

112TH CONGRESS
1ST SESSION

H. R. 3496

To sustain fish, plants, and wildlife on America's public lands.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2011

Mr. KIND (for himself and Mr. REICHERT) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 sustain fish, plants, and wildlife on America's public lands.

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 "America's Wildlife
5 Heritage Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Fish and wildlife are fundamental parts of
9 America's history and character, and fish and wild-

1 life conservation is a core value shared by all Ameri-
2 cans. All future generations deserve the opportunity
3 to benefit from and enjoy a diverse array of fish and
4 wildlife species.

5 (2) Fish and wildlife conservation provides eco-
6 nomic, social, educational, recreational, emotional,
7 and spiritual benefits. The economic value of hunt-
8 ing, fishing, and wildlife-associated recreation alone
9 is estimated to contribute \$122,000,000,000 annu-
10 ally to the American economy. Fish and wildlife
11 habitats, including forests, grasslands, riparian
12 lands, wetlands, rivers, and other bodies of water are
13 an essential component of the American landscape,
14 and are protected and valued by Federal, State, and
15 local governments, tribes, private landowners, con-
16 servation organizations, and millions of American
17 sportsmen and outdoor recreationists.

18 (3) States possess broad trustee and police pow-
19 ers over fish and wildlife within their borders.

20 (4) The States and the Federal Government
21 both have management responsibilities affecting fish
22 and wildlife, and should work cooperatively in ful-
23 filling these responsibilities.

24 (5) The American landscape is rapidly chang-
25 ing, particularly in the Western United States where

1 the majority of the Federal public lands are found,
2 increasing the importance of sustaining fish and
3 wildlife and their habitats on our public lands.

4 (6) Federal public lands are critical to the fu-
5 ture of fish, plant, and wildlife species in America.
6 Federal public lands help to protect endangered and
7 threatened species from going extinct and help pre-
8 vent species from becoming endangered in the first
9 place. These lands complement the conservation of
10 fish, plants, and wildlife on private lands by pro-
11 viding comparatively intact tracts of land that serve
12 as refuges from human development and other pres-
13 sures. Federal public lands also help keep common
14 species common, including species valued for hunting
15 and fishing.

16 (7) Federal public lands provide habitats for
17 species impacted by the effects of global climate
18 change and will play an important role in the ability
19 of fish, plants, and wildlife to adapt to and survive
20 global warming's mounting impacts.

21 (8) Consistent with long-standing principles of
22 multiple use and sustained yield management, the
23 goal of sustaining the diverse fish, wildlife, and plant
24 communities that depend on our Federal public

1 lands should guide the stewardship of America’s
2 public lands.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **DESIRED NON-NATIVE SPECIES.**—The term
6 “desired non-native species” means those wild spe-
7 cies of plants or animals that are not indigenous to
8 a planning area but are valued for their contribution
9 to species diversity or their social, cultural, or eco-
10 nomic value.

11 (2) **FOCAL SPECIES.**—The term “focal species”
12 means species selected for monitoring because their
13 population status and trends are believed to provide
14 useful information regarding the effects of manage-
15 ment activities, natural disruptions, or other factors
16 on unmeasured species and to provide insights to the
17 integrity of the ecological systems to which they be-
18 long.

19 (3) **NATIVE SPECIES.**—The term “native spe-
20 cies” means species of plants and animals indige-
21 nous to a planning area.

22 (4) **PLANNING AREA.**—The term “planning
23 area” means any geographic unit of National Forest
24 System lands or Bureau of Land Management lands
25 covered by an individual management plan.

1 (5) SECRETARY.—The term “Secretary”
2 means—

3 (A) the Secretary of the Interior, with re-
4 spect to land under such Secretary’s jurisdic-
5 tion; and

6 (B) the Secretary of Agriculture, with re-
7 spect to land under such Secretary’s jurisdic-
8 tion.

9 (6) SPECIES-OF-CONCERN.—The term “species-
10 of-concern” means the following:

11 (A) A species listed as an endangered spe-
12 cies or threatened species, or proposed or iden-
13 tified as candidates for such listing, under the
14 Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.).

16 (B) A species designated with a Global,
17 State, or Taxon status ranking of G1, G2, G3,
18 S1, S2, T1, T2, or T3 by a State Natural Her-
19 itage Program.

20 (C) A species of greatest conservation need
21 identified by State comprehensive wildlife con-
22 servation strategies.

23 (D) Other species identified by the Forest
24 Service or the Bureau of Land Management for
25 which scientific evidence raises a concern re-

1 garding the species' sustainability in a planning
2 area.

3 (7) SUSTAINABLE POPULATION.—The term
4 “sustainable population” means a population of a
5 species that has a high likelihood of persisting well
6 distributed throughout its range within a planning
7 area for a period of at least 50 years into the future,
8 based on the best available scientific information, in-
9 cluding information obtained through the monitoring
10 program under section 5, regarding its abundance,
11 distribution, habitat quality, and reproduction and
12 survival rates.

13 **SEC. 4. SUSTAINABLE POPULATIONS.**

14 (a) MANAGEMENT DIRECTION.—Each Secretary
15 shall plan for and manage planning areas under the Sec-
16 retary's respective jurisdiction in order to maintain sus-
17 tainable populations of native species and desired non-na-
18 tive species within each planning area, except that man-
19 agement for desired non-native species shall not interfere
20 with the maintenance of sustainable populations of native
21 species within a planning area.

22 (b) MANAGEMENT COORDINATION.—If a population
23 of a species extends across more than one planning area,
24 each Secretary shall coordinate the management of lands

1 in the planning areas containing such population in order
2 to maintain a sustainable population of such species.

3 (c) EXTRINSIC CONDITIONS.—If a Secretary, using
4 the best available science and after providing notice to the
5 public by publication in the Federal Register and oppor-
6 tunity for public comment for a period of at least 60 days,
7 determines that conditions beyond such Secretary's au-
8 thority make it impossible for the Secretary to maintain
9 a sustainable population of a native species or desired non-
10 native species within a planning area, or, under the cir-
11 cumstances identified in paragraph (2), within two or
12 more planning areas, such Secretary shall—

13 (1) manage lands within the planning area or
14 areas in order to achieve to the maximum extent
15 possible the survival and health of that population;
16 and

17 (2) ensure that any activity authorized, funded,
18 or carried out within the planning area does not in-
19 crease the likelihood of extirpation of the population
20 in such planning area or areas.

21 (d) COMPLIANCE.—Each Secretary shall ensure that
22 land management plans for a planning area under the Sec-
23 retary's respective jurisdiction, actions implementing or
24 authorized under such plans, and other activities that may
25 affect the maintenance of sustainable populations con-

1 ducted under the Secretary's jurisdiction comply with this
2 section.

3 **SEC. 5. MONITORING AND EVALUATION.**

4 (a) ESTABLISHMENT OF MONITORING PROGRAMS.—

5 To provide a basis for determining the sustainability of
6 native species and desired non-native species populations
7 for purposes of section 4, each Secretary shall adopt and
8 implement, as part of the land management planning for
9 a planning area, a strategically targeted monitoring pro-
10 gram to determine the status and trends of such species
11 populations in such planning area.

12 (b) MONITORING PROGRAM REQUIREMENTS.—The
13 monitoring programs established under subsection (a)
14 shall designate focal species representing the diversity of
15 ecological systems and species present in the planning
16 area, identify species-of-concern in the planning area, and
17 provide for—

18 (1) the monitoring of the status and trends of
19 the habitats and ecological conditions that support
20 focal species and species-of-concern;

21 (2) population surveys of the focal species iden-
22 tified in the monitoring program using methods suf-
23 ficient to ensure that monitoring of habitats and ec-
24 ological conditions pursuant to paragraph (1) is pro-
25 viding accurate information regarding the status and

1 trends of species' populations in the planning area;
2 and

3 (3) population surveys of species-of-concern
4 whose populations are not adequately assessed by
5 monitoring pursuant to paragraphs (1) and (2) and
6 for which there is reasonable concern regarding po-
7 tential reductions in distribution or abundance with-
8 in such planning area in order to evaluate informa-
9 tion regarding population status and trends.

10 (c) COOPERATION WITH STATE ENTITIES AND
11 OTHER AGENCIES.—Each Secretary shall develop and im-
12 plement, to the maximum extent practicable, the moni-
13 toring program established under this section, including
14 the selection of native species and desired non-native spe-
15 cies, habitat, and ecological conditions to be monitored
16 and methodologies for conducting such monitoring, in co-
17 operation with State fish and wildlife agencies and in co-
18 ordination with other State agencies with responsibility for
19 management of natural resources. Each Secretary shall
20 consider and utilize relevant population data maintained
21 by other Federal agencies, State agencies, tribes, or other
22 relevant entities.

23 **SEC. 6. COORDINATION.**

24 (a) MANAGEMENT COORDINATION.—To the max-
25 imum extent practicable and consistent with applicable

1 law, each Secretary shall coordinate the management of
2 planning areas with the management of the National
3 Wildlife Refuge System and National Park System, other
4 Federal agencies, State fish and wildlife agencies, other
5 State agencies with responsibility for management of nat-
6 ural resources, tribes, local governments, and non-govern-
7 mental organizations engaged in species conservation in
8 order to—

9 (1) maintain sustainable populations of native
10 species and desired non-native species;

11 (2) develop strategies to address the impacts of
12 climate change on native species and desired non-na-
13 tive species;

14 (3) establish linkages between habitats and dis-
15 crete populations;

16 (4) reintroduce extirpated species, where appro-
17 priate, when a species population is no longer
18 present; and

19 (5) conduct other joint efforts in support of
20 sustainable plant and animal communities across ju-
21 risdictional boundaries.

22 (b) COORDINATION WITH CONSERVATION ACTIVI-
23 TIES.—In planning for the management of lands for the
24 purpose of maintaining sustainable populations of native
25 species and desired non-native species in a planning area,

1 each Secretary shall, to the maximum extent practicable
2 and consistent with Federal law—

3 (1) consult with and offer opportunities for par-
4 ticipation to adjoining Federal, State, tribal, local,
5 and private landowners, State and tribal fish and
6 wildlife agencies, and other State and tribal agencies
7 with responsibility for management of natural re-
8 sources; and

9 (2) coordinate such management planning with
10 relevant conservation plans for fish, plants, and
11 wildlife and their habitats, including State com-
12 prehensive wildlife strategies and other State con-
13 servation strategies for species, National Fish Habi-
14 tat partnerships, North American Wetland Con-
15 servation Joint Ventures, and the Federal-State-pri-
16 vate partnership known as Partners in Flight.

17 (c) **NO EFFECT ON NATIONAL WILDLIFE REFUGE**
18 **OR NATIONAL PARK SYSTEMS.**—Nothing in this section
19 affects the laws or management standards applicable to
20 lands or species populations within the National Wildlife
21 Refuge System or National Park System.

22 **SEC. 7. IMPLEMENTING REGULATIONS.**

23 Not later than one year following the date of enact-
24 ment of this Act, each Secretary shall issue regulations

1 implementing all provisions of America's Wildlife Heritage
2 Act.

3 **SEC. 8. CONSTRUCTION.**

4 Nothing in this Act shall be construed to—

5 (1) affect the authority, jurisdiction, or respon-
6 sibility of each of the several States to manage, con-
7 trol, or regulate fish, plants, and wildlife under the
8 laws and regulations of each of the States; or

9 (2) authorize a Secretary to control or regulate
10 within a State the fishing or hunting of fish and
11 wildlife within the State except insofar as the Sec-
12 retary may exercise authority granted to him or her
13 under other laws.

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