

January 2025

The logo for the National Fish Habitat Partnership. It features a blue silhouette of a fish on the left, with a wavy line representing water or a stream extending from its tail. To the right of the fish, the word "NATIONAL" is written in a smaller, blue, sans-serif font. Below "NATIONAL", the words "FISH HABITAT" are written in a large, bold, blue, sans-serif font. Underneath "FISH HABITAT", the word "PARTNERSHIP" is written in a smaller, blue, sans-serif font.

NATIONAL
FISH HABITAT
PARTNERSHIP

ACE Act Reauthorization Update

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NFHP Policy Updates

- **ACE Act Reauthorization**
- **Short term next steps**
- **Long term next steps**

ACE Act Re-Authorization Activity

- ACE Act passed the House on December 3, 2024
- ACE Act passed the Senate through Hotline on December 18, 2024
- Signed by President Biden on December 23, 2024
- Currently operating under ACE Act Reauthorization
- Reauthorized through 2030

[Link to ACE Act reauthorization](#)

[Link to original ACE Act](#)

ACE Act 2.0 (Final Version)

- Added two Board Seats (Bureau of Land Management, and ensuring Fishery Management Councils and Marine Fish Commissions have a seat)
- Section 203 (NFHP Board)
 - 28 member Board (was 26 members)
 - “2 shall be representatives of the Department of the Interior, including the United States Fish and Wildlife Service and the Bureau of Land Management.”
 - “The Regional Fishery Management Councils established by section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)); and the Marine Fish Commissions.”

ACE Act 2.0 (Final Version)

- Updated voting language to represent agreement among 2/3 of all members present
- Section 203 (NFHP Board)
 - Quorum: “a requirement that no recommendations may be adopted by the Board, except by the vote of two-thirds of all members present”

ACE Act 2.0 (Final Version)

- Changes the Congressional designation process, the board sends their recommendations to the committees of jurisdiction (House NR, Senate EPA) and unless Congress passes a joint resolution of disapproval within 90 days the partnerships are considered Congressionally designated
- Section 204 (Fish Habitat Partnerships)
 - “A Partnership designation or modification the Board recommends to Congress shall be deemed to be approved by Congress if Congress does not pass a joint resolution of disapproval with respect to the designation or modification by the date that is 90 days after the date on which the relevant congressional committees receive such recommendation.”

ACE Act 2.0 (Final Version)

- Removes the requirement to report to Congress annually on the future fish habitat partnerships and modifications except when the board is proposing modifications to, or new designations of, 1 or more partnerships
- Section 204 (Fish Habitat Partnerships)
 - "The Board shall only submit a report required under paragraph (1) in the fiscal years in which the Board is proposing modifications to, or new designations of, 1 or more Partnerships."

ACE Act 2.0 (Final Version)

- ACE Act funding timeline – remove “following fiscal year” language to provide flexible funding timeline driven by the Board
- Section 205 (Fish habitat conservation projects)
 - “Recommendations by Board: not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this chapter.” ~~for the following fiscal year~~

ACE Act 2.0 (Final Version)

- Federal match requirement changes
 - 1:1 non-federal match at the Partnership level (not project level)
- Section 205 (Fish habitat conservation projects)
 - “The non-Federal share of the total cost of all fish habitat conservation projects carried out by a Partnership each year shall be at least 50 percent.”
 - in paragraph (2), in the matter preceding subparagraph (A), by striking “Such non-Federal share of the cost of a fish habitat conservation project” and inserting “The non-Federal share described in paragraph (1)”.

ACE Act 2.0 (Final Version)

- Adds BLM to agencies allowed to provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.
- Section 206 (Scientific and technical assistance)
 - “The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service, **Bureau of Land Management** and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.”

ACE Act 2.0 (Final Version)

- Exemption allows FHP coordination “projects” to be submitted without non-Federal match requirement
- Section 212 (Funding)
- Board authority to recommend operations funding have no cost-share
 - Title updated “Fish Habitat Partnership and Conservation Projects”
 - “There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 to 2030 to provide funds for Partnership operations under section 204 and conservation projects approved under section 8205(f) of this title, of which 5 percent is authorized only for projects carried out by Indian Tribes.”

ACE Act 2.0 (Final Version)

- Clarification on 5-year summary report: have one condensed report as opposed to two overlapping reports

- Section 209 (Accountability and Reporting)

- Strikes section b (status and trends report)

~~(b) Status and trends report~~

~~Not later than December 31, 2021, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—~~

~~(1) a status of all Partnerships designated under this chapter;~~

~~(2) a description of the status of fish habitats in the United States as identified by designated Partnerships; and~~

~~(3) enhancements or reductions in public access as a result of—~~

~~(A) the activities of the Partnerships; or~~

~~(B) any other activities carried out pursuant to this chapter.~~

- Adds under “Contents”: **“A description of the status of fish habitats in the United States as identified by Partnerships”**

ACE Act Funding Levels

- ACE Act Reauthorization did NOT include increase in funding levels
 - Funding authorization remains at \$7.2 million
 - BLM can provide technical support, but is not authorized to request technical support funds

ACE Act Next Steps (short-term)

- Finalize FHP Congressional designation package to submit along with NFHP update report, due February 1st to Congressional committees of jurisdiction
- Update Board membership (BLM, Fishery Management Council, Marine Fish Commissions)
- Board project review team to ensure that review continues to meet ACE Act criteria and communication to FHPs
 - 1:1 match at FHP level
 - Decision on match waiver for FHP Operations

ACE Act Next Steps (long-term)

- Work with NFHP Board and Staff to identify NFHP RFP / Funding timeline
- NFHP Board staff to work on Accountability Report (5-year report) due October 30, 2025