

Calendar No. 177

118TH CONGRESS
1ST SESSION

S. 1381

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 landscapes that provide fish and wildlife habitat on which certain Federal trust species depend, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

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

JULY 26, 2023

Reported by Mr. CARPER, without amendment

A BILL

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 landscapes that provide fish and wildlife habitat on which certain Federal trust species depend, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coastal Habitat Con-
3 servation Act of 2023”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to legislatively authorize
6 the Coastal Program of the Service in effect as of the date
7 of enactment of this Act to conduct collaborative land-
8 scape-level planning and on-the-ground coastal habitat as-
9 sessment, coastal habitat protection, coastal habitat res-
10 toration, and coastal habitat enhancement projects in pri-
11 ority coastal landscapes to conserve and recover Federal
12 trust species.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) COASTAL ECOSYSTEM.—The term “coastal
16 ecosystem” means a biological community of orga-
17 nisms interacting with each other and their habitats
18 in a coastal landscape.

19 (2) COASTAL HABITAT ASSESSMENT.—The
20 term “coastal habitat assessment” means the proc-
21 ess of evaluating the physical, chemical, and biologi-
22 cal function of a coastal site to determine the value
23 of the site to fish and wildlife.

24 (3) COASTAL HABITAT ENHANCEMENT.—The
25 term “coastal habitat enhancement” means the ma-
26 nipulation of the physical, chemical, or biological

characteristics of a coastal ecosystem to increase or decrease specific biological functions that make the ecosystem valuable to fish and wildlife.

(4) COASTAL HABITAT PLANNING.—The term “coastal habitat planning” means the process of developing a comprehensive plan that—

(A) characterizes a coastal ecosystem;

(B) sets protection, restoration, or enhancement goals, and identifies the priorities of those goals;

(C) describes conservation strategies and methodologies;

(D) establishes a timetable for implementation of the plan; and

(E) identifies roles of participants and stakeholders.

(5) COASTAL HABITAT PROTECTION.—

(A) IN GENERAL.—The term “coastal habitat protection” means a long-term action to safeguard habitats of value to fish and wildlife in a coastal ecosystem.

(B) INCLUSION.—The term “coastal habitat protection” includes activities to support establishment of a conservation easement or fee

1 title acquisition by Federal and non-Federal
2 partners.

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

10 (7) COASTAL LANDSCAPE.—The term “coastal
11 landscape” means a portion of a coastal ecosystem
12 within or adjacent to a coastal State that contains
13 various habitat types, including—

14 (A) a fresh or saltwater wetland in a coast-
15 al watershed;

16 (B) a coastal river, stream, or waterway;

17 (C) a coastal bay or estuary;

18 (D) a seagrass bed, reef, or other near-
19 shore marine habitat;

20 (E) a beach or dune system;

21 (F) a mangrove forest; and

22 (G) an associated coastal upland.

23 (8) COASTAL STATE.—The term “coastal
24 State” means—

(A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, the Long Island Sound, or 1 or more of the Great Lakes;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

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

(A) migratory birds, threatened species or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), interjurisdictional fish, and marine mammals for which the Secretary has management authority; and

(B) any other species of concern, as determined by the Secretary.

1 (10) FINANCIAL ASSISTANCE.—The term “fi-
2 nancial assistance” means Federal funding provided
3 to Federal, State, local, and Tribal governments,
4 nongovernmental institutions, nonprofit organiza-
5 tions, and private individuals and entities through a
6 grant or cooperative agreement.

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of the Interior.

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

11 (13) TECHNICAL ASSISTANCE.—The term
12 “technical assistance” means a collaboration, facili-
13 tation, or consulting action relating to a coastal
14 habitat planning, coastal habitat assessment, coastal
15 habitat protection, coastal habitat restoration, or
16 coastal habitat enhancement project or initiative in
17 which the Service contributes scientific knowledge,
18 skills, and expertise to the project or initiative.

19 **SEC. 4. COASTAL PROGRAM.**

20 The Secretary shall carry out the Coastal Program
21 within the Service to—

22 (1) identify the leading threats to priority
23 coastal landscapes and conservation actions to ad-
24 dress those threats in partnership with Federal,
25 State, local, and Tribal governments, nongovern-

1 mental institutions, nonprofit organizations, and pri-
2 vate individuals and entities;

3 (2) provide technical assistance and financial
4 assistance through partnerships with Federal, State,
5 local, and Tribal governments, nongovernmental in-
6 stitutions, nonprofit organizations, and private indi-
7 viduals and entities to conduct voluntary coastal
8 habitat planning, coastal habitat assessment, coastal
9 habitat protection, coastal habitat restoration, and
10 coastal habitat enhancement projects on public land
11 or private land;

12 (3) ensure the health and resilience of coastal
13 ecosystems through adaptive management proce-
14 dures based on the best available science;

15 (4) build the capacity of Federal, State, local,
16 and Tribal governments, nongovernmental institu-
17 tions, nonprofit organizations, and private individ-
18 uals and entities to carry out environmental con-
19 servation and stewardship measures;

20 (5) assist in the development and implementa-
21 tion of monitoring protocols to ensure the success of
22 coastal ecosystem restoration and coastal ecosystem
23 enhancement measures; and

24 (6) collaborate and share information with part-
25 ners and the public relating to best management

1 practices for the conservation, restoration, and en-
2 hancement of coastal ecosystems.

3 **SEC. 5. REPORTS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, and annually thereafter,
6 the Secretary, acting through the Director of the Service,
7 shall submit to the Committees on Appropriations and En-
8 vironment and Public Works of the Senate and the Com-
9 mittees on Appropriations and Natural Resources of the
10 House of Representatives, and make available to the pub-
11 lic on the website of the Service, a report on the Coastal
12 Program carried out under this Act.

13 (b) REQUIREMENTS.—Each report submitted under
14 subsection (a) shall assess on regional and nationwide
15 bases—

16 (1) Coastal Program work on coastal eco-
17 systems;

18 (2) progress made by the Coastal Program to-
19 ward identifying the leading threats to priority
20 coastal landscapes and conservation actions to ad-
21 dress those threats; and

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

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

- 1 (1) quantitative information on coastal land-
- 2 scapes protected, restored, or enhanced;
- 3 (2) funds appropriated to the Coastal Program
- 4 that have been expended or leveraged;
- 5 (3) a description of adaptive management prac-
- 6 tices implemented; and
- 7 (4) a description of emerging challenges or data
- 8 gaps that hinder the ability of the Coastal Program
- 9 to achieve the purpose of this Act.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out
12 this Act—

- 13 (1) \$20,000,000 for fiscal year 2024;
- 14 (2) \$21,250,000 for fiscal year 2025;
- 15 (3) \$22,500,000 for fiscal year 2026;
- 16 (4) \$23,750,000 for fiscal year 2027; and
- 17 (5) \$25,000,000 for fiscal year 2028.

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