

§ 2808. Regulatory constraints on aquaculture

(a) Regulatory constraints study

The Secretaries, through the coordinating group, shall conduct, within twelve months after September 26, 1980, a study of the State and Federal regulatory restrictions to aquaculture development in the United States. The study shall—

- (1) include a literature review and a descriptive list identifying the parameters of the issue;
- (2) identify and list relevant current and pending Federal regulations restricting the development of commercial aquaculture operations;
- (3) identify and list relevant current State regulations restricting the development of commercial aquaculture operations in five States selected randomly in five separate geographic regions of the United States;
- (4) conduct case studies of ten commercial aquaculture operations in the United States representing a wide range of marine and fresh water species to determine the practical effects of regulatory restrictions on aquaculture; and
- (5) develop a flow-chart time line using the information obtained by means of paragraphs (1) through (4) to identify those regulations and restrictions that could have the most detrimental effect in establishing commercial aquaculture operations in the United States.

Upon completion of the study, the Secretaries shall submit its results to Congress.

(b) Regulatory constraints plan

Based on the results of the Regulatory Constraints Study conducted under subsection (a) of this section, and within six months of the study's completion, the Secretaries shall formulate a plan for acting on the study's findings. The plan will contain specific steps the Federal Government can take to remove unnecessarily burdensome regulatory barriers to the initiation and operation of commercial aquaculture ventures. Upon its completion, the Secretaries shall submit the plan to Congress.

(Pub. L. 96-362, § 9, Sept. 26, 1980, 94 Stat. 1205.)

§ 2809. Authorizations for appropriations

For purposes of carrying out the provisions of this chapter, there are authorized to be appropriated—

- (1) to the Department of Agriculture, \$1,000,000 for each of fiscal years 1991 through 2012;
- (2) to the Department of Commerce, \$1,000,000 for each of fiscal years 1991 through 2012; and
- (3) to the Department of¹ Interior, \$1,000,000 for each of fiscal years 1991 through 2012.

Funds authorized by this section shall be in addition to, and not in lieu of, funds authorized by any other Act.

(Pub. L. 96-362, § 10, Sept. 26, 1980, 94 Stat. 1205; Pub. L. 98-623, title IV, § 402, Nov. 8, 1984, 98 Stat.

3407; Pub. L. 99-198, title XVII, § 1737, Dec. 23, 1985, 99 Stat. 1643; Pub. L. 101-624, title XVI, § 1614(d), Nov. 28, 1990, 104 Stat. 3728; Pub. L. 105-185, title III, § 301(i), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7139, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, § 7414, May 22, 2008, 122 Stat. 1256; Pub. L. 110-246, § 4(a), title VII, § 7414, June 18, 2008, 122 Stat. 1664, 2017.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

- 2008—Pars. (1) to (3). Pub. L. 110-246, § 7414, substituted “2012” for “2007”.
- 2002—Pars. (1) to (3). Pub. L. 107-171 substituted “2007” for “2002”.
- 1998—Pars. (1) to (3). Pub. L. 105-185 substituted “fiscal years 1991 through 2002” for “the fiscal years 1991, 1992, and 1993”.
- 1990—Pars. (1) to (3). Pub. L. 101-624 amended pars. (1) to (3) generally. Prior to amendment, pars. (1) to (3) read as follows:
 - “(1) to the Department of Agriculture, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988;
 - “(2) to the Department of Commerce, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988; and
 - “(3) to the Department of the Interior, \$1,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988.”
- 1985—Pars. (1) to (3). Pub. L. 99-198 inserted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1986, 1987, and 1988.
- 1984—Pars. (1), (2). Pub. L. 98-623 substituted provisions authorizing appropriations of \$2,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$7,000,000 for fiscal year 1981, \$10,000,000 for fiscal year 1982, and \$12,000,000 for fiscal year 1983.
- Par. (3). Pub. L. 98-623 substituted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$3,000,000 for fiscal year 1981, \$4,000,000 for fiscal year 1982, and \$5,000,000 for fiscal year 1983.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 2810. Disclaimer

Nothing in this chapter shall be construed to amend, repeal, or otherwise modify the authority of any Federal officer, department, or agency to perform any function, responsibility, or activity authorized under any other provision of law.

(Pub. L. 96-362, § 11, Sept. 26, 1980, 94 Stat. 1206.)

CHAPTER 49—FISH AND WILDLIFE CONSERVATION

- Sec. 2901. Congressional findings and declaration of purpose.
- 2902. Definitions.
- 2903. Conservation plans.
- 2904. Approval of conservation plans and certain nongame fish and wildlife conservation actions.

¹ So in original. Probably should be “of the”.

Sec.	
2905.	Reimbursement of State cost for developing, revising, and implementing conservation plans and implementing certain nongame fish and wildlife conservation actions.
2906.	Terms and conditions of reimbursement.
2907.	Allocation of funds for administration and reimbursement of States.
2908.	Other Federal assistance and actions.
2909.	Disclaimers.
2910.	Authorization of appropriations.
2911.	Study on most equitable and effective mechanism for funding State conservation plans; report to Congressional committees.
2912.	Federal conservation of migratory nongame birds.

§ 2901. Congressional findings and declaration of purpose

(a) Findings

The Congress finds and declares the following:

(1) Fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the Nation.

(2) The improved conservation and management of fish and wildlife, particularly nongame fish and wildlife, will assist in restoring and maintaining fish and wildlife and in assuring a productive and more esthetically pleasing environment for all citizens.

(3) Many citizens, particularly those residing in urban areas, have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with fish and wildlife and thereby are unable to have a greater appreciation and awareness of the environment.

(4) Historically, fish and wildlife conservation programs have been focused on the more recreationally and commercially important species within any particular ecosystem. As a consequence such programs have been largely financed by hunting and fishing license revenues or excise taxes on certain hunting and fishing equipment. These traditional financing mechanisms are neither adequate nor fully appropriate to meet the conservation needs of nongame fish and wildlife.

(5) Each State should be encouraged to develop, revise, and implement, in consultation with appropriate Federal, State, and local and regional agencies, a plan for the conservation of fish and wildlife, particularly those species which are indigenous to the State.

(b) Purpose

It is the purpose of this chapter—

(1) to provide financial and technical assistance to the States for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife; and

(2) to encourage all Federal departments and agencies to utilize their statutory and administrative authority, to the maximum extent practicable and consistent with each agency's statutory responsibilities, to conserve and to promote conservation of nongame fish and wildlife and their habitats, in furtherance of the provisions of this chapter.

(Pub. L. 96-366, §2, Sept. 29, 1980, 94 Stat. 1322.)

SHORT TITLE

Pub. L. 96-366, §1, Sept. 29, 1980, 94 Stat. 1322, provided: "That this Act [enacting this chapter] may be

cited as the 'Fish and Wildlife Conservation Act of 1980'."

§ 2902. Definitions

As used in this chapter—

(1) The term "approved conservation plan" means the conservation plan of a State approved by the Secretary pursuant to section 2904(a) of this title.

(2) The term "conservation plan" means a plan developed by a State for the conservation of fish and wildlife which meets the requirements set forth in section 2903 of this title.

(3) The terms "conserve", "conserving", and "conservation" mean to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the ecological, educational, esthetic, cultural, recreational, and scientific enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(4) The term "designated State agency" means the commission, department, division, or other agency of a State which has primary legal authority for the conservation of fish and wildlife. If any State has placed such authority in more than one agency, such term means each such agency acting with respect to its assigned responsibilities but such agencies, for purposes of this chapter, shall submit a single conservation plan.

(5) The term "fish and wildlife" means wild vertebrate animals that are in an unconfined state, including, but not limited to, nongame fish and wildlife.

(6) The term "nongame fish and wildlife" means wild vertebrate animals that are in an unconfined state and that—

(A) are not ordinarily taken for sport, fur, or food, except that if under applicable State law, any of such animals may be taken for sport, fur, or food in some, but not all, areas of the State, any of such animals within any area of the State in which such taking is not permitted may be deemed to be nongame fish and wildlife;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); and

(C) are not marine mammals within the meaning of section 1362(5)¹ of this title.

Such term does not include any domesticated species that has reverted to a feral existence.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust

¹ See References in Text note below.