

106TH CONGRESS
2D SESSION

H. R. 3882

To require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2000

Mr. INSLIEE (for himself, Mr. DICKS, Mr. METCALF, Mr. SMITH of Washington, Mr. BAIRD, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, 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. PUGET SOUND ECOSYSTEM RESTORATION.**

4 (a) IN GENERAL.—As soon as practicable after the
5 date of enactment of this Act, the Secretary of the Army
6 (in this section referred to as the “Secretary”) shall con-

1 duct studies and carry out ecosystem restoration and other
2 protective measures within Puget Sound, Washington, and
3 adjacent waters and associated estuary and near-shore
4 habitat, including—

- 5 (1) the 17 watersheds that drain directly into
6 Puget Sound;
- 7 (2) Admiralty Inlet;
- 8 (3) Hood Canal;
- 9 (4) Rosario Strait; and
- 10 (5) the eastern portion of the Strait of Juan de
11 Fuca.

12 (b) IMPLEMENTATION.—

13 (1) IN GENERAL.—The Secretary shall use
14 funds made available to carry out this section to
15 carry out ecosystem restoration and other protective
16 measures (including environmental improvements re-
17 lated to facilities of the Corps of Engineers in exist-
18 ence on the date of enactment of this Act) deter-
19 mined by the Secretary to be feasible based on—

- 20 (A) the studies conducted under subsection
21 (a); or
- 22 (B) analyses conducted before such date of
23 enactment by non-Federal interests.

24 (2) CRITERIA AND PROCEDURES FOR REVIEW
25 AND APPROVAL.—In consultation with the Secretary

1 of Commerce and the Governor of the State of
2 Washington, the Secretary shall develop criteria and
3 procedures consistent with the National Marine
4 Fisheries Service and State fish restoration goals
5 and objectives for reviewing and approving analyses
6 described in paragraph (1)(B) and the protective
7 measures proposed in those analyses. The Secretary
8 shall use prior studies and plans to identify project
9 needs and priorities wherever practicable.

10 (3) PRIORITIZATION OF PROJECTS.—In
11 prioritizing projects for implementation under this
12 subsection, the Secretary shall consult with public
13 and private entities active in watershed planning and
14 ecosystem restoration in Puget Sound watersheds,
15 including the Salmon Recovery Funding Board, the
16 Northwest Straits Commission, Hood Canal Coordi-
17 nating Council, county watershed planning councils,
18 and salmon enhancement groups, and give full con-
19 sideration to their priorities for projects.

20 (c) PUBLIC PARTICIPATION.—In developing and im-
21 plementing protective measures under subsections (a) and
22 (b), the Secretary shall provide for public review and com-
23 ment in accordance with applicable Federal law,
24 including—

25 (1) providing advance notice of public meetings;

1 (2) providing adequate opportunity for public
2 input and comment;

3 (3) maintaining appropriate records; and

4 (4) compiling a record of the proceedings of
5 meetings.

6 (d) COMPLIANCE WITH APPLICABLE LAW.—In devel-
7 oping and implementing protective measures under sub-
8 sections (a) and (b), the Secretary shall comply with appli-
9 cable Federal law, including the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (e) COST SHARING.—

12 (1) IN GENERAL.—Studies and technical assist-
13 ance provided to determine the feasibility of protec-
14 tive measures under subsections (a) and (b) shall—

15 (A) be considered to be project costs; and

16 (B) be shared by non-Federal interests
17 during project implementation in accordance
18 with this subsection.

19 (2) NON-FEDERAL SHARE.—Subject to para-
20 graph (4), the non-Federal share of the cost of the
21 protective measures shall be 35 percent; except that
22 if a project would otherwise be eligible for cost-shar-
23 ing under section 1135 of the Water Resources De-
24 velopment Act of 1986 (33 U.S.C. 2294 note), the

1 non-Federal share of the cost of the protective meas-
2 ures for the project shall be 25 percent.

3 (3) IN-KIND CONTRIBUTIONS.—Not more than
4 80 percent of the non-Federal share may be pro-
5 vided in the form of services, materials, supplies, or
6 other in-kind contributions necessary to carry out
7 the protective measures.

8 (4) FEDERAL SHARE.—The Federal share of
9 the cost of any single protective measure shall not
10 exceed \$5,000,000.

11 (5) OPERATION AND MAINTENANCE.—The op-
12 eration and maintenance of the protective measures
13 shall be a non-Federal responsibility.

14 (6) TRIBAL COST-SHARING.—The Secretary
15 shall waive the first \$200,000 in non-Federal cost
16 share for all studies and projects cosponsored by
17 federally recognized Indian tribes.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated not to exceed \$125,000,000
20 to pay the Federal share of the cost of carrying out this
21 section.

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