

117TH CONGRESS
1ST SESSION

S. _____

To authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coastal Habitat Con-
3 servation Act of 2021”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) an effective means of conserving and recov-
7 ering Federal trust species and promoting self-sus-
8 taining populations of those species is to protect,
9 conserve, restore, and enhance the habitats of the
10 species;

11 (2) coastal ecosystems are highly dynamic areas
12 that provide valuable breeding, nursery, staging, and
13 resting areas for a rich diversity of fish, shellfish,
14 migratory birds, and mammals;

15 (3) coastal areas support—

16 (A) 40 percent of the refuges within the
17 National Wildlife Refuge System;

18 (B) 40 percent of the threatened species or
19 endangered species, including 75 percent of the
20 listed mammals and birds, under the Endan-
21 gered Species Act of 1973 (16 U.S.C. 1531 et
22 seq.); and

23 (C) 50 percent of the fisheries conservation
24 activities of the Service;

25 (4) although coastal counties make up only 10
26 percent of total contiguous United States land area,

1 coastal areas are home to more than 40 percent of
2 the human population of the United States, which is
3 placing enormous pressure on coastal ecosystems;

4 (5) because coastal deterioration can cause
5 fragmentation and landward migration of coastal
6 ecosystems, as well as create new habitats along
7 shorelines, it has become necessary to incorporate
8 adaptation assistance into coastal ecosystem man-
9 agement strategies;

10 (6) in addition to serving as fish and wildlife
11 habitat, coastal ecosystems—

12 (A) serve as an important source of food;

13 (B) protect coastal communities, including
14 infrastructure in those communities, against
15 floods;

16 (C) filter polluted runoff; and

17 (D) provide valuable commercial and rec-
18 reational benefits to coastal communities and
19 the United States;

20 (7)(A) fish and wildlife conservation is a re-
21 sponsibility shared by citizens and government; and

22 (B) public-private partnerships should be sup-
23 ported through technical assistance and financial as-
24 sistance to conduct coastal habitat assessment, pro-

1 tection, planning, restoration, and enhancement
2 projects in coastal ecosystems;

3 (8) successful fish and wildlife conservation in-
4 creasingly relies on interdependent partnerships in
5 which priority setting, planning, and conservation
6 delivery are collaborative endeavors;

7 (9) since 1985, the Service has administered
8 the Coastal Program through which the Service
9 works with willing partners to assess, protect, plan,
10 restore, and enhance coastal ecosystems, including
11 coastal wetlands and watersheds, uplands, and ripar-
12 ian and in-stream habitats, that provide significant
13 benefits to Federal trust species;

14 (10) through the Coastal Program, the Service
15 provides strategic conservation planning and design
16 at the regional and landscape scales, and integrates
17 the resources of the Service to address priorities
18 identified by partners; and

19 (11) the Coastal Program of the Service com-
20 plements and enhances the National Coastal Wet-
21 lands Conservation Grant Program under section
22 305 of the Coastal Wetlands Planning, Protection
23 and Restoration Act (16 U.S.C. 3954), which pro-
24 vides matching grants to coastal States to support

1 long-term conservation of coastal wetlands and asso-
2 ciated habitats.

3 (b) PURPOSE.—The purpose of this Act is to legisla-
4 tively authorize the Coastal Program of the Service in ef-
5 fect as of the date of enactment of this Act to conduct
6 collaborative landscape-level planning and on-the-ground
7 coastal habitat protection, restoration, and enhancement
8 projects in priority coastal areas to conserve and recover
9 Federal trust species.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) COASTAL AREA.—The term “coastal area”
13 means a marine or freshwater area within or adja-
14 cent to a coastal State, including—

15 (A) a coastal wetland or watershed;

16 (B) coastal water;

17 (C) a coastal bay;

18 (D) a coastline; and

19 (E) an estuary and associated upland.

20 (2) COASTAL ECOSYSTEM.—The term “coastal
21 ecosystem” means an ecological community that pro-
22 vides fish and wildlife habitat in coastal areas.

23 (3) COASTAL HABITAT ASSESSMENT.—The
24 term “coastal habitat assessment” means the proc-
25 ess of evaluating the physical, chemical, and biologi-

1 cal function of a coastal site to determine the value
2 of the site to fish and wildlife.

3 (4) COASTAL HABITAT ENHANCEMENT.—The
4 term “coastal habitat enhancement” means the ma-
5 nipulation of the physical, chemical, or biological
6 characteristics of a coastal ecosystem to increase or
7 decrease specific biological functions that make the
8 ecosystem valuable to fish and wildlife.

9 (5) COASTAL HABITAT PLANNING.—The term
10 “coastal habitat planning” means the process of de-
11 veloping a comprehensive plan that—

12 (A) characterizes a coastal ecosystem;

13 (B) sets protection, restoration, or en-
14 hancement goals, and identifies the priorities of
15 those goals;

16 (C) describes conservation strategies and
17 methodologies;

18 (D) establishes a timetable for implementa-
19 tion of the plan; and

20 (E) identifies roles of participants and
21 stakeholders.

22 (6) COASTAL HABITAT PROTECTION.—

23 (A) IN GENERAL.—The term “coastal
24 habitat protection” means a long-term action to

1 safeguard habitats of importance to fish and
2 wildlife species in a coastal ecosystem.

3 (B) INCLUSION.—The term “coastal habi-
4 tat protection” includes activities to support es-
5 tablishment of conservation easements or fee-
6 title acquisition by Federal and non-Federal
7 partners.

8 (7) COASTAL HABITAT RESTORATION.—The
9 term “coastal habitat restoration” means the manip-
10 ulation of the physical, chemical, or biological char-
11 acteristics of a coastal ecosystem with the goal of re-
12 turning, to the maximum extent practicable, the full
13 natural biological functions to lost or degraded na-
14 tive habitat.

15 (8) COASTAL STATE.—The term “coastal
16 State” means—

17 (A) a State in, or bordering on, the Atlan-
18 tic, Pacific, or Arctic Ocean, the Gulf of Mex-
19 ico, the Long Island Sound, or 1 or more of the
20 Great Lakes;

21 (B) the Commonwealth of Puerto Rico;

22 (C) Guam;

23 (D) American Samoa;

24 (E) the Commonwealth of the Northern
25 Mariana Islands;

- 1 (F) the Federated States of Micronesia;
2 (G) the Republic of the Marshall Islands;
3 (H) the Republic of Palau; and
4 (I) the United States Virgin Islands.

5 (9) FEDERAL TRUST SPECIES.—The term
6 “Federal trust species” means—

- 7 (A) a species listed as a threatened species
8 or an endangered species under the Endangered
9 Species Act of 1973 (16 U.S.C. 1531 et seq.);
10 (B) a species of migratory bird;
11 (C) a species of interjurisdictional fish;
12 (D) any species of marine mammal, as
13 identified by the Secretary; and
14 (E) any other species of concern, as deter-
15 mined by the Secretary.

16 (10) FINANCIAL ASSISTANCE.—The term “fi-
17 nancial assistance” means Federal funding support
18 provided to eligible recipients through a grant or co-
19 operative agreement.

20 (11) SECRETARY.—The term “Secretary”
21 means the Secretary of the Interior.

22 (12) SERVICE.—The term “Service” means the
23 United States Fish and Wildlife Service.

24 (13) TECHNICAL ASSISTANCE.—The term
25 “technical assistance” means a collaboration, facili-

1 tation, or consulting action relating to a habitat pro-
2 tection, planning, restoration, or enhancement
3 project or initiative in which the Service contributes
4 scientific knowledge, skills, and expertise to a project
5 or program.

6 **SEC. 4. COASTAL PROGRAM.**

7 The Secretary shall carry out the Coastal Program
8 within the Service—

9 (1) to identify the most important natural re-
10 source problems and solutions in priority coastal eco-
11 systems in partnership with—

12 (A) Federal, State, local, and Tribal gov-
13 ernments;

14 (B) nongovernmental institutions;

15 (C) nonprofit organizations;

16 (D) private individuals; and

17 (E) corporations;

18 (2) to provide technical assistance and financial
19 assistance through partnerships with Federal, State,
20 local, and Tribal governments, nongovernmental in-
21 stitutions, nonprofit organizations, private individ-
22 uals, and corporations to conduct voluntary coastal
23 habitat assessment, protection, planning, restoration,
24 and enhancement projects on public land or private
25 land;

1 (3) to ensure the health and resilience of coast-
2 al ecosystems through adaptive management proce-
3 dures based on the best available science;

4 (4) to build the capacity of Federal, State,
5 local, and Tribal governments, nongovernmental in-
6 stitutions, nonprofit organizations, private individ-
7 uals, and corporations to carry out environmental
8 conservation and stewardship measures;

9 (5) to assist in the development and implemen-
10 tation of monitoring protocols to ensure the success
11 of coastal ecosystem restoration and enhancement
12 measures; and

13 (6) to collaborate and share information with
14 partners and the public relating to best management
15 practices for the conservation, restoration, and en-
16 hancement of coastal ecosystems.

17 **SEC. 5. REPORTS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, and annually thereafter,
20 the Secretary, acting through the Director of the Service,
21 shall submit to the Committees on Appropriations and En-
22 vironment and Public Works of the Senate and the Com-
23 mittees on Appropriations and Natural Resources of the
24 House of Representatives, and make available to the pub-

1 lie on the website of the Service, a report on the Coastal
2 Program carried out under this Act.

3 (b) REQUIREMENTS.—Each report submitted under
4 subsection (a) shall assess on regional and nationwide
5 bases—

6 (1) Coastal Program work on coastal eco-
7 systems;

8 (2) progress made by the Coastal Program to-
9 ward identifying the most important natural re-
10 source problems and solutions in priority ecosystems;
11 and

12 (3) prospects for, and success of, protecting, re-
13 storing, and enhancing coastal ecosystems.

14 (c) INCLUSIONS.—Each report submitted under sub-
15 section (a) shall include—

16 (1) quantitative information on coastal areas
17 protected, restored, or enhanced;

18 (2) funds appropriated to the Coastal Program
19 that have been expended or leveraged;

20 (3) a description of adaptive management prac-
21 tices implemented; and

22 (4) recommendations, if any, for additional re-
23 search, management, or legislation needed to fully—

24 (A) address problems and implement solu-
25 tions in coastal ecosystems; and

1 (B) achieve the objectives of this Act.

2 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

3 There are authorized to be appropriated to carry out
4 this Act—

5 (1) \$20,000,000 for fiscal year 2022;

6 (2) \$21,250,000 for fiscal year 2023;

7 (3) \$22,500,000 for fiscal year 2024;

8 (4) \$23,750,000 for fiscal year 2025; and

9 (5) \$25,000,000 for fiscal year 2026.