

114TH CONGRESS
2D SESSION

S. 2949

To amend and reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2016

Ms. KLOBUCHAR (for herself, Mr. PORTMAN, Ms. STABENOW, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend and reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Great Lakes Fish and Wildlife Restoration Act of 2016”.

6 (b) **REFERENCES.**—Except as otherwise expressly
7 provided, wherever in this Act an amendment is expressed
8 in terms of an amendment to a section or other provision,
9 the reference shall be considered to be made to a section

1 or other provision of the Great Lakes Fish and Wildlife
2 Restoration Act of 1990 (16 U.S.C. 941 et seq.).

3 **SEC. 2. AMENDMENTS TO THE GREAT LAKES FISH AND**
4 **WILDLIFE RESTORATION ACT OF 1990.**

5 (a) FINDINGS.—The Act is amended by striking sec-
6 tion 1002 and inserting the following:

7 **“SEC. 1002. FINDINGS.**

8 “Congress finds that—

9 “(1) the Great Lakes have fish and wildlife
10 communities that are structurally and functionally
11 changing;

12 “(2) successful fish and wildlife management
13 focuses on the lakes as ecosystems, and effective
14 management requires the coordination and integra-
15 tion of efforts of many partners;

16 “(3) it is in the national interest to undertake
17 activities in the Great Lakes Basin that support sus-
18 tainable fish and wildlife resources of common con-
19 cern provided under the Great Lakes Restoration
20 Initiative Action Plan based on the recommendations
21 of the Great Lakes Regional Collaboration author-
22 ized under Executive Order 13340 (69 Fed. Reg.
23 29043; relating to the Great Lakes Interagency
24 Task Force);

1 “(4) additional actions and better coordination
2 are needed to protect and effectively manage the fish
3 and wildlife resources, and the habitats on which the
4 resources depend, in the Great Lakes Basin;

5 “(5) as of the date of enactment of this Act, ac-
6 tions are not funded that are considered essential to
7 meet the goals and objectives in managing the fish
8 and wildlife resources, and the habitats on which the
9 resources depend, in the Great Lakes Basin; and

10 “(6) this Act allows Federal agencies, States,
11 and Indian tribes to work in an effective partnership
12 by providing the funding for restoration work.”.

13 (b) IDENTIFICATION, REVIEW, AND IMPLEMENTA-
14 TION OF PROPOSALS AND REGIONAL PROJECTS.—

15 (1) REQUIREMENTS FOR PROPOSALS AND RE-
16 GIONAL PROJECTS.—Section 1005(b)(2)(B) (16
17 U.S.C. 941c(b)(2)(B)) is amended—

18 (A) in clause (v), by striking “and” at the
19 end;

20 (B) in clause (vi), by striking the period at
21 the end and inserting a semicolon; and

22 (C) by adding at the end the following:

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

1 “(viii) each applicable State wildlife
2 action plan.”.

3 (2) REVIEW OF PROPOSALS.—Section
4 1005(e)(2)(C) (16 U.S.C. 941c(c)(2)(C)) is amended
5 by striking “Great Lakes Coordinator of the”.

6 (3) COST SHARING.—Section 1005(e) (16
7 U.S.C. 941c(e)) is amended—

8 (A) in paragraph (1)—

9 (i) by striking “Except as provided in
10 paragraphs (2) and (4), not less than 25
11 percent of the cost of implementing a pro-
12 posal” and inserting the following:

13 “(A) NON-FEDERAL SHARE.—Except as
14 provided in paragraphs (3) and (5) and subject
15 to paragraph (2), not less than 25 percent of
16 the cost of implementing a proposal or regional
17 project”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) TIME PERIOD FOR PROVIDING
21 MATCH.—The non-Federal share of the cost of
22 implementing a proposal or regional project re-
23 quired under subparagraph (A) may be pro-
24 vided at any time during the 2-year period pre-
25 ceding January 1 of the year in which the Di-

1 rector receives the application for the proposal
2 or regional project.”;

3 (B) by redesignating paragraphs (2)
4 through (4) as paragraphs (3) through (5), re-
5 spectively; and

6 (C) by inserting before paragraph (3) (as
7 so redesignated) the following:

8 “(2) AUTHORIZED SOURCES OF NON-FEDERAL
9 SHARE.—

10 “(A) IN GENERAL.—The Director may de-
11 termine the non-Federal share under paragraph
12 (1) by taking into account—

13 “(i) the appraised value of land or a
14 conservation easement as described in sub-
15 paragraph (B); or

16 “(ii) as described in subparagraph
17 (C), the costs associated with—

18 “(I) land acquisition or securing
19 a conservation easement; and

20 “(II) restoration or enhancement
21 of that land or conservation easement.

22 “(B) APPRAISAL OF LAND OR CONSERVA-
23 TION EASEMENT.—

24 “(i) IN GENERAL.—The value of land
25 or a conservation easement may be used to

1 satisfy the non-Federal share of the cost of
2 implementing a proposal or regional
3 project required under paragraph (1)(A) if
4 the Director determines that the land or
5 conservation easement—

6 “(I) meets the requirements of
7 subsection (b)(2);

8 “(II) is acquired before the end
9 of the grant period of the proposal or
10 regional project;

11 “(III) is held in perpetuity for
12 the conservation purposes of the pro-
13 grams of the United States Fish and
14 Wildlife Service related to the Great
15 Lakes Basin, as described in section
16 1006, by an accredited land trust or
17 conservancy or a Federal, State, or
18 tribal agency;

19 “(IV) is connected either phys-
20 ically or through a conservation plan-
21 ning process to the proposal or re-
22 gional project; and

23 “(V) is appraised in accordance
24 with clause (ii).

1 “(ii) APPRAISAL.—With respect to the
2 appraisal of land or a conservation ease-
3 ment described in clause (i)—

4 “(I) the appraisal valuation date
5 shall be not later than 1 year after
6 the price of the land or conservation
7 easement was set under a contract;
8 and

9 “(II) the appraisal shall—

10 “(aa) conform to the Uni-
11 form Standards of Professional
12 Appraisal Practice (USPAP);
13 and

14 “(bb) be completed by a
15 Federal- or State-certified ap-
16 praiser.

17 “(C) COSTS OF LAND ACQUISITION OR SE-
18 CURING CONSERVATION EASEMENT.—

19 “(i) IN GENERAL.—All costs associ-
20 ated with land acquisition or securing a
21 conservation easement and restoration or
22 enhancement of that land or conservation
23 easement may be used to satisfy the non-
24 Federal share of the cost of implementing
25 a proposal or regional project required

1 under paragraph (1)(A) if the activities
2 and expenses associated with the land ac-
3 quisition or securing the conservation ease-
4 ment and restoration or enhancement of
5 that land or conservation easement meet
6 the requirements of subparagraph (B)(i).

7 “(ii) INCLUSION.—The costs referred
8 to in clause (i) may include cash, in-kind
9 contributions, and indirect costs.

10 “(iii) EXCLUSION.—The costs referred
11 to in clause (i) may not be costs associated
12 with mitigation or litigation (other than
13 costs associated with the Natural Resource
14 Damage Assessment program).”.

15 (c) ESTABLISHMENT OF OFFICES.—Section 1007
16 (16 U.S.C. 941e) is amended—

17 (1) in subsection (b)—

18 (A) in the subsection heading, by striking
19 “FISHERY RESOURCES” and inserting “FISH
20 AND WILDLIFE CONSERVATION”; and

21 (B) by striking “Fishery Resources” each
22 place it appears and inserting “Fish and Wild-
23 life Conservation”;

24 (2) in subsection (c)—

1 (A) in the subsection heading, by striking
2 “FISHERY RESOURCES” and inserting “FISH
3 AND WILDLIFE CONSERVATION”; and

4 (B) by striking “Fishery Resources” each
5 place it appears and inserting “Fish and Wild-
6 life Conservation”;

7 (3) by striking subsection (a); and

8 (4) by redesignating subsections (b) and (c) as
9 subsections (a) and (b), respectively.

10 (d) REPORTS.—Section 1008 (16 U.S.C. 941f) is
11 amended—

12 (1) in subsection (a), in the matter preceding
13 paragraph (1), by striking “2011” and inserting
14 “2021”;

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph (1),
17 by striking “2007 through 2012” and inserting
18 “2016 through 2020”; and

19 (B) in paragraph (5), by inserting “the
20 Great Lakes Restoration Initiative Action Plan
21 based on” after “in support of”; and

22 (3) by striking subsection (c) and inserting the
23 following:

1 “(c) CONTINUED MONITORING AND ASSESSMENT OF
2 STUDY FINDINGS AND RECOMMENDATIONS.—The Direc-
3 tor—

4 “(1) shall continue to monitor the status, and
5 the assessment, management, and restoration needs,
6 of the fish and wildlife resources of the Great Lakes
7 Basin; and

8 “(2) may reassess and update, as necessary, the
9 findings and recommendations of the Report.”.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
11 1009 (16 U.S.C. 941g) is amended—

12 (1) in the matter preceding paragraph (1), by
13 striking “2007 through 2012” and inserting “2016
14 through 2021”;

15 (2) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “\$14,000,000” and inserting
18 “\$6,000,000”;

19 (B) in subparagraph (A), by striking
20 “\$4,600,000” and inserting “\$2,000,000”; and

21 (C) in subparagraph (B), by striking
22 “\$700,000” and inserting “\$300,000”; and

23 (3) in paragraph (2), by striking “the activities
24 of” and all that follows through “section 1007” and
25 inserting “the activities of the Upper Great Lakes

1 Fish and Wildlife Conservation Offices and the
2 Lower Great Lakes Fish and Wildlife Conservation
3 Office under section 1007”.

4 (f) CONFORMING AMENDMENT.—Section 8 of the
5 Great Lakes Fish and Wildlife Restoration Act of 2006
6 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

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