

109TH CONGRESS
2D SESSION

S. 2430

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.

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 15), 2006

Mr. DEWINE (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

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

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

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

1 **SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**
 2 **OF PROPOSALS.**

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

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

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

11 “(1) shall encourage the development and, sub-
 12 ject to the availability of appropriations, the imple-
 13 mentation of fish and wildlife restoration proposals
 14 and regional projects; and

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

21 “(b) IDENTIFICATION OF PROPOSALS AND REGIONAL
 22 PROJECTS.—

23 “(1) REQUEST BY THE DIRECTOR.—The Direc-
 24 tor shall annually request that State Directors and
 25 Indian Tribes, in cooperation or partnership with
 26 other interested entities and in accordance with sub-

1 section (a), submit proposals or regional projects for
2 the restoration of fish and wildlife resources.

3 “(2) REQUIREMENTS FOR PROPOSALS AND RE-
4 GIONAL PROJECTS.—A proposal or regional project
5 under paragraph (1) shall be—

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

8 “(B) consistent with—

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

11 “(ii) the 1954 Great Lakes Fisheries
12 Convention;

13 “(iii) the 1980 Joint Strategic Plan
14 for Management of Great Lakes Fisheries,
15 as revised in 1997, and Fish Community
16 Objectives for each Great Lake and con-
17 necting water as established under the
18 Joint Strategic Plan;

19 “(iv) the Nonindigenous Aquatic Nui-
20 sance Prevention and Control Act of 1990
21 (16 U.S.C. 4701 et seq.);

22 “(v) the North American Waterfowl
23 Management Plan and joint ventures es-
24 tablished under the plan; and

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

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

11 “(c) REVIEW OF PROPOSALS.—

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

17 “(2) MEMBERSHIP AND APPOINTMENT.—

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

21 “(i) 1 representative shall be the indi-
 22 vidual appointed by the State Director or
 23 Indian Tribe to the Council of Lake Com-
 24 mittees of the Great Lakes Fishery Com-
 25 mission; and

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

3 “(B) APPOINTMENTS.—Each representa-
 4 tive shall serve at the pleasure of the appointing
 5 State Director or Tribal Chair.

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

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

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

16 “(A) meet at least annually;

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

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

1 “(d) IMPLEMENTATION OF PROPOSALS AND RE-
2 GIONAL PROJECTS.—

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

6 “(A) select proposals and regional projects
7 to be implemented; and

8 “(B) subject to the availability of appro-
9 priations and subsection (e), fund implementa-
10 tion of the proposals and regional projects.

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

18 “(e) COST SHARING.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graphs (2) and (4), not less than 25 percent of the
21 cost of implementing a proposal selected under sub-
22 section (d) (excluding the cost of establishing sea
23 lamprey barriers) shall be paid in cash or in-kind
24 contributions by non-Federal sources.

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

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

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

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

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

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

1 **SEC. 6. ESTABLISHMENT OF OFFICES.**

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

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) GREAT LAKES COORDINATION OFFICE.—

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

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

15 “(A) intra- and interagency coordination;

16 “(B) information distribution; and

17 “(C) public outreach.

18 “(3) REQUIREMENTS.—The Great Lakes Co-
19 ordination Office shall—

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

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

25 (2) in subsection (b)—

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

3 “(1) IN GENERAL.—The Director”;

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

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

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

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

14 (3) in subsection (c)—

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

17 “(1) IN GENERAL.—The Director”;

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

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

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

22 “(3) RESPONSIBILITIES.—The responsibilities
23 of the Upper Great Lakes Fishery Resources Offices
24 shall include operational activities of the United
25 States Fish and Wildlife Service related to fishery

1 resource protection, restoration, maintenance, and
 2 enhancement in the Upper Great Lakes.”.

3 **SEC. 7. REPORTS.**

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

7 **“SEC. 1008. REPORTS.**

8 “(a) IN GENERAL.—Not later than December 31,
 9 2011, the Director shall submit to the Committee on Re-
 10 sources of the House of Representatives and the Com-
 11 mittee on Environment and Public Works of the Senate
 12 a report that describes—

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

15 “(2) the results of proposals implemented under
 16 section 1005; and

17 “(3) progress toward the accomplishment of the
 18 goals specified in section 1006.

19 “(b) ANNUAL REPORTS.—Not later than December
 20 31 of each of fiscal years 2007 through 2012, the Director
 21 shall submit to the 8 Great Lakes States and Indian
 22 Tribes a report that describes—

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

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

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

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

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

12 “(c) STUDY.—

13 “(1) IN GENERAL.—Not later than December
14 16, 2009, the Director, in consultation with State
15 fish and wildlife resource management agencies, In-
16 dian Tribes, and the Great Lakes Fishery Commis-
17 sion, shall—

18 “(A) conduct a comprehensive study of the
19 status, and the assessment, management, and
20 restoration needs, of the fish and wildlife re-
21 sources of the Great Lakes Basin, including a
22 comprehensive review of the accomplishments
23 that have been achieved under this title through
24 fiscal year 2008; and

1 “(B) submit to the President of the Senate
2 and the Speaker of the House of Representa-
3 tives—

4 “(i) the study described in subpara-
5 graph (A); and

6 “(ii) a comprehensive report on the
7 findings of the study.

8 “(d) REPORT.—Not later than June 30, 2006, the
9 Director shall submit to the Committee on Environment
10 and Public Works of the Senate and the Committee on
11 Resources of the House of Representatives the 2002 re-
12 port required under this section as in effect on the day
13 before the date of enactment of the Great Lakes Fish and
14 Wildlife Restoration Act of 2006.”.

15 **SEC. 8. 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) \$12,000,000, of which—

23 “(A) \$11,400,000 shall be allocated to im-
24 plement fish and wildlife restoration proposals

1 as selected by the Director under section
2 1005(e); and

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

7 “(2) \$6,000,000, which shall be allocated to im-
8 plement regional projects by the United States Fish
9 and Wildlife Service, as selected by the Director
10 under section 1005(e); and

11 “(3) \$2,000,000, which shall be allocated for
12 the activities of the Great Lake Coordination Office
13 in East Lansing, Michigan, of the Upper Great
14 Lakes Fishery Resources Office, and the Lower
15 Great Lakes Fishery Resources Office under section
16 1007.”.

○