

ANADROMOUS FISH CONSERVATION ACT

[Public Law 89–304, Approved Oct. 30, 1965, 79 Stat. 1125]

[Amended through Public Law 109–479, Enacted January 12, 2007]

AN ACT To authorize the Secretary of the Interior to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [16 U.S.C. 757a]

That (a) for the purpose of conserving, developing, and enhancing within the several States the anadromous fishery resources of the Nation that are subject to depletion from water resources developments and other causes, or with respect to which the United States has made conservation commitments by international agreements, and for the purpose of conserving, developing, and enhancing the fish in the Great Lakes and Lake Champlain that ascend streams to spawn, the Secretary of the Interior is authorized to enter into cooperative agreements with one or more States, acting jointly or severally, that are concerned with the development, conservation, and enhancement of such fish, and, whenever he deems it appropriate, with other non-Federal interests. Such agreements shall describe (1) the actions to be taken by the Secretary and the cooperating parties, (2) the benefits that are expected to be derived by the States and other non-Federal interests, (3) the estimated cost of these actions, (4) the share of such costs to be borne by the Federal Government and by the States and other non-Federal interests: *Provided*, That, except as provided in subsection (c) of this section, The Federal share, including the operation and maintenance costs of any facilities constructed by the Secretary pursuant to this Act, which he annually determines to be a proper Federal cost, shall not exceed 50 per centum of such costs exclusive of the value of any Federal land involved: *Provided further*, That the non-Federal share may be in the form of real or personal property, the value of which will be determined by the Secretary, as well as money, (5) the term of the agreement, (6) the terms and conditions for disposing of any real or personal property acquired by the Secretary during or at the end of the term of the agreement, and (7) such other terms and conditions as he deems desirable.

(b)(1) The Secretary may also enter into agreements with the States for the operation of any facilities and management and administration of any lands or interests therein acquired or facilities constructed pursuant to this Act.

(2) In carrying out responsibilities under this section, the Secretary shall conduct, promote, and encourage research in preparation for the implementation of the use of ecosystems and interspe-

cies approaches to the conservation and management of anadromous and Great Lakes fishery resources.

(c)(1) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes and Lake Champlain that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 66 $\frac{2}{3}$ per centum. For the purpose of this subsection, the term "basin" includes rivers and their tributaries, lakes, and other bodies of water or portions thereof.

(2) In the case of any State that has implemented an interstate fisheries management plan for anadromous fishery resources, prepared by an interstate commission, the Federal share of any grant made under this section to carry out activities required by such plan shall be up to 90 percent. For purposes of this paragraph, the term "interstate commission" means—

(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).

SEC. 2. [16 U.S.C. 757b] The Secretary, in accordance with any agreements entered into pursuant to section 1(a) of this Act, is authorized (1) to conduct such investigations, engineering and biological surveys, and research as may be desirable to carry out the program; (2) to carry out stream clearance activities; (3) to construct, install, maintain, and operate devices and structures for the improvement of feeding and spawning conditions, for the protection of fishery resources, and for facilitating the free migration of the fish, and for control of the sea lamprey; (4) to construct, operate, and maintain fish hatcheries wherever necessary to accomplish the purposes of this Act; (5) to conduct such studies and make such recommendations as the Secretary determines to be appropriate regarding the development and management of any stream or other body of water for the conservation and enhancement of anadromous fishery resources and the fish in the Great Lakes and Lake Champlain that ascend streams to spawn: *Provided*, That the reports on such studies and the recommendations of the Secretary shall be transmitted to the States, the Congress, and the Federal water resources construction agencies for their information: *Provided further*, That this Act shall not be construed as authorizing the formulation or construction of water resources projects, except that water resources projects which are determined by the Secretary to be needed solely for the conservation, protection, and enhancement of such fish may be planned and constructed by the Bureau of Reclamation in its currently authorized geographic area of responsibility, or by the Corps of Engineers, or by the Department of Agriculture, or by the States, with funds made available by the Sec-

retary under this Act and subject to the costsharing and appropriations provisions of this Act; (6) to acquire lands or interests therein by purchase, lease, donation, or exchange for acquired lands or public lands under his jurisdiction which he finds suitable for disposition: *Provided*, That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged; (7) to accept donations of funds and to use such funds to acquire or manage lands or interests therein; and (8) to administer such lands or interests therein for the purposes of this Act. Title to lands or interests therein acquired pursuant to this Act shall be in the cooperating States or other non-Federal interests.

SEC. 3. [16 U.S.C. 757c] Activities authorized by this Act to be performed on lands administered by other Federal departments or agencies shall be carried out only with the prior approval of such departments or agencies.

SEC. 4. [16 U.S.C. 757d] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act not to exceed \$4,500,000 for each of fiscal years 2007 through 2012.

SEC. 5. [16 U.S.C. 757e] This Act shall not be construed to affect, modify, or apply to the same area as the provisions of the Act of May 11, 1938 (52 Stat. 345), as amended (16 U.S.C. 755–757).

SEC. 6. [16 U.S.C. 757f] The Secretary of the Interior shall, on the basis of studies carried out pursuant to this Act and section 5 of the Fish and Wildlife Coordination Act (48 Stat. 402), as amended (16 U.S.C. 665), make recommendations to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of polluting substances detrimental to fish and wildlife in interstate or navigable waters or the tributaries thereof. Such recommendations and any enforcement measures initiated pursuant thereto by the Secretary of Health, Education, and Welfare shall be designed to enhance the quality of such waters, and shall take into consideration all other legitimate uses of such waters.

[SEC. 7. Repealed by section 3(a) of the Atlantic Striped Bass Conservation Act Amendments of 1997; P.L. 105–146 (111 Stat. 2677)]

SEC. 8. [16 U.S.C. 757a note] This Act may be cited as the “Anadromous Fish Conservation Act.”