

Calendar No. 185111TH CONGRESS
1ST SESSION**S. 668****[Report No. 111-90]**

To reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2009

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 21, 2009

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Northwest Straits Ma-
3 rine Conservation Initiative Reauthorization Act of 2009”.

4 **SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MA-
5 RINE CONSERVATION INITIATIVE ACT.**

6 The Northwest Straits Marine Conservation Initiative
7 Act (title IV of Public Law 105–384; 112 Stat. 3458) is
8 amended—

9 (1) in section 402, by striking “(in this title re-
10 ferred to as the ‘Commission’)”; and

11 (2) by striking sections 403, 404, and 405 and
12 inserting the following:

13 **“SEC. 403. FINDINGS.**

14 “Congress makes the following findings:

15 “(1) The marine waters and ecosystem of the
16 Northwest Straits in Puget Sound in the State of
17 Washington represent a unique resource of enor-
18 mous environmental and economic value to the peo-
19 ple of the United States:

20 “(2) During the 20th century, the environ-
21 mental health of the Northwest Straits declined dra-
22 matically as indicated by impaired water quality, de-
23 clines in marine wildlife, collapse of harvestable ma-
24 rine species, loss of critical marine habitats, ocean
25 acidification, and sea level rise.

1 “(3) At the start of the 21st century, the
2 Northwest Straits have been threatened by sea level
3 rise, ocean acidification, and other effects of climate
4 change.

5 “(4) In 1998, the Northwest Straits Marine
6 Conservation Initiative Act (title IV of Public Law
7 105-384) was enacted to tap the unprecedented
8 level of citizen stewardship demonstrated in the
9 Northwest Straits and create a mechanism to mobi-
10 lize public support and raise capacity for local ef-
11 forts to protect and restore the ecosystem of the
12 Northwest Straits.

13 “(5) The Northwest Straits Marine Conserva-
14 tion Initiative helps the National Oceanic and At-
15 mospheric Administration and other Federal agen-
16 cies with their marine missions by fostering local in-
17 terest in marine issues and involving diverse groups
18 of citizens.

19 “(6) The Northwest Straits Marine Conserva-
20 tion Initiative shares many of the same goals with
21 the National Oceanic and Atmospheric Administra-
22 tion, including fostering citizen stewardship of ma-
23 rine resources, general ecosystem management, and
24 protecting federally managed marine species.

1 “(7) Ocean literacy and identification and re-
 2 moval of marine debris projects are examples of on-
 3 going partnerships between the Northwest Straits
 4 Marine Conservation Initiative and the National
 5 Oceanic and Atmospheric Administration.

6 **“SEC. 404. DEFINITIONS.**

7 “In this title:

8 “(1) COMMISSION.—The term ‘Commission’
 9 means the Northwest Straits Advisory Commission
 10 established by section 402.

11 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
 12 has the meaning given that term in section 4 of the
 13 Indian Self-Determination and Education Assistance
 14 Act (25 U.S.C. 450b).

15 “(3) NORTHWEST STRAITS.—The term ‘North-
 16 west Straits’ means the marine waters of the Strait
 17 of Juan de Fuca and of Puget Sound from the Ca-
 18 nadian border to the south end of Snohomish Coun-
 19 ty.

20 **“SEC. 405. MEMBERSHIP OF THE COMMISSION.**

21 “(a) COMPOSITION.—The Commission shall be com-
 22 posed of up to 14 members who shall be appointed as fol-
 23 lows:

24 “(1) One member appointed by a consensus of
 25 the members of a marine resources committee estab-

1 lished under section 408 for each of the following
2 counties of the State of Washington:

3 “(A) San Juan County.

4 “(B) Island County.

5 “(C) Skagit County.

6 “(D) Whatcom County.

7 “(E) Snohomish County.

8 “(F) Clallam County.

9 “(G) Jefferson County.

10 “(2) Two members appointed by the Secretary
11 of the Interior in trust capacity and in consultation
12 with the Northwest Indian Fisheries Commission or
13 the Indian tribes affected by this title collectively, as
14 the Secretary of the Interior considers appropriate,
15 to represent the interests of such tribes.

16 “(3) One member appointed by the Governor of
17 the State of Washington to represent the interests of
18 the Puget Sound Partnership.

19 “(4) Four members appointed by the Governor
20 of the State of Washington who—

21 “(A) are residents of the State of Wash-
22 ington; and

23 “(B) are not employed by a Federal, State,
24 or local government.

1 “(b) VACANCIES.—A vacancy in the Commission
2 shall be filled in the manner in which the original appoint-
3 ment was made.

4 “(c) CHAIRPERSON.—The Commission shall select a
5 Chairperson from among its members.

6 “(d) MEETING.—The Commission shall meet at the
7 call of the Chairperson, but not less frequently than quar-
8 terly.

9 “(e) LIAISON.—The Secretary of Commerce shall,
10 acting through the Under Secretary for Oceans and At-
11 mosphere and in consultation with the Director of the
12 Commission appointed under section 407(a), appoint an
13 employee of the National Oceanic and Atmospheric Ad-
14 ministration—

15 “(1) to serve as a liaison among the Commis-
16 sion and the Department of Commerce; and

17 “(2) to attend meetings and other events of the
18 Commission as a nonvoting participant.

19 **“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.**

20 “(a) GOAL.—The goal of the Commission is to pro-
21 tect and restore the marine waters, habitats, and species
22 of the Northwest Straits region to achieve ecosystem
23 health and sustainable resource use by—

1 “(1) designing and initiating projects that are
2 driven by sound science, local priorities, community-
3 based decisions, and the ability to measure results;

4 “(2) building awareness and stewardship and
5 making recommendations to improve the health of
6 the Northwest Straits marine resources;

7 “(3) maintaining and expanding diverse mem-
8 bership and partner organizations;

9 “(4) expanding partnerships with governments
10 of Indian tribes and continuing to foster respect for
11 tribal cultures and treaties; and

12 “(5) recognizing the importance of economic
13 and social benefits that are dependent on marine en-
14 vironments and sustainable marine resources.

15 “(b) DUTIES.—The duties of the Commission are the
16 following:

17 “(1) To provide resources and technical support
18 for marine resources committees established under
19 section 408.

20 “(2) To work with such marine resources com-
21 mittees and appropriate entities of Federal and
22 State governments and Indian tribes to develop pro-
23 grams to monitor the overall health of the marine
24 ecosystem of the Northwest Straits.

1 “(3) To identify factors adversely affecting or
2 preventing the restoration of the health of the ma-
3 rine ecosystem and coastal economies of the North-
4 west Straits.

5 “(4) To develop scientifically sound restoration
6 and protection recommendations, informed by local
7 priorities, that address such factors.

8 “(5) To assist in facilitating the successful im-
9 plementation of such recommendations by developing
10 broad support among appropriate authorities, stake-
11 holder groups, and local communities.

12 “(6) To develop and implement regional
13 projects based on such recommendations to protect
14 and restore the Northwest Straits ecosystem.

15 “(7) To serve as a public forum for the discus-
16 sion of policies and actions of Federal, State, or
17 local government, an Indian tribe, or the Govern-
18 ment of Canada with respect to the marine eco-
19 system of the Northwest Straits.

20 “(8) To inform appropriate authorities and
21 local communities about the marine ecosystem of the
22 Northwest Straits and about issues relating to the
23 marine ecosystem of the Northwest Straits.

24 “(9) To consult with all affected Indian tribes
25 in the region of the Northwest Straits to ensure that

1 the work of the Commission does not violate tribal
2 treaty rights.

3 ~~“(e) BENCHMARKS.—The Commission shall carry out~~
4 ~~its duties in a manner that promotes the achieving of the~~
5 ~~benchmarks described in subsection (f)(2).~~

6 ~~“(d) COORDINATION AND COLLABORATION.—The~~
7 ~~Commission shall carry out the duties described in sub-~~
8 ~~section (b) in coordination and collaboration, when appro-~~
9 ~~priate, with Federal, State, and local governments and In-~~
10 ~~dian tribes.~~

11 ~~“(e) REGULATORY AUTHORITY.—The Commission~~
12 ~~shall have no power to issue regulations.~~

13 ~~“(f) ANNUAL REPORT.—~~

14 ~~“(1) IN GENERAL.—Each year, the Commission~~
15 ~~shall prepare, submit to the Committee on Com-~~
16 ~~merce, Science, and Transportation of the Senate,~~
17 ~~the Committee on Energy and Commerce of the~~
18 ~~House of Representatives, and the Under Secretary~~
19 ~~for Oceans and Atmosphere, and make available to~~
20 ~~the public an annual report describing—~~

21 ~~“(A) the activities carried out by the Com-~~
22 ~~mission during the preceding year; and~~

23 ~~“(B) the progress of the Commission in~~
24 ~~achieving the benchmarks described in para-~~
25 ~~graph (2).~~

1 “(2) BENCHMARKS.—The benchmarks de-
2 scribed in this paragraph are the following:

3 “(A) Protection and restoration of marine,
4 coastal, and nearshore habitats.

5 “(B) Prevention of loss and achievement of
6 a net gain of healthy habitat areas.

7 “(C) Protection and restoration of marine
8 populations to healthy, sustainable levels.

9 “(D) Protection of the marine water qual-
10 ity of the Northwest Straits region and restora-
11 tion of the health of marine waters.

12 “(E) Collection of high-quality data and
13 promotion of the use and dissemination of such
14 data.

15 “(F) Promotion of stewardship and under-
16 standing of Northwest Straits marine resources
17 through education and outreach.

18 **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**
19 **MATTERS.**

20 “(a) DIRECTOR.—The Manager of the Shorelands
21 and Environmental Assistance Program of the Depart-
22 ment of Ecology of the State of Washington may, upon
23 the recommendation of the Commission and the Director
24 of the Padilla Bay National Estuarine Research Reserve,
25 appoint and terminate a Director of the Commission. The

1 employment of the Director shall be subject to confirma-
 2 tion by the Commission.

3 “(b) STAFF.—The Director may hire such other per-
 4 sonnel as may be appropriate to enable the Commission
 5 to perform its duties. Such personnel shall be hired
 6 through the personnel system of the Department of Ecol-
 7 ogy of the State of Washington.

8 “(c) ADMINISTRATIVE SERVICES.—If the Governor of
 9 the State of Washington makes available to the Commis-
 10 sion the administrative services of the State of Wash-
 11 ington Department of Ecology and Padilla Bay National
 12 Estuarine Research Reserve, the Commission shall use
 13 such services for employment, procurement, grant and fis-
 14 cal management, and support services necessary to carry
 15 out the duties of the Commission.

16 **“SEC. 408. MARINE RESOURCES COMMITTEES.**

17 “(a) IN GENERAL.—The government of each of the
 18 counties referred to in subparagraphs (A) through (G) of
 19 section 405(a)(1) may establish a marine resources com-
 20 mittee that—

21 “(1) complies with the requirements of this sec-
 22 tion; and

23 “(2) receives from such government the mis-
 24 sion, direction, expert assistance, and financial re-
 25 sources necessary—

1 “(A) to address issues affecting the marine
2 ecosystems within its county; and

3 “(B) to work to achieve the benchmarks
4 described in section 406(f)(2).

5 ~~“(b) MEMBERSHIP.—~~

6 ~~“(1) IN GENERAL.—~~Each marine resources
7 committee established pursuant to this section shall
8 be composed of—

9 ~~“(A) members with relevant scientific ex-~~
10 ~~pertise; and~~

11 ~~“(B) members that represent balanced rep-~~
12 ~~resentation, including representation of—~~

13 ~~“(i) local governments, including plan-~~
14 ~~ning staff from counties and cities with~~
15 ~~marine shorelines;~~

16 ~~“(ii) affected economic interests, such~~
17 ~~as ports and commercial fishers;~~

18 ~~“(iii) affected recreational interests,~~
19 ~~such as sport fishers; and~~

20 ~~“(iv) conservation and environmental~~
21 ~~interests.~~

22 ~~“(2) TRIBAL MEMBERS.—~~With respect to a
23 county referred to in subparagraph (A) through (G)
24 of section 405(a)(1), each Indian tribe with usual
25 and accustomed fishing rights in the waters of such

1 county and each Indian tribe with reservation lands
2 in such county, may appoint one member to the ma-
3 rine resources committee for such county. Such
4 member may be appointed by the respective tribal
5 authority.

6 “(3) CHAIRPERSON.—

7 “(A) IN GENERAL.—Each marine re-
8 sources committee established pursuant to this
9 section shall select a chairperson from among
10 members by a majority vote of the members of
11 the committee.

12 “(B) ROTATING POSITION.—Each marine
13 resources committee established pursuant to
14 this section shall select a new chairperson at a
15 frequency determined by the county charter of
16 the marine resources committee to create a di-
17 versity of representation in the leadership of the
18 marine resources committee.

19 “(c) DUTIES.—The duties of a marine resources com-
20 mittee established pursuant to this section are the fol-
21 lowing:

22 “(1) To assist in assessing marine resource
23 problems in concert with governmental agencies,
24 tribes, and other entities.

1 “(2) To assist in identifying local implications,
2 needs, and strategies associated with the recovery of
3 Puget Sound salmon and other species in the region
4 of the Northwest Straits listed under the Endan-
5 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
6 in coordination with Federal, State, and local gov-
7 ernments, Indian tribes, and other entities.

8 “(3) To work with other entities to enhance the
9 scientific baseline and monitoring program for the
10 marine environment of the Northwest Straits.

11 “(4) To identify local priorities for marine re-
12 source conservation and develop new projects to ad-
13 dress those needs.

14 “(5) To work closely with county leadership to
15 implement local marine conservation and restoration
16 initiatives.

17 “(6) To coordinate with the Commission on ma-
18 rine ecosystem objectives.

19 “(7) To educate the public and key constitu-
20 encies regarding the relationship between healthy
21 marine habitats, harvestable resources, and human
22 activities.

1 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**
2 **FOUNDATION.**

3 “(a) **ESTABLISHMENT.**—The Director of the Com-
4 mission and the Director of the Padilla Bay National Es-
5 tuarine Research Reserve may enter into an agreement
6 with an organization described in section 501(c)(3) of the
7 Internal Revenue Code of 1986 to establish a nonprofit
8 foundation to support the Commission and the marine re-
9 sources committees established under section 408 in car-
10 rying out their duties under this Act.

11 “(b) **DESIGNATION.**—The foundation authorized by
12 subsection (a) shall be known as the ‘Northwest Straits
13 Marine Conservation Foundation’.

14 “(c) **RECEIPT OF GRANTS.**—The Northwest Straits
15 Marine Conservation Foundation may, if eligible, apply
16 for, accept, and use grants awarded by Federal agencies,
17 States, local governments, regional agencies, interstate
18 agencies, corporations, foundations, or other persons to
19 assist the Commission and the marine resources commit-
20 tees in carrying out their duties under this Act.

21 “(d) **TRANSFER OF FUNDS.**—The Northwest Straits
22 Marine Conservation Foundation may transfer funds to
23 the Commission or the marine resources committees to as-
24 sist them in carrying out their duties under this Act.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Northwest Straits Ma-*
3 *rine Conservation Initiative Reauthorization Act of 2009”.*

4 **SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MA-**
5 **RINE CONSERVATION INITIATIVE ACT.**

6 *The Northwest Straits Marine Conservation Initiative*
7 *Act (title IV of Public Law 105–384; 112 Stat. 3458) is*
8 *amended—*

9 (1) *by striking “ Commission (in this title re-*
10 *ferred to as the ‘Commission’).” and inserting “Com-*
11 *mission.”; and*

12 (2) *by striking sections 403, 404, and 405 and*
13 *inserting the following:*

14 **“SEC. 403. FINDINGS.**

15 *“Congress makes the following findings:*

16 *“(1) The marine waters and ecosystem of the*
17 *Northwest Straits in Puget Sound in the State of*
18 *Washington represent a unique resource of enormous*
19 *environmental and economic value to the people of the*
20 *United States.*

21 *“(2) During the 20th century, the environmental*
22 *health of the Northwest Straits declined dramatically*
23 *as indicated by impaired water quality, declines in*
24 *marine wildlife, collapse of harvestable marine spe-*
25 *cies, loss of critical marine habitats, ocean acidifica-*
26 *tion, and sea level rise.*

1 “(3) *At the start of the 21st century, the North-*
2 *west Straits have been threatened by sea level rise,*
3 *ocean acidification, and other effects of climate*
4 *change.*

5 “(4) *In 1998, the Northwest Straits Marine Con-*
6 *servaion Initiative Act (title IV of Public Law 105-*
7 *384) was enacted to tap the unprecedented level of cit-*
8 *izen stewardship demonstrated in the Northwest*
9 *Straits and create a mechanism to mobilize public*
10 *support and raise capacity for local efforts to protect*
11 *and restore the ecosystem of the Northwest Straits.*

12 “(5) *The Northwest Straits Marine Conservation*
13 *Initiative helps the National Oceanic and Atmos-*
14 *pheric Administration and other Federal agencies*
15 *with their marine missions by fostering local interest*
16 *in marine issues and involving diverse groups of citi-*
17 *zens.*

18 “(6) *The Northwest Straits Marine Conservation*
19 *Initiative shares many of the same goals with the Na-*
20 *tional Oceanic and Atmospheric Administration, in-*
21 *cluding fostering citizen stewardship of marine re-*
22 *sources, general ecosystem management, and pro-*
23 *tecting federally managed marine species.*

24 “(7) *Ocean literacy and identification and re-*
25 *moval of marine debris projects are examples of on-*

1 *going partnerships between the Northwest Straits Ma-*
 2 *rine Conservation Initiative and the National Oce-*
 3 *anic and Atmospheric Administration.*

4 **“SEC. 404. DEFINITIONS.**

5 *“In this title:*

6 *“(1) COMMISSION.—The term ‘Commission’*
 7 *means the Northwest Straits Advisory Commission es-*
 8 *tablished by section 402.*

9 *“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has*
 10 *the meaning given that term in section 4 of the In-*
 11 *Indian Self-Determination and Education Assistance*
 12 *Act (25 U.S.C. 450b).*

13 *“(3) NORTHWEST STRAITS.—The term ‘North-*
 14 *west Straits’ means the marine waters of the Strait*
 15 *of Juan de Fuca and of Puget Sound from the Cana-*
 16 *dian border to the south end of Snohomish County.*

17 **“SEC. 405. MEMBERSHIP OF THE COMMISSION.**

18 *“(a) COMPOSITION.—The Commission shall be com-*
 19 *posed of up to 14 members who shall be appointed as fol-*
 20 *lows:*

21 *“(1) One member appointed by a consensus of*
 22 *the members of a marine resources committee estab-*
 23 *lished under section 408 for each of the following*
 24 *counties of the State of Washington:*

25 *“(A) San Juan County.*

1 “(B) *Island County.*

2 “(C) *Skagit County.*

3 “(D) *Whatcom County.*

4 “(E) *Snohomish County.*

5 “(F) *Clallam County.*

6 “(G) *Jefferson County.*

7 “(2) *Two members appointed by the Secretary of*
8 *the Interior in trust capacity and in consultation*
9 *with the Northwest Indian Fisheries Commission or*
10 *the Indian tribes affected by this title collectively, as*
11 *the Secretary of the Interior considers appropriate, to*
12 *represent the interests of such tribes.*

13 “(3) *One member appointed by the Governor of*
14 *the State of Washington to represent the interests of*
15 *the Puget Sound Partnership.*

16 “(4) *Four members appointed by the Governor of*
17 *the State of Washington who—*

18 “(A) *are residents of the State of Wash-*
19 *ington; and*

20 “(B) *are not employed by a Federal, State,*
21 *or local government.*

22 “(b) *VACANCIES.—A vacancy in the Commission shall*
23 *be filled in the manner in which the original appointment*
24 *was made.*

1 “(c) *CHAIRPERSON.*—*The Commission shall select a*
2 *Chairperson from among its members.*

3 “(d) *MEETING.*—*The Commission shall meet at the*
4 *call of the Chairperson, but not less frequently than quar-*
5 *terly.*

6 “(e) *LIAISON.*—

7 “(1) *IN GENERAL.*—*The Secretary of Commerce*
8 *shall, acting through the Under Secretary for Oceans*
9 *and Atmosphere and in consultation with the Direc-*
10 *tor of the Commission appointed under section*
11 *407(a), appoint an employee of the National Oceanic*
12 *and Atmospheric Administration—*

13 “(A) *to serve as a liaison between the Com-*
14 *mission and the Department of Commerce; and*

15 “(B) *to attend meetings and other events of*
16 *the Commission as a nonvoting participant.*

17 “(2) *LIMITATION.*—*Service as a member of the*
18 *Commission by the employee appointed under para-*
19 *graph (1)—*

20 “(A) *is limited to the employee’s service as*
21 *a liaison and attendance of meetings and other*
22 *events as a nonvoting participant; and*

23 “(B) *does not obligate the employee to per-*
24 *form any duty of the Commission under section*
25 *406(b).*

1 **“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.**

2 “(a) *GOAL.*—*The goal of the Commission is to protect*
3 *and restore the marine waters, habitats, and species of the*
4 *Northwest Straits region to achieve ecosystem health and*
5 *sustainable resource use by—*

6 “(1) *designing and initiating projects that are*
7 *driven by sound science, local priorities, community-*
8 *based decisions, and the ability to measure results;*

9 “(2) *building awareness and stewardship and*
10 *making recommendations to improve the health of the*
11 *Northwest Straits marine resources;*

12 “(3) *maintaining and expanding diverse mem-*
13 *bership and partner organizations;*

14 “(4) *expanding partnerships with governments of*
15 *Indian tribes and continuing to foster respect for trib-*
16 *al cultures and treaties; and*

17 “(5) *recognizing the importance of economic and*
18 *social benefits that are dependent on marine environ-*
19 *ments and sustainable marine resources.*

20 “(b) *DUTIES.*—*The duties of the Commission are the*
21 *following:*

22 “(1) *To provide resources and technical support*
23 *for marine resources committees established under sec-*
24 *tion 408.*

25 “(2) *To work with such marine resources com-*
26 *mittees and appropriate entities of Federal and State*

1 *governments and Indian tribes to develop programs to*
2 *monitor the overall health of the marine ecosystem of*
3 *the Northwest Straits.*

4 “(3) *To identify factors adversely affecting or*
5 *preventing the restoration of the health of the marine*
6 *ecosystem and coastal economies of the Northwest*
7 *Straits.*

8 “(4) *To develop scientifically sound restoration*
9 *and protection recommendations, informed by local*
10 *priorities, that address such factors.*

11 “(5) *To assist in facilitating the successful im-*
12 *plementation of such recommendations by developing*
13 *broad support among appropriate authorities, stake-*
14 *holder groups, and local communities.*

15 “(6) *To develop and implement regional projects*
16 *based on such recommendations to protect and restore*
17 *the Northwest Straits ecosystem.*

18 “(7) *To serve as a public forum for the discus-*
19 *sion of policies and actions of Federal, State, or local*
20 *government, an Indian tribe, or the Government of*
21 *Canada with respect to the marine ecosystem of the*
22 *Northwest Straits.*

23 “(8) *To inform appropriate authorities and local*
24 *communities about the marine ecosystem of the North-*

1 *west Straits and about issues relating to the marine*
2 *ecosystem of the Northwest Straits.*

3 “(9) *To consult with all affected Indian tribes in*
4 *the region of the Northwest Straits to ensure that the*
5 *work of the Commission does not violate tribal treaty*
6 *rights.*

7 “(c) *BENCHMARKS.—The Commission shall carry out*
8 *its duties in a manner that promotes the achieving of the*
9 *benchmarks described in subsection (f)(2).*

10 “(d) *COORDINATION AND COLLABORATION.—The Com-*
11 *mission shall carry out the duties described in subsection*
12 *(b) in coordination and collaboration, when appropriate,*
13 *with Federal, State, and local governments and Indian*
14 *tribes.*

15 “(e) *REGULATORY AUTHORITY.—The Commission*
16 *shall have no power to issue regulations.*

17 “(f) *ANNUAL REPORT.—*

18 “(1) *IN GENERAL.—Each year, the Commission*
19 *shall prepare, submit to the Committee on Commerce,*
20 *Science, and Transportation of the Senate, the Com-*
21 *mittee on Energy and Commerce of the House of Rep-*
22 *resentatives, and the Under Secretary for Oceans and*
23 *Atmosphere, and make available to the public an an-*
24 *nual report describing—*

1 “(A) the activities carried out by the Com-
2 mission during the preceding year; and

3 “(B) the progress of the Commission in
4 achieving the benchmarks described in paragraph
5 (2).

6 “(2) *BENCHMARKS.*—The benchmarks described
7 in this paragraph are the following:

8 “(A) Protection and restoration of marine,
9 coastal, and nearshore habitats.

10 “(B) Prevention of loss and achievement of
11 a net gain of healthy habitat areas.

12 “(C) Protection and restoration of marine
13 populations to healthy, sustainable levels.

14 “(D) Protection of the marine water quality
15 of the Northwest Straits region and restoration
16 of the health of marine waters.

17 “(E) Collection of high-quality data and
18 promotion of the use and dissemination of such
19 data.

20 “(F) Promotion of stewardship and under-
21 standing of Northwest Straits marine resources
22 through education and outreach.

1 **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**
2 **MATTERS.**

3 “(a) *DIRECTOR.*—*The Manager of the Shorelands and*
4 *Environmental Assistance Program of the Department of*
5 *Ecology of the State of Washington may, upon the rec-*
6 *ommendation of the Commission and the Director of the*
7 *Padilla Bay National Estuarine Research Reserve, appoint*
8 *and terminate a Director of the Commission. The employ-*
9 *ment of the Director shall be subject to confirmation by the*
10 *Commission.*

11 “(b) *STAFF.*—*The Director may hire such other per-*
12 *sonnel as may be appropriate to enable the Commission to*
13 *perform its duties. Such personnel shall be hired through*
14 *the personnel system of the Department of Ecology of the*
15 *State of Washington.*

16 “(c) *ADMINISTRATIVE SERVICES.*—*If the Governor of*
17 *the State of Washington makes available to the Commission*
18 *the administrative services of the State of Washington De-*
19 *partment of Ecology and Padilla Bay National Estuarine*
20 *Research Reserve, the Commission shall use such services*
21 *for employment, procurement, grant and fiscal manage-*
22 *ment, and support services necessary to carry out the duties*
23 *of the Commission.*

24 **“SEC. 408. MARINE RESOURCES COMMITTEES.**

25 “(a) *IN GENERAL.*—*The government of each of the*
26 *counties referred to in subparagraphs (A) through (G) of*

1 *section 405(a)(1) may establish a marine resources com-*
2 *mittee that—*

3 *“(1) complies with the requirements of this sec-*
4 *tion; and*

5 *“(2) receives from such government the mission,*
6 *direction, expert assistance, and financial resources*
7 *necessary—*

8 *“(A) to address issues affecting the marine*
9 *ecosystems within its county; and*

10 *“(B) to work to achieve the benchmarks de-*
11 *scribed in section 406(f)(2).*

12 *“(b) MEMBERSHIP.—*

13 *“(1) IN GENERAL.—Each marine resources com-*
14 *mittee established pursuant to this section shall be*
15 *composed of—*

16 *“(A) members with relevant scientific exper-*
17 *tise; and*

18 *“(B) members that represent balanced rep-*
19 *resentation, including representation of—*

20 *“(i) local governments, including plan-*
21 *ning staff from counties and cities with ma-*
22 *rine shorelines;*

23 *“(ii) affected economic interests, such*
24 *as ports and commercial fishers;*

1 “(iii) *affected recreational interests,*
2 *such as sport fishers; and*

3 “(iv) *conservation and environmental*
4 *interests.*

5 “(2) *TRIBAL MEMBERS.—With respect to a coun-*
6 *ty referred to in subparagraph (A) through (G) of sec-*
7 *tion 405(a)(1), each Indian tribe with usual and ac-*
8 *customed fishing rights in the waters of such county*
9 *and each Indian tribe with reservation lands in such*
10 *county, may appoint one member to the marine re-*
11 *sources committee for such county. Such member may*
12 *be appointed by the respective tribal authority.*

13 “(3) *CHAIRPERSON.—*

14 “(A) *IN GENERAL.—Each marine resources*
15 *committee established pursuant to this section*
16 *shall select a chairperson from among members*
17 *by a majority vote of the members of the com-*
18 *mittee.*

19 “(B) *ROTATING POSITION.—Each marine*
20 *resources committee established pursuant to this*
21 *section shall select a new chairperson at a fre-*
22 *quency determined by the county charter of the*
23 *marine resources committee to create a diversity*
24 *of representation in the leadership of the marine*
25 *resources committee.*

1 “(c) *DUTIES.*—*The duties of a marine resources com-*
2 *mittee established pursuant to this section are the following:*

3 “(1) *To assist in assessing marine resource prob-*
4 *lems in concert with governmental agencies, tribes,*
5 *and other entities.*

6 “(2) *To assist in identifying local implications,*
7 *needs, and strategies associated with the recovery of*
8 *Puget Sound salmon and other species in the region*
9 *of the Northwest Straits listed under the Endangered*
10 *Species Act of 1973 (16 U.S.C. 1531 et seq.) in co-*
11 *ordination with Federal, State, and local govern-*
12 *ments, Indian tribes, and other entities.*

13 “(3) *To work with other entities to enhance the*
14 *scientific baseline and monitoring program for the*
15 *marine environment of the Northwest Straits.*

16 “(4) *To identify local priorities for marine re-*
17 *source conservation and develop new projects to ad-*
18 *dress those needs.*

19 “(5) *To work closely with county leadership to*
20 *implement local marine conservation and restoration*
21 *initiatives.*

22 “(6) *To coordinate with the Commission on ma-*
23 *rine ecosystem objectives.*

1 “(7) *To educate the public and key constituencies*
2 *regarding the relationship between healthy marine*
3 *habitats, harvestable resources, and human activities.*

4 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**
5 **FOUNDATION.**

6 “(a) *ESTABLISHMENT.—The Director of the Commis-*
7 *sion and the Director of the Padilla Bay National Estua-*
8 *rine Research Reserve may enter into an agreement with*
9 *an organization described in section 501(c)(3) of the Inter-*
10 *nal Revenue Code of 1986 to establish a nonprofit founda-*
11 *tion to support the Commission and the marine resources*
12 *committees established under section 408 in carrying out*
13 *their duties under this Act.*

14 “(b) *DESIGNATION.—The foundation authorized by*
15 *subsection (a) shall be known as the ‘Northwest Straits Ma-*
16 *rine Conservation Foundation’.*

17 “(c) *RECEIPT OF GRANTS.—The Northwest Straits*
18 *Marine Conservation Foundation may, if eligible, apply*
19 *for, accept, and use grants awarded by Federal agencies,*
20 *States, local governments, regional agencies, interstate*
21 *agencies, corporations, foundations, or other persons to as-*
22 *sist the Commission and the marine resources committees*
23 *in carrying out their duties under this Act.*

24 “(d) *TRANSFER OF FUNDS.—The Northwest Straits*
25 *Marine Conservation Foundation may transfer funds to the*

1 *Commission or the marine resources committees to assist*
2 *them in carrying out their duties under this Act.*

3 **“SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

4 *“There are authorized to be appropriated to the Sec-*
5 *retary of Commerce for the use of the Commission such sums*
6 *as may be necessary to carry out the provisions of this*
7 *title.”.*

Calendar No. 185

111TH CONGRESS
1ST Session

S. 668

[Report No. 111-90]

A BILL

To reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

OCTOBER 21, 2009

Reported with an amendment