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1ST SESSION

H. R. 2500

To establish a Council on Interjurisdictional Rivers Fisheries and to direct the Secretary of the Interior to conduct a pilot test of the Mississippi Interstate Cooperative Resource Agreement.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1993

Mr. GUNDERSON (for himself, Mr. WILLIAMS, Mr. SABO, Mr. JOHNSON of South Dakota, Mr. BEREUTER, Mr. TAUZIN, and Mr. BARLOW) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To establish a Council on Interjurisdictional Rivers Fisheries and to direct the Secretary of the Interior to conduct a pilot test of the Mississippi Interstate Cooperative Resource Agreement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cooperative
5 Interjurisdictional Rivers Fisheries Resources Act of
6 1993”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) several rivers flow between, or are common
4 to, 2 or more State boundaries;

5 (2) in many cases, there is not a single entity
6 which has complete jurisdictional responsibility for
7 the fisheries resources in these rivers;

8 (3) a strong partnership between Federal and
9 State governmental authorities is vital in coordinat-
10 ing and facilitating cooperative research and in re-
11 solving problems associated with large river
12 ecosystems because, among other reasons, many
13 fishery management problems are caused by feder-
14 ally regulated activities (including activities resulting
15 in point and nonpoint pollution) and federally con-
16 structed projects (including dams and navigation fa-
17 cilities);

18 (4) in some rivers, the once rich assemblages of
19 fish fauna and diverse habitats have been lost and
20 formerly abundant native fish now exist only as en-
21 dangered or depleted populations;

22 (5) without positive management actions, native
23 species in some rivers will continue to decline, foster-
24 ing even greater conflicts among water users;

25 (6) construction of waterway developments (in-
26 cluding navigation, flood control, water level fluctua-

1 tion, power generation, irrigation, and general water
2 depletion projects) is accelerating and increasingly
3 degrading large river ecosystems nationwide;

4 (7) the United States public will face reduced
5 opportunities for recreational, commercial, subsist-
6 ence, and aesthetic uses of river systems without de-
7 monstrable change in management strategies in the
8 near future;

9 (8) several programs have been proposed or are
10 underway to resolve conflicts in these management
11 strategies;

12 (9) in one of these programs, Federal, State,
13 and local fisheries managers in the Mississippi River
14 drainage basin have entered into the Mississippi
15 Interstate Cooperative Resource Agreement under
16 which the managers will share resources, facilities,
17 and funding for preparation and development of
18 long-range strategic plans for management of the
19 drainage basin's interjurisdictional fisheries;

20 (10) the Mississippi Interstate Cooperative Re-
21 source Agreement merits detailed evaluation as a
22 model for the development of long-range strategic
23 plans for the management of interjurisdictional riv-
24 ers fisheries resources; and

1 including goals, objectives, implementation sched-
2 ules, and estimates of costs necessary to fully
3 develop and implement the strategic plans.

4 (3) CONSIDERATIONS.—In developing a listing
5 of the highest priority interjurisdictional rivers in
6 developing and comprehensive fishery strategic
7 plans, the Council shall consider the following:

8 (A) The nature and severity of problems of
9 the interjurisdictional rivers creating the need
10 for enhanced cooperation.

11 (B) The adequacy of existing management
12 programs for the interjurisdictional rivers to
13 address these problems.

14 (C) The status and trends of fisheries re-
15 sources in the interjurisdictional rivers.

16 (D) The biological, physical, geologic, and
17 hydrographic characteristics of the
18 interjurisdictional rivers and the economic de-
19 mands (including water uses) on these rivers.

20 (4) REVIEW AND APPROVAL OF STRATEGIC
21 PLANS BY STATES.—The Council may not issue a
22 cooperative action strategy under this section in
23 final form unless—

24 (A) the Council has submitted each com-
25 prehensive fishery strategic plan contained in

1 the strategy to each State having jurisdiction
2 over an interjurisdictional river that is covered
3 by the plan; and

4 (B) the director of each State fish and
5 wildlife agency has been offered the opportunity
6 to choose whether the strategy will be applicable
7 to his State.

8 (c) MEMBERSHIP.—

9 (1) NUMBER AND APPOINTMENT.—The Council
10 shall be composed of 13 members as follows:

11 (A) The Secretary (or the Secretary's des-
12 ignee) who shall serve as chairperson of the
13 Council.

14 (B) 7 individuals appointed by the Sec-
15 retary who are qualified to serve on the Council
16 by virtue of being the director of a State fish
17 and wildlife agency which represents 1 of the
18 following major interjurisdictional drainage sys-
19 tems of the United States: the upper Mis-
20 sissippi, lower Mississippi, Colorado, Missouri,
21 Ohio, Pacific Coastal, and Atlantic Coastal Sys-
22 tems.

23 (C) The Assistant Administrator for Fish-
24 eries of the National Marine Fisheries Service

1 of the Department of Commerce (or the Assist-
2 ant Administrator's designee).

3 (D) The Secretary of the Department of
4 Energy (or the Secretary's designee).

5 (E) The Assistant Secretary of the Army
6 for Civil Works (or the Assistant Secretary's
7 designee).

8 (F) The Chairman of the Tennessee Valley
9 Authority (or the Chairman's designee).

10 (G) One member of the Federal Energy
11 Regulatory Commission to be appointed by the
12 Secretary (or the member's designee).

13 (2) TERMS.—Members shall be appointed for a
14 term of 3 years.

15 (3) VACANCIES.—A vacancy on the Council
16 shall be filled in the manner in which the original
17 appointment was made. Any member appointed to
18 fill a vacancy occurring before the expiration of the
19 term for which the member's predecessor was ap-
20 pointed shall be appointed only for the remainder of
21 such term.

22 (4) PAY.—Members shall serve without pay.

23 (5) TRAVEL EXPENSES.—While away from
24 their homes or regular places of business in the per-
25 formance of services for the Council, members shall

1 receive travel expenses, including per diem in lieu of
2 subsistence, in accordance with sections 5702 and
3 5703 of title 5, United States Code; except that
4 members shall be entitled to receive such expenses
5 only to the extent that amounts are made available
6 for such purpose in advance in appropriations Acts.

7 (d) TRANSACTION OF BUSINESS.—In resolving mat-
8 ters before the Council, attempts shall be made to reach
9 consensus by the members. In the event consensus cannot
10 be reached, all decisions of the Council will be made by
11 majority vote of all its members. Provisions shall be made
12 to include a statement of minority opinion in matters in
13 which a consensus cannot be reached.

14 (e) MEETINGS.—The Council shall meet at the call
15 of the Chairperson or upon the request of a majority of
16 the members.

17 (f) STAFF AND ADMINISTRATION.—

18 (1) ADMINISTRATIVE SUPPORT.—The Secretary
19 shall provide the Council with such administrative
20 support services as are necessary for the effective
21 functioning of the Council.

22 (2) ORGANIZATION.—The Council shall deter-
23 mine its organization and prescribe the practices and
24 procedures for carrying out its duties under sub-
25 section (b).

1 (g) LIMITATION ON SPENDING AUTHORITY.—No
2 money authorized to be appropriated under this Act may
3 be used to reimburse any agency or governmental unit
4 (whose employees are Council members) for time spent by
5 any such employee performing duties of the Council.

6 (h) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
7 TION.—Conduct of business of the Council is exempt from
8 the provisions of the Federal Advisory Committee Act.

9 (i) REPORT TO CONGRESS.—Not later than 36
10 months after the date of the enactment of this Act, the
11 Secretary shall transmit to Congress a report containing
12 the strategies to be developed under this section, together
13 with all statements of minority opinion received by the
14 Secretary pursuant to subsection (d).

15 (j) TERMINATION.—The Council shall terminate 30
16 days after the date on which a report is submitted under
17 subsection (i).

18 (k) LIMITATION ON STATUTORY CONSTRUCTION.—
19 Nothing in this Act shall be construed—

20 (1) to diminish the authority or responsibility of
21 a State with respect to interjurisdictional resources
22 within an interjurisdictional river or which depend
23 on an interjurisdictional river;

24 (2) to authorize the Secretary to implement any
25 strategy developed under this Act which is beyond

1 the Secretary's authority on the date of the enact-
2 ment of this Act; or

3 (3) to supercede the authority and agreements
4 of existing commissions or compacts.

5 **SEC. 4. MISSISSIPPI INTERSTATE COOPERATIVE RE-**
6 **SOURCE AGREEMENT.**

7 (a) EVALUATION.—The Secretary, in cooperation
8 with the Mississippi Interstate Cooperative Resource
9 Agreement Steering Committee, shall conduct a pilot test
10 of the Mississippi Interstate Cooperative Resource Agree-
11 ment.

12 (b) CONTENTS.—The pilot test to be conducted under
13 this section shall include the following:

14 (1) Identification and description of each of the
15 river ecosystems of the Mississippi River drainage
16 system and the associated fishery resources and fish
17 habitat of such river ecosystems.

18 (2) Identification and description of the known
19 impacts of and mitigation techniques for navigation,
20 flood control, power generation, irrigation, and mu-
21 nicipal water supplies projects on fishery resources
22 of the Mississippi River drainage basin, including
23 the impacts of dredging, channel maintenance, water
24 level management, sediment and contaminant trans-

1 port, vessel traffic, water withdrawal, and changes in
2 salinity and various hydrologic conditions.

3 (3) Analysis of existing resource data with re-
4 gard to regional depletion of important fish stocks
5 (including paddlefish, lake sturgeon, and walleye)
6 and the potential for restoration of such fish stocks.

7 (4) Identification of major information gaps
8 and technological needs to improve the cooperative
9 management of interjurisdictional fisheries re-
10 sources.

11 (5) A comprehensive study of the status, and
12 the management, research, and restoration needs, of
13 the interjurisdictional fisheries of the Mississippi
14 River drainage system.

15 (6) Development of recommendations regarding
16 the scope, schedule, regional priorities, and roles of
17 participants in the Mississippi Interstate Cooperative
18 Resource Agreement for undertaking cooperative
19 management and research projects.

20 (7) Development of plans and testing projects
21 for the restoration and enhancement of depleted fish
22 stocks (including lake sturgeon, paddlefish, walleye,
23 and other high priority nonanadromous species) and
24 associated habitats of such fish stocks.

1 (8) Evaluation of the feasibility and expected
2 success of the program under the Mississippi Inter-
3 state Cooperative Resource Agreement and the mer-
4 its of extending such program of cooperative man-
5 agement strategy to other river basins in the United
6 States.

7 (9) Estimates of funds required to implement
8 recommendations and plans developed under para-
9 graphs (6), (7), and (8).

10 (c) REPORT TO CONGRESS.—Not later than 36
11 months after the date of the enactment of this Act, the
12 Secretary shall transmit to Congress a report containing
13 the evaluation of the pilot test to be conducted under this
14 section.

15 **SEC. 5. DEFINITIONS.**

16 For the purpose of this Act, the following definitions
17 apply:

18 (1) INTERJURISDICTIONAL FISHERIES RE-
19 SOURCES.—The term “interjurisdictional fisheries
20 resources” means fisheries resources, and associated
21 river ecosystems, that depend on interjurisdictional
22 rivers and are under the management of 2 or more
23 governmental entities.

24 (2) INTERJURISDICTIONAL RIVER.—The term
25 “interjurisdictional river” means a river that flows

1 between, or is common to, 2 or more State bound-
2 aries.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the
5 Director of the United States Fish and Wildlife
6 Service.

7 (4) STATE FISH AND WILDLIFE AGENCY.—The
8 term “State Fish and Wildlife Agency” includes any
9 State department or agency, or a part thereof, that
10 is empowered under the laws of the State to exercise
11 the functions ordinarily exercised by a State fish and
12 wildlife agency.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to the Sec-
15 retary for each of fiscal years 1994, 1995, and 1996—

16 (1) \$1,000,000 per fiscal year to carry out sec-
17 tion 3; and

18 (2) \$2,000,000 per fiscal year to carry out sec-
19 tion 4.

20 Such sums shall remain available until expended.

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