



Natural Resources Adaptation Provisions of HR. 2454, the America's Clean Energy and Security Act of 2009

On May 15, 2009, Representatives Henry Waxman (D-CA) and Edward Markey (D-MA) introduced HR. 2454, the America's Clean Energy and Security Act of 2009. Included in the bill is the most comprehensive program ever put forth in legislation for protecting and restoring U.S. habitats, ecosystems, species and ecological processes from the effects of global warming. Funding for natural resources adaptation items outlined within the bill will take place outside the appropriations process; a portion of polluter payments collected through a nation-wide cap on greenhouse gas emissions (established within Title VII) will be dedicated to supporting "natural resource adaptation" program activities.

Dedicated Funding for Natural Resources Adaptation

H.R. 2454 marks an important "down payment" in providing for the long-term and large-scale funding required to protect U.S. natural resources from the effects of global warming. Importantly, these dedicated funds are outside the annual appropriations process—allowing resource managers to engage in multi-year restoration, conservation and acquisition projects without being dependant upon future decisions by appropriators. Of the total allowance value generated through the bill's cap-and-trade system, a small percentage is dedicated specifically to programs that 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. The amount of allowance value dedicated to these purposes ramps up over the course of the cap-and-trade system's timetable:

2012 through 2021: 1 percent
2021 through 2026: 2 percent
2027 through 2050: 4 percent

Using the EPA modeling of allowance prices that was done for the draft of H.R. 2454 released several weeks ago, NWF calculated the value of natural resource allocations in the early years of the program:

2012: \$610 million
2015: \$740 million
2020: \$940 million
2025: \$2.09 billion
2030: \$4.52 billion

Average Annual Funding Through 2030: \$1.90 billion

It is likely that long term provisions within the bill will be revisited by Congress, thus increasing the importance of securing dedicated funding in the early years of the program.

Where Will the Money Go?

H.R. 2454 establishes an account in the U.S. Treasury known as the Natural Resources Climate Change Adaptation Account. Funds deposited into this account are made available to the following agencies, according to the following percentage shares, without further appropriation or fiscal year limitation:

• DOI (wildlife/land/water programs):	17%
• DOI (cooperative grants):	5%
• DOI (LWCF – federal):	4%
• DOI (LWCF – state/tribal):	2%
• USFS (nat'l forest/grasslands):	5%
• USFS (LWCF – federal):	4%
• USFS (LWCF – Forest Legacy (state/tribal)):	2%
• EPA (aquatic ecosystems):	7.5%
• Army Corps of Engineers(aquatic ecosystems):	5%
• NOAA (coastal/estuarine/marine ecosystems):	7%
• State Fish and Wildlife Agencies	32.5%
• State Coastal Agencies	6%
• Tribes (Tribal Wildlife Grants):	3%

LWCF and Land Conservation Note:

Funds for acquisition of interests in land (in fee title or conservation easements) and water rights are included within this bill, as evidenced by the 12 percent of natural resources funding toward habitat acquisitions through the Land and Water Conservation Fund (LWCF).

The remaining 88 percent of the funding in the wildlife subtitle that is not tied to LWCF is also available for habitat acquisitions so long as those projects fall within the definition of adaptation activities funded by, and fit within adaptation planning described in, the bill.

The legislation does not create a specific allocation of funds for conservation of wildlife and natural resources on private lands. However, agencies may use allocated funds to assist private landowners conserve wildlife and wildlife habitats. Many private land conservation programs are highlighted in the bill, including the cooperative endangered species conservation fund administered by the Department of the Interior, cooperative programs administered by the Interior and Agriculture departments as part of LWCF, and coastal and estuarine land conservation programs administered by the EPA, the Corps and NOAA.

Allocating funds in this manner properly recognizes the diverse range of species and ecosystems threatened by global warming, as well as the broad collection of agencies that must be involved in a coordinated effort to protect them from. Agencies at the federal, state and tribal levels will be engaged in various project types including:

- Acquiring land and establishing migration corridors to increase species' survival as climates change.
- Repairing damaged watersheds to ensure clean water for communities through removing impediments and deteriorating structures, restoring eroding river banks, and repairing in-stream habitat.
- Monitoring wildlife, their habitat and local climate and developing appropriate adaptation responses.
- Restoring native landscapes to increase resiliency in a warming world by removing unnecessary roads and barriers, constructing riparian buffer strips, and removing invasive species.

Integrating Science into Planning and Project Development

H.R. 2454 creates a Scientific Advisory Board (SAB) with the goal of ensuring federal adaptation planning and implementation is grounded in the most recent and appropriate science. Recommended by the president of the National Academies of Science and appointed by the Secretary of the Interior, the 10 to 20 scientists comprising the SAB will advise the President and federal agencies on the best available science regarding the impacts of climate change and ocean acidification on research needs, wildlife and natural resources, and adaptation responses. The SAB's recommendations on best possible science will serve as the foundation of the national adaptation strategy.

H.R. 2454 also creates a Natural Resources Climate Change Adaptation Science and Information Program that will provide technical assistance, conduct and sponsor research and assist in adaptation planning. This Program will be co-led by NOAA and Interior, ideally enhancing information sharing and increasing efficiency, although current bill language leaves questions as to specific rolls and responsibilities.

H.R. 2454 charges the Interior Department with creating a National Wildlife Habitat and Corridors Information system. Establishing collaboratively by federal agencies, states and tribes, this initiative will provide important data including maps, descriptions of projected shifts in fish and wildlife habitats and corridors to inform land use plans and other resource management decisions.

Federal and state adaptation activities may qualify for funding from the Fund only if they are consistent with a Federal Natural Resource Agency Adaptation Plan and appropriate State Natural Resources Adaptation Plan, respectively. These plans must be designed to assist natural resources in becoming more resilient and adapting to the impacts of climate change and ocean acidification. Both the federal agency and state plans must be consistent with a national Natural Resources Climate Change Adaptation Strategy developed by a newly created Natural Resources Climate Change Adaptation Panel lead by the Chair of the Council on Environmental Quality and consisting of representatives from major resource agencies including NOAA, USFS, NPS, FWS, BLM, USGS, BoR, BIA and EPA.

Carbon Storage in Forests and Soils

Safeguarding our forests from the effects of climate change will both protect their ability to serve as crucial habitat for other species coping with a warming world as well as enhance their ability to capture and store carbon. H.R. 2454 specifies that 5 percent of allowances will be allocated toward international avoided deforestation and degradation, there is no similar provision for a domestic forest protection program. The bill creates an offset program which may be used to fund carbon sequestration projects by owners of forests and agricultural lands—but lacks important details as to eligible project types, environmental safeguards, monitoring and reasonable limits on offset quantities.

An Important First Step

The unfortunate truth is that billions of dollars will be needed to strengthen, nourish and rebuild coastal marshes, coral and oyster reefs, headwater forests and wetlands, restore natural floodplains, thin uncharacteristically dense forests and protect and connect grasslands mountain corridors to serve as migratory paths for wildlife. The funding provided by H.R. 2454 represents an important start towards setting in place these essential strategies, which will protect communities from storms and rising sea levels, sustain commercial and recreational fisheries and wildlife habitat, and defend clean and abundant drinking water supplies. The Wilderness Society will continue to advocate for at least 5% of total allowance values be dedicated to natural resource adaptation in order to protect our cherished landscapes and wildlife and the communities who rely on them.



For more information, please contact:

David Moulton, Director of Climate Policy (202) 429-2681
JP Leous, Climate Change Policy Advisor (202) 429-2676