

Calendar No. 540

103^D CONGRESS
2^D SESSION

S. 823

[Report No. 103-324]

A BILL

To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

AUGUST 3 (legislative day, JULY 20), 1994

Reported with an amendment

Calendar No. 540103^D CONGRESS
2^D SESSION**S. 823****[Report No. 103-324]**

To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 19), 1993

Mr. GRAHAM (for himself, Mr. KOHL, Mr. DODD, Mr. SARBANES, Mr. WOFFORD, Mr. FEINGOLD, Mr. AKAKA, Mr. BUMPERS, Mr. LEAHY, Mr. DASCHLE, Mr. SIMON, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 3 (legislative day, JULY 20), 1994

Reported by Mr. BAUCUS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, 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; REFERENCES.**

2 (a) ~~SHORT TITLE.~~—This Act may be cited as the
3 “National Wildlife Refuge System Management and Policy
4 Act of 1993”.

5 (b) ~~REFERENCES.~~—Whenever in this Act an amend-
6 ment or repeal is expressed in terms of an amendment
7 to, or repeal of, a section or other provision, the reference
8 shall be considered to be made to a section or provision
9 of the National Wildlife Refuge System Administration
10 Act of 1966 (16 U.S.C. 668dd et seq.)

11 **SEC. 2. FINDINGS AND PURPOSES.**

12 (a) ~~FINDINGS.~~—Congress finds and declares that—

13 (1) the National Wildlife Refuge System (re-
14 ferred to in this section as the “System”) was estab-
15 lished under the National Wildlife Refuge System
16 Administration Act of 1966 (16 U.S.C. 668dd et
17 seq.);

18 (2) the National Wildlife Refuge System Ad-
19 ministration Act of 1966 consolidates the authorities
20 related to lands, waters, and interests in the lands
21 and waters administered by the Secretary of the In-
22 terior (referred to in this section as the “Sec-
23 retary”), for the purpose of conservation of fish and
24 wildlife;

25 (3) the System provides opportunities for indi-
26 viduals to participate in wildlife-oriented recreation,

1 and to learn, understand, and appreciate the value
2 of and need for conserving fish and wildlife, wild
3 lands, and naturally productive ecological commu-
4 nities, types, and systems;

5 (4) the System is the only complex of Federal
6 lands devoted primarily to preserving, restoring, and
7 managing fish and wildlife and the habitats of fish
8 and wildlife;

9 (5) National Wildlife Refuges provide habitat
10 for many endangered and threatened species, and
11 for species that may become endangered or threat-
12 ened, as well as for other fish, wildlife, and plants;

13 (6) the well-being and abundance of the fish,
14 wildlife, and plants would be diminished without the
15 protected habitat;

16 (7) activities are occurring on a significant
17 number of National Wildlife Refuges that result in
18 harm to the fish and wildlife resources the System
19 was designed to conserve; and

20 (8) improvements are needed in the administra-
21 tion and management of the System to ensure that
22 sound and effective conservation programs for the
23 System are developed, implemented, and enforced.

24 (b) PURPOSES.—The purposes of this Act are as
25 follows:

1 (1) To reaffirm the provisions of the Act com-
2 monly known as the Refuge Recreation Act (16
3 U.S.C. 460k et seq.) that authorize the Secretary to
4 permit compatible fish and wildlife-oriented public
5 recreation, such as hunting, fishing, and wildlife ob-
6 servation on refuges.

7 (2) To improve the administration and manage-
8 ment of the System.

9 (3) To establish purposes for the System.

10 (4) To improve the compatibility determination
11 process for National Wildlife Refuges.

12 (5) To establish comprehensive planning for the
13 System and individual wildlife refuges of the System.

14 (6) To provide for interagency coordination in
15 maintaining refuge resources.

16 **SEC. 3. DEFINITIONS.**

17 Section 5 (16 U.S.C. 668ee) is amended—

18 (1) by redesignating subsections (a) through (e)
19 as subsections (g) through (i), respectively; and

20 (2) by inserting the following new subsections
21 before subsection (g) (as so redesignated):

22 “(a) The term ‘Director’ as used in this Act means
23 the Director of the United States Fish and Wildlife
24 Service.

1 “(b) The terms ‘fish’, ‘wildlife’ and ‘fish and wildlife’
2 as used in this Act mean any native member of the animal
3 kingdom in a wild, unconfined state, including the parts,
4 products, or eggs of the animals.

5 “(c) The term ‘plant’ as used in this Act means any
6 native member of the plant kingdom in a wild, unconfined
7 state. The term shall include any plant community, seed,
8 root, or other part thereof.

9 “(d) The term ‘refuge’ as used in this Act means a
10 unit of the National Wildlife Refuge System, except that
11 the term shall not include State-managed wildlife manage-
12 ment areas (commonly known as ‘coordination areas’).

13 “(e) The term ‘Secretary’ as used in this Act means
14 the Secretary of the Interior (except as the context implies
15 otherwise).

16 “(f) The term ‘System’ as used in this Act means
17 the National Wildlife Refuge System.”.

18 **SEC. 4. PURPOSES AND ADMINISTRATION OF THE SYSTEM.**

19 Section 4(a) (16 U.S.C. 668dd(a)) is amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (5) and (6), respectively;

22 (2) in paragraph (6), as so redesignated, by
23 striking “paragraph (2)” and inserting “paragraph
24 (5)”; and

1 (3) by inserting after paragraph (1) the follow-
2 ing new paragraphs:

3 ~~“(2) The purposes of the System are as follows:~~

4 ~~“(A) To provide a national network of lands
5 and waters with respect to which the size, variety,
6 and location are designed to protect the wealth of
7 fish, wildlife, and plants of this Nation and their
8 habitats for present and future generations.~~

9 ~~“(B) To provide healthy, naturally productive,
10 and enduring food, water, and shelter to fish, wild-
11 life, and plant communities and to ensure naturally
12 diverse, healthy, and abundant populations of fish,
13 wildlife, and plant species in perpetuity.~~

14 ~~“(C) To serve in the fulfillment of international
15 treaty obligations of the United States with respect
16 to fish, wildlife, and plants, and their habitats.~~

17 ~~“(3) If the Secretary finds that a conflict exists be-
18 tween any purpose set forth in the law or order that estab-
19 lished a refuge and any purpose set forth in paragraph
20 (2), the Secretary shall resolve the conflict in a manner
21 that fulfills the purpose set forth in the law or order that
22 established the refuge, and, to the extent possible, achieves
23 all of the purposes set forth in paragraph (2).~~

1 ~~“(4) In the administration of the System for the pur-~~
2 ~~poses described in paragraph (2), the Secretary, acting~~
3 ~~through the Director, shall—~~

4 ~~“(A) ensure that the purposes of the System~~
5 ~~described in paragraph (2) and the purposes of each~~
6 ~~refuge are carried out;~~

7 ~~“(B) protect the System and the components of~~
8 ~~the System from threats to the ecological integrity~~
9 ~~of the System and components;~~

10 ~~“(C) to the extent authorized by law, ensure~~
11 ~~adequate water quantity and water quality to fulfill~~
12 ~~the purposes of the System and of each refuge; and~~

13 ~~“(D) plan, propose, and direct the expansion of~~
14 ~~the System in a manner best designed to—~~

15 ~~“(i) accomplish the purposes of the System~~
16 ~~and of each refuge in the System;~~

17 ~~“(ii) protect and aid recovery of any spe-~~
18 ~~cies listed as endangered or threatened (and~~
19 ~~any species that is a candidate for the listing);~~
20 ~~and~~

21 ~~“(iii) conserve other fish, wildlife, and~~
22 ~~plants, the habitats of the fish, wildlife, and~~
23 ~~plants, and other elements of natural diver-~~
24 ~~sity.”.~~

1 **SEC. 5. COMPATIBILITY STANDARDS AND PROCEDURES.**

2 Section 4(d) (16 U.S.C. 668dd(d)), is amended by
3 adding at the end the following new paragraphs:

4 “(3) Except as provided in paragraph (5), the Sec-
5 retary shall not initiate or permit a new use of a refuge
6 or expand, renew, or extend an existing use unless the Sec-
7 retary finds, in consultation with the Director, pursuant
8 to paragraph (5), that the use is compatible with the pur-
9 poses of the System and of the refuge. The Secretary shall
10 make no determination of compatibility under this sub-
11 paragraph, nor initiate a proposed new use or permit a
12 proposed, continued, or expanded use, unless the Sec-
13 retary—

14 “(A) states the time, location, manner, and pur-
15 pose of the use;

16 “(B) evaluates the direct, indirect, and cumu-
17 lative biological, ecological, and other effects that the
18 Secretary determines to be appropriate for the use;

19 “(C) makes a determination, on the basis of the
20 evaluation required under subparagraph (B) that the
21 use will contribute to the fulfillment of the purposes
22 of the System and the refuge or will not have a det-
23 rimental effect upon fulfillment of the purposes of
24 the System or the refuge; and

1 ~~“(D) makes a determination that funds are~~
2 ~~available for the development, operation, and main-~~
3 ~~tenance of the use.~~

4 ~~“(4) Unless the Secretary, in consultation with the~~
5 ~~Director, determines that there is sufficient information~~
6 ~~available to make a reasoned judgment that a proposed,~~
7 ~~continued, or expanded use of a refuge is compatible with~~
8 ~~the purposes of the System and the refuge, the Secretary~~
9 ~~shall not permit the use.~~

10 ~~“(5)(A) Except as provided in subparagraph (B), any~~
11 ~~use of refuge system lands in effect on the date of enact-~~
12 ~~ment of this subparagraph, that, before such date, was~~
13 ~~determined to be compatible under this section or the Act~~
14 ~~entitled ‘An Act to assure continued fish and wildlife bene-~~
15 ~~fits from the national fish and wildlife conservation areas~~
16 ~~by authorizing their appropriate incidental or secondary~~
17 ~~use for public recreation to the extent that such use is~~
18 ~~compatible with the primary purposes of such areas, and~~
19 ~~for other purposes’ (commonly known as the ‘Refuge~~
20 ~~Recreation Act’) (16 U.S.C. 460k et seq.), may be contin-~~
21 ~~ued pursuant to the terms and conditions of any special-~~
22 ~~use permits, and applicable law, for the period of time~~
23 ~~specified in the permit.~~

24 ~~“(B) Not later than 5 years after the date of enact-~~
25 ~~ment of this subparagraph, any use described in subpara-~~

1 graph (A) shall cease. Any permit for the use shall be re-
2 voked unless the Secretary, in consultation with the Direc-
3 tor of the United States Fish and Wildlife Service, makes
4 a determination, pursuant to the procedures established
5 under this section, that the use is compatible with the pur-
6 poses of the System and the refuge.

7 “(6) The Secretary shall, acting through the Direc-
8 tor, by regulation, establish and maintain a formal process
9 governing determinations of whether an existing or pro-
10 posed new use in a refuge is compatible or incompatible
11 with the purposes of the System and the refuge. The regu-
12 lations shall provide for the expedited consideration of
13 uses that the Secretary considers to have little or no ad-
14 verse effects on the purposes of the System or a refuge,
15 and shall—

16 “(A) designate the refuge officer initially re-
17 sponsible for compatibility and incompatibility deter-
18 minations;

19 “(B) describe the biological, ecological, and
20 other criteria to be used in making the determina-
21 tions;

22 “(C) require that the determinations be made
23 in writing and based on the best available scientific
24 information;

1 ~~“(D) establish procedures that ensure an oppor-~~
2 ~~tunity for public review and comment with respect to~~
3 ~~the determinations;~~

4 ~~“(E) designate the officer who shall hear and~~
5 ~~rule on appeals from initial determinations; and~~

6 ~~“(F) provide for the reevaluation of a compat-~~
7 ~~ibility determination on a periodic basis or whenever~~
8 ~~the conditions under which the use is permitted~~
9 ~~change.~~

10 ~~“(7) Except as provided in paragraph (8), the head~~
11 ~~of each Federal agency that, with respect to a refuge, has~~
12 ~~an equivalent or secondary jurisdiction with the Depart-~~
13 ~~ment of the Interior, or that conducts activities within any~~
14 ~~refuge, shall, in consultation with the Secretary, ensure~~
15 ~~that any actions authorized, funded, or carried out in~~
16 ~~whole or in part by the agency will not impair the re-~~
17 ~~sources of the refuge or be incompatible with the purposes~~
18 ~~of either the System or the refuge (unless the action is~~
19 ~~specifically authorized by law).~~

20 ~~“(8) The President may find, on a case-by-case basis,~~
21 ~~that, with respect to a refuge, it is in the paramount inter-~~
22 ~~est of the United States to exempt the head of a Federal~~
23 ~~agency described in paragraph (7) from carrying out the~~
24 ~~requirements of paragraph (7).”.~~

1 **SEC. 6. SYSTEM CONSERVATION PLANNING PROGRAM.**

2 (a) ~~IN GENERAL.~~—Section 4 (16 U.S.C. 668dd) is
3 amended—

4 (1) by redesignating subsections (e) through (i)
5 as subsections (g) through (k), respectively; and

6 (2) by inserting after subsection (d) the follow-
7 ing new subsections:

8 “(e)(1) Not later than September 30, 1994, the Sec-
9 retary shall prepare, and subsequently revise not less fre-
10 quently than every 10 years after the date of preparation,
11 a comprehensive plan for the System.

12 “(2) The plan described in paragraph (1) shall in-
13 clude—

14 “(A) relevant elements of recovery plans re-
15 quired under section 4(f), of the Endangered Species
16 Act of 1973 (16 U.S.C. 1533(f));

17 “(B) relevant summaries and compilations of
18 refuge plans developed under this section and the
19 relevant elements of migratory bird management
20 plans;

21 “(C) a strategy and standards for maintaining
22 healthy and abundant wildlife populations in the
23 System and in each refuge ecotype or ecosystem (in-
24 cluding the protection of zones for dispersal, migra-
25 tion, and other fish and wildlife movements, and the
26 conservation of species designated as candidates for

1 listing pursuant to section 4 of the Endangered
2 Species Act of 1973 (16 U.S.C. 1533));

3 ~~“(D) strategies, developed cooperatively with~~
4 ~~agencies administering other Federal or State land~~
5 ~~systems, to enhance wildlife protection on national~~
6 ~~wildlife refuges and other land systems which collec-~~
7 ~~tively form a national network of wildlife habitats;~~
8 ~~and~~

9 ~~“(E) a plan and program for the acquisition of~~
10 ~~lands and waters, including water rights, necessary~~
11 ~~to achieve the purposes of the System and each~~
12 ~~refuge.~~

13 ~~“(f)(1) Except with respect to refuge lands in Alaska~~
14 ~~(which shall be governed by refuge planning provisions of~~
15 ~~the Alaska National Interest Lands Conservation Act (16~~
16 ~~U.S.C. 3101 et seq.)), the Secretary shall prepare, and~~
17 ~~subsequently revise not less frequently than every 15 years~~
18 ~~after the date of preparation, a comprehensive conserva-~~
19 ~~tion plan (referred to in this subsection as a ‘plan’) for~~
20 ~~each refuge or ecologically related complex of refuges (re-~~
21 ~~ferred to in this subsection as a ‘planning unit’) in the~~
22 ~~System. The Secretary shall revise any plan at any time~~
23 ~~thereafter on a determination that conditions that affect~~
24 ~~a planning unit have changed significantly.~~

1 “(2) In developing each plan under this subsection,
2 the Secretary shall identify and describe—

3 ~~“(A) the purposes of the refuge and the pur-~~
4 ~~poses of the System applicable to the refuge or the~~
5 ~~individual refuges of the planning unit;~~

6 ~~“(B) fish, wildlife, and plant populations and~~
7 ~~habitats of the planning unit (including at the time~~
8 ~~of the development of the plan, current, historical,~~
9 ~~and potentially restorable populations and habitats)~~
10 ~~and the seasonal (and other) dependence of migra-~~
11 ~~tory fish and wildlife species on the habitats and re-~~
12 ~~sources of interrelated units of the System;~~

13 ~~“(C) archeological, cultural, ecological, geologi-~~
14 ~~cal, historical, paleontological, physiographic, and~~
15 ~~wilderness values of the planning unit;~~

16 ~~“(D) areas within the planning unit that are~~
17 ~~suitable for use as administrative sites or visitor fa-~~
18 ~~cilities or for visitor services;~~

19 ~~“(E) significant problems, including water~~
20 ~~quantity and quality needs (within or without the~~
21 ~~boundaries of the refuge or complex) that may ad-~~
22 ~~versely affect the natural diversity, communities,~~
23 ~~health, or abundance of populations or habitats of~~
24 ~~fish, wildlife, and plants;~~

1 “(F) existing boundaries of each refuge in the
2 planning unit in relation to ecosystem boundaries
3 and wildlife dispersal and migration patterns; and

4 “(G) specific strategies, developed cooperatively
5 with the heads of agencies administering other Fed-
6 eral and State lands, to enhance wildlife protection
7 in the planning unit, and, to the extent practicable,
8 on other Federal and State lands proximate to the
9 planning unit.

10 “(3) Each plan under this subsection shall—

11 “(A) designate each area within the planning
12 unit according to the archeological, cultural,
13 ecological, geological, historical, paleontological,
14 physiographic, and wilderness values of the area;

15 “(B) specify the uses within each of the areas
16 referred to in subparagraph (A) that may be com-
17 patible with the purposes of the refuge and the Sys-
18 tem and the funds and personnel that may be re-
19 quired to administer the uses;

20 “(C) specify programs for achieving the pur-
21 poses described in paragraph (2)(A) and for conserv-
22 ing, restoring, and maintaining the resources and
23 values identified and described under subparagraphs
24 (B) and (C) of paragraph (2);

1 “(D) specify the approaches to be taken to
2 avoid or overcome the problems identified in para-
3 graph (2)(E) and estimate resource commitments re-
4 quired to implement the approaches;

5 “(E) specify opportunities that may be provided
6 within the planning unit for compatible fish and
7 wildlife related recreation, ecological research, envi-
8 ronmental education, and interpretation of refuge re-
9 sources and values;

10 “(F) except with respect to Alaska refuges
11 studied pursuant to section 1317 of the Alaska Na-
12 tional Interest Lands Conservation Act (16 U.S.C.
13 3205), review the suitability for designation as wil-
14 derness refuge lands not previously studied for des-
15 ignation as wilderness or designated as wilderness,
16 and recommend to the President and Congress des-
17 ignation for the lands in accordance with subsections
18 (c) and (d) of section 3 of the Wilderness Act (16
19 U.S.C. 1132 (c) and (d), respectively), including—

20 “(i) islands and areas of 200 acres or more
21 immediately adjacent to wilderness areas (as
22 designated at the time of the review);

23 “(ii) lands recommended (before the time
24 of the review) for inclusion in the Wilderness
25 Preservation System; and

1 “(iii) proposed land acquisitions by the De-
2 partment of the Interior that the Secretary de-
3 termines will, over time, be of an area of ap-
4 proximately 5,000 contiguous acres; and

5 “(G) identify the funds and personnel necessary
6 to implement the strategies and administer the uses
7 identified in this section.

8 “(4) In preparing each plan under this subsection,
9 and any revision of the plan, the Secretary shall consult
10 with such heads of Federal agencies and State depart-
11 ments and agencies as the Secretary determines to be ap-
12 propriate.

13 “(5) Prior to the adoption of a plan under this sub-
14 section, the Secretary shall issue public notice of the draft
15 proposed plan in the Federal Register, make copies of the
16 plan available at each regional office of the United States
17 Fish and Wildlife Service, and provide opportunity for
18 public comment.

19 “(6)(A) By not later than 4 years after the date of
20 enactment of this subsection, the Secretary shall, pursuant
21 to this subsection, prepare and submit to the appropriate
22 committees of Congress, plans for not less than one-third
23 of the refuges in existence on the date of enactment of
24 this subsection.

1 ~~“(B) By not later than 7 years after the date of en-~~
2 ~~actment of this subsection, the Secretary shall, pursuant~~
3 ~~to this subsection, prepare and submit to the appropriate~~
4 ~~committees of Congress, plans for not less than two-thirds~~
5 ~~of the refuges in existence on the date of enactment of~~
6 ~~this subsection.~~

7 ~~“(C) By not later than 10 years after the date of~~
8 ~~enactment of this subsection, the Secretary shall, pursuant~~
9 ~~to this subsection, prepare and submit to the appropriate~~
10 ~~committees of Congress, plans for each refuge in existence~~
11 ~~on the date of enactment of this subsection.~~

12 ~~“(D) With respect to any refuge established after the~~
13 ~~date of enactment of this subsection, the Secretary shall~~
14 ~~prepare a plan for the refuge not later than 2 years after~~
15 ~~the date of the establishment of the refuge.”.~~

16 **SEC. 7. ADMINISTRATION.**

17 The Secretary of the Interior shall manage the ref-
18 uges in the National Wildlife Refuge System in a manner
19 consistent with any refuge conservation plans developed
20 under section 4 of the National Wildlife Refuge System
21 Administration Act of 1966 (16 U.S.C. 668dd), as
22 amended by this Act.

23 **SEC. 8. REGULATIONS.**

24 Except as otherwise required in this Act, the Sec-
25 retary of the Interior shall—

1 (1) not later than 1 year after the date of en-
2 actment of this Act, propose regulations to carry out
3 this Act and the amendments made by this Act; and

4 (2) not later than 18 months after the date of
5 enactment of this Act, promulgate final regulations
6 to carry out this Act and the amendments made by
7 this Act.

8 **SEC. 9. CONFORMING AMENDMENT.**

9 Section 4 (16 U.S.C. 668dd) is amended by striking
10 “Secretary of the Interior” each place it appears and in-
11 serting “Secretary”.

12 **SEC. 10. EMERGENCY POWER.**

13 The Secretary of the Interior is authorized to suspend
14 any activity conducted in any refuge in the National Wild-
15 life Refuge System in the event of an emergency that con-
16 stitutes an imminent danger to the health and safety of
17 any wildlife population, or refuge, or to public health and
18 safety.

19 **SEC. 11. STATUTORY CONSTRUCTION.**

20 Except as specifically provided in this Act or the
21 amendments made by this Act, nothing in this Act or the
22 amendments made by this Act shall be construed so as
23 to alter or otherwise affect the act commonly known as
24 the Refuge Recreation Act of 1962 (16 U.S.C. 460k et
25 seq.); the National Wildlife Refuge System Administration

1 Act of 1966 (16 U.S.C. 668dd et seq.), the Alaska Na-
2 tional Interest Lands Conservation Act (16 U.S.C. 3101
3 et seq.), or any other law or order establishing individual
4 refuges in effect on the date of enactment of this Act.

5 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary to carry out this Act and the amend-
8 ments made by this Act.

9 **SECTION 1. SHORT TITLE; REFERENCES.**

10 (a) *SHORT TITLE.*—This Act may be cited as the “Na-
11 tional Wildlife Refuge System Management and Policy Act
12 of 1994”.

13 (b) *REFERENCES.*—Whenever in this Act an amend-
14 ment or repeal is expressed in terms of an amendment to,
15 or repeal of, a section or other provision, the reference shall
16 be considered to be made to a section or provision of the
17 National Wildlife Refuge System Administration Act of
18 1966 (16 U.S.C. 668dd et seq.).

19 **SEC. 2. FINDINGS AND PURPOSES.**

20 (a) *FINDINGS.*—Congress finds that—

21 (1) the National Wildlife Refuge System (referred
22 to in this section as the “System”) was established
23 under the National Wildlife Refuge System Adminis-
24 tration Act of 1966 (16 U.S.C. 668dd et seq.);

1 (2) *such Act consolidates the authorities for the*
2 *System related to lands, waters, and interests in the*
3 *lands and waters, administered by the Secretary of*
4 *the Interior, that promote the conservation of fish and*
5 *wildlife;*

6 (3) *the System provides opportunities for indi-*
7 *viduals to participate in fish- and wildlife-dependent*
8 *recreation, and to learn, understand, and appreciate*
9 *the value of and need for conserving fish and wildlife,*
10 *wild lands, and productive ecological communities,*
11 *types, and systems;*

12 (4) *the System is the only complex of Federal*
13 *lands devoted primarily to preserving, restoring, and*
14 *managing fish and wildlife and the habitats of fish*
15 *and wildlife;*

16 (5) *national wildlife refuges provide habitat for*
17 *many endangered and threatened species, and for spe-*
18 *cies that may become endangered or threatened, as*
19 *well as for other fish, wildlife, and plants;*

20 (6) *the well-being and abundance of fish, wild-*
21 *life, and plants would be diminished without the pro-*
22 *tected habitat within the System;*

23 (7) *activities are occurring on a significant*
24 *number of national wildlife refuges that are detrimen-*

1 *tal to the fish, wildlife, and plants that the System*
2 *was designed to conserve;*

3 *(8) improvements are needed in the administra-*
4 *tion and management of the System to ensure that*
5 *sound and effective conservation programs for the*
6 *System are developed, implemented, and enforced;*

7 *(9) the System and other Federal lands do not*
8 *now adequately conserve the diversity of the*
9 *ecosystems of the United States and the species and*
10 *habitats of the ecosystems;*

11 *(10) proper management of the System is part*
12 *of, and should be integrated with, nationwide efforts*
13 *to conserve and manage fish and wildlife resources;*

14 *(11) the States are critical to the conservation*
15 *and management of the fish, wildlife, and plants of*
16 *the United States, and their habitats; and*

17 *(12) the protection and restoration of the ecologi-*
18 *cal integrity of the System and units of the System*
19 *require effective coordination, interaction, and co-*
20 *operation with surrounding owners of land, the fish*
21 *and wildlife agency of the State in which the unit of*
22 *the System is located, local governments, and other*
23 *entities other than the United States Fish and Wild-*
24 *life Service.*

25 *(b) PURPOSES.—The purposes of this Act are—*

1 (1) to reaffirm the provisions of Public Law 87–
2 714 (commonly known as the “Refuge Recreation
3 Act”) (16 U.S.C. 460k et seq.) that authorize the Sec-
4 retary of the Interior to permit compatible fish- and
5 wildlife-dependent public recreation, such as hunting,
6 fishing, and wildlife observation, on refuges;

7 (2) to improve the administration and manage-
8 ment of the System;

9 (3) to establish purposes for the System;

10 (4) to improve the compatibility determination
11 process for the System;

12 (5) to enhance comprehensive planning for the
13 System and individual wildlife refuges of the System;
14 and

15 (6) to provide for interagency coordination in
16 conserving refuge resources.

17 **SEC. 3. DEFINITIONS.**

18 (a) *IN GENERAL.*—Section 5 (16 U.S.C. 668ee) is
19 amended—

20 (1) by redesignating subsection (a) as subsection
21 (d);

22 (2) by redesignating subsection (b) as subsection
23 (k);

1 (3) by redesignating subsection (c) as subsection
2 (i) and moving such subsection to appear after sub-
3 section (d) (as redesignated by paragraph (1));

4 (4) by inserting before subsection (d) (as redesign-
5 ated by paragraph (1)) the following new sub-
6 sections:

7 “(a) The term ‘Coordination Area’ as used in this Act
8 means an area listed in table 5, entitled ‘Coordination
9 Areas’, of the report entitled ‘Annual Report of Lands under
10 Control of the United States Fish and Wildlife Service as
11 of September 30, 1994’.

12 “(b) The term ‘Director’ as used in this Act means the
13 Director of the United States Fish and Wildlife Service.

14 “(c) The terms ‘fish’, ‘wildlife’, and ‘fish and wildlife’
15 as used in this Act mean any wild member of the animal
16 kingdom whether alive or dead, and regardless of whether
17 the member was bred, hatched, or born in captivity, includ-
18 ing a part, product, egg, or offspring of the member.”;

19 (5) by inserting before subsection (i) (as redesign-
20 ated and moved by paragraph (3)) the following new
21 subsections:

22 “(e) The term ‘plant’ as used in this Act means any
23 member of the plant kingdom in a wild, unconfined state,
24 including any plant community, seed, root, or other part
25 of a plant.

1 “(f) The terms ‘purposes of the refuge’, and ‘primary
2 purposes and functions of the refuge’, as used in this Act
3 mean the purposes, and primary purposes and functions,
4 respectively, specified in or derived from the law, proclama-
5 tion, executive order, agreement, public land order, dona-
6 tion document, or administrative memorandum establish-
7 ing, authorizing, or expanding a refuge, refuge unit, or ref-
8 uge subunit, and any subsequent modification of the origi-
9 nal establishing authority for additional conservation pur-
10 poses.

11 “(g) The term ‘refuge’ as used in this Act means a des-
12 ignated area of land, water, or an interest in land or water
13 within the System, except that the term does not include
14 a Coordination Area.

15 “(h) The term ‘Secretary’ as used in this Act means
16 the Secretary of the Interior (except as the context implies
17 otherwise).”; and

18 (6) by inserting before subsection (k) (as redesign-
19 nated by paragraph (2)) the following new subsection:

20 “(j) The term ‘System’ as used in this Act means the
21 National Wildlife Refuge System.”.

22 (b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C.
23 668dd) is amended by striking “Secretary of the Interior”
24 each place it appears and inserting “Secretary”.

1 **SEC. 4. MISSION AND PURPOSES OF THE SYSTEM.**

2 *Section 4(a) (16 U.S.C. 668dd(a)) is amended—*

3 *(1) by redesignating paragraphs (2) and (3) as*
4 *paragraphs (6) and (7), respectively;*

5 *(2) in clause (i) of paragraph (7) (as so redesignig-*
6 *ated), by striking “paragraph (2)” and inserting*
7 *“paragraph (6)”;* and

8 *(3) by inserting after paragraph (1) the follow-*
9 *ing new paragraphs:*

10 *“(2) The overall mission of the System is to conserve*
11 *and manage fish, wildlife, and plants of the United States*
12 *and their habitats for the benefit of present and future gen-*
13 *erations.*

14 *“(3) The purposes of the System are—*

15 *“(A) to provide a diverse national network of*
16 *lands and waters designed to conserve and manage,*
17 *in perpetuity, native fish, wildlife, and plants of the*
18 *United States and their habitats;*

19 *“(B) to conserve, manage, and where appro-*
20 *prate restore fish and wildlife populations, plant*
21 *communities, and refuge habitats so as to provide in*
22 *perpetuity for the diversity of native fish, wildlife,*
23 *and plants and the ecological processes that sustain*
24 *them; and*

1 “(C) to conserve and manage migratory birds,
2 anadromous or interjurisdictional fish species, marine
3 mammals, and other fish, wildlife, and plants.

4 “(4) In addition, the purposes of numerous units with-
5 in the System are—

6 “(A) to preserve, restore, and recover fish, wild-
7 life, and plants that are listed as threatened or en-
8 dangered species or are candidates for listing under
9 section 4 of the Endangered Species Act of 1973 (16
10 U.S.C. 1533) and the ecosystems on which the species
11 depend;

12 “(B) to fulfill international treaty obligations of
13 the United States with respect to fish, wildlife, and
14 plants, and their habitats; and

15 “(C) to provide opportunities, as appropriate,
16 for fish- and wildlife-dependent recreation and envi-
17 ronmental education, if the recreation or education is
18 compatible with the purposes of the particular refuge
19 with respect to which the Secretary authorizes the
20 recreation and education and the purposes of the Sys-
21 tem specified in paragraph (3), and is consistent with
22 sound scientific principles of fish and wildlife man-
23 agement.”.

1 **SEC. 5. ADMINISTRATION OF THE SYSTEM.**

2 *Section 4(a) (16 U.S.C. 668dd(a)) (as amended by sec-*
3 *tion 4) is further amended by inserting after paragraph (4)*
4 *the following new paragraph:*

5 *“(5) In administering the System, the Secretary*
6 *shall—*

7 *“(A) ensure that the mission and purposes of the*
8 *System described in paragraphs (2) and (3) and the*
9 *purposes of each refuge are carried out, except that if*
10 *a conflict exists between the primary purposes of a*
11 *refuge and any purpose of the System, the conflict*
12 *shall be resolved in a manner that first fulfills the*
13 *primary purposes of the refuge, and, to the extent*
14 *practicable, also achieves the purposes of the System;*

15 *“(B) protect each individual refuge and the Sys-*
16 *tem from threats to the ecological integrity of the ref-*
17 *uge and the System;*

18 *“(C) assist in the maintenance of adequate water*
19 *quantity and water quality to fulfill the purposes of*
20 *the System and the purposes of each refuge; and*

21 *“(D) plan, propose, and direct the expansion of*
22 *the System in the manner that is best designed to ac-*
23 *complish the purposes of the System and the purposes*
24 *of each refuge and to contribute to the conservation*
25 *of the ecosystems of the United States.”.*

1 **SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.**

2 *Section 4(d) (16 U.S.C. 668dd(d)) is amended by add-*
3 *ing at the end the following new paragraphs:*

4 *“(3)(A) Effective beginning on the date that is 2 years*
5 *after the date of enactment of this paragraph, the Secretary*
6 *shall not initiate or permit a new use of a refuge or expand,*
7 *renew, or extend an existing allowed use unless and until*
8 *the Secretary determines that the use is compatible with*
9 *the primary purposes of the refuge and the purposes of the*
10 *System specified in subsection (a)(3). The Secretary may*
11 *make the determination concurrently with the development*
12 *of a conservation plan for the refuge under subsection (f).*

13 *“(B) Not later than 18 months after the date of enact-*
14 *ment of this paragraph, the Secretary shall issue final regu-*
15 *lations establishing the process for determining compatibil-*
16 *ity under subparagraph (A) that—*

17 *“(i) designate the refuge officer initially respon-*
18 *sible for compatibility determinations;*

19 *“(ii) require, with respect to each compatibility*
20 *determination, that the time, duration, location, man-*
21 *ner, and purpose of the use be specified;*

22 *“(iii) specify the biological and ecological cri-*
23 *teria to be used in making compatibility determina-*
24 *tions, and the method by which the beneficial and ad-*
25 *verse effects of a use will be considered;*

1 “(iv) require that compatibility determinations
2 be made in writing, be based on the best available sci-
3 entific information, and represent the best profes-
4 sional judgment of the refuge officer;

5 “(v) define as a compatible use a use that will
6 not have a detrimental effect on the fulfillment of the
7 primary purposes of the refuge or the purposes of the
8 System specified in subsection (a)(3);

9 “(vi) with respect to each recreational use not di-
10 rectly related to the primary purposes and functions
11 of the refuge, require that a determination be made
12 that funds are available for the development, oper-
13 ation, and maintenance of the use pursuant to Public
14 Law 87-714 (commonly known as the ‘Refuge Recre-
15 ation Act’) (16 U.S.C. 460k et seq.) before permitting
16 the use;

17 “(vii) provide for the expedited consideration of
18 each use that is likely to have no detrimental effect
19 on the fulfillment of the primary purposes of the ref-
20 uge or the purposes of the System specified in sub-
21 section (a)(3);

22 “(viii) provide for the elimination or modifica-
23 tion of any incompatible use as expeditiously as prac-
24 ticable after the determination is made that the use
25 is not compatible;

1 “(ix) require reevaluation of each then current
2 use when conditions under which the use is permitted
3 change significantly or when there is significant new
4 information regarding the effects of the use, but not
5 less frequently than once every 10 years, to ensure
6 that the use remains compatible with the primary
7 purposes of the refuge and the purposes of the System
8 specified in subsection (a)(3); and

9 “(x) provide an opportunity for public review
10 and comment on each evaluation or reevaluation of a
11 use, unless opportunity for public review and com-
12 ment on the use has been provided during public in-
13 volvement associated with the development or revision
14 of a conservation plan for the refuge under subsection
15 (f).

16 “(4)(A) To the extent practicable, each Federal agency
17 shall minimize and mitigate the adverse effects on the re-
18 sources of a refuge, identified during the compliance of the
19 agency with the National Environmental Policy Act of 1969
20 (42 U.S.C. 4321 et seq.), that result from activities that the
21 agency authorizes, funds, or conducts.

22 “(B) When a Federal agency is notified by the Sec-
23 retary that the actions of the agency are having an adverse
24 effect on the resources of a refuge, that is not identified dur-
25 ing the compliance of the agency with the National Envi-

1 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the*
2 *agency shall, to the extent practicable, take appropriate ac-*
3 *tions to minimize and mitigate the adverse effects on the*
4 *resources of the refuge.*

5 “(5) *In the case of a refuge, or a portion of a refuge,*
6 *over which a Federal agency other than the United States*
7 *Fish and Wildlife Service holds primary jurisdiction, the*
8 *provisions of this Act relating to determinations of compat-*
9 *ibility shall not apply to activities authorized, funded, or*
10 *conducted by the agency. Management of lands described*
11 *in the preceding sentence shall be in accordance with the*
12 *memoranda of understanding governing the use of the*
13 *lands.*

14 “(6)(A) *The provisions of this Act relating to deter-*
15 *minations of compatibility shall not apply to—*

16 “(i) *an activity within the airspace over a ref-*
17 *uge;*

18 “(ii)(I) *a Federal navigation or communication*
19 *aid that exists on any refuge on the date of enactment*
20 *of this paragraph or on lands at the time the lands*
21 *are subsequently added to the System; and*

22 “(II) *the routine maintenance of, established ac-*
23 *cess to, and replacement of the aid if replacement of*
24 *the aid has no greater impact on wildlife resources*
25 *than the original aid and utilizes no more land; and*

1 “(iii) a highway right of way, in existence on
2 the date of enactment of this paragraph, within any
3 refuge and routine maintenance of the right of way
4 if, to the maximum extent practicable, the right of
5 way is managed and maintained so as to be compat-
6 ible with the purposes of the refuge.

7 “(B) Military use of the airspace at the Cabeza Prieta
8 National Wildlife Refuge in Arizona and Desert National
9 Wildlife Range in Nevada shall not be subject to the compat-
10 ibility requirements of this Act and shall be governed by
11 the memoranda of understanding, or amendments or revi-
12 sions to the memoranda, referred to in the Military Lands
13 Withdrawal Act of 1986 (Public Law 99–606; 100 Stat.
14 3457).

15 “(C) To the extent not already so provided with respect
16 to airspace at the Desert National Wildlife Range and
17 Cabeza Prieta National Wildlife Refuge and ground uses
18 of lands at the Desert National Wildlife Range identified
19 in paragraph (7)(A), the memoranda referred to in sub-
20 paragraph (B) shall include provisions permitting the Sec-
21 retary to identify reasonable terms and conditions to mini-
22 mize or mitigate adverse impacts on refuge resources from
23 Department of Defense activities.

24 “(7)(A) Primary jurisdiction over the lands within the
25 Desert National Wildlife Range that are contained within

1 *the bombing range portion of Nellie Air Force Range, as*
2 *depicted on a map entitled, 'Desert NWR Lands to be trans-*
3 *ferred to Department of Defense', dated June 1994, is trans-*
4 *ferred to the Secretary of Defense for use in aerial training*
5 *activities. The lands referred to in the preceding sentence*
6 *may also be utilized for bombing and other aerial-related*
7 *ground impacts.*

8 “(B) *The Secretary of the Interior shall retain second-*
9 *ary jurisdiction over the lands transferred pursuant to sub-*
10 *paragraph (A) for the purpose of wildlife conservation.*

11 “(8)(A) *Subject to subparagraph (B) and notwith-*
12 *standing any other provision of law, the Secretary of De-*
13 *fense—*

14 “(i) *not later than 3 years after the date of en-*
15 *actment of this paragraph, shall identify to the Sec-*
16 *retary of the Interior and to the Committees on*
17 *Armed Services of Congress lands or interests in lands*
18 *held by the Department of Defense that are acceptable*
19 *to the Secretary of the Interior for use as an overlay*
20 *refuge or inclusion in the System; and*

21 “(ii) *not later than 5 years after the date of en-*
22 *actment of this paragraph, shall transfer the lands or*
23 *interests in the lands to the Secretary of the Interior.*

24 “(B) *Lands or interests in lands transferred pursuant*
25 *to subparagraph (A)(ii) shall be approximately equal in*

1 *acreage to the lands transferred pursuant to paragraph*
2 *(7)(A). The Secretary of the Interior may accept lands*
3 *transferred pursuant to subparagraph (A), if the Secretary*
4 *finds that the lands to be transferred would better serve the*
5 *purposes of the System.”.*

6 **SEC. 7. SYSTEM CONSERVATION PLANNING PROGRAM.**

7 *(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is*
8 *amended—*

9 *(1) by redesignating subsections (e) through (i)*
10 *as subsections (g) through (k), respectively; and*

11 *(2) by inserting after subsection (d) the following*
12 *new subsections:*

13 *“(e)(1) The Secretary shall—*

14 *“(A) not later than September 30, 2004—*

15 *“(i) propose a comprehensive plan for the*
16 *System (referred to in this subsection as the*
17 *‘System plan’); and*

18 *“(ii) issue a final System plan;*

19 *“(B) not less frequently than 10 years after the*
20 *date of issuance under subparagraph (A)(ii) and*
21 *every 10 years thereafter, revise the System plan; and*

22 *“(C) publish a notice of opportunity for public*
23 *comment in the Federal Register on the proposed Sys-*
24 *tem plan and any revision of the System plan.*

1 “(2) *The System plan shall be consistent with this Act*
2 *and shall—*

3 “(A) *be designed to achieve the mission and pur-*
4 *poses of the System and to facilitate accomplishment*
5 *of the purposes of the individual refuges;*

6 “(B) *contain an analysis of various management*
7 *alternatives for the System;*

8 “(C) *set forth a strategy for maintaining healthy*
9 *and abundant fish, wildlife, and plant populations in*
10 *the System, including a conservation strategy for such*
11 *endangered, threatened, and candidate species for list-*
12 *ing under section 4 of the Endangered Species Act of*
13 *1973 (16 U.S.C. 1533), and the ecosystems upon*
14 *which the species depend, as are located on lands or*
15 *waters within the System;*

16 “(D) *include a plan and program for the acqui-*
17 *sition of lands and waters necessary to achieve the*
18 *purposes of the System and each refuge and to con-*
19 *tribute to the conservation of the ecosystems of the*
20 *United States, including estimates of the additional*
21 *costs to acquire, maintain, and manage the proposed*
22 *acquisitions; and*

23 “(E) *discuss the extent to which the purposes of*
24 *the System and the strategies developed pursuant to*

1 *the System plan can be achieved through conservation*
2 *plans for refuges developed under subsection (f).*

3 “(3) *The Secretary shall manage the System in a man-*
4 *ner consistent with the System plan.*

5 “(f)(1)(A) *Except with respect to refuge lands in Alas-*
6 *ka (which shall be governed by the refuge planning provi-*
7 *sions of the Alaska National Interest Lands Conservation*
8 *Act (16 U.S.C. 3101 et seq.)), the Secretary shall—*

9 “(i) *propose a comprehensive conservation plan*
10 *(referred to in this subsection as a ‘conservation*
11 *plan’) for each refuge, ecologically related complex, or*
12 *administratively related complex of refuges (referred*
13 *to in this subsection as a ‘planning unit’) in the Sys-*
14 *tem;*

15 “(ii) *publish a notice of opportunity for public*
16 *comment in the Federal Register on each proposed*
17 *conservation plan;*

18 “(iii) *issue a final conservation plan for each*
19 *planning unit; and*

20 “(iv) *not less frequently than 15 years after the*
21 *date of issuance of a conservation plan under clause*
22 *(iii) and every 15 years thereafter, revise the con-*
23 *servation plan.*

24 “(B) *The Secretary shall manage each planning unit*
25 *in a manner consistent with the conservation plan for the*

1 *unit and shall revise a conservation plan at any time if*
2 *the Secretary determines that conditions that affect a plan-*
3 *ning unit have changed significantly.*

4 “(2) *In developing each conservation plan under this*
5 *subsection, the Secretary, acting through the Director, shall*
6 *identify and describe—*

7 “(A) *the purposes of each refuge that is the sub-*
8 *ject of the conservation plan and the mission and*
9 *purposes of the System applicable to the refuge or the*
10 *individual refuges of the planning unit;*

11 “(B) *the distribution, migration patterns, and*
12 *abundance of fish, wildlife, and plant populations*
13 *and the diversity of habitats and natural commu-*
14 *nities within a planning unit;*

15 “(C)(i) *the ecological relationship between the*
16 *planning unit and surrounding lands; and*

17 “(ii) *opportunities to work with other agencies,*
18 *States, adjacent landowners, and other private or gov-*
19 *ernmental entities, to conserve planning units and the*
20 *ecosystems in which the planning units are located;*

21 “(D) *the archaeological and cultural values of*
22 *the planning unit;*

23 “(E) *such areas within the planning unit as are*
24 *suitable for use as administrative sites or visitor fa-*
25 *cilities and the relationship between the areas and*

1 *sensitive fish, wildlife, and plant habitats within the*
2 *planning unit;*

3 *“(F) significant problems, including problems re-*
4 *lating to water quantity and quality, that may affect*
5 *the diversity, natural communities, health, or abun-*
6 *dance of populations or habitats of fish, wildlife, and*
7 *plants within the planning unit and the specific ac-*
8 *tions necessary to avoid or overcome the problems;*

9 *“(G) uses currently allowed and uses the Sec-*
10 *retary proposes to allow within the planning unit, in-*
11 *cluding—*

12 *“(i) a description of the preferred location*
13 *of the uses based on the avoidance of sensitive*
14 *habitats and populations, and on any other ad-*
15 *ministrative factors; and*

16 *“(ii) the determination of the compatibility*
17 *of the uses, or if such a determination has not*
18 *been made with respect to a particular use, the*
19 *manner and schedule by which the Secretary*
20 *shall make the determination;*

21 *“(H) then current or proposed strategies to man-*
22 *age and enhance fish, wildlife, and plant populations*
23 *and the habitats of the populations within the plan-*
24 *ning unit, including strategies to promote the con-*
25 *servation and recovery of species that are listed as*

1 *threatened or endangered, or candidates for the list-*
2 *ings, under section 4 of the Endangered Species Act*
3 *of 1973 (16 U.S.C. 1533) and the ecosystems upon*
4 *which the species depend;*

5 *“(I) the manner in which the management of the*
6 *refuge will contribute to the achievement of strategies*
7 *identified in the System plan prepared under sub-*
8 *section (e); and*

9 *“(J) the opportunities that may be available in*
10 *the planning unit for fish- and wildlife-dependent*
11 *recreation, ecological research, environmental edu-*
12 *cation, interpretation of the resources and values of*
13 *the planning unit, and uses that may contribute to*
14 *refuge management.*

15 *“(3)(A) Except with respect to refuges in Alaska re-*
16 *viewed pursuant to section 1317 of the Alaska National In-*
17 *terest Lands Conservation Act (16 U.S.C. 3205), in carry-*
18 *ing out this section, the Secretary shall—*

19 *“(i) review the suitability for designation as wil-*
20 *derness such refuge lands (including lands described*
21 *in subparagraph (B)) as were not previously studied*
22 *for designation as wilderness or designated as wilder-*
23 *ness; and*

24 *“(ii) recommend to the President and Congress*
25 *designation for the lands in accordance with sub-*

1 *sections (c) and (d) of section 3 of the Wilderness Act*
2 *(16 U.S.C. 1132).*

3 *“(B) The lands referred to in subparagraph (A) in-*
4 *clude—*

5 *“(i) islands and areas of 200 acres or more im-*
6 *mediately adjacent to wilderness areas (as designated*
7 *at the time of the review);*

8 *“(ii) lands recommended (before the time of the*
9 *review) for inclusion in the Wilderness Preservation*
10 *System established under such Act; and*

11 *“(iii) lands that through acquisition total ap-*
12 *proximately 5,000 acres or more at the time of the re-*
13 *view.*

14 *“(4)(A) In preparing each conservation plan under*
15 *this subsection, and any revision of a conservation plan,*
16 *the Secretary, acting through the Director, shall, to the*
17 *maximum extent practicable and consistent with this Act—*

18 *“(i) consult with other adjacent or potentially*
19 *affected Federal, State, and private landowners as*
20 *well as affected State conservation agencies; and*

21 *“(ii) coordinate the development of the conserva-*
22 *tion plan or revision of the plan with State com-*
23 *prehensive plans for fish and wildlife in the State in*
24 *which the refuge is located.*

1 “(B) In the preparation and revision of a conservation
2 plan under this subsection, coordination with State fish and
3 wildlife agency personnel shall not be subject to the Federal
4 Advisory Committee Act (5 U.S.C. App. 2).

5 “(5)(A) In accordance with subparagraph (B), the Sec-
6 retary shall develop and implement a process to ensure an
7 opportunity for active public involvement in the prepara-
8 tion and revision of conservation plans under this sub-
9 section. At a minimum, the Secretary shall require that
10 publication of any final plan shall include a summary of
11 the comments made by adjacent or potentially affected land-
12 owners, local governments, and any other affected parties,
13 together with a statement of the disposition of their con-
14 cerns.

15 “(B) Prior to the adoption of each conservation plan,
16 the Secretary shall issue public notice of the draft proposed
17 conservation plan, make copies of the conservation plan
18 available at the affected field and regional offices of the
19 United States Fish and Wildlife Service, and provide op-
20 portunity for public comment.

21 “(6) Not later than 1 year after the date of enactment
22 of this paragraph, the Secretary shall—

23 “(A) evaluate all refuge plans in existence on the
24 date of enactment of this paragraph to determine if
25 the plans satisfy this subsection; and

1 “(B) prepare and submit to the appropriate
2 committees of Congress—

3 “(i) a list of acceptable plans; and

4 “(ii) a proposed schedule for the revision of
5 existing refuge plans or development of new con-
6 servation plans under which conservation plans
7 for all refuges and planning units will be com-
8 pleted not later than 10 years after the date of
9 enactment of this paragraph.

10 “(7) The Secretary shall—

11 “(A) not later than 10 years after the date of en-
12 actment of this paragraph, pursuant to this sub-
13 section and in accordance with the schedule prepared
14 pursuant to paragraph (6)(B)(ii), revise or develop a
15 plan for each refuge in existence on the date of enact-
16 ment of this paragraph; and

17 “(B) annually submit, to the appropriate com-
18 mittees of Congress, a record of the progress of the
19 United States Fish and Wildlife Service in complet-
20 ing the plans.

21 “(8) With respect to any refuge established after the
22 date of enactment of this paragraph, the Secretary shall
23 prepare a conservation plan for the refuge or planning unit
24 not later than 2 years after the Secretary has determined

1 *that sufficient land has been acquired to warrant com-*
2 *prehensive planning.”.*

3 **SEC. 8. EMERGENCY POWER.**

4 (a) *SECRETARIAL AUTHORITY.*—*Notwithstanding any*
5 *other provision of this Act or the amendments made by this*
6 *Act, the Secretary of the Interior may suspend, allow, or*
7 *initiate any activity in a refuge in the National Wildlife*
8 *Refuge System in the event of any emergency that con-*
9 *stitutes an imminent danger to the health and safety of the*
10 *public or any wildlife population.*

11 (b) *PRESIDENTIAL AUTHORITY.*—

12 (1) *EXEMPTION.*—*The President is authorized to*
13 *exempt from any provision of this Act or an amend-*
14 *ment made by this Act any activity conducted by the*
15 *Department of Defense on a refuge within the Na-*
16 *tional Wildlife Refuge System if the President finds*
17 *that—*

18 (A) *the activity is in the paramount inter-*
19 *est of the United States for reasons of national*
20 *security; and*

21 (B) *there is no feasible and prudent alter-*
22 *native location on public lands for the activity.*

23 (2) *MITIGATION.*—*After the President authorizes*
24 *an exemption under paragraph (1), the Secretary of*
25 *Defense shall undertake, with the concurrence of the*

1 *Secretary of the Interior, appropriate steps to miti-*
2 *gate the effect of the exempted activity on the refuge.*

3 **SEC. 9. STATUTORY CONSTRUCTION.**

4 *Except as specifically provided in this Act or the*
5 *amendments made by this Act, nothing in this Act or the*
6 *amendments made by this Act shall be construed so as to*
7 *alter or otherwise affect—*

8 (1) *Public Law 87–714 (commonly known as the*
9 *“Refuge Recreation Act”) (16 U.S.C. 460k et seq.);*

10 (2) *the National Wildlife Refuge System Admin-*
11 *istration Act of 1966 (16 U.S.C. 668dd et seq.);*

12 (3) *the Alaska National Interest Lands Con-*
13 *servation Act (16 U.S.C. 3101 et seq.);*

14 (4) *the Federal Water Pollution Control Act (33*
15 *U.S.C. 1251 et seq.);*

16 (5) *sections 88 and 89 of title 14, United States*
17 *Code;*

18 (6) *the Comprehensive Environmental Response,*
19 *Compensation, and Liability Act of 1980 (42 U.S.C.*
20 *9601 et seq.); or*

21 (7) *any other law or order establishing an indi-*
22 *vidual refuge in effect on the date of enactment of this*
23 *Act.*

1 **SEC. 10. REGULATIONS.**

2 *Except as otherwise required in this Act, the Secretary*
3 *of the Interior shall—*

4 *(1) not later than 1 year after the date of enact-*
5 *ment of this Act, propose regulations to carry out this*
6 *Act and the amendments made by this Act; and*

7 *(2) not later than 18 months after the date of en-*
8 *actment of this Act, issue final regulations to carry*
9 *out this Act and the amendments made by this Act.*

10 **SEC. 11. PROTECTION OF WATER RIGHTS.**

11 *Nothing in this Act or the amendments made by this*
12 *Act shall create a reserved water right, express or implied,*
13 *in the United States for any purpose.*

14 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

15 *There are authorized to be appropriated such sums as*
16 *are necessary to carry out this Act and the amendments*
17 *made by this Act.*

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S 823 RS—3

S 823 RS—4