To establish a National Wildlife Corridors System to provide for the protection and restoration of certain native fish, wildlife, and plant species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Udall introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To establish a National Wildlife Corridors System to provide for the protection and restoration of certain native fish, wildlife, and plant species, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Wildlife Corridors Conservation Act of 2018”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. National Wildlife Corridors System.
Sec. 5. Administrative designation of National Wildlife Corridors.
Sec. 6. Protection and management.
Sec. 7. Conservation support.
Sec. 8. National native species habitats and corridors database.
Sec. 9. Wildlife Corridors Stewardship and Protection Fund.
Sec. 10. Protection of Indian tribes.
Sec. 11. Relationship to other conservation laws.
Sec. 12. Collaboration.
Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) the native fish, wildlife, and plant species in the United States are part of a rich natural heritage and an important legacy to pass on to future generations;

(2) the populations of many native fish, wildlife, and plant species in the United States are declining;

(3) scientists estimate that 1 in 5 animal and plant species in the United States is at risk of extinction, and many species are declining in numbers;

(4) one of the greatest threats to the survival and diversity of many native fish, wildlife, and plant species in the United States is the loss, degradation, fragmentation, and obstructions of natural habitats;

(5) the conservation of landscape corridors and hydrological connectivity, through which native fish, wildlife, and plant species and ecological processes can transition from 1 habitat to another, plays an important role in helping—

(A) to conserve native biodiversity; and
(B) to ensure resiliency against impacts from a range of stressors;

(6) climate change could threaten native fish, wildlife, and plant species;

(7) the conservation, restoration, and establishment of new ecological connections to facilitate the shift of species into more suitable habitats is a key climate change adaptation strategy;

(8) protecting landscape corridors and hydrological connectivity is—

(A) a broadly accepted strategy—

(i) to conserve native fish, wildlife, and plant species; and

(ii) to ensure ecosystem resilience; and

(B) often 1 of the first steps in restoration and recovery planning;

(9) in the policy resolution of the Western Governors’ Association entitled “Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West” and the resolution of the New England Governors and Eastern Canadian Premiers’ Conference, which recognizes the importance of ecological connectivity for the adaptability and resilience of the ecosystems of participating regions, biodiversity, and human communities in the face of climate
change, States have recognized the importance of connectivity;

(10) the strategic plan of the United States Fish and Wildlife Service to respond to accelerating climate change entitled “Rising to the Urgent Challenge” acknowledges that “processes such as pollination, seed dispersal, nutrient cycling, natural disturbance cycles, predator-prey relations, and others must be part of the natural landscapes we seek to maintain or restore . . . and are likely to function more optimally in landscapes composed of large habitat blocks connected by well-placed corridors”;

(11) Secretarial Order No. 3362, issued by the Secretary of the Interior on February 9, 2018, and relating to improving habitat quality in western big-game winter range and migration corridors, includes a goal “to conserve and/or improve priority western big-game winter range and migration corridors in sagebrush ecosystems and in other ecotypes”; and

(12) Federal and State agencies continue to develop policies to address—

(A) the importance of conserving fish, wildlife, and plant corridors; and

(B) ecological connectivity.
SEC. 3. DEFINITIONS.

In this Act:

(1) CONNECTIVITY.—The term "connectivity" means the condition of an area, with respect to individual or ecologically associated populations of native fish, wildlife, and plant species, that permits—

(A) dispersal and genetic exchange between populations;

(B) range shifts or expansion, such as in response to climate change;

(C) seasonal movement or migration; or

(D) succession, movement, or recolonization following a disturbance or population decline.

(2) CORRIDOR.—The term "Corridor" means any land or water designated as a National Wildlife Corridor under section 5(a).

(3) FUND.—The term "Fund" means the Wildlife Corridors Stewardship and Protection Fund established in section 9.

(4) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture;

(B) the Secretary of Commerce;

(C) the Secretary of Defense;

(D) the Secretary; and
(E) the Secretary of Transportation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(6) SYSTEM.—The term “System” means the National Wildlife Corridors System established under section 4(a).

SEC. 4. NATIONAL WILDLIFE CORRIDORS SYSTEM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, and the Secretary of Transportation, shall establish a National Wildlife Corridors System to provide for the conservation and restoration of habitats that support a diverse array of ecologically associated native fish, wildlife, and plant species in the United States, including species protected under Federal law, that have experienced or may experience—

(1) habitat loss, degradation, or fragmentation;

or

(2) obstructions to connectivity.

(b) PURPOSES.—The purposes of the System are—

(1) to provide long-term habitat connectivity for native fish, wildlife, and plant species for migration,
dispersal, adaptation to climate and other environmental change, and genetic exchange;

(2) to help restore ecological processes that have been disrupted by habitat loss, degradation, fragmentation, or obstruction; and

(3) to facilitate coordinated landscape- and seascape-scale connectivity planning and management across jurisdictions.

(e) COMPONENTS.—The System shall consist of Corridors that are designated under section 5(a).

(d) STRATEGY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a strategy for the effective development of the System designed—

(A) to ensure the fulfillment of the purposes of the System described in subsection (b); and

(B) to include—

(i) consideration of connectivity needs with respect to non-Federal land and water;

(ii) effective coordination of Corridors that span across land and water of Federal, State, and local jurisdictions; and
(iii) an approximate development timeline for the implementation of the System.

(2) Scope.—The scope of a Corridor to be designated under section 5(a) may vary according to the habitat needs of individual or ecologically associated native fish, wildlife, or plant species.

(3) Consultation and Coordination.—The Secretary shall develop the strategy—

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

(B) in coordination with—

(i) States, Tribal governments, and other interested stakeholders, including relevant private landowners; and

(ii) landscape- and seascape-scale partnerships, including—

(I) the National Fish Habitat Partnership;

(II) regional fishery management councils and other ocean partnerships;

(III) the Climate Science Centers of the Department of the Interior; and
(IV) the Landscape Conservation Cooperative Network.

SEC. 5. ADMINISTRATIVE DESIGNATION OF NATIONAL WILDLIFE CORRIDORS.

(a) DESIGNATION.—The Secretaries shall designate connectivity corridors, to be known as “National Wildlife Corridors”, on the land or water under the respective jurisdictions of the Secretaries in accordance with regulations promulgated by the Secretary under subsection (b)(1).

(b) RULEMAKING.—

(1) NATIONAL WILDLIFE CORRIDORS.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, and the Secretary of Transportation, pursuant to the land, water, and resource management planning authorities of the Secretaries, shall establish a process, by regulation, for the designation of Corridors of land and water under the respective jurisdictions of the Secretaries.

(2) RULEMAKING AUTHORITY.—The Secretaries may issue regulations as the Secretaries consider to be appropriate to carry out this Act.
(3) **Federal Land and Water Management.**—The Secretaries shall consider the designation of National Wildlife Corridors in any process relating to the issuance, revision, or modification of a management plan for land and water under the respective jurisdiction of the Secretaries.

(e) **Criteria for Designation.**—In the regulations promulgated by the Secretary under subsection (b)(1), the Secretary shall ensure that the Secretaries, in making a designation of a Corridor—

(1) shall base the designation of a Corridor on—

(A) the best available science; and

(B) historical, current, or likely future continuous, annual, or periodic use of the land and water by native fish, wildlife, or plant species;

(2) may consider information contained in—

(A) governmental or nongovernmental assessments, plans, monitoring reports, and studies; and

(B) other relevant sources of information, such as—

(i) ecoregional assessments;

(ii) nongovernmental reports;

(iii) public transportation plans;
(iv) State wildlife data and action plans;
(v) traditional ecological knowledge;
and
(vi) agency reports;

(3) shall ensure that the Corridor supports the connectivity, persistence, resilience, and adaptability of native fish, wildlife, and plant species by providing for—

(A) dispersal and genetic exchange between populations;
(B) range shifting, range expansion, or range restoration, such as in response to climate change;
(C) seasonal movement or migration; or
(D) succession, movement, or recolonization following—

(i) a disturbance, such as fire, flood, drought, or infestation; or
(ii) population decline due to disease or previous extirpation; and

(4) shall be informed by the National Native Species Habitats and Corridors Geographic Information System Database established in section 8.
(d) Designation of Land or Water Requiring Restoration or Consolidation of Habitat.—The Secretaries may designate as a Corridor land or water that—

(1) requires restoration, including—

(A) land or water that is degraded; and

(B) land or water from which a species is currently absent—

(i) but may be colonized or recolonized by the species; or

(ii) to which the species may be reintroduced or restored; and

(2) is fragmented or consists of only a portion of the habitat required for a native fish, wildlife, or plant species.

(e) Petition for Designation.—

(1) In general.—In establishing the process for designation under subsection (b)(1), the Secretary shall include procedures under which—

(A) any person or State or local government may submit to the Secretaries a petition to designate as a Corridor an area under the respective jurisdiction of the Secretaries; and
(B) the Secretaries shall consider and respond to any petition submitted under subparagraph (A).

(2) SUPPORTING DOCUMENTATION.—A petition for designation under paragraph (1)(A) may include supporting documentation, including—

(A) information with respect to how the petition was coordinated with potential partners; and

(B) a description of supporting stakeholders, such as States, Indian Tribes, local governments, scientific organizations, non-governmental organizations, and affected private landowners.

(f) DESIGNATION ON MILITARY LANDS.—

(1) IN GENERAL.—Any designation of a Corridor on a military installation (as defined in section 100(1) of the Sikes Act (16 U.S.C. 670(1))—

(A) shall be consistent with the use of military installations and State-owned National Guard installations to ensure the preparedness of the Armed Forces; and

(B) may not result in a net loss in the capability of military installation lands to support the military mission of the installation.
(2) Suspension or Termination of Designation.—The Secretary of Defense may suspend or terminate the designation of any Corridor on a military installation if the Secretary of Defense considers the suspension or termination to be necessary for military purposes, after public notice of—

(A) the suspension or termination; and

(B) any voluntary steps taken by the Department of Defense to attempt to provide similar ecological connectivity elsewhere on the military installation.

(g) Coordination and Cooperation.—

(1) In General.—To the maximum extent practicable, consistent with applicable law, the Secretaries shall coordinate the designation of a Corridor with—

(A) other relevant Federal agencies;

(B) affected—

(i) States, including State fish and wildlife agencies and other State agencies responsible for managing natural resources;

(ii) local and Tribal governments;

(iii) private landowners; and
(iv) nongovernmental organizations engaged in the conservation of native fish, wildlife, or plant species.

(2) IDENTIFICATION OF SUPPORTING NON-FEDERAL LAND AND WATER.—In designating a Corridor, the Secretaries may identify, in consultation with affected States, Indian Tribes, local governments, private landowners, and nongovernmental organizations engaged in the conservation of native fish, wildlife, or plant species, non-Federal land and water that support the purposes of the designated Corridor by—

(A) maintaining habitat connectivity; or

(B) providing other essential functions for wildlife and the habitats of wildlife.

SEC. 6. PROTECTION AND MANAGEMENT.

(a) IN GENERAL.—The Secretaries shall, consistent with other applicable land and water management requirements, manage each Corridor under the respective administrative jurisdiction of the Secretaries in a manner that contributes to the long-term connectivity, persistence, resilience, and adaptability of native fish, wildlife, and plant species, including through—

(1) the prevention of habitat loss, degradation, fragmentation, and obstructions within the Corridor;
(2) the implementation of strategies and activities that enhance the ability of native fish, wildlife, and plant species to respond to climate change and other environmental factors;

(3) the maintenance or restoration of the integrity and functionality of the Corridor and associated habitat;

(4) the mitigation or removal of human-caused barriers to native fish, wildlife, and plant species movement, including—

(A) power lines;
(B) roads;
(C) fences;
(D) dams;
(E) bridges;
(F) culverts; and
(G) other hydrological obstructions; and

(5) the use of existing conservation programs under the respective jurisdiction of the Secretaries to contribute to the connectivity, persistence, resilience, and adaptability of native fish, wildlife, and plant species.

(b) Corridors Spanning Multiple Jurisdictions.—In the case of a Corridor that spans the administrative jurisdiction of 2 or more of the Secretaries, the
relevant Secretaries shall coordinate management of the corridor to advance the purposes of this Act.

(c) Road Mitigation.—In the case of a Corridor that intersects, adjoins, or crosses a new or existing Federal, State, or local road or highway, the relevant Secretaries shall coordinate with the Secretary of Transportation and State and local transportation agencies, as appropriate, to develop, implement, and fund environmental mitigation measures—

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

(2) to mitigate damage to wildlife, aquatic species passage, flood resiliency, habitat, and ecosystem connectivity, including through—

(A) the construction, maintenance, or replacement of wildlife underpasses, overpasses, and culverts; and

(B) the maintenance, replacement, or removal of dams, bridges, culverts, and other hydrological obstructions.

(d) Coordination.—In managing a Corridor, the Secretaries shall, to the maximum extent practicable—

(1) coordinate with other applicable Federal agencies; and
(2) take into consideration any State conservation plans for native fish, plants, and wildlife and the habitats of wildlife, including any—

(A) State comprehensive wildlife strategy;

and

(B) State conservation strategy for a species;

(C) tribal conservation plan;

(D) local government land use and conservation plan;

(E) nongovernmental conservation plan;

and

(F) relevant private land conservation plan.

SEC. 7. CONSERVATION SUPPORT.

(a) WORKING LANDSCAPES.—The Secretary of Agriculture—

(1) may direct investment in working landscapes through conservation programs under the jurisdiction of the Secretary of Agriculture to support the purposes of this Act; and

(2) shall give priority under the conservation programs to non-Federal land and water identified under section 5(g)(2) as supportive of the purposes of the Corridors.
(b) **LAND AND WATER CONSERVATION.**—To establish and enhance a Corridor, the Secretaries may acquire land and interests in land, including permanent conservation easements, from willing donors and willing sellers.

(c) **METHOD.**—An acquisition of land or an interest in land under this section may be made by—

1. **purchase,** with amounts appropriated from—
   1. (A) the Land and Water Conservation Fund under section 200302 of title 54, United States Code;
   2. (B) the Fund; or
   3. (C) existing programs or funds established at each agency, as appropriate; or

2. **acceptance of donation of land or interests in land.**

**SEC. 8. NATIONAL NATIVE SPECIES HABITATS AND CORRIDORS DATABASE.**

The Director of the United States Geological Survey, in cooperation with the States, Indian Tribes, and existing landscape- and watershed-scale partnerships, including the National Fish Habitat Partnership, the Landscape Conservation Cooperative Network, and Migratory Bird Joint Ventures, shall—
(1) establish a comprehensive database, to be known as “National Native Species Habitats and Corridors Geographic Information System Database” that—

(A) consists of maps, models, data, surveys, and other information relating to Corridors and the habitats of native fish, wildlife, and plant species, and particularly relating to species most at risk due to habitat loss, degredation, and fragmentation; and

(B) reflects the best scientific information available; and

(2) make the database under paragraph (1) available to States, Indian Tribes, Federal agencies, local decisionmakers, and the general public, for use in—

(A) the identification and prioritization of natural resources adaptation strategies and activities;

(B) the assessment, avoidance, and minimization of the impacts of development, energy, water, transportation, and transmission projects and other activities on Corridors; and

(C) the development of strategies to promote landscape and aquatic connectivity that
are necessary to allow native fish, wildlife, and plant species to move—
(i) to meet biological and ecological needs;
(ii) to adjust to shifts in habitat; and
(iii) to adapt to climate change.

SEC. 9. WILDLIFE CORRIDORS STEWARDSHIP AND PROTECTION FUND.

(a) Establishment and Contents.—There is established in the Treasury a fund, to be known as the ‘‘Wildlife Corridors Stewardship and Protection Fund’’, that consists of—
(1) amounts appropriated to the Fund under this Act; and
(2) donations of amounts accepted under subsection (c).

(b) Use.—The Fund—
(1) shall be administered by the National Fish and Wildlife Foundation; and
(2) may be used by the National Fish and Wildlife Foundation to enhance the management and protection of Corridors other land and water identified under section 5(g)(2)—
(A) to provide financial assistance to the Federal Government, States, and local and Tribal governments; and

(B) to support the voluntary efforts of private landowners.

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

(d) DISCLOSURE OF USE.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall ensure that the National Fish and Wildlife Foundation makes publicly available a description of usage of the Fund during the preceding calendar year.

SEC. 10. PROTECTION OF INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this Act amends, alters, or gives priority over the Federal trust responsibility to Indian tribes.

(b) FOIA.—

(1) EXEMPTION.—Information described in paragraph (2) shall not be subject to disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), if the head of the agency that receives the information, in consultation with the Secretary and
the affected Indian tribe, determines that disclosure may—

(A) cause a significant invasion of privacy;

(B) risk harm to human remains or resources, cultural items, uses, or activities; or

(C) impede the use of a traditional religious site by practitioners.

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

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

(B) resources, cultural items, uses, or activities identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature to the Indian tribe.

SEC. 11. RELATIONSHIP TO OTHER CONSERVATION LAWS.

Nothing in this Act amends or otherwise affects any other law (including regulations) relating to the conservation of fish, wildlife, or plants.
SEC. 12. COLLABORATION.

The Secretaries may partner with and provide funds to State, local governmental, and Tribal entities to support the purposes of this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) Designation and Administration of Corridors.—There are authorized to be appropriated to carry out sections 5 and 6 for each fiscal year—

(1) to the Secretary of the Interior, $7,500,000;

(2) to the Secretary of Agriculture, $3,000,000;

(3) to the Secretary of Defense, $1,500,000;

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

and

(5) to the Secretary of Transportation, $3,000,000.

(b) National Native Species Geographic Information System Database.—There are authorized to be appropriated to the Secretary of the Interior to carry out section 8—

(1) $3,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(2) $1,500,000 for each fiscal year thereafter.

(c) Fund.—There is authorized to be appropriated to the Fund, $3,000,000 for each fiscal year to provide assistance in accordance with section 9.