

(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.)

Statutory Notes and Related Subsidiaries

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.

(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