

110TH CONGRESS
2D SESSION

H. R. 7151

To sustain wildlife on America's public lands.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Mr. KIND 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 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. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) Wildlife is a fundamental part of America’s
9 history and character, and wildlife conservation is a
10 core value shared by all Americans. America’s chil-

1 dren and grandchildren, indeed all future genera-
2 tions to come, deserve opportunities to benefit from
3 and enjoy a diverse array of fish and wildlife species.

4 (2) Wildlife conservation provides economic, so-
5 cial, educational, recreational, emotional, and spir-
6 itual benefits. The economic value of hunting, fish-
7 ing, and wildlife-associated recreation alone is esti-
8 mated to contribute \$100,000,000,000 annually to
9 the American economy. Wildlife habitat, including
10 forests, grasslands, riparian lands, wetlands, rivers,
11 and other water bodies, is an essential component of
12 the American landscape, and is protected and valued
13 by Federal, State, and local governments, tribes, pri-
14 vate landowners, conservation organizations, and
15 millions of American sportsmen and outdoor
16 recreationists.

17 (3) The American landscape is rapidly chang-
18 ing, particularly in the West where the majority of
19 the Federal public lands are found, increasing the
20 importance of sustaining wildlife and its habitat on
21 our public lands.

22 (4) Federal public lands are critical to the fu-
23 ture of wildlife in America. Federal lands help to
24 protect endangered and threatened species from
25 going extinct and help prevent species from becom-

1 ing endangered in the first place. They complement
2 the conservation of wildlife on private lands by pro-
3 viding comparatively intact tracts of land that serve
4 as refuges from human development and other pres-
5 sures. They help keep common species common, in-
6 cluding species valued for hunting and fishing.

7 (5) Public lands provide refuges for species im-
8 pacted by the effects of global climate change, and
9 will play an important role in wildlife’s ability to
10 adapt to and survive global warmings mounting im-
11 pacts.

12 (6) Consistent with long-standing principles of
13 multiple use and sustained yield management, the
14 goal of sustaining the diverse fish and wildlife com-
15 munities that depend on our Federal lands should
16 guide the stewardship of America’s public lands.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) DESIRED NON-NATIVE SPECIES.—The term
20 “desired non-native species” means those wild spe-
21 cies of plants or animals that are not indigenous to
22 a planning area but are valued for their contribution
23 to species diversity or their social, cultural, or eco-
24 nomic value.

1 (2) INDICATOR SPECIES.—The term “indicator
2 species” means species selected for monitoring be-
3 cause their population changes are believed to indi-
4 cate the effects of management activities, natural
5 disruptions, or other factors on unmeasured species
6 and to provide insights to the integrity of the eco-
7 logical systems to which they belong.

8 (3) NATIVE SPECIES.—The term “native spe-
9 cies” means species of the plant and animal king-
10 doms indigenous to the planning area.

11 (4) PLANNING AREA.—The term “planning
12 area” means any geographic unit of National Forest
13 System lands or Bureau of Land Management lands
14 covered by an individual management plan.

15 (5) SECRETARIES.—The term “Secretaries”
16 means the Secretary of the Interior and the Sec-
17 retary of Agriculture.

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior or the Secretary of Ag-
20 riculture, as appropriate in the context.

21 (7) SPECIES-AT-RISK.—The term “species-at-
22 risk” means species listed as endangered or threat-
23 ened, or proposed or identified as candidates for list-
24 ing, under the Endangered Species Act of 1973; spe-
25 cies listed or proposed for listing under State endan-

1 gered species laws; species identified as State special
2 status species; species identified as declining or of
3 special concern through State comprehensive wildlife
4 conservation strategies; sensitive or special status
5 species identified by the Forest Service or the Bu-
6 reau of Land Management; and other species identi-
7 fied by the Forest Service or the Bureau of Land
8 Management for which scientific evidence or lack of
9 information raises a significant concern regarding
10 the species' viability within the planning area.

11 (8) VIABLE POPULATION.—The term “viable
12 population” means a population of a species that
13 has the estimated numbers, distribution, and repro-
14 duction and survival rates to afford a high degree of
15 scientific confidence that it will persist well distrib-
16 uted throughout its range for a period of at least
17 100 years into the future.

18 **SEC. 4. VIABLE POPULATIONS.**

19 For all planning areas within the National Forest
20 System or the Bureau of Land Management public
21 lands—

22 (1) the Secretary shall plan for and manage
23 lands under the Secretary's jurisdiction in order to
24 maintain viable populations of existing native and
25 desired non native species within each planning area,

1 except that management for desired non-native spe-
2 cies shall not interfere with the maintenance of via-
3 ble populations of native species within a planning
4 area;

5 (2) if a population extends across more than
6 one planning area, the Secretary or Secretaries shall
7 coordinate the management of habitat in the plan-
8 ning areas containing the population in order to
9 maintain a viable population of such species; and

10 (3) if the Secretary, using the best available
11 science, makes a finding that conditions outside the
12 authority of the Secretary make it impossible for the
13 Secretary to maintain a viable population of a spe-
14 cies within a planning area (or, under the cir-
15 cumstances identified in paragraph (2), within 2 or
16 more planning areas), the Secretary or Secretaries
17 shall—

18 (A) manage habitat within the planning
19 area or areas in order to contribute to the max-
20 imum extent achievable to the viability of that
21 species; and

22 (B) ensure that any activity authorized,
23 funded, or carried out within the planning area
24 or areas does not contribute to a decline in the

1 population of the species in such planning area
2 or areas.

3 **SEC. 5. MONITORING AND EVALUATION OF SPECIES VIA-**
4 **BILITY.**

5 (a) To provide the basis for determining species popu-
6 lation viability for purposes of section 4, the Secretaries
7 shall adopt and implement, as part of the land manage-
8 ment planning for each planning area, a comprehensive
9 monitoring program to determine the status and trends
10 of wildlife populations on National Forest System and Bu-
11 reau of Land Management lands. Such monitoring pro-
12 grams shall designate indicator species representing the
13 diversity of ecological systems and species present in the
14 planning area, identify species-at-risk in the planning
15 area, and provide for—

16 (1) monitoring of the status and trends of the
17 habitats and ecological conditions that support indi-
18 cator species and species-at-risk;

19 (2) population surveys of the indicator species
20 identified in the monitoring program at intervals
21 sufficient to ensure that monitoring is providing ac-
22 curate information regarding the status and trends
23 of species' populations in the planning area; and

24 (3) population surveys of species-at-risk whose
25 populations are not adequately assessed by the popu-

1 lation surveys of indicator species at intervals suffi-
2 cient to provide accurate information regarding the
3 status and trends of such species' populations in the
4 planning area.

5 (b) The Secretary shall conduct such monitoring in
6 cooperation with State fish and wildlife agencies to the
7 extent practicable, and shall consider relevant population
8 data maintained by Federal and State agencies, or other
9 entities.

10 **SEC. 6. COORDINATION.**

11 (a) The Secretaries shall coordinate, to the extent
12 practicable and consistent with applicable law, the man-
13 agement of species populations in planning areas of the
14 National Forest System and the Bureau of Land Manage-
15 ment with the management of species populations on lands
16 within the National Wildlife Refuge System and National
17 Park System, and with other Federal agencies, State fish
18 and wildlife agencies, tribes, local governments, and non-
19 governmental organizations engaged in species conserva-
20 tion, in order to—

21 (1) achieve and maintain viable populations of
22 native and desired non-native species;

23 (2) reintroduce extirpated species, where appro-
24 priate, when a population is no longer present;

1 (3) establish linkages between habitats and dis-
2 crete populations;

3 (4) address the impacts of changing climatic
4 conditions on species habitat, behavior, and migra-
5 tion; and

6 (5) conduct other joint efforts in support of
7 sustainable plant and animal communities across ju-
8 risdictional boundaries.

9 (b) Nothing in this section shall affect the legal au-
10 thorities or management standards applicable to lands or
11 species populations within the National Wildlife Refuge
12 System or National Park System.

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