

103^D CONGRESS
1ST SESSION

H. R. 2320

To amend the Federal Water Pollution Control Act to provide for implementation of a comprehensive plan for the San Francisco Bay-Delta Estuary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Ms. PELOSI (for herself, Mr. MILLER of California, Mr. DELLUMS, Mr. FAZIO, Mr. EDWARDS of California, Mr. STARK, Mr. LANTOS, Ms. ESHOO, Ms. WOOLSEY, and Mr. HAMBURG) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Merchant Marine and Fisheries

A BILL

To amend the Federal Water Pollution Control Act to provide for implementation of a comprehensive plan for the San Francisco Bay-Delta Estuary, 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 “San Francisco Bay-
5 Delta Estuary Restoration Act of 1993”.

1 **SEC. 2. IMPLEMENTATION OF COMPREHENSIVE PLAN FOR**
2 **SAN FRANCISCO BAY-DELTA ESTUARY.**

3 Title I of the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
5 the following new section:

6 **“SEC. 121. SAN FRANCISCO BAY-DELTA ESTUARY.**

7 “(a) ESTABLISHMENT OF EXECUTIVE COUNCIL AND
8 OFFICE.—The Administrator shall establish an Executive
9 Council of the San Francisco Bay-Delta Estuary Restora-
10 tion Program (hereinafter in this section referred to as
11 the ‘Executive Council’).

12 “(b) EXECUTIVE COUNCIL.—

13 “(1) DUTIES.—The Executive Council shall
14 oversee and coordinate the implementation of the
15 Comprehensive Conservation and Management Plan
16 for the San Francisco Bay-Delta Estuary developed
17 pursuant to section 320 of this Act (hereinafter in
18 this section referred to as the ‘Comprehensive
19 Plan’).

20 “(2) MEMBERSHIP.—The Executive Council
21 shall be composed of 5 members as follows:

22 “(A) The Regional Administrator of the
23 Environmental Protection Agency for Region
24 IX.

25 “(B) The Regional Director of the United
26 States Fish and Wildlife Service for Region I.

1 “(C) 1 member appointed by the Adminis-
2 trator, in consultation with the San Francisco
3 Estuary Project’s Management Committee,
4 from among individuals who are representatives
5 of State agencies responsible for resource man-
6 agement.

7 “(D) 1 member appointed by the Adminis-
8 trator, in consultation with the San Francisco
9 Estuary Project’s Management Committee,
10 from among individuals who are representatives
11 of State agencies responsible for environmental
12 management.

13 “(E) 1 member appointed by the Adminis-
14 trator, in consultation with the San Francisco
15 Estuary Project’s Management Committee,
16 from among individuals who are local elected of-
17 ficials for the San Francisco Bay-Delta region.

18 “(3) POWERS.—

19 “(A) ESTABLISHMENT OF RESTORATION
20 PROGRAM OFFICE.—The Executive Council
21 shall establish an Office of the San Francisco
22 Bay-Delta Estuary Restoration Program (here-
23 inafter in this section referred to as the ‘Of-
24 fice’) to be located on or near the San Fran-
25 cisco Bay-Delta Estuary.

1 “(B) IMPLEMENTATION COMMITTEE.—The
2 Executive Council shall establish an Implemen-
3 tation Committee to provide assistance to the
4 Council in carrying out its duties and imple-
5 menting the comprehensive plan referred to in
6 paragraph (1). The Implementation Committee
7 shall be composed of not to exceed 25 members
8 including the following:

9 “(i) Members appointed by the Execu-
10 tive Council from among individuals who
11 are representatives of local, State, and
12 Federal agencies involved in implementing
13 the Comprehensive Plan.

14 “(ii) 3 members appointed by the Ex-
15 ecutive Council from among individuals
16 recommended by the environmental rep-
17 resentatives on the San Francisco Estuary
18 Project’s Management Committee to rep-
19 resent the San Francisco Bay-Delta Estu-
20 ary environmental community.

21 “(iii) 3 members appointed by the Ex-
22 ecutive Council from among individuals
23 recommended by the business, water use,
24 and discharger representatives on the San
25 Francisco Estuary Project’s Management

1 Committee to represent the San Francisco
2 Bay-Delta business, water use, and dis-
3 charger communities.

4 “(iv) 1 member appointed by the Ex-
5 ecutive Council from among individuals
6 recommended by the fisheries representa-
7 tives on the San Francisco Estuary
8 Project’s Management Committee to rep-
9 resent fisheries.

10 “(C) ADDITIONAL ADVISORY COMMIT-
11 TEES.—The Executive Council may establish
12 such additional advisory committees as the
13 Council determines to be necessary to imple-
14 ment the Comprehensive Plan.

15 “(D) EVALUATION AND REPORTING.—Not
16 later than 2 years after the date of approval of
17 the Comprehensive Plan, and biennially there-
18 after, the Executive Council shall issue a public
19 report to the Administrator, the Governor of
20 California, and Congress which—

21 “(i) evaluates the progress made in
22 implementing the Comprehensive Plan;

23 “(ii) identifies anticipated priorities
24 and needs for future implementation of the
25 Comprehensive Plan;

1 “(iii) specifies recommendations and
2 justification for potential modifications to
3 the Comprehensive Plan; and

4 “(iv) summarizes any modifications to
5 the Comprehensive Plan that may have
6 been approved in the 24-month period im-
7 mediately preceding such report.

8 The report shall be prepared in a manner con-
9 sistent with specified review procedures that
10 allow for effective input from the involved agen-
11 cies and the public.

12 “(c) OFFICE.—

13 “(1) ADMINISTRATION AND STAFFING.—

14 “(A) IN GENERAL.—The Office shall be
15 headed by a Director, appointed by the Execu-
16 tive Council, who shall select additional appro-
17 priate staff as may be necessary to carry out
18 the duties of the Director under this section.

19 “(B) APPLICABILITY OF CERTAIN CIVIL
20 SERVICE LAWS.—The Director and staff of the
21 Office may be appointed without regard to the
22 provisions of title 5, United States Code, gov-
23 erning appointments in the competitive service,
24 and may be paid without regard to the provi-
25 sions of chapter 51 and subchapter III of chap-

1 ter 53 of such title, relating to classification
2 and General Schedule pay rates.

3 “(2) DUTIES.—

4 “(A) IN GENERAL.—The Director shall—

5 “(i) assist the Executive Council and
6 the Implementation Committee in carrying
7 out its goals;

8 “(ii) be the primary supervisor of the
9 programs and activities of the Office; and

10 “(iii) be responsible for developing
11 and implementing the Office’s work plan
12 and budget.

13 “(B) SPECIFIED DUTIES.—The Director’s
14 duties shall also include such additional duties
15 as may be specified by the Executive Council
16 and the Implementation Committee. Such du-
17 ties shall include, but not be limited to, the fol-
18 lowing:

19 “(i) Assisting and supporting the im-
20 plementation of the Comprehensive Plan to
21 ensure success toward achieving the follow-
22 ing vision for the San Francisco Bay-Delta
23 Estuary set forth in the Comprehensive
24 Plan: ‘We, the people of California and the
25 San Francisco Bay-Delta region, believe

1 the San Francisco Bay-Delta Estuary is
2 an international treasure and that our on-
3 going stewardship is critical to its preser-
4 vation, restoration, and enhancement. Ac-
5 knowledging the importance of the Estuary
6 to our environmental and economic well-
7 being, we pledge to achieve and maintain
8 an ecologically diverse and productive nat-
9 ural estuarine system.’.

10 “(ii) Conducting, coordinating, and
11 commissioning research, studies, and ac-
12 tivities considered necessary for implemen-
13 tation of the Comprehensive Plan in order
14 to accomplish the mission statements iden-
15 tified in the Comprehensive Plan.

16 “(iii) Identifying and pursuing options
17 for long-term financing of actions under
18 the Comprehensive Plan.

19 “(iv) Identifying and coordinating the
20 grant, research, and planning programs
21 authorized under this section.

22 “(v) Coordinating activities and imple-
23 menting responsibilities with—

24 “(I) other Federal agencies and
25 State and local agencies which have

1 jurisdiction over the San Francisco
2 Estuary;

3 “(II) the federally approved State
4 coastal management program for San
5 Francisco Bay; and

6 “(III) national and regional ma-
7 rine monitoring and research pro-
8 grams.

9 “(vi) Providing administrative and
10 technical support to the Executive Council,
11 the Implementation Committee, and any
12 other advisory committees established by
13 the Executive Council.

14 “(vii) Assisting the Executive Council
15 to ensure that the Comprehensive Plan’s
16 public involvement and education program
17 is carried out.

18 “(viii) Assisting the Executive Council
19 to ensure that an estuary-wide monitoring
20 program and a coordinated estuary re-
21 search program are underway through the
22 coordination of the proposed San Fran-
23 cisco Estuarine Institute.

24 “(ix) Assisting the Executive Council
25 with preparation of biennial reports that

1 evaluate the success of the Comprehensive
2 Plan and identify recommendations for im-
3 proved implementation.

4 “(x) Convening conferences and meet-
5 ings for legislators from Federal, State,
6 and local governments and political sub-
7 divisions thereof for the purpose of making
8 recommendations for coordinating legisla-
9 tive efforts to facilitate the environmental
10 restoration of the San Francisco Bay-Delta
11 Estuary and the implementation of the
12 Comprehensive Plan.

13 “(d) GRANTS.—

14 “(1) IN GENERAL.—The Administrator, acting
15 through the Director, may make grants to eligible
16 recipients described in paragraph (3) for projects
17 and studies which will help in implementation of the
18 Comprehensive Plan.

19 “(2) ADDITIONAL AUTHORITY.—In addition,
20 the Administrator may make grants to eligible re-
21 cipients for the purpose of acquiring such remnant
22 habitats, acquiring and restoring such degraded wet-
23 lands and uplands, and promoting the reuse of such
24 dredged material as may be necessary for implemen-
25 tation of the Comprehensive Plan.

1 “(3) ELIGIBLE RECIPIENTS.—State, interstate,
2 coastal management, and regional water pollution
3 control agencies and other public and nongovern-
4 mental nonprofit agencies, institutions, and organi-
5 zations shall be eligible for grants under this sub-
6 section.

7 “(4) PRIORITY.—In making grants under this
8 subsection, priority consideration shall be given—

9 “(A) to establishing the San Francisco Es-
10 tuarine Institute to coordinate implementation
11 of the Comprehensive Plan’s research and mon-
12 itoring program;

13 “(B) to activities to conduct the Com-
14 prehensive Plan’s public involvement and edu-
15 cation program; and

16 “(C) to other activities contained in the
17 Comprehensive Plan that are identified as pri-
18 ority activities by the Implementation Commit-
19 tee and the Executive Council.

20 “(4) FEDERAL SHARE.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraphs (B) and (C), the Federal share
23 of the cost of a project or study receiving
24 amounts from a grant under this subsection
25 shall not exceed 75 percent in the aggregate.

1 “(B) GRANTS TO NONGOVERNMENTAL
2 NONPROFIT RECIPIENTS.—Except as provided
3 in subparagraph (C), for grants made to non-
4 governmental nonprofit recipients, the Federal
5 share of the cost of a project shall not exceed
6 95 percent in the aggregate.

7 “(C) GRANTS FOR RESTORATION
8 PROJECTS.—For grants authorized under para-
9 graph (2), the Federal share of the cost of a
10 project shall not exceed 50 percent in the ag-
11 gregate. The Administrator, acting through the
12 Director, shall determine the percentage of the
13 required non-Federal match on a case-by-case
14 basis. Priority shall be given to projects that
15 demonstrate cooperative approaches, including
16 interagency efforts and partnerships between
17 public and private entities.

18 “(D) NON-FEDERAL SOURCES.—A grant
19 under this subsection to carry out a project
20 shall be made on the condition that the non-
21 Federal share of the cost of the project will be
22 provided by non-Federal sources.

23 “(e) AUTHORIZATIONS.—There is authorized to be
24 appropriated to the Administrator—

1 “(1) for the implementation of this section,
2 other than subsections (c)(1) and (d), such sums as
3 may be necessary for each of fiscal years 1994
4 through 1998;

5 “(2) for the implementation of subsection (c)(1)
6 not to exceed \$3,000,000 per fiscal year for each of
7 fiscal years 1994 through 1998; and

8 “(3) for the implementation of subsection (d)
9 not to exceed \$10,000,000 per fiscal year for each
10 of fiscal years 1994 through 1998.”.

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