TITLE 16 - CONSERVATION
CHAPTER 15B—GREAT LAKES FISH AND WILDLIFE RESTORATION

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TITLE 16 - CONSERVATION

CHAPTER 15B - GREAT LAKES FISH AND WILDLIFE RESTORATION

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§ 941. Findings
The Congress finds and declares the following:

(1) As the human population of the Great Lakes Basin has expanded to over 35,000,000 people, great demands have been placed on the lakes for use for boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands exert pressure on the fish and wildlife resources of the Great Lakes Basin, including in the form of contaminants, invasion by nonindigenous species, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

(2) The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5,000,000 people annually and commercial fisheries providing approximately 9,000 jobs. Together, these fisheries generate economic activity worth more than $4,400,000,000 annually to the United States.

(3) The availability of a suitable forage base is essential to lake trout, walleye, yellow perch, and other recreational and commercially valuable fishery resources of the Great Lakes Basin. Protecting and restoring productive fish habitat, including by protecting water quality, is essential to the successful recovery of Great Lakes Basin fishery resources.

(4) The Great Lakes Basin contains important breeding and migration habitat for all types of migratory birds. Many migratory bird species dependent on deteriorating Great Lakes Basin habitat have suffered serious population declines in recent years.

(5) Over 80 percent of the original wetlands in the Great Lakes Basin have been destroyed and such losses continue at a rate of 20,000 acres annually.

(6) Contaminant burdens in the fish and wildlife resources of the Great Lakes Basin are substantial and the impacts of those contaminants on the life functions of important fish and wildlife resources are poorly understood. Concern over the effects of those contaminants on human health have resulted in numerous public health advisories recommending restricted or no consumption of Great Lakes fish.

(7) The lower Great Lakes are uniquely different from the upper Great Lakes biologically, physically, and in the degree of human use and shoreline development, and special fishery resource assessments and management activities are necessary to respond effectively to these special circumstances.


Codification

Amendments

Short Title of 2006 Amendment
Pub. L. 109–326, § 1, Oct. 11, 2006, 120 Stat. 1761, provided that: “This Act [amending sections 941b to 941g of this title and enacting provisions set out as notes under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 2006’.”

Short Title of 1998 Amendment

Short Title

Continued Monitoring and Assessment of Study Findings and Recommendations

“(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.”

Congressional Findings

“(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) [33 U.S.C. 1268 note ];

“(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 [Oct. 11, 2006], 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 [of 1990] (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.”


“(1) the Great Lakes Fishery Resources Restoration Study, for which a report was submitted to Congress in 1995, was a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin, and was conducted through the joint effort of the United States Fish and Wildlife Service, State fish and wildlife resource management agencies, Indian tribes, and the Great Lakes Fishery Commission; and

“(2) the study—

“(A) found that, although State, Provincial, Native American Tribal, and Federal agencies have made significant progress toward the goal of restoring a healthy fish community to the Great Lakes Basin, additional actions and better
coordination are needed to protect and effectively manage the fisheries and related resources in the Great Lakes Basin; and

“(B) recommended actions that are not currently funded but are considered essential to meet goals and objectives in managing the resources of the Great Lakes Basin.”

§ 941a. Purpose

The purposes of this chapter are—

(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and

(2) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat in the Great Lakes Basin.


Codification


Amendments


Par. (1). Pub. L. 105–265, § 4(4), added par. (1) and struck out former par. (1) which read as follows: “to develop proposals to implement recommendations resulting from that study; and”.

Pub. L. 105–265, § 4(2), (3), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;”.

Pars. (2), (3). Pub. L. 105–265, § 4(3), (5), redesignated par. (3) as (2) and substituted “habitat in” for “habitat of”.


§ 941b. Definitions

In this chapter—

(1) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 941c (c) of this title;

(2) the term “Director” means the Director of the United States Fish and Wildlife Service;

(3) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

(4) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin;

(5) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;
the term “non-Federal source” includes a State government, local government, Indian tribe, other non-Federal governmental entity, private entity, and individual;

(7) the term “nonindigenous species” means a species of plant, animal, or other organism that did not occur in the Great Lakes Basin before European colonization of North America;

(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;

(9) the term “Report” means the United States Fish and Wildlife Service 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;

(10) the term “restoration” means rehabilitation and maintenance of the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;

(11) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State; and

(12) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.


**Codification**


**Amendments**

2006—Pars. (1) to (3). Pub. L. 109–326, § 3(1), (2), redesignated pars. (2), (3), and (5) as (1) to (3), respectively, and struck out former par. (1) which defined the term “Administrator”.

Par. (4). Pub. L. 109–326, § 3(3), inserted before semicolon at end “, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin”.

Pub. L. 109–326, § 3(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which defined the term “fish stock”.

Pars. (5) to (7). Pub. L. 109–326, § 3(2), redesignated pars. (7) to (9) as (5) to (7), respectively.

Par. (8). Pub. L. 109–326, § 3(2), (4), added par. (8) and redesignated former par. (8) as (6).

Pars. (9) to (14). Pub. L. 109–326, § 3(1), (2), redesignated pars. (10), (11), (13), and (14) as (9) to (12), respectively, and struck out former par. (12) which defined the term “Secretary”.


Pars. (2) to (7). Pub. L. 105–265, § 5(2), (5), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (14).


Par. (9). Pub. L. 105–265, § 5(2), (4), redesignated par. (8) as (9) and substituted “plant, animal, or other organism” for “plant or animal”. Former par. (9) redesignated (12).


Par. (12). Pub. L. 105–265, § 5(2), (8), redesignated par. (9) as (12) and struck out “and” at end.
§ 941c. 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 chapter; 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 941d of this title, 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
§ 941d. Goals of United States Fish and Wildlife Service programs related to Great Lakes fish and wildlife resources

In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

1. Restoring and maintaining self-sustaining fish and wildlife resources.
2. Minimizing the impacts of contaminants on fishery and wildlife resources.
3. Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.
4. Stopping illegal activities adversely impacting fishery and wildlife resources.
5. Restoring threatened and endangered species to viable, self-sustaining levels.
6. Protecting, managing, and conserving migratory birds.

§ 941e. Establishment of offices

(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 chapter is made available to the public; and

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

(b) Lower Great Lakes Fishery Resources Office

(1) In general

The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the lower Great Lakes.

(2) Name and location

The office shall be known as the “Lower Great Lakes Fishery Resources Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

(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.

(c) Upper Great Lakes Fishery Resources Offices

(1) In general

The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes.

(2) Name and location
Each of the offices shall be known as an “Upper Great Lakes Fishery Resources Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

(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.


Codification


Amendments

2006—Subsec. (a). Pub. L. 109–326, § 6(1), added subsec. (a) and struck out former subsec. (a). Text read as follows: “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’. The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.”

Subsec. (b). Pub. L. 109–326, § 6(2), designated first and second sentences of subsec. (b) as pars. (1) and (2), respectively, inserted headings, and added par. (3).

Subsec. (c). Pub. L. 109–326, § 6(3), designated first and second sentences of subsec. (c) as pars. (1) and (2), respectively, inserted headings, and added par. (3).


§ 941f. 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—

(1) actions taken to solicit and review proposals under section 941c of this title;

(2) the results of proposals implemented under section 941c of this title; and

(3) progress toward the accomplishment of the goals specified in section 941d of this title.

(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—

(1) actions taken to solicit and review proposals under section 941c of this title;

(2) the results of proposals implemented under section 941c of this title;

(3) progress toward the accomplishment of the goals specified in section 941d of this title;

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


(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 October 11, 2006.


References in Text
Executive Order 13340, referred to in subsec. (b)(5), is Ex. Ord. No. 13340, May 18, 2004, 69 F.R. 29043, which is set out as a note under section 1268 of Title 33, Navigation and Navigable Waters.

Codification

Amendments
2006—Pub. L. 109–326 amended section catchline and text generally. Prior to amendment, text read as follows: “On December 31, 2002, 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—
“(1) actions taken to solicit and review proposals under section 941c of this title;
“(2) the results of proposals implemented under section 941c of this title; and
“(3) progress toward the accomplishment of the goals specified in section 941d of this title.”
1998—Pub. L. 105–265 amended section generally, substituting present provisions for provisions which had required report not later than 1 year after date of enactment and annually thereafter.

Change of Name
Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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§ 941g. 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 941c(e) of this title, 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 941c(e) of this title; 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 941e of this title.

Codification


Amendments

