TITLE 16 - CONSERVATION
CHAPTER 52—SALMON AND STEELHEAD CONSERVATION AND ENHANCEMENT

Please Note: This compilation of the US Code, current as of Jan. 4, 2012, has been prepared by the Legal Information Institute using data from the U.S. House of Representatives, Office of the Law Revision Counsel. It is not an official U.S. government publication. For more details please see: http://www.law.cornell.edu/uscode/uscprint.html.

Notes on this document: The content in this document is taken directly from the US Code, with the following exceptions: page headers and footers, page numbering, and all formatting are artifacts of this presentation. Divider lines have been inserted between sections. The notes are set off by a vertical line and a larger left margin. The table of contents immediately following this title page is machine-generated from the headings in this portion of the Code. Commonly available fonts are used.

The Legal Information Institute promotes worldwide, free public access to law via the Internet. Founded in 1992, the LII created the first legal information website. It continues to be a pre-eminent "law-not-com" publisher of legal information and an important outreach activity of the Cornell Law School.
<table>
<thead>
<tr>
<th>TITLE 16 - CONSERVATION</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHAPTER 52 - SALMON AND STEELHEAD CONSERVATION AND ENHANCEMENT</td>
<td>4</td>
</tr>
<tr>
<td>SUBCHAPTER I - GENERAL PROVISIONS</td>
<td>5</td>
</tr>
<tr>
<td>§ 3301. Congressional findings and declaration of purpose</td>
<td>5</td>
</tr>
<tr>
<td>§ 3302. Definitions</td>
<td>7</td>
</tr>
<tr>
<td>SUBCHAPTER II - COORDINATED MANAGEMENT OF SALMON AND STEELHEAD</td>
<td>9</td>
</tr>
<tr>
<td>§ 3311. Salmon and Steelhead Advisory Commission</td>
<td>9</td>
</tr>
<tr>
<td>§ 3312. Eligibility for financial assistance under approved enhancement plans</td>
<td>10</td>
</tr>
<tr>
<td>§ 3313. Grants for reports and plans for coordinated research, enforcement, etc.</td>
<td>11</td>
</tr>
<tr>
<td>§ 3314. Discontinuance of funding</td>
<td>11</td>
</tr>
<tr>
<td>§ 3315. Authorization of appropriations</td>
<td>11</td>
</tr>
<tr>
<td>SUBCHAPTER III - RESOURCE ENHANCEMENT</td>
<td>12</td>
</tr>
<tr>
<td>§ 3321. Grants for projects under approved enhancement plans</td>
<td>12</td>
</tr>
<tr>
<td>§ 3322. Enhancement project proposals</td>
<td>14</td>
</tr>
<tr>
<td>§ 3323. Approval and funding of projects</td>
<td>14</td>
</tr>
<tr>
<td>§ 3324. Monitoring and evaluation of enhancement projects</td>
<td>15</td>
</tr>
<tr>
<td>§ 3325. Authorization of appropriations</td>
<td>15</td>
</tr>
<tr>
<td>SUBCHAPTER IV - COMMERCIAL FISHING FLEET ADJUSTMENT</td>
<td>16</td>
</tr>
<tr>
<td>§ 3331. Fleet adjustment program</td>
<td>16</td>
</tr>
<tr>
<td>§ 3332. State program for reduction of overall fishing capacity</td>
<td>16</td>
</tr>
<tr>
<td>§ 3333. Program approval</td>
<td>16</td>
</tr>
<tr>
<td>§ 3334. Review of State program by Secretary</td>
<td>17</td>
</tr>
<tr>
<td>§ 3335. Authorization of appropriations</td>
<td>18</td>
</tr>
<tr>
<td>§ 3336. Special provision</td>
<td>18</td>
</tr>
<tr>
<td>SUBCHAPTER V - MISCELLANEOUS</td>
<td>19</td>
</tr>
<tr>
<td>§ 3341. Regulations</td>
<td>19</td>
</tr>
<tr>
<td>§ 3342. Annual status reports on programs; monitoring</td>
<td>19</td>
</tr>
<tr>
<td>§ 3343. Construction with fishery conservation and management provisions</td>
<td>19</td>
</tr>
<tr>
<td>§ 3344. Construction with other laws</td>
<td>20</td>
</tr>
<tr>
<td>§ 3345. Authorization of additional appropriations</td>
<td>20</td>
</tr>
</tbody>
</table>
TITLE 16—CONSERVATION

Chap. ...Sec.
1. National Parks, Military Parks, Monuments, and Seashores ...1
1A. Historic Sites, Buildings, Objects, and Antiquities ...461
1B. Archaeological Resources Protection ...470aa
1C. Paleontological Resources Preservation ...470aaa
2. National Forests ...471
3. Forests; Forest Service; Reforestation; Management ...551
3A. Unemployment Relief Through Performance of Useful Public Work [Omitted or Repealed] ...584
3B. Soil Conservation ...590a
3C. Water Conservation ...590r
4. Protection of Timber, and Depredations ...591
5. Protection of Fur Seals and Other Fur-Bearing Animals ...631
5A. Protection and Conservation of Wildlife ...661
5B. Wildlife Restoration ...669
5C. Conservation Programs on Government Lands ...670a
6. Game and Bird Preserves; Protection ...671
7. Protection of Migratory Game and Insectivorous Birds ...701
8. Upper Mississippi River National Wildlife and Fish Refuge ...721
9. Fish and Wildlife Service ...741
9A. Preservation of Fishery Resources ...755
9B. National Fish Hatchery System Enhancement ...760aa
10. Northern Pacific Halibut Fishing ...761
10A. Sockeye or Pink Salmon Fishing [Repealed] ...776
10B. Fish Restoration and Management Projects ...777
10C. Fish Research and Experimentation Program ...778
10D. State Commercial Fisheries Research and Development Projects [Repealed] ...779
11. Regulation of Landing, Curing, and Sale of Sponges Taken From Gulf of Mexico and Straits of Florida ...781
12. Federal Regulation and Development of Power ...791
12A. Tennessee Valley Authority ...831
12B. Bonneville Project ...832
12C. Fort Peck Project ...833
12D. Columbia Basin Project ...835
12E. Niagara Power Project ...836
12F. Pacific Northwest Consumer Power Preference; Reciprocal Priority in Other Regions ...837
12G. Pacific Northwest Federal Transmission System ...838
12H. Pacific Northwest Electric Power Planning and Conservation ...839
13. Regulation of Transportation in Interstate or Foreign Commerce of Black Bass and Other Fish [Repealed] ...851
14. Regulation of Whaling ...901
14A. Whale Conservation and Protection ...917
15. Predatory Sea Lampreys in the Great Lakes [Omitted] ...921
15A. Great Lakes Fisheries ...931
15B. Great Lakes Fish and Wildlife Restoration ...941
15C. Great Lakes Fish and Wildlife Tissue Bank ...943
16. Tuna Conventions ...951
16A. Atlantic Tunas Convention ...971
16B. Eastern Pacific Tuna Fishing ...972
16C. South Pacific Tuna Fishing ...973
17. Northwest Atlantic Fisheries [Repealed] ...981
18. Watershed Protection and Flood Prevention ...1001
18A. Cooperative Watershed Management Program ...1015
19. North Pacific Fisheries [Repealed or Transferred] ...1021
20. National Fisheries Center and Aquarium ...1051
21. Prohibition of Foreign Fishing Vessels in the Territorial Waters of the United States [Repealed] ...1081
21A. Fisheries Zone Contiguous to Territorial Sea of the United States [Repealed] ...1091
21B. Prohibition of Certain Foreign Fishing Vessels in United States Fisheries [Omitted] ...1100
21C. Offshore Shrimp Fisheries [Omitted] ...1100b
22. International Parks ...1101
23. National Wilderness Preservation System ...1131
24. Conservation and Protection of North Pacific Fur Seals ...1151
25. Jellyfish or Sea Nettles, Other Such Pests, and Seaweed in Coastal Waters: Control or Elimination ...1201
25A. Crown of Thorns Starfish ...1211
25B. Reefs for Marine Life Conservation ...1220
26. Estuarine Areas ...1221
27. National Trails System ...1241
27A. National Recreational Trails Fund ...1261
28. Wild and Scenic Rivers ...1271
29. Water Bank Program for Wetlands Preservation ...1301
30. Wild Horses and Burros: Protection, Management, and Control ...1331
31. Marine Mammal Protection ...1361
32. Marine Sanctuaries ...1431
32A. Regional Marine Research Programs ...1447
33. Coastal Zone Management ...1451
34. Rural Environmental Conservation Program [Repealed] ...1501
35. Endangered Species ...1531
36. Forest and Rangeland Renewable Resources Planning ...1600
37. Youth Conservation Corps and Public Lands Corps ...1701
38. Fishery Conservation and Management ...1801
39. Mining Activity Within National Park System Areas ...1901
40. Soil and Water Resources Conservation ...2001
41. Cooperative Forestry Assistance ...2101
42. Emergency Conservation Program ...2201
43. Public Transportation Programs for National Park System Areas ...2301
44. Antarctic Conservation ...2401
44A. Antarctic Marine Living Resources Convention ...2431
44B. Antarctic Mineral Resources Protection ...2461
45. Urban Park and Recreation Recovery Program ...2501
46. Public Utility Regulatory Policies ...2601
47. Small Hydroelectric Power Projects ...2701
48. National Aquaculture Policy, Planning, and Development ...2801
49. Fish and Wildlife Conservation ...2901
50. Chesapeake Bay Research Coordination [Omitted] ...3001
51. Alaska National Interest Lands Conservation ...3101
52. Salmon and Steelhead Conservation and Enhancement ...3301
53. Control of Illegally Taken Fish and Wildlife ...3371
54. Resource Conservation ...3401
55. Coastal Barrier Resources ...3501
56. North Atlantic Salmon Fishing ...3601
56A. Pacific Salmon Fishing ...3631
57. National Fish and Wildlife Foundation ...3701
57A. Partnerships for Wildlife ...3741
57B. Partners for Fish and Wildlife ...3771
58. Erodible Land and Wetland Conservation and Reserve Program ...3801
59. Wetlands Resources ...3901
59A. Wetlands ...3951
60. Fish and Seafood Promotion ...4001
61. Interjurisdictional Fisheries ...4101
62. African Elephant Conservation ...4201
62A. Asian Elephant Conservation ...4261
63. Federal Cave Resources Protection ...4301
64. North American Wetlands Conservation ...4401
65. International Forestry Cooperation ...4501
66. Take Pride in America Program ...4601
67. Aquatic Nuisance Prevention and Control ...4701
68. Pacific Yew Conservation and Management [Omitted or Repealed] ...4801
69. Wild Exotic Bird Conservation ...4901
70. North Pacific Anadromous Stocks Convention ...5001
71. Atlantic Coastal Fisheries Cooperative Management ...5101
71A. Atlantic Striped Bass Conservation ...5151
72. Recreational Hunting Safety ...5201
73. Rhinoceros and Tiger Conservation ...5301
74. National Maritime Heritage ...5401
75. High Seas Fishing Compliance ...5501
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest Atlantic Fisheries Convention</td>
<td>5601</td>
</tr>
<tr>
<td>Yukon River Salmon</td>
<td>5701</td>
</tr>
<tr>
<td>National Natural Resources Conservation Foundation</td>
<td>5801</td>
</tr>
<tr>
<td>National Park Service Management</td>
<td>5901</td>
</tr>
<tr>
<td>Neotropical Migratory Bird Conservation</td>
<td>6101</td>
</tr>
<tr>
<td>User Fees Under Forest System Recreation Residence Program</td>
<td>6201</td>
</tr>
<tr>
<td>National Forest Organizational Camp Fee Improvement</td>
<td>6231</td>
</tr>
<tr>
<td>Great Ape Conservation</td>
<td>6301</td>
</tr>
<tr>
<td>Coral Reef Conservation</td>
<td>6401</td>
</tr>
<tr>
<td>Healthy Forest Restoration</td>
<td>6501</td>
</tr>
<tr>
<td>Marine Turtle Conservation</td>
<td>6601</td>
</tr>
<tr>
<td>Southwest Forest Health and Wildfire Prevention</td>
<td>6701</td>
</tr>
<tr>
<td>Federal Lands Recreation Enhancement</td>
<td>6801</td>
</tr>
<tr>
<td>Western and Central Pacific Fisheries Convention</td>
<td>6901</td>
</tr>
<tr>
<td>Pacific Whiting</td>
<td>7001</td>
</tr>
<tr>
<td>Secure Rural Schools and Community Self-Determination</td>
<td>7101</td>
</tr>
<tr>
<td>National Landscape Conservation System</td>
<td>7201</td>
</tr>
<tr>
<td>Forest Landscape Restoration</td>
<td>7301</td>
</tr>
</tbody>
</table>
CHAPTER 52—SALMON AND STEELHEAD CONSERVATION AND ENHANCEMENT

SUBCHAPTER I—GENERAL PROVISIONS
Sec.
3301. Congressional findings and declaration of purpose.
3302. Definitions.

SUBCHAPTER II—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD
3311. Salmon and Steelhead Advisory Commission.
3312. Eligibility for financial assistance under approved enhancement plans.
3313. Grants for reports and plans for coordinated research, enforcement, etc.
3314. Discontinuance of funding.
3315. Authorization of appropriations.

SUBCHAPTER III—RESOURCE ENHANCEMENT
3321. Grants for projects under approved enhancement plans.
3322. Enhancement project proposals.
3323. Approval and funding of projects.
3324. Monitoring and evaluation of enhancement projects.
3325. Authorization of appropriations.

SUBCHAPTER IV—COMMERCIAL FISHING FLEET ADJUSTMENT
3331. Fleet adjustment program.
3332. State program for reduction of overall fishing capacity.
3333. Program approval.
3334. Review of State program by Secretary.
3335. Authorization of appropriations.
3336. Special provision.

SUBCHAPTER V—MISCELLANEOUS
3341. Regulations.
3342. Annual status reports on programs; monitoring.
3343. Construction with fishery conservation and management provisions.
3344. Construction with other laws.
3345. Authorization of additional appropriations.
SUBCHAPTER I—GENERAL PROVISIONS

§ 3301. Congressional findings and declaration of purpose

(a) The Congress finds and declares the following:

(1) The stocks of salmon and steelhead which originate in the rivers of the conservation areas constitute valuable and renewable natural resources. Many groups of commercial, recreational, and treaty fishermen have historically depended upon these stocks of fish for their livelihoods and avocations. These fishery resources contribute to the food supply and economic health of the Pacific Northwest and the Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest.

(2) Over a period of several decades, competing uses of salmon and steelhead habitat and historical problems relating to conservation measures, the regulation of harvest and enhancement have depressed several of these stocks of salmon and steelhead.

(3) Improved management and enhancement planning and coordination among salmon and steelhead managers will help prevent a further decline of salmon and steelhead stocks and will assist in increasing the supply of these stocks.

(4) Due in principal part to the Federal court decisions in the United States against Washington and Sohappy against Smith, the fishing capacity of nontreaty fishermen in the conservation areas established by this chapter exceeds that required to harvest the available salmon resources. This excess capacity causes severe economic problems for these fishermen.

(5) The supply of salmon and steelhead can be increased through carefully planned enhancement measures designed to improve the survival of stocks and to augment the production of artificially propagated stocks. By careful choice of species, areas, and stocking procedures, enhancement programs can be used to—

(A) improve the distribution of fish among different groups of treaty and nontreaty fishermen; and

(B) add stability to the treaty and nontreaty fisheries by reducing variations in fish availability.

(b) In order to assist the harvesters of the salmon and steelhead resources within the Columbia River conservation area and the Washington conservation area established by this chapter to overcome temporary dislocations arising from the decisions in the cases of United States against Washington and Sohappy against Smith and from other causes, this chapter authorizes the establishment of a cooperative program involving the United States, the States of Washington and Oregon, the treaty tribes acting through the appropriate tribal coordinating bodies, and other parties, to—

(1) encourage stability in and promote the economic well being of the treaty and nontreaty commercial fishing and charter fishing industries and improve the distribution of fishing power between treaty and nontreaty fisheries through—

(A) the purchase of nontreaty commercial and charter fishing vessels, gear, and licenses; and

(B) coordinated research, enhancement, and management of salmon and steelhead resources and habitat; and

(2) improve the quality of, and maintain the opportunities for, salmon and steelhead recreational fishing.

Short Title

Section 101 of title I of Pub. L. 96–561 provided that: “This title [enacting this chapter and provisions set out as a note under section 1823 of this title] may be cited as the ‘Salmon and Steelhead Conservation and Enhancement Act of 1980’.”

Research and Development Program To Improve Salmon Survival


“(a) Salmon Survival Activities.—

“(1) In general.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

“(2) Accelerated activities.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

“(A) impacts from water resources projects and other impacts on salmon life cycles;

“(B) juvenile and adult salmon passage;

“(C) light and sound guidance systems;

“(D) surface-oriented collector systems;

“(E) transportation mechanisms; and

“(F) dissolved gas monitoring and abatement.

“(3) Additional activities.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

“(A) studies of juvenile salmon survival in spawning and rearing areas;

“(B) estuary and near-ocean juvenile and adult salmon survival;

“(C) impacts on salmon life cycles from sources other than water resources projects;

“(D) cryopreservation of fish gametes and formation of a germ plasma repository for threatened and endangered populations of native fish; and

“(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

“(4) Coordination.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

“(5) Report.—Not later than 3 years after the date of enactment of the Water Resources Development Act of 1999 [Aug. 17, 1999], the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

“(6) Authorization of appropriations.—There is authorized to be appropriated $25,000,000 to carry out research and development activities under paragraph (3).

“(b) Advanced Turbine Development.—

“(1) In general.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

“(2) Authorization of appropriations.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

“(c) Management of Predation on Columbia/Snake River System Native Fishes.—

“(1) Nesting avian predators.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

“(2) Authorization of appropriations.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under this subsection.
“(d) Implementation.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.”

§ 3302. Definitions

As used in this chapter—

(1) The term “appropriate tribal coordinating body” means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term “charter vessel” means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term “charter fishing” means fishing undertaken aboard charter vessels.

(4) The term “Columbia River conservation area” means—
   (A) all habitat within the Columbia River drainage basin; and
   (B) those areas in—
    (i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and
    (ii) the territorial seas of Oregon and Washington,

   in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(5) The term “Columbia River tribal coordinating body” means the organization duly authorized by those treaty tribes of the Columbia River drainage basin to coordinate activities for them for purposes of this chapter.

(6) The term “commercial fishing” means fishing for the purpose of sale or barter.

(7) The term “commercial fishing vessel” or “fishing vessel” means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term “enhancement” means projects undertaken to increase the production of naturally spawning or artificially propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

(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.

Footnotes
1 So in original. Probably should be “described”.


References in Text
§ 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:

(2) The State of Oregon.
(4) The Columbia River tribal coordinating body.

(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) of this section, 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) of this section.


§ 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 of this chapter 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.

§ 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 of this chapter 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 of this chapter.


§ 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.


§ 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.

SUBCHAPTER III—RESOURCE ENHANCEMENT

§ 3321. Grants for projects under approved enhancement plans

(a) Authority

The Secretary of the Interior (hereinafter referred to in this subchapter as the “Secretary”), in consultation with the Secretary of Commerce, is authorized to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington conservation area and the Columbia River conservation area.

(b) Plans

Any such project in the Washington conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington and the Washington tribal coordinating body within 18 months after December 22, 1980. Any enhancement project in the Columbia River conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington, the State of Oregon, and the Columbia River tribal coordinating body within 18 months after December 22, 1980. Such plans must be approved by the Secretary, in consultation with the Secretary of Commerce, as provided in this subchapter. The States shall solicit and consider the comments and views of interested commercial and recreational fishermen, and other interested parties, in developing the comprehensive enhancement plan.

(c) Scope

Each comprehensive enhancement plan, and any revisions, or modifications of such plan, shall describe all enhancement projects in the conservation area, and associated stocking policies (when relevant), including any related research necessary to such enhancement anticipated by the States and the treaty tribes (acting through the appropriate tribal coordinating body) for a period of at least 5 years.

(d) Standards

Each comprehensive enhancement plan shall include such standards, restrictions, or conditions as are necessary, to assure that any project included in the plans contributes to the balanced and integrated development of the salmon and steelhead resources of the area. Such standards shall include, but not be limited to, provisions designed to—

(1) assure that all commercial and recreational fishermen and the treaty tribes shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the salmon and steelhead resources development;
(2) minimize, to the extent practicable, significant adverse interaction between naturally spawning and artificially propagated stocks;
(3) ensure that all projects included within the plan are designed to complement the contribution of sound State, Federal, and tribal enhancement activities;
(4) ensure that all projects included within the plan are economically and biologically sound and supported by adequate scientific research;
(5) assure that all projects included within the plan achieve significant benefits relative to the overall cost of each such project;
(6) consider the effect of enhancement activities as they relate to existing and future international commitments; and
(7) notwithstanding any of the above measures, provide for the harvest of fish by treaty tribes in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(e) Approval

(1) The Secretary, in consultation with the Secretary of Commerce, shall review each comprehensive enhancement plan and approve such plan within 120 days of the date of its receipt,
if found to be consistent with this chapter and other applicable law. If the Secretary, in consultation with the Secretary of Commerce, finds that a plan is not in conformity with the provisions of this chapter or other applicable law, he shall return such plan to the State of Washington or the State of Oregon, or both, as appropriate, and the appropriate tribal coordinating body with recommendations.

(2) Upon receiving such a plan, the Secretary, in consultation with the Secretary of Commerce, shall—

(A) publish a notice in the Federal Register of the availability of the plan;
(B) provide a copy of the plan to the Pacific Fishery Management Council and, upon request, to any other interested person or group, and solicit and consider the comments and views of such persons or groups with respect to the plan;
(C) undertake a biological and technical review of the plan, in consultation with individuals who are knowledgeable with regard to the management, conservation, enhancement, and harvest of the salmon and steelhead resources of the area;
(D) provide a copy of the plan to and consult with the Secretary of State and the Secretary of Commerce, with respect to the effect of such plan on any international fisheries; and
(E) determine whether the State of Washington or the State of Oregon, as appropriate, and the treaty tribes, acting through their chosen agency or agencies, have the authority to carry out the plan in accordance with this chapter, and in accordance with standards included within the plan.

(3) The Secretary, in consultation with the Secretary of Commerce, shall not approve a comprehensive enhancement plan unless the State of Washington or the State of Oregon, or both, as appropriate, and the treaty tribes, acting through the appropriate tribal coordinating body, agree not to undertake any salmon or steelhead enhancement project, using funds provided pursuant to this subchapter or otherwise, that would be inconsistent with the plan.

(4) The Secretary may not approve a comprehensive plan unless the Secretary of Commerce concurs that such plan satisfactorily complies with standards (1), (6), and (7) of subsection (d) of this section.

(f) Review, modification, or revisions

Each comprehensive enhancement plan shall be reviewed periodically. The Secretary, the Secretary of Commerce, the State of Washington, the State of Oregon, or the appropriate tribal coordinating body may request a review, modification, or revision of a plan at any time. Any revision or modification of a plan, developed and agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body, shall be approved by the Secretary, in consultation with the Secretary of Commerce, within 45 days of receipt of the proposed revision or modification, if such revision or modification is in conformity with this chapter and other applicable law. The Secretary, in consultation with the Secretary of Commerce, may withdraw approval of a plan if he finds that

(1) the plan or its implementation is not consistent with this chapter, and
(2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

Footnotes

1 So in original. Probably should be “artificially”.

§ 3322. Enhancement project proposals

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enhancement goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stock;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this chapter; and

(6) after approval of the Commission’s report pursuant to section 3311 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission’s management program.


§ 3323. Approval and funding of projects

(a) In general

The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this chapter, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the amount of funding made available under this chapter for such project.

(b) Limitations on Federal share

The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on December 22, 1980, as having expended $32,000,000 (reduced by the amount treated as expended by the State under section 3336 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this chapter. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this chapter and the goals of the comprehensive plan.

§ 3324. Monitoring and evaluation of enhancement projects

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this subchapter, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this chapter. Each recipient of a grant under this subchapter shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.


§ 3325. Authorization of appropriations

(a) Salmon enhancement

For purposes of carrying out the provisions of this subchapter for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed $45,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed $25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(b) Steelhead enhancement

In addition to the amounts authorized under subsection (a) of this section, there are authorized to be appropriated to carry out steelhead enhancement projects under this subchapter (including, but not limited to, operation and maintenance of enhancement facilities) not to exceed $7,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area; and not to exceed $7,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(c) Limitation

No moneys appropriated pursuant to subsection (a) or (b) of this section may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 3321 of this title of the enhancement plan for the conservation area concerned.

SUBCHAPTER IV—COMMERCIAL FISHING FLEET ADJUSTMENT

§ 3331. Fleet adjustment program

(a) In general
The Secretary of Commerce (hereinafter referred to in this subchapter as the “Secretary”), upon approval of a program submitted pursuant to section 3333 of this title, is authorized to distribute Federal funds to the State of Washington (hereinafter in this subchapter referred to as the “State”), subject to the standards, conditions, and restrictions set forth in this subchapter, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this subchapter. The Federal share payable under this subchapter shall not exceed 75 percent of the total cost of the program.

(b) Legal title
Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this subchapter shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.


§ 3332. State program for reduction of overall fishing capacity
The State shall submit to the Secretary a program within three months of December 22, 1980, designed to—

1. provide incentives for early retirement of licenses, or early sale of vessels;
2. set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;
3. obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and
4. provide State funding for 25 per centum of the total cost of the program.


§ 3333. Program approval

(a) Submission for approval
The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 3332 of this title and in such manner and form as the Secretary shall prescribe.

(b) Requirements for approval
Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this subchapter, the Secretary must find that—

1. the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this subchapter;
2. the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on December 22, 1980;
3. the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;
(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;
(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person’s immediate family had previously sold to the State;
(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;
(7) the State program provides for purchase of vessels at their fair market value;
(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—
   (A) secure an early retirement from the salmon fishery;
   (B) recognize productiveness if the commercial harvesters using a gear type wish that gear type’s specific allocation of funds to recognize productiveness; and
   (C) recognize passenger-carrying capacity for charter fishing licenses;
(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;
(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and
(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program
   (A) shall be placed in such revolving fund,
   (B) shall, for at least 2 years from the date of the program’s inception, be placed in the appropriate individual account, and
   (C) shall be used exclusively to purchase commercial fishing and charter vessels and licenses in accordance with the provisions of this subchapter.

(c) Secretarial action

The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this chapter and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this chapter or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this chapter or other applicable law.

Footnotes

1 So in original. Probably should be “with”.


§ 3334. Review of State program by Secretary

(a) In general

The Secretary shall conduct a continuing review of the State program to determine whether the program remains consistent with this chapter or other applicable law. Such review shall include a biennial audit of the records of the State program.

(b) Action upon finding of noncompliance
If the Secretary finds that the program or the administration thereof is no longer in compliance with this subchapter, he shall reduce or discontinue distribution of funds under this subchapter, or take other appropriate action.

(c) Disposition of certain moneys

If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this subchapter, the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.


§ 3335. Authorization of appropriations

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this subchapter, $37,500,000 for the 5-year period beginning October 1, 1981.


§ 3336. Special provision

On the date the Secretary approves the program under section 3333 of this title, the State shall be treated as having expended such portion of $32,000,000 as the State deems appropriate for purposes of implementing the program.

SUBCHAPTER V—MISCELLANEOUS

§ 3341. Regulations

The Secretary of Commerce and the Secretary of the Interior may each promulgate such regulations, in accordance with section 553 of title 5, as may be necessary to carry out his functions under this chapter.


§ 3342. Annual status reports on programs; monitoring

(a) Reports

The State of Washington, the State of Oregon, and the appropriate tribal coordinating bodies shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this chapter or any other relevant report requested by such Secretary.

(b) Monitoring

After the 18-month period after approval of the report of the Salmon and Steelhead Advisory Commission under subchapter II of this chapter, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 3314 of this title has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under subchapter III of this chapter.


§ 3343. Construction with fishery conservation and management provisions

(a) Consistency

Nothing in this chapter shall be construed as affecting the provisions of title III of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1851 et seq.] as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 3311 of this title and any enhancement plan under subchapter III of this chapter.

(b) Fleet mobility

The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of subchapter IV of this chapter and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

§ 3344. Construction with other laws

Nothing in this chapter shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and management, or control of water resources, submerged lands, or navigable waters; nor to limit the authority of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable law, except as provided for in this section.


§ 3345. Authorization of additional appropriations

In addition to other authorizations of appropriations contained in this chapter, there are authorized to be appropriated to the Secretary of Commerce beginning October 1, 1981, an amount not to exceed $5,000,000 for the purpose of developing fisheries port facilities in the State of Oregon. The Secretary shall obligate such funds for projects proposed by units of State or local government, Indian tribes, or private nonprofit entities, and approved by the State of Oregon in consultation with the National Marine Fisheries Service and the Economic Development Administration. To the extent practicable, the Secretary shall assure that projects under this section are integrated with planning and assistance under the Public Works and Economic Development Act [42 U.S.C. 3121 et seq.] Funds available under this section shall not be used for any navigational improvement or other modification of the navigable waters of the United States. Funds appropriated pursuant to this section shall remain available until expended.

chapter 38 (§ 3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.