

116TH CONGRESS
1ST SESSION

H. R. 5467

To amend the Endangered Species Act of 1973 to increase transparency, to support regulatory certainty, and to reauthorize that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2019

Mr. TIPTON introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to increase transparency, to support regulatory certainty, and to reauthorize that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Ownership Col-
5 laboration Accelerates Life Act of 2019” or the “LOCAL
6 Act of 2019”.

1 **SEC. 2. CONSERVATION AGREEMENTS AS REGULATORY**
2 **MECHANISMS.**

3 Section 4(f) of the Endangered Species Act of 1973
4 (16 U.S.C. 1533) is amended by adding at the end the
5 following:

6 “(6) TREATMENT.—

7 “(A) IN GENERAL.—A conservation agreement
8 (including any agreement described in subparagraph
9 (B)) entered into or endorsed by the Secretary shall
10 be considered to be a regulation for purposes of de-
11 termining whether to include a species on the list of
12 threatened species or endangered species pursuant
13 to this section.

14 “(B) DESCRIPTION OF AGREEMENTS.—An
15 agreement referred to in subparagraph (A) in-
16 cludes—

17 “(i) a voluntary wildlife conservation
18 agreement under paragraph (3);

19 “(ii) a candidate conservation agreement
20 with assurances under paragraph (4);

21 “(iii) a candidate conservation agreement;

22 or

23 “(iv) a plan that—

24 “(I) relates to the conservation of a
25 species;

1 “(II) affects the viability of the spe-
2 cies; and

3 “(III) is implemented, or proposed to
4 be implemented, by—

5 “(aa) a State;

6 “(bb) 2 or more States;

7 “(cc) a unit of local government;

8 or

9 “(dd) 2 or more units of local
10 government.”.

11 **SEC. 3. VOLUNTARY WILDLIFE CONSERVATION AGREE-**
12 **MENTS.**

13 Section 4(f) of the Endangered Species Act of 1973
14 (16 U.S.C. 1533(f)) is further amended by adding at the
15 end the following:

16 “(3) VOLUNTARY WILDLIFE CONSERVATION
17 AGREEMENTS.—

18 “(A) ESTABLISHMENT.—The Secretary
19 shall establish procedures for developing and
20 entering into voluntary wildlife conservation
21 agreements, including by establishing conserva-
22 tion goals and other criteria for the agreements,
23 with 1 or more entities, including—

24 “(i) a State, Tribal, or local govern-
25 ment;

1 “(ii) a private landowner;

2 “(iii) a lessee;

3 “(iv) a private third-party conserva-
4 tion organization; or

5 “(v) any other entity that the Sec-
6 retary determines appropriate.

7 “(B) INCLUSIONS.—A voluntary wildlife
8 conservation agreement entered into under this
9 paragraph shall include provisions establishing
10 that—

11 “(i) a party to the agreement that is
12 in compliance with the agreement shall not
13 be required to carry out any additional
14 mitigation measure for a species covered
15 by the agreement, if the additional meas-
16 ure would require—

17 “(I) any additional expenditure
18 of resources by the party to the agree-
19 ment; or

20 “(II) the adoption of any addi-
21 tional use, development, or manage-
22 ment restriction on land, water, or a
23 water-related right of the party to the
24 agreement that would otherwise be
25 available under the agreement; and

1 “(ii) a conservation agreement or an
2 activity proposed to be carried out under
3 such an agreement may be modified only—

4 “(I) under extraordinary cir-
5 cumstances; and

6 “(II) with the consent of all par-
7 ties to the agreement.

8 “(C) STREAMLINING REQUIREMENTS.—To
9 reduce the time and expense required to enter
10 into a voluntary wildlife conservation agreement
11 under this paragraph, the Secretary shall, to
12 the maximum extent practicable—

13 “(i) implement standard procedures
14 and encourage widespread use of templates
15 in developing the agreements;

16 “(ii) simplify the application and ap-
17 proval processes relating to the agree-
18 ments;

19 “(iii) reduce the burdens associated
20 with reporting and monitoring under the
21 agreements; and

22 “(iv) provide for the protection of sen-
23 sitive personal and business-related infor-
24 mation of any party to the agreements.”.

1 **SEC. 4. CANDIDATE CONSERVATION AGREEMENTS WITH**
2 **ASSURANCES.**

3 (a) IN GENERAL.—Section 4(f) of the Endangered
4 Species Act of 1973 (16 U.S.C. 1533(f)) (as amended by
5 section 4) is amended by adding at the end the following:

6 “(4) CANDIDATE CONSERVATION AGREEMENTS
7 WITH ASSURANCES.—Notwithstanding any other
8 provision of law, in entering into or carrying out any
9 candidate conservation agreement under this Act,
10 the Secretary—

11 “(A) shall honor the terms of the agree-
12 ment, as in existence before March 21, 2017;

13 “(B) shall enact regulations—

14 “(i) to expedite the process for enter-
15 ing into a conservation agreement; and

16 “(ii) to protect sensitive personal and
17 business-related information of each party
18 to the agreement;

19 “(C) may not take into consideration
20 whether the implementation of the agreement,
21 in the Secretary’s judgement, will provide a net
22 conservation benefit to a species covered by the
23 agreement;

24 “(D) shall take into consideration whether
25 the implementation of the agreement, in the
26 Secretary’s judgement, will preclude or remove

1 any need to list a species covered by the agree-
2 ment as a threatened species or an endangered
3 species under this section; and

4 “(E) may not preclude a party to the
5 agreement from receiving Federal funds under
6 any other conservation program.”.

7 (b) EFFECT ON REGULATIONS.—Notwithstanding
8 any other provision of law—

9 (1) the amendments to part 17 of title 50, Code
10 of Federal Regulations, made by the final rule pro-
11 mulgated by the Secretary of the Interior entitled
12 “Endangered and Threatened Wildlife and Plants;
13 Revisions to the Regulations for Candidate Con-
14 servation Agreements With Assurances” (81 Fed.
15 Reg. 95053 (December 27, 2016)) shall have no
16 force or effect;

17 (2) such part shall be in effect as if those
18 amendments had not been made; and

19 (3) the Secretary of Commerce and the Sec-
20 retary of the Interior shall not make any amend-
21 ments to such part that are substantially similar to
22 the amendments made by the final rule described in
23 paragraph (1), unless specifically authorized to do so
24 by Act of Congress.

1 **SEC. 5. SAFE HARBOR AGREEMENTS.**

2 Section 4(f) of the Endangered Species Act of 1973
3 (16 U.S.C. 1533(f)) (as amended by section 5(a)) is
4 amended by adding at the end the following:

5 “(5) SAFE HARBOR AGREEMENTS.—The Sec-
6 retary may offer to enter into an agreement, to be
7 known as a ‘safe harbor agreement’, with 1 or more
8 entities, including a State or local government, a pri-
9 vate landowner, a lessee, private third-party con-
10 servation organization, or any other entity that the
11 Secretary determines appropriate, that—

12 “(A) shall provide for the taking of any ad-
13 ditional threatened species or endangered spe-
14 cies that—

15 “(i) is not covered under another
16 agreement under this subsection; and

17 “(ii) is drawn to the property covered
18 by that agreement due to the improved
19 conditions on that property generated by
20 recovery activities for the benefit of the
21 species covered by the agreement; and

22 “(B) may provide for the taking of any
23 threatened species or endangered species cov-
24 ered under another agreement under this sub-
25 section and any additional threatened species or
26 endangered species not covered under that

1 agreement that is drawn to an adjacent prop-
2 erty not covered by the agreement due to the
3 improved conditions on the property covered by
4 the agreement generated by recovery activities
5 for the benefit of the species covered by the
6 agreement.”.

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