

Public Law 109–326
109th Congress

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.

Oct. 11, 2006
[S. 2430]

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

Great Lakes Fish
and Wildlife
Restoration Act
of 2006.
16 USC 941 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 2006”.

SEC. 2. FINDINGS.

16 USC 941 note.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

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

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

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

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

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

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

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

“(8) the term ‘regional project’ means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;”.

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

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

“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

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

“(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

“(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

“(b) IDENTIFICATION OF PROPOSALS AND REGIONAL 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.);

“(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

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

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

“(c) REVIEW OF PROPOSALS.—

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

“(2) MEMBERSHIP AND APPOINTMENT.—

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

“(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

“(ii) 1 representative shall have expertise in wildlife management.

“(B) APPOINTMENTS.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

“(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

“(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

“(3) FUNCTIONS.—The Committee shall—

“(A) meet at least annually;

“(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this title; and

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

“(d) IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

“(1) IN GENERAL.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

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

“(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

“(2) SELECTION CRITERIA.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws

applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

“(e) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

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

“(3) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

“(4) EFFECT ON CERTAIN INDIAN TRIBES.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”.

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

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

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

SEC. 6. ESTABLISHMENT OF OFFICES.

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

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

“(a) GREAT LAKES COORDINATION OFFICE.—

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

“(2) FUNCTIONAL RESPONSIBILITIES.—The functional responsibilities of the Great Lakes Coordination Office shall include—

“(A) intra- and interagency coordination;

“(B) information distribution; and

“(C) public outreach.

“(3) REQUIREMENTS.—The Great Lakes Coordination Office shall—

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

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

(2) in subsection (b)—

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

“(1) IN GENERAL.—The Director”;

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

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

(C) by adding at the end the following:

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

(3) in subsection (c)—

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

“(1) IN GENERAL.—The Director”;

(B) in the second sentence, by striking “Each of the offices” and inserting the following:

“(2) NAME AND LOCATION.—Each of the offices”; and

(C) by adding at the end the following:

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

SEC. 7. REPORTS.

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

“SEC. 1008. REPORTS.

“(a) IN GENERAL.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

Deadline.

“(1) actions taken to solicit and review proposals under section 1005;

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

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

“(b) PUBLIC ACCESS TO DATA.—For each of fiscal years 2007 through 2012, the Director shall make available through a public access website of the Department information that describes—

Website.

“(1) actions taken to solicit and review proposals under section 1005;

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

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

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

“(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

“(c) REPORT.—Not later than June 30, 2007, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.”.

Deadline.

16 USC 941 note. **SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.**

The Director of the United States Fish and Wildlife Service—

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

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

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

“(1) \$14,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

“(A) not more than the lesser of 33 1/3 percent or \$4,600,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

“(B) the lesser of 5 percent or \$700,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

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

Approved October 11, 2006.

LEGISLATIVE HISTORY—S. 2430:

SENATE REPORTS: No. 109–270 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 152 (2006):

July 11, considered and passed Senate.

Sept. 27, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.