

104TH CONGRESS
2D SESSION

H. R. 4028

To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. LATOURETTE (for himself and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

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 “Great Lakes Fish and
5 Wildlife Restoration Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The Great Lakes Fishery Resources Res-
2 toration Study, for which a report was submitted to
3 the Congress in 1995, was a comprehensive study of
4 the status, assessment, management, and restoration
5 needs of the fishery resources of the Great Lakes
6 Basin, and was conducted through the joint effort of
7 the United States Fish and Wildlife Service, State
8 fish and wildlife resource management agencies, In-
9 dian tribes, and the Great Lakes Fishery Commis-
10 sion.

11 (2) This study found the following:

12 (A) Physical changes to the Great Lakes
13 through dredging, construction of hydroelectric
14 and other dams, stone revetment projects, clear-
15 ing of shoreline vegetation, and increased agri-
16 culture have altered habitats, fish spawning
17 mortality, erosion, sedimentation, oxygen levels,
18 contaminant transport, nutrient loading, and
19 aesthetic character. Combined effects of over-
20 exploitation, habitat impairment, and destabiliz-
21 ing effects of nonindigenous species are respon-
22 sible for most of the decline of native fishes in
23 the Great Lakes. Physical changes to the near-
24 shore environments, riverine tributaries, and
25 wetlands by development projects have affected

1 those species relying on these habitats for criti-
2 cal phases of their life histories. Monitoring of
3 contaminants and analysis of their effects
4 should be coordinated and expanded.

5 (B) Significant habitats necessary for self-
6 sustaining populations of fish and wildlife are
7 threatened or impaired. Actions should include
8 identifying and protecting habitats that are
9 used by fish and wildlife for spawning, breed-
10 ing, nesting, rearing and feeding, and rehabili-
11 tating degraded habitats to be utilized by a di-
12 verse community.

13 (C) Working under the cooperatively devel-
14 oped guidance of the Strategic Plan for Man-
15 agement of the Great Lakes Fisheries, pub-
16 lished by the Great Lakes Fishery Commission
17 in 1980, and the Great Lakes Water Quality
18 Agreement, State, Provincial, Native American
19 tribal, and Federal agencies bordering the
20 Great Lakes have made significant progress to-
21 ward the goal of restoring a healthy fish com-
22 munity to the Great Lakes. Differences in man-
23 date, perception of priorities, and style of man-
24 agement create major institutional impediments
25 to systematic and comprehensive coordination

1 of ecosystem management. Many of the current
2 problems are, in fact, the unintended con-
3 sequences of uncoordinated management of
4 water quality, fisheries, shipping, and human
5 developments in the Great Lakes Basin. Con-
6 cepts of responsible resource use and manage-
7 ment and biological conservation should not be
8 at odds, but should be integrated via partner-
9 ships to meet future needs. Information ex-
10 change and cross-program forums should be es-
11 tablished to encourage management. Setting of
12 specific management goals is central to the co-
13 ordination of management efforts. Fishery man-
14 agers should increase their involvement with the
15 Binational Program, Remedial Action Plans,
16 Lake-Wide Management Plans, and the Envi-
17 ronmental Monitoring and Assessment Program
18 planning process.

19 **SEC. 3. REFERENCE.**

20 Whenever in this Act an amendment is expressed in
21 terms of an amendment to, or repeal of, a section or other
22 provision, the reference shall be considered to be made to
23 that section or other provision of the Great Lakes Fish
24 and Wildlife Restoration Act of 1990 (16 U.S.C. 941 et
25 seq.), as set forth in title I of Public Law 101–573.

1 **SEC. 4. PURPOSES.**

2 Section 1003 (16 U.S.C. 941a) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “this Act” and inserting “this title”;

5 (2) by striking paragraph (1);

6 (3) by redesignating paragraphs (2) and (3) in
7 order as paragraphs (1) and (2);

8 (4) by amending paragraph (1), as so redesign-
9 dated, to read as follows:

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

13 (5) in paragraph (2), as so redesignated, by
14 striking “habitat of” and inserting “habitat in”.

15 **SEC. 5. DEFINITIONS.**

16 Section 1004 (16 U.S.C. 941b) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “this Act” and inserting “this title”;

19 (2) in paragraph (8) by striking “plant or ani-
20 mal” and inserting “plant, animal, or microorga-
21 nism”;

22 (3) in paragraph (9) by striking “and” after
23 the semicolon at the end, in paragraph (10) by strik-
24 ing the period at the end and inserting a semicolon,
25 and by redesignating paragraphs (9) and (10) as
26 paragraphs (10) and (11), respectively;

1 (4) by inserting after paragraph (8) the follow-
2 ing new paragraph:

3 “(9) the term ‘restoration’ means to rehabilitate
4 and maintain the structure, function, diversity, and
5 dynamics of a biological system, including the rees-
6 tablishment of self-sustaining populations of fish and
7 wildlife;” and

8 (5) by adding at the end the following new
9 paragraphs:

10 “(12) the term ‘Report’ means the United
11 States Fish and Wildlife Service report entitled
12 “Great Lakes Fishery Resources Restoration
13 Study”, as submitted to the President of the Senate
14 and the Speaker of the House of Representatives on
15 September 13, 1995;

16 “(13) the term ‘Committee’ means the Great
17 Lakes Fish and Wildlife Restoration Proposal Re-
18 view Committee established by section 1005(c); and

19 “(14) the term ‘non-Federal source’ includes
20 State government, local governments, Indian Tribes,
21 other governmental entities, private entities, and in-
22 dividuals.”.

1 **SEC. 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**
2 **OF PROPOSALS.**

3 Section 1005 (16 U.S.C. 941c) is amended to read
4 as follows:

5 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
6 **TION OF PROPOSALS.**

7 “(a) IN GENERAL.—The Director, in consultation
8 with the Committee, shall ensure that proposals resulting
9 from recommendations of the Study or identified through
10 an annual request to State and Tribal entities described
11 in subsection (b) are developed and, within available ap-
12 propriations, the highest priority proposals are imple-
13 mented.

14 “(b) IDENTIFICATION OF PROPOSALS.—The Director
15 shall annually request that State Directors and Indian
16 Tribes, in cooperation or partnership with other interested
17 entities, submit fish and wildlife resources restoration pro-
18 posals based on the results of the Study or other sources
19 such as recommendations of the Council of Lake Commit-
20 tees sponsored by the Great Lakes Fishery Commission.
21 These proposals shall be submitted in the manner and
22 form prescribed by the Director. The proposals shall be
23 consistent with the goals of the Great Lakes Water Qual-
24 ity Agreement, as revised in 1987, the 1954 Convention
25 on Great Lakes Fisheries, State and Tribal fishery man-
26 agement jurisdiction, the Joint Strategic Plan for the

1 Management of Great Lakes Fisheries, the Nonindigenous
2 Aquatic Nuisance Prevention and Control Act of 1990, the
3 North American Waterfowl Management Plan, and var-
4 ious joint ventures established under that plan. Notwith-
5 standing any other provision of law, the Great Lakes Fish-
6 ery Commission shall retain authority and responsibility
7 for formulation and implementation of a comprehensive
8 program for eradicating or minimizing sea lamprey popu-
9 lations in the Great Lakes Basin. The Secretary of the
10 Army may, upon request of the Great Lakes Fishery Com-
11 mission, construct and improve water resources projects
12 related to sea lamprey management that improve the qual-
13 ity of the environment in the public trust, at any location
14 within the Great Lakes or their tributaries or connecting
15 waters.

16 “(c) REVIEW OF PROPOSALS.—

17 “(1) ESTABLISHMENT OF COMMITTEE.—There
18 is established the Great Lakes Fish and Wildlife
19 Restoration Proposal Review Committee.

20 “(2) MEMBERSHIP AND APPOINTMENT.—The
21 Committee shall operate under the auspices of the
22 Council of Lake Committees, and consist of rep-
23 resentatives of all State Directors and federally rec-
24 ognized Indian Tribes with Great Lakes fish and
25 wildlife management authority in the Basin. State

1 Directors and Tribal Chairs shall appoint their rep-
2 resentatives, who shall serve at the pleasure of the
3 appointing authority. The Great Lakes Coordinator
4 of the United States Fish and Wildlife Service shall
5 participate as an observer of the Committee.

6 “(3) FUNCTIONS.—The Committee shall annu-
7 ally review proposals developed under the process es-
8 tablished by subsection (b) to assess their effective-
9 ness and appropriateness in fulfilling the purposes of
10 this title and recommend to the Director priorities
11 for implementing the proposals.

12 “(d) IMPLEMENTATION OF PROPOSALS.—Consider-
13 ing the Committee’s recommendations and the goals stat-
14 ed in section 1006, the Secretary shall select proposals to
15 be implemented and, within available appropriations, shall
16 fund their implementation.

17 “(e) COST-SHARING.—

18 “(1) IN GENERAL.—The Director shall require
19 that 25 percent of the cost of implementing any pro-
20 posal selected under subsection (d), other than those
21 involving the establishment of sea lamprey barriers,
22 must be paid by non-Federal sources on a basis con-
23 sidered by the Director to be timely and appropriate.

24 “(2) IN-KIND CONTRIBUTIONS.—In addition to
25 cash outlays, the Director shall consider as financial

1 contributions by a non-Federal source the value of
2 in-kind contributions provided for the purpose of im-
3 plementing a proposal. In-kind contributions may
4 consist of, but are not required to be limited to, real
5 or personal property or personal services necessary
6 to implement a proposal that are rendered by volun-
7 teers. The Director shall establish the standards
8 under which the value of in-kind contributions shall
9 be determined. Valuations made by the Director
10 under this paragraph are final and not subject to
11 judicial review.

12 “(3) EXCLUSION OF FEDERAL FUNDS FROM
13 NON-FEDERAL SHARE.—The Director may not con-
14 sider the expenditure, either directly or indirectly, of
15 Federal funds received by a State or local govern-
16 ment to be a contribution by a non-Federal source
17 for purposes of this section.”.

18 **SEC. 7. MAINTENANCE OF OFFICES.**

19 Section 1007 (16 U.S.C. 941e) is amended—

20 (1) by amending the section heading to read as
21 follows:

22 **“SEC. 1007. MAINTENANCE OF OFFICES.”;**

23 (2) in subsection (a) by striking the first sen-
24 tence and inserting the following: “The Director
25 shall maintain the functions of the Great Lakes Co-

1 ordination Office in East Lansing, Michigan, for the
2 purpose of coordinating all United States Fish and
3 Wildlife Service activities in the Great Lakes
4 Basin.”;

5 (3) by amending subsection (b) to read as fol-
6 lows:

7 “(b) GREAT LAKES FISHERY RESOURCES OF-
8 FICES.—The Director shall maintain the Upper Great
9 Lakes Fishery Resources Office and the Lower Great
10 Lakes Fishery Resources Office. The Director shall pro-
11 vide each of these offices the necessary administrative and
12 technical support services to carry out all United States
13 Fish and Wildlife Service operational activities related to
14 fishery resource protection, restoration, maintenance, and
15 enhancement in their respective regions.”; and

16 (4) by striking subsection (c).

17 **SEC. 8. REPORTS TO CONGRESS.**

18 Section 1008 (16 U.S.C. 941f) is amended to read
19 as follows:

20 **“SEC. 1008. REPORTS TO CONGRESS.**

21 “The Director shall submit a report within 6 months
22 after the end of every second fiscal year to the Committee
23 on Resources of the House of Representatives and the
24 Committee on Environment and Public Works of the Sen-

1 ate. The first such biennial report shall be submitted by
2 April 1, 1998. Each such report shall describe—

3 “(1) actions taken to implement the process es-
4 tablished by section 1005;

5 “(2) the results of proposals implemented under
6 section 1005; and

7 “(3) activities undertaken and progress toward
8 the accomplishment of the goals stated in section
9 1006.”.

10 **SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.**

11 Section 1009 (16 U.S.C. 941g) is amended to read
12 as follows:

13 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to the Di-
15 rector—

16 “(1) for the operation of the Great Lakes Co-
17 ordination Office, the Upper Great Lakes Fishery
18 Resources Office, and the Lower Great Lakes Fish-
19 ery Resources Office under section 1007, \$1,500,000
20 for each of fiscal years 1998 through 2002; and

21 “(2) for implementation of fish and wildlife res-
22 toration proposals under section 1005(c),
23 \$3,500,000 for each of fiscal years 1996 through
24 2002.”.

1 **SEC. 10. TECHNICAL CORRECTION.**

2 Title II of Public Law 101–646 (104 Stat. 4773) is
3 repealed.

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