

Commerce, may withdraw approval of a plan if he finds that (1) the plan or its implementation is not consistent with this chapter, and (2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

(Pub. L. 96-561, title I, § 120, Dec. 22, 1980, 94 Stat. 3280.)

§ 3322. Enhancement project proposals

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enhancement goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stock;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this chapter; and

(6) after approval of the Commission's report pursuant to section 3311 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission's management program.

(Pub. L. 96-561, title I, § 121, Dec. 22, 1980, 94 Stat. 3282.)

§ 3323. Approval and funding of projects

(a) In general

The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this chapter, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the

amount of funding made available under this chapter for such project.

(b) Limitations on Federal share

The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on December 22, 1980, as having expended \$32,000,000 (reduced by the amount treated as expended by the State under section 3336 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this chapter. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this chapter and the goals of the comprehensive plan.

(Pub. L. 96-561, title I, § 122, Dec. 22, 1980, 94 Stat. 3282.)

§ 3324. Monitoring and evaluation of enhancement projects

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this subchapter, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this chapter. Each recipient of a grant under this subchapter shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

(Pub. L. 96-561, title I, § 123, Dec. 22, 1980, 94 Stat. 3283.)

§ 3325. Authorization of appropriations

(a) Salmon enhancement

For purposes of carrying out the provisions of this subchapter for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed \$45,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed \$25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(b) Steelhead enhancement

In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to carry out steelhead enhancement projects under this subchapter (including, but not limited to, operation and maintenance of enhancement facilities) not to exceed \$7,000,000 for

the ten-year period beginning on October 1, 1982, for the Washington conservation area; and not to exceed \$7,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(c) Limitation

No moneys appropriated pursuant to subsection (a) or (b) may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 3321 of this title of the enhancement plan for the conservation area concerned.

(Pub. L. 96-561, title I, § 124, Dec. 22, 1980, 94 Stat. 3283.)

SUBCHAPTER IV—COMMERCIAL FISHING
FLEET ADJUSTMENT

§ 3331. Fleet adjustment program

(a) In general

The Secretary of Commerce (hereinafter referred to in this subchapter as the “Secretary”), upon approval of a program submitted pursuant to section 3333 of this title, is authorized to distribute Federal funds to the State of Washington (hereinafter in this subchapter referred to as the “State”), subject to the standards, conditions, and restrictions set forth in this subchapter, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this subchapter. The Federal share payable under this subchapter shall not exceed 75 percent of the total cost of the program.

(b) Legal title

Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this subchapter shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

(Pub. L. 96-561, title I, § 130, Dec. 22, 1980, 94 Stat. 3283.)

§ 3332. State program for reduction of overall fishing capacity

The State shall submit to the Secretary a program within three months of December 22, 1980, designed to—

- (1) provide incentives for early retirement of licenses, or early sale of vessels;
- (2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;
- (3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and
- (4) provide State funding for 25 per centum of the total cost of the program.

(Pub. L. 96-561, title I, § 131, Dec. 22, 1980, 94 Stat. 3284.)

§ 3333. Program approval

(a) Submission for approval

The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 3332 of this title and in such manner and form as the Secretary shall prescribe.

(b) Requirements for approval

Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this subchapter, the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this subchapter;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on December 22, 1980;

(3) the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish¹ that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and

¹ So in original. Probably should be “with”.