacts of climate
2 change and ocean acidification on the diversity
3 and health of the fish, wildlife and plant popu-
4 lations, habitats, ecosystems, and associated ec-
5 ological processes;

6 (B) establishes programs for monitoring
7 the impacts of climate change and ocean acidifi-
8 cation on fish, wildlife, and plant populations,
9 habitats, ecosystems, and associated ecological
10 processes;

11 (C) describes and prioritizes proposed con-
12 servation actions to assist fish, wildlife, plant
13 populations, habitats, ecosystems, and associ-
14 ated ecological processes in becoming more re-
15 siliant, adapting to, and better withstanding
16 those impacts;

17 (D) includes strategies, specific conserva-
18 tion actions, and a time frame for implementing
19 conservation actions for fish, wildlife, and plant
20 populations, habitats, ecosystems, and associ-
21 ated ecological processes;

22 (E) establishes methods for assessing the
23 effectiveness of strategies and conservation ac-
24 tions taken to assist fish, wildlife, and plant
25 populations, habitats, ecosystems, and associ-

1 ated ecological processes in becoming more re-
2 siliant, adapt to, and better withstand the im-
3 pacts of climate changes and ocean acidification
4 and for updating those strategies and actions to
5 respond appropriately to new information or
6 changing conditions;

7 (F) is incorporated into a revision of the
8 State wildlife action plan (also known as the
9 State comprehensive wildlife strategy)—

10 (i) that has been submitted to the
11 United States Fish and Wildlife Service;
12 and

13 (ii) that has been approved by the
14 Service or on which a decision on approval
15 is pending; and

16 (G) is developed—

17 (i) with the participation of the State
18 fish and wildlife agency, the State coastal
19 agency, the State agency responsible for
20 administration of Land and Water Con-
21 servation Fund grants, the State Forest
22 Legacy program coordinator, and other
23 State agencies considered appropriate by
24 the Governor of such State; and

1 (ii) in coordination with the Secretary
2 of the Interior, and where applicable, the
3 Secretary of Commerce and other States
4 that share jurisdiction over natural re-
5 sources with the State; and

6 (2) include, in the case of a coastal State, a
7 strategy for addressing the impacts of climate
8 change and ocean acidification on the coastal zone
9 that—

10 (A) identifies natural resources that are
11 likely to be impacted by climate change and
12 ocean acidification and describes those impacts;

13 (B) identifies and prioritizes continuing re-
14 search and data collection needed to address
15 those impacts including—

16 (i) acquisition of high resolution
17 coastal elevation and nearshore bathymetry
18 data;

19 (ii) historic shoreline position maps,
20 erosion rates, and inventories of shoreline
21 features and structures;

22 (iii) measures and models of relative
23 rates of sea level rise or lake level changes,
24 including effects on flooding, storm surge,

1 inundation, and coastal geological proc-
2 esses;

3 (iv) habitat loss, including projected
4 losses of coastal wetlands and potentials
5 for inland migration of natural shoreline
6 habitats;

7 (v) ocean and coastal species and eco-
8 system migrations, and changes in species
9 population dynamics;

10 (vi) changes in storm frequency, in-
11 tensity, or rainfall patterns;

12 (vii) saltwater intrusion into coastal
13 rivers and aquifers;

14 (viii) changes in chemical or physical
15 characteristics of marine and estuarine
16 systems;

17 (ix) increased harmful algal blooms;

18 and

19 (x) spread of invasive species;

20 (C) identifies and prioritizes adaptation
21 strategies to protect, restore, and conserve nat-
22 ural resources to enable them to become more
23 resilient, adapt to, and withstand the impacts of
24 climate change and ocean acidification, includ-
25 ing—

1 (i) protection, maintenance, and res-
2 toration of ecologically important coastal
3 lands, coastal and ocean ecosystems, and
4 species biodiversity and the establishment
5 of habitat buffer zones, migration cor-
6 ridors, and climate refugia; and

7 (ii) improved planning, siting policies,
8 and hazard mitigation strategies;

9 (D) establishes programs for the long-term
10 monitoring of the impacts of climate change
11 and ocean acidification on the ocean and coastal
12 zone and to assess and adjust, when necessary,
13 such adaptive management strategies;

14 (E) establishes performance measures for
15 assessing the effectiveness of adaptation strate-
16 gies intended to improve resilience and the abil-
17 ity of natural resources in the coastal zone to
18 adapt to and withstand the impacts of climate
19 change and ocean acidification and of adapta-
20 tion strategies intended to minimize those im-
21 pacts on the coastal zone and to update those
22 strategies to respond to new information or
23 changing conditions; and

24 (F) is developed with the participation of
25 the State coastal agency and other appropriate

1 State agencies and in coordination with the
2 Secretary of Commerce and other appropriate
3 Federal agencies.

4 (d) PUBLIC INPUT.—States shall provide for solicita-
5 tion and consideration of public and independent scientific
6 input in the development of their plans.

7 (e) COORDINATION WITH OTHER PLANS.—The State
8 plan shall take into consideration research and informa-
9 tion contained in, and coordinate with and integrate the
10 goals and measures identified in, as appropriate, other
11 natural resources conservation strategies, including—

12 (1) the national fish habitat action plan;

13 (2) plans under the North American Wetlands
14 Conservation Act (16 U.S.C. 4401 et seq.);

15 (3) the Federal, State, and local partnership
16 known as “Partners in Flight”;

17 (4) federally approved coastal zone management
18 plans under the Coastal Zone Management Act of
19 1972 (16 U.S.C. 1451 et seq.);

20 (5) federally approved regional fishery manage-
21 ment plans and habitat conservation activities
22 under the Magnuson-Stevens Fishery Conservation
23 and Management Act (16 U.S.C. 1801 et seq.);

24 (6) the national coral reef action plan;

1 (7) recovery plans for threatened species and
2 endangered species under section 4(f) of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1533(f));

4 (8) habitat conservation plans under section 10
5 of that Act (16 U.S.C. 1539);

6 (9) other Federal, State, and tribal plans for
7 imperiled species;

8 (10) State or tribal hazard mitigation plans;

9 (11) State or tribal water management plans;

10 and

11 (12) other State-based strategies that com-
12 prehensively implement adaptation activities to re-
13 mediate the effects of climate change and ocean
14 acidification on terrestrial, marine, and freshwater
15 fish, wildlife, plants, and other natural resources.

16 (f) UPDATING.—Each State plan shall be updated
17 not less than every 5 years.

18 (g) FUNDING.—

19 (1) IN GENERAL.—Funds allocated to States
20 under section 11 shall be used only for activities
21 that are consistent with a State natural resources
22 adaptation plan that has been approved by the Sec-
23 retaries of Interior and Commerce.

24 (2) FUNDING PRIOR TO THE APPROVAL OF A
25 STATE PLAN.—Until the earlier of the date that is

1 3 years after the date of the enactment of this Act
2 or the date on which a State receives approval for
3 the State strategy, a State shall be eligible to receive
4 funding under section 11 for adaptation activities
5 that are—

6 (A) consistent with the comprehensive
7 wildlife strategy of the State and, where appro-
8 priate, other natural resources conservation
9 strategies; and

10 (B) in accordance with a workplan devel-
11 oped in coordination with—

12 (i) the Secretary of the Interior; and

13 (ii) the Secretary of Commerce, for
14 any coastal State subject to the condition
15 that coordination with the Secretary of
16 Commerce shall be required only for those
17 portions of the strategy relating to activi-
18 ties affecting the coastal zone.

19 (3) PENDING APPROVAL.—During the period
20 for which approval by the applicable Secretary of a
21 State plan is pending, the State may continue receiv-
22 ing funds under section 11 pursuant to the workplan
23 described in paragraph (2)(B).

1 **SEC. 11. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
2 **TION FUND.**

3 (a) ESTABLISHMENT OF FUND.—There is hereby es-
4 tablished in the Treasury a separate account that shall
5 be known as the Natural Resources Climate Change Adap-
6 tation Account.

7 (b) AVAILABILITY OF AMOUNTS.—All amounts de-
8 posited into the Natural Resources Climate Change Adap-
9 tation Fund shall be available without further appropria-
10 tion or fiscal year limitation.

11 (c) ALLOCATIONS.—

12 (1) STATES.—38.5 percent of the amounts
13 made available for each fiscal year to carry out this
14 Act shall be provided to States to carry out natural
15 resources adaptation activities in accordance with
16 State natural resources adaptation plans approved
17 under section 10. Specifically—

18 (A) 32.5 percent shall be available to State
19 wildlife agencies in accordance with the appor-
20 tionment formula established under the second
21 subsection (c) of section 4 of the Pittman-Rob-
22 ertson Wildlife Restoration Act (16 U.S.C.
23 669c), as added by section 902(e) of H.R. 5548
24 as introduced in the 106th Congress and en-
25 acted into law by section 1(a)(2) of Public Law
26 106–553 (114 Stat. 2762A–119); and

1 (B) 6 percent shall be available to State
2 coastal agencies pursuant to the formula estab-
3 lished by the Secretary of Commerce under sec-
4 tion 306(c) of the Coastal Management Act of
5 1972 (16 U.S.C. 1455(c)).

6 (2) DEPARTMENT OF THE INTERIOR.—Of the
7 amounts made available for each fiscal year to carry
8 out this Act—

9 (A) 17 percent shall be allocated to the
10 Secretary of the Interior for use in funding—

11 (i) natural resources adaptation activi-
12 ties carried out—

13 (I) under endangered species, mi-
14 gratory species, and other fish and
15 wildlife programs administered by the
16 National Park Service, the United
17 States Fish and Wildlife Service, the
18 Bureau of Indian Affairs, and the Bu-
19 reau of Land Management;

20 (II) on wildlife refuges, National
21 Park Service land, and other public
22 land under the jurisdiction of the
23 United States Fish and Wildlife Serv-
24 ice, the Bureau of Land Management,

1 the Bureau of Indian Affairs, or the
2 National Park Service; or

3 (III) within Federal water man-
4 aged by the Bureau of Reclamation
5 and the National Park Service; and

6 (ii) for the implementation of the Na-
7 tional Fish and Wildlife Habitat and Cor-
8 ridors Identification Program pursuant to
9 section 12;

10 (B) 5 percent shall be allocated to the Sec-
11 retary of the Interior for natural resources ad-
12 aptation activities carried out under cooperative
13 grant programs, including—

14 (i) the cooperative endangered species
15 conservation fund authorized under section
16 6 of the Endangered Species Act of 1973
17 (16 U.S.C. 1535);

18 (ii) programs under the North Amer-
19 ican Wetlands Conservation Act (16
20 U.S.C. 4401 et seq.);

21 (iii) the Neotropical Migratory Bird
22 Conservation Fund established by section
23 9(a) of the Neotropical Migratory Bird
24 Conservation Act (16 U.S.C. 6108(a));

1 (iv) the Coastal Program of the
2 United States Fish and Wildlife Service;

3 (v) the National Fish Habitat Action
4 Plan;

5 (vi) the Partners for Fish and Wildlife
6 Program;

7 (vii) the Landowner Incentive Pro-
8 gram;

9 (viii) the Wildlife Without Borders
10 Program of the United States Fish and
11 Wildlife Service; and

12 (ix) the Migratory Species Program
13 and Park Flight Migratory Bird Program
14 of the National Park Service; and

15 (C) 3 percent shall be allocated to the Sec-
16 retary of the Interior to provide financial assist-
17 ance to Indian tribes to carry out natural re-
18 sources adaptation activities through the Tribal
19 Wildlife Grants Program of the United States
20 Fish and Wildlife Service.

21 (3) LAND AND WATER CONSERVATION FUND.—

22 (A) DEPOSITS.—

23 (i) IN GENERAL.—Of the amounts
24 made available for each fiscal year to carry
25 out this Act, 12 percent shall be deposited

1 into the Land and Water Conservation
2 Fund established under section 2 of the
3 Land and Water Conservation Fund Act of
4 1965 (16 U.S.C. 4601–5).

5 (ii) USE OF DEPOSITS.—Deposits into
6 the Land and Water Conservation Fund
7 under this paragraph shall—

8 (I) be supplemental to authoriza-
9 tions provided under section 3 of the
10 Land and Water Conservation Fund
11 Act of 1965 (16 U.S.C. 4601–6),
12 which shall remain available for non-
13 adaptation needs; and

14 (II) be available for expenditure
15 to carry out this Act without further
16 appropriation or fiscal year limitation.

17 (B) ALLOCATIONS.—Of the amounts de-
18 posited under this paragraph into the Land and
19 Water Conservation Fund—

20 (i) $\frac{1}{6}$ shall be allocated to the Sec-
21 retary of the Interior and made available
22 on a competitive basis to carry out natural
23 resources adaptation activities through the
24 acquisition of land and interests in land
25 under section 6 of the Land and Water

1 Conservation Fund Act of 1965 (16 U.S.C.
2 4601–8)—

3 (I) to States in accordance with
4 their natural resources adaptation
5 plans, and to Indian tribes;

6 (II) notwithstanding section 5 of
7 that Act (16 U.S.C. 4601–7); and

8 (III) in addition to any funds
9 provided pursuant to annual appro-
10 priations Acts, the Energy Policy Act
11 of 2005 (42 U.S.C. 15801 et seq.), or
12 any other authorization for non-
13 adaptation needs;

14 (ii) $\frac{1}{3}$ shall be allocated to the Sec-
15 retary of the Interior to carry out natural
16 resources adaptation activities through the
17 acquisition of lands and interests in land
18 under section 7 of the Land and Water
19 Conservation Fund Act of 1965 (16 U.S.C.
20 4601–9);

21 (iii) $\frac{1}{6}$ shall be allocated to the Sec-
22 retary of Agriculture and made available to
23 the States and Indian tribes to carry out
24 natural resources adaptation activities
25 through the acquisition of land and inter-

1 ests in land under section 7 of the Forest
2 Legacy Program under the Cooperative
3 Forestry Assistance Act of 1978 (16
4 U.S.C. 2103c); and

5 (iv) $\frac{1}{3}$ shall be allocated to the Sec-
6 retary of Agriculture to carry out natural
7 resources adaptation activities through the
8 acquisition of land and interests in land
9 under section 7 of the Land and Water
10 Conservation Fund Act of 1965 (16 U.S.C.
11 4601–9).

12 (C) EXPENDITURE OF FUNDS.—In allo-
13 cating funds under subparagraph (B), the Sec-
14 retary of the Interior and the Secretary of Agri-
15 culture shall take into consideration factors in-
16 cluding—

17 (i) the availability of non-Federal con-
18 tributions from State, local, or private
19 sources;

20 (ii) opportunities to protect fish and
21 wildlife corridors or otherwise to link or
22 consolidate fragmented habitats;

23 (iii) opportunities to reduce the risk of
24 catastrophic wildfires, drought, extreme
25 flooding, or other climate-related events

1 that are harmful to fish and wildlife and
2 people; and

3 (iv) the potential for conservation of
4 species or habitat types at serious risk due
5 to climate change, ocean acidification, and
6 other stressors.

7 (4) FOREST SERVICE.—Of the amounts made
8 available for each fiscal year to carry out this Act,
9 5 percent shall be allocated to the Secretary of Agri-
10 culture for use in funding natural resources adapta-
11 tion activities carried out on national forests and na-
12 tional grasslands under the jurisdiction of the Forest
13 Service.

14 (5) DEPARTMENT OF COMMERCE.—Of the
15 amounts made available for each fiscal year to carry
16 out this Act, 7 percent shall be allocated to the Sec-
17 retary of Commerce for use in funding natural re-
18 sources adaptation activities to protect, maintain,
19 and restore coastal, estuarine, and marine resources,
20 habitats, and ecosystems, including such activities
21 carried out under—

22 (A) the coastal and estuarine land con-
23 servation program;

24 (B) the community-based restoration pro-
25 gram;

1 (C) the Coastal Zone Management Act of
2 1972 (16 U.S.C. 1451 et seq.), that are specifi-
3 cally designed to strengthen the ability of coast-
4 al, estuarine, and marine resources, habitats,
5 and ecosystems to adapt to and withstand the
6 impacts of climate change and ocean acidifica-
7 tion;

8 (D) the Open Rivers Initiative;

9 (E) the Magnuson-Stevens Fishery Con-
10 servation and Management Act (16 U.S.C.
11 1801 et seq.);

12 (F) the Marine Mammal Protection Act of
13 1972 (16 U.S.C. 1361 et seq.);

14 (G) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.);

16 (H) the Marine Protection, Research, and
17 Sanctuaries Act of 1972 (33 U.S.C. 1401 et
18 seq.);

19 (I) the Coral Reef Conservation Act of
20 2000 (16 U.S.C. 6401 et seq.); and

21 (J) the Estuary Restoration Act of 2000
22 (33 U.S.C. 2901 et seq.).

23 (6) OTHER FEDERAL AGENCIES.—Of the
24 amount made available for each fiscal year to carry
25 out this Act, 12.5 percent shall be allocated to Fed-

1 eral departments and agencies to which funds are
2 not otherwise allocated by this subsection and that
3 have with jurisdiction over natural resources, for use
4 in funding natural resources adaptation activities.

5 (d) USE OF FUNDS BY FEDERAL DEPARTMENTS AND
6 AGENCIES.—Funds allocated to Federal departments and
7 agencies under this section shall only be used for natural
8 resources adaptation activities that are consistent with an
9 adaptation plan developed and approved by the President
10 under section 9.

11 (e) STATE COST SHARING.—Notwithstanding any
12 other provision of law, a State that receives a grant with
13 amounts allocated under this section shall use funds from
14 non-Federal sources to pay 10 percent of the costs of each
15 activity carried out using amounts provided under the
16 grant.

17 **SEC. 12. NATIONAL WILDLIFE HABITAT AND CORRIDORS**
18 **INFORMATION PROGRAM.**

19 (a) ESTABLISHMENT.—Within 6 months of the date
20 of enactment of this Act, the Secretary of the Interior,
21 in cooperation with the States and Indian tribes, shall es-
22 tablish a National Fish and Wildlife Habitat and Cor-
23 ridors Information Program in accordance with the re-
24 quirements of this section.

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

1 (1) support States and Indian tribes in the de-
2 velopment of a geographic information system data-
3 base of fish and wildlife habitat and corridors that
4 would inform planning and development decisions
5 within each State, enable each State to model cli-
6 mate impacts and adaptation, and provide geo-
7 graphically specific enhancements of State wildlife
8 action plans;

9 (2) ensure the collaborative development, with
10 the States and Indian tribes, of a comprehensive,
11 national geographic information system database of
12 maps, models, data, surveys, informational products,
13 and other geospatial information regarding fish and
14 wildlife habitat and corridors, that—

15 (A) is based on consistent protocols for
16 sampling and mapping across landscapes that
17 take into account regional differences; and

18 (B) that utilizes—

19 (i) existing and planned State- and
20 tribal-based geographic information system
21 databases; and

22 (ii) existing databases, analytical
23 tools, metadata activities, and other infor-
24 mation products available through the Na-
25 tional Biological Information Infrastruc-

1 ture maintained by the Secretary and non-
2 governmental organizations; and

3 (3) facilitate the use of such databases by Fed-
4 eral, State, local, and tribal decisionmakers to incor-
5 porate qualitative information on fish and wildlife
6 habitat and corridors at the earliest possible stage
7 to—

8 (A) prioritize and target natural resources
9 adaptation strategies and activities;

10 (B) avoid, minimize, and mitigate the im-
11 pacts on fish and wildlife habitat and corridors
12 in siting energy development, water, trans-
13 mission, transportation, and other land use
14 projects;

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

17 (D) develop management strategies to en-
18 hance the ability of fish, wildlife, and plant spe-
19 cies to migrate or respond to shifting habitats
20 within existing habitats and corridors.

21 (c) HABITAT AND CORRIDORS INFORMATION SYS-
22 TEM.—

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

- 1 (2) CONTENTS.—The System shall—
- 2 (A) include maps, data, and descriptions of
- 3 fish and wildlife habitat and corridors, that—
- 4 (i) have been developed by Federal
- 5 agencies, State wildlife agencies and nat-
- 6 ural heritage programs, Indian tribes, local
- 7 governments, nongovernmental organiza-
- 8 tions, and industry; and
- 9 (ii) meet accepted Geospatial Inter-
- 10 operability Framework data and metadata
- 11 protocols and standards;
- 12 (B) include maps and descriptions of pro-
- 13 jected shifts in habitats and corridors of fish
- 14 and wildlife species in response to climate
- 15 change;
- 16 (C) assure data quality and make the data,
- 17 models, and analyses included in the System
- 18 available at scales useful to decisionmakers—
- 19 (i) to prioritize and target natural re-
- 20 sources adaptation strategies and activi-
- 21 ties;
- 22 (ii) to assess the impacts of proposed
- 23 energy development, water, transmission,
- 24 transportation, and other land use projects

1 and avoid, minimize, and mitigate those
2 impacts on habitats and corridors;

3 (iii) to assess the impacts of existing
4 development on habitats and corridors; and

5 (iv) to develop management strategies
6 to enhance the ability of fish, wildlife, and
7 plant species to migrate or respond to
8 shifting habitats within existing habitats
9 and corridors;

10 (D) establish a process for updating maps
11 and other information as landscapes, habitats,
12 corridors, and wildlife populations change or as
13 other information becomes available;

14 (E) encourage the development of collabo-
15 rative plans by Federal and State agencies and
16 Indian tribes to monitor and evaluate the effi-
17 cacy of the System to meet the needs of deci-
18 sionmakers;

19 (F) identify gaps in habitat and corridor
20 information, mapping, and research that should
21 be addressed to fully understand and assess
22 current data and metadata, and to prioritize re-
23 search and future data collection activities for
24 use in updating the System and provide support
25 for those activities;

1 (G) include mechanisms to support collabo-
2 rative research, mapping, and planning of habi-
3 tats and corridors by Federal and State agen-
4 cies, Indian tribes, and other interested stake-
5 holders;

6 (H) incorporate biological and geospatial
7 data on species and corridors found in energy
8 development and transmission plans, including
9 renewable energy initiatives, transportation, and
10 other land use plans;

11 (I) be based on the best scientific informa-
12 tion available; and

13 (J) identify, prioritize, and describe key
14 parcels of non-Federal land located within the
15 boundaries of units of the National Park Sys-
16 tem, National Wildlife Refuge System, National
17 Forest System, or National Grassland System
18 that are critical to maintenance of wildlife habi-
19 tat and migration corridors.

20 (d) FINANCIAL AND OTHER SUPPORT.—The Sec-
21 retary may provide support to the States and Indian
22 tribes, including financial and technical assistance, for ac-
23 tivities that support the development and implementation
24 of the System.

1 (e) COORDINATION.—The Secretary, in cooperation
2 with the States and Indian tribes, shall make rec-
3 ommendations on how the information developed in the
4 System may be incorporated into existing relevant State
5 and Federal plans affecting fish and wildlife, including
6 land management plans, the State Comprehensive Wildlife
7 Conservation Strategies, and appropriate tribal conserva-
8 tion plans, to ensure that they—

9 (1) prevent unnecessary habitat fragmentation
10 and disruption of corridors;

11 (2) promote the landscape connectivity nec-
12 essary to allow wildlife to move as necessary to meet
13 biological needs, adjust to shifts in habitat, and
14 adapt to climate change; and

15 (3) minimize the impacts of energy, develop-
16 ment, water, transportation, and transmission
17 projects and other activities expected to impact habi-
18 tat and corridors.

19 (f) DEFINITIONS.—In this section:

20 (1) GEOSPATIAL INTEROPERABILITY FRAME-
21 WORK.—The term “Geospatial Interoperability
22 Framework” means the strategy utilized by the Na-
23 tional Biological Information Infrastructure that is
24 based upon accepted standards, specifications, and
25 protocols adopted through the International Stand-

1 ards Organization, the Open Geospatial Consortium,
2 and the Federal Geographic Data Committee, to
3 manage, archive, integrate, analyze, and make acces-
4 sible geospatial and biological data and metadata.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 **SEC. 13. ADDITIONAL PROVISIONS REGARDING INDIAN**
8 **TRIBES.**

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

12 (b) EXEMPTION FROM FOIA.—If a Federal depart-
13 ment or agency receives any information related to sacred
14 sites or cultural activities identified by an Indian tribe as
15 confidential, such information shall be exempt from disclo-
16 sure under section 552 of title 5, United States Code, pop-
17 ularly known as the Freedom of Information Act (5 U.S.C.
18 552).

19 (c) APPLICATION OF OTHER LAW.—The Secretary of
20 the Interior may apply the provisions of Public Law 93–
21 638 where appropriate in the implementation of this Act.

○