

(1) provide for the vesting in the designated State agency of the overall responsibility for the development and revision of the conservation plan;

(2) provide for an inventory of the nongame fish and wildlife, and such other fish and wildlife as the designated State agency deems appropriate, that are within the State and are valued for ecological, educational, esthetic, cultural, recreational, economic, or scientific benefits by the public;

(3) with respect to those species identified under paragraph (2) (hereinafter in this section referred to as "plan species"), provide for—

(A) the determination of the size, range, and distribution of their populations, and

(B) the identification of the extent, condition, and location of their significant habitats;

(4) identify the significant problems which may adversely affect the plan species and their significant habitats;

(5) determine those actions which should be taken to conserve the plan species and their significant habitats;

(6) establish priorities for implementing the conservation actions determined under paragraph (5);

(7) provide for the monitoring, on a regular basis, of the plan species and the effectiveness of the conservation actions determined under paragraph (5);

(8) provide for plan review and revision, if appropriate, at intervals of not more than 3 years;

(9) ensure that the public be given opportunity to make its views known and considered during the development, revision, and implementation of the plan; and

(10) provide that the designated State agency consult, as appropriate, with Federal agencies, and other State agencies during the development, revision, and implementation of the plan, in order to minimize duplication of efforts and to ensure that the best information is available to all such agencies.

(Pub. L. 96-366, § 4, Sept. 29, 1980, 94 Stat. 1323.)

§ 2904. Approval of conservation plans and certain nongame fish and wildlife conservation actions

(a) Approval by Secretary of plans

(1) Any State may apply to the Secretary for approval of a conservation plan.

(2) Applications for the approval of conservation plans shall be made and reviewed by the Secretary in such manner as the Secretary shall by regulation prescribe.

(3) As soon as practicable, but not later than 180 days, after the date on which a State submits (or resubmits in the case of prior disapproval) an application for the approval of a conservation plan the Secretary shall—

(A) approve the conservation plan, and designate it as an approved conservation plan, if he determines that the plan—

(i) meets the requirements set forth in section 2903 of this title, and

(ii) is substantial in character and design; or

(B) disapprove the conservation plan if he determines that—

(i) the plan does not meet the requirements set forth in section 2903 of this title, or

(ii) to implement any part of the plan on the basis of the specifications, determinations, identifications, or priorities therein would threaten the natural stability and continued viability of any of the plan species concerned.

If the Secretary disapproves a plan, he shall give the State concerned a written statement of the reasons for disapproval and provide the State opportunity for consultation with respect to deficiencies in the plan and the modifications required for approval.

(b) Effect of approval of plans

If the Secretary approves the conservation plan of any State under subsection (a)—

(1) that portion of such plan that pertains to wildlife conservation shall be deemed to be an approved plan for purposes of section 6(a)(1) of the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.]; and

(2) that portion of such plan that pertains to fish conservation shall be deemed to be an approved plan for the purposes of section 6(a)(1) of the Act of August 9, 1950 [16 U.S.C. 777e(a)(1)] commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.].

(c) Conservation actions

If the Secretary approves the conservation plan of any State under subsection (a), those conservation actions set forth in the plan which pertain to nongame fish and wildlife shall be deemed to be eligible as nongame fish and wildlife projects for which reimbursement is available under section 2905 of this title.

(d) Nongame conservation actions in the absence of an approved plan

In the absence of an approved conservation plan, and on a showing of need by the State, the Secretary may deem certain conservation actions to be nongame fish and wildlife projects for which reimbursement is available under section 2905(a)(3) of this title if they—

(1) are consistent with such of the requirements set forth in section 2903 of this title as may be appropriate, including, but not limited to, the requirements in paragraphs (3), (4), (5), and (7) of such section; and

(2) are substantial in character and design.

(Pub. L. 96-366, § 5, Sept. 29, 1980, 94 Stat. 1324.)

Editorial Notes

REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsec. (b)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classi-

fication of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsec. (b)(2), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

§ 2905. Reimbursement of State costs for developing, revising, and implementing conservation plans and implementing certain nongame fish and wildlife conservation actions

(a) In general

Any State may apply to the Secretary for reimbursement under this section for costs incurred by the State for the following:

- (1) The development of a conservation plan.
- (2) The revision of an approved conservation plan.
- (3) The implementation of nongame fish and wildlife conservation actions approved under section 2904(c) and (d) of this title.
- (4) The implementation of conservation actions specified in an approved conservation plan.
- (5) The coordination, consolidation, or implementation of the conservation plan or conservation actions approved under this chapter with other related plans or actions developed pursuant to the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.] and the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.].

(b) Applications

Application for reimbursement under this section shall be made in such manner as the Secretary shall by regulation prescribe and shall contain such information as is necessary to enable the Secretary to determine whether the State meets the eligibility requirements set forth in subsection (c).

(c) Eligibility

No State is eligible for reimbursement under this section unless the Secretary finds that the costs, for which reimbursement is sought, have been incurred by the State as follows:

- (1) If reimbursement is sought under subsection (a)(1), such costs have been incurred in developing a conservation plan that meets the requirements set forth in section 2903 of this title.
- (2) If reimbursement is sought under subsection (a)(2), such costs have been incurred in revising the plan in a manner consistent with such requirements.
- (3) If reimbursement is sought under subsection (a)(3), such costs have been incurred in implementing the conservation actions as approved by the Secretary.
- (4) If reimbursement is sought under subsection (a)(4), such costs have been incurred in implementing conservation actions specified in, and in a manner consistent with, the approved conservation plan.

(5) If reimbursement is sought under subsection (a)(5), such costs have been incurred in consolidating, coordinating or implementing conservation plans and actions approved under this chapter with approved plans and actions under the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.] and the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.] in a manner consistent with sections 2901 and 2903 of this title.

(d) Reimbursement

Subject to the limitations in subsection (c) and the terms and conditions imposed under section 2906 of this title, and to the availability of funds appropriated under section 2910 of this title, the Secretary shall reimburse each State which the Secretary finds to be eligible therefor under subsection (c).

(e) Limitations

(1) The total amount of the reimbursement paid to any State under this section with respect to any fiscal year may not exceed the allocation available to the State under section 2907 of this title for such year.

(2) No reimbursement may be paid under this section to any State for any cost incurred by the State during any fiscal year—

- (A) after September 30, 1991, in developing a conservation plan;
- (B) after September 30, 1986, for costs incurred in implementing certain nongame fish and wildlife actions approved under section 2904(d) of this title;

(C) in which less than 80 percent of the costs to be reimbursed are for the principal benefit of nongame fish and wildlife or the users of nongame fish and wildlife;

(D) in implementing an approved conservation plan, unless the cost was incurred in implementing actions approved under section 2904(c) or (d) of this title;

(E) in implementing an approved conservation plan covering only nongame fish and wildlife, or any nongame fish and wildlife conservation action approved under section 2904(c) or (d) of this title, to the extent that more than 10 percent of such costs are paid for with moneys collected during such year by the State—

- (i) from the sale of hunting, fishing, and trapping licenses, and
- (ii) as penalties (including forfeitures) for violations of the hunting, fishing, and trapping laws of the State; or

(F) in implementing an approved conservation plan or any nongame fish and wildlife conservation action approved under section 2904(c) or (d) of this title, to the extent that—

- (i) more than 10 percent of such costs are applied for purposes of conservation law enforcement under any such plan or action, and
- (ii) more than 10 percent of such costs in any such year are accounted for by personal service or other inkind contributions.