

112TH CONGRESS
1ST SESSION

H. R. 1650

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. SARBANES introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the “Chesapeake Bay
5 Science, Education, and Ecosystem Enhancement Act of
6 2011”.

1 **SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OF-**
2 **FICE.**

3 Section 307 of the National Oceanic and Atmospheric
4 Administration Authorization Act of 1992 (15 U.S.C.
5 1511d) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1) by striking “(in this
8 section” and all that follows and inserting a pe-
9 riod;

10 (B) by amending paragraph (2) to read as
11 follows:

12 “(2) The Office shall be headed by a Director,
13 who—

14 “(A) shall have knowledge and experience
15 in research or resource management efforts in
16 the Chesapeake Bay; and

17 “(B) shall be responsible for the adminis-
18 tration and operation of the office and the im-
19 plementation of this Act”; and

20 (C) by striking paragraph (3);

21 (2) in subsection (b)—

22 (A) by striking so much as precedes para-
23 graph (1) and inserting the following:

24 “(b) PURPOSE.—The purpose of this section is to
25 focus the relevant science, research, and resource manage-
26 ment capabilities of the National Oceanic and Atmospheric

1 Administration as they apply to the Chesapeake Bay and
2 to utilize the Office to—”;

3 (B) in paragraph (2), by striking “Sec-
4 retary of Commerce” and inserting “Adminis-
5 trator”;

6 (C) in paragraph (3)—

7 (i) by striking the matter preceding
8 subparagraph (A) and inserting the fol-
9 lowing:

10 “(3) coordinate the programs and activities of
11 the various organizations within the National Oce-
12 anic and Atmospheric Administration in furtherance
13 of such administrations’ coastal resource steward-
14 ship mission, including—”;

15 (ii) in subparagraph (A), by striking
16 “and” after the semicolon at the end of
17 clause (vi), and by inserting after clause
18 (vii) the following:

19 “(i) coastal hazards and climate
20 change; and”; and

21 (iii) in subparagraph (B), by striking
22 “and” after the semicolon at the end of
23 clause (iii), by inserting “and” after the
24 semicolon at the end of clause (iv), and by
25 adding at the end the following:

1 “(v) integrated ecosystem assess-
2 ments;”;

3 (D) in paragraph (4)—

4 (i) by striking “Environmental Pro-
5 tection Agency” and inserting “Chesapeake
6 Executive Council”; and

7 (ii) by inserting before the semicolon
8 at the end the following: “as appropriate to
9 further purposes of this section”;

10 (E) by striking paragraph (5) and (7);

11 (F) by redesignating paragraph (6) as
12 paragraph (5); and

13 (G) by adding at the end the following:

14 “(6) perform any functions necessary to sup-
15 port the programs referred to in paragraph (3)”;

16 and

17 (3) by striking subsection (c) and all that fol-
18 lows through the end of the section and inserting the
19 following:

20 “(c) PROGRAM ACTIVITIES.—

21 “(1) IN GENERAL.—The Administrator,
22 through the Director, shall implement the program
23 activities authorized by this subsection to support
24 the activity of the Chesapeake Executive Council and
25 to further the purposes of this section.

1 “(2) ENSURING SCIENTIFIC AND TECHNICAL
2 MERIT.—The director shall—

3 “(A) establish and utilize an effective and
4 transparent mechanism to ensure that projects
5 funded under this section have undergone ap-
6 propriate peer review; and

7 “(B) provide other appropriate means to
8 determine that such projects have acceptable
9 scientific and technical merit for the purpose of
10 achieving maximum utilization of available
11 funds and resources to benefit the Chesapeake
12 Bay area.

13 “(3) CONSULTATION WITH CHESAPEAKE EXEC-
14 UTIVE COUNCIL.—The Director shall, in the imple-
15 mentation of the program activities authorized under
16 this section, consult with the Chesapeake Executive
17 Council, to ensure that the activities of the Office
18 are consistent with the purposes and priorities of the
19 Chesapeake Bay Agreement and plans developed
20 pursuant to the Agreement.

21 “(4) INTEGRATED COASTAL OBSERVATIONS.—

22 “(A) IN GENERAL.—The Administrator,
23 through the Director, may collaborate with sci-
24 entific and academic institutions, State and
25 Federal agencies, non-governmental organiza-

1 tions, and other constituents in the Chesapeake
2 Bay watershed, to support an integrated obser-
3 vations system for the Chesapeake Bay con-
4 sistent with the purposes of subtitle C of title
5 XII of Public Law 111–11 (33 U.S.C. 3601 et
6 seq.).

7 “(B) SPECIFIC REQUIREMENTS.—To sup-
8 port the system referred to in subparagraph (A)
9 and provide a complete set of environmental in-
10 formation for the Chesapeake Bay, the Director
11 shall—

12 “(i) coordinate existing monitoring
13 and observing activities in the Chesapeake
14 Bay;

15 “(ii) identify new data collection needs
16 and deploy new technologies, as appro-
17 priate;

18 “(iii) collect and analyze the scientific
19 information necessary for the management
20 of living marine resources and the marine
21 habitat associated with such resources;

22 “(iv) manage and interpret the infor-
23 mation described in clause (iii); and

24 “(v) organize the information de-
25 scribed in clause (iii) into products that

1 are useful to policy makers, resource man-
2 agers, scientists, and the public.

3 “(C) CHESAPEAKE BAY INTERPRETIVE
4 BUOY SYSTEM.—To further the development
5 and implementation of the Chesapeake Bay In-
6 terpretive Buoy System, the Director may—

7 “(i) support the establishment and
8 implementation of the Captain John Smith
9 Chesapeake National Historic Trail;

10 “(ii) delineate key waypoints along the
11 trail and provide appropriate real-time
12 data and information for trail users;

13 “(iii) interpret data and information
14 for use by educators and students to in-
15 spire stewardship of Chesapeake Bay; and

16 “(iv) incorporate the Chesapeake Bay
17 Interpretive Buoy System into the Inte-
18 grated Ocean Observing System regional
19 network of observatories.

20 “(5) CHESAPEAKE BAY WATERSHED EDU-
21 CATION AND TRAINING PROGRAM.—

22 “(A) IN GENERAL.—The Administrator,
23 through the Director, may establish a Chesa-
24 peake Bay watershed education and training
25 program. The program shall—

1 “(i) continue and expand the Chesapeake Bay watershed education programs
2 offered by the Office immediately before
3 the enactment of the Chesapeake Bay
4 Science, Education, and Ecosystem Enhancement Act of 2011;
5

6 “(ii) improve the understanding of elementary and secondary school students
7 and teachers of the living resources of the
8 ecosystem of the Chesapeake Bay;
9

10 “(iii) provide community education to
11 improve watershed protection; and
12

13 “(iv) meet the educational goals of the
14 Chesapeake 2000 Agreement.

15 “(B) GRANT PROGRAM.—The Director
16 may award grants for the purposes of this paragraph. Grants awarded under this subparagraph
17 may be used to support education and
18 training projects that enhance understanding
19 and assessment of a specific environmental
20 problem in the Chesapeake Bay watershed or a
21 goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—
22
23
24

1 “(i) provide classroom education, in-
2 cluding the development and use of dis-
3 tance learning and other innovative tech-
4 nologies, related to the Chesapeake Bay
5 watershed;

6 “(ii) provide watershed educational
7 experiences in the Chesapeake Bay water-
8 shed;

9 “(iii) provide professional development
10 for teachers related to the Chesapeake Bay
11 watershed and the dissemination of perti-
12 nent education materials oriented to vary-
13 ing grade levels;

14 “(iv) demonstrate or disseminate envi-
15 ronmental educational tools and materials
16 related to the Chesapeake Bay watershed;

17 “(v) demonstrate field methods, prac-
18 tices, and techniques including assessment
19 of environmental and ecological conditions
20 and analysis of environmental problems;

21 “(vi) build the capacity of organiza-
22 tions to deliver high quality environmental
23 education programs; and

24 “(vii) educate local land use officials
25 and decision makers on the relationship of

1 land use to natural resource and watershed
2 protection.

3 “(C) COLLABORATION.—The Director shall
4 implement the education and training program
5 in collaboration with the heads of other relevant
6 Federal agencies.

7 “(6) COASTAL AND LIVING RESOURCES MAN-
8 AGEMENT AND HABITAT PROGRAM.—

9 “(A) IN GENERAL.—The Administrator,
10 through the Director, may establish a Ches-
11 peake Bay coastal living resources management
12 and habitat program to support coordinated
13 management, protection, characterization, and
14 restoration of priority Chesapeake Bay habitats
15 and living resources, including oysters, blue
16 crabs, and submerged aquatic vegetation.

17 “(B) ACTIVITIES.—Under the program,
18 the Director may, subject to the availability of
19 appropriations, carry out or enter into grants,
20 contracts, and cooperative agreements and pro-
21 vide technical assistance to support—

22 “(i) native oyster restoration;

23 “(ii) fish and shellfish aquaculture
24 that is carried out in accordance with a
25 valid Federal or State permit;

1 “(iii) establishment of submerged
2 aquatic vegetation propagation programs;

3 “(iv) the development of programs
4 that protect and restore critical coastal
5 habitats;

6 “(v) habitat mapping, characteriza-
7 tion, and assessment techniques necessary
8 to identify, assess, and monitor restoration
9 actions;

10 “(vi) application and transfer of ap-
11 plied scientific research and ecosystem
12 management tools to fisheries and habitat
13 managers;

14 “(vii) collection, synthesis, and shar-
15 ing of information to inform and influence
16 coastal and living resource management
17 issues; and

18 “(viii) other activities that the director
19 determines are appropriate to carry out
20 the purposes of such program.

21 “(d) REPORTS.—

22 “(1) IN GENERAL.—The Administrator,
23 through the Director, shall submit a biennial report
24 to the Congress and the Secretary of Commerce on
25 the activities of the Office and on progress made in

1 protecting and restoring the living resources and
2 habitat of the Chesapeake Bay.

3 “(2) ACTION PLAN.—Each such report shall in-
4 clude an action plan for the 2-year period following
5 submission of the report, consisting of—

6 “(A) a list of recommended research, moni-
7 toring, and data collection activities necessary
8 to continue implementation of the strategy
9 under subsection (b)(2); and

10 “(B) recommendations to integrate Na-
11 tional Oceanic and Atmospheric Administration
12 activities with the activities of the partners in
13 the Chesapeake Bay Program to meet the com-
14 mitments of the Chesapeake 2000 agreement
15 and subsequent agreements.

16 “(e) AGREEMENTS.—

17 “(1) IN GENERAL.—The Administrator,
18 through the Director, may, subject to the availability
19 of appropriations, enter into and perform such con-
20 tracts, leases, grants, or cooperative agreements as
21 may be necessary to carry out the purposes of this
22 Act.

23 “(2) USE OF OTHER RESOURCES.—For pur-
24 poses related to the understanding, protection, and
25 restoration of Chesapeake Bay, the Director may

1 use, with their consent and with or without reim-
2 bursement, the land, services, equipment, personnel,
3 and facilities of any Department, agency, or instru-
4 mentality of the United States, or of any State, local
5 government, Indian tribal government, or of any po-
6 litical subdivision thereof.

7 “(3) DONATIONS.—The Director may accept
8 donations of funds, other property, and services for
9 use in understanding, protecting, and restoring the
10 Chesapeake Bay. Donations accepted under this sec-
11 tion shall be considered as a gift or bequest to or for
12 the use of the United States.

13 “(f) DEFINITIONS.—In this section:

14 “(1) ADMINISTRATOR.—The term ‘Adminis-
15 trator’ means the Administrator of the National
16 Oceanic and Atmospheric Administration.

17 “(2) CHESAPEAKE BAY AGREEMENT.—The
18 term ‘Chesapeake Bay Agreement’ means the for-
19 mal, voluntary agreements executed to achieve the
20 goal of restoring and protecting the Chesapeake Bay
21 ecosystem and the living resources of the Chesa-
22 peake Bay ecosystem and are signed by the Chesa-
23 peake Executive Council.

24 “(3) CHESAPEAKE EXECUTIVE COUNCIL.—The
25 term ‘Chesapeake Executive Council’ means the rep-

1 representatives from the Commonwealth of Virginia, the
2 State of Maryland, the Commonwealth of Pennsyl-
3 vania, the Environmental Protection Agency, the
4 District of Columbia, and the Chesapeake Bay Com-
5 mission, who are signatories to the Chesapeake Bay
6 Agreement, and any future signatories to that agree-
7 ment.

8 “(4) DIRECTOR.—The term ‘Director’ means
9 the Director of the Office.

10 “(5) OFFICE.—The term ‘Office’ means the
11 Chesapeake Bay Office established under this sec-
12 tion.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to the Secretary to carry
15 out this section—

16 “(1) \$17,000,000 for fiscal year 2012;

17 “(2) \$18,700,000 for fiscal year 2013;

18 “(3) \$20,570,000 for fiscal year 2014; and

19 “(4) \$22,627,000 for fiscal year 2015.”.

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