

112TH CONGRESS
1ST SESSION

H. R. 1858

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 HOUSE OF REPRESENTATIVES

MAY 12, 2011

Mr. LARSEN of Washington introduced the following bill; which was referred to the Committee on Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northwest Straits Ma-
5 rine Conservation Initiative Reauthorization Act of 2011”.

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

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

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

8 (2) by striking sections 403 and 404;

9 (3) by redesignating section 405 as section 410;

10 and

11 (4) by inserting after section 402 the following
12 new sections:

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.—

10 “(1) IN GENERAL.—The Secretary of Com-
11 merce, acting through the Under Secretary for
12 Oceans and Atmosphere and in consultation with the
13 Director of the Commission appointed under section
14 407(a), shall appoint an employee of the National
15 Oceanic and Atmospheric Administration—

16 “(A) to serve as a liaison between the
17 Commission and the Department of Commerce;
18 and

19 “(B) to attend meetings and other events
20 of the Commission as a nonvoting participant.

21 “(2) LIMITATION.—Service of an employee as
22 an appointee under paragraph (1)—

23 “(A) shall be limited to service as a liaison
24 and attendance of meetings and other events as
25 a nonvoting participant; and

1 “(B) does not obligate the employee to per-
2 form any duty of the Commission under section
3 406(b).

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

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

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

12 “(2) building awareness and stewardship and
13 making recommendations to improve the health of
14 the Northwest Straits marine resources;

15 “(3) maintaining and expanding diverse mem-
16 bership and partner organizations;

17 “(4) expanding partnerships with governments
18 of Indian tribes affected by this title and continuing
19 to foster respect for tribal cultures and treaties; and

20 “(5) recognizing the importance of economic
21 and social benefits that are dependent on marine en-
22 vironments and sustainable marine resources.

23 “(b) DUTIES.—The duties of the Commission are the
24 following:

1 “(1) To provide resources and technical support
2 for marine resources committees established under
3 section 408.

4 “(2) To work with such marine resources com-
5 mittees and appropriate entities of Federal and
6 State governments and Indian tribes affected by this
7 title to develop programs to monitor the overall
8 health of the marine ecosystem of the Northwest
9 Straits.

10 “(3) To identify factors adversely affecting or
11 preventing the restoration of the health of the ma-
12 rine ecosystem and coastal economies of the North-
13 west Straits.

14 “(4) To develop scientifically sound restoration
15 and protection recommendations, informed by local
16 priorities, that address such factors.

17 “(5) To assist in facilitating the successful im-
18 plementation of such recommendations by developing
19 broad support among appropriate authorities, stake-
20 holder groups, and local communities.

21 “(6) To develop regional projects based on such
22 recommendations to protect and restore the North-
23 west Straits ecosystem.

24 “(7) To serve as a public forum for the discus-
25 sion of policies and actions of Federal, State, or

1 local government, an Indian tribe affected by this
2 title, or the Government of Canada with respect to
3 the marine ecosystem of the Northwest Straits.

4 “(8) To inform appropriate authorities and
5 local communities about the marine ecosystem of the
6 Northwest Straits and about issues relating to the
7 marine ecosystem of the Northwest Straits.

8 “(9) To consult with all Indian tribes affected
9 by this title to ensure that the work of the Commis-
10 sion does not violate tribal treaty rights.

11 “(c) BENCHMARKS.—The Commission shall carry out
12 its duties in a manner that promotes the achieving of the
13 benchmarks described in subsection (f)(2).

14 “(d) COORDINATION AND COLLABORATION.—The
15 Commission shall carry out the duties described in sub-
16 section (b) in coordination and collaboration, when appro-
17 priate, with Federal, State, and local governments and In-
18 dian tribes affected by this title.

19 “(e) REGULATORY AUTHORITY.—The Commission
20 shall have no power to issue regulations.

21 “(f) ANNUAL REPORT.—

22 “(1) IN GENERAL.—Each year, the Commission
23 shall prepare, submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate,
25 the Committee on Natural Resources of the House

1 of Representatives, and the Under Secretary for
2 Oceans and Atmosphere, and make available to the
3 public an annual report describing—

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

6 “(B) the progress of the Commission in
7 achieving the benchmarks described in para-
8 graph (2).

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

11 “(A) Protection and restoration of marine,
12 coastal, and nearshore habitats.

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

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

17 “(D) Protection of the marine water qual-
18 ity of the Northwest Straits region and restora-
19 tion of the health of marine waters.

20 “(E) Collection of high-quality data and
21 promotion of the use and dissemination of such
22 data.

23 “(F) Promotion of stewardship and under-
24 standing of Northwest Straits marine resources
25 through education and outreach.

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

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

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

16 “(c) ADMINISTRATIVE SERVICES.—If the Governor of
17 the State of Washington makes available to the Commis-
18 sion the administrative services of the State of Wash-
19 ington Department of Ecology, the Commission shall use
20 such services for employment, procurement, grant and fis-
21 cal management, and support services necessary to carry
22 out the duties of the Commission.

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

24 “(a) IN GENERAL.—The government of each of the
25 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 mis-
6 sion, direction, expert assistance, and financial re-
7 sources necessary—

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

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

12 “(b) MEMBERSHIP.—

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

16 “(A) members with relevant scientific ex-
17 pertise; 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
22 marine 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
6 county referred to in subparagraphs (A) through (G)
7 of section 405(a)(1), each Indian tribe with usual
8 and accustomed fishing rights in the waters of such
9 county and each Indian tribe with reservation lands
10 in such county, may appoint one member to the ma-
11 rine resources committee for such county. Such
12 member may be appointed by the respective tribal
13 authority.

14 “(3) CHAIRPERSON.—

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

20 “(B) ROTATING POSITION.—Each marine
21 resources committee established pursuant to
22 this section shall select a new chairperson at a
23 frequency determined by the county charter of
24 the marine resources committee to create a di-

1 iversity of representation in the leadership of the
2 marine resources committee.

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

6 “(1) To assist in assessing marine resource
7 problems in concert with governmental agencies,
8 tribes, and other entities.

9 “(2) To assist in identifying local implications,
10 needs, and strategies associated with the recovery of
11 Puget Sound salmon and other species in the region
12 of the Northwest Straits listed under the Endan-
13 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
14 in coordination with Federal, State, and local gov-
15 ernments, Indian tribes affected by this title, and
16 other entities.

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

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

23 “(5) To work closely with county leadership to
24 implement local marine conservation and restoration
25 initiatives.

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

3 “(7) To educate the public and key constitu-
4 encies regarding the relationship between healthy
5 marine habitats, harvestable resources, and human
6 activities.

7 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**
8 **FOUNDATION.**

9 “(a) ESTABLISHMENT.—The Director of the Com-
10 mission and the Director of the State of Washington De-
11 partment of Ecology, or his or her designee, may enter
12 into an agreement with an organization described in sec-
13 tion 501(c)(3) of the Internal Revenue Code of 1986 to
14 establish a nonprofit foundation to support the Commis-
15 sion and the marine resources committees established
16 under section 408 in carrying out their duties under this
17 Act.

18 “(b) DESIGNATION.—The foundation authorized by
19 subsection (a) shall be known as the ‘Northwest Straits
20 Marine Conservation Foundation’.

21 “(c) RECEIPT OF GRANTS.—The Northwest Straits
22 Marine Conservation Foundation may, if eligible, apply
23 for, accept, and use grants awarded by Federal agencies,
24 States, local governments, regional agencies, interstate
25 agencies, corporations, foundations, or other persons to

1 assist the Commission and the marine resources commit-
2 tees in carrying out their duties under this Act.

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

○