

Calendar No. 367

104TH CONGRESS
2D Session

H. R. 2243

[Report No. 104-253]

AN ACT

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

APRIL 16, 1996

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1995

Received; read twice and referred to the Committee on Environment and
Public Works

APRIL 16, 1996

Reported by Mr. CHAFEE, without amendment

AN ACT

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trinity River Basin
3 Fish and Wildlife Management Reauthorization Act of
4 1995”.

5 **SEC. 2. CLARIFICATION OF FINDINGS.**

6 Section 1 of the Act entitled “An Act to provide for
7 the restoration of the fish and wildlife in the Trinity River
8 Basin, California, and for other purposes”, approved Octo-
9 ber 24, 1984 (98 Stat. 2721), as amended, is amended—

10 (1) by redesignating paragraphs (5) and (6) as
11 paragraphs (6) and (7), respectively;

12 (2) by adding after paragraph (4) the following:

13 “(5) Trinity Basin fisheries restoration is to be
14 measured not only by returning adult anadromous
15 fish spawners, but by the ability of dependent tribal,
16 commercial, and sport fisheries to participate fully,
17 through enhanced in-river and ocean harvest oppor-
18 tunities, in the benefits of restoration;” and

19 (3) by amending paragraph (7), as so redesign-
20 ated, to read as follows:

21 “(7) the Secretary requires additional authority
22 to implement a management program, in conjunc-
23 tion with other appropriate agencies, to achieve the
24 long-term goals of restoring fish and wildlife popu-
25 lations in the Trinity River Basin, and, to the extent
26 these restored populations will contribute to ocean

1 populations of adult salmon, steelhead, and other
2 anadromous fish, such management program will aid
3 in the resumption of commercial, including ocean
4 harvest, and recreational fishing activities.”.

5 **SEC. 3. CHANGES TO MANAGEMENT PROGRAM.**

6 (a) OCEAN FISH LEVELS.—Section 2(a) of the Act
7 entitled “An Act to provide for the restoration of the fish
8 and wildlife in the Trinity River Basin, California, and
9 for other purposes”, approved October 24, 1984 (98 Stat.
10 2722), as amended, is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by inserting “, in consultation with the
13 Secretary of Commerce where appropriate,”
14 after “Secretary”; and

15 (B) by adding the following after “such
16 levels.”: “To the extent these restored fish and
17 wildlife populations will contribute to ocean
18 populations of adult salmon, steelhead, and
19 other anadromous fish, such management pro-
20 gram is intended to aid in the resumption of
21 commercial, including ocean harvest, and rec-
22 reational fishing activities.”.

23 (b) FISH HABITATS IN THE KLAMATH RIVER.—
24 Paragraph (1)(A) of such section (98 Stat. 2722) is
25 amended by striking “Weitchpec;” and inserting

1 “Weitchpec and in the Klamath River downstream of the
2 confluence with the Trinity River;”.

3 (c) TRINITY RIVER FISH HATCHERY.—Paragraph
4 (1)(C) of such section (98 Stat. 2722) is amended by in-
5 serting before the period the following: “, so that it can
6 best serve its purpose of mitigation of fish habitat loss
7 above Lewiston Dam while not impairing efforts to restore
8 and maintain naturally reproducing anadromous fish
9 stocks within the basin”.

10 (d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2)
11 of such Act (98 Stat. 2722) is amended by striking “tribe”
12 and inserting “tribes”.

13 **SEC. 4. ADDITIONS TO TASK FORCE.**

14 (a) IN GENERAL.—Section 3(a) of the Act entitled
15 “An Act to provide for the restoration of the fish and wild-
16 life in the Trinity River Basin, California, and for other
17 purposes”, approved October 24, 1984 (98 Stat. 2722),
18 as amended, is amended—

19 (1) by striking “fourteen” and inserting “nine-
20 teen”;

21 (2) by striking “United States Soil Conserva-
22 tion Service” in paragraph (10) and inserting “Nat-
23 ural Resources Soil and Conservation Service”; and

24 (3) by inserting after paragraph (14) the fol-
25 lowing:

1 “(15) One individual to be appointed by the
2 Yurok Tribe.

3 “(16) One individual to be appointed by the
4 Karuk Tribe.

5 “(17) One individual to represent commercial
6 fishing interests, to be appointed by the Secretary
7 after consultation with the Board of Directors of the
8 Pacific Coast Federation of Fishermen’s Associa-
9 tions.

10 “(18) One individual to represent sport fishing
11 interests, to be appointed by the Secretary after con-
12 sultation with the Board of Directors of the Califor-
13 nia Advisory Committee on Salmon and Steelhead
14 Trout.

15 “(19) One individual to be appointed by the
16 Secretary, in consultation with the Secretary of Ag-
17 riculture, to represent the timber industry.”.

18 (b) COORDINATION.—Section 3 of such Act (98 Stat.
19 2722) is further amended by adding at the end thereof
20 the following new subsection:

21 “(d) Task Force actions or management on the
22 Klamath River from Weitchpec downstream to the Pacific
23 Ocean shall be coordinated with, and conducted with the
24 full knowledge of, the Klamath River Basin Fisheries Task
25 Force and the Klamath Fishery Management Council, as

1 established under Public Law 99–552. The Secretary shall
2 appoint a designated representative to ensure such coordi-
3 nation and the exchange of information between the Trin-
4 ity River Task Force and these two entities.”.

5 (c) REIMBURSEMENT.—Section 3(c)(2) of such Act
6 (98 Stat. 2723) is amended by adding at the end the fol-
7 lowing: “Members of the Task Force who are not full-time
8 officers or employees of the United States, the State of
9 California (or a political subdivision thereof), or an Indian
10 tribe, may be reimbursed for such expenses as may be in-
11 curred by reason of their service on the Task Force, as
12 consistent with applicable laws and regulations.”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall apply with respect to actions taken
15 by the Trinity River Basin Fish and Wildlife Task Force
16 on and after 120 days after the date of the enactment
17 of this Act.

18 **SEC. 5. APPROPRIATIONS.**

19 (a) EXTENSION OF AUTHORIZATION.—Section 4(a)
20 of the Act entitled “An Act to provide for the restoration
21 of the fish and wildlife in the Trinity River Basin, Califor-
22 nia, and for other purposes”, approved October 24, 1984
23 (98 Stat. 2723), as amended, is amended—

1 (1) in paragraph (1), by striking “October 1,
2 1995” and inserting in lieu thereof “October 1,
3 1998”; and

4 (2) in paragraph (2), by striking “ten-year”
5 and inserting in lieu thereof “13-year”.

6 (b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL
7 AND AUDIT REPORTS.—Section 4 of such Act (98 Stat.
8 2724) is amended—

9 (1) by designating subsection (d) as subsection
10 (h); and

11 (2) by inserting after subsection (c) the follow-
12 ing new subsections:

13 “(d) The Secretary is authorized to accept in-kind
14 services as payment for obligations incurred under sub-
15 section (b)(1).

16 “(e) Not more than 20 percent of the amounts appro-
17 priated under subsection (a) may be used for overhead and
18 indirect costs. For the purposes of this subsection, the
19 term ‘overhead and indirect costs’ means costs incurred
20 in support of accomplishing specific work activities and
21 jobs. Such costs are primarily administrative in nature
22 and are such that they cannot be practically identified and
23 charged directly to a project or activity and must be dis-
24 tributed to all jobs on an equitable basis. Such costs in-
25 clude compensation for administrative staff, general staff

1 training, rent, travel expenses, communications, utility
2 charges, miscellaneous materials and supplies, janitorial
3 services, depreciation and replacement expenses on cap-
4 italized equipment. Such costs do not include inspection
5 and design of construction projects and environmental
6 compliance activities, including (but not limited to) prepa-
7 ration of documents in compliance with the National Envi-
8 ronmental Policy Act of 1969.

9 “(f) Not later than December 31 of each year, the
10 Secretary shall prepare reports documenting and detailing
11 all expenditures incurred under this Act for the fiscal year
12 ending on September 30 of that same year. Such reports
13 shall contain information adequate for the public to deter-
14 mine how such funds were used to carry out the purposes
15 of this Act. Copies of such reports shall be submitted to
16 the Committee on Resources of the House of Representa-
17 tives and the Committee on Energy and Natural Re-
18 sources of the Senate.

19 “(g) The Secretary shall periodically conduct a pro-
20 grammatic audit of the in-river fishery monitoring and en-
21 forcement programs under this Act and submit a report
22 concerning such audit to the Committee on Resources of
23 the House of Representatives and the Committee on En-
24 ergy and Natural Resources of the Senate.”.

1 (c) AUTHORITY TO SEEK APPROPRIATIONS.—Section
 2 4 of such Act, as amended by subsection (b) of this sec-
 3 tion, is further amended by inserting after subsection (h)
 4 the following new subsection:

5 “(i) Beginning in the fiscal year immediately follow-
 6 ing the year the restoration effort is completed and annu-
 7 ally thereafter, the Secretary is authorized to seek appro-
 8 priations as necessary to monitor, evaluate, and maintain
 9 program investments and fish and wildlife populations in
 10 the Trinity River Basin for the purpose of achieving long-
 11 term fish and wildlife restoration goals.”.

12 **SEC. 6. NO RIGHTS AFFECTED.**

13 The Act entitled “An Act to provide for the restora-
 14 tion of the fish and wildlife in the Trinity River Basin,
 15 California, and for other purposes”, approved October 24,
 16 1984 (98 Stat. 2721), as amended, is further amended
 17 by inserting at the end thereof the following:

18 “PRESERVATION OF RIGHTS

19 “SEC. 5. Nothing in this Act shall be construed as
 20 establishing or affecting any past, present, or future rights
 21 of any Indian or Indian tribe or any other individual or
 22 entity.”.

23 **SEC. 7. SHORT TITLE OF 1984 ACT.**

24 The Act entitled “An Act to provide for the restora-
 25 tion of the fish and wildlife in the Trinity River Basin,
 26 California, and for other purposes”, approved October 24,

1 1984 (98 Stat. 2721), as amended by section 6 of this
2 Act, is further amended by adding at the end the follow-
3 ing:

4 “SHORT TITLE

5 “SEC. 6. This Act may be cited as the ‘Trinity River
6 Basin Fish and Wildlife Management Act of 1984’.”.

Passed the House of Representatives December 12,
1995.

Attest:

ROBIN H. CARLE,
Clerk.