

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To authorize the Secretary of the Interior to establish a regional pilot program to enhance habitat and water availability for shorebirds, waterfowl, and other wetlands-dependent birds, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. WYDEN (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To authorize the Secretary of the Interior to establish a regional pilot program to enhance habitat and water availability for shorebirds, waterfowl, and other wetlands-dependent birds, 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 “Northwest Wetlands  
5       Voluntary Incentives Program Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1 (1) COLUMBIA RIVER BASIN.—The term “Co-  
2 lumbia River Basin” includes—

3 (A) the Columbia River; and

4 (B) all tributaries of the Columbia River  
5 and the watersheds of those tributaries.

6 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
7 ty” means—

8 (A) a Federal or State agency or unit of  
9 local government;

10 (B) a Tribal government or organization;

11 (C) a nonprofit organization;

12 (D) a conservation district;

13 (E) a private landowner; and

14 (F) any other entity or individual that the  
15 Secretary determines to be appropriate to re-  
16 ceive a grant under the pilot program in accord-  
17 ance with the criteria established under section  
18 3(h).

19 (3) HABITAT RESTORATION PROJECT.—The  
20 term “habitat restoration project” means a project  
21 described in section 3(d).

22 (4) OREGON AND WASHINGTON COASTAL  
23 ZONE.—The term “Oregon and Washington Coastal  
24 Zone” means the region that covers the coastal  
25 waters and adjacent land of the States of Wash-

1       ington and Oregon, including the Puget Sound,  
2       Lower Columbia River, and coastal rivers and water-  
3       sheds.

4           (5) PILOT PROGRAM.—The term “pilot pro-  
5       gram” means the Pacific Northwest Migratory Bird  
6       Conservation pilot program established under section  
7       3(a).

8           (6) SECRETARY.—The term “Secretary” means  
9       the Secretary of the Interior, acting through the Di-  
10      rector of the United States Fish and Wildlife Serv-  
11      ice.

12   **SEC. 3. PACIFIC NORTHWEST MIGRATORY BIRD CONSERVA-**  
13                   **TION PILOT PROGRAM.**

14       (a) ESTABLISHMENT.—The Secretary shall, in co-  
15      ordination with Migratory Bird Joint Ventures, establish  
16      and carry out a voluntary grant and technical assistance  
17      pilot program, to be known as the “Pacific Northwest Mi-  
18      gratory Bird Conservation pilot program”, to provide—

19           (1) competitive grants to eligible entities to  
20      carry out habitat restoration projects that promote  
21      the purpose of the pilot program described in sub-  
22      section (b); and

23           (2) technical assistance in carrying out a habi-  
24      tat restoration project using grant funds.

1 (b) PURPOSE.—The purpose of the pilot program is  
2 to enhance, maintain, and restore habitats for shorebirds,  
3 waterfowl, and other wetlands-dependent birds along the  
4 Oregon and Washington Coastal Zone and in the Colum-  
5 bia River Basin, including birds that are important for  
6 migrating, staging, and wintering populations of water-  
7 fowl, shorebirds, waterbirds, and passerines.

8 (c) APPLICATION.—To be eligible to receive a grant  
9 under the pilot program, an eligible entity shall submit  
10 to the Secretary an application at such time, in such man-  
11 ner, and containing such information as the Secretary may  
12 require, which may include a request for funding to cover  
13 all eligible direct and indirect costs relating to carrying  
14 out a habitat restoration project.

15 (d) HABITAT RESTORATION PROJECTS.—The fol-  
16 lowing projects are eligible to receive a grant and technical  
17 assistance under the pilot program:

18 (1) Water infrastructure and management  
19 projects to enhance and restore habitat for wetlands-  
20 dependent migratory birds.

21 (2) Projects that manage or enhance vegetative  
22 habitat to maximize resources for wetlands-depend-  
23 ent migratory birds.

24 (e) LOCATION OF PROJECTS.—An eligible entity may  
25 carry out a habitat restoration project on public, private,

1 Tribal, or other land, determined to be appropriate by the  
2 Secretary, including agricultural land that provides habi-  
3 tats and values of benefit to wetlands-associated migratory  
4 birds, including waterfowl, shorebirds, waterbirds, and  
5 passerines.

6 (f) PRIORITY.—In awarding grants under the pilot  
7 program, the Secretary may give priority to eligible enti-  
8 ties that intend to carry out habitat restoration projects—

9 (1) in locations where—

10 (A) migratory bird habitat is rapidly being  
11 lost or converted;

12 (B) human population growth is rapid; or

13 (C) sufficient public access to recreational  
14 land is limited;

15 (2) that include a plan for long-term operation  
16 and maintenance;

17 (3) that include performance or effective moni-  
18 toring of project goals and ecosystem services; and

19 (4) in accordance with subsection (i), that pro-  
20 vide a non-Federal share of not less than 25 percent.

21 (g) USE OF FUNDS.—

22 (1) IN GENERAL.—An eligible entity that re-  
23 ceives a grant under the pilot program may use—

24 (A) not more than 10 percent of grant  
25 funds to determine the ecosystem service bene-

1 fits of the habitat restoration project to be car-  
2 ried out by the eligible entity; and

3 (B) not more than 10 percent of grant  
4 funds for voluntary conservation easements re-  
5 lated to that habitat restoration project.

6 (2) TIMING.—

7 (A) IN GENERAL.—An eligible entity that  
8 receives a grant under the pilot program shall  
9 use the grant funds not later than 4 years after  
10 the date on which the eligible entity receives the  
11 grant.

12 (B) UNSPENT FUNDS.—Any funds not  
13 used by an eligible entity within the time period  
14 described in subparagraph (A) shall be returned  
15 to the Secretary for use in carrying out the  
16 pilot program.

17 (3) PLANNING COSTS; REGULAR OPERATION  
18 AND MAINTENANCE.—An eligible entity that receives  
19 a grant under the pilot program—

20 (A) may use the grant funds to carry out  
21 activities relating to the planning, permitting,  
22 installing, or replacing of a habitat restoration  
23 project; and

1 (B) may not use the grant funds to carry  
2 out regular operation and maintenance with re-  
3 spect to those habitat restoration projects.

4 (h) CRITERIA.—The Secretary shall, in consultation  
5 with officials and entities described in subparagraphs (A)  
6 through (E) of section 2(2), establish criteria for the pilot  
7 program to help ensure that habitat restoration projects  
8 carried out under the pilot program accomplish the pur-  
9 pose of the pilot program described in subsection (b).

10 (i) NON-FEDERAL SHARE REQUIREMENTS.—For  
11 purposes of subsection (f)(4), a non-Federal share pro-  
12 vided for a grant under the pilot program shall meet the  
13 following requirements:

14 (1) The non-Federal share is secured by the eli-  
15 gible entity not later than 2 years before the date on  
16 which the eligible entity submits an application  
17 under subsection (c).

18 (2) The non-Federal share—

19 (A) is directly related to the applicable  
20 habitat restoration project; and

21 (B) includes—

22 (i) cash or in-kind services;

23 (ii) State or local government funding;

24 (iii) private or other eligible matching  
25 funds (as defined by the Secretary); or

1 (iv) planning, permitting, labor, in-  
2 cluding volunteer labor, appraisals, equip-  
3 ment rental, and material costs.

4 (j) ADMINISTRATION.—The Secretary may enter into  
5 an agreement to manage the pilot program with an organi-  
6 zation that offers grant management services.

7 (k) RESTRICTION.—In awarding a grant to an eligi-  
8 ble entity under the pilot program, the Secretary may not  
9 provide a grant to carry out a habitat restoration project  
10 the purpose of which is to meet existing environmental  
11 mitigation or compliance obligations under Federal or  
12 State law.

13 (l) COMPLIANCE.—A habitat restoration project  
14 awarded a grant under the pilot program shall comply  
15 with all applicable Federal and State law.

16 (m) EFFECT.—Nothing in this section—

17 (1) preempts or affects any State water law or  
18 interstate compact governing water; or

19 (2) interferes with private property rights.

20 **SEC. 4. REPORTS.**

21 Not later than 180 days after the date of enactment  
22 of this Act, and annually thereafter, the Secretary shall  
23 submit to Congress a report describing the implementation  
24 of this Act, including a description of each habitat restora-  
25 tion project that receives funding under the pilot program.



1   **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2           (a) IN GENERAL.—There is authorized to be appro-  
3   priated to carry out the pilot program \$10,000,000 for  
4   each of fiscal years 2026 through 2030.

5           (b) ADMINISTRATION.—Of the amounts made avail-  
6   able to carry out the pilot program for each fiscal year,  
7   not more than 3 percent may be used for administrative  
8   costs of carrying out the pilot program

9           (c) SUPPLEMENT, NOT SUPPLANT.—Amounts made  
10   available to carry out the pilot program shall supplement,  
11   and not supplant, funding for other activities conducted  
12   by the Secretary in an area in which a habitat restoration  
13   project is carried out.