

118TH CONGRESS
2D SESSION

S. 5447

To establish a grant program to assist projects that use nonlethal coexistence measures to reduce property damage caused by native beavers, a keystone species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2024

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a grant program to assist projects that use nonlethal coexistence measures to reduce property damage caused by native beavers, a keystone 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.**

4 This Act may be cited as the “Developing Alternative
5 Mitigation Systems for Beavers Act” or the “DAMS for
6 Beavers Act”.

7 **SEC. 2. BEAVER DAMAGE MITIGATION GRANT PROGRAM.**

8 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) an Indian Tribe (as defined in section
4 of the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 5304));

6 (B) a State or Tribal agency;

7 (C) a unit of local government;

8 (D) a foundation, nonprofit organization,
9 or institution of higher education; and

10 (E) a partnership between—

11 (i) 1 or more entities described in any
12 of subparagraphs (A) through (D); and

13 (ii) an owner of property that has sus-
14 tained or is at risk of sustaining property
15 damage due to beaver activity.

16 (2) NONLETHAL COEXISTENCE MEASURE.—

17 (A) IN GENERAL.—The term “nonlethal
18 coexistence measure” means a measure de-
19 signed to mitigate property damage caused by
20 beavers that does not incorporate—

21 (i) the gripping, trapping, injuring, or
22 killing of a beaver;

23 (ii) the destruction or removal of a
24 beaver dam or lodge, unless the destruction

1 or removal is necessary to install flow man-
2 agement devices; or

3 (iii) the relocation of a beaver.

4 (B) INCLUSIONS.—The term “nonlethal
5 coexistence measure” includes—

6 (i) fencing used to protect culverts;

7 (ii) fencing and paint-sand mixtures
8 used to protect trees;

9 (iii) fencing used to protect earthen
10 dams from beaver burrowing; and

11 (iv) flow management devices used to
12 control water levels in beaver ponds.

13 (3) PROGRAM.—The term “Program” means
14 the grant program established under subsection (b).

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

19 (b) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary shall es-
21 tablish and implement a grant program under which the
22 Secretary may award grants on a competitive basis to eli-
23 gible entities to carry out projects that use nonlethal coex-
24 istence measures—

1 (1) to reduce property damage caused by bea-
2 vers; and

3 (2) to maintain or enhance habitat for beavers
4 and other wildlife.

5 (c) ADMINISTRATION.—The Secretary may enter into
6 an agreement with the National Fish and Wildlife Foun-
7 dation established by section 2(a) of the National Fish and
8 Wildlife Foundation Establishment Act (16 U.S.C.
9 3701(a)) to administer the Program in consultation with
10 the United States Fish and Wildlife Service.

11 (d) APPLICATION.—An eligible entity desiring a
12 grant under the Program shall submit to the Secretary
13 an application at such time, in such manner, and con-
14 taining such information as the Secretary may require,
15 which shall include the following:

16 (1) A description of the experience, qualifica-
17 tions, and training (including planned training) of
18 the eligible entity with respect to the use of non-
19 lethal coexistence measures.

20 (2) In the case of an application submitted by
21 an eligible entity that is not a State or Tribal wild-
22 life or natural resources management agency (or
23 equivalent), a certification that the eligible entity
24 has consulted with such an agency (or equivalent).

1 (3) In the case of an application submitted by
2 an eligible entity that is not an owner of the prop-
3 erty on which a relevant proposed project will be lo-
4 cated, a certification that—

5 (A) each owner of the property consents to
6 the project; and

7 (B) for the duration of the project, only
8 nonlethal coexistence measures will be used on
9 the property for purposes of reducing property
10 damage caused by beavers (except in the case
11 of a circumstance subject to an exception under
12 subsection (f)(3)(A)).

13 (e) PRIORITY.—In awarding grants under the Pro-
14 gram, the Secretary may give priority to projects that—

15 (1) include monitoring and research that facili-
16 tates—

17 (A) evaluating the impact of the project;

18 (B) gathering data for use in future
19 projects; and

20 (C) identifying best practices;

21 (2) include maintenance and adaptive manage-
22 ment of nonlethal coexistence measures;

23 (3) include educational and outreach activities;

24 (4) have received Federal funding through any
25 program established under title 23, United States

1 Code, or the program established under section
2 6703(b) of title 49, United States Code, as deter-
3 mined in coordination with the Secretary of Trans-
4 portation; or

5 (5) satisfy any other criteria the Secretary de-
6 termines relevant to effectively reducing damage to
7 property by, and maintaining or enhancing habitat
8 for, beavers and other wildlife.

9 (f) CONDITIONS AND TERMINATION.—

10 (1) CONDITIONS.—Except as provided in para-
11 graph (3), as a condition of receiving a grant under
12 the Program, for the duration of a project carried
13 out with grant funds awarded under the Program,
14 an eligible entity may use only nonlethal coexistence
15 measures for purposes of reducing property damage
16 caused by beavers on the property on which the
17 project is carried out.

18 (2) TERMINATION.—Except as provided in
19 paragraph (3), the Secretary shall terminate a grant
20 made to an eligible entity under the Program if a
21 measure other than a nonlethal coexistence measure
22 is used on the property on which the relevant project
23 is carried out for purposes of reducing property
24 damage caused by beavers on the property.

25 (3) EXCEPTIONS.—

1 (A) IN GENERAL.—Paragraphs (1) and (2)
2 shall not apply if the Secretary determines—

3 (i) that a measure other than a non-
4 lethal coexistence measure is necessary to
5 protect human health or safety;

6 (ii) in consultation with relevant Fed-
7 eral and State agencies, that a measure
8 other than a nonlethal coexistence measure
9 is necessary to protect a Federal or State
10 flood control or water rights mandate; or

11 (iii) that a project carried out with
12 grant funds awarded under the Program
13 has been implemented for more than 1
14 year and the project has not sufficiently
15 reduced property damage caused by bea-
16 vers on the property on which the project
17 is carried out.

18 (B) DOCUMENTATION.—The Secretary
19 shall maintain a record of each determination
20 made under subparagraph (A).

21 (g) FEDERAL SHARE.—The Federal share of the cost
22 of a project for which a grant is awarded under the Pro-
23 gram may not exceed 75 percent.

1 (h) FEDERAL AGENCY PARTNERSHIPS.—An eligible
2 entity may enter into a partnership with a Federal agency
3 for assistance in—

- 4 (1) applying for a grant under the Program; or
5 (2) carrying out a project with a grant awarded
6 the Program.

7 (i) ANNUAL REPORT TO CONGRESS.—Not later than
8 90 days after the end of each fiscal year in which grants
9 are awarded under the Program, the Secretary shall sub-
10 mit to Congress, and make publicly available, a report that
11 includes—

- 12 (1) a detailed description of the projects funded
13 by grants under the Program, including the extent
14 to which such projects represent diverse geographic
15 areas;

- 16 (2) an evaluation of the effectiveness of the
17 Program in selecting projects according to the prior-
18 ities described in subsection (e); and

- 19 (3) recommendations to improve the effective-
20 ness of the Program.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—

- 22 (1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$3,000,000 for
24 each of fiscal years 2025 through 2029.

1 (2) ADMINISTRATIVE EXPENSES.—Not more
2 than 10 percent of the amounts made available each
3 fiscal year to carry out this section may be used for
4 administrative expenses of the Program.

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