

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(Pub. L. 116-188, title II, §206, Oct. 30, 2020, 134 Stat. 934.)

#### § 8207. Coordination with States and Indian Tribes

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this chapter, including notification, by not later than 30 days before the date on which the activity is implemented.

(Pub. L. 116-188, title II, §207, Oct. 30, 2020, 134 Stat. 934.)

#### § 8208. Interagency operational plan

Not later than 1 year after October 30, 2020, and every 5 years thereafter, the Director, in cooperation with the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including, at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this chapter; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(Pub. L. 116-188, title II, §208, Oct. 30, 2020, 134 Stat. 935.)

#### § 8209. Accountability and reporting

##### (a) Reporting

###### (1) In general

Not later than 5 years after October 30, 2020, and every 5 years thereafter, the Board shall

submit to the appropriate congressional committees a report describing the progress of this chapter.

##### (2) Contents

Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this chapter during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under this chapter during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing achieved under this chapter; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this chapter during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 8205(b) of this title;

(ii) a description of each fish habitat conservation project approved by the Secretary under section 8205(f) of this title, in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 8205(b) of this title that was based on a factor other than the criteria described in section 8205(c) of this title; and

(v) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this chapter.

##### (b) Status and trends report

Not later than December 31, 2021, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships designated under this chapter;

(2) a description of the status of fish habitats in the United States as identified by designated Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this chapter.

(Pub. L. 116-188, title II, §209, Oct. 30, 2020, 134 Stat. 935.)

#### § 8210. Effect of this chapter

##### (a) Water rights

Nothing in this chapter—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on October 30, 2020;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on October 30, 2020, regarding water quality or water quantity.

**(b) Authority to acquire water rights or rights to property**

Only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 8212 of this title.

**(c) State authority**

Nothing in this chapter—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

**(d) Effect on Indian Tribes**

Nothing in this chapter abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian Tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

**(e) Adjudication of water rights**

Nothing in this chapter diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 666 of title 43.

**(f) Department of Commerce authority**

Nothing in this chapter affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

**(g) Effect on other authorities**

**(1) Private property protection**

Nothing in this chapter permits the use of funds made available to carry out this chapter to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

**(2) Mitigation**

Nothing in this chapter authorizes the use of funds made available to carry out this chapter for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

**(3) Clean Water Act**

Nothing in this chapter affects any provision of the Federal Water Pollution Control Act (33

U.S.C. 1251 et seq.), including any definition in that Act.

(Pub. L. 116-188, title II, §210, Oct. 30, 2020, 134 Stat. 936.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (f), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (g)(2)(A), (3), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (g)(2)(B), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c-1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

The Water Resources Development Act of 1986, referred to in subsec. (g)(2)(C), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082. For complete classification of this Act to the Code, see section 1(a) of Pub. L. 99-662, set out as a Short Title note under section 2201 of Title 33, Navigation and Navigable Waters, and Tables.

**§8211. Nonapplicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

(Pub. L. 116-188, title II, §211, Oct. 30, 2020, 134 Stat. 937.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§8212. Funding**

**(a) Authorization of appropriations**

**(1) Fish habitat conservation projects**

There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 through 2025 to provide funds for fish habitat conservation projects approved under section 8205(f) of this title, of which 5 percent is authorized only for projects carried out by Indian Tribes.

**(2) Administrative and planning expenses**

There is authorized to be appropriated to the Secretary for each of fiscal years 2021 through 2025 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this chapter; and

(B) to carry out section 8209 of this title.

**(3) Technical and scientific assistance**

There is authorized to be appropriated for each of fiscal years 2021 through 2025 to carry