

North American Wetlands Conservation Act

North American Wetlands Conservation Act (103 Stat. 1968; 16 U.S.C. 4401-4412) -- Public Law 101-233, enacted December 13, 1989, provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between Canada, U.S. and Mexico.

The Act converts the Pittman-Robertson account into a trust fund, with the interest available without appropriation through the year 2006 to carry out the programs authorized by the Act, along with an authorization for annual appropriation of \$15 million plus an amount equal to the fines and forfeitures collected under the Migratory Bird Treaty Act.

Available funds may be expended, upon approval of the Migratory Bird Conservation Commission, for payment of not to exceed 50 percent of the United States share of the cost of wetlands conservation projects in Canada, Mexico, or the United States (or 100 percent of the cost of projects on Federal lands). At least 50 percent and no more than 70 percent of the funds received are to go to Canada and Mexico each year.

A North American Wetlands Conservation Council is created to recommend projects to be funded under the Act to the Migratory Bird Conservation Commission. The Council is to be composed of the Director of the Service, the Secretary of the National Fish and Wildlife Foundation, a State fish and game agency director from each Flyway, and three representatives of different non-profit organizations participating in projects under the Plan or the Act. The Chairman of the Council and one other member serve *ex officio* on the Commission for consideration of the Council's recommendations.

The Commission must justify in writing to the Council and, annually, to Congress, any decisions not to accept Council recommendations.

Public Law 101-593, approved November 16, 1990 (104 Stat. 2962) provided that the Director is the Federal official responsible for compliance with the National Environmental Policy Act (NEPA) with respect to Council actions, and that recommendation(s) from the Council to the Commission constitute agency action requiring the preparation of Environmental Assessments or Impact Statements. The Chairman of the Council is also required to take steps to ensure public notice of Council meetings.

Public Law 103-375, 1, October 19, 1994, 108 Stat. 3494, reauthorized the law through fiscal year 1998 and increased the authorization for appropriations to \$20

million per year for 1995 and 1996 and \$30 million per year through 1998. The amendment also acknowledged the role of Mexico in plan preparation and project selection and implementation and recognized that projects carried out in Mexico could include cash contributions from non-US sources.

Public Law 105-312, October 30, 1998, 112 Stat. 2958 provides for a reauthorization of the law and extends funding authority at the current level of \$30 million per year through fiscal year 2003. An amendment to the law requires the Secretary of the Interior to reappoint Ducks Unlimited to fill one of the non-governmental organization seats on the North American Wetlands Council for a 3-year term. It further requires the Secretary to publish a policy on how rotations will be handled in the future.