

104TH CONGRESS
2D SESSION

H. R. 3811

To provide incentives for the conservation and recovery of endangered species.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1996

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

A BILL

To provide incentives for the conservation and recovery of
endangered species.

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 “Endangered Species
5 Incentive Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds and declares the
8 following:

9 (1) The United States has a unique and re-
10 markable natural heritage rich in fish, wildlife, and
11 plants that the people of the United States wish to

1 conserve for the well-being and benefit of future gen-
2 erations.

3 (2) In numerous instances, we have successfully
4 demonstrated the ability to restore, improve, and ef-
5 fectively manage natural resources, including fish,
6 wildlife, plants, and habitat.

7 (3) The United States has done so because of
8 the creativity and ingenuity of our single greatest re-
9 source, our people.

10 (4) According to General Accounting Office re-
11 ports, most endangered species are found on private
12 land. Therefore, successful conservation programs
13 must encourage private stewardship through incen-
14 tive-based programs to enlist the cooperation of own-
15 ers of private property and invigorate their conserva-
16 tion ethic.

17 (5) Effective Federal conservation efforts shall
18 ensure the multiple use of the vast Federal estate
19 now designated as multiple use lands, to ensure a
20 continuous supply of resources critical to the people
21 of the United States while ensuring these resources
22 are available for future generations.

23 (6) Federal conservation actions should incur
24 the lowest cost possible to citizens and taxpayers

1 and ensure efficient use of scarce conservation re-
2 sources.

3 (7) The United States should provide incentives
4 for State, local, and private conservation efforts to
5 enable and assist States, local governments, and the
6 private sector to create, maintain, and implement ef-
7 fective endangered species programs, and should af-
8 firmatively intervene in fish, wildlife, and plant re-
9 covery conservation efforts where there is a direct
10 and substantial effect on interstate commerce and
11 State, local, and private efforts have proven ineffec-
12 tive.

13 (8) The costs of programs which benefit society
14 as a whole should not be borne by individuals, but
15 should be shared equally by the public which benefits
16 from those programs.

17 (b) PURPOSE.—The purpose of this Act is to provide
18 incentives for the recovery and conservation of endangered
19 species.

20 **SEC. 3. PREVENTING ENDANGERMENT.**

21 Section 6 of the Endangered Species Act of 1973 (16
22 U.S.C. 1535) is amended—

23 (1) in the heading for the section, by striking
24 “WITH THE STATES”; and

1 (2) by adding at the end the following new sub-
2 sections:

3 “(j) VOLUNTARY CONSERVATION AGREEMENTS.—(1)

4 The Secretary may enter into a voluntary conservation
5 agreement for up to 5 years with any State, Indian tribe,
6 or local government, if requested by the State, Indian
7 tribe, or local government to do so. The goal of the con-
8 servation agreement shall be to prevent endangerment.
9 The conservation agreement shall—

10 “(A) promote the conservation of a species for
11 which the Secretary has made a finding under sec-
12 tion 4(b)(3) that there is substantial information
13 that listing of the species may be warranted (here-
14 after in this Act referred to as a ‘candidate species’);

15 “(B) promote the conservation of other declin-
16 ing species which are dependent on the same eco-
17 system or located within the same habitat as a can-
18 didate species; or

19 “(C) promote the conservation of other species,
20 rare habitats, or regional biological diversity, as ap-
21 propriate.

22 “(2) Consideration of a conservation agreement
23 under this section may be initiated by the Secretary or
24 a State, Indian tribe, or local government.

1 “(3) Any State, Indian tribe, or local government or
2 coalition of States, Indian tribes, or local governments
3 may submit a proposed conservation agreement to the Sec-
4 retary for consideration. The Secretary may provide tech-
5 nical assistance or other assistance as appropriate for the
6 development of such an agreement.

7 “(4) Conservation agreements shall contain the fol-
8 lowing information:

9 “(A) Objective, measurable scientific criteria
10 which, if met, would prevent endangerment.

11 “(B) A description of site-specific management
12 actions to achieve the criteria required under sub-
13 paragraph (A) and a timetable for completing those
14 actions.

15 “(C) A description of actions that will be taken
16 to minimize adverse social or economic impacts (if
17 any) resulting from implementation of the agree-
18 ment.

19 “(D) Strategies that use existing Federal,
20 State, or other public lands to promote the conserva-
21 tion of the species or habitats that are the subject
22 of the agreement.

23 “(E) An identification of the specific areas or
24 circumstances in which the implementation of the

1 agreement would help to reduce conflicts (if any) be-
2 tween conservation of species and economic activity.

3 “(F) An identification of the opportunities for
4 cooperation among States, Indian tribes, local gov-
5 ernments, public utilities, and other interested per-
6 sons to undertake actions which would contribute to
7 the conservation of species or habitat.

8 “(G) A method of monitoring the success of the
9 conservation agreement in preventing endangerment
10 and compliance with its terms.

11 “(H) Any other information that the State, In-
12 dian tribe, local government, or the Secretary con-
13 siders appropriate.

14 “(5)(A) The Secretary shall, within 90 days after the
15 date of submission of any conservation agreement under
16 this subsection, determine whether the agreement will
17 achieve the goals required under paragraph (1).

18 “(B) If the conservation agreement is not approved
19 by the Secretary, the Secretary shall return the proposed
20 conservation agreement to the State, Indian tribe, or local
21 government (hereinafter referred to as an ‘agreement
22 party’) with suggestions for modification that would result
23 in approval of the conservation agreement.

24 “(6)(A) If a species covered by an approved conserva-
25 tion agreement continues to decline and, as a result of the

1 factors under section 4(a), becomes an endangered species
2 or threatened species, the agreement party may request
3 the Secretary to transfer management authority for that
4 species over to the agreement party through a written
5 amendment to the conservation agreement.

6 “(B) Such management authority shall consist of the
7 authority to grant permits under section 10, and to en-
8 force the provisions of section 9, consistent with the goals
9 and purposes of the Act.

10 “(C) The Secretary shall comply with a request under
11 this paragraph within 60 days if the Secretary finds—

12 “(i) the agreement party is able to conduct in-
13 vestigations to determine the status and require-
14 ments for survival and recovery of the species;

15 “(ii) the agreement party is able to establish
16 and enforce programs for the conservation of the
17 species consistent with the goals and purposes of the
18 Act; and

19 “(iii) the agreement party has committed to im-
20 plement and enforce sections 9 and 10 in a manner
21 consistent with the goals and purposes of the Act.

22 “(D) The Secretary may provide technical and other
23 assistance as appropriate to the agreement party to carry
24 out the provisions of this paragraph.

1 “(7) The agreement party shall submit an annual re-
2 port to the Secretary on the status of the species covered
3 by the conservation agreement. The Secretary shall review
4 the annual reports to determine whether the agreement
5 party is in compliance with the terms of the conservation
6 agreement. If the Secretary determines that the agree-
7 ment party is not in compliance, the Secretary shall imme-
8 diately notify the agreement party of that determination.
9 If the agreement party is unable to come into compliance
10 within 6 months after the date of such notification, the
11 conservation agreement shall be void.

12 “(8) During the time period specified in a conserva-
13 tion agreement, the Secretary may not specify additional
14 terms to the agreement unless the Secretary and the
15 agreement party determine that the species is likely to be-
16 come an endangered species or threatened species within
17 the area covered by the conservation agreement during
18 that time period and additional terms are necessary to
19 prevent endangerment.

20 “(9)(A) At the conclusion of the time period specified
21 under paragraph (6)(A) in a conservation agreement, the
22 Secretary and the agreement party shall review the terms
23 of the conservation agreement to determine whether the
24 conservation agreement is achieving the goal of preventing
25 endangerment. If the conservation agreement is achieving

1 that goal, the Secretary and the agreement party may ex-
2 tend the existing terms of the conservation agreement for
3 a period not to exceed 5 years, at which time the review
4 process shall be repeated. If the conservation agreement
5 is failing to achieve that goal, the Secretary and the agree-
6 ment party may—

7 “(i) revise or renew the terms of the agreement;

8 or

9 “(ii) choose not to renew the agreement, at
10 which time the authority for sections 9 and 10 shall
11 transfer back to the Secretary.

12 “(B) If a species is determined to be an endangered
13 species or threatened species within an area covered by
14 a conservation agreement during the time period specified
15 in the agreement, the terms of the conservation agreement
16 shall not remain in effect for that species unless the agree-
17 ment is amended pursuant to paragraph (6).

18 “(10) To assist the States in carrying out the pro-
19 gram under this subsection, the Secretary may utilize the
20 land acquisition and other authority under this Act.

21 “(11) For purposes of this subsection, the term ‘pre-
22 vent endangerment’ means to conserve a species by elimi-
23 nating, reducing, or controlling threats to the species
24 which are otherwise likely to result in a determination

1 under this Act that the species is a threatened species or
2 endangered species.

3 “(k) CONSISTENCY.—

4 “(1) Each Federal agency conducting, support-
5 ing, or permitting activities in the area covered by
6 an approved conservation agreement under sub-
7 section (j) shall do so in a manner which is, to the
8 maximum extent practicable, consistent with the
9 conservation agreement and the goals of this Act.

10 “(2)(A) After final approval by the Secretary of
11 a conservation agreement under subsection (j), any
12 applicant for a required Federal license, permit, or
13 support to conduct an activity affecting species with-
14 in the area covered by the conservation agreement
15 shall provide certification to the agency and the
16 agreement party that such activity will be conducted
17 in a manner consistent with the conservation agree-
18 ment.

19 “(B) Within 90 days after receipt of certifi-
20 cation, the agreement party shall notify the Federal
21 agency that it concurs with or objects to the appli-
22 cant’s certification. If the agreement party fails to
23 furnish the required notification within 90 days, the
24 agreement party’s concurrence with the certification
25 shall be conclusively presumed. No license, permit,

1 or other support shall be granted by the Federal
2 agency until the agreement party has concurred or
3 until, by the agreement party's failure to act, the
4 concurrence is conclusively presumed, unless the
5 Secretary finds, after providing a reasonable oppor-
6 tunity for comments from the Federal agency and
7 from the agreement party, that the activity is con-
8 sistent with the conservation agreement or is other-
9 wise necessary in the interest of national security.

10 “(1) CONSERVATION ASSISTANCE FUND.—

11 “(1) The Secretary shall establish a Conserva-
12 tion Assistance Fund (hereafter referred to in this
13 subsection as the ‘Fund’), that shall consist of all
14 sums appropriated for providing grants and ad-
15 vances under this subsection, and that shall be ad-
16 ministered by the Secretary as a revolving fund.

17 “(2) The Secretary may make grants and inter-
18 est-free advances from the Fund to any State, In-
19 dian tribe, or local government to assist in the devel-
20 opment of a conservation agreement under this sec-
21 tion or a conservation plan under section 10.

22 “(3) In making grants and advances under
23 paragraph (2) with respect to an agreement or a
24 plan, the Secretary shall consider—

1 “(A) the number of species covered by the
2 agreement or plan;

3 “(B) the commitment to participate in the
4 planning process from a diversity of interests,
5 including local governmental, business, environ-
6 mental, and landowner interests;

7 “(C) the likelihood of success of the plan-
8 ning effort;

9 “(D) the availability of matching funds
10 from the State or local government or other
11 sources; and

12 “(E) other factors the Secretary considers
13 appropriate.

14 “(4) Sums advanced from the Fund shall be re-
15 paid by the earlier of—

16 “(A) 10 years after the date of the ad-
17 vance; or

18 “(B)(i) in the case of an advance for a
19 conservation agreement under subsection (j), 3
20 years after the date of the advance if no agree-
21 ment is developed and submitted to the Sec-
22 retary within 2 years after the date of the ad-
23 vance; or

24 “(ii) in the case of an advance for a con-
25 servation plan under section 10, 4 years after

1 the date of the advance if no permit is issued
2 under section 10(a)(1)(B) with respect to the
3 plan within 3 years after the date of the ad-
4 vance.

5 “(5) Sums received by the United States as re-
6 payment of advances from the Fund shall be cred-
7 ited to the Fund and available for further grants or
8 advances in accordance with this subsection without
9 further appropriation.”.

10 **SEC. 4. INCENTIVES FOR ENDANGERED SPECIES CON-**
11 **SERVATION ON PRIVATE PROPERTY.**

12 Section 14 of the Endangered Species Act of 1973
13 (16 U.S.C. 1531 et seq.) is amended to read as follows:

14 “COOPERATION WITH PRIVATE LANDOWNERS

15 “SEC. 14. (a) IN GENERAL.—The Secretary shall
16 seek to work cooperatively with private landowners in the
17 conservation of threatened species and endangered species,
18 and shall seek to minimize adverse social and economic
19 consequences that may result from efforts to conserve
20 such species.

21 “(b) PRIORITIES.—In developing any recovery plan
22 under section 4(f) for the conservation of a threatened
23 species or endangered species, the Secretary shall, to the
24 maximum extent practicable, give priority to actions in the
25 following order:

1 “(1) Actions to conserve species on Federal
2 lands.

3 “(2) In cooperation with the appropriate State,
4 actions to conserve species on State lands.

5 “(3) In cooperation with the appropriate local
6 government, actions to conserve species on public
7 lands within the jurisdiction of that local govern-
8 ment.

9 “(4) Ensuring that federally subsidized activi-
10 ties on private lands are consistent with the objec-
11 tives of the recovery plan.

12 “(5) Ensuring that incentives to conserve spe-
13 cies on private lands under section 6(l) are used to
14 the maximum extent practicable.

15 “(6) Regulating activities on private lands in a
16 manner that will minimize adverse economic impacts
17 through the use of habitat conservation plans under
18 section 10 and other mechanisms as appropriate.

19 “(c) PUBLIC OUTREACH AND COMMUNITY ASSIST-
20 ANCE PROGRAMS.—(1) The Secretary shall establish a
21 Community Assistance Program to provide timely and ac-
22 curate information to local governments or property own-
23 ers.

24 “(2) Community Assistance Program employees shall
25 be located within each field office of the United States

1 Fish and Wildlife Service. Their duties shall include, but
2 not be limited to—

3 “(A) providing accurate, timely information on
4 local impacts of listings, recovery planning efforts,
5 and other actions under this Act;

6 “(B) providing assistance on obtaining permits
7 under section 10 and other provisions of this Act;

8 “(C) serving as a focal point for questions, re-
9 quests, complaints, and suggestions from property
10 owners and local governments concerning the poli-
11 cies and activities of the United States Fish and
12 Wildlife Service or other Federal agencies in the im-
13 plementation of this Act; and

14 “(D) training Federal personnel on public out-
15 reach efforts.

16 “(d) PRIVATE LANDOWNER COOPERATIVE AGREE-
17 MENT PROGRAM.—(1) The Secretary shall establish a pri-
18 vate landowner cooperative agreement program for the
19 purpose of encouraging the management, restoration, or
20 enhancement of habitats for endangered species or threat-
21 ened species on private lands in furtherance of the pur-
22 poses of this Act.

23 “(2) The Secretary may enter into written coopera-
24 tive agreements with participating private landowners pur-
25 suant to the program established by this subsection.

1 “(3) A cooperative agreement with a landowner under
2 this subsection shall—

3 “(A) describe the private lands which are sub-
4 ject to the agreement, and any technical or other as-
5 sistance which may be provided to the landowner by
6 the Secretary under the agreement, as appropriate;

7 “(B) describe, for the lands covered by the
8 agreement, as of the date the agreement is entered
9 into, the baseline population size and habitat, of en-
10 dangered species and threatened species that are
11 covered by the agreement;

12 “(C) provide the participating landowner with
13 volunteer status under the Fish and Wildlife Im-
14 provement Act of 1956 (16 U.S.C. 742f(c));

15 “(D) be effective for a period agreed to by the
16 parties to the agreement which is of sufficient dura-
17 tion to enhance the conservation of the species cov-
18 ered by the agreement, and be effective after that
19 period until revoked by the landowner by submission
20 of written notice to the Secretary;

21 “(E) describe those measures necessary to fur-
22 ther the recovery of each species covered by the
23 agreement through the management, restoration, or
24 creation of habitat upon which the species is depend-
25 ent; and

1 “(F) authorize, either during or after, or both,
2 the period the cooperative agreement is in effect, any
3 taking that—

4 “(i) is otherwise incidental to, and not the
5 purpose of, the carrying out of any otherwise
6 lawful activity on the lands covered by the
7 agreement;

8 “(ii) does not reduce for the lands covered
9 by the agreement the baseline population size or
10 habitat of the species covered by the agreement
11 below that described in the statement of the
12 Secretary under subparagraph (B); and

13 “(iii) does not have the effect of reducing
14 the total amount of habitat available to the
15 overall population to levels below those available
16 to the population prior to the effective date of
17 the agreement.

18 “(4) For purposes of this subsection, the term ‘base-
19 line population and habitat’ means the population size and
20 habitat of the species at the time the agreement is entered
21 into.

22 “(e) VOLUNTARY INCENTIVES FOR CONSERVING
23 SPECIES ON PRIVATE LANDS.—

24 “(1) IN GENERAL.—The Secretary may estab-
25 lish voluntary incentive programs in accordance with

1 this subsection, and under those programs, enter
2 into written agreements with private landowners to
3 conserve endangered species or threatened species on
4 private lands consistent with the goals and purposes
5 of this Act.

6 “(2) SPECIES RESERVE PROGRAM.—(A) Subject
7 to appropriations, the Secretary may establish under
8 this subsection a species reserve program through
9 contracts to assist owners of important habitats for
10 endangered species or threatened species in conserv-
11 ing those habitats.

12 “(B) A contract under this paragraph shall set
13 forth—

14 “(i) the conservation measures and prac-
15 tices to be carried out by the landowner during
16 the term of the contract; and

17 “(ii) the commercial use, if any, to be per-
18 mitted on the land during such term.

19 “(C) A contract under this paragraph may in-
20 clude terms under which the Secretary shall—

21 “(i) share the cost of carrying out the con-
22 servation measures and practices set forth in
23 the contract for which the Secretary determines
24 that cost-sharing is appropriate and in the pub-
25 lic interest; and

1 “(ii) provide technical assistance to the
2 landowner.

3 “(3) AWARDS FOR ENDANGERED SPECIES CON-
4 SERVATION.—The Secretary may establish under
5 this subsection a program to recognize excellence in
6 non-Federal conservation of endangered species and
7 threatened species. Such program shall include, sub-
8 ject to the availability of appropriations, the annual
9 presentation of 3 Conservation Excellence Awards in
10 the amount of \$5,000 each to private landowners for
11 voluntary efforts to conserve species.

12 “(4) LAND EXCHANGES.—Consistent with exist-
13 ing law, the Secretary and the Secretary of Agri-
14 culture are encouraged to undertake exchanges of
15 land within the jurisdiction of each Secretary (other
16 than units of the National Park System, the Na-
17 tional Wildlife Refuge System, National Wild and
18 Scenic Rivers, or the National Wilderness System)
19 for private lands for purposes of furthering the goals
20 of this Act.”.

21 **SEC. 5. IMPROVING HABITAT CONSERVATION PLANNING.**

22 Section 10(a) is amended by adding at the end the
23 following new paragraphs:

24 “(3)(A) Habitat conservation plans developed pursu-
25 ant to this subsection may cover multiple species or habi-

1 tats. Any State, Indian tribe, local government, or other
2 person may develop and submit to the Secretary a habitat
3 conservation plan to conserve and manage multiple species
4 or habitats, including but not limited to any of the follow-
5 ing:

6 “(i) Species listed as endangered or threatened
7 under section 4(b) of this Act or under State endan-
8 gered or threatened species conservation programs.

9 “(ii) Species that are candidates for such list-
10 ing.

11 “(iii) Other rare or declining species whose
12 habitat is located within the same ecosystem as is
13 habitat of species under clause (i) or (ii).

14 “(B) The Secretary, in cooperation with the affected
15 State agencies and Indian tribes, shall issue standards and
16 guidelines for the development and approval of habitat
17 conservation plans under this subsection. Such standards
18 and guidelines shall include the development of a short,
19 simple, standardized form for private landowners whose
20 permit under this section applies to land in residential,
21 noncommercial use.

22 “(C) The Secretary shall approve a permit applica-
23 tion for a multiple species conservation plan within 180
24 days of receipt of the application if the Secretary finds,

1 in addition to the criteria under paragraph (2)(B) of this
2 subsection, that such a plan—

3 “(i) is consistent with the conservation of the
4 various species or habitats covered by the plan, or,
5 in the case of endangered or threatened species, is
6 consistent with the goals of recovery plans under
7 section 4(f) for those species; and

8 “(ii) is consistent with any voluntary conserva-
9 tion agreements approved under section 6.

10 “(D) Upon approval of a multiple species habitat con-
11 servation plan, otherwise lawful activities undertaken in
12 accordance with the approved plan shall be deemed to be
13 in compliance with the requirements of section 9.

14 “(E) Other Federal agencies shall manage lands
15 under their jurisdiction in a manner which is consistent
16 with the conservation goals of the habitat conservation
17 plan.

18 “(F) The Secretary may provide grants or interest-
19 free loans or other assistance to State, Indian tribes, local
20 governments, or other persons in support of the develop-
21 ment and implementation of habitat conservation plans
22 under this subsection.

23 “(G) If the Secretary, in cooperation with the permit-
24 tee under this subsection, decides that additional mitiga-
25 tion measures are required to prevent the extinction or

1 further decline of a species covered under the terms of
2 a habitat conservation plan, a plan permittee who is in
3 compliance with such a plan shall not be required to bear
4 the cost of such measures.

5 “(4)(A) If the Secretary receives a permit application
6 under this subsection for an activity on private property
7 which the Secretary, after consultation with the property
8 owner, finds does not meet the requirements established
9 under paragraph (2), the Secretary shall, at the request
10 of the applicant, prepare an analysis of the effect of such
11 finding on the use of private property in question. Such
12 analysis shall not be made available to the public without
13 the consent of the owner of the property.

14 “(B) For purposes of this paragraph, the term ‘pri-
15 vate property’ means real property.”.

16 **SEC. 6. TECHNICAL ASSISTANCE PROGRAMS.**

17 Section 6 (16 U.S.C. 1535) is further amended by
18 adding at the end the following new subsection:

19 “(m) **TECHNICAL ASSISTANCE PROGRAM.**—The Sec-
20 retary shall initiate a technical assistance program to pro-
21 vide technical advice and assistance to non-Federal per-
22 sons who wish to participate in achieving the conservation
23 objectives for a species under this Act. The technical as-
24 sistance provided shall include information on habitat
25 needs of species, optimum management of habitat for spe-

1 cies, methods for propagation of species, feeding needs
2 and habits, predator controls, and any other information
3 which a non-Federal person may utilize or request for the
4 purpose of conserving a species determined to be an en-
5 dangered species or threatened species or proposed to be
6 determined as an endangered species or threatened spe-
7 cies.”.

8 **SEC. 7. ASSISTANCE TO SMALL PRIVATE LANDOWNERS AND**
9 **STATES AND LOCAL COMMUNITIES.**

10 Section 16 of the Endangered Species Act of 1973
11 is amended to read as follows:

12 “ASSISTANCE TO SMALL PRIVATE LANDOWNERS AND
13 STATES AND LOCAL COMMUNITIES

14 “SEC. 16. (a) GUIDANCE TO STATE AND LOCAL COM-
15 MUNITIES.—The Secretary of the Interior shall prepare
16 and make publicly available a manual providing guidance,
17 in everyday language, to States and local communities re-
18 garding the establishment of a community-based recovery
19 planning process. The Secretary shall supplement the
20 manual with an introductory video and kit for training
21 members of community-based recovery committees. The
22 manual, video, and training materials shall be designed
23 to specifically encourage and prepare members of commu-
24 nity-based recovery committees to carry out effective pub-
25 lic information programs in their local communities.

1 “(b) INFORMATION REGARDING UPCOMING AC-
2 TIONS.—The Secretary shall publish, in the Federal Reg-
3 ister and through appropriate local news sources, reliable
4 and timely information regarding upcoming listings of spe-
5 cies, designations of critical habitat, and issuance of recov-
6 ery plans under this Act.

7 “(c) TECHNICAL ASSISTANCE PROGRAM.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a program to provide, through field offices of
10 the United States Fish and Wildlife Service and the
11 National Marine Fisheries Service and a toll free
12 telephone number, technical assistance and guidance
13 regarding—

14 “(A) how to conserve endangered species
15 and their habitats,

16 “(B) how this Act effects lands owners,
17 and

18 “(C) how to obtain permits under section
19 10(a)(1)(B) authorizing an incidental taking.

20 “(2) TRACKING SYSTEM.—The program estab-
21 lished under this subsection shall include a tracking
22 system to establish target response times that en-
23 sure that requests for assistance are handled in a
24 timely manner.

1 “(3) INFORMATION REGARDING ALTERNATIVE
2 DISPUTE RESOLUTION.—The program established
3 under this subsection shall include the provision of
4 information to landowners regarding their rights to
5 make claims in the United States Claims Court
6 through the alternative dispute resolution process.

7 “(d) CLARIFICATION OF PROHIBITED AND ALLOWED
8 ACTIVITIES.—Upon the inclusion of a species in a list of
9 endangered species under section 4, the Secretary shall,
10 to the extent practicable, identify and publish a list of
11 known activities affecting the species or its habitat that
12 are prohibited under this Act, and a list of known activi-
13 ties affecting the species or its habitat that are not prohib-
14 ited under this Act.”.

○