

(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.

(3) Compensation

A member of the Board shall serve without compensation.

(4) Travel expenses

A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) Appointment and terms**(1) In general**

Except as otherwise provided in this section, a member of the Board described in any of subparagraphs (F) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) Initial Board membership**(A) In general**

The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) Remaining members

Not later than 60 days after October 30, 2020, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) Tribal representatives

Not later than 60 days after October 30, 2020, the Secretary shall provide to the Board a recommendation of not fewer than three Tribal representatives, from which the Board shall appoint one representative pursuant to subparagraph (G) of subsection (a)(2).

(3) Staggered terms

Of the members described in subsection (a)(2)(J) initially appointed to the Board—

- (A) two shall be appointed for a term of 1 year;
- (B) two shall be appointed for a term of 2 years; and
- (C) three shall be appointed for a term of 3 years.

(4) Vacancies**(A) In general**

A vacancy of a member of the Board described in subparagraph (H), (I), (J), (K), (L), (M), (N), or (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) Tribal representatives

Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than three Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) Continuation of service

An individual whose term of service as a member of the Board expires may continue to

serve on the Board until a successor is appointed.

(6) Removal

If a member of the Board described in any of subparagraphs (H) through (O) of subparagraph (a)(2) misses three consecutive regularly scheduled Board meetings, the members of the Board may—

- (A) vote to remove that member; and
- (B) appoint another individual in accordance with paragraph (4).

(c) Chairperson**(1) In general**

The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) Term

The Chairperson of the Board shall serve for a term of 3 years.

(d) Meetings**(1) In general**

The Board shall meet—

- (A) at the call of the Chairperson; but
- (B) not less frequently than twice each calendar year.

(2) Public access

All meetings of the Board shall be open to the public.

(e) Procedures**(1) In general**

The Board shall establish procedures to carry out the business of the Board, including—

- (A) a requirement that a quorum of the members of the Board be present to transact business;
- (B) a requirement that no recommendations may be adopted by the Board, except by the vote of two-thirds of all members;
- (C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this chapter;
- (D) procedures for designating Partnerships under section 8204 of this title; and
- (E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) Quorum

A majority of the members of the Board shall constitute a quorum.

(Pub. L. 116-188, title II, §203, Oct. 30, 2020, 134 Stat. 926.)

§ 8204. Fish Habitat Partnerships**(a) Authority to recommend**

The Board may recommend to Congress the designation of Fish Habitat Partnerships in accordance with this section.

(b) Purposes

The purposes of a Partnership shall be—

- (1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats;