

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

CHAPTER 15B—GREAT LAKES FISH AND WILDLIFE RESTORATION

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§ 941. Findings

The Congress finds and declares the following:

(1) As the human population of the Great Lakes Basin has expanded to over 35,000,000 people, great demands have been placed on the lakes for use for boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands exert pressure on the fish and wildlife resources of the Great Lakes Basin, including in the form of contaminants, invasion by nonindigenous species, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

(2) The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5,000,000 people annually and commercial fisheries providing approximately 9,000 jobs. Together, these fisheries generate economic activity worth more than \$4,400,000,000 annually to the United States.

(3) The availability of a suitable forage base is essential to lake trout, walleye, yellow perch, and other recreational and commercially valuable fishery resources of the Great Lakes Basin. Protecting and restoring productive fish habitat, including by protecting water quality, is essential to the successful recovery of Great Lakes Basin fishery resources.

(4) The Great Lakes Basin contains important breeding and migration habitat for all types of migratory birds. Many migratory bird species dependent on deteriorating Great Lakes Basin habitat have suffered serious population declines in recent years.

(5) Over 80 percent of the original wetlands in the Great Lakes Basin have been destroyed and such losses continue at a rate of 20,000 acres annually.

(6) Contaminant burdens in the fish and wildlife resources of the Great Lakes Basin are substantial and the impacts of those contaminants on the life functions of important fish and wildlife resources are poorly understood.

Concern over the effects of those contaminants on human health have resulted in numerous public health advisories recommending restricted or no consumption of Great Lakes fish.

(7) The lower Great Lakes are uniquely different from the upper Great Lakes biologically, physically, and in the degree of human use and shoreline development, and special fishery resource assessments and management activities are necessary to respond effectively to these special circumstances.

(Pub. L. 101-537, title I, §1002, Nov. 8, 1990, 104 Stat. 2370; Pub. L. 101-646, title II, §2002, Nov. 29, 1990, 104 Stat. 4773; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted identical sections.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2002, which enacted this section.

SHORT TITLE

Section 1001 of title I of Pub. L. 101-537, and section 2001 of title II of Pub. L. 101-646, as amended by Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091, provided that: "This title [enacting this chapter] may be cited as the 'Great Lakes Fish and Wildlife Restoration Act of 1990'."

§ 941a. Purpose

The purposes of this chapter are—

(1) 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;

(2) to develop proposals to implement recommendations resulting from that study; and

(3) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat of the Great Lakes Basin.

(Pub. L. 101-537, title I, §1003, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2003, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", which, to reflect the probable intent of Congress, was translated as reading "this title" meaning title I of Pub. L. 101-537, Nov. 8, 1990, 104 Stat. 2370, and title II of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4773, known as the Great Lakes Fish and Wildlife Restoration Act of 1990, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 941 of this title and Tables.

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted identical sections.

AMENDMENTS

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 “Administrator” means the Administrator of the Environmental Protection Agency;

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

(3) the term “fish stock” means—

(A) a taxonomically distinct species or subspecies of fish; or

(B) any other aggregation of fish that are geographically, ecologically, behaviorally, or otherwise limited from breeding with individuals from other groups of fish and are capable of management as a unit;

(4) 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;

(5) 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;

(6) 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;

(7) 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.

(8) the term “nonindigenous species” means a species of plant or animal that did not occur in the Great Lake¹ Basin before European colonization of North America;

(9) the term “Secretary” means the Secretary of the Army; and

(10) 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.

(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.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, which, to reflect the probable intent of Congress, was translated as reading “this title” meaning title I of Pub. L. 101-537, Nov. 8, 1990, 104 Stat. 2370, and title II of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4773, known as the Great Lakes Fish and Wildlife Restoration Act of 1990, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 941 of this title and Tables.

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted substantially identical sections.

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

AMENDMENTS

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

§ 941c. Great Lakes fishery resources restoration study

(a) In general

The Director shall conduct a comprehensive study of the status of, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes Basin and shall provide the opportunity for the Secretary, the Administrator, State Directors, Indian Tribes, the Great Lakes Fishery Commission, appropriate Canadian Government entities, and other appropriate entities to participate in the study. The Director shall complete the study by October 1, 1994.

(b) Memorandum of understanding

To provide opportunities for the full participation of all affected entities in the planning and conduct of the study, the Director shall invite the entities identified in subsection (a) of this section to enter into a memorandum of understanding regarding the scope and focus of the study and the responsibilities of each participant for conducting the study.

(c) Content of study

A study under this section shall include, but not be limited to—

(1) identifying and describing the component drainages of the Great Lakes Basin (including the drainage for each of the Great Lakes), analyzing how the characteristics and current or expected land and water uses of those drainages have affected, and can be expected to affect in the future, the fishery resources and fish habitats of the Great Lakes Basin;

(2) analyzing historical fishery resource data for the Great Lakes Basin to identify the causes of past and continuing declines¹ of the fishery resources and the impediments to restoring those resources;

(3) evaluating the adequacy, effectiveness, and consistency of current Great Lakes inter-agency fisheries management plans and Federal and State water quality programs, with respect to their effects on Great Lakes fishery resources;

(4) analyzing the impacts of, and management control alternatives for, recently introduced nonindigenous species, including the zebra mussel, the ruffe, and the spiny water flea in accordance with the Aquatic Nuisance Prevention and Control Act of 1990 [16 U.S.C. 4701 et seq.];

(5) developing recommendations regarding—

(A) an action plan to analyze the effects of contaminant levels on fishery resources;

(B) an action plan for the cooperative restoration and enhancement of depleted, nationally significant fish stocks, including lake trout, yellow perch, lake sturgeon, walleye, forage fish, and Atlantic salmon;

(C) planning and technical assistance that should be provided to the Great Lakes Fisheries Commission, States, and Indian Tribes

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

to assist their fishery resource restoration efforts;

(D) mitigation measures to restore and enhance fishery resources adversely affected by past Federal (including federally assisted or approved) water resource development projects and other activities;

(E) increasing the involvement of the International Joint Commission, the Great Lakes Commission, the Great Lakes Fishery Commission, and other interjurisdictional entities regarding fishery resources protection, restoration, and enhancement;

(F) research projects and data gathering initiatives regarding population trends of fish stocks, including population abundance and structure, interspecific competition, survival rates, and behavioral patterns;

(G) important fishery resource habitat and other areas that should be protected, restored, or enhanced for the benefit of Great Lakes fishery resources;

(H) how private conservation organizations, recreational and commercial fishing interests, the aquaculture industry, and the general public could contribute to the implementation of the fishery resource restoration and enhancement recommendations developed pursuant to this chapter; and

(I) appropriate contributions that should be made by States and other non-Federal entities to the cost of activities undertaken to implement the recommendations, including a description of—

(i) the activities that shall be cost-shared;

(ii) the entities or individuals which shall share the costs of those activities;

(iii) the proportion of appropriate project and activity costs that shall be borne by non-Federal interests; and

(iv) how the entities or individuals who share costs should finance their contribution.

(d) Proposals for implementing recommendations

The Director shall develop proposals for implementing the recommendations of the study developed under subsection (c)(5) of this section. The proposals shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great lakes² Fisheries Convention, State and tribal fishery management jurisdiction, and the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources.

(Pub. L. 101-537, title I, §1005, Nov. 8, 1990, 104 Stat. 2372; Pub. L. 101-646, title II, §2005, Nov. 29, 1990, 104 Stat. 4775; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

REFERENCES IN TEXT

The Aquatic Nuisance Prevention and Control Act of 1990, referred to in subsec. (c)(4), probably means the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, title I of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4761, which is classified principally to chapter 67 (§4701 et seq.) of this title. For complete classifica-

² So in original. Probably should be capitalized.

tion of this Act to the Code, see Short Title note set out under section 4701 of this title and Tables.

This chapter, referred to in subsec. (c)(5)(H), was in the original “this Act”, which, to reflect the probable intent of Congress, was translated as reading “this title” meaning title I of Pub. L. 101-537, Nov. 8, 1990, 104 Stat. 2370, and title II of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4773, known as the Great Lakes Fish and Wildlife Restoration Act of 1990, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 941 of this title and Tables.

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted substantially identical sections.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2005, which enacted this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 941f, 941g of this title.

§ 941d. Goals of United States Fish and Wildlife Service programs related to Great Lakes fish and wildlife resources

In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

(1) Restoring and maintaining self-sustaining fishery resource populations.

(2) Minimizing the impacts of contaminants on fishery and wildlife resources.

(3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.

(4) Stopping illegal activities adversely impacting fishery and wildlife resources.

(5) Restoring threatened and endangered species to viable, self-sustaining levels.

(6) Protecting, managing, and conserving migratory birds.

(Pub. L. 101-537, title I, §1006, Nov. 8, 1990, 104 Stat. 2373; Pub. L. 101-646, title II, §2006, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted identical sections.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2006, which enacted this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 941f of this title.

§ 941e. Establishment of offices

(a) Great Lakes Coordination Office

The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the “Great Lakes Coordination Office”. The functional re-

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

sponsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.

(b) Lower Great Lakes Fishery Resources Office

The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the Lower² Great Lakes. The office shall be known as the “Lower Great Lakes Fishery Resources Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

(c) Upper Great Lakes Fishery Resources Offices

The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes. Each of the offices shall be known as an “Upper Great Lakes Fishery Resources Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

(Pub. L. 101-537, title I, §1007, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2007, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted substantially identical sections.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2007, which enacted this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 941g of this title.

§ 941f. Annual reports

Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director shall submit a report to the Committee on Merchant Marine and Fisheries¹ of the House of Representatives and the Committee on Environment and Public Works of the Senate. Each such report shall describe—

(1) the progress and findings of the studies conducted under section 941c of this title, including recommendations of implementing activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

(2) activities undertaken to accomplish the goals stated in section 941d of this title.

(Pub. L. 101-537, title I, §1008, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2008, Nov. 29,

1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in text, is the date of enactment of Pub. L. 101-537, which was approved Nov. 8, 1990, and Pub. L. 101-646, which was approved Nov. 29, 1990.

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted substantially identical sections.

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2008, which enacted this section.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 941g. Authorization of appropriations

(a) There are authorized to be appropriated to the Director—

(1) for conducting a study under section 941c of this title not more than \$4,000,000 for each of fiscal years 1991 through 1994;

(2) to establish and operate the Great Lakes Coordination Office under section 941f(a)¹ of this title and Upper Great Lakes Fishery Resources Offices under section 941f(c)¹ of this title, not more than \$4,000,000 for each of fiscal years 1991 through 1995; and

(3) to establish and operate the Lower Great Lakes Fishery Resources Offices² under section 941f(b)¹ of this title, not more than \$2,000,000 for each of fiscal years 1991 through 1995.

(b) There are authorized to be appropriated to the Secretary to carry out this chapter, not more than \$1,500,000 for each of fiscal years 1991 through 1995.

(Pub. L. 101-537, title I, §1009, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2009, Nov. 29, 1990, 104 Stat. 4778; Pub. L. 104-332, §2(h)(1), (2), Oct. 26, 1996, 110 Stat. 4091.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, which, to reflect the probable intent of Congress, was translated as reading “this title” meaning title II of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4773, known as the Great Lakes Fish and Wildlife Restoration Act of 1990, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 941 of this title and Tables.

¹So in original. Probably should be “941e(a)”, “941e(c)”, and “941e(b)”, respectively.

²So in original. Probably should be “Office”.

²So in original. Probably should not be capitalized.

¹So in original. Probably should be capitalized.

CODIFICATION

Pub. L. 101-537 and Pub. L. 101-646 enacted substantially identical provisions of subsec. (a), but Pub. L. 101-537 did not enact a subsec. (b).

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2009, which enacted this section.

CHAPTER 15C—GREAT LAKES FISH AND WILDLIFE TISSUE BANK

- Sec. 943. Tissue bank.
 - (a) In general.
 - (b) Guidance.
- 943a. Data base.
 - (a) Maintenance.
 - (b) Access.
- 943b. Definitions.
- 943c. Authorization of appropriations.

§ 943. Tissue bank

(a) In general

The Secretary shall coordinate existing facilities for the storage, preparation, examination, and archiving of tissues from selected Great Lakes fish and wildlife, which shall be known as the “Great Lakes Fish and Wildlife Tissue Bank”.

(b) Guidance

The Secretary shall, in consultation with appropriate Federal and State agencies and the Council of Great Lakes Research Managers, issue guidance, after an opportunity for public review and comment, for Great Lakes fish and wildlife tissue collection, preparation, archiving, quality control procedures, and access that will ensure—

- (1) appropriate uniform methods and standards for those activities to provide confidence in Great Lakes fish and wildlife tissue samples used for research;
- (2) documentation of procedures used for collecting, preparing, and archiving those samples; and
- (3) appropriate scientific use of the tissues in the Great Lakes Fish and Wildlife Tissue Bank.

(Pub. L. 102-440, title II, §202, Oct. 23, 1992, 106 Stat. 2233.)

SHORT TITLE

Section 201 of title II of Pub. L. 102-440 provided that: “This title [enacting this chapter] may be cited as ‘The Great Lakes Fish and Wildlife Tissue Bank Act.’”

§ 943a. Data base

(a) Maintenance

The Secretary shall maintain a central data base which provides an effective means for tracking and assessing relevant reference data on Great Lakes fish and wildlife, including data on tissues collected for and maintained in the Great Lakes Fish and Wildlife Tissue Bank.

(b) Access

The Secretary shall establish criteria, after an opportunity for public review and comment, for access to the data base which provides for appropriate use of the information by the public.

(Pub. L. 102-440, title II, §203, Oct. 23, 1992, 106 Stat. 2233.)

§ 943b. Definitions

In this chapter—

- (1) “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.
- (2) “Great Lakes fish and wildlife” means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

(Pub. L. 102-440, title II, §204, Oct. 23, 1992, 106 Stat. 2233.)

§ 943c. Authorization of appropriations

There is authorized to be appropriated to the Secretary, \$250,000 for each of fiscal years 1993 and 1994 to carry out this chapter.

(Pub. L. 102-440, title II, §205, Oct. 23, 1992, 106 Stat. 2234.)

CHAPTER 16—TUNA CONVENTIONS

- Sec. 951. Definitions.
- 952. Commissioners; number, appointment, and qualification.
- 953. Advisory Committee; composition; appointment; compensation; duties.
- 954. Repealed.
- 955. Secretary of State to act for United States.
 - (a) Approval of commission bylaws and rules; action on reports, requests, and recommendations.
 - (b) Regulations.
 - (c) Rulemaking procedures; prohibitions.
- 956. Inspection of returns, records, or other reports.
- 957. Violations; fines and forfeitures; application of related laws.
- 958. Cooperation with other agencies.
 - (a) Coordination of programs.
 - (b) Scientific and other programs; facilities and personnel.
 - (c) Facilities and personnel to non-Federal agencies.
- 959. Enforcement of chapter.
 - (a) Issuance of process.
 - (b) Federal law enforcement agents.
 - (c) Execution of process.
 - (d) Arrests.
 - (e) Seizures and disposition of fish.
 - (f) Security.
- 960. Commissions’ functions not restrained by this chapter or State laws.
- 961. Authorization of appropriations.
- 962. Reduction of bycatch in eastern tropical Pacific Ocean.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3377 of this title.

§ 951. Definitions

As used in this chapter, the term—

- (a) “convention” includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America