

Secretary \$12,000,000 for each of fiscal years 2021 through 2025.

(Pub. L. 108-16, §3, Apr. 23, 2003, 117 Stat. 621; Pub. L. 116-186, §1(2), Oct. 30, 2020, 134 Stat. 901.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 108-16, Apr. 23, 2003, 117 Stat. 621, known as the Nutria Eradication and Control Act of 2003, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8101 of this title and Tables.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-186, §1(2)(A), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of the Interior (in this chapter referred to as the ‘Secretary’), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.”

Subsecs. (b), (c). Pub. L. 116-186, §1(2)(B), (F), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which related to goals of the program.

Subsec. (d). Pub. L. 116-186, §1(2)(F), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 116-186, §1(2)(C)(i), substituted “a State program referred to in subsection (a) may” for “the program may”.

Subsec. (d)(2). Pub. L. 116-186, §1(2)(C)(ii), substituted “a State program referred to in subsection (a) may” for “the program may”.

Subsec. (e). Pub. L. 116-186, §1(2)(F), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Pub. L. 116-186, §1(2)(D), inserted “to a State” after “provided”.

Subsec. (f). Pub. L. 116-186, §1(2)(F), redesignated subsec. (f) as (e).

Pub. L. 116-186, §1(2)(E), substituted “\$12,000,000 for each of fiscal years 2021 through 2025.” for “\$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.”

CHAPTER 101—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

Sec.	
8201.	Purpose.
8202.	Definitions.
8203.	National Fish Habitat Board.
8204.	Fish Habitat Partnerships.
8205.	Fish habitat conservation projects.
8206.	Technical and scientific assistance.
8207.	Coordination with States and Indian Tribes.
8208.	Interagency operational plan.
8209.	Accountability and reporting.
8210.	Effect of this chapter.
8211.	Nonapplicability of Federal Advisory Committee Act.
8212.	Funding.
8213.	Prohibition against implementation of regulatory authority by Federal agencies through partnerships.

§ 8201. Purpose

The purpose of this chapter is to encourage partnerships among public agencies and other interested persons to promote fish conservation—

- (1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish

habitat conditions and increased fishing opportunities by—

- (A) improving ecological conditions;
- (B) restoring natural processes; or
- (C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

- (A) increasing fishing opportunities;
- (B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and
- (C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(Pub. L. 116-188, title II, §201, Oct. 30, 2020, 134 Stat. 924.)

SHORT TITLE

Pub. L. 116-188, §1(a), Oct. 30, 2020, 134 Stat. 905, provided that: “This Act [enacting this chapter, sections 667h and 669l of this title, and sections 8355 and 8356 of Title 7, Agriculture, amending sections 666c-1, 3702, 3703, 3709, 3710, 4403, and 4406 of this title and section 1267 of Title 33, Navigation and Navigable Waters, enacting provisions set out as notes under section 2601 of Title 15, Commerce and Trade, and section 1267 of Title 33, and amending provisions set out as notes under sections 669 and 742b of this title and section 320101 of Title 54, National Park Service and Related Programs] may be cited as the ‘America’s Conservation Enhancement Act’.”

§ 8202. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) Board

The term “Board” means the National Fish Habitat Board established by section 8203 of this title.

(3) Director

The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) Environmental Protection Agency Assistant Administrator

The term “Environmental Protection Agency Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) Indian Tribe

The term “Indian Tribe” has the meaning given to the term “Indian tribe” in section 5304 of title 25.

(6) National Oceanic and Atmospheric Administration Assistant Administrator

The term “National Oceanic and Atmospheric Administration Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) Partnership

The term “Partnership” means an entity designated by Congress as a Fish Habitat Partnership under section 8204 of this title.

(8) Real property interest

The term “real property interest” means an ownership interest in—

- (A) land; or
- (B) water (including water rights).

(9) Marine Fisheries Commissions

The term “Marine Fisheries Commissions” means—

- (A) the Atlantic States Marine Fisheries Commission;
- (B) the Gulf States Marine Fisheries Commission; and
- (C) the Pacific States Marine Commission.

(10) Secretary

The term “Secretary” means the Secretary of the Interior.

(11) State

The term “State” means each of the several States, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the United States Virgin Islands, and the District of Columbia.

(12) State agency

The term “State agency” means—

- (A) the fish and wildlife agency of a State; and
- (B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources of the State or sustains the habitat for those fishery resources pursuant to State law or the constitution of the State.

(Pub. L. 116-188, title II, §202, Oct. 30, 2020, 134 Stat. 925.)

§ 8203. National Fish Habitat Board**(a) Establishment****(1) Fish Habitat Board**

There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(A) to promote, oversee, and coordinate the implementation of this chapter;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to recommend to Congress entities for designation as Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) Membership

The Board shall be composed of 26 members, of whom—

(A) 1 shall be a representative of the Department of the Interior;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) 2 shall be representatives of either—

(i) Indian Tribes in the State of Alaska; or

(ii) Indian Tribes in States other than the State of Alaska;

(H) 1 shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 1852 of this title; or

(ii) a representative of the Marine Fisheries Commissions;

(I) 1 shall be a representative of the Sport Fishing and Boating Partnership Council;

(J) 7 shall be representatives selected from at least one from each of the following:

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be an individual in a leadership position in the private sector or landowner representative of an active partnership.