

115TH CONGRESS
2D SESSION

S. _____

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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Wildlife Corridors Conservation Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the native fish, wildlife, and plant species in
4 the United States are part of a rich natural heritage
5 and an important legacy to pass on to future genera-
6 tions;

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

9 (3) scientists estimate that 1 in 5 animal and
10 plant species in the United States is at risk of ex-
11 tinction, and many species are declining in numbers;

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

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

21 (A) to conserve native biodiversity; and

1 (B) to ensure resiliency against impacts
2 from a range of stressors;

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

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

9 (8) protecting landscape corridors and
10 hydrological connectivity is—

11 (A) a broadly accepted strategy—

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

14 (ii) to ensure ecosystem resilience; and

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

17 (9) in the policy resolution of the Western Gov-
18 ernors' Association entitled "Protecting Wildlife Mi-
19 gration Corridors and Crucial Wildlife Habitat in
20 the West" and the resolution of the New England
21 Governors and Eastern Canadian Premiers' Con-
22 ference, which recognizes the importance of ecologi-
23 cal connectivity for the adaptability and resilience of
24 the ecosystems of participating regions, biodiversity,
25 and human communities in the face of climate

1 change, States have recognized the importance of
2 connectivity;

3 (10) the strategic plan of the United States
4 Fish and Wildlife Service to respond to accelerating
5 climate change entitled “Rising to the Urgent Chal-
6 lenge” acknowledges that “processes such as polli-
7 nation, seed dispersal, nutrient cycling, natural dis-
8 turbance cycles, predator-prey relations, and others
9 must be part of the natural landscapes we seek to
10 maintain or restore . . . and are likely to function
11 more optimally in landscapes composed of large
12 habitat blocks connected by well-placed corridors”;

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

20 (12) Federal and State agencies continue to de-
21 velop policies to address—

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

24 (B) ecological connectivity.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **CONNECTIVITY.**—The term “connectivity”
4 means the condition of an area, with respect to indi-
5 vidual or ecologically associated populations of native
6 fish, wildlife, and plant species, that permits—

7 (A) dispersal and genetic exchange between
8 populations;

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

11 (C) seasonal movement or migration; or

12 (D) succession, movement, or recoloniza-
13 tion following a disturbance or population de-
14 cline.

15 (2) **CORRIDOR.**—The term “Corridor” means
16 any land or water designated as a National Wildlife
17 Corridor under section 5(a).

18 (3) **FUND.**—The term “Fund” means the Wild-
19 life Corridors Stewardship and Protection Fund es-
20 tablished in section 9.

21 (4) **SECRETARIES.**—The term “Secretaries”
22 means—

23 (A) the Secretary of Agriculture;

24 (B) the Secretary of Commerce;

25 (C) the Secretary of Defense;

26 (D) the Secretary; and

1 (E) the Secretary of Transportation.

2 (5) SECRETARY.—The term “Secretary” means
3 the Secretary of the Interior, acting through the Di-
4 rector of the United States Fish and Wildlife Serv-
5 ice.

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

9 **SEC. 4. NATIONAL WILDLIFE CORRIDORS SYSTEM.**

10 (a) ESTABLISHMENT.—The Secretary, in consulta-
11 tion with the Secretary of Agriculture, the Secretary of
12 Commerce, the Secretary of Defense, and the Secretary
13 of Transportation, shall establish a National Wildlife Cor-
14 ridors System to provide for the conservation and restora-
15 tion of habitats that support a diverse array of ecologically
16 associated native fish, wildlife, and plant species in the
17 United States, including species protected under Federal
18 law, that have experienced or may experience—

19 (1) habitat loss, degradation, or fragmentation;

20 or

21 (2) obstructions to connectivity.

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

23 (1) to provide long-term habitat connectivity for
24 native fish, wildlife, and plant species for migration,

1 dispersal, adaptation to climate and other environ-
2 mental change, and genetic exchange;

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

6 (3) to facilitate coordinated landscape- and
7 seascape-scale connectivity planning and manage-
8 ment across jurisdictions.

9 (c) COMPONENTS.—The System shall consist of Cor-
10 ridors that are designated under section 5(a).

11 (d) STRATEGY.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this Act, the Sec-
14 retary shall develop a strategy for the effective devel-
15 opment of the System designed—

16 (A) to ensure the fulfillment of the pur-
17 poses of the System described in subsection (b);
18 and

19 (B) to include—

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

23 (ii) effective coordination of Corridors
24 that span across land and water of Fed-
25 eral, State, and local jurisdictions; and

1 (iii) an approximate development
2 timeline for the implementation of the Sys-
3 tem.

4 (2) SCOPE.—The scope of a Corridor to be des-
5 ignated under section 5(a) may vary according to
6 the habitat needs of individual or ecologically associ-
7 ated native fish, wildlife, or plant species.

8 (3) CONSULTATION AND COORDINATION.—The
9 Secretary shall develop the strategy—

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

14 (B) in coordination with—

15 (i) States, Tribal governments, and
16 other interested stakeholders, including rel-
17 evant private landowners; and

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

20 (I) the National Fish Habitat
21 Partnership;

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

24 (III) the Climate Science Centers
25 of the Department of the Interior; and

1 (IV) the Landscape Conservation
2 Cooperative Network.

3 **SEC. 5. ADMINISTRATIVE DESIGNATION OF NATIONAL**
4 **WILDLIFE CORRIDORS.**

5 (a) DESIGNATION.—The Secretaries shall designate
6 connectivity corridors, to be known as “National Wildlife
7 Corridors”, on the land or water under the respective ju-
8 risdictions of the Secretaries in accordance with regula-
9 tions promulgated by the Secretary under subsection
10 (b)(1).

11 (b) RULEMAKING.—

12 (1) NATIONAL WILDLIFE CORRIDORS.—Not
13 later than 2 years after the date of enactment of
14 this Act, the Secretary, in consultation with the Sec-
15 retary of Agriculture, the Secretary of Commerce,
16 the Secretary of Defense, and the Secretary of
17 Transportation, pursuant to the land, water, and re-
18 source management planning authorities of the Sec-
19 retaries, shall establish a process, by regulation, for
20 the designation of Corridors of land and water under
21 the respective jurisdictions of the Secretaries.

22 (2) RULEMAKING AUTHORITY.—The Secretaries
23 may issue regulations as the Secretaries consider to
24 be appropriate to carry out this Act.

1 (iv) State wildlife data and action
2 plans;

3 (v) traditional ecological knowledge;
4 and

5 (vi) agency reports;

6 (3) shall ensure that the Corridor supports the
7 connectivity, persistence, resilience, and adaptability
8 of native fish, wildlife, and plant species by pro-
9 viding for—

10 (A) dispersal and genetic exchange between
11 populations;

12 (B) range shifting, range expansion, or
13 range restoration, such as in response to cli-
14 mate change;

15 (C) seasonal movement or migration; or

16 (D) succession, movement, or recoloniza-
17 tion following—

18 (i) a disturbance, such as fire, flood,
19 drought, or infestation; or

20 (ii) population decline due to disease
21 or previous extirpation; and

22 (4) shall be informed by the National Native
23 Species Habitats and Corridors Geographic Informa-
24 tion System Database established in section 8.

1 (d) DESIGNATION OF LAND OR WATER REQUIRING
2 RESTORATION OR CONSOLIDATION OF HABITAT.—The
3 Secretaries may designate as a Corridor land or water
4 that—

5 (1) requires restoration, including—

6 (A) land or water that is degraded; and

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

9 (i) but may be colonized or recolo-
10 nized by the species; or

11 (ii) to which the species may be re-
12 introduced or restored; and

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

16 (e) PETITION FOR DESIGNATION.—

17 (1) IN GENERAL.—In establishing the process
18 for designation under subsection (b)(1), the Sec-
19 retary shall include procedures under which—

20 (A) any person or State or local govern-
21 ment may submit to the Secretaries a petition
22 to designate as a Corridor an area under the
23 respective jurisdiction of the Secretaries; and

1 (B) the Secretaries shall consider and re-
2 spond to any petition submitted under subpara-
3 graph (A).

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

7 (A) information with respect to how the
8 petition was coordinated with potential part-
9 ners; and

10 (B) a description of supporting stake-
11 holders, such as States, Indian Tribes, local
12 governments, scientific organizations, non-
13 governmental organizations, and affected pri-
14 vate landowners.

15 (f) DESIGNATION ON MILITARY LANDS.—

16 (1) IN GENERAL.—Any designation of a Cor-
17 ridor on a military installation (as defined in section
18 100(1) of the Sikes Act (16 U.S.C. 670(1))—

19 (A) shall be consistent with the use of mili-
20 tary installations and State-owned National
21 Guard installations to ensure the preparedness
22 of the Armed Forces; and

23 (B) may not result in a net loss in the ca-
24 pability of military installation lands to support
25 the military mission of the installation.

1 (2) SUSPENSION OR TERMINATION OF DESIGNA-
2 TION.—The Secretary of Defense may suspend or
3 terminate the designation of any Corridor on a mili-
4 tary installation if the Secretary of Defense con-
5 siders the suspension or termination to be necessary
6 for military purposes, after public notice of—

7 (A) the suspension or termination; and

8 (B) any voluntary steps taken by the De-
9 partment of Defense to attempt to provide simi-
10 lar ecological connectivity elsewhere on the mili-
11 tary installation.

12 (g) COORDINATION AND COOPERATION.—

13 (1) IN GENERAL.—To the maximum extent
14 practicable, consistent with applicable law, the Sec-
15 retaries shall coordinate the designation of a Cor-
16 ridor with—

17 (A) other relevant Federal agencies;

18 (B) affected—

19 (i) States, including State fish and
20 wildlife agencies and other State agencies
21 responsible for managing natural re-
22 sources;

23 (ii) local and Tribal governments;

24 (iii) private landowners; and

1 (iv) nongovernmental organizations
2 engaged in the conservation of native fish,
3 wildlife, or plant species.

4 (2) IDENTIFICATION OF SUPPORTING NON-FED-
5 ERAL LAND AND WATER.—In designating a Cor-
6 ridor, the Secretaries may identify, in consultation
7 with affected States, Indian Tribes, local govern-
8 ments, private landowners, and nongovernmental or-
9 ganizations engaged in the conservation of native
10 fish, wildlife, or plant species, non-Federal land and
11 water that support the purposes of the designated
12 Corridor by—

13 (A) maintaining habitat connectivity; or

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

16 **SEC. 6. PROTECTION AND MANAGEMENT.**

17 (a) IN GENERAL.—The Secretaries shall, consistent
18 with other applicable land and water management require-
19 ments, manage each Corridor under the respective admin-
20 istrative jurisdiction of the Secretaries in a manner that
21 contributes to the long-term connectivity, persistence, re-
22 silience, and adaptability of native fish, wildlife, and plant
23 species, including through—

24 (1) the prevention of habitat loss, degradation,
25 fragmentation, and obstructions within the Corridor;

1 (2) the implementation of strategies and activi-
2 ties that enhance the ability of native fish, wildlife,
3 and plant species to respond to climate change and
4 other environmental factors;

5 (3) the maintenance or restoration of the integ-
6 rity and functionality of the Corridor and associated
7 habitat;

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

11 (A) power lines;

12 (B) roads;

13 (C) fences;

14 (D) dams;

15 (E) bridges;

16 (F) culverts; and

17 (G) other hydrological obstructions; and

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

23 (b) CORRIDORS SPANNING MULTIPLE JURISDIC-
24 TIONS.—In the case of a Corridor that spans the adminis-
25 trative jurisdiction of 2 or more of the Secretaries, the

1 relevant Secretaries shall coordinate management of the
2 Corridor to advance the purposes of this Act.

3 (c) ROAD MITIGATION.—In the case of a Corridor
4 that intersects, adjoins, or crosses a new or existing Fed-
5 eral, State, or local road or highway, the relevant Secre-
6 taries shall coordinate with the Secretary of Transpor-
7 tation and State and local transportation agencies, as ap-
8 propriate, to develop, implement, and fund environmental
9 mitigation measures—

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

13 (2) to mitigate damage to wildlife, aquatic spe-
14 cies passage, flood resiliency, habitat, and ecosystem
15 connectivity, including through—

16 (A) the construction, maintenance, or re-
17 placement of wildlife underpasses, overpasses,
18 and culverts; and

19 (B) the maintenance, replacement, or re-
20 moval of dams, bridges, culverts, and other
21 hydrological obstructions.

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

24 (1) coordinate with other applicable Federal
25 agencies; and

1 (2) take into consideration any State conserva-
2 tion plans for native fish, plants, and wildlife and
3 the habitats of wildlife, including any—

4 (A) State comprehensive wildlife strategy;

5 and

6 (B) State conservation strategy for a spe-
7 cies;

8 (C) tribal conservation plan;

9 (D) local government land use and con-
10 servation plan;

11 (E) nongovernmental conservation plan;

12 and

13 (F) relevant private land conservation
14 plan.

15 **SEC. 7. CONSERVATION SUPPORT.**

16 (a) WORKING LANDSCAPES.—The Secretary of Agri-
17 culture—

18 (1) may direct investment in working land-
19 scapes through conservation programs under the ju-
20 risdiction of the Secretary of Agriculture to support
21 the purposes of this Act; and

22 (2) shall give priority under the conservation
23 programs to non-Federal land and water identified
24 under section 5(g)(2) as supportive of the purposes
25 of the Corridors.

1 (b) LAND AND WATER CONSERVATION.—To estab-
2 lish and enhance a Corridor, the Secretaries may acquire
3 land and interests in land, including permanent conserva-
4 tion easements, from willing donors and willing sellers.

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

7 (1) purchase, with amounts appropriated
8 from—

9 (A) the Land and Water Conservation
10 Fund under section 200302 of title 54, United
11 States Code;

12 (B) the Fund; or

13 (C) existing programs or funds established
14 at each agency, as appropriate; or

15 (2) acceptance of donation of land or interests
16 in land.

17 **SEC. 8. NATIONAL NATIVE SPECIES HABITATS AND COR-**
18 **RIDORS DATABASE.**

19 The Director of the United States Geological Survey,
20 in cooperation with the States, Indian Tribes, and existing
21 landscape- and watershed-scale partnerships, including the
22 National Fish Habitat Partnership, the Landscape Con-
23 servation Cooperative Network, and Migratory Bird Joint
24 Ventures, shall—

1 (1) establish a comprehensive database, to be
2 known as “National Native Species Habitats and
3 Corridors Geographic Information System Data-
4 base” that—

5 (A) consists of maps, models, data, sur-
6 veys, and other information relating to Cor-
7 ridors and the habitats of native fish, wildlife,
8 and plant species, and particularly relating to
9 species most at risk due to habitat loss, deg-
10 radation, and fragmentation; and

11 (B) reflects the best scientific information
12 available; and

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

17 (A) the identification and prioritization of
18 natural resources adaptation strategies and ac-
19 tivities;

20 (B) the assessment, avoidance, and mini-
21 mization of the impacts of development, energy,
22 water, transportation, and transmission projects
23 and other activities on Corridors; and

24 (C) the development of strategies to pro-
25 mote landscape and aquatic connectivity that

1 are necessary to allow native fish, wildlife, and
2 plant species to move—

3 (i) to meet biological and ecological
4 needs;

5 (ii) to adjust to shifts in habitat; and

6 (iii) to adapt to climate change.

7 **SEC. 9. WILDLIFE CORRIDORS STEWARDSHIP AND PROTEC-**
8 **TION FUND.**

9 (a) ESTABLISHMENT AND CONTENTS.—There is es-
10 tablished in the Treasury a fund, to be known as the
11 “Wildlife Corridors Stewardship and Protection Fund”,
12 that consists of—

13 (1) amounts appropriated to the Fund under
14 this Act; and

15 (2) donations of amounts accepted under sub-
16 section (c).

17 (b) USE.—The Fund—

18 (1) shall be administered by the National Fish
19 and Wildlife Foundation; and

20 (2) may be used by the National Fish and
21 Wildlife Foundation to enhance the management
22 and protection of Corridors other land and water
23 identified under section 5(g)(2)—

1 (A) to provide financial assistance to the
2 Federal Government, States, and local and
3 Tribal governments; and

4 (B) to support the voluntary efforts of pri-
5 vate landowners.

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

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

15 **SEC. 10. PROTECTION OF INDIAN TRIBES.**

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

19 (b) FOIA.—

20 (1) EXEMPTION.—Information described in
21 paragraph (2) shall not be subject to disclosure
22 under section 552 of title 5, United States Code
23 (commonly known as the “Freedom of Information
24 Act”), if the head of the agency that receives the in-
25 formation, in consultation with the Secretary and

1 the affected Indian tribe, determines that disclosure
2 may—

3 (A) cause a significant invasion of privacy;

4 (B) risk harm to human remains or re-
5 sources, cultural items, uses, or activities; or

6 (C) impede the use of a traditional reli-
7 gious site by practitioners.

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

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

15 (B) resources, cultural items, uses, or ac-
16 tivities identified by an Indian tribe as tradi-
17 tional or cultural because of the long-estab-
18 lished significance or ceremonial nature to the
19 Indian tribe.

20 **SEC. 11. RELATIONSHIP TO OTHER CONSERVATION LAWS.**

21 Nothing in this Act amends or otherwise affects any
22 other law (including regulations) relating to the conserva-
23 tion of fish, wildlife, or plants.

1 **SEC. 12. COLLABORATION.**

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

5 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) DESIGNATION AND ADMINISTRATION OF COR-
7 RIDORS.—There are authorized to be appropriated to
8 carry out sections 5 and 6 for each fiscal year—

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

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

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

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

13 and

14 (5) to the Secretary of Transportation,
15 \$3,000,000.

16 (b) NATIONAL NATIVE SPECIES GEOGRAPHIC INFOR-
17 MATION SYSTEM DATABASE.—There are authorized to be
18 appropriated to the Secretary of the Interior to carry out
19 section 8—

20 (1) \$3,000,000 for the first fiscal year begin-
21 ning after the date of enactment of this Act; and

22 (2) \$1,500,000 for each fiscal year thereafter.

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