



# Senate Clean Energy Jobs and American Power Act (S. 1733)

## *Summary of Provisions to Safeguard Natural Resources from Global Warming*

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On September 30, 2009 Senators John Kerry (D-MA) and Barbara Boxer (D-CA) introduced the *Clean Energy Jobs and American Power Act*, comprehensive energy and climate legislation that moves America closer to increasing our energy security, creating green jobs and tackling global warming. An essential element of the bill is a policy proposal to address the impacts of global climate change on wildlife and natural resources. This fact sheet provides a summary of the robust policy platform the Clean Energy Jobs and American Power Act would establish to help safeguard wildlife and natural resources in a warming world.

### Funding Natural Resources Adaptation

S. 1733 includes allocations for natural resources adaptation from the revenue generated by the cap and trade program. These allocations are divided among federal and state agencies for natural resources adaptation. The bill provides 1% of the total allocation value from 2012-2021, 2% from 2022-2026 and rises to 4% from 2027-2050. While this allocation is an essential down payment, additional long-term funding will be necessary to implement the bill's natural resource provisions. Defenders of Wildlife, along with more than 600 national, regional and local organizations, are urging Congress to dedicate at least 5% of S. 1733's total allowance value to safeguard natural resources.

S.1733 establishes a new account for natural resources adaptation in Title II, Section 213, Climate Change Safeguards for Natural Resources Conservation. This section establishes a fund in the Treasury to be known as the Natural Resources Climate Change Adaptation Account and instructs the Administrator to deposit proceeds of the auction to this account. It further stipulates that this account shall be made available without further appropriations.

### Establishing National Policy for Natural Resources Adaptation

The natural resource adaptation section of S.1733 (Title III, Subtitle C, Part I, Subpart C) incorporates a policy proposal developed by Senators Max Baucus (D-MT) and Sheldon Whitehouse (D-RI).

### SUBPART C- Climate Change Safeguards for Natural Resources Conservation

#### Section 361. Purposes

The purposes of this Act are to establish an integrated Federal program that responds to ongoing and expected impacts of climate change by protecting, restoring, and conserving the natural resources of the United States, and to provide financial support and incentives for programs, strategies, and activities that respond to threats of climate change.

#### Section 362. Natural Resources Climate Change Adaptation Policy

Establishes the policy of the Federal government, in cooperation with State and local governments, Tribes, and other stakeholders, to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change.

#### Section 363. Definitions

Defines terms used in the legislation, including ecological processes, corridors, habitat, natural resources, natural resources adaptation, and resilience, among others.

#### Section 364. Council on Environmental Quality

Directs the Council on Environmental Quality (CEQ) to lead the development and implementation of a national Natural Resources Climate Change Adaptation Strategy and coordinate federal agency activities and strategies to help natural resources become more resilient to and withstand the impacts of climate change.

#### Section 365. Natural Resources Climate Change Adaptation Panel

Establishes the Natural Resources Climate Change Adaptation Panel as the forum for interagency consultation and coordination of the development and implementation of the national strategy. Led by CEQ, the Panel consists of NOAA, the Forest Service, National Park Service, US Fish & Wildlife Service, Bureau of Land Management, US Geological Survey, Bureau of Reclamation, Environmental Protection Agency, Army Corps of Engineers, Federal Emergency Management Agency, Bureau of Indian Affairs, and other Federal agencies with jurisdiction over natural resources.

#### Section 366. Natural Resources Climate Change Adaptation Strategy

Within one year after enactment, the Panel established in Section 365 is to develop a national strategy to protect, restore, and conserve natural resources in the face of climate change. The strategy is to be based upon the best available science and developed in close coordination with States, Tribes and other relevant federal agencies and with the input of other stakeholders, including local governments, conservation organizations, and scientists. This strategy will be revised every 5 years to incorporate new information. This section outlines the contents of the national strategy, including a national vulnerability assessment and protocols for integrating climate change adaptation strategies into conservation and management practices.

#### Section 367. Natural Resources Adaptation Science and Information

This section increases the capacity of the federal government to better understand and respond to climate change's impacts on natural resources:

- **Coordinated Process on Scientific Information** - Directs the Administrator of NOAA and Director of USGS to establish a coordinated process for developing and providing scientific information on impacts of climate change on natural resources. This approach should avoid duplication, provide relevant technical assistance to stakeholders, conduct and sponsor needed research, and assist in the development of adaptation plans.
- **Survey** - Calls on Commerce and Interior to conduct a survey one year after enactment, and every 5 years thereafter, to identify natural resources likely to be negatively impacted, include baseline monitoring and trend analysis, and engage stakeholders to identify and prioritize monitoring and research needs, and identify missing decision tools.
- **National Climate Change and Wildlife Science Center** - Formally establishes the National Climate Change and Wildlife Science Center at the US Geological Survey. Identifies the Center's core functions, including assessing and synthesizing current physical and biological knowledge of climate change's impacts, identifying and prioritizing research needed to fill scientific gaps,

- **Science Advisory Board** - Establishes a Science Advisory Board to be selected by the Secretaries of Interior and Commerce. The Board will be comprised of experts from relevant disciplines, half recommended by the National Academy of Sciences. The Board will advise the Secretaries on the latest science regarding climate change's impacts on natural resources and scientific strategies and mechanisms for helping these resources withstand the impacts.

Section 368. Federal Natural Resource Agency Adaptation Plans

Calls for Federal agencies represented on the Panel created under Section 365 to develop agency-specific adaptation plans within a year after completion of the national strategy. These plans are subject to public review and approved by the President. Lays out specific requirements for these plans, including programs to assess impacts, identification and prioritization of strategies and conservation actions to increase resilience, steps to integrate strategies into current plans and programs, methods for assessing strategies' effectiveness, and specific direction to natural resource managers. Plans will be submitted to Congress and reviewed and updated every 5 years.

Section 369. State Natural Resources Adaptation Plans

Establishes a process and requirements for the development of state natural resources adaptation plans. States are to develop plans within a year after completion of the national strategy, to be approved by the Secretary of the Interior, and, in the case of coastal states (as defined by the Coastal Zone Management Act) the Secretary of Commerce. Lays out the contents of the state plans, which shall be incorporated in state wildlife action plans, and updated every 5 years.

Sec. 370. Natural Resources Climate Change Adaptation Account.

Establishes the Natural Resources Climate Change Adaptation Account, with funds allocated as follows:

| <i><b>Allocation of Federal Funds</b></i>                                                                                 | <i><b>As a Percentage of<br/>total Natural<br/>Resource Account</b></i> |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Tribal fish and wildlife agencies                                                                                         | 3%                                                                      |
| Department of the Interior<br>(wildlife programs and lands<br>and waters under DOI's jurisdiction)                        | 17%                                                                     |
| Department of the Interior<br>(cooperative grant programs)                                                                | 5%                                                                      |
| Land & Water Conservation Fund<br>(Funding split between DOI and Forest Service for state<br>and federal land protection) | 12%                                                                     |
| Forest Service                                                                                                            | 5%                                                                      |
| NOAA<br>(coastal, estuarine, coral and marine species and habitats)                                                       | 7%                                                                      |
| EPA                                                                                                                       | 7.5%                                                                    |
| Army Corps of Engineers                                                                                                   | 5%                                                                      |
| <b>TOTAL</b>                                                                                                              | <b>61.5%</b>                                                            |

Additionally, natural resource adaptation funds are dedicated to states as follows:

| <i>Allocation of State Funds</i> | <i>As a Percentage of<br/>total Natural<br/>Resource Account</i> |
|----------------------------------|------------------------------------------------------------------|
| State Fish and Wildlife Agencies | 32.5%                                                            |
| State Coastal Agencies           | 6%                                                               |
| <b>TOTAL</b>                     | <b>38.5%</b>                                                     |

(Funds to state wildlife agencies will be apportioned to states according to the Pittman-Robertson (WCRP) formula; funds to coastal agencies will be apportioned to states according to the Coastal Zone Management Act formula.)

Section 371. National Fish and Wildlife Habitat and Corridors Information Program

Calls for creating, within 6 months of enactment, a new National Fish & Wildlife Habitat Corridors Information Program. Led by Interior, this new program will be developed collaboratively by federal agencies, states, and Tribes and is designed to provide maps identifying projected fish and wildlife habitats and corridors, which will be used to inform planning and development decisions.

Section 372. Additional Provisions Regarding Indian Tribes

Clarifies that nothing in this act alters or gives priority over Federal trust responsibility to the Tribes. Exempts from FOIA any information related to sacred sites or cultural activities identified as confidential by Tribes.

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