

(9) The term “habitat” means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term “recreational fishing” means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term “salmon” means any anadromous species of the family Salmonidae and Genus *Oncorhynchus*, commonly known as Pacific salmon.

(12) The term “salmon or steelhead resource” means any stock of salmon or steelhead.

(13) The term “steelhead” means the anadromous rainbow trout species *Salmo gairdneri*, commonly known as steelhead.

(14) The term “stock” means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term “treaty” means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead within the Washington or Columbia River conservation areas.

(16) The term “treaty tribe” means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term “Washington conservation area” means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term “Washington tribal coordinating body” means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this chapter.

(Pub. L. 96-561, title I §103, Dec. 22, 1980, 94 Stat. 3276.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Pacific Fishery Management Council, referred to in par. (4)(B)(i), was established by section 1852 of this title. Pub. L. 99-659 amended section 1811 of this title by substituting provisions relating to exclusive economic zones, for fishery conservation zones.

#### SUBCHAPTER II—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

### § 3311. Salmon and Steelhead Advisory Commission

#### (a) Establishment

Within 90 days after December 22, 1980, the Secretary of Commerce (hereinafter in this subchapter referred to as the “Secretary”) shall establish the Salmon and Steelhead Advisory

Commission (hereinafter referred to in this chapter as the “Commission”), which shall consist of one voting member from each of the following:

- (1) The State of Washington.
- (2) The State of Oregon.
- (3) The Washington tribal coordinating body.
- (4) The Columbia River tribal coordinating body.
- (5) The Pacific Fishery Management Council.
- (6) The National Marine Fisheries Service.

#### (b) Membership

(1) The voting representatives shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

(3) For the purposes of this subsection, the term “qualified individual” means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

#### (c) Report by Commission

Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

- (1) the development of common principles to govern and coordinate effectively management and enhancement activities;
- (2) the prevention of overfishing;
- (3) the use of the best scientific information available;
- (4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;
- (5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;
- (6) the optimization of the use of resources for enforcement;
- (7) the consideration of harvest activities as they relate to existing and future international commitments;

(8) the minimization of costs and the avoidance of unnecessary duplication; and

(9) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

**(d) Unanimous vote required**

No report or revision thereto may be submitted by the Commission to the Secretary for approval under this section unless the report or revision is approved by all of the voting members of the Commission.

**(e) Secretarial action on report**

Within 4 months after the date of the submission of the comprehensive report, or any revision thereto, under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall review the report and, if he finds that the management structure recommended in the report would, if implemented, meet the objectives and standards specified in this section and be consistent with this chapter, approve the report. If the Secretary, in consultation with the Secretary of the Interior, finds that such structure is not in conformity with the standards and objectives set forth in this section, the provisions of this chapter, or other applicable law, he shall return the report to the Commission together with a written statement of the reasons for not approving the report. If the Commission submits a revised report to the Secretary within 2 months after the date of return, the Secretary shall approve the report if he finds that the objections on which the prior disapproval was based are overcome.

**(f) Per diem and travel allowances**

The members of the Commission (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

**(g) Administrative support**

The Secretary shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.

**(h) Termination of Commission**

Unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report pursuant to subsection (e).

(Pub. L. 96-561, title I, § 110, Dec. 22, 1980, 94 Stat. 3277.)

**§ 3312. Eligibility for financial assistance under approved enhancement plans**

Upon approval by the Secretary of the Commission's report under section 3311 of this title, a State represented by a voting member on the Commission and any treaty tribe represented by a tribal coordinating body shall be eligible for financial assistance under subchapter III if the State or treaty tribe enters into an agreement with the Secretary under which that State or treaty tribe obligates itself—

(1) to implement and enforce the provisions of the report and revisions thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power; and

(2) to engage in such coordination and consultation as may be necessary or appropriate to ensure, to the maximum extent practicable, that the report and revisions thereto are fully and effectively implemented.

(Pub. L. 96-561, title I, § 111, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3313. Grants for reports and plans for coordinated research, enforcement, etc.**

The Secretary, in consultation with the Secretary of the Interior, is authorized to establish a program to provide grants to prepare reports and plans provided for in this subchapter and subchapter III in order to promote coordinated research, enforcement, enhancement, and management of the salmon and steelhead resources within the Washington and Columbia River conservation areas consistent with the purposes of this chapter. Such grants shall be available for use by the State of Washington, the State of Oregon, appropriate tribal coordinating bodies, or any joint governmental entity established for undertaking research, or providing advice on or mechanisms for coordinating management or enforcement, or preparing the reports and plans described in this subchapter and subchapter III.

(Pub. L. 96-561, title I, § 112, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3314. Discontinuance of funding**

If the Secretary finds that as of the close of the 18th month after secretarial approval of the Commission report under section 3311(e) of this title, the number of parties which have adopted and implemented the Commission's management program in accordance with the provisions of this chapter and the report is insufficient to ensure that the management structure is effective and consistent with the standards and objectives in section 3311(c) of this title, he shall discontinue any further funding under this subchapter or subchapter III of this chapter.

(Pub. L. 96-561, title I, § 113, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3315. Authorization of appropriations**

There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this subchapter in fiscal years commencing after September 30, 1981, an aggregate amount of \$3,000,000. Funds appropriated pursuant to this section remain available to the Secretary until expended.

(Pub. L. 96-561, title I, § 114, Dec. 22, 1980, 94 Stat. 3280.)