

109TH CONGRESS
2^D SESSION

S. 3605

To enable the Great Lakes Fishery Commission to investigate the effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2006

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To enable the Great Lakes Fishery Commission to investigate the effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Migratory
5 Bird Research and Management Act”.

1 **SEC. 2. AUTHORITY OF GREAT LAKES FISHERY COMMIS-**
2 **SION TO INVESTIGATE IMPACTS OF MIGRA-**
3 **TORY BIRDS ON SUSTAINED PRODUCTIVITY**
4 **OF STOCKS OF FISH OF COMMON CONCERN**
5 **IN THE GREAT LAKES.**

6 (a) AUTHORITY UNDER GREAT LAKES FISHERY ACT
7 OF 1956.—The Great Lakes Fishery Act of 1956 (16
8 U.S.C. 931 et seq.) is amended by inserting after section
9 4 (16 U.S.C. 933) the following:

10 **“SEC. 5. AUTHORITY OF COMMISSION TO INVESTIGATE MI-**
11 **GRATORY BIRDS AND FACILITATE MANAGE-**
12 **MENT PROGRAMS.**

13 “(a) IN GENERAL.—The Commission may carry out
14 activities relating to investigation of migratory bird depre-
15 dation on commercial fisheries and sport fisheries in the
16 Great Lakes, including—

17 “(1) developing a coordinated program of re-
18 search on the impact of migratory birds on fishery
19 stocks in the Great Lakes;

20 “(2) recommending measures to permit the
21 maximum sustained productivity of fishery stocks in
22 the Great Lakes;

23 “(3) developing control and management proto-
24 cols to be applied by—

1 “(A) a cooperating Federal, State, or tribal
2 agency of the United States with migratory bird
3 management authority; and

4 “(B) a cooperating Federal, Provincial, or
5 First Nation agency of Canada with migratory
6 bird management authority;

7 “(4) incorporating control and management
8 protocols into a common memorandum of under-
9 standing relating to the requirements for—

10 “(A) determining the necessity to control a
11 migratory bird population;

12 “(B) documenting the measures taken to
13 preclude non-target species mortality;

14 “(C) assessing control effectiveness; and

15 “(D) documenting control results; and

16 “(5) ratifying the memorandum of under-
17 standing (including the issuance of permits under
18 authority delegated to the Commission under section
19 3(c) of the Migratory Bird Treaty Act (16 U.S.C.
20 704(c)) by an agency described in paragraph (3).

21 “(b) CONSULTATION.—In carrying out the activities
22 described in subsection (a), the Commission shall consult
23 with the Department of the Interior.

24 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Commission to

1 carry out this section \$5,500,000 for fiscal year 2007 and
2 each fiscal year thereafter, of which not less than
3 \$1,000,000 shall be used each fiscal year for migratory
4 bird management activities to be conducted by an agency
5 that is a signatory to the memorandum of understanding
6 described in subsection (a).”.

7 (b) AUTHORITY UNDER MIGRATORY BIRD TREATY
8 ACT.—Section 3 of the Migratory Bird Treaty Act (16
9 U.S.C. 704) is amended by adding at the end the fol-
10 lowing:

11 “(c) ISSUANCE OF PERMITS.—

12 “(1) DEFINITION OF GREAT LAKES FISHERY
13 COMMISSION.—In this subsection, the term ‘Great
14 Lakes Fishery Commission’ means the commission
15 established under article II of the Convention on
16 Great Lakes Fisheries, signed at Washington Sep-
17 tember 10, 1954 (6 UST 2836; TIAS 3326), be-
18 tween the United States and Canada.

19 “(2) ISSUANCE.—On the request of the Great
20 Lakes Fishery Commission, the Secretary shall issue
21 a permit to—

22 “(A) a cooperating Federal, State, or tribal
23 agency of the United States that is a signatory
24 to a memorandum of understanding with the
25 Great Lakes Fishery Commission; and

1 “(B) a cooperating Federal, Provincial, or
2 First Nation agency of Canada that is a signa-
3 tory to a memorandum of understanding with
4 the Great Lakes Fishery Commission.

5 “(3) PURPOSE OF PERMITS.—A recipient of a
6 permit issued under paragraph (2) shall be author-
7 ized to manage and take migratory birds for the
8 purpose of controlling migratory bird depredation on
9 commercial fisheries and sport fisheries in the Great
10 Lakes.”.

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