

Public Law 98-138
98th Congress

An Act

Oct. 28, 1983

[H.R. 3044]

To grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission.

Connecticut
River Basin
Atlantic salmon
compact,
congressional
consent.
Connecticut
River Atlantic
Salmon
Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, which compact was entered into by the States of Connecticut, Massachusetts, New Hampshire, and Vermont pursuant to the laws of those respective States and is set forth in the statutes of the States of Connecticut (P.A. 79-528), Massachusetts (Chap. 716, 1981), New Hampshire (108:1, 1979), and Vermont (1979, No. 89; Amended in 1981, No. 85:9) and reads substantially as follows:

“ARTICLE I

“The purpose of this compact is to promote the restoration of anadromous Atlantic salmon, hereinafter referred to as Atlantic salmon, in the Connecticut River Basin by the development of a joint interstate program for stocking, protection, management, research, and regulation. It is the purpose of this compact to restore Atlantic salmon to the Connecticut River in numbers as near as possible to their historical abundance.

“ARTICLE II

Effective date.

“This agreement shall become operative immediately whenever all of the States of Connecticut, Massachusetts, New Hampshire and Vermont have executed it in a form that is in accordance with the laws of the executing State and the Congress has given its consent.

“ARTICLE III

Representatives
and members.

“Each State joining herein shall appoint two representatives to a commission hereby constituted and designated as the Connecticut River Atlantic Salmon Commission. One shall be the executive officer of the administrative agency of such State charged with the management of the fisheries resources to which this compact pertains or his designee. The second shall be a citizen who shall have a knowledge and interest in Atlantic salmon to be appointed by the Governor for a term of three years. The Director of the northeast region of the Fish and Wildlife Service, United States Department of the Interior or his designee and the Director of the northeast region of the National Marine Fisheries Service, United States Department of Commerce, or his designee shall be members of said commission.

The commission shall be a body corporate with the powers and duties set forth herein.

"ARTICLE IV

"The duty of said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the restoration of Atlantic salmon in the Connecticut River and its tributaries.

Duties.

"To promote restoration, preservation, and protection of Atlantic salmon in the Connecticut River Basin, the commission may draft and recommend to the Governors of the various signatory States legislation to accomplish this end. The commission shall, more than 60 days prior to any regular meeting of the legislature of any signatory State, present to the Governor of the States its recommendations relating to proposed enactments to be made by the legislature of the State in furthering the intents and purposes of this compact.

"The commission shall have the power to recommend to the States party hereto stocking programs, management procedures, and research projects and when two or more States party hereto shall jointly stock waters or undertake cooperative management or research, the commission shall act as the coordinating agency. The commission, using all available means, shall encourage acquisition by the signatory States of river bank, river bed, and access thereto.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to other anadromous species and their potential impact or the potential impact of sport fisheries and commercial fisheries for other anadromous species on the restoration of Atlantic salmon to the Connecticut River Basin.

"In the interest of developing a sound program of Atlantic salmon management, the commission shall promulgate regulations governing Atlantic salmon fishing in the mainstem of the Connecticut River in all four signatory States as hereinafter provided. Such regulations may: (1) establish the open and closed seasons for Atlantic salmon which may vary by river section, (2) establish hours, days, or periods during the open season when fishing for Atlantic salmon shall not be permitted in designated areas, (3) prescribe the legal methods of taking Atlantic salmon including the type of gear such as gaffs, landing nets, or tailers which may be used to assist in landing fish, (4) establish a minimum legal length for Atlantic salmon, (5) establish a daily creel limit, the season creel limit, and the possession limit for Atlantic salmon.

Regulations.

"The commission shall recommend, review, and issue comments on such regulations as may be promulgated by the signatory States governing Atlantic salmon fishing in tributary streams. The States of Connecticut and Massachusetts agree to make available for broodstock, from fish taken in the fish passage facilities at the Rainbow Reservoir Dam and the Holyoke Power Company Dam, such numbers of adult Atlantic salmon as the commission deems necessary to carry out the Atlantic salmon restoration program.

Recommendations,
review, and
comments.

"The commission shall have the power to issue a Connecticut River Basin Atlantic salmon license and the sale of such licenses shall be handled by the individual signatory States or their authorized agents. The individual signatory States shall be accountable to the commission for all such licenses and the moneys received therefrom. The initial fee for such licenses shall be determined by

Licenses and
fees.

majority vote of the commission but shall not exceed the maximum resident angling license fee of the signatory States except that the commission may upon determination of need and with the unanimous approval of its membership increase such license and issuing fee. The individual signatory States or their issuing agents may retain a recording fee up to 50 cents for each license issued. Forms for such license shall be provided to the signatory States by the commission. Such license shall be a legal prerequisite for any person including minors fishing for or possessing Atlantic salmon in the waters or on the shores of the Connecticut River and all of its tributaries. In addition to said Connecticut River Basin Atlantic salmon license, all persons, except those specifically exempted because of age, disability, or other limitations as determined by statute or regulations of the individual signatory States shall be required to possess a valid resident or nonresident sport fishing license issued by the State in which the person is fishing. The commission shall recognize that in certain waters or sections of waters a daily rod permit may also be required, such daily rod permit to be issued by the State in which such waters or sections of waters are located; however, the signatory States shall not, by fee, distinguish between residents and nonresidents. The authority to limit the numbers of persons fishing for Atlantic salmon in certain tributaries or sections of certain tributaries shall remain the prerogative of the individual signatory States.

Enforcement.

"The respective police agencies of the signatory States shall have the authority to enforce all of the regulations and license requirements of the commission any place in the Connecticut River Basin.

Funds.

"The commission shall have the authority to accept gifts, State grants, and Federal funds. The commission shall have the authority to expend money from fees collected for Connecticut River Basin Atlantic salmon licenses or from such other funds available to the commission to finance the cost of stocking, management, or research carried on by signatory States to further the purposes of this compact. Such funds shall be in the form of direct grants to the agency of such State charged with the management of the fisheries resources and may be up to 100 percent of the cost of projects approved by a majority vote of the commission.

"ARTICLE V

Officers.

"The commission shall elect from its number a chairman and a vice chairman and at its pleasure may remove such officers. Said commission shall adopt rules and regulations for the conduct of its business. At such time as funds are available to the commission, the commission may establish and maintain an office for the transaction of its business. The commission may meet at any time or place but must meet at least semiannually.

Travel expenses.

"The commission shall have the authority to expend money from available commission funds to reimburse its membership for necessary travel expenses.

"ARTICLE VI

"At such time as funds are available, the commission may employ and discharge at its pleasure such personnel as may be required to carry out the provisions of the compact and shall fix and determine their duties, qualifications, and compensation.

“ARTICLE VII

“There shall be established a technical committee to consist of one fishery biologist from each of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service to act in an advisory capacity to the commission. The technical committee shall have the authority to request employees of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service or others who have special fields of expertise to act as special advisers to the committee. At such time as funds are available, the commission may reimburse technical committee members and special advisers for necessary travel expenses.

Technical committee.

“ARTICLE VIII

“No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting, provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission: *Provided further*, That no action shall be taken by the commission unless each signatory State is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members.

“ARTICLE IX

“Continued absence of representation or of any representative on the commission from any party hereto shall be brought to the attention of the Governor thereof.

“ARTICLE X

“The States signatory hereto agree to make an annual appropriation to the initial support of the commission in the amount of \$1,000 for each of the first three years that this compact is in effect.

Appropriation agreement.

“ARTICLE XI

“The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of each State party to this compact on or before the tenth day of January of each year setting forth in detail the transactions conducted by it during the 12 months preceding January first of that year. The comptrollers of the States are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, grants, and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the Governor of said State.”

Reports to Governors and legislatures.

SEC. 2. The Congress authorizes the Secretary of Commerce and the Secretary of the Interior to participate as members of the Connecticut River Atlantic Salmon Commission in the manner specified by the compact approved by the first section of this Act.

Members.

SEC. 3. The consent of the Congress granted by the first section of this Act to the compact referred to in that section—

Effective date.

(1) shall become effective only if none of the States that are members of the compact has in effect a statute providing for

withdrawal from the compact or if all such States have agreed by statute to the same provisions for withdrawal from the compact; and

(2) shall be effective for a period of twenty years beginning on the date the consent of the Congress becomes effective under paragraph (1).

SEC. 4. Nothing contained in the compact approved by the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of that compact.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 28, 1983.

"No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission. Further, no action shall be taken by the commission unless each signatory State is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members."

ARTICLE IX

"Continued absence of representation or of any representative of the commission from any party hereto shall be brought to the attention of the Governor thereof."

ARTICLE X

"The States signatory hereto agree to make an annual allotment to the initial support of the commission in the amount of \$1,000 for each of the first three years that this compact is in effect."

ARTICLE XI

"The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of each State party to this compact on or before the tenth day of January of each year setting forth in detail the transactions conducted by it during the 12 months preceding January first of that year. The comptroller of the State are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, grants, and such other items relating to its financial standing as such comptroller may deem proper and to report the results of such examination to the Governor of said State."

Sec. 2. The Congress authorizes the Secretary of Commerce and the Secretary of the Interior to participate as members of the Commission River Atlantic.

LEGISLATIVE HISTORY—H.R. 3044 (S. 1327):

HOUSE REPORT No. 98-392 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 129 (1983):

Oct. 4, considered and passed House.

Oct. 19, considered and passed Senate.