

NATIONAL FISH HABITAT ACTION PLAN

Board Meeting - March 3 & 4, 2010

Headquarters of Ducks Unlimited

Memphis, TN



NATIONAL
FISH HABITAT
ACTION PLAN

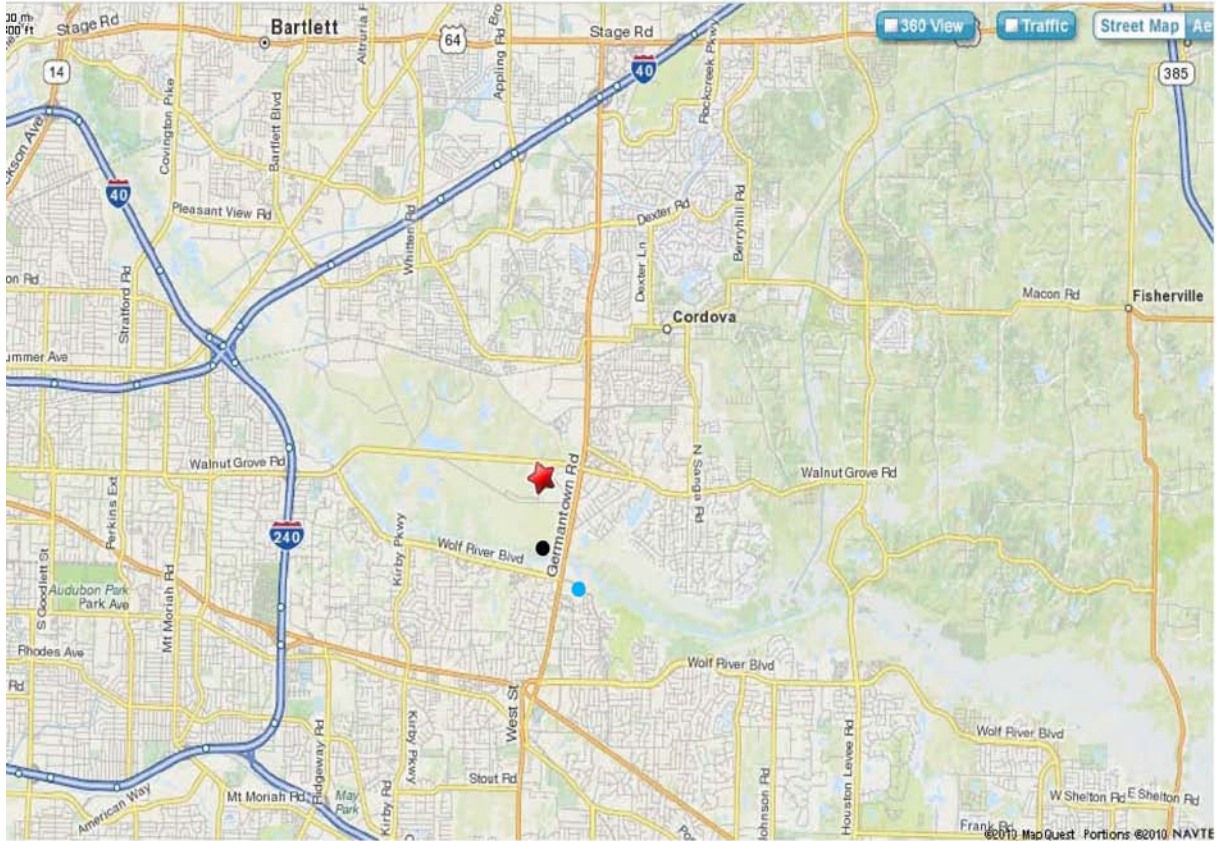


AGENDA BOOK

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National Fish Habitat Board Meeting March 3 & 4 Memphis, TN.



- ★ Ducks Unlimited – 1 Waterfowl Way, Memphis, TN 38120
- Holiday Inn Express - 7784 Wolf Trail Cove, Germantown, TN 38138
- Hilton Homewood Suites - 7855 Wolf River Blvd, Germantown, TN

Travel directions from Hotels to Ducks Unlimited:

Holiday Inn Express - 7784 Wolf Trail Cove, Germantown, TN 38138

Front Desk: 901-309-6700

1. Start out going EAST on WOLF TRAIL CV toward S GERMANTOWN RD / TN-177. **0.1 mi**
2. Turn LEFT onto S GERMANTOWN RD / TN-177 N. **1.2 mi**
3. Turn SLIGHT LEFT onto ramp. **0.3 mi**
4. Merge onto WALNUT GROVE RD. **0.1 mi**
5. Turn LEFT onto FARM RD. **0.1 mi**
6. Turn RIGHT onto WATERFOWL WAY. **0.1 mi**

Travel directions from Hotels to Ducks Unlimited:

Hilton Homewood Suites - 7855 Wolf River Blvd, Germantown, TN 38138

Front Desk: 901-751-2500

1. Start out going WEST on WOLF RIVER BLVD/WOLF RIVER PKWY toward S GERMANTOWN RD / TN-177.
0.1 mi

2. Turn RIGHT onto S GERMANTOWN RD / TN-177 N. **1.3 mi**

3. Turn SLIGHT LEFT onto ramp. **0.3 mi**

4. Merge onto WALNUT GROVE RD. **0.1 mi**

5. Turn LEFT onto FARM RD. **0.1 mi**

6. Turn RIGHT onto WATERFOWL WAY. **0.1 mi**

National Fish Habitat Board meeting

March 3-4, 2010
Ducks Unlimited
1 Waterfowl Way
Memphis, TN 38120

March 3

- 1:00 – 1:10 Welcome and introductions Kelly Hepler, Board Chair
Ed Carter, Director, TN WRA
- 1:10 – 1:15 draft agenda
ACTION: Approval or amendments to agenda
Materials: Tab 3
- 1:15 – 1:20 draft minutes of October 2009 and January 2010 meetings
ACTION: Approval or amendments to minutes
Materials: Tab 4
- 1:20 – 1:45 NFHCA update Gordon Robertson
INFORMATIONAL
Materials: Tab 5
- 1:45 – 2:30 Science and Data Committee Gary Whelan/Doug Beard
Update on assessment and data system
Board sponsorship of AFS NFHAP Symposium
INFORMATIONAL
Materials: Tab 6
- 2:30 – 3:00 2010 Report on Status of Fish Habitats Doug Austen
INFORMATIONAL
Materials: Tab 7
- 3:00 – 3:15 Break
- 3:15 – 4:00 Communications Committee update Ryan Roberts
INFORMATIONAL
Materials: Tab 8
- 4:00 – 4:30 10 Waters to Watch Ryan Roberts
ACTION: Endorsement or amendment to list of proposed
“10 Waters to Watch” for 2010
Materials: Tab 8
- 4:30 - 5:30 Closed session – National Fish Habitat Award winner selection

March 4

- 8:30 – 9:00 Project proposals for 2010 FWS \$\$ Tom Busiahn
ACTION: Endorsement of projects selected for funding with
FWS NFHAP \$\$
Materials: Tab 9
- 9:00 – 10:00 Recognition of Fish Habitat Partnerships Tom Busiahn
Fishers and Farmers Partnership
California Fish Passage Forum
ACTION: Adopt or amend staff recommendation on FHP recognition
Materials: Tab 10
- 10:00 – 10:15 Recommended process for recognizing FHPs Tom Busiahn
ACTION: Adopt or amend Partnerships Committee recommendation
Materials: Tab 11
- 10:15 – 10:30 Break
- 10:30 – 12:00 Panel Discussion on Cooperation among FHPs
Panelists:
Scott Robinson
Maureen Gallagher
Robin Knox
John DeLapp
INFORMATIONAL/DISCUSSION
- 12:00 – 1:00 Lunch
- 1:00 – 2:15 NFHAP implementation beyond 2010
DISCUSSION
- 2:15 – 4:15 Federal landscape planning efforts
Landscape Conservation Cooperatives (Dept of the Interior)
Climate Change Centers (Dept of the Interior)
Marine Spatial Planning (NOAA)
INFORMATIONAL
- 4:15 – 4:30 Wrap-up and next meeting

draft minutes
National Fish Habitat Board meeting
October 7-8, 2009
Arlington, Virginia

The meeting commenced at 1:00 EST on October 7, 2009.

Board members present included:

Kelly Hepler, Chair
Doug Austen, Vice-chair
Joe Larscheid *for* Rich Leopold
Mike Stone
John Frampton
Matt Hogan
Jim Balsiger
Bryan Arroyo *for* Sam Hamilton
Anne Zimmermann
Jason Stark *for* Michael (Mic) J. Isham, Jr.
Krystyna Wolniakowski
Steve Moyer *for* Charles Gauvin
Michael Andrews
William W. Taylor
Stan Allen *for* Randy Fisher
Gordon Robertson
Chris Horton
Bob Mahood
Stan Moberly

Other participants are listed at the end of these minutes.

Agenda and Minutes of the June 2009 meeting - The Board approved the draft agenda and the draft minutes of the June 2009 meeting.

Board membership - Kelly Hepler summarized the rationale for continuing current Board membership until the National Fish Habitat Conservation Act is acted upon by Congress. Board members agreed.

NFHAP funding from FWS - Bryan Arroyo summarized FWS's funding for NFHAP in FY 2010. Funding for Board priorities will be increased by \$180,000. \$90,000 will be available for projects that address priorities of each newly recognized FHP, and funding for established FHPs will remain at 2009 levels. Since FWS began funding NFHAP projects they have funded 188 projects with \$5.8 million from FWS and nearly \$20 million overall leveraged. Krystyna Wolniakowski and other Board members expressed interest in how the projects are being tracked. FWS uses a project tracking database (Fisheries Information System), but has not yet summarized the completion and accomplishments of projects, and acknowledged the importance of doing so.

Several Board Members noted the importance of communicating the partner match in NFHAP-funded projects in reports and to the reporting purposes and on the Hill.

Mike Stone requested that communications from FWS to FHP's be better coordinated. Bryan Arroyo said that the FWS would work with FHP's to communicate better and to coordinate better with FWS regional offices, particularly when FHP's encompass several FWS Regions.

NFHAP Branding Guidance - The Board approved the NFHAP Branding Guidance amended as follows:

- The word "may" shall be replaced with "should" wherever it refers to use of the NFHAP brand by Board-recognized Fish Habitat Partnerships or projects funded by NFHAP sources.

NFHAP and Climate Change – The Board heard from several speakers (listed below) on the way climate change is affecting how Federal and state agencies fund and implement some of their natural resource conservation programs. Unfortunately, there was no time for discussion.

Sue Haseltine, USGS
Mike Stone, AFWA
Dan Ashe, FWS
Pat Montanio, NOAA/ NMFS
Mark Smith, TNC

Recognition of Fish Habitat Partnerships

Tom Busiahn reviewed the existing guidance for FHPs, modified by Board in Oct 2008.

There are four requirements applicants must meet:

Strong and Diverse Partnerships
Geographic focus (geographic boundaries or system-type)
Strategic Planning – ID strategic priorities
Capabilities for Scientific Assessment

Application for Board recognition from the Atlantic Coastal Fish Habitat

Partnership – Emily Greene gave a presentation on the ACFHP. Questions from the Board included how progress will be measured, interactions with overlapping FHPs, especially SARP, and participation from tribal interests. The Board approved the Board staff's recommendation to approve the application of the Atlantic Coastal Fish Habitat Partnership for Board recognition.

Application for Board recognition from the Ohio River Basin Fish Habitat

Partnership – Rob Simmonds, John Stark, and Bill James gave a presentation on the ORFHP. There were no questions from the Board and the Board approved the Board

staff's recommendation to approve the application of the Ohio River Basin Fish Habitat Partnership for Board recognition.

Application for Board recognition from the Reservoir Fisheries Habitat Partnership

- Phil Durocher gave a presentation on the RFHP. Questions from the Board included how they were addressing inaccurate location information in the National Hydrological Database, how the regional workgroups will operate, and why there are no tribal interests involved. The Board approved the Board staff's recommendation to approve the application of the Reservoir Fisheries Habitat Partnership for Board recognition amended as follows:

- The Reservoir Fisheries Habitat Partnership will develop and implement an outreach plan for Native American Tribes.

Application for Board recognition from the Kenai Peninsula Fish Habitat Partnership

- Ricky Gease of the Kenai River Sportfishing Association gave a presentation on the KPFHP. Questions from the Board centered on amendments to the strategic plan that were not part of the original application but were provided to the Board at the beginning of the meeting, and the most appropriate process to follow in addressing the application. After much discussion, the Board voted to defer approval of the Kenai Peninsula Fish Habitat Partnership until a revised application is received and certified by staff to be complete and meets the guidance established by the Board. The Chair will then call for a Board meeting for final approval.

Application for Board recognition from the Great Lakes Basin Fish Habitat Partnership

- Bill James, Steve Scott and Mark Brouder gave a presentation on the GLBFHP. Questions from the Board included whether a 25-member steering committee and a requirement for consensus would make governance difficult. The Board approved the Board staff's recommendation to approve the application of the Great Lakes Basin Fish Habitat Partnership for Board recognition.

Application for Board recognition from the California Fish Passage Forum

- Julie Brown gave a presentation on the CFPF. Questions from the Board included whether the partnership fits the NFHAP model given that it is threat-based rather than species, habitat, or geographically-based, and how the partnership would set strategic priorities. After much discussion, the Board approved the Board staff's recommendation to defer the application of the California Fish Passage Forum for Board recognition (see attachment) and asked staff to work with the CFPF to address how they fit the NFHAP model and how they address watershed health as part of the barrier-removal process.

Application for Board recognition from the Great Plains Fish Habitat Partnership

- Steve Krentz gave a presentation on the GPFHP. There were no questions from the Board and the Board approved the Board staff's recommendation to approve the application of the Great Plains Fish Habitat Partnership for Board recognition.

Legislation Update

Christy Plumer, Director of Government Relations for The Conservation Fund, gave an update on progress with the National Fish Habitat Conservation Act. The Senate bill has 13 co-sponsors; bipartisan support. The House bill has 3 co-sponsors; two more pending. The House bill needs a Republican co-sponsor – this is very important for further House action.

There has been a hearing in the House that was very positive. On the Senate side they are hoping for a sub-committee hearing in November. ASA has spearheaded a letter to the Senate Committee leadership requesting such a hearing.

On the Senate side, they also need to work through two different committees of jurisdiction – Commerce and EPW. Commerce has some considerations it wants addressed regarding marine and coastal habitats.

The Chair asked for an inventory of how many states are actively engaging their delegations regarding the importance of the legislation. For those who are not, a reminder to state directors would be helpful.

Update on NFHAP Executive Order - Tom Busiahn gave an update on the NFHAP Executive Order. It has been amended slightly and is making its way through the new administration in FWS.

Communications Update - Ryan Roberts gave an update on communications efforts. Recent accomplishments include the online NFHCA Toolkit, which has had about 600 hits to date, an update to the fishhabitat.org website has been completed, including a new calendar function and new project profiles, and a “store” at Lands End where anyone can buy NFHAP logo merchandise. Upcoming initiatives will include updates on previous “10 Waters to Watch”, fact sheets on 2009 “10 Waters to Watch”, and a communications strategy targeted to tribes and U.S. territories.

Science and Data Committee Update –

Gary Whelan reviewed progress on the national assessment. The inland rivers assessment is very far along, assessment of the coastal areas is underway, and options are being explored for assessing AK, HI, and lakes/reservoirs. A symposium is being planned for the 2010 AFS annual meeting to present the results of the assessments.

Doug Beard discussed the Standard Operating Procedures for Data Management proposed by the Data Subcommittee. The Board approved the Standard Operating Procedures.

Andrea Ostroff handed out a proposal for housing the Data Management and Delivery System at USGS-NBII. The Board voted to accept the offer of the USGS-NBII to house the NFHAP Data System.

Susan-Marie Stedman presented the draft White Paper on the NFHAP Assessment and Decision Support System. The Board approved the White Paper for review by the Fish Habitat Partnerships and other interested parties.

2010 Board budget – Ron Regan discussed the process for developing the Board’s 2010 budget: board staff will draft a budget proposal in November and the Board will be asked to approve a FY 2010 budget at a January conference call meeting. Based on initial assumptions, there is a projected \$100K shortfall for 2010. Board questions included how the \$\$ being spent on Science and Data are being tracked and how the \$\$ provided directly by states are being spent. The Chair asked staff to prepare a report on those topics.

Outstanding items

Anne Zimmermann asked for a summary of outstanding action items. They included:

1. Monitoring FHP commitments to address recommendations from the Board on strategic plans, outreach to specific groups, etc.
2. Developing a new partner dollar matrix (Krystyna will work with Ron on that).
3. Developing a family of outreach brochures – agency engagement, expenditures, results, etc., in support of NFHAP.

The Chair stated there would be action on all items.

The meeting adjourned at 2:20 PM on October 8, 2009.

Other attendees:

Susan-Marie Stedman	NOAA Fisheries
Tom Busiahn	USFWS
Ryan Roberts	AFWA
Ron Regan	AFWA
Christopher Estes	AK DGF
Doug Beard	USGS
Gary Whelan	MI DFG

Mark Hudy	USDA-FS
Dave Schmid	USDA-FS
Ron Dunlap	USDA-FS
Cindy Williams	USFWS Atlanta
Mark P. Smith	TNC
Robin Knox	WNTI
Jim Balocki	US Army Corps
Mike Stempel	USFWS Denver
Elden Hawkes	AFS
Jessie Thomas-Blate	ASMFC
Emily Greene	ACFHP
Steve Phillips	USDA-FS
Tom Mendenhall	BLM

Howard Hankin	USDA-NRCS
Paul Pajak	USFWS
Stuart Leon	USFWS
John DeLapp	USFWS
Erica George	FishAmerica
Tim Birdsong	TX PWD
Scott Robinson	SARP
Maureen Gallagher	USFWS
Dane Shuman	USFWS
Steve Krentz	USFWS
Tom Bigford	NOAA Fisheries
Doug Norton	USEPA
Fred Fox	DOI-OSMRE
Bill Archambault	USFWS
Mike Weimer	USFWS
Aaron Woldt	USFWS
Mark Hudy	USFWS
Bill James	IN DNR
Mark Brouder	USFWS
Steve Scott	MI DNR
John Stark	TNC
Phil Durocher	TX PWD
Callie McMunigal	USFWS
Rob Simmonds	USFWS
Jeff Boxrucker	OK DW
Karl Hess	USFWS
Roger Gorke	USEPA
Joe Starichak	USFWS
Ricky Gease	KRSA

**National Fish Habitat Board meeting (by conference call)
January 15, 2010 1:00 – 2:30 PM EDT**

The meeting commenced at 1:00 EST. Board members present included:

Kelly Hepler, Chair
Doug Austen, Vice-chair
Joe Larscheid *for* Rich Leopold
Mike Stone
Matt Hogan
Pat Montanio *for* Jim Balsiger
Bryan Arroyo *for* Sam Hamilton
Anne Zimmermann
Jason Stark *for* Michael (Mic) J. Isham, Jr.
Krystyna Wolniakowski
Steve Moyer *for* Charles Gauvin
Michael Andrews
Abigail Lynch *for* William W. Taylor
Pat Murray
Randy Fisher
Gordon Robertson
Chris Horton
Bob Mahood
Stan Moberly

Other participants are listed at the end of these minutes.

Update on legislation and authority for Legislative Team

Christy Plumer gave an overview of the current status of the legislation and the anticipated difficulties in getting the bill through Congress, which center on its cost. The Legislative Team asked the Board for authority to negotiate with Congressional Committees, only if absolutely necessary, to reduce or phase-in authorization for appropriations for funding the National Fish Habitat Conservation Act. The Board agreed.

Board 2010 budget

The Board voted unanimously to approve the staff proposed Board budget for 2010.

Kenai Peninsula Fish Habitat Partnership revised application for Board approval

Board staff recommended recognition of the Kenai Peninsula Fish Habitat Partnership based on their revised strategic plan and application. The Board agreed with this recommendation and voted unanimously to recognize the partnership.

Communications update: Ryan Roberts gave an update on 10 Waters to Watch and the NFHAP Awards.

March 2010 Board meeting

This meeting will be held March 3-4 at the Ducks Unlimited building in Memphis Tennessee. Field trips will be offered before and after the meeting, additional information will be sent by e-mail. In addition to the staff proposed agenda items:

- Fishers and Farmers FHP request for recognition
- CA FPF FHP request for recognition
- Science and Data Committee Update
- 2010 Report on Status of Fish Habitats
- FHP cooperation
- Project proposals for 2010 FWS NFHAP funds
- Communications update including 10 Waters to Watch
- Selection of 2010 NFHAP Award Winners
- White Paper on Assessment and Decision Support System
- Action Plan Implementation 2010-2015

Board members also suggested a legislative update and presentations on some of the Federal landscape-scale planning efforts going on right now.

Other Upcoming Board Meetings in 2010

The Board will meet the week of June 7 in the D.C. area. Location TBD.

The Board will meet the week of October 12 in Portland Oregon. Krystyna Wolniakowski volunteered to help arrange the meeting.

The meeting adjourned at 2:30 PM.

Also participating:

- Susan-Marie Stedman, NOAA Fisheries and Board staff
- Tom Busiahn, DOI/FWS and Board staff
- Christopher Estes, AKDFG and Board staff
- Gary Whelan, MDNR and Science and Data Committee co-chair
- Doug Beard, USGS and Science and Data Committee co-chair
- Ryan Roberts, Communications Director
- Ron Regan, AFWA
- Noah Van Gilder, TNC
- Gary Taylor, AFWA
- Mike Leonard, ASA
- Christy Plumer, TCS
- Robert Ruffner, Kenai Peninsula FHP
- Mike Edwards

National Fish Habitat Conservation Act (S. 1214, H.R. 2565) Co-sponsors

(H.R. 2565)

Rep. Dan Boren (D-OK) - 2/4/2010
Rep. Christopher Carney (D-PA) - 12/8/2009
Rep. Bill Cassidy (R-LA) - 12/2/2009
Rep. Donna Christensen (D-VI) - 9/10/2009
Rep. Kathy Dahlkemper (D-PA) - 2/4/2010
Rep. Norm Dicks (D-WA)- 10/7/2009
Rep. Jim Gerlach (R-PA) - 1/12/2010
Rep. John Murtha (D-PA) - 9/10/2009
Rep. Todd Platts (R-PA) - 1/20/2010
Rep. David Price (D-NC) - 10/7/2009
Rep. Mike Ross (D-AR) - 1/20/2010
Rep. Joe Sestak (D-PA) - 1/15/2010
Rep. Mike Thompson (D-CA) - 7/23/2009
Rep. Bob Wittman (R-VA) - 2/3/2010

(Introduced by – Rep. Ron Kind (D-WI) – May 2009)

(S.1214)

Sen. Begich, Mark (D-AK) - 7/16/2009
Sen. Bingaman, Jeff (D-NM) - 9/8/09
Sen. Bond, Christopher S. (R-MO) - 6/9/2009
Sen. Cardin, Benjamin L. (D-MD) - 6/9/2009
Sen. Casey, Robert P., Jr. (D-PA) - 6/9/2009
Sen. Crapo, Mike (R-ID) - 6/9/2009
Sen. Klobuchar, Amy (D-MN) - 6/23/2009
Sen. Murkowski, Lisa (R-AK) - 6/15/2009
Sen. Sanders, Bernard (ID-VT) - 6/9/2009
Sen. Stabenow, Debbie (D-MI) - 6/9/2009
Sen. Udall, Mark (D-CO) - 6/10/2009
Sen. Whitehouse, Sheldon (D-RI) - 6/9/2009

(Introduced by – Sen. Joe Lieberman (I-CT) – June 2009)

S. 1214, Boxer #1

This amendment is a substitute for S. 1214, the National Fish Habitat Conservation Act, and makes the following technical changes:

- **Modifies certain definitions**
- **Modifies the process for appointing tribal members to the national fish habitat board**
- **Clarifies provisions relating to the acquisition of land and other rights**
- **Clarifies types of technical assistance that must be provided by the Secretary**
- **Clarifies the responsibility of the Secretary to provide funds to other agencies to implement the interagency operation plan required under the Act**

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 1214

To conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) **SHORT TITLE.**—This Act may be cited as the
- 5 “National Fish Habitat Conservation Act”.
- 6 (b) **TABLE OF CONTENTS.**—The table of contents of
- 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Definitions.
- Sec. 4. National Fish Habitat Board.

- Sec. 5. Fish habitat partnerships.
- Sec. 6. Fish habitat conservation projects.
- Sec. 7. National Fish Habitat Conservation Partnership Office.
- Sec. 8. Technical and scientific assistance.
- Sec. 9. Conservation of aquatic habitat for fish and other aquatic organisms on Federal land.
- Sec. 10. Coordination with States and Indian tribes.
- Sec. 11. Accountability and reporting.
- Sec. 12. Regulations.
- Sec. 13. Effect of Act.
- Sec. 14. Nonapplicability of Federal Advisory Committee Act.
- Sec. 15. Funding.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) healthy populations of fish and other aquat-
4 ic organisms depend on the conservation, protection,
5 restoration, and enhancement of aquatic habitats in
6 the United States;

7 (2) aquatic habitats (including wetlands,
8 streams, rivers, lakes, estuaries, coastal and marine
9 ecosystems, and associated riparian upland habitats
10 that buffer those areas from external factors) per-
11 form numerous valuable environmental functions
12 that sustain environmental, social, and cultural val-
13 ues, including recycling nutrients, purifying water,
14 attenuating floods, augmenting and maintaining
15 stream flows, recharging ground water, acting as
16 primary producers in the food chain, and providing
17 essential and significant habitat for plants, fish,
18 wildlife, and other dependent species;

19 (3) the extensive and diverse aquatic habitat re-
20 sources of the United States are of enormous signifi-

1 cance to the economy of the United States, pro-
2 viding—

3 (A) recreation for 44,000,000 anglers;

4 (B) more than 1,000,000 jobs and approxi-
5 mately \$125,000,000,000 in economic impact
6 each year relating to recreational fishing; and

7 (C) approximately 500,000 jobs and an ad-
8 ditional \$35,000,000,000 in economic impact
9 each year relating to commercial fishing;

10 (4) at least 40 percent of all threatened species
11 and endangered species in the United States are di-
12 rectly dependent on aquatic habitats;

13 (5) certain fish species are considered to be eco-
14 logical indicators of aquatic habitat quality, such
15 that the presence of those species in an aquatic eco-
16 system reflects high-quality habitat for other fish;

17 (6) loss and degradation of aquatic habitat, ri-
18 parian habitat, water quality, and water volume
19 caused by activities such as alteration of water-
20 courses, stream blockages, water withdrawals and di-
21 versions, erosion, pollution, sedimentation, and de-
22 struction or modification of wetlands have—

23 (A) caused significant declines in fish pop-
24 ulations throughout the United States, espe-
25 cially declines in native fish populations; and

1 (B) resulted in economic losses to the
2 United States;

3 (7)(A) providing for the conservation and sus-
4 tainability of fish and other aquatic organisms has
5 not been fully realized, despite federally funded fish
6 and wildlife restoration programs and other activi-
7 ties intended to conserve aquatic resources; and

8 (B) that conservation and sustainability may be
9 significantly advanced through a renewed commit-
10 ment and sustained, cooperative efforts that are
11 complementary to existing fish and wildlife restora-
12 tion programs and clean water programs;

13 (8) the National Fish Habitat Action Plan pro-
14 vides a framework for maintaining and restoring
15 aquatic habitats to ensure perpetuation of popu-
16 lations of fish and other aquatic organisms;

17 (9) the United States can achieve significant
18 progress toward providing aquatic habitats for the
19 conservation and restoration of fish and other aquat-
20 ic organisms through a voluntary, nonregulatory in-
21 centive program that is based on technical and fi-
22 nancial assistance provided by the Federal Govern-
23 ment;

24 (10) the creation of partnerships between local
25 citizens, Indian tribes, Alaska Native organizations,

1 corporations, nongovernmental organizations, and
2 Federal, State, and tribal agencies is critical to the
3 success of activities to restore aquatic habitats and
4 ecosystems;

5 (11) the Federal Government has numerous
6 regulatory and land and water management agencies
7 that are critical to the implementation of the Na-
8 tional Fish Habitat Action Plan, including—

9 (A) the United States Fish and Wildlife
10 Service;

11 (B) the Bureau of Land Management;

12 (C) the National Park Service;

13 (D) the Bureau of Reclamation;

14 (E) the Bureau of Indian Affairs;

15 (F) the National Marine Fisheries Service;

16 (G) the Forest Service;

17 (H) the Natural Resources Conservation
18 Service; and

19 (I) the Environmental Protection Agency;

20 (12) the United States Fish and Wildlife Serv-
21 ice, the Forest Service, the Bureau of Land Manage-
22 ment, and the National Marine Fisheries Service
23 each play a vital role in—

1 (A) the protection, restoration, and en-
2 hancement of the fish communities and aquatic
3 habitats in the United States; and

4 (B) the development, operation, and long-
5 term success of fish habitat partnerships and
6 project implementation;

7 (13) the United States Geological Survey, the
8 United States Fish and Wildlife Service, and the
9 National Marine Fisheries Service each play a vital
10 role in scientific evaluation, data collection, and
11 mapping for fishery resources in the United States;
12 and

13 (14) many of the programs for conservation on
14 private farmland, ranchland, and forestland that are
15 carried out by the Secretary of Agriculture, includ-
16 ing the Natural Resources Conservation Service and
17 the State and Private Forestry programs of the For-
18 est Service, are able to significantly contribute to the
19 implementation of the National Fish Habitat Action
20 Plan through the engagement of private landowners.

21 (b) PURPOSE.—The purpose of this Act is to encour-
22 age partnerships among public agencies and other inter-
23 ested parties consistent with the mission and goals of the
24 National Fish Habitat Action Plan—

1 (1) to protect and maintain intact and healthy
2 aquatic habitats;

3 (2) to prevent further degradation of aquatic
4 habitats that have been adversely affected;

5 (3) to reverse declines in the quality and quan-
6 tity of aquatic habitats to improve the overall health
7 of fish and other aquatic organisms;

8 (4) to increase the quality and quantity of
9 aquatic habitats that support a broad natural diver-
10 sity of fish and other aquatic species;

11 (5) to improve fisheries habitat in a manner
12 that leads to improvement of the annual economic
13 output from recreational, subsistence, and commer-
14 cial fishing;

15 (6) to ensure coordination and facilitation of ac-
16 tivities carried out by Federal departments and
17 agencies under the leadership of—

18 (A) the Director of the United States Fish
19 and Wildlife Service;

20 (B) the Assistant Administrator for Fish-
21 eries of the National Oceanic and Atmospheric
22 Administration; and

23 (C) the Director of the United States Geo-
24 logical Survey; and

1 (7) to achieve other purposes in accordance
2 with the mission and goals of the National Fish
3 Habitat Action Plan.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Commerce, Science,
10 and Transportation and the Committee on En-
11 vironment and Public Works of the Senate; and

12 (B) the Committee on Natural Resources
13 of the House of Representatives.

14 (2) **AQUATIC HABITAT.**—

15 (A) **IN GENERAL.**—The term “aquatic
16 habitat” means any area on which an aquatic
17 organism depends, directly or indirectly, to
18 carry out the life processes of the organism, in-
19 cluding an area used by the organism for
20 spawning, incubation, nursery, rearing, growth
21 to maturity, food supply, or migration.

22 (B) **INCLUSIONS.**—The term “aquatic
23 habitat” includes an area adjacent to an aquat-
24 ic environment, if the adjacent area—

- 1 (i) contributes an element, such as the
2 input of detrital material or the promotion
3 of a planktonic or insect population pro-
4 viding food, that makes fish life possible;
- 5 (ii) protects the quality and quantity
6 of water sources;
- 7 (iii) provides public access for the use
8 of fishery resources; or
- 9 (iv) serves as a buffer protecting the
10 aquatic environment.

11 (3) ASSISTANT ADMINISTRATOR.—The term
12 “Assistant Administrator” means the Assistant Ad-
13 ministrator for Fisheries of the National Oceanic
14 and Atmospheric Administration.

15 (4) BOARD.—The term “Board” means the Na-
16 tional Fish Habitat Board established by section
17 4(a)(1).

18 (5) CONSERVATION; CONSERVE; MANAGE; MAN-
19 AGEMENT.—The terms “conservation”, “conserve”,
20 “manage”, and “management” mean to protect, sus-
21 tain, and, where appropriate, restore and enhance,
22 using methods and procedures associated with mod-
23 ern scientific resource programs (including protec-
24 tion, research, census, law enforcement, habitat

1 management, propagation, live trapping and trans-
2 plantation, and regulated taking)—

3 (A) a healthy population of fish, wildlife,
4 or plant life;

5 (B) a habitat required to sustain fish, wild-
6 life, or plant life; or

7 (C) a habitat required to sustain fish, wild-
8 life, or plant life productivity.

9 (6) DIRECTOR.—The term “Director” means
10 the Director of the United States Fish and Wildlife
11 Service.

12 (7) FISH.—

13 (A) IN GENERAL.—The term “fish” means
14 any freshwater, diadromous, estuarine, or ma-
15 rine finfish or shellfish.

16 (B) INCLUSIONS.—The term “fish” in-
17 cludes the egg, spawn, spat, larval, and other
18 juvenile stages of an organism described in sub-
19 paragraph (A).

20 (8) FISH HABITAT CONSERVATION PROJECT.—

21 (A) IN GENERAL.—The term “fish habitat
22 conservation project” means a project that—

23 (i) is submitted to the Board by a
24 Partnership and approved by the Secretary
25 under section 6; and

1 (ii) provides for the conservation or
2 management of an aquatic habitat.

3 (B) INCLUSIONS.—The term “fish habitat
4 conservation project” includes—

5 (i) the provision of technical assist-
6 ance to a State, Indian tribe, or local com-
7 munity by the National Fish Habitat Con-
8 servation Partnership Office or any other
9 agency to facilitate the development of
10 strategies and priorities for the conserva-
11 tion of aquatic habitats; or

12 (ii) the obtaining of a real property
13 interest in land or water, including water
14 rights, in accordance with terms and condi-
15 tions that ensure that the real property
16 will be administered for the long-term con-
17 servation of—

18 (I) the land or water; and

19 (II) the fish dependent on the
20 land or water.

21 (9) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 450b).

1 (10) NATIONAL FISH HABITAT ACTION PLAN.—

2 The term “National Fish Habitat Action Plan”
3 means the National Fish Habitat Action Plan dated
4 April 24, 2006, and any subsequent revisions or
5 amendments to that plan.

6 (11) PARTNERSHIP.—The term “Partnership”
7 means an entity designated by the Board as a Fish
8 Habitat Conservation Partnership pursuant to sec-
9 tion 5(a).

10 (12) REAL PROPERTY INTEREST.—The term
11 “real property interest” means an ownership interest
12 in—

13 (A) land;

14 (B) water (including water rights); or

15 (C) a building or object that is perma-
16 nently affixed to land.

17 (13) SECRETARY.—The term “Secretary”
18 means the Secretary of the Interior.

19 (14) STATE AGENCY.—The term “State agen-
20 cy” means—

21 (A) the fish and wildlife agency of a State;

22 (B) any department or division of a de-
23 partment or agency of a State that manages in
24 the public trust the inland or marine fishery re-
25 sources or the habitat for those fishery re-

1 sources of the State pursuant to State law or
2 the constitution of the State; or

3 (C) the fish and wildlife agency of the
4 Commonwealth of Puerto Rico, Guam, the Vir-
5 gin Islands, or any other territory or possession
6 of the United States.

7 **SEC. 4. NATIONAL FISH HABITAT BOARD.**

8 (a) **ESTABLISHMENT.—**

9 (1) **IN GENERAL.—**There is established a board,
10 to be known as the “National Fish Habitat
11 Board”—

12 (A) to promote, oversee, and coordinate the
13 implementation of this Act and the National
14 Fish Habitat Action Plan;

15 (B) to establish national goals and prior-
16 ities for aquatic habitat conservation;

17 (C) to designate Partnerships; and

18 (D) to review and make recommendations
19 regarding fish habitat conservation projects.

20 (2) **MEMBERSHIP.—**The Board shall be com-
21 posed of 27 members, of whom—

22 (A) 1 shall be the Director;

23 (B) 1 shall be the Assistant Administrator;

24 (C) 1 shall be the Chief of the Natural Re-
25 sources Conservation Service;

1 (D) 1 shall be the Chief of the Forest
2 Service;

3 (E) 1 shall be the Assistant Administrator
4 for Water of the Environmental Protection
5 Agency;

6 (F) 1 shall be the President of the Associa-
7 tion of Fish and Wildlife Agencies;

8 (G) 1 shall be the Secretary of the Board
9 of Directors of the National Fish and Wildlife
10 Foundation appointed pursuant to section
11 3(g)(2)(B) of the National Fish and Wildlife
12 Foundation Establishment Act (16 U.S.C.
13 3702(g)(2)(B));

14 (H) 4 shall be representatives of State
15 agencies, 1 of whom shall be nominated by a re-
16 gional association of fish and wildlife agencies
17 from each of the Northeast, Southeast, Mid-
18 west, and Western regions of the United States;

19 (I) 1 shall be a representative of the Amer-
20 ican Fisheries Society;

21 (J) 2 shall be representatives of Indian
22 tribes, of whom—

23 (i) 1 shall represent Indian tribes
24 from the State of Alaska; and

1 (ii) 1 shall represent Indian tribes
2 from the other States;

3 (K) 1 shall be a representative of the Re-
4 gional Fishery Management Councils estab-
5 lished under section 302 of the Magnuson-Ste-
6 vens Fishery Conservation and Management
7 Act (16 U.S.C. 1852);

8 (L) 1 shall be a representative of the Ma-
9 rine Fisheries Commissions, which is composed
10 of—

11 (i) the Atlantic States Marine Fish-
12 eries Commission;

13 (ii) the Gulf States Marine Fisheries
14 Commission; and

15 (iii) the Pacific States Marine Fish-
16 eries Commission;

17 (M) 1 shall be a representative of the
18 Sportfishing and Boating Partnership Council;
19 and

20 (N) 10 shall be representatives selected
21 from each of the following groups:

22 (i) The recreational sportfishing in-
23 dustry.

24 (ii) The commercial fishing industry.

25 (iii) Marine recreational anglers.

- 1 (iv) Freshwater recreational anglers.
2 (v) Terrestrial resource conservation
3 organizations.
4 (vi) Aquatic resource conservation or-
5 ganizations.
6 (vii) The livestock and poultry produc-
7 tion industry.
8 (viii) The land development industry.
9 (ix) The row crop industry.
10 (x) Natural resource commodity inter-
11 ests, such as petroleum or mineral extrac-
12 tion.

13 (3) COMPENSATION.—A member of the Board
14 shall serve without compensation.

15 (4) TRAVEL EXPENSES.—A member of the
16 Board shall be allowed travel expenses, including per
17 diem in lieu of subsistence, at rates authorized for
18 an employee of an agency under subchapter I of
19 chapter 57 of title 5, United States Code, while
20 away from the home or regular place of business of
21 the member in the performance of the duties of the
22 Board.

23 (b) APPOINTMENT AND TERMS.—

24 (1) IN GENERAL.—Except as otherwise pro-
25 vided in this subsection, a member of the Board de-

1 scribed in any of subparagraphs (H) through (N) of
2 subsection (a)(2) shall serve for a term of 3 years.

3 (2) INITIAL BOARD MEMBERSHIP.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of enactment of this Act,
6 the representatives of the board established by
7 the National Fish Habitat Action Plan shall ap-
8 point the initial members of the Board de-
9 scribed in subparagraphs (H) through (I) and
10 (K) through (N) of subsection (a)(2).

11 (B) TRIBAL REPRESENTATIVES.—Not
12 later than 180 days after the enactment of this
13 Act, the Secretary shall provide to the board es-
14 tablished by the National Fish Habitat Action
15 Plan a recommendation of not less than 4 tribal
16 representatives, from which that board shall ap-
17 point 2 representatives pursuant to subpara-
18 graph (J) of subsection (a)(2).

19 (3) TRANSITIONAL TERMS.—Of the members
20 described in subsection (a)(2)(N) initially appointed
21 to the Board—

22 (A) 4 shall be appointed for a term of 1
23 year;

24 (B) 4 shall be appointed for a term of 2
25 years; and

1 (C) 3 shall be appointed for a term of 3
2 years.

3 (4) VACANCIES.—

4 (A) IN GENERAL.—A vacancy of a member
5 of the Board described in any of subparagraphs
6 (H) through (I) or (K) through (N) of sub-
7 section (a)(2) shall be filled by an appointment
8 made by the remaining members of the Board.

9 (B) TRIBAL REPRESENTATIVES.—Fol-
10 lowing a vacancy of a member of the Board de-
11 scribed in subparagraph (J) of subsection
12 (a)(2), the Secretary shall recommend to the
13 Board not less than 4 tribal representatives,
14 from which the remaining members of the
15 Board shall appoint a representative to fill the
16 vacancy.

17 (5) CONTINUATION OF SERVICE.—An individual
18 whose term of service as a member of the Board ex-
19 pires may continue to serve on the Board until a
20 successor is appointed.

21 (6) REMOVAL.—If a member of the Board de-
22 scribed in any of subparagraphs (H) through (N) of
23 subsection (a)(2) misses 3 consecutive regularly
24 scheduled Board meetings, the members of the
25 Board may—

- 1 (A) vote to remove that member; and
2 (B) appoint another individual in accord-
3 ance with paragraph (4).

4 (c) CHAIRPERSON.—

5 (1) IN GENERAL.—The Board shall elect a
6 member of the Board to serve as Chairperson of the
7 Board.

8 (2) TERM.—The Chairperson of the Board shall
9 serve for a term of 3 years.

10 (d) MEETINGS.—

11 (1) IN GENERAL.—The Board shall meet—

12 (A) at the call of the Chairperson; but

13 (B) not less frequently than twice each cal-
14 endar year.

15 (2) PUBLIC ACCESS.—All meetings of the
16 Board shall be open to the public.

17 (e) PROCEDURES.—

18 (1) IN GENERAL.—The Board shall establish
19 procedures to carry out the business of the Board,
20 including—

21 (A) a requirement that a quorum of the
22 members of the Board be present to transact
23 business;

24 (B) a requirement that no recommenda-
25 tions may be adopted by the Board, except by

1 the vote of $\frac{2}{3}$ of all members present and vot-
2 ing;

3 (C) procedures for establishing national
4 goals and priorities for aquatic habitat con-
5 servation for the purposes of this Act;

6 (D) procedures for designating Partner-
7 ships under section 5; and

8 (E) procedures for reviewing, evaluating,
9 and making recommendations regarding fish
10 habitat conservation projects.

11 (2) QUORUM.—A majority of the members of
12 the Board shall constitute a quorum.

13 **SEC. 5. FISH HABITAT PARTNERSHIPS.**

14 (a) AUTHORITY TO DESIGNATE.—The Board may
15 designate Fish Habitat Partnerships in accordance with
16 this section.

17 (b) PURPOSES.—The purposes of a Partnership shall
18 be—

19 (1) to coordinate the implementation of the Na-
20 tional Fish Habitat Action Plan at a regional level;

21 (2) to identify strategic priorities for fish habi-
22 tat conservation;

23 (3) to recommend to the Board fish habitat
24 conservation projects that address a strategic pri-
25 ority of the Board; and

1 (4) to develop and carry out fish habitat con-
2 servation projects.

3 (c) APPLICATIONS.—An entity seeking to be des-
4 ignated as a Partnership shall submit to the Board an
5 application at such time, in such manner, and containing
6 such information as the Board may reasonably require.

7 (d) APPROVAL.—The Board may approve an applica-
8 tion for a Partnership submitted under subsection (c) if
9 the Board determines that the applicant—

10 (1) includes representatives of a diverse group
11 of public and private partners, including Federal,
12 State, or local governments, nonprofit entities, In-
13 dian tribes, and private individuals, that are focused
14 on conservation of aquatic habitats to achieve results
15 across jurisdictional boundaries on public and pri-
16 vate land;

17 (2) is organized to promote the health of impor-
18 tant aquatic habitats and distinct geographical
19 areas, keystone fish species, or system types, includ-
20 ing reservoirs, natural lakes, coastal and marine en-
21 vironments, and estuaries;

22 (3) identifies strategic fish and aquatic habitat
23 priorities for the Partnership area in the form of
24 geographical focus areas or key stressors or impair-

1 ments to facilitate strategic planning and decision-
2 making;

3 (4) is able to address issues and priorities on a
4 nationally significant scale;

5 (5) includes a governance structure that—

6 (A) reflects the range of all partners; and

7 (B) promotes joint strategic planning and
8 decisionmaking by the applicant;

9 (6) demonstrates completion of, or significant
10 progress toward the development of, a strategic plan
11 to address the causes of system decline in fish popu-
12 lations, rather than simply treating symptoms in ac-
13 cordance with the National Fish Habitat Action
14 Plan; and

15 (7) ensures collaboration in developing a stra-
16 tegic vision and implementation program that is sci-
17 entifically sound and achievable.

18 **SEC. 6. FISH HABITAT CONSERVATION PROJECTS.**

19 (a) **SUBMISSION TO BOARD.**—Not later than March
20 31 of each calendar year, each Partnership shall submit
21 to the Board a list of fish habitat conservation projects
22 recommended by the Partnership for annual funding
23 under this Act.

24 (b) **RECOMMENDATIONS BY BOARD.**—Not later than
25 July 1 of each calendar year, the Board shall submit to

1 the Secretary a description, including estimated costs, of
2 each fish habitat conservation project that the Board rec-
3 ommends that the Secretary approve and fund under this
4 Act, in order of priority, for the following fiscal year.

5 (c) CONSIDERATIONS.—The Board shall select each
6 fish habitat conservation project to be recommended to the
7 Secretary under subsection (b)—

8 (1) based on a recommendation of the Partner-
9 ship that is, or will be, participating actively in car-
10 rying out the fish habitat conservation project; and

11 (2) after taking into consideration—

12 (A) the extent to which the fish habitat
13 conservation project fulfills a purpose of this
14 Act or a goal of the National Fish Habitat Ac-
15 tion Plan;

16 (B) the extent to which the fish habitat
17 conservation project addresses the national pri-
18 orities established by the Board;

19 (C) the availability of sufficient non-Fed-
20 eral funds to match Federal contributions for
21 the fish habitat conservation project, as re-
22 quired by subsection (e);

23 (D) the extent to which the fish habitat
24 conservation project—

1 (i) increases fishing opportunities for
2 the public;

3 (ii) will be carried out through a coop-
4 erative agreement among Federal, State,
5 and local governments, Indian tribes, and
6 private entities;

7 (iii) increases public access to land or
8 water;

9 (iv) advances the conservation of fish
10 and wildlife species that are listed, or are
11 candidates to be listed, as threatened spe-
12 cies or endangered species under the En-
13 dangered Species Act of 1973 (16 U.S.C.
14 1531 et seq.);

15 (v) where appropriate, advances the
16 conservation of fish and fish habitats
17 under the Magnuson-Stevens Act (16
18 U.S.C. 1801 et seq.) and other relevant
19 Federal law and State wildlife action plans;
20 and

21 (vi) promotes resilience such that de-
22 sired biological communities are able to
23 persist and adapt to environmental
24 stressors such as climate change; and

1 (E) the substantiality of the character and
2 design of the fish habitat conservation project.

3 (d) LIMITATIONS.—

4 (1) REQUIREMENTS FOR EVALUATION.—No
5 fish habitat conservation project may be rec-
6 ommended by the Board under subsection (b) or
7 provided financial assistance under this Act unless
8 the fish habitat conservation project includes an
9 evaluation plan designed—

10 (A) to appropriately assess the biological,
11 ecological, or other results of the habitat protec-
12 tion, restoration, or enhancement activities car-
13 ried out using the assistance;

14 (B) to reflect appropriate changes to the
15 fish habitat conservation project if the assess-
16 ment substantiates that the fish habitat con-
17 servation project objectives are not being met;
18 and

19 (C) to require the submission to the Board
20 of a report describing the findings of the assess-
21 ment.

22 (2) ACQUISITION OF REAL PROPERTY INTER-
23 ESTS.—

24 (A) IN GENERAL.—No fish habitat con-
25 servation project that will result in the acquisi-

1 tion by the State, local government, or other
2 non-Federal entity, in whole or in part, of any
3 real property interest may be recommended by
4 the Board under subsection (b) or provided fi-
5 nancial assistance under this Act unless the
6 project meets the requirements of subparagraph
7 (B).

8 (B) REQUIREMENTS.—

9 (i) IN GENERAL.—A real property in-
10 terest may not be acquired pursuant to a
11 fish habitat conservation project by a
12 State, public agency, or other non-Federal
13 entity unless the State, agency, or other
14 non-Federal entity is obligated to under-
15 take the management of the property being
16 acquired in accordance with the purposes
17 of this Act.

18 (ii) ADDITIONAL CONDITIONS.—Any
19 real property interest acquired by a State,
20 local government, or other non-Federal en-
21 tity pursuant to a fish habitat conservation
22 project shall be subject to terms and condi-
23 tions that ensure that the interest will be
24 administered for the long-term conserva-
25 tion and management of the aquatic eco-

1 system and the fish and wildlife dependent
2 on that ecosystem.

3 (e) NON-FEDERAL CONTRIBUTIONS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), no fish habitat conservation project may
6 be recommended by the Board under subsection (b)
7 or provided financial assistance under this Act un-
8 less at least 50 percent of the cost of the fish habi-
9 tat conservation project will be funded with non-
10 Federal funds.

11 (2) PROJECTS ON FEDERAL LAND OR WATER.—
12 Notwithstanding paragraph (1), Federal funds may
13 be used for payment of 100 percent of the costs of
14 a fish habitat conservation project located on Fed-
15 eral land or water, including the acquisition of
16 inholdings within such land or water.

17 (3) NON-FEDERAL SHARE.—The non-Federal
18 share of the cost of a fish habitat conservation
19 project—

20 (A) may not be derived from a Federal
21 grant program; but

22 (B) may include in-kind contributions and
23 cash.

24 (4) SPECIAL RULE FOR INDIAN TRIBES.—Not-
25 withstanding paragraph (1) or any other provision of

1 law, any funds made available to an Indian tribe
2 pursuant to this Act may be considered to be non-
3 Federal funds for the purpose of paragraph (1).

4 (f) APPROVAL.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of receipt of the recommendations of
7 the Board for fish habitat conservation projects
8 under subsection (b), and based, to the maximum
9 extent practicable, on the criteria described in sub-
10 section (c)—

11 (A) the Secretary shall approve, reject, or
12 reorder the priority of any fish habitat con-
13 servation project recommended by the Board
14 that is not within a marine or estuarine habitat;
15 and

16 (B) the Secretary and the Secretary of
17 Commerce shall jointly approve, reject, or reor-
18 der the priority of any fish habitat conservation
19 project recommended by the Board that is with-
20 in a marine or estuarine habitat.

21 (2) FUNDING.—If the Secretary, or the Sec-
22 retary and the Secretary of Commerce jointly, ap-
23 proves a fish habitat conservation project under
24 paragraph (1), the Secretary, or the Secretary and
25 the Secretary of Commerce jointly, shall use

1 amounts made available to carry out this Act to pro-
2 vide funds to carry out the fish habitat conservation
3 project.

4 (3) NOTIFICATION.—If the Secretary, or the
5 Secretary and the Secretary of Commerce jointly, re-
6 jects or reorders the priority of any fish habitat con-
7 servation project recommended by the Board under
8 subsection (b), the Secretary, or the Secretary and
9 the Secretary of Commerce jointly, shall provide to
10 the Board and the appropriate Partnership a written
11 statement of the reasons that the Secretary, or the
12 Secretary and the Secretary of Commerce jointly, re-
13 jected or modified the priority of the fish habitat
14 conservation project.

15 (4) LIMITATION.—If the Secretary, or the Sec-
16 retary and the Secretary of Commerce jointly, has
17 not approved, rejected, or reordered the priority of
18 the recommendations of the Board for fish habitat
19 conservation projects by the date that is 180 days
20 after the date of receipt of the recommendations, the
21 recommendations shall be considered to be approved.

22 **SEC. 7. NATIONAL FISH HABITAT CONSERVATION PART-**

23 **NERSHIP OFFICE.**

24 (a) ESTABLISHMENT.—Not later than 1 year after
25 the date of enactment of this Act, the Director shall estab-

1 lish an office, to be known as the "National Fish Habitat
2 Conservation Partnership Office", within the United
3 States Fish and Wildlife Service.

4 (b) FUNCTIONS.—The National Fish Habitat Con-
5 servation Partnership Office shall—

6 (1) provide funding for the operational needs of
7 the Partnerships, including funding for activities
8 such as planning, project development and imple-
9 mentation, coordination, monitoring, evaluation,
10 communication, and outreach;

11 (2) provide funding to support the detail of
12 State and tribal fish and wildlife staff to the Office;

13 (3) facilitate the cooperative development and
14 approval of Partnerships;

15 (4) assist the Secretary and the Board in car-
16 rying out this Act;

17 (5) assist the Secretary in carrying out the re-
18 quirements of sections 8 and 10;

19 (6) facilitate communication, cohesiveness, and
20 efficient operations for the benefit of Partnerships
21 and the Board;

22 (7) facilitate, with assistance from the Director,
23 the Assistant Administrator, and the President of
24 the Association of Fish and Wildlife Agencies, the

1 consideration of fish habitat conservation projects by
2 the Board;

3 (8) provide support to the Director regarding
4 the development and implementation of the inter-
5 agency operational plan under subsection (c);

6 (9) coordinate technical and scientific reporting
7 as required by section 11;

8 (10) facilitate the efficient use of resources and
9 activities of Federal departments and agencies to
10 carry out this Act in an efficient manner; and

11 (11) provide support to the Board for national
12 communication and outreach efforts that promote
13 public awareness of fish habitat conservation.

14 (c) INTERAGENCY OPERATIONAL PLAN.—Not later
15 than 1 year after the date of enactment of this Act, and
16 every 5 years thereafter, the Director, in cooperation with
17 the Assistant Administrator and the heads of other appro-
18 priate Federal departments and agencies, shall develop an
19 interagency operational plan for the National Fish Habi-
20 tat Conservation Partnership Office that describes—

21 (1) the functional, operational, technical, sci-
22 entific, and general staff, administrative, and mate-
23 rial needs of the Office; and

1 (2) any interagency agreements between or
2 among Federal departments and agencies to address
3 those needs.

4 (d) STAFF AND SUPPORT.—

5 (1) DEPARTMENTS OF INTERIOR AND COM-
6 MERCE.—The Director and the Assistant Adminis-
7 trator shall each provide appropriate staff to support
8 the National Fish Habitat Conservation Partnership
9 Office, subject to the availability of funds under sec-
10 tion 15.

11 (2) STATES AND INDIAN TRIBES.—Each State
12 and Indian tribe is encouraged to provide staff to
13 support the National Fish Habitat Conservation
14 Partnership Office.

15 (3) DETAILEES AND CONTRACTORS.—The Na-
16 tional Fish Habitat Conservation Partnership Office
17 may accept staff or other administrative support
18 from other entities—

19 (A) through interagency details; or

20 (B) as contractors.

21 (4) QUALIFICATIONS.—The staff of the Na-
22 tional Fish Habitat Conservation Partnership Office
23 shall include members with education and experience
24 relating to the principles of fish, wildlife, and aquat-
25 ic habitat conservation.

1 (5) WAIVER OF REQUIREMENT.—The Secretary
2 may waive all or part of the non-Federal contribu-
3 tion requirement under section 6(e)(1) if the Sec-
4 retary determines that—

5 (A) no reasonable means are available
6 through which the affected applicant can meet
7 the requirement; and

8 (B) the probable benefit of the relevant
9 fish habitat conservation project outweighs the
10 public interest in meeting the requirement.

11 (e) REPORTS.—Not less frequently than once each
12 year, the Director shall provide to the Board a report de-
13 scribing the activities of the National Fish Habitat Con-
14 servation Partnership Office.

15 **SEC. 8. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

16 (a) IN GENERAL.—The Director, the Assistant Ad-
17 ministrators, and the Director of the United States Geo-
18 logical Survey, in coordination with the Forest Service and
19 other appropriate Federal departments and agencies, shall
20 provide scientific and technical assistance to the Partner-
21 ships, participants in fish habitat conservation projects,
22 and the Board.

23 (b) INCLUSIONS.—Scientific and technical assistance
24 provided pursuant to subsection (a) may include—

1 (1) providing technical and scientific assistance
2 to States, Indian tribes, regions, local communities,
3 and nongovernmental organizations in the develop-
4 ment and implementation of Partnerships;

5 (2) providing technical and scientific assistance
6 to Partnerships for habitat assessment, strategic
7 planning, and prioritization;

8 (3) supporting the development and implemen-
9 tation of fish habitat conservation projects that are
10 identified as high priorities by Partnerships and the
11 Board;

12 (4) supporting and providing recommendations
13 regarding the development of science-based moni-
14 toring and assessment approaches for implementa-
15 tion through Partnerships;

16 (5) supporting and providing recommendations
17 for a national fish habitat assessment; and

18 (6) ensuring the availability of experts to con-
19 duct scientifically based evaluation and reporting of
20 the results of fish habitat conservation projects.

21 **SEC. 9. CONSERVATION OF AQUATIC HABITAT FOR FISH**
22 **AND OTHER AQUATIC ORGANISMS ON FED-**
23 **ERAL LAND.**

24 To the extent consistent with the mission and author-
25 ity of the applicable department or agency, the head of

1 each Federal department and agency responsible for ac-
2 quiring, managing, or disposing of Federal land or water
3 shall cooperate with the Assistant Administrator and the
4 Director to conserve the aquatic habitats for fish and
5 other aquatic organisms within the land and water of the
6 department or agency.

7 **SEC. 10. COORDINATION WITH STATES AND INDIAN TRIBES.**

8 The Secretary shall provide a notice to, and coordi-
9 nate with, the appropriate State agency or tribal agency,
10 as applicable, of each State and Indian tribe within the
11 boundaries of which an activity is planned to be carried
12 out pursuant to this Act by not later than 30 days before
13 the date on which the activity is implemented.

14 **SEC. 11. ACCOUNTABILITY AND REPORTING.**

15 (a) **IMPLEMENTATION REPORTS.—**

16 (1) **IN GENERAL.—**Not later than 2 years after
17 the date of enactment of this Act, and every 2 years
18 thereafter, the Board shall submit to the appropriate
19 congressional committees a report describing the im-
20 plementation of—

21 (A) this Act; and

22 (B) the National Fish Habitat Action
23 Plan.

24 (2) **CONTENTS.—**Each report submitted under
25 paragraph (1) shall include—

1 (A) an estimate of the number of acres,
2 stream miles, or acre-feet (or other suitable
3 measure) of aquatic habitat that was protected,
4 restored, or enhanced under the National Fish
5 Habitat Action Plan by Federal, State, or local
6 governments, Indian tribes, or other entities in
7 the United States during the 2-year period end-
8 ing on the date of submission of the report;

9 (B) a description of the public access to
10 aquatic habitats protected, restored, or estab-
11 lished under the National Fish Habitat Action
12 Plan during that 2-year period;

13 (C) a description of the opportunities for
14 public fishing established under the National
15 Fish Habitat Action Plan during that period;
16 and

17 (D) an assessment of the status of fish
18 habitat conservation projects carried out with
19 funds provided under this Act during that pe-
20 riod, disaggregated by year, including—

21 (i) a description of the fish habitat
22 conservation projects recommended by the
23 Board under section 6(b);

24 (ii) a description of each fish habitat
25 conservation project approved by the Sec-

1 retary under section 6(f), in order of pri-
2 ority for funding;

3 (iii) a justification for—

4 (I) the approval of each fish
5 habitat conservation project; and

6 (II) the order of priority for
7 funding of each fish habitat conserva-
8 tion project;

9 (iv) a justification for any rejection or
10 reordering of the priority of each fish habi-
11 tat conservation project recommended by
12 the Board under section 6(b) that was
13 based on a factor other than the criteria
14 described in section 6(c); and

15 (v) an accounting of expenditures by
16 Federal, State, or local governments, In-
17 dian tribes, or other entities to carry out
18 fish habitat conservation projects.

19 (b) STATUS AND TRENDS REPORT.—Not later than
20 December 31, 2010, and every 5 years thereafter, the
21 Board shall submit to the appropriate congressional com-
22 mittees a report describing the status of aquatic habitats
23 in the United States.

24 (c) REVISIONS.—Not later than December 31, 2011,
25 and every 5 years thereafter, the Board shall revise the

1 goals and other elements of the National Fish Habitat Ac-
2 tion Plan, after consideration of each report required by
3 subsection (b).

4 **SEC. 12. REGULATIONS.**

5 The Secretary may promulgate such regulations as
6 the Secretary determines to be necessary to carry out this
7 Act.

8 **SEC. 13. EFFECT OF ACT.**

9 (a) WATER RIGHTS.—Nothing in this Act—

10 (1) establishes any express or implied reserved
11 water right in the United States for any purpose;

12 (2) affects any water right in existence on the
13 date of enactment of this Act; or

14 (3) affects any Federal or State law in exist-
15 ence on the date of enactment of the Act regarding
16 water quality or water quantity.

17 (b) STATE AUTHORITY.—Nothing in this Act—

18 (1) affects the authority, jurisdiction, or respon-
19 sibility of a State to manage, control, or regulate
20 fish and wildlife under the laws and regulations of
21 the State; or

22 (2) authorizes the Secretary to control or regu-
23 late within a State the fishing or hunting of fish and
24 wildlife.

1 (c) EFFECT ON INDIAN TRIBES.—Nothing in this
2 Act abrogates, abridges, affects, modifies, supersedes, or
3 alters any right of an Indian tribe recognized by treaty
4 or any other means, including—

- 5 (1) an agreement between the Indian tribe and
6 the United States;
7 (2) Federal law (including regulations);
8 (3) an Executive order; or
9 (4) a judicial decree.

10 (d) ADJUDICATION OF WATER RIGHTS.—Nothing in
11 this Act diminishes or affects the ability of the Secretary
12 to join an adjudication of rights to the use of water pursu-
13 ant to subsection (a), (b), or (c) of section 208 of the De-
14 partment of Justice Appropriation Act, 1953 (43 U.S.C.
15 666).

16 (e) EFFECT ON OTHER AUTHORITIES.—

17 (1) ACQUISITION OF LAND AND WATER.—Noth-
18 ing in this Act alters or otherwise affects the au-
19 thorities, responsibilities, obligations, or powers of
20 the Secretary to acquire land, water, or an interest
21 in land or water under any other provision of law.

22 (2) PRIVATE PROPERTY PROTECTION.—Nothing
23 in this Act permits the use of funds made available
24 to carry out this Act to acquire real property or a
25 real property interest without the written consent of

1 each owner of the real property or real property in-
2 terest.

3 (3) MITIGATION.—Nothing in this Act permits
4 the use of funds made available to carry out this Act
5 for fish and wildlife mitigation purposes under—

6 (A) the Federal Water Pollution Control
7 Act (33 U.S.C. 1251 et seq.);

8 (B) the Fish and Wildlife Coordination Act
9 (16 U.S.C. 661 et seq.);

10 (C) the Water Resources Development Act
11 of 1986 (Public Law 99-662; 100 Stat. 4082);

12 or

13 (D) any other Federal law or court settle-
14 ment.

15 **SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
16 MITTEE ACT.**

17 The Federal Advisory Committee Act (5 U.S.C. App.)
18 shall not apply to—

19 (1) the Board; or

20 (2) any Partnership.

21 **SEC. 15. FUNDING.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) FISH HABITAT CONSERVATION PROJECTS.—

24 There is authorized to be appropriated to the Sec-
25 retary \$75,000,000 for each of fiscal years 2010

1 through 2014 to provide funds for fish habitat con-
2 servation projects approved under section 6(f), of
3 which 5 percent shall be made available for each fis-
4 cal year for projects carried out by Indian tribes.

5 (2) NATIONAL FISH HABITAT CONSERVATION
6 PARTNERSHIP OFFICE.—

7 (A) IN GENERAL.—There is authorized to
8 be appropriated to the Secretary for each of fis-
9 cal years 2010 through 2014 for the National
10 Fish Habitat Conservation Partnership Office,
11 and to carry out section 11, an amount equal
12 to the greater of—

13 (i) \$3,000,000; and

14 (ii) 25 percent of the amount appro-
15 priated for the applicable fiscal year pursu-
16 ant to paragraph (1).

17 (B) REQUIRED TRANSFERS.—The Sec-
18 retary shall annually transfer to other Federal
19 departments and agencies such percentage of
20 the amounts made available pursuant to sub-
21 paragraph (A) as is required to support partici-
22 pation by those departments and agencies in
23 the National Fish Habitat Conservation Part-
24 nership Office pursuant to the interagency
25 operational plan under section 7(c).

1 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

2 There are authorized to be appropriated for each of
3 fiscal years 2010 through 2014 to carry out, and
4 provide technical and scientific assistance under, sec-
5 tion 8—

6 (A) \$10,000,000 to the Secretary for use
7 by the United States Fish and Wildlife Service;

8 (B) \$10,000,000 to the Assistant Adminis-
9 trator for use by the National Oceanic and At-
10 mospheric Administration; and

11 (C) \$10,000,000 to the Secretary for use
12 by the United States Geological Survey.

13 (4) PLANNING AND ADMINISTRATIVE EX-
14 PENSES.—There is authorized to be appropriated to
15 the Secretary for each of fiscal years 2010 through
16 2014 for use by the Board, the Director, and the
17 Assistant Administrator for planning and adminis-
18 trative expenses an amount equal to the greater of—

19 (A) \$300,000; and

20 (B) 4 percent of the amount appropriated
21 for the applicable fiscal year pursuant to para-
22 graph (1).

23 (b) AGREEMENTS AND GRANTS.—The Secretary
24 may—

1 (1) on the recommendation of the Board, and
2 notwithstanding sections 6304 and 6305 of title 31,
3 United States Code, and the Federal Financial As-
4 sistance Management Improvement Act of 1999 (31
5 U.S.C. 6101 note; Public Law 106-107), enter into
6 a grant agreement, cooperative agreement, or con-
7 tract with a Partnership or other entity for a fish
8 habitat conservation project or restoration or en-
9 hancement project;

10 (2) apply for, accept, and use a grant from any
11 individual or entity to carry out the purposes of this
12 Act; and

13 (3) make funds available to any Federal depart-
14 ment or agency for use by that department or agen-
15 cy to provide grants for any fish habitat protection
16 project, restoration project, or enhancement project
17 that the Secretary determines to be consistent with
18 this Act.

19 (c) DONATIONS.—

20 (1) IN GENERAL.—The Secretary may—

21 (A) enter into an agreement with any orga-
22 nization described in section 501(c)(3) of the
23 Internal Revenue Code of 1986 that is exempt
24 from taxation under section 501(a) of that

1 Code to solicit private donations to carry out
2 the purposes of this Act; and

3 (B) accept donations of funds, property,
4 and services to carry out the purposes of this
5 Act.

6 (2) TREATMENT.—A donation accepted under
7 this section—

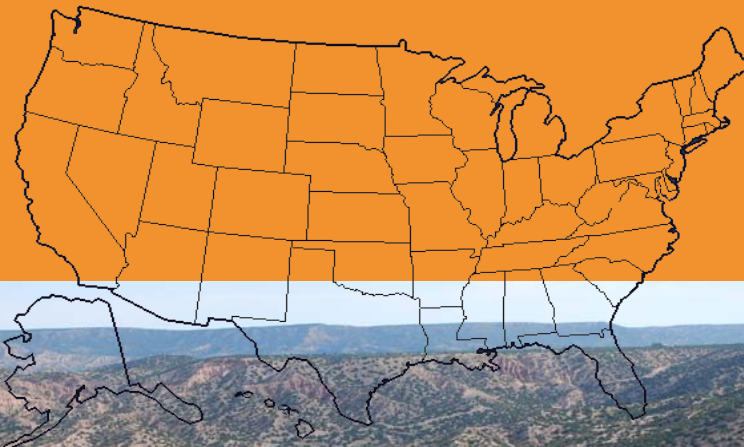
8 (A) shall be considered to be a gift or be-
9 quest to, or otherwise for the use of, the United
10 States; and

11 (B) may be—

12 (i) used directly by the Secretary; or

13 (ii) provided to another Federal de-
14 partment or agency through an inter-
15 agency agreement.

Conserving Aquatic Habitats Nationwide



The National Fish Habitat Action Plan is a national investment strategy to maximize the impact of conservation dollars on the ground. Under the Action Plan, Federal, state, and privately-raised funds will be the foundation for building regional partnerships that address the Nation's biggest fish habitat problems. This is the most comprehensive effort ever attempted to treat the causes of fish habitat decline, not just the symptoms.

By 2010 the National Fish Habitat Action Plan will:

- Assess the condition of all fish habitats in the U.S.
- Prepare a Status of Fish Habitats in the U.S. report.
- Establish 12 or more Fish Habitat Partnerships in priority areas.
- Fund projects to protect, restore, and enhance priority habitats.

By 2015 the Action Plan will protect all healthy and intact fish habitats.

By 2020 the Action Plan will improve the condition of 90 percent of priority habitats and species targeted by Fish Habitat Partnerships.



Santa Cruz Lake, New Mexico (BLM)

A National Need

America's fisheries are facing a conservation crisis. Nearly 40% of North American fishes, 700 species in total, are listed as imperiled.

More than two-thirds of these are considered federally threatened or endangered. Habitat alteration is the principal factor in this conservation crisis and is the principal motivation for the development of the National Fish Habitat Action Plan.



Under the Action Plan, Federal, State and privately-raised funds will be the foundation for building regional partnerships that address the Nation's biggest fish habitat problems.

Outlook for 2010 and Beyond

The National Fish Habitat Action Plan Science and Research Data Team Committee, in collaboration with Michigan State University, are developing a national assessment of aquatic habitat condition. The first assessment, which includes both freshwater and coastal systems, will be completed by the 2010 timeline established in the Action Plan.

This report is a companion product to, and science and data strategy for, the National Fish Habitat Action Plan to achieve the Action Plan's science-based goals. Those goals are:

- Protect and maintain intact and healthy aquatic systems.
- Prevent further degradation of fish habitats that have been adversely affected.
- Reverse declines in the quality and quantity of aquatic habitats to improve the overall health of fish and other aquatic organisms.
- Increase the quality and quantity of fish habitats that support a broad natural diversity of fish and other aquatic species.



The Bureau of Land Management and its role in the National Fish Habitat Action Plan

The Department of Interior's BLM

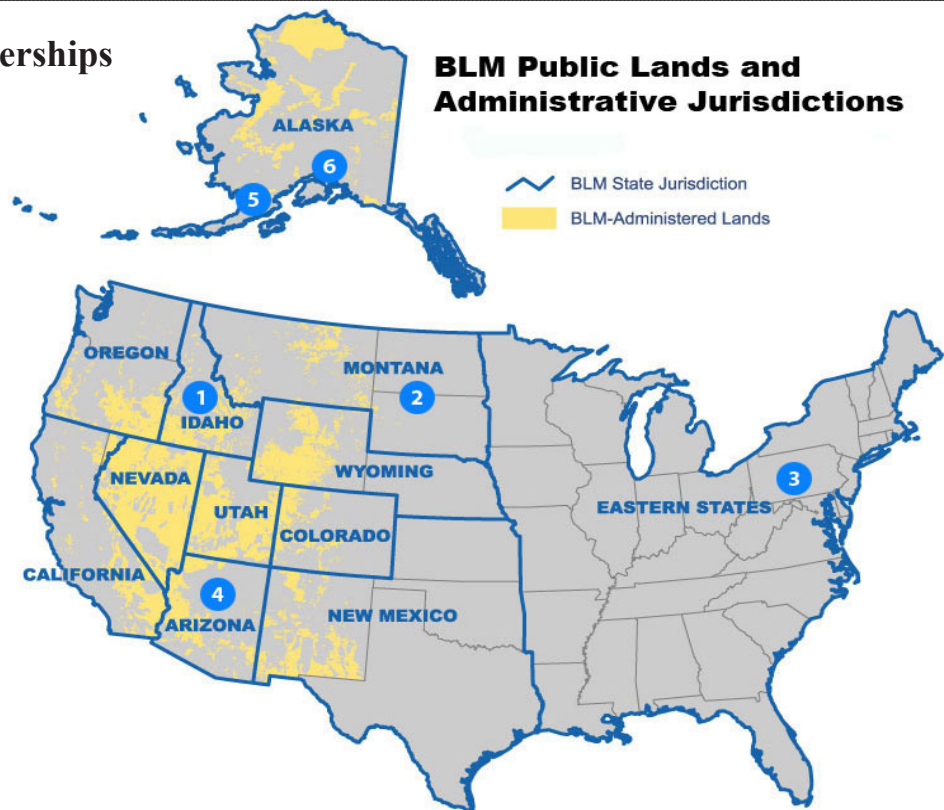
The Department of Interior's commitment to Cooperative Conservation has changed the management of natural resources in Interior's agencies in ways that prove beneficial for the Bureaus, for natural resource managers, and for fish and wildlife. Through involvement in the National Fish Habitat Action Plan, the Bureau of Land Management will focus its continued conservation, restoration, and enhancement activities on native fish habitats located in the continental U.S. and Alaska. This includes work in several priority watersheds where habitat improvement needs have been identified. The BLM actively participates in seven recognized National Fish Habitat Partnerships (see map below). (Partnership boundaries not shown, numbers represent centralized location of partnership).

BLM Involved Partnerships

1. Western Native Trout Initiative
2. Great Plains Fish Habitat Partnership
3. Eastern Brook Trout Joint Venture
4. Desert Fish Habitat Partnership
5. Southwest Alaska Salmon Habitat Partnership
6. Mat-Su Basin Salmon Habitat Partnership
7. Reservoir Fisheries Habitat Partnership

(not shown - encompasses entire U.S.)

BLM Public Lands and Administrative Jurisdictions



BLM's Public Lands

The BLM manages over 250 million surface acres located primarily in 12 western states including Alaska, and 700 million acres of subsurface mineral estate across the country. These lands contain a vast array of small streams, larger rivers, and lakes and reservoirs that support a diverse assemblage of aquatic species, including 127 federally listed species, 155 BLM sensitive species, and a variety of highly valued game fish species. The annual contribution to local economies from fishing on BLM-administered lands exceeds \$558 million dollars (2008 Public Land Statistics).

Priority Species and Habitats

Native fishes represent a unique and diverse group of species many of which are endemic to many rivers, streams, and lakes across the west. Many of these species are in decline either locally or throughout all or portions of their native range due to a variety of factors including habitat degradation. The BLM's Fisheries Program's involvement in emerging national joint ventures such as National Fish Habitat Action Plan promises to ensure collaborative partnerships that benefit both public and private lands and the fish that depend on them for habitat.



Jockey's Ridge State Park, NC

2009 10 "Waters to Watch"



NATIONAL
FISH HABITAT
ACTION PLAN



A Conservation Snapshot: Jockey's Ridge State Park

Jockey's Ridge Living Shoreline and Oyster Reef Restoration Project, is a multi-year conservation project that will enhance the habitat for oysters and other mollusks, fish, crustaceans, and shorebirds through the creation of oyster reefs and the planting of native grasses.

The project area (the northern-most sound side area of the park) is the documented environment for over 75 species including some which are threatened or endangered.

The North Carolina Coastal Federation (NCCF), along with the U.S. Fish and Wildlife Service, North Carolina Division of Marine Fisheries, NOAA through their Community-based Restoration Program, The Nature Conservancy, Friends of Jockey's Ridge and the Southeast Aquatics Resources Partnership under the National Fish Habitat Action Plan are the supporting agencies behind this living shoreline project.

A low-profile sill, which will act as a breakwater, has been constructed

offshore with marl rock and recycled oyster shells and has already reduced shoreline erosion and enhanced beds of submerged aquatic vegetation.

A critical part of the Jockey's Ridge Living Shoreline and Oyster Reef Restoration Project will be the monitoring of the site to determine the overall success of the project.

There will be several volunteer opportunities associated with the Jockey's Ridge Living Shoreline and Oyster Reef Restoration Project. A total of 960 hours of labor has already been donated by individuals and groups.

The work included preparing bags of oyster shells, planting wetland plants and grasses, monitoring the site and assisting with educational programs.

The restored shoreline will become a living classroom and will be used to interpret the shoreline and wetlands environment by Jockey's Ridge State Park staff, the North Carolina Coastal Federation and local schools.

Improving Habitat for the Future

Landscape Description:

- About one acre of salt marsh, adjacent oyster reefs, and about 150 feet of riparian shoreline buffers have been targeted for restoration.

Problem:

- Historical damage to the sand dunes allowed sand to blow directly on the fringing salt marsh, making it susceptible to wave and wind erosion.

- Without education, ownership, and involvement, park users could again damage dunes and destroy marsh.

Solutions:

- Construct an oyster sill adjacent to planned marsh restoration area will dissipate wave energy.

- Plant *Spartina alterniflora* seedlings to restore marsh. Protect upper reaches of planting area with sand fencing.

- Incorporate the project into the park's interpretive programming and involve school groups and other volunteers to ensure community 'ownership.'

- Continue Volunteer Support for the project, including monitoring of the project. To date, 315 volunteers have participated.



Photo Credit: Sara Hallas (NCCF)



Photo Credit: John Cece (NC Div. of Coastal Mgmt.)



Photo Credit: Sara Hallas (NCCF)

Jockey's Ridge State Park - Fact Sheet

*Jockey's Ridge is the tallest active sand dune system in the Eastern United States, and the most striking of the remaining dunes on the Outer Banks. Shifting winds are constantly reshaping the dunes. Because the Ridge is always changing, it is often referred to as "The Living Dune." Jockey's Ridge encompasses three distinct ecological environments: Dunes, Maritime Thicket, and the Roanoke Sound Estuary.

The Dunes

The dunes consist of three peaks and are an example of a Medaño, shifting sand that lacks vegetation. No plants or animals make their home on the dune due to the harsh conditions here.

The area around the base of the dunes hosts a variety of grasses and small plants. One such plant is the American Beach Grass which anchors itself in the sand with help from its 40-foot long root system. The grasses create habitats for small animals and insects. Heavy rains sometimes create temporary pools around the base of the dunes, providing wildlife with fresh water.

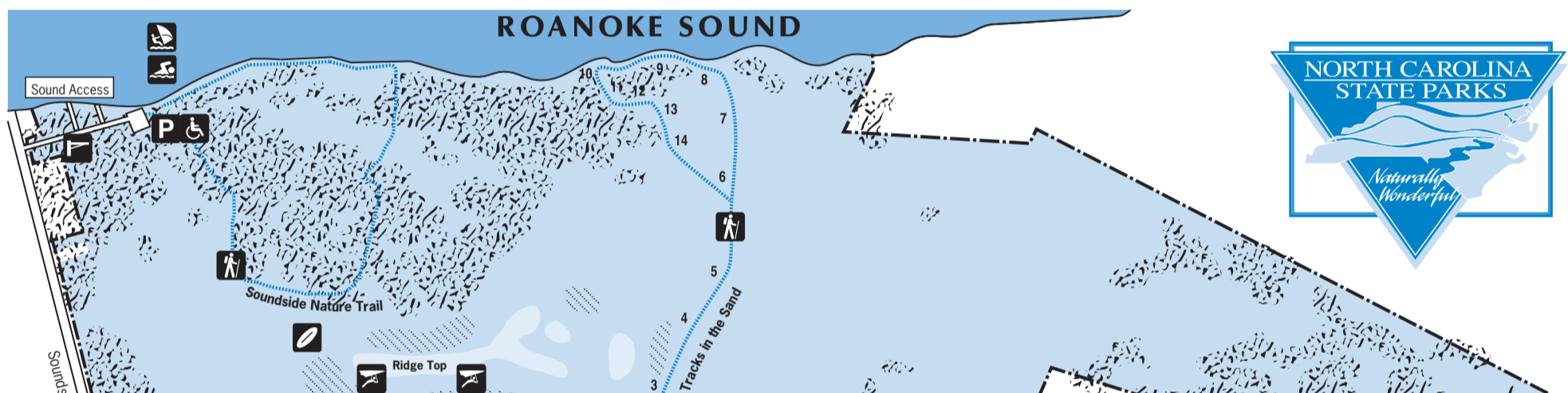
The Maritime Thicket

The maritime thicket of live oaks, persimmons, red cedar, wax myrtle, bayberry, sweet gum, red oaks, and pines grows best in areas protected by the large dune. The height of the dune provides protection from both wind and salt blown off the ocean. The effects of the wind and salt stunt the growth of trees, causing them to look like shrubs. Larger animals such as foxes, deer, and raccoon find protection in this environment.

The Roanoke Sound Estuary

The Roanoke Sound Estuary is a rich habitat for a variety of plant, animal and bird life. Cattails, sawgrass, giant cordgrass and black needlerush provide habitats for many waterfowl and serve as fish nurseries. The sound is also home to the blue crab, an important commercial fishery in North Carolina.

* www.jockeysridgestatepark.com



Serving as a Living Classroom

In 2009, The North Carolina Coastal Federation (NCCF) built a curriculum with a series of classes for middle school students in Manteo, Kill Devil Hills and Columbia, North Carolina. NCCF implemented this curriculum with great success with 8th grade students and teachers at First Flight Middle School in Kill Devil Hills.

Activities planned for this year include, construction of another living shoreline at Jockey's Ridge State Park, funded by a grant from the Southeast Aquatic Resources Partnership (SARP), under the National Fish Habitat Action Plan. After starting the year with a class on river basins, students learned about the natural components needed to create a healthy estuarine system.



Photo Credit: Sara Hallas (NCCF)

NCCF provided water samples for the students to analyze, using federation test kits. By comparing test results, they were able to draw conclusions about the general health of local waters and wetlands. One of the projects focused on the study of the tassels on *Spartina alterniflora* plants along the islands. When the tassels turned brown and developed mature seeds, local marshes were scoured for mature seeds to be used in a germination experiment, to help further enhance shoreline vegetation.

In the Spring of 2010, students will plant grasses grown from the seeds in the living shoreline at Jockey's Ridge State Park. The first living shoreline at the park stretches for 425 feet. It was built last spring by students, volunteers and staff, using oyster shells that had been loaded into bags. These were arranged in the water to form a barrier, called a sill, with marsh grasses planted in the calmer waters on the shoreward side. The second part of the project will protect another 300 feet of shoreline. Volunteers in October began the process of loading 1,800 bushels of shells into bags during a work session with visiting Boy Scout troops.

Maggie Creek, Nevada

2009 10 "Waters to Watch"



NATIONAL
FISH HABITAT
ACTION PLAN



A Conservation Snapshot: Maggie Creek, Nevada

The Maggie Creek drainage in northeastern Nevada supports multiple remnant Lahontan cutthroat trout populations. The Bureau of Land Management, Newmont Mining Corporation, and private ranchers have conducted active habitat restoration over the last decade, greatly improving riparian and instream habitat throughout the basin.

Unfortunately, road culverts at the base of some tributaries, such as Beaver Creek, isolated cutthroat trout and effectively barred migrants from accessing these habitats. Project partners replaced three road culverts and an irrigation diversion with structures that allow fish passage.

As part of this restoration effort, Trout Unlimited is evaluating the effectiveness of culvert replacement by monitoring movement of cutthroat trout within the drainage and docu-

menting any changes to the local tributary populations including genetics, population size, and age structure.

Initiated research efforts began in fall 2001 with intensive fish distribution and abundance surveys on portions of the main stem river and three major cutthroat trout tributaries, Beaver, Coyote, and Little Jack creeks.

In addition to annual fish surveys on these tributary populations, there has also been weir trapping conducted to identify migratory individuals and genetic analyses to assess probable historical patterns of gene flow and responses to renewed connectivity.

These data sets will provide a rare view of population dynamics and movement before and after culvert replacement, documenting the benefits of connectivity within the Maggie Creek drainage.

Partners In Action

The Maggie creek project involves a long-term collaboration among Federal and State agencies, private partners and NGO's, including: Bureau of Land Management, National Fish and Wildlife Foundation, Nevada Department of Wildlife, private landowners, and Trout Unlimited, under the National Fish Habitat Action Plan's Western Native Trout Initiative Fish Habitat Partnership to restore riparian habitat conditions and monitor population responses of Lahontan cutthroat trout (LCT) in the Maggie Creek watershed in northern Nevada.

A tremendous amount of habitat restoration has occurred over the last two decades, largely based on improved grazing management, updated irrigation, fire rehabilitation, and the removal of several barriers previously preventing LCT movement among the three main tributaries and the mainstem river.

The Elko BLM District, Barrick Goldstrike Mines, Inc., Open Range Consulting, Inc., Squaw Valley Ranch, and Newmont Mining Corporation have also undertaken an unusually thorough and long-term effort to monitor riparian improvements using on-the-ground measurements of habitat characteristics as well as remote-sensing and GIS techniques.

Both efforts have quantified dramatic improvements in riparian habitat quality and distribution. While more data are needed to continue to track LCT population trends in this volatile environment, Trout Unlimited's monitoring of LCT at 44 sites using 3-pass electro-shocking suggests that populations are responding positively to both habitat improvements and the renewed connectivity of the tributaries.



Lahontan Cutthroat Trout

Distribution and Habitat

Lahontan cutthroat trout, like other trout species, are found in a wide variety of cold-water habitats including large terminal alkaline lakes (e.g., Pyramid and Walker lakes); alpine lakes (e.g., Lake Tahoe and Independence Lake); slow meandering rivers (e.g., Humboldt River); mountain rivers (e.g., Carson, Truckee, Walker, and Marys Rivers); and small headwater tributary streams (e.g., Donner and Prosser Creeks).

The Lahontan cutthroat trout is native to the Lahontan basin of northern Nevada, eastern California, and southern Oregon.



In 2005 four barriers to LCT dispersal were removed, 3 blocking movement in and out of the 3 main tributaries, and one on the main-stem river.

Top photo is the culvert on Little Jack creek that was replaced by the (below) fish-friendly bridge. Photos courtesy of Carol Evans, Elko BLM field office.



Making a difference on the landscape:

several techniques were used to monitor fish movement throughout the system, including weirs and Visual Implant tags. In 2009 tissue samples were collected for genetic monitoring of LCT movement; Researchers will compare information using this approach to genetic characterization of the system done by the University of Nevada in 2005 before culverts were removed to determine if there is evidence of improved dispersal rates.

Improvement for the Future

Until 1993, the majority of Maggie Creek was grazed by cattle throughout the growing season, resulting in loss of riparian vegetation and degraded stream conditions. Changes in livestock grazing practices in the Maggie Creek basin have resulted in dramatic improvement in stream and riparian habitat conditions. In 2009, continuing LCT habitat restoration in Maggie Basin will include the construction of fish barriers on the lower reaches of Maggie Creek. The barriers would prevent the invasion of non-native fish species, such as small mouth bass and rainbow trout from the Humboldt River, thus protecting LCT in the headwaters and promoting successful population recovery.

Species Recovery:

The Recovery Plan for Lahontan Cutthroat Trout prepared by the U.S. Fish and Wildlife Service was approved in January 1995. The plan outlines management actions necessary to eventually delist Lahontan cutthroat trout as a threatened species. The U.S. Fish and Wildlife Service coordinates recovery plan implementation activities among federal and state agencies, tribal governments and private landowners to:

- * Improve, manage, and secure habitat for existing and proposed populations
- * Develop and implement reintroduction plans;
- * Regulate fish harvest;
- * Manage self-sustaining populations to neutralize threats for their long term existence;
- * Conduct population viability studies and other research to validate recovery objectives; and
- * Revise the recovery plan in the future as necessary.





National Fish Habitat Action Plan

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Web www.fishhabitat.org

MEMORANDUM

To: National Fish Habitat Board

From: Staff

Date: February 17, 2010

Subject: Recommendations for Board action on Fish Habitat Partnership applications

On October 23, 2009, the National Fish Habitat Board (Board) invited Candidate Fish Habitat Partnerships to apply for Board recognition, pursuant to the *Policies and Guidance for Fish Habitat Partnerships* as amended by the Board on October 8, 2008, and the process and schedule for recognizing Fish Habitat Partnerships approved by the Board on June 7, 2007.

One completed application with supporting material was submitted by the December 18, 2009 deadline, by the Fisheries & Farmers Partnership for the Upper Mississippi River Basin (F&FP).

On October 7, 2009, the Board voted to defer approval of the California Fish Passage Forum (CFPF). On February 2, 2010, after extensive communication with the Board's staff, the CFPF submitted a revised application and strategic plan by email.

The staff provides the following recommendations for Board action at the March 3-4, 2010 meeting:

1. ***The Board should approve the applications of the F&FP and CFPF as Fish Habitat Partnerships, in that they have demonstrated through their applications that they meet the criteria in the Policies and Guidance for Fish Habitat Partnerships.***
2. ***The Board should strongly encourage the Partnerships to continue to coordinate with the Science & Data Committee to ensure that their habitat assessments are compatible with the National Fish Habitat Assessment, and their data systems are compatible with the National Data System.***

Following are specific recommendations for each applicant Partnership and information excerpted from each of the applications.

Fishers & Farmers Partnership for the Upper Mississippi River Basin

The Board's response to the F&FP application should provide the following guidance:

- *The efforts of F&FP to include agricultural interests is commendable, and the Partnership should also expand involvement of fishing interest groups; currently only Trout Unlimited is listed among organizations on the Steering Committee and associate organizations.*
- *Because the Driftless Area Restoration Effort (DARE) is nested within the F&FP, the two partnerships must develop an explicit and documented coordination mechanism, including an explanation of when and if the F&FP will sponsor projects within the Driftless Area, and the establishment of joint committees where appropriate.*
- *The F&FP should be commended for its efforts to coordinate with other Midwest Fish Habitat Partnerships, for example by establishing the Midwest Science Advisory Network, and should continue and strengthen these mutually beneficial relationships.*
- *The F&FP should work expeditiously toward identifying priority streams and watersheds, using the principles and framework described in its strategic plan, so that it can effectively target project funding.*

The geographic extent of the F&FP is 189,000 square miles, including large portions of Minnesota, Wisconsin, Iowa, Illinois, and Missouri, and small parts of Indiana and South Dakota. This area includes the 24,000 square mile "Driftless Area", which is already organized as a Fish Habitat Partnership, the Driftless Area Restoration Effort (DARE). The Driftless Area is a unique land form distinguished by geography, physiography, and abundant spring-fed streams; however some larger rivers, such as the Wisconsin River, flow through the Driftless Area but have headwaters outside of it. Thus, mapping a distinct spatial boundary between the two areas is problematic, requiring extensive coordination between the two partnerships.

Almost two-thirds of the Upper Mississippi River Basin landscape is in agricultural production. The region's productive agriculture has spurred economic development, but has also brought unintended consequences to streams and their fishes. Thousands of miles of streams have been channelized, impounded, or otherwise altered. Most streams that drain the region's agricultural landscapes have nitrogen and phosphorous concentrations exceeding applicable standards. The Basin is recognized as a major contributor of nutrients to the hypoxic zone in the Gulf of Mexico.

The Basin has 30,700 miles of streams providing a full range of cold-, cool-, and warm-water habitat for 200 species of native fishes. Human activities have greatly altered the region's stream fish assemblages, including reductions in the proportions of game species and overall species richness, increases in pollution-tolerant species, and shortened life-spans of sensitive species.

While Basin farmers have attempted to solve rather than create problems, negative impacts have accompanied the positive effects of agriculture. Past and current stream restoration programs have failed to produce measurable improvements at the scale of the Basin or its major watersheds. The F&FP will take a watershed approach to stream conservation based on three principles: 1) the need to achieve economic and social benefits in concert with benefits to fish and fish habitats, 2) the need to promote local leadership while providing flexible technical and funding assistance, and 3) the need to collaborate and learn at scales beyond individual projects. The F&FP will support projects that benefit downstream as well as local habitats, motivate farmers to become active participants, and provide national leadership in establishing effective relationships with landowners and agricultural organizations.

The governance structure of the F&FP includes a Steering Committee (decision-making), Leadership Team (annual work plan development), Coordinator and staff (day-to-day business, coordination and communication), and Work Teams (specific tasks). In addition to natural resource interests, the F&FP considers the objectives of agricultural interests at all levels of organization. F&FP intends to seek participation by farmers and agricultural agencies and organizations until a balance exists between the two interest groups on all Partnership teams. The Iowa Soybean Association has provided vital leadership in this area, and co-chairs the Steering Committee.

The F&FP has completed its “Vision and Strategic Plan: 2009”. The Partnership will target streams for conservation action using State Comprehensive Conservation Plans, The Nature Conservancy’s strategy for the Basin, the plan of the Basin’s Forestry Partnership, the focal areas of the NRCS’ Healthy Watersheds Initiative, and guidance from the NFHAP National Fish Habitat Assessment. Information about farming practices, the impacts of agricultural practices on streams and fishes, and the interests of farmers in pursuing the F&FP’s vision will also be used to establish spatial priorities.

The F&FP has completed an initial assessment document that brings together relevant spatial data sets for the Basin, and explores coarse patterns of stream, farm, and restoration opportunity variables. The Science, Assessment, and Evaluation Team includes GIS experts from several State and Federal Agencies, and has access to science expertise of the highest quality in the fields of stream fishes, stream ecology, landscape ecology, hydrology, and water quality. The F&FP worked with other Fish Habitat Partnerships in the Midwest to obtain a Multistate Conservation Grant to complete GIS analyses and coordinate assessment methods through the Midwest Science Advisory Network.

California Fish Passage Forum

The Board’s response to the CFPF application should provide the following guidance:

- *The CFPF should consider changing its name to reflect a more comprehensive view of fish habitat conservation within its geographic area. While fish passage may be its appropriate priority at the current time, as a Fish Habitat Partnership it*

must be able to address other conservation strategies when and if they become priorities.

- *The CFPPF can play a unique role in NFHAP by providing expert advice on fish passage to other Fish Habitat Partnerships that are working to restore connectivity. This role would be of great value nationally.*
- *The CFPPF should coordinate with other FHPs that have similar, overlapping, or complementary interests, including the Western Native Trout Initiative, the Salmon Stronghold Partnership, the Reservoir Fisheries Habitat Partnership, and the candidate Pacific Marine and Estuarine Partnership. Coordination is a two-way process, and these FHPs are expected to reciprocate the relationship.*

During the past three decades, California has experienced significant declines in fish abundance, including coho salmon, Chinook salmon, steelhead, Lost River sucker, shortnose sucker, white sturgeon, and green sturgeon (all Federally listed species), as well as Pacific lamprey (petitioned for listing). Recovery plans identify inadequate access to habitat as a major limiting factor, and barrier removal as a high priority restoration action. The California State Wildlife Action Plan identifies fish passage barriers as the main reason for decline of salmon in California.

Almost every stream along California's 1,100-mile coast has been fragmented by roads, dams, irrigation diversions, concrete channels, or other structures that create difficult or impassable migration barriers to fish. There are more than 16,000 potential barriers to fish passage in California's coastal and Central Valley watersheds, of which at least 1,500 are severe or impassable. Barriers prevent salmon and steelhead from reaching areas needed for spawning and rearing, delay migration of adult and juvenile fish, and inflict injury or death on fish attempting to migrate upstream.

The CFPPF was convened in 1999 by the California Resources Agency to serve as a communication platform and state-wide vehicle for coordination among agency programs and private sector activities across jurisdictions to target high priority projects and improve the timeliness and cost-effectiveness of fish passage restoration. CFPPF combines the experience and knowledge of a broad spectrum of practitioners to improve efficiency, coordination, and remedies for technical and procedural obstacles. To date the CFPPF has developed inventory and assessment protocols, design criteria and guidelines for replacing barriers, a statewide fish passage barrier database, training for transportation engineers, and public information materials.

The CFPPF focuses on California anadromous watersheds, including the coastal and Central Valley regions, an area of 60,657 square miles. CFPPF subdivides the area into four regions, each with its own fish population characteristics, challenges, and issues: North Coast, Central Coast, South Coast, and Central Valley. Forum members and partners vary in each region. There is strong local government involvement by County representatives. Data management systems, assessment protocols, design manuals, and outreach programs are developed for statewide use.

The organization of the CFPF is based on a Memorandum of Understanding through which Forum members commit to specific actions and agree to the purpose and value of the Forum. All Forum members participate in the decision-making process, but issues of significant importance require consensus of the MOU signatory members. Signatory members include four Federal agencies, four California state agencies, local governments, a non-profit group, and the Pacific States Marine Fisheries Commission. Other members that have not signed the MOU represent local communities and organizations, landowners and utility owners, and land and water districts. The Forum meets quarterly in rotating locations across California. New members have been invited to join, and new participants have become involved. To date, Native American governments have not joined the Forum, but participate indirectly through barrier removal projects.

Since October 2009, the CFPF has significantly revised and expanded its draft strategic plan, "Framework for Strategic Anadromous Fish Habitat Restoration to Protect and Restore Populations in California". The plan is scheduled to be completed in February 2010. The plan is based on the Forum's MOU and workplan, and was prepared in consultation with watershed and recovery plans in California. The priority of the CFPF is to protect and restore listed salmonid species by advancing fish passage improvement projects and programs. The plan will be used by the Forum to assist California state agencies, local agencies, and private landowners to prioritize barrier removal projects throughout California. Final decisions on priority projects will be made by the CFPF governance committee.

The CFPF created the California Passage Assessment Database (PAD), a state-wide, centralized inventory of fish passage barriers with user-friendly access. The PAD is a decision-support tool similar to that proposed by the NFHAP Science & Data Committee, with a specialized focus on connectivity, a habitat condition variable that is a key stressor for California salmonid populations.

**National Fish Habitat Action Plan**

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MEMORANDUM

To: National Fish Habitat Board

From: Partnerships Committee

Date: February 17, 2010

Subject: Recommended process for recognizing Fish Habitat Partnerships

Background

The National Fish Habitat Action Plan, signed on April 24, 2006, sets an objective to “establish 12 or more Fish Habitat Partnerships throughout the United States by 2010”, and calls for the National Fish Habitat Board (Board) to “develop appropriate policies and guidance for recognizing” Fish Habitat Partnerships (FHPs). At its third meeting, in January 2007, the Board approved guidance for establishing FHPs. In June 2007, the Board approved a process and a 3-year schedule for recognizing FHPs that meet criteria in the guidance.

In the ensuing 3 years, the Board revised these documents as needed, and applied them in an adaptive manner. At the conclusion of the 3-year schedule, a total of 15 FHPs have been recognized by the Board, and two more will be considered at the March 2010 meeting. An additional 4 candidate FHPs have expressed their intent to seek recognition by the Board. Nearly all areas of the United States fall within the boundaries of one or more FHPs, and all 50 States are engaged in one or more FHPs.

Recommendations

The Partnerships Committee, established to advise the Board on FHP issues, provides the following observations and recommendations for Board consideration.

The Board’s *Policies and Guidance for Fish Habitat Partnerships*, most recently revised in October 2008, remains an effective policy framework that need not be re-examined until the *National Fish Habitat Conservation Act* is enacted by Congress. Likewise, the application form based on the *Policies and Guidance* needs no revision.

There is a need to replace the process and schedule for recognizing FHPs, which has run its planned 3-year course. Because few Candidate FHPs remain, we expect fewer FHP applications than in recent years. Most areas of the U.S. already fall within existing FHPs, so we expect few new Candidate FHPs to form. Therefore, the approach of the last 3 years – inviting applications from Candidate FHPs twice a year – should be discontinued because it was designed to accommodate larger numbers of Candidate FHPs.

We recommend the Board adopt the following process for application and recognition of Candidate FHPs. Steps 3-8 are unchanged from the current process.

1. The Board's FHP liaison will proactively maintain contact with Candidate FHPs to monitor their progress in meeting the requirements for recognition by the Board.
2. When a Candidate FHP wishes to seek recognition by the Board, the Candidate will notify the FHP liaison to request time on the agenda of the next scheduled Board meeting.
3. A completed application and supporting materials must be submitted to the FHP liaison no later than 60 days prior to the Board meeting.
4. Upon receipt, the application and supporting materials will be posted online, and notice of the application will be sent to members of the Board and the appropriate regional association of fish and wildlife agencies.
5. The FHP liaison will work with other Board staff to review the application for completeness and quality, and consult with the applicant FHP to revise as needed.
6. The Board staff will send a recommendation to the Board 15 days prior to the Board meeting.
7. The applicant will give a presentation at the Board meeting. Preparation of the presentation must be coordinated with the FHP liaison to ensure appropriate length and content.
8. The Board will take action to recognize the applicant or to defer a decision until a later meeting.

It is possible that some existing FHPs may choose to split or combine in the future. In that event, we recommend that the Board review the newly split or combined FHPs on a case-by-case basis, and approve the new configuration under existing policy and guidance. This recommendation requires no action by the Board at this time.