

COASTAL HABITAT CONSERVATION ACT OF 2023

SEPTEMBER 12, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2950]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2950) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Habitat Conservation Act of 2023”.

SEC. 2. PURPOSE.

The purpose of this Act is to legislatively authorize the Coastal Program of the Service in effect as of the date of the enactment of this Act to conduct collaborative landscape-level planning and on-the-ground coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects in priority coastal landscapes to conserve and recover Federal trust species.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL ECOSYSTEM.—The term “coastal ecosystem” means a biological community of organisms interacting with each other and their habitats in a coastal landscape.

(2) COASTAL HABITAT ASSESSMENT.—The term “coastal habitat assessment” means the process of evaluating the physical, chemical, and biological function of a coastal site to determine the value of the site to fish and wildlife.

(3) COASTAL HABITAT ENHANCEMENT.—The term “coastal habitat enhancement” means the manipulation of the physical, chemical, or biological character-

istics 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 habitat 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 title acquisition by Federal and non-Federal partners.

(6) COASTAL HABITAT RESTORATION.—The term “coastal habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a coastal ecosystem with the goal of returning, to the maximum extent practicable, the full natural biological functions to lost or degraded native habitat.

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

- (A) a fresh or saltwater wetland in a coastal watershed;
- (B) a coastal river, stream, or waterway;
- (C) a coastal bay or estuary;
- (D) a seagrass bed, reef, or other nearshore marine habitat;
- (E) a beach or dune system;
- (F) a mangrove forest; and
- (G) an associated coastal upland.

(8) COASTAL STATE.—The term “coastal 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 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.

(10) FINANCIAL ASSISTANCE.—The term “financial assistance” means Federal funding provided to Federal, State, local, or Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities through a grant or cooperative agreement.

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

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

(13) TECHNICAL ASSISTANCE.—The term “technical assistance” means a collaboration, facilitation, or consulting action relating to a coastal habitat planning, coastal habitat assessment, coastal habitat protection, coastal habitat restoration, or coastal habitat enhancement project or initiative in which the Service contributes scientific knowledge, skills, and expertise to the project or initiative.

SEC. 4. COASTAL PROGRAM.

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

(1) identify the leading threats to priority coastal landscapes and conservation actions to address those threats in partnership with Federal, State, local, and Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities;

(2) provide technical assistance and financial assistance through partnerships with Federal, State, local, and Tribal governments, nongovernmental institu-

tions, nonprofit organizations, and private individuals and entities to conduct voluntary coastal habitat planning, coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects on public land or private land;

(3) ensure the health and resilience of coastal ecosystems through adaptive management procedures based on the best available science;

(4) build the capacity of Federal, State, local, and Tribal governments, non-governmental institutions, nonprofit organizations, and private individuals and entities to carry out environmental conservation and stewardship measures;

(5) assist in the development and implementation of monitoring protocols to ensure the success of coastal ecosystem restoration and coastal ecosystem enhancement measures; and

(6) collaborate and share information with partners and the public relating to best management practices for the conservation, restoration, and enhancement of coastal ecosystems.

SEC. 5. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, acting through the Director of the Service, shall submit to the Committees on Appropriations and Natural Resources of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate, and make available to the public on the website of the Service, a report on the Coastal Program carried out under this Act.

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

(1) Coastal Program work on coastal ecosystems;

(2) progress made by the Coastal Program toward identifying the leading threats to priority coastal landscapes and conservation actions to address those threats; and

(3) prospects for, and success of, protecting, restoring, and enhancing coastal ecosystems.

(c) INCLUSIONS.—Each report submitted under subsection (a) shall include—

(1) quantitative information on coastal landscapes protected, restored, or enhanced;

(2) funds appropriated to the Coastal Program that have been expended or leveraged;

(3) a description of adaptive management practices implemented; and

(4) a description of emerging challenges or data gaps that hinder the ability of the Coastal Program to achieve the purpose of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$16,957,000 for each of fiscal years 2024 through 2028.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2950 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2950 would authorize the U.S. Fish and Wildlife Service's (USFWS) Coastal Program, which is a voluntary, partnership-based program administratively created in 1984 to provide technical and financial assistance for habitat conservation in coastal watersheds. Actions by the Coastal Program are guided by a 5-year national strategic plan, and the current plan runs until 2026.¹

The Coastal Program has never been formally authorized by Congress. However, the USFWS justifies its authority to implement

¹ U.S. Fish and Wildlife Service, *FY 2024 Fish and Wildlife Service Budget Justifications*, (2023) at Page HC-7, <https://www.fws.gov/sites/default/files/documents/fy2024-fws-greenbook.pdf-508.pdf>.

this program under the Fish and Wildlife Coordination Act and the Fish and Wildlife Act of 1956.² The Fish and Wildlife Coordination Act gave the USFWS the authority to investigate and report on proposed federal actions that affect any stream or body of water and to provide recommendations to minimize impacts on fish and wildlife resources.³ The Fish and Wildlife Act of 1956 authorized the Secretary of the Interior to take steps required for the development, management, advancement, conservation, and protection of fisheries resources and wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.⁴ H.R. 2950 would increase Congressional oversight and direction of the Coastal Program.

As introduced, the bill would authorize the Coastal Program through Fiscal Year (FY) 2028, authorizing funding at \$20 million for FY 2024, \$21.5 million for FY 2025, \$22.5 for FY 2026, \$23.75 million for FY 2027, and \$25 million for FY 2028. In FY 2023, the Coastal Program received \$20.357 million in total funding, of which \$13.957 million came from annual appropriations, \$3.4 million came from the Infrastructure Investment and Jobs Act (IIJA) Fire Funding, \$2 million from funds appropriated to the Great Lakes Restoration Initiative, and \$1 million came from appropriated funds to the Gulf Restoration Funds. The bill was amended to lower the authorization of appropriations to \$16.957 million per FY from FY 2024 through FY 2028. In addition, the definition of “federal trust species” was amended by removing “any other species of concern, as determined by the Secretary” from the definition.

In its FY 2024 budget justifications, the USFWS requested \$20.4 million for the Coastal Program, \$6.5 million above the FY 2023 enacted level.⁵ In addition, the budget justification stated that it intends to use the Coastal Program to contribute to the 30x30 initiative.⁶ The Biden administration’s 30x30 effort, now called the “America the Beautiful” initiative, is a proposal that would put 30 percent of U.S. lands and waters under conservation and preservation status by 2030.⁷ The 30x30 initiative has been met with strong opposition by House Committee on Natural Resources Republicans due in part to its nebulous definition of what constitutes conservation status and its potential to lock up public lands from multiple uses.

COMMITTEE ACTION

H.R. 2950 was introduced on April 27, 2023, by Rep. Jared Huffman (D–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On July 27, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On January 17, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries

²*Id.* at Page HC–2.

³*Id.*

⁴*Id.*

⁵“FY 2024 Fish and Wildlife Service Budget Justifications.” U.S. Fish and Wildlife Service. 2023. Page EX–11. FY 2024 Fish and Wildlife Service Budget Justification.

⁶*Id.* at Page HC–1.

⁷“Biden-Harris Administration Outlines “America the Beautiful” Initiative.” U.S. Fish and Wildlife Service. 5/6/21. <https://www.doi.gov/pressreleases/biden-harris-administration-outlines-america-beautiful-initiative>.

was discharged from further consideration of H.R. 2950 by unanimous consent. Rep. Jared Huffman (D–CA) offered an Amendment in the Nature of a Substitute designated Huffman_072 ANS. The amendment was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on July 27, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Coastal Habitat Conservation Act of 2023.”

Section 2. Purpose

Section 2 states that the intent of the legislation is to legislatively authorize the Coastal Program of the U.S. Fish and Wildlife Service.

Section 3. Definitions

Section 3 defines the terms “coastal ecosystem”; “coastal habitat assessment”; “coastal habitat enhancement”; “coastal habitat planning”; “coastal habitat protection”; “coastal habitat restoration”; “coastal landscape”; “coastal State”; “Federal trust species”; “financial assistance”; “Secretary”; “Service”; and “technical assistance.”

Section 4. Program

Section 4 legislatively authorizes the Coastal Program and lists the program priorities.

Section 5. Report

Section 5 requires that no later than a year after enactment and annually thereafter for the Secretary of the Interior to submit a report to Congress on the work and benefits of the Coastal Program.

Section 6. Authorization of appropriations

Section 6 provides the authorization of appropriations of \$16.957 million per FY from FY 2024 through FY 2028.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and

402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 2950, Coastal Habitat Conservation Act of 2023			
As ordered reported by the House Committee on Natural Resources on January 17, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	2	69	71
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 2950 would authorize the appropriation of \$85 million over the 2024–2028 period for the U.S. Fish and Wildlife Service (USFWS) to implement the Coastal Program and report annually to the Congress on the program’s activities. Under that program, USFWS partners with federal and nonfederal entities to conduct land and habitat restoration, protection, and conservation activities on public and private coastal land and waters.

CBO assumes that the bill will be enacted around the middle of calendar year 2024 and that the authorized amounts will be appropriated each year. In 2024, USFWS allocated about \$14 million for the program; thus, the bill would authorize the appropriation of an additional \$3 million for 2024. Based on historical spending patterns for the program, CBO estimates that implementing the bill would cost \$69 million over the 2024–2029 period and \$2 million after 2029.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2950

	By fiscal year, millions of dollars—						
	2024	2025	2026	2027	2028	2029	2024– 2029
Authorization	3	17	17	17	17	0	71
Estimated Outlays	2	14	16	16	17	4	69

On October 6, 2023, CBO transmitted a cost estimate for S. 1381, the Coastal Habitat Conservation Act of 2023, as reported by the Senate Committee on Environmental and Public Works on July 26, 2023. The two bills are similar but would authorize the appropriation of different amounts. CBO’s estimates of both bills reflect those differences.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clauses 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 2950 contains no unfunded mandates as defined in the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 2950 makes no changes in existing law.