



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

## **America's Wildlife Habitat Conservation Act**

### *Title Analysis*

#### **Title I: Wildlife Conservation and Restoration**

- Amends the *Pittman-Robertson Wildlife Restoration Act* by overhauling the current “Wildlife Conservation and Restoration Account.” Funds would be subject to appropriations and would sunset after 5 fiscal years.
- Authorizes \$300 million yearly in grant funding to state governments to enact their congressionally mandated state wildlife action plans (SWAP’s). SWAP’s function as a roadmap to recovering both species listed under the Endangered Species Act (ESA) and species that are in jeopardy of being listed under the act.
- In addition, this grant funding can be used to conduct activities such as additional habitat restoration projects, forest management projects, remove invasive species, and to collaborate with private partners to conserve habitat for species of greatest conservation need.
- 10 percent of total funds would be dedicated to an innovation grants program designed to incentivize developing tools and strategies that will accelerate or expand recovery efforts for the habitat of species of greatest conservation need.
- The bill prohibits funds from being used for rewilding, the reintroduction of species not supported by state fish and wildlife management authorities.
- Amends the state grant funding formula included in *Pittman-Robertson* to make  $\frac{1}{2}$  of the apportionment based on land and water area of each state (currently  $\frac{1}{3}$ ),  $\frac{1}{4}$  of the apportionment based on the state’s population (currently  $\frac{2}{3}$ ), and  $\frac{1}{4}$  of the apportionment based on the number of species in each state listed under the ESA. By making this change to the funding formula, money will be sent to where it is most needed, not based on the size of a particular state (both in land area and in population).
- Bill maintains *Pittman-Robertson* matching fund requirement that any state or territory that develops a program or project that would like to use funds provided by this bill must provide 10 percent in matching funds.
- The bill requires that a minimum of 15 percent of the funding must be used to assist in the restoration of habitat for endangered species, threatened species, candidate species, or species petitioned to be listed.
- Requires states to provide detailed reports on the results of the activities carried out by the funding from this bill. These reports must include detailed accounts of administrative

costs, project costs, the number of projects funded, amount of habitat acres restored, and changes in species population trends.

- Contains savings clauses prohibiting the use of funding from this bill to remove or modify federally owned dams and the transfer of land ownership to the federal government.

### **Title II: Tribal Wildlife Conservation and Restoration**

- Creates a “Tribal Wildlife Conservation and Restoration Account” separate from *Pittman-Robertson*. These accounts are separate because Tribes do not contribute *Pittman-Robertson*.
- The bill authorizes \$20 million for this account and would sunset after 5 years.
- Specifies that projects under this account will require a 10 percent match up to \$100,000.
- This grant funding can be used to conduct habitat restoration projects, forest management projects, and removal of invasive species to benefit species of Tribal species of greatest conservation need.
- Requires a 15 percent minimum spend on recovery of habitat for endangered species, threatened species, candidate species, or species petitioned to be listed.
- Contains similar reporting language to Title 1.

### **Title III: Conservation and Management for Wildlife Refuges**

- Grants the U.S. Fish and Wildlife Service (Service) good neighbor authority, just as the U.S. Forest Service (Forest Service) and Bureau of Land Management (BLM) have.
- Allows the Service to use Good Neighbor Authority for “Recreation Enhancement or Improvement Services.”
- Grants stewardship contracting authority to the Service, as has been granted to the Forest Service and BLM.

### **Title IV: Incentivizing Wildlife Conservation on Private Lands**

- Codifies into statute the need for the Service to consider the net conservation benefit of Candidate Conservation Agreements with Assurance (CCAA’s) or any programmatic CCAA’s for a species when making a listing decision on that species under the ESA.
- Replicates, on private lands, language from the Sikes Act (16 U.S.C. 670a) giving regulatory certainty that critical habitat will not be designated if a landowner is working to implement a land management plan that conserves the listed species in question.
- Includes language to protect information on the occurrence of species on private lands.

### **Title V: Forest Information Reform**

- Codifies a fix to the detrimental 2015 Ninth Circuit Court of Appeals decision on Cottonwood Environmental Law Center v. United States Forest Service (Cottonwood) into federal law.

### **Title VI: Providing for Greater Incentives to Recover Listed Species**

- Amends Section 4(d) of the ESA to require the Service and National Marine Fisheries Service (the Services) to establish objective, incremental recovery goals for threatened species, provide for the stringency of regulations to decrease as recovery goals are met, and provide for state management of that species once all recovery goals are met in preparation for delisting.
- Allow states to develop and submit recovery strategies to the Services for species that are candidates for listing or listed as threatened. If the Services determine that the proposed recovery strategy would be effective in conserving the species, it will become the regulation governing the management of the species in that state.
- For species listed as endangered, the Services must develop objective incremental recovery goals that would form the basis of a regulation under Section 4(d) once a species is upgraded to threatened.

### **Title VII: Offsets**

- The offsets will come solely from the jurisdiction of the Water, Wildlife and Fisheries Subcommittee and will fully offset the cost of Titles I and II of the bill. These offsets will be focused on programs from the U.S. Bureau of Reclamation, National Oceanic and Atmospheric Administration, and U.S. Fish and Wildlife Service that were authorized in the Inflation Reduction Act and Infrastructure Investment and Jobs Act.