

(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;

- (2) to engage local and regional communities to build support for fish habitat conservation;
- (3) to involve diverse groups of public and private partners;
- (4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;
- (5) to leverage funding from sources that support local and regional partnerships;
- (6) to use adaptive management principles, including evaluation of project success and functionality;
- (7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and
- (8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) Criteria for designation

An entity seeking to be designated by Congress as a Partnership shall—

- (1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and
- (2) demonstrate to the Board that the entity has—
 - (A) a focus on promoting the health of important fish and fish habitats;
 - (B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;
 - (C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;
 - (D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;
 - (E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;
 - (F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and
 - (G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) Requirements for recommendation to Congress

The Board may recommend to Congress for designation an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

- (1) meets the criteria described in subsection (c)(2);
- (2) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private

partners, which may include State or local governments, nonprofit entities, Indian Tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, coral reefs, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

(5) is able to address issues and priorities on a nationally significant scale;

(6) includes a governance structure that—

- (A) reflects the range of all partners; and
- (B) promotes joint strategic planning and decision making by the applicant;

(7) demonstrates completion of, or significant progress toward the development of, a strategic plan to address declines in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(8) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(e) Report to Congress

(1) In general

Not later than February 1 of the first fiscal year beginning after October 30, 2020, and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—

(A) identifies each entity that—

- (i) meets the requirements described in subsection (d); and
- (ii) the Board recommends to Congress for designation as a Partnership;

(B) describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);

(C) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

- (i) the purpose of the recommended Partnership; and
- (ii) how the recommended Partnership fulfills the requirements described in subsection (d).

(2) Public availability; notification

The Board shall—

(A) make the report publicly available, including on the internet; and

(B) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.

(f) Designation or modification of partnership

Congress shall have the exclusive authority to designate or modify a Partnership.

(g) Existing partnerships**(1) Designation review**

Not later than 5 years after October 30, 2020, any partnership receiving Federal funds as of October 30, 2020, shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under subsection (f).

(2) Ineligibility for Federal funds

A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this chapter.

(Pub. L. 116-188, title II, §204, Oct. 30, 2020, 134 Stat. 928.)

§ 8205. Fish habitat conservation projects**(a) Submission to Board**

Not later than March 31 of each year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this chapter.

(b) Recommendations by Board

Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this chapter for the following fiscal year.

(c) Criteria for project selection

The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this chapter;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e).

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) Limitations**(1) Requirements for evaluation**

No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this chapter unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) Acquisition authorities**(A) In general**

A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this chapter if the acquisition ensures—

(i) public access for fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.