

PUBLIC LAW 104-143—MAY 15, 1996

TRINITY RIVER BASIN FISH AND WILDLIFE
MANAGEMENT REAUTHORIZATION ACT OF
1995

Public Law 104-143
104th Congress

An Act

May 15, 1996
[H.R. 2243]

Trinity River
Basin Fish and
Wildlife
Management
Reauthorization
Act of 1995.
California.

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995”.

SEC. 2. CLARIFICATION OF FINDINGS.

Section 1 of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by adding after paragraph (4) the following:

“(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;”; and

(3) by amending paragraph (7), as so redesignated, to read as follows:

“(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.”.

SEC. 3. CHANGES TO MANAGEMENT PROGRAM.

(a) OCEAN FISH LEVELS.—Section 2(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting “, in consultation with the Secretary of Commerce where appropriate,” after “Secretary”; and

(B) by adding the following after “such levels.”: “To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.”

(b) FISH HABITATS IN THE KLAMATH RIVER.—Paragraph (1)(A) of such section (98 Stat. 2722) is amended by striking “Weitchpec;” and inserting “Weitchpec and in the Klamath River downstream of the confluence with the Trinity River.”

(c) TRINITY RIVER FISH HATCHERY.—Paragraph (1)(C) of such section (98 Stat. 2722) is amended by inserting before the period the following: “, so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin”.

(d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2) of such Act (98 Stat. 2722) is amended by striking “tribe” and inserting “tribes”.

SEC. 4. ADDITIONS TO TASK FORCE.

(a) IN GENERAL.—Section 3(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) by striking “fourteen” and inserting “nineteen”;

(2) by striking “United States Soil Conservation Service” in paragraph (10) and inserting “Natural Resources Soil and Conservation Service”; and

(3) by inserting after paragraph (14) the following:

“(15) One individual to be appointed by the Yurok Tribe.

“(16) One individual to be appointed by the Karuk Tribe.

“(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen’s Associations.

“(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

“(19) One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry.”

(b) COORDINATION.—Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following new subsection:

“(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99-552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities.”

(c) REIMBURSEMENT.—Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end the following: “Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof),

or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

SEC. 5. APPROPRIATIONS.

(a) EXTENSION OF AUTHORIZATION.—Section 4(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2723), as amended, is amended—

(1) in paragraph (1), by striking “October 1, 1995” and inserting in lieu thereof “October 1, 1998”; and

(2) in paragraph (2), by striking “ten-year” and inserting in lieu thereof “13-year”.

(b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL AND AUDIT REPORTS.—Section 4 of such Act (98 Stat. 2724) is amended—

(1) by designating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

“(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).

“(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term ‘overhead and indirect costs’ means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.

“(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.”.

(c) AUTHORITY TO SEEK APPROPRIATIONS.—Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

“(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.”.

SEC. 6. NO RIGHTS AFFECTED.

The Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended, is further amended by inserting at the end thereof the following:

“PRESERVATION OF RIGHTS

“SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe or any other individual or entity.”.

SEC. 7. SHORT TITLE OF 1984 ACT.

The Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended by section 6 of this Act, is further amended by adding at the end the following:

“SHORT TITLE

“SEC. 6. This Act may be cited as the ‘Trinity River Basin Fish and Wildlife Management Act of 1984’.”.

Approved May 15, 1996.

Trinity River
Basin Fish and
Wildlife
Management Act
of 1984.

LEGISLATIVE HISTORY—H.R. 2243:

HOUSE REPORTS: No. 104-395 (Comm. on Resources).

SENATE REPORTS: No. 104-253 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Dec. 12, considered and passed House.

Vol. 142 (1996): May 3, considered and passed Senate.

