

be cited as the ‘Klamath River Basin Fishery Resources Restoration Act.’”

SALMON PLAN AND STUDY

Pub. L. 109-479, title I, §113(b), Jan. 12, 2007, 120 Stat. 3602, provided that:

“(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act [Jan. 12, 2007], the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

“(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources [now Committee on Natural Resources] on—

“(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

“(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

“(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

“(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.”

§ 460ss-1. Establishment

(a) In general

The Secretary shall designate the anadromous fish habitats and resources of the Klamath River basin as the Klamath River Basin Conservation Area (hereafter in this subchapter referred to as the “Area”).

(b) Restoration program

(1) Establishment

The Secretary shall, in consultation with the task force established under section 460ss-3 of this title, formulate, establish, and implement a 20-year program to restore the anadromous fish populations of the Area to optimum levels and to maintain such levels. The program shall be based on the Klamath River Basin Fisheries Resource Plan referred to in section 460ss(6) of this title and shall be known as the Klamath River Basin Conservation Area Restoration Program.

(2) Program activities

In carrying out the objectives of the program, the Secretary, in cooperation with the task force established under section 460ss-3 of this title, shall—

(A) monitor and coordinate research evaluating the Area anadromous fish populations and administer and evaluate the success of activities described in subparagraph (B); and

(B) take such actions as are necessary to—

(i) improve and restore Area habitats, and to promote access to blocked Area habitats, to support increased run sizes;

(ii) rehabilitate problem watersheds in the Area to reduce negative impacts on fish and fish habitats;

(iii) improve existing Area hatcheries and rearing ponds to assist in rebuilding the natural populations;

(iv) implement an intensive, short-term stocking program to rebuild run sizes while maintaining the genetic integrity and diversity of Area subbasin stocks; and

(v) improve upstream and downstream migration by removal of obstacles to fish passage and the provision of facilities for avoiding obstacles.

(3) Restoration work

To the extent practicable, any restoration work performed under paragraph (2)(B) shall be performed by unemployed—

(A) commercial fishermen;

(B) Indians; and

(C) other persons whose livelihood depends upon Area fishery resources.

(4) Memorandum of agreement

In order to facilitate the implementation of any activity described in paragraph (2) over which the Secretary does not have jurisdiction, the Secretary shall enter into a memorandum of agreement with the Federal, State, and local agencies having jurisdiction over such activities, and the Area Indian tribes. The memorandum of agreement shall specify the program activities for which the respective signatories to the agreement are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of the program.

(Pub. L. 99-552, §2, Oct. 27, 1986, 100 Stat. 3081.)

§ 460ss-2. Klamath Fishery Management Council

(a) Establishment

There is established a Klamath Fishery Management Council (hereafter in this subchapter referred to as the “Council”).

(b) Functions

(1) The Council shall—

(A) establish a comprehensive long-term plan and policy, that must be consistent with the goals of the program, for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River basin anadromous fish populations;

(B) make recommendations, that must be consistent with the plan and policy established under subparagraph (A) and with the standards in paragraph (2)—

(i) to the California Fish and Game Commission regarding in-river and offshore recreational harvesting regulations,

(ii) to the Oregon Department of Fish and Wildlife regarding offshore recreational harvesting regulations,

(iii) to the Pacific Fishery Management Council regarding ocean harvesting regulations,

(iv) to the Bureau of Indian Affairs regarding regulations for harvesting in the Area by non-Hoopa Indians, and

(v) to the Hoopa Valley Business Council regarding regulations for harvesting in the Area by members of the Hoopa Indian Tribe; and

(C) conduct public hearings on any regulation referred to in subparagraph (B)(i) through (v).

(2) Any recommendation made by the Council under paragraph (1)(B) regarding harvesting regulations shall—

(A) be based upon the best scientific information available;

(B) minimize costs where practicable, and avoid unnecessary duplication of regulations;

(C) take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and

(D) be designed to achieve an escapement that preserves and strengthens the viability of the Area's natural anadromous fish populations.

(c) Membership and appointment

The Council is composed of 11 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sportfishing community.

(C) The offshore recreational fishing industry.

(D) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by Hoopa Valley Business Council.

(3) A representative, who shall be appointed by the Secretary, of each of the following:

(A) The non-Hoopa Indians residing in the Area.

(B) The Department of the Interior.

(4) A representative, who shall be appointed by the Secretary of Commerce, of each of the following—

(A) The National Marine Fisheries Service.

(B) The Pacific Fishery Management Council.

(5) A representative, who shall be appointed by the Governor of Oregon, of each of the following:

(A) The commercial salmon fishing industry.

(B) The Oregon Department of Fish and Wildlife.

(d) Consultation requirement

The appointments required under subsection (c) of this section shall be made in consultation with the appropriate users of Area anadromous fish resources.

(e) Qualifications

Council members shall be individuals who are knowledgeable¹ and experienced in the management and conservation, or the recreational or commercial harvest, of the anadromous fish resources in Northern California.

(f) Terms

(1) In general

The term of a member is 4 years.

(2) Service

Members of the Council serve at the pleasure of the appointing authority.

(3) Vacancies

Any vacancy on the Council shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(g) Transaction of business

(1) Procedures

The Council shall establish practices and procedures for the carrying out of its functions under subsection (b) of this section. The procedures shall include requirements that—

(A) a quorum of the Council must be present before business may be transacted; and

(B) no comprehensive plan or recommendation referred to in subsection (b)(1)(A) or (B) of this section may be adopted by the Council except by the unanimous vote of all members present and voting.

(2) Chairman

The Council shall elect a Chairman from among its members.

(3) Meetings

The Council shall meet at the call of the Chairman or upon the request of a majority of its members.

(h) Staff and administration

(1) Administrative support

The Secretary and the Director of the California Department of Fish and Game shall provide the Council with such administrative and technical support services as are necessary for the effective functioning of the Council.

(2) Information

The Secretary and the Director of the California Department of Fish and Game shall furnish the Council with relevant information concerning the Area.

(3) Organization

The Council shall determine its organization, and prescribe the practices and procedures for carrying out its functions under subsection (b) of this section.

(i) Federal or State employees

Any Council member who is an officer or employee of the United States, the State of California, or the State of Oregon at the time of appointment to the Council shall cease to be a Council member within 14 days after the date on which he ceases to be so employed.

(j) Expenses

(1) Travel expenses

While away from their homes or regular places of business in the performance of services for the Council, Council members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel ex-

¹ So in original. Probably should be "knowledgeable".

penses under section 5703 of title 5. Any Council member who is an employee of an agency or governmental unit and is eligible for travel expenses from that agency or unit for performing services for the Council is not eligible for travel expenses under this paragraph.

(2) Limitation on spending authority

No money authorized to be appropriated under section 460ss-5 of this title may be used to reimburse any agency or governmental unit (whose employees are Council members) for time spent by any such employee performing Council duties.

(Pub. L. 99-552, §3, Oct. 27, 1986, 100 Stat. 3082; Pub. L. 100-653, title VI, §§602(a), 603(1), (2), Nov. 14, 1988, 102 Stat. 3830.)

AMENDMENTS

1988—Subsec. (g)(1). Pub. L. 100-653, §602(a), substituted “Procedures” for “Decisions of Council” as par. heading and amended text generally. Prior to amendment, text read as follows: “All decisions of the Council must be by unanimous vote of all of the members.”

Subsec. (i). Pub. L. 100-653, §603(1), substituted “, the State of California, or the State of Oregon” for “or the State of California”.

Subsec. (j)(1). Pub. L. 100-653, §603(2), inserted provision at end that any Council member who is employee of agency or governmental unit and is eligible for travel expenses from that agency or unit for performing services for Council not be eligible for travel expenses under this par.

§ 460ss-3. Klamath River Basin Fisheries Task Force

(a) Establishment

There is established a Klamath River Basin Fisheries Task Force (hereafter in this subchapter referred to as the “Task Force”).

(b) Functions

The Task Force—

(1) shall assist the Secretary in the formulation, coordination, and implementation of the program;

(2) shall assist, and coordinate its activities with, Federal, State, and local governmental or private anadromous fish restoration projects within the Area;

(3) shall conduct any other activity that is necessary to accomplish the objectives of the program; and

(4) may act as an advisor to the Council.

(c) Membership and appointment

The Task Force is composed of 14 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sport fishing community.

(C) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by the Hoopa Valley Business Council.

(3) A representative of the Department of the Interior who shall be appointed by the Secretary.

(4) A representative of the National Marine Fisheries Service who shall be appointed by the Secretary of Commerce.

(5) A representative of the Department of Agriculture who shall be appointed by the Secretary of Agriculture.

(6) A representative of the Oregon Department of Fish and Wildlife who shall be appointed by the Governor of Oregon.

(7) One individual who shall be appointed by the Board of Supervisors of Del Norte County, California.

(8) One individual who shall be appointed by the Board of Supervisors of Siskiyou County, California.

(9) One individual who shall be appointed by the Board of Supervisors of Humboldt County, California.

(10) One individual who shall be appointed by the Board of Supervisors of Trinity County, California.

(11) A representative of the Karuk Tribe, who shall be appointed by the governing body of the Tribe,¹

(12) A representative of the Yurok Tribe, who shall be appointed by the Secretary until such time as the Yurok Tribe is organized upon which time the Yurok Tribe shall appoint such representative beginning with the first appointment ordinarily occurring after the Yurok Tribe is organized²

(d) Council membership not a bar to Task Force appointment

An individual who is a member of the Council is not ineligible for appointment as a member of the Task Force.

(e) Terms

(1) In general

The term of a member of the Task Force is 4 years.

(2) Service

Members of the Task Force serve at the pleasure of the appointing authorities.

(3) Vacancies

Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(f) Transaction of business

(1) Procedures

The Task Force shall establish practices and procedures for the carrying out of its functions under subsection (b) of this section. The procedures shall include the requirement that a quorum of the Task Force must be present before business may be transacted.

(2) Chairman

The members of the Task Force shall select a Chairman from among its members.

¹ So in original. The comma probably should be a period.

² So in original. Probably should be followed by a period.