



American Clean Energy & Security Act of 2009 *(HR 2454)*

Summary of Provisions to Safeguard Natural Resources from Global Warming

The House Energy and Commerce Committee recently approved the *American Clean Energy & Security Act 2009* (H.R. 2454), comprehensive energy and climate legislation. The bill, introduced by Representatives Henry Waxman (D-CA) and Edward Markey (D-MA), moves America closer to increasing our energy security and tackling global warming and also works to address the impacts of global climate change on wildlife and natural resources.

The bill establishes national policy to better safeguard natural resources from global warming and provides one percent of revenues from a cap and trade system to domestic natural resource adaptation over the next 10 years and increases the allocation to four percent by 2027. Ultimately, significantly more dedicated funding (at least 5% of total allowance value from the bill) will be needed to address the impacts of global warming on our wildlife and natural resources. However, the funding and language now in the bill will be absolutely critical to protect natural resources for people as well as fish and wildlife in an already warming world.

Funding Natural Resource Adaptation

H.R. 2454 allocates increasing percentages of the total allowance value to natural resource adaptation: 1 percent from 2012 through 2021, 2 percent from 2022 through 2026, and 4 percent from 2027 through 2050. The "National Resources Climate Change Adaptation Fund" and "allocation of emission allowances" sections of the bill establish different mechanisms for delivering funds to state, federal and tribal agencies charged with safeguarding natural resources. State agencies receive 38.5 percent of natural resource allowance value as a dedicated fund, not subject to the annual appropriations process. In contrast, federal and tribal agencies receive the remaining 61.5 percent of natural resource allowance value through the proceeds of an allowance auction deposited into a Natural Resources Climate Change Adaptation Fund. The bill authorizes Congress to appropriate funds to the federal and tribal agencies for natural resource adaptation activities. The bill also states that the amounts appropriated shall be no less than the amount of allowance value deposited into the Fund.

Establishing National Policy for Natural Resources Adaptation

The natural resource adaptation section of H.R. 2454 (Title 9, Subtitle E, Part 1, Subpart C) includes, in its entirety, the *Climate Change Safeguards for Natural Resources Conservation Act* (H.R. 2192), a bill containing strong policy measures introduced by Rep. Grijalva (D-AZ). The following is a section by section look at the wildlife and natural resource safeguards in H.R. 2454.

Section 471. Purposes

The purposes of this Act are to establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in the face of climate change and ocean acidification and to provide financial support and incentives for programs, strategies, and activities that further these goals.

Section 472. Natural Resources Climate Change Adaptation Policy

Establishes the policy of the Federal government, in cooperation with State and local governments, Tribes, and other stakeholders to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

Section 473. Definitions

Defines terms used in the legislation, including ecological processes, corridors, habitat, natural resources, natural resources adaptation, and resilience, among others.

Section 474. Council on Environmental Quality

Establishes that the Council on Environmental Quality (CEQ) will advise the President on the development and implementation of the Natural Resources Climate Change Adaptation Strategy, Federal agency adaptation plans, serve as the Chair of the Natural Resources Adaptation Climate Change Panel, and coordinate all federal agency activities and strategies relating to helping natural resources become more resilient to and withstand the impacts of climate change and ocean acidification.

Section 475. Natural Resources Climate Change Adaptation Panel

Establishes the Natural Resources Climate Change Adaptation Panel, which must be created within 90 days of passage of this act, and serve as the forum for interagency consultation and coordination of the development and implementation of the national strategy. Led by CEQ, the Panel consists of the head, or designee, of NOAA, Forest Service, National Park Service, US Fish & Wildlife Service, Bureau of Land Management, US Geological Survey, Bureau of Reclamation, and Bureau of Indian Affairs, and other Federal agencies with jurisdiction over natural resources.

Section 476. Natural Resources Climate Change Adaptation Strategy

Within one year after enactment, a national strategy to protect, restore, and conserve natural resources in the face of climate change shall be developed. This plan will be developed by the Panel established in Section 475 and be based upon the best available science, be developed in close coordination with States, Tribes and other relevant federal agencies and with the input of other stakeholders, including local governments, conservation organizations, and scientists. This strategy will be revised every 5 years to incorporate new information. This section outlines the contents of the national strategy, including a vulnerability assessment, protocols for integrating climate change adaptation strategies into conservation and management practices, among other items.

Section 477. Natural Resources Adaptation Science and Information

This section increases the capacity of the federal government to better understand and respond to climate change's impacts on natural resources:

- **Coordinated Process on Scientific Information** - Directs the Administrator of NOAA and Director of USGS to establish a coordinated process for developing and providing scientific information on impacts of climate change on natural resources. This approach should avoid duplication, provide relevant technical assistance to stakeholders, conduct and sponsor needed research, and assist in the development of adaptation plans.
- **Survey** - Calls on Commerce and Interior to conduct a survey one year after enactment, and every 5 years thereafter, to identify natural resources likely to be negatively impacted, include baseline monitoring and trend analysis, and engage stakeholders to identify and prioritize monitoring and research needs, and identify missing decision tools.

- **National Climate Change and Wildlife Science Center** - Formally establishes the National Climate Change and Wildlife Science Center at the US Geological Survey. Identifies the Center’s core functions, including assessing and synthesizing current physical and biological knowledge of climate change’s impacts, identifying scientific gaps, developing and improving tools to forecast impacts on natural resources, and developing capacities to share and synthesize data.
- **Science Advisory Board** - Establishes, within 180 days, a Science Advisory Board to be selected by the Secretaries of Interior and Commerce. The Board will be comprised of experts from relevant disciplines, half recommended by the National Academy of Sciences. The Board will advise the Secretaries on the latest science regarding climate change and ocean acidification’s impacts on natural resources and scientific strategies and mechanisms for helping these resources withstand the impacts.

Section 478. Federal Natural Resource Agency Adaptation Plans

Calls for Federal agencies represented on the Panel, created under Section 475, to develop agency-specific adaptation plans within a year after completion of the national strategy. These plans are subject to public review and approved by the President. Lays out specific requirements for these plans, including programs to assess impacts, identification and prioritization of strategies and conservation actions to increase resilience, steps to integrate strategies into current plans and programs, methods for assessing strategies’ effectiveness, and specific direction to natural resource managers. Plans will be submitted to Congress and reviewed and updated every 5 years.

Section 479. State Natural Resources Adaptation Plans

Establishes a process and requirements for the development of state natural resources adaptation plans. Plans will be developed within a year after completion of the national strategy and approved by the Secretary of the Interior, and, in the case of coastal states (as defined by the Coastal Zone Management Act) the Secretary of Commerce. Lays out the contents of the state plans, which shall be incorporated in state wildlife action plans, and updated every 5 years.

Section 480. Natural Resources Climate Change Adaptation Fund

Establishes the Natural Resources Climate Change Adaptation Account, with funds allocated as follows:

<i>Area Funded</i>	<i>As a Percentage of Federal fund</i>	<i>As a Percentage of total Natural Resource Fund</i>
Tribal fish and wildlife agencies	4.9%	3%
Department of the Interior (wildlife programs and lands and waters under DOI’s jurisdiction)	27.6%	17%
Department of the Interior (cooperative grant programs)	8.1%	5%
Land & Water Conservation Fund (Funding split between DOI and Forest Service for state and federal land protection)	19.5%	12%
Forest Service	8.1%	5%
NOAA (coastal, estuarine, coral and marine species and habitats)	11.5%	7%
EPA	12.2%	7.5%
Army Corps of Engineers	8.1%	5%
TOTAL	100%	61.5%

Additionally, the allocation of allowance emission allowances, dedicates natural resource adaptation funds to states as follows:

<i>Area Funded</i>	<i>As a Percentage of State fund</i>	<i>As a Percentage of total Natural Resource Fund</i>
State Fish and Wildlife Agencies	84.4%	32.5%
State Coastal Agencies	15.6%	6%
TOTAL	100%	38.5%

(Funds to state wildlife agencies will be apportioned to states according to the Pittman-Robertson (WCRP) formula; funds to coastal agencies will be apportioned to states according to the Coastal Management Act formula.)

Section 481. National Wildlife Habitat and Corridors Information Program

Calls for creating, within 6 months of enactment, a new National Fish & Wildlife Habitat Corridors Information Program. Led by Interior, this new program will be developed collaboratively by federal agencies, states, and Tribes and is designed to provide maps identifying projected fish and wildlife habitats and corridors, which will be used to inform planning and development decisions.

Section 482. Additional Provisions Regarding Indian Tribes

Clarifies that nothing in this act alters or gives priority over Federal trust responsibility to the Tribes. Exempts from FOIA any information related to sacred sites or cultural activities identified as confidential by Tribes.

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