

109TH CONGRESS
2D SESSION

S. 2430

AN ACT

To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

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 “Great Lakes Fish and
5 Wildlife Restoration Act of 2006”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Great Lakes have fish and wildlife com-
4 munities that are structurally and functionally
5 changing;

6 (2) successful fish and wildlife management fo-
7 cuses on the lakes as ecosystems, and effective man-
8 agement requires the coordination and integration of
9 efforts of many partners;

10 (3) it is in the national interest to undertake
11 activities in the Great Lakes Basin that support sus-
12 tainable fish and wildlife resources of common con-
13 cern provided under the recommendations of the
14 Great Lakes Regional Collaboration authorized
15 under Executive Order 13340 (69 Fed. Reg. 29043;
16 relating to the Great Lakes Interagency Task
17 Force);

18 (4) additional actions and better coordination
19 are needed to protect and effectively manage the fish
20 and wildlife resources, and the habitats upon which
21 the resources depend, in the Great Lakes Basin;

22 (5) as of the date of enactment of this Act, ac-
23 tions are not funded that are considered essential to
24 meet the goals and objectives in managing the fish
25 and wildlife resources, and the habitats upon which
26 the resources depend, in the Great Lakes Basin; and

1 (6) the Great Lakes Fish and Wildlife Restora-
 2 tion Act (16 U.S.C. 941 et seq.) allows Federal
 3 agencies, States, and tribes to work in an effective
 4 partnership by providing the funding for restoration
 5 work.

6 **SEC. 3. DEFINITIONS.**

7 Section 1004 of the Great Lakes Fish and Wildlife
 8 Restoration Act of 1990 (16 U.S.C. 941b) is amended—

9 (1) by striking paragraphs (1), (4), and (12);

10 (2) by redesignating paragraphs (2), (3), (5),
 11 (6), (7), (8), (9), (10), (11), (13), and (14) as para-
 12 graphs (1), (2), (3), (4), (5), (6), (7), (9), (10),
 13 (11), and (12), respectively;

14 (3) in paragraph (4) (as redesignated by para-
 15 graph (2)), by inserting before the semicolon at the
 16 end the following: “, and that has Great Lakes fish
 17 and wildlife management authority in the Great
 18 Lakes Basin”; and

19 (4) by inserting after paragraph (7) (as redesign-
 20 ated by paragraph (2)) the following:

21 “(8) the term ‘regional project’ means author-
 22 ized activities of the United States Fish and Wildlife
 23 Service related to fish and wildlife resource protec-
 24 tion, restoration, maintenance, and enhancement im-
 25 pacting multiple States or Indian Tribes with fish

1 and wildlife management authority in the Great
2 Lakes basin;”.

3 **SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**
4 **OF PROPOSALS.**

5 Section 1005 of the Great Lakes Fish and Wildlife
6 Restoration Act of 1990 (16 U.S.C. 941c) is amended to
7 read as follows:

8 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
9 **TION OF PROPOSALS AND REGIONAL**
10 **PROJECTS.**

11 “(a) IN GENERAL.—Subject to subsection (b)(2), the
12 Director—

13 “(1) shall encourage the development and, sub-
14 ject to the availability of appropriations, the imple-
15 mentation of fish and wildlife restoration proposals
16 and regional projects based on the results of the Re-
17 port; and

18 “(2) in cooperation with the State Directors
19 and Indian Tribes, shall identify, develop, and, sub-
20 ject to the availability of appropriations, implement
21 regional projects in the Great Lakes Basin to be ad-
22 ministered by Director in accordance with this sec-
23 tion.

24 “(b) IDENTIFICATION OF PROPOSALS AND REGIONAL
25 PROJECTS.—

“(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

“(2) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—A proposal or regional project under paragraph (1) shall be—

“(A) submitted in the manner and form prescribed by the Director; and

“(B) consistent with—

“(i) the goals of the Great Lakes Water Quality Agreement, as amended;

“(ii) the 1954 Great Lakes Fisheries Convention;

“(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

“(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

1 “(v) the North American Waterfowl
 2 Management Plan and joint ventures es-
 3 tablished under the plan; and

4 “(vi) the strategies outlined through
 5 the Great Lakes Regional Collaboration
 6 authorized under Executive Order 13340
 7 (69 Fed. Reg. 29043; relating to the Great
 8 Lakes Interagency Task Force).

9 “(3) SEA LAMPREY AUTHORITY.—The Great
 10 Lakes Fishery Commission shall retain authority
 11 and responsibility to formulate and implement a
 12 comprehensive program to eradicate or minimize sea
 13 lamprey populations in the Great Lakes Basin.

14 “(c) REVIEW OF PROPOSALS.—

15 “(1) ESTABLISHMENT OF COMMITTEE.—There
 16 is established the Great Lakes Fish and Wildlife
 17 Restoration Proposal Review Committee, which shall
 18 operate under the guidance of the United States
 19 Fish and Wildlife Service.

20 “(2) MEMBERSHIP AND APPOINTMENT.—

21 “(A) IN GENERAL.—The Committee shall
 22 consist of 2 representatives of each of the State
 23 Directors and Indian Tribes, of whom—

24 “(i) 1 representative shall be the indi-
 25 vidual appointed by the State Director or

1 Indian Tribe to the Council of Lake Com-
 2 mittees of the Great Lakes Fishery Com-
 3 mission; and

4 “(ii) 1 representative shall have exper-
 5 tise in wildlife management.

6 “(B) APPOINTMENTS.—Each representa-
 7 tive shall serve at the pleasure of the appointing
 8 State Director or Tribal Chair.

9 “(C) OBSERVER.—The Great Lakes Coor-
 10 dinator of the United States Fish and Wildlife
 11 Service shall participate as an observer of the
 12 Committee.

13 “(D) RECUSAL.—A member of the Com-
 14 mittee shall recuse himself or herself from con-
 15 sideration of proposals that the member, or the
 16 entity that the member represents, has sub-
 17 mitted.

18 “(3) FUNCTIONS.—The Committee shall—

19 “(A) meet at least annually;

20 “(B) review proposals and special projects
 21 developed in accordance with subsection (b) to
 22 assess the effectiveness and appropriateness of
 23 the proposals and special projects in fulfilling
 24 the purposes of this title; and

1 “(C) recommend to the Director any of
 2 those proposals and special projects that should
 3 be funded and implemented under this section.

4 “(d) IMPLEMENTATION OF PROPOSALS AND RE-
 5 GIONAL PROJECTS.—

6 “(1) IN GENERAL.—After considering rec-
 7 ommendations of the Committee and the goals speci-
 8 fied in section 1006, the Director shall—

9 “(A) select proposals and regional projects
 10 to be implemented; and

11 “(B) subject to the availability of appro-
 12 priations and subsection (e), fund implementa-
 13 tion of the proposals and regional projects.

14 “(2) SELECTION CRITERIA.—In selecting and
 15 funding proposals and regional projects, the Director
 16 shall take into account the effectiveness and appro-
 17 priateness of the proposals and regional projects in
 18 fulfilling the purposes of other laws applicable to
 19 restoration of the fish and wildlife resources and
 20 habitat of the Great Lakes Basin.

21 “(e) COST SHARING.—

22 “(1) IN GENERAL.—Except as provided in para-
 23 graphs (2) and (4), not less than 25 percent of the
 24 cost of implementing a proposal selected under sub-
 25 section (d) (excluding the cost of establishing sea

1 lamprey barriers) shall be paid in cash or in-kind
 2 contributions by non-Federal sources.

3 “(2) REGIONAL PROJECTS.—Regional projects
 4 selected under subsection (d) shall be exempt from
 5 cost sharing if the Director determines that the au-
 6 thorization for the project does not require a non-
 7 Federal cost-share.

8 “(3) EXCLUSION OF FEDERAL FUNDS FROM
 9 NON-FEDERAL SHARE.—The Director may not con-
 10 sider the expenditure, directly or indirectly, of Fed-
 11 eral funds received by any entity to be a contribution
 12 by a non-Federal source for purposes of this sub-
 13 section.

14 “(4) EFFECT ON CERTAIN INDIAN TRIBES.—
 15 Nothing in this subsection affects an Indian tribe af-
 16 fected by an alternative applicable cost sharing re-
 17 quirement under the Indian Self-Determination and
 18 Education Assistance Act (25 U.S.C. 450 et seq.).”.

19 **SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE**
 20 **SERVICE PROGRAMS RELATED TO GREAT**
 21 **LAKES FISH AND WILDLIFE RESOURCES.**

22 Section 1006 of the Great Lakes Fish and Wildlife
 23 Restoration Act of 1990 (16 U.S.C. 941d) is amended by
 24 striking paragraph (1) and inserting the following:

1 “(1) Restoring and maintaining self-sustaining
2 fish and wildlife resources.”.

3 **SEC. 6. ESTABLISHMENT OF OFFICES.**

4 Section 1007 of the Great Lakes Fish and Wildlife
5 Restoration Act of 1990 (16 U.S.C. 941e) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) GREAT LAKES COORDINATION OFFICE.—

9 “(1) IN GENERAL.—The Director shall establish
10 a centrally located facility for the coordination of all
11 United States Fish and Wildlife Service activities in
12 the Great Lakes Basin, to be known as the ‘Great
13 Lakes Coordination Office’.

14 “(2) FUNCTIONAL RESPONSIBILITIES.—The
15 functional responsibilities of the Great Lakes Co-
16 ordination Office shall include—

17 “(A) intra- and interagency coordination;

18 “(B) information distribution; and

19 “(C) public outreach.

20 “(3) REQUIREMENTS.—The Great Lakes Co-
21 ordination Office shall—

22 “(A) ensure that information acquired
23 under this Act is made available to the public;
24 and

1 “(B) report to the Director of Region 3,
2 Great Lakes Big Rivers.”;

3 (2) in subsection (b)—

4 (A) in the first sentence, by striking “The
5 Director” and inserting the following:

6 “(1) IN GENERAL.—The Director”;

7 (B) in the second sentence, by striking
8 “The office” and inserting the following:

9 “(2) NAME AND LOCATION.—The office”; and

10 (C) by adding at the end the following:

11 “(3) RESPONSIBILITIES.—The responsibilities
12 of the Lower Great Lakes Fishery Resources Office
13 shall include operational activities of the United
14 States Fish and Wildlife Service related to fishery
15 resource protection, restoration, maintenance, and
16 enhancement in the Lower Great Lakes.”; and

17 (3) in subsection (c)—

18 (A) in the first sentence, by striking “The
19 Director” and inserting the following:

20 “(1) IN GENERAL.—The Director”;

21 (B) in the second sentence, by striking
22 “Each of the offices” and inserting the fol-
23 lowing:

24 “(2) NAME AND LOCATION.—Each of the of-
25 fices”; and

1 (C) by adding at the end the following:

2 “(3) RESPONSIBILITIES.—The responsibilities
3 of the Upper Great Lakes Fishery Resources Offices
4 shall include operational activities of the United
5 States Fish and Wildlife Service related to fishery
6 resource protection, restoration, maintenance, and
7 enhancement in the Upper Great Lakes.”.

8 **SEC. 7. REPORTS.**

9 Section 1008 of the Great Lakes Fish and Wildlife
10 Restoration Act of 1990 (16 U.S.C. 941f) is amended to
11 read as follows:

12 **“SEC. 1008. REPORTS.**

13 “(a) IN GENERAL.—Not later than December 31,
14 2011, the Director shall submit to the Committee on Re-
15 sources of the House of Representatives and the Com-
16 mittee on Environment and Public Works of the Senate
17 a report that describes—

18 “(1) actions taken to solicit and review pro-
19 posals under section 1005;

20 “(2) the results of proposals implemented under
21 section 1005; and

22 “(3) progress toward the accomplishment of the
23 goals specified in section 1006.

24 “(b) PUBLIC ACCESS TO DATA.—For each of fiscal
25 years 2007 through 2012, the Director shall make avail-

1 able through a public access website of the Department
2 information that describes—

3 “(1) actions taken to solicit and review pro-
4 posals under section 1005;

5 “(2) the results of proposals implemented under
6 section 1005;

7 “(3) progress toward the accomplishment of the
8 goals specified in section 1006;

9 “(4) the priorities proposed for funding in the
10 annual budget process under this title; and

11 “(5) actions taken in support of the rec-
12 ommendations of the Great Lakes Regional Collabo-
13 ration authorized under Executive Order 13340 (69
14 Fed. Reg. 29043; relating to the Great Lakes Inter-
15 agency Task Force).

16 “(c) REPORT.—Not later than June 30, 2006, the
17 Director shall submit to the Committee on Environment
18 and Public Works of the Senate and the Committee on
19 Resources of the House of Representatives the 2002 re-
20 port required under this section as in effect on the day
21 before the date of enactment of the Great Lakes Fish and
22 Wildlife Restoration Act of 2006.”.

1 **SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF**
2 **STUDY FINDINGS AND RECOMMENDATIONS.**

3 The Director of the United States Fish and Wildlife
4 Service—

5 (1) shall continue to monitor the status, and
6 the assessment, management, and restoration needs,
7 of the fish and wildlife resources of the Great Lakes
8 Basin; and

9 (2) may reassess and update, as necessary, the
10 findings and recommendations of the report entitled
11 “Great Lakes Fishery Resources Restoration
12 Study”, submitted to the President of the Senate
13 and the Speaker of the House of Representatives on
14 September 13, 1995.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 1009 of the Great Lakes Fish and Wildlife
17 Restoration Act of 1990 (16 U.S.C. 941g) is amended to
18 read as follows:

19 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to the Di-
21 rector for each of fiscal years 2007 through 2012—

22 “(1) \$18,000,000 to implement fish and wildlife
23 restoration proposals as selected by the Director
24 under section 1005(e), of which—

25 “(A) not more than the lesser of 33⅓ per-
26 cent or \$6,000,000 may be allocated to imple-

1 ment regional projects by the United States
2 Fish and Wildlife Service, as selected by the Di-
3 rector under section 1005(e); and

4 “(B) the lesser of 5 percent or \$600,000
5 shall be allocated to the United States Fish and
6 Wildlife Service to cover costs incurred in ad-
7 ministering the proposals by any entity; and

8 “(2) \$2,000,000, which shall be allocated for
9 the activities of the Great Lakes Coordination Office
10 in East Lansing, Michigan, of the Upper Great
11 Lakes Fishery Resources Office, and the Lower
12 Great Lakes Fishery Resources Office under section
13 1007.”.

Passed the Senate July 11, 2006.

Attest:

Secretary.

109TH CONGRESS
2D SESSION

S. 2430

AN ACT

To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.