

By: Hilderbran

H.B. No. 3847

A BILL TO BE ENTITLED

AN ACT

relating to a pilot project to conserve threatened and endangered species and habitat.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 5, Parks and Wildlife Code, is amended by adding Chapter 69 to read as follows:

CHAPTER 69. PILOT PROJECT FOR

HABITAT AND SPECIES CONSERVATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 69.001. DEFINITIONS. In this chapter:

(1) "Endangered species" means any species of fish or wildlife indigenous to this state and listed:

(A) by the United States Department of the Interior as endangered or threatened under the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.); or

(B) as a species of concern in the Texas Wildlife Action Plan.

(2) "Fish or wildlife" has the meaning assigned by Section 68.001.

(3) "Pilot project" means the program under Subchapter B.

(4) "Species of concern" means a species identified in the Texas Wildlife Action Plan administered by the department as being in need of conservation.

1 [Sections 69.002-69.020 reserved for expansion]

2 SUBCHAPTER B. PILOT PROJECT

3 Sec. 69.021. PILOT PROJECT PURPOSE. The department shall  
4 implement a pilot program to:

- 5 (1) recover endangered species in this state; and  
6 (2) prevent other species from being listed as  
7 endangered.

8 Sec. 69.022. CREDIT SYSTEM FOR PRIVATE LANDOWNERS. (a) As  
9 part of the pilot project under this chapter, a private landowner  
10 who participates in habitat management programs and other  
11 conservation efforts sponsored by the department may earn recovery  
12 credits from the department.

13 (b) A landowner who participates in the pilot project is  
14 eligible for compensation by the department based on the increase  
15 over 10 years in suitable habitats, population, or productivity of  
16 listed species.

17 (c) In the first year of participation in the pilot project  
18 by the landowner, the department shall document the initial  
19 baseline amount of suitable habitat available or the status of the  
20 population of endangered species on the property.

21 Sec. 69.023. PIONEERING SHARES. (a) The department shall  
22 develop an incentive program to identify priority areas where  
23 species of concern are located. The pilot project shall establish  
24 not more than four areas in this state.

25 (b) A team of experts will lead the effort to document  
26 species of concern in a selected priority area.

27 (c) Landowners within the areas identified in Subsection

1 (a) may participate in a pioneering share program. The program  
2 shall provide shares to each landowner who participates. The pilot  
3 project may add landowners to the program until the project  
4 accumulates enough land to determine the status of the species of  
5 concern.

6 (d) Landowners may convert shares into cash payments at a  
7 time determined by the department.

8 Sec. 69.024. CONFIDENTIALITY. Section 12.103 applies to  
9 any information obtained on privately owned land under the pilot  
10 project.

11 Sec. 69.025. REPORT. Not later than December 1, 2012, the  
12 department shall submit a report to the legislature regarding the  
13 results of the pilot project on the status and management of  
14 endangered and threatened species in this state. The report must  
15 include an assessment of the continuing need for the pilot project  
16 and a recommendation on whether the project should be continued.

17 Sec. 69.026. FUNDING. (a) The department may use money to  
18 pay for the costs associated with the pilot project that is:

19 (1) appropriated by the legislature for the purposes  
20 of wildlife and habitat conservation;

21 (2) obtained from federal or private grants; or

22 (3) obtained from any other source, including any  
23 amounts appropriated but unencumbered on August 31, 2007, in the  
24 game, fish, and water safety account or the special nongame and  
25 endangered species conservation account.

26 (b) The department may not use more than \$250,000 a year to  
27 pay for the pilot project for the first five years of the project.

1        Sec. 69.027. RULES. The department shall adopt any rules  
2 necessary to implement this chapter.

3        Sec. 69.028. EXPIRATION DATE. This chapter expires  
4 September 1, 2017.

5        SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2007.