November 19, 1999

CONGRESSIONAL RECORD—SENATE

S. 501

SEC. 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

SEC. 2. DEFINITIONS.

As used in this Act:

(a) IN GENERAL.—The term “residents” means those persons living within the vicinity of Glacier Bay National Park and Preserve, including, but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering.

(b) COMMERCIAL FISHING.—The term “commercial fishing” means the taking of fishery resources for the purpose of trade or commerce.

SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

(1) by adding at the end thereof the following new sentence: “Subsistence fishing and gathering by local residents shall be permitted in the park and preserve in accordance with the provisions of title VIII.”.

SEC. 4. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for the commercial fishing of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park’s marine waters, to determine the effect, if any, of commercial fishing on:

(A) the productivity, diversity, and sustainability of fishery resources in such waters;

and

(b) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan no later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 501), as amended, was read the third time and passed, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

GLACIER BAY FISHERIES ACT

The Senate proceeded to consider the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail. This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

SEC. 2. RESOURCE MANAGEMENT AND USE.

(a) Section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 416h–
(2) "Secretary."—The term "Secretary" means the Secretary of the Interior.

(3) "park."—The term "park" means Glacier Bay National Park and Preserve, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(4) "park."—The term "park" means Glacier Bay National Park;

(5) "State."—The term "State" means the State of Alaska.

SEC. 2. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.


(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 3. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can be made in a manner that provides for the protection of park resources and values, the Secretary shall transmit the results of the study to the House of Representatives upon the completion of the plan not later than two years after the date funds are made available, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 4. APPROPRIATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 244) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Rural Water System Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) "water supply system."—The term "water supply system" means the system of water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(A) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(B) Rock County and Nobles County, in southwestern Minnesota; and

(C) Lyon County, Sioux County, O'Brien County, Dickinson County, and Clay County, in northeastern Iowa.

(2) "amount of grants."—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 9.

(3) "feasibility study."—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) "incremental cost."—The term "incremental cost" means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(5) "member entity."—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc., as amended.

(6) "project construction budget."—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(7) "pumping and incidental operational requirements."—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines as determined by the water supply system to each member entity that distributes water at retail to individual users.

(8) "Secretary."—The term "Secretary" means the Secretary of the Interior.

SEP. 3. WATER SUPPLY PROJECT.

(A) IN GENERAL.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) any other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

SEP. 4. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(A) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(B) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, O'Brien County, Dickinson County, and Clay County, in northeastern Iowa.

(4) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(A) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(B) a final engineering report and a plan for a water conservation program are prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.