

sion thereto, under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall review the report and, if he finds that the management structure recommended in the report would, if implemented, meet the objectives and standards specified in this section and be consistent with this chapter, approve the report. If the Secretary, in consultation with the Secretary of the Interior, finds that such structure is not in conformity with the standards and objectives set forth in this section, the provisions of this chapter, or other applicable law, he shall return the report to the Commission together with a written statement of the reasons for not approving the report. If the Commission submits a revised report to the Secretary within 2 months after the date of return, the Secretary shall approve the report if he finds that the objections on which the prior disapproval was based are overcome.

**(f) Per diem and travel allowances**

The members of the Commission (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

**(g) Administrative support**

The Secretary shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.

**(h) Termination of Commission**

Unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report pursuant to subsection (e).

(Pub. L. 96-561, title I, § 110, Dec. 22, 1980, 94 Stat. 3277.)

**§ 3312. Eligibility for financial assistance under approved enhancement plans**

Upon approval by the Secretary of the Commission's report under section 3311 of this title, a State represented by a voting member on the Commission and any treaty tribe represented by a tribal coordinating body shall be eligible for financial assistance under subchapter III if the State or treaty tribe enters into an agreement with the Secretary under which that State or treaty tribe obligates itself—

(1) to implement and enforce the provisions of the report and revisions thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power; and

(2) to engage in such coordination and consultation as may be necessary or appropriate to ensure, to the maximum extent practicable, that the report and revisions thereto are fully and effectively implemented.

(Pub. L. 96-561, title I, § 111, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3313. Grants for reports and plans for coordinated research, enforcement, etc.**

The Secretary, in consultation with the Secretary of the Interior, is authorized to establish a program to provide grants to prepare reports and plans provided for in this subchapter and subchapter III in order to promote coordinated research, enforcement, enhancement, and management of the salmon and steelhead resources within the Washington and Columbia River conservation areas consistent with the purposes of this chapter. Such grants shall be available for use by the State of Washington, the State of Oregon, appropriate tribal coordinating bodies, or any joint governmental entity established for undertaking research, or providing advice on or mechanisms for coordinating management or enforcement, or preparing the reports and plans described in this subchapter and subchapter III.

(Pub. L. 96-561, title I, § 112, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3314. Discontinuance of funding**

If the Secretary finds that as of the close of the 18th month after secretarial approval of the Commission report under section 3311(e) of this title, the number of parties which have adopted and implemented the Commission's management program in accordance with the provisions of this chapter and the report is insufficient to ensure that the management structure is effective and consistent with the standards and objectives in section 3311(c) of this title, he shall discontinue any further funding under this subchapter or subchapter III of this chapter.

(Pub. L. 96-561, title I, § 113, Dec. 22, 1980, 94 Stat. 3279.)

**§ 3315. Authorization of appropriations**

There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this subchapter in fiscal years commencing after September 30, 1981, an aggregate amount of \$3,000,000. Funds appropriated pursuant to this section remain available to the Secretary until expended.

(Pub. L. 96-561, title I, § 114, Dec. 22, 1980, 94 Stat. 3280.)

SUBCHAPTER III—RESOURCE  
ENHANCEMENT

**§ 3321. Grants for projects under approved enhancement plans**

**(a) Authority**

The Secretary of the Interior (hereinafter referred to in this subchapter as the "Secretary"), in consultation with the Secretary of Commerce, is authorized to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington conservation area and the Columbia River conservation area.

**(b) Plans**

Any such project in the Washington conservation area must be in accordance with a comprehensive enhancement plan developed and agreed

to by the State of Washington and the Washington tribal coordinating body within 18 months after December 22, 1980. Any enhancement project in the Columbia River conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington, the State of Oregon, and the Columbia River tribal coordinating body within 18 months after December 22, 1980. Such plans must be approved by the Secretary, in consultation with the Secretary of Commerce, as provided in this subchapter. The States shall solicit and consider the comments and views of interested commercial and recreational fishermen, and other interested parties, in developing the comprehensive enhancement plan.

**(c) Scope**

Each comprehensive enhancement plan, and any revisions, or modifications of such plan, shall describe all enhancement projects in the conservation area, and associated stocking policies (when relevant), including any related research necessary to such enhancement anticipated by the States and the treaty tribes (acting through the appropriate tribal coordinating body) for a period of at least 5 years.

**(d) Standards**

Each comprehensive enhancement plan shall include such standards, restrictions, or conditions as are necessary, to assure that any project included in the plans contributes to the balanced and integrated development of the salmon and steelhead resources of the area. Such standards shall include, but not be limited to, provisions designed to—

(1) assure that all commercial and recreational fishermen and the treaty tribes shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the salmon and steelhead resources development;

(2) minimize, to the extent practicable, significant adverse interaction between naturally spawning and artificially<sup>1</sup> propagated stocks;

(3) ensure that all projects included within the plan are designed to complement the contribution of sound State, Federal, and tribal enhancement activities;

(4) ensure that all projects included within the plan are economically and biologically sound and supported by adequate scientific research;

(5) assure that all projects included within the plan achieve significant benefits relative to the overall cost of each such project;

(6) consider the effect of enhancement activities as they relate to existing and future international commitments; and

(7) notwithstanding any of the above measures, provide for the harvest of fish by treaty tribes in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

**(e) Approval**

(1) The Secretary, in consultation with the Secretary of Commerce, shall review each comprehensive enhancement plan and approve such plan within 120 days of the date of its receipt, if found to be consistent with this chapter and

other applicable law. If the Secretary, in consultation with the Secretary of Commerce, finds that a plan is not in conformity with the provisions of this chapter or other applicable law, he shall return such plan to the State of Washington or the State of Oregon, or both, as appropriate, and the appropriate tribal coordinating body with recommendations.

(2) Upon receiving such a plan, the Secretary, in consultation with the Secretary of Commerce, shall—

(A) publish a notice in the Federal Register of the availability of the plan;

(B) provide a copy of the plan to the Pacific Fishery Management Council and, upon request, to any other interested person or group, and solicit and consider the comments and views of such persons or groups with respect to the plan;

(C) undertake a biological and technical review of the plan, in consultation with individuals who are knowledgeable with regard to the management, conservation, enhancement, and harvest of the salmon and steelhead resources of the area;

(D) provide a copy of the plan to and consult with the Secretary of State and the Secretary of Commerce, with respect to the effect of such plan on any international fisheries; and

(E) determine whether the State of Washington or the State of Oregon, as appropriate, and the treaty tribes, acting through their chosen agency or agencies, have the authority to carry out the plan in accordance with this chapter, and in accordance with standards included within the plan.

(3) The Secretary, in consultation with the Secretary of Commerce, shall not approve a comprehensive enhancement plan unless the State of Washington or the State of Oregon, or both, as appropriate, and the treaty tribes, acting through the appropriate tribal coordinating body, agree not to undertake any salmon or steelhead enhancement project, using funds provided pursuant to this subchapter or otherwise, that would be inconsistent with the plan.

(4) The Secretary may not approve a comprehensive plan unless the Secretary of Commerce concurs that such plan satisfactorily complies with standards (1), (6), and (7) of subsection (d) of this section.

**(f) Review, modification, or revisions**

Each comprehensive enhancement plan shall be reviewed periodically. The Secretary, the Secretary of Commerce, the State of Washington, the State of Oregon, or the appropriate tribal coordinating body may request a review, modification, or revision of a plan at any time. Any revision or modification of a plan, developed and agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body, shall be approved by the Secretary, in consultation with the Secretary of Commerce, within 45 days of receipt of the proposed revision or modification, if such revision or modification is in conformity with this chapter and other applicable law. The Secretary, in consultation with the Secretary of Commerce, may withdraw approval of a plan if he finds that (1) the plan or its implementation

<sup>1</sup> So in original. Probably should be "artificially".

is not consistent with this chapter, and (2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

(Pub. L. 96-561, title I, § 120, Dec. 22, 1980, 94 Stat. 3280.)

### § 3322. Enhancement project proposals

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enhancement goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stock;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this chapter; and

(6) after approval of the Commission's report pursuant to section 3311 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission's management program.

(Pub. L. 96-561, title I, § 121, Dec. 22, 1980, 94 Stat. 3282.)

### § 3323. Approval and funding of projects

#### (a) In general

The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this chapter, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the amount of funding made available under this chapter for such project.

#### (b) Limitations on Federal share

The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on December 22, 1980, as having expended \$32,000,000 (reduced by the amount treated as expended by the State under section 3336 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this chapter. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this chapter and the goals of the comprehensive plan.

(Pub. L. 96-561, title I, § 122, Dec. 22, 1980, 94 Stat. 3282.)

### § 3324. Monitoring and evaluation of enhancement projects

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this subchapter, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this chapter. Each recipient of a grant under this subchapter shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

(Pub. L. 96-561, title I, § 123, Dec. 22, 1980, 94 Stat. 3283.)

### § 3325. Authorization of appropriations

#### (a) Salmon enhancement

For purposes of carrying out the provisions of this subchapter for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed \$45,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed \$25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

#### (b) Steelhead enhancement

In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to carry out steelhead enhancement projects under this subchapter (including, but not limited to, operation and maintenance of enhancement facilities) not to exceed \$7,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area; and not