

111TH CONGRESS
1ST SESSION

S. 668

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

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 2009”.

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’)”; and

8 (2) by striking sections 403, 404, and 405 and
9 inserting the following:

10 **“SEC. 403. FINDINGS.**

11 “Congress makes the following findings:

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

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

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

1 “(4) In 1998, the Northwest Straits Marine
2 Conservation Initiative Act (title IV of Public Law
3 105–384) was enacted to tap the unprecedented
4 level of citizen stewardship demonstrated in the
5 Northwest Straits and create a mechanism to mobi-
6 lize public support and raise capacity for local ef-
7 forts to protect and restore the ecosystem of the
8 Northwest Straits.

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

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

21 “(7) Ocean literacy and identification and re-
22 moval of marine debris projects are examples of on-
23 going partnerships between the Northwest Straits
24 Marine Conservation Initiative and the National
25 Oceanic and Atmospheric Administration.

1 **“SEC. 404. DEFINITIONS.**

2 “In this title:

3 “(1) COMMISSION.—The term ‘Commission’
4 means the Northwest Straits Advisory Commission
5 established by section 402.

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

10 “(3) NORTHWEST STRAITS.—The term ‘North-
11 west Straits’ means the marine waters of the Strait
12 of Juan de Fuca and of Puget Sound from the Ca-
13 nadian border to the south end of Snohomish Coun-
14 ty.

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

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

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

23 “(A) San Juan County.

24 “(B) Island County.

25 “(C) Skagit County.

26 “(D) Whatcom County.

1 “(E) Snohomish County.

2 “(F) Clallam County.

3 “(G) Jefferson County.

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

10 “(3) One member appointed by the Governor of
11 the State of Washington to represent the interests of
12 the Puget Sound Partnership.

13 “(4) Four members appointed by the Governor
14 of the State of Washington who—

15 “(A) are residents of the State of Wash-
16 ington; and

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

19 “(b) VACANCIES.—A vacancy in the Commission
20 shall be filled in the manner in which the original appoint-
21 ment was made.

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

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

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

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

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

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

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

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

22 “(2) building awareness and stewardship and
23 making recommendations to improve the health of
24 the Northwest Straits marine resources;

1 “(3) maintaining and expanding diverse mem-
2 bership and partner organizations;

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

6 “(5) recognizing the importance of economic
7 and social benefits that are dependent on marine en-
8 vironments and sustainable marine resources.

9 “(b) DUTIES.—The duties of the Commission are the
10 following:

11 “(1) To provide resources and technical support
12 for marine resources committees established under
13 section 408.

14 “(2) To work with such marine resources com-
15 mittees and appropriate entities of Federal and
16 State governments and Indian tribes to develop pro-
17 grams to monitor the overall health of the marine
18 ecosystem of the Northwest Straits.

19 “(3) To identify factors adversely affecting or
20 preventing the restoration of the health of the ma-
21 rine ecosystem and coastal economies of the North-
22 west Straits.

23 “(4) To develop scientifically sound restoration
24 and protection recommendations, informed by local
25 priorities, that address such factors.

1 “(5) To assist in facilitating the successful im-
2 plementation of such recommendations by developing
3 broad support among appropriate authorities, stake-
4 holder groups, and local communities.

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

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

13 “(8) To inform appropriate authorities and
14 local communities about the marine ecosystem of the
15 Northwest Straits and about issues relating to the
16 marine ecosystem of the Northwest Straits.

17 “(9) To consult with all affected Indian tribes
18 in the region of the Northwest Straits to ensure that
19 the work of the Commission does not violate tribal
20 treaty rights.

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

24 “(d) COORDINATION AND COLLABORATION.—The
25 Commission shall carry out the duties described in sub-

1 section (b) in coordination and collaboration, when appro-
2 priate, with Federal, State, and local governments and In-
3 dian tribes.

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

6 “(f) ANNUAL REPORT.—

7 “(1) IN GENERAL.—Each year, the Commission
8 shall prepare, submit to the Committee on Com-
9 merce, Science, and Transportation of the Senate,
10 the Committee on Energy and Commerce of the
11 House of Representatives, and the Under Secretary
12 for Oceans and Atmosphere, and make available to
13 the public an annual report describing—

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

16 “(B) the progress of the Commission in
17 achieving the benchmarks described in para-
18 graph (2).

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

21 “(A) Protection and restoration of marine,
22 coastal, and nearshore habitats.

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

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

3 “(D) Protection of the marine water qual-
4 ity of the Northwest Straits region and restora-
5 tion of the health of marine waters.

6 “(E) Collection of high-quality data and
7 promotion of the use and dissemination of such
8 data.

9 “(F) Promotion of stewardship and under-
10 standing of Northwest Straits marine resources
11 through education and outreach.

12 **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**
13 **MATTERS.**

14 “(a) DIRECTOR.—The Manager of the Shorelands
15 and Environmental Assistance Program of the Depart-
16 ment of Ecology of the State of Washington may, upon
17 the recommendation of the Commission and the Director
18 of the Padilla Bay National Estuarine Research Reserve,
19 appoint and terminate a Director of the Commission. The
20 employment of the Director shall be subject to confirma-
21 tion by the Commission.

22 “(b) STAFF.—The Director may hire such other per-
23 sonnel as may be appropriate to enable the Commission
24 to perform its duties. Such personnel shall be hired

1 through the personnel system of the Department of Ecology of the State of Washington.

3 “(c) ADMINISTRATIVE SERVICES.—If the Governor of
4 the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology and Padilla Bay National
5 Estuarine Research Reserve, the Commission shall use
6 such services for employment, procurement, grant and financial management, and support services necessary to carry
7 out the duties of the Commission.

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

12 “(a) IN GENERAL.—The government of each of the
13 counties referred to in subparagraphs (A) through (G) of
14 section 405(a)(1) may establish a marine resources committee that—

16 “(1) complies with the requirements of this section;
17 and

18 “(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

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

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

25 “(b) MEMBERSHIP.—

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

4 “(A) members with relevant scientific ex-
5 pertise; and

6 “(B) members that represent balanced rep-
7 resentation, including representation of—

8 “(i) local governments, including plan-
9 ning staff from counties and cities with
10 marine shorelines;

11 “(ii) affected economic interests, such
12 as ports and commercial fishers;

13 “(iii) affected recreational interests,
14 such as sport fishers; and

15 “(iv) conservation and environmental
16 interests.

17 “(2) TRIBAL MEMBERS.—With respect to a
18 county referred to in subparagraph (A) through (G)
19 of section 405(a)(1), each Indian tribe with usual
20 and accustomed fishing rights in the waters of such
21 county and each Indian tribe with reservation lands
22 in such county, may appoint one member to the ma-
23 rine resources committee for such county. Such
24 member may be appointed by the respective tribal
25 authority.

1 “(3) CHAIRPERSON.—

2 “(A) IN GENERAL.—Each marine re-
3 resources committee established pursuant to this
4 section shall select a chairperson from among
5 members by a majority vote of the members of
6 the committee.

7 “(B) ROTATING POSITION.—Each marine
8 resources committee established pursuant to
9 this section shall select a new chairperson at a
10 frequency determined by the county charter of
11 the marine resources committee to create a di-
12 versity of representation in the leadership of the
13 marine resources committee.

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

17 “(1) To assist in assessing marine resource
18 problems in concert with governmental agencies,
19 tribes, and other entities.

20 “(2) To assist in identifying local implications,
21 needs, and strategies associated with the recovery of
22 Puget Sound salmon and other species in the region
23 of the Northwest Straits listed under the Endan-
24 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)

1 in coordination with Federal, State, and local gov-
2 ernments, Indian tribes, and other entities.

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

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

9 “(5) To work closely with county leadership to
10 implement local marine conservation and restoration
11 initiatives.

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

14 “(7) To educate the public and key constitu-
15 encies regarding the relationship between healthy
16 marine habitats, harvestable resources, and human
17 activities.

18 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**

19 **FOUNDATION.**

20 “(a) ESTABLISHMENT.—The Director of the Com-
21 mission and the Director of the Padilla Bay National Es-
22 tuarine Research Reserve may enter into an agreement
23 with an organization described in section 501(c)(3) of the
24 Internal Revenue Code of 1986 to establish a nonprofit
25 foundation to support the Commission and the marine re-

1 sources committees established under section 408 in car-
2 rying out their duties under this Act.

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

6 “(c) RECEIPT OF GRANTS.—The Northwest Straits
7 Marine Conservation Foundation may, if eligible, apply
8 for, accept, and use grants awarded by Federal agencies,
9 States, local governments, regional agencies, interstate
10 agencies, corporations, foundations, or other persons to
11 assist the Commission and the marine resources commit-
12 tees in carrying out their duties under this Act.

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

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