

Editorial Notes

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

1998—Pub. L. 105-265, §4(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Par. (1). Pub. L. 105-265, §4(4), added par. (1) and struck out former par. (1) which read as follows: “to develop proposals to implement recommendations resulting from that study; and”.

Pub. L. 105-265, §4(2), (3), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;”.

Pars. (2), (3). Pub. L. 105-265, §4(3), (5), redesignated par. (3) as (2) and substituted “habitat in” for “habitat of”. Former par. (2) redesignated (1).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2003, which enacted this section.

§ 941b. Definitions

In this chapter—

(1) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 941c(c) of this title;

(2) the term “Director” means the Director of the United States Fish and Wildlife Service;

(3) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

(4) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin;

(5) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

(6) the term “non-Federal source” includes a State government, local government, Indian tribe, other non-Federal governmental entity, private entity, and individual;

(7) the term “nonindigenous species” means a species of plant, animal, or other organism that did not occur in the Great Lakes Basin before European colonization of North America;

(8) the term “regional project” means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;

(9) the term “Report” means the United States Fish and Wildlife Service report enti-

tled “Great Lakes Fishery Resources Restoration Study”, submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995;

(10) the term “restoration” means rehabilitation and maintenance of the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;

(11) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State; and

(12) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.

(Pub. L. 101-537, title I, §1004, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2004, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 5, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §3, Oct. 11, 2006, 120 Stat. 1761.)

Editorial Notes

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2006—Pars. (1) to (3). Pub. L. 109-326, §3(1), (2), redesignated pars. (2), (3), and (5) as (1) to (3), respectively, and struck out former par. (1) which defined the term “Administrator”.

Par. (4). Pub. L. 109-326, §3(3), inserted before semicolon at end “, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin”.

Pub. L. 109-326, §3(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which defined the term “fish stock”.

Pars. (5) to (7). Pub. L. 109-326, §3(2), redesignated pars. (7) to (9) as (5) to (7), respectively.

Par. (8). Pub. L. 109-326, §3(2), (4), added par. (8) and redesignated former par. (8) as (6).

Pars. (9) to (14). Pub. L. 109-326, §3(1), (2), redesignated pars. (10), (11), (13), and (14) as (9) to (12), respectively, and struck out former par. (12) which defined the term “Secretary”.

1998—Pub. L. 105-265, §5(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Pars. (2) to (7). Pub. L. 105-265, §5(2), (5), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (14).

Par. (8). Pub. L. 105-265, §5(6), added par. (8). Former par. (8) redesignated (9).

Par. (9). Pub. L. 105-265, §5(2), (4), redesignated par. (8) as (9) and substituted “plant, animal, or other organism” for “plant or animal”. Former par. (9) redesignated (12).

Pars. (10), (11). Pub. L. 105-265, §5(7), added pars. (10) and (11). Former par. (10) redesignated (13).

Par. (12). Pub. L. 105-265, §5(2), (8), redesignated par. (9) as (12) and struck out “and” at end.

Par. (13). Pub. L. 105-265, §5(2), (9), redesignated par. (10) as (13) and substituted “; and” for period at end.

Par. (14). Pub. L. 105-265, §5(2), (3), redesignated par. (7) as (14).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2004, which enacted this section.

§ 941c. Identification, review, and implementation of proposals and regional projects

(a) In general

Subject to subsection (b)(2), the Director—

(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

(b) Identification of proposals and regional projects

(1) Request by the Director

The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

(2) Requirements for proposals and regional projects

A proposal or regional project under paragraph (1) shall be—

(A) submitted in the manner and form prescribed by the Director; and

(B) consistent with—

(i) the goals of the Great Lakes Water Quality Agreement, as amended;

(ii) the 1954 Great Lakes Fisheries Convention;

(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(v) the North American Waterfowl Management Plan and joint ventures established under the plan;

(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

(viii) each applicable State wildlife action plan.

(3) Sea lamprey authority

The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

(c) Review of proposals

(1) Establishment of Committee

There is established the Great Lakes Fish and Wildlife Restoration Proposal Review

Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

(2) Membership and appointment

(A) In general

The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

(ii) 1 representative shall have expertise in wildlife management.

(B) Appointments

Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

(C) Observer

The United States Fish and Wildlife Service shall participate as an observer of the Committee.

(D) Recusal

A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

(3) Functions

The Committee shall—

(A) meet at least annually;

(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this chapter; and

(C) recommend to the Director any of those proposals and regional projects that should be funded and implemented under this section.

(d) Implementation of proposals and regional projects

(1) In general

After considering recommendations of the Committee and the goals specified in section 941d of this title, the Director shall—

(A) select proposals and regional projects to be implemented; and

(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

(2) Selection criteria

In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

(e) Cost sharing

(1) In general

(A) Non-Federal share

Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less