

109TH CONGRESS
1ST SESSION

H. R. 537

To ensure the continuation of successful fisheries mitigation programs.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. DEAL of Georgia (for himself and Mr. NORWOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure the continuation of successful fisheries mitigation
programs.

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 “National Fisheries
5 Mitigation Coordination Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The operation of dams and other water di-
9 version projects are for the benefit of the American

1 public. The construction and operation of these Federal
2 water resource development projects have had
3 impacts on many water systems and their respective
4 fish populations, resulting in the need to build and
5 operate fish hatcheries to mitigate for aquatic re-
6 sources affected by these projects.

7 (2) In accordance with the Fish and Wildlife
8 Act of 1956 (16 U.S.C. 742(a)–754), the Fish and
9 Wildlife Coordination Act (16 U.S.C. 661–667(e)),
10 the Watershed Protection and Flood Prevention Act
11 (16 U.S.C. 1001–1009), and the National Environ-
12 mental Policy Act (42 U.S.C. 4321–4347), the Serv-
13 ice has established policy (501 FW 2) to seek to
14 mitigate for fish, wildlife, and their habitats, and
15 uses thereof, from the effects of land and water de-
16 velopments.

17 (3) The United States Fish and Wildlife Service
18 currently operates nearly 40 fish hatcheries that are
19 involved in mitigation fishery activities related to
20 construction and operation of Federal water resource
21 development projects.

22 (4) Mitigation fishery activities conducted by
23 the Service at these facilities are highly valued by
24 the State and Indian tribal partners, and the fishing
25 community.

17 SEC. 3. DEFINITIONS.

18 For this Act, the following definitions apply:

1 for the purpose, either wholly or in part, of con-
2 ducting mitigation fishery activities.

3 (7) FISHERY MITIGATION PLAN.—The term
4 “fishery mitigation plan” refers to a resource man-
5 agement plan developed between the United States
6 Fish and Wildlife Service and one or more sponsor
7 agencies, and in cooperation and coordination with
8 affected States and Indian Tribes, that describes the
9 long-term goals and annual targets for conducting
10 mitigation fishery activities. A fishery mitigation
11 plan shall be approved in advance by a sponsor
12 agency and the Service.

13 **SEC. 4. MITIGATION FISHERY COSTS.**

14 Not later than October 1, 2007, and each October
15 1st thereafter, a sponsor agency shall pay to the Service
16 the total amount of funds necessary to meet the mitigation
17 fishery costs to meet objectives described in the fishery
18 mitigation plan for a respective water development project.
19 The funds to be obligated for this purpose shall be identi-
20 fied in advance by the Director of the United States Fish
21 and Wildlife Service.

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