To amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2002

Mrs. CLINTON (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Finger Lakes Initiative Act of 2002”.

SEC. 2. FINDINGS.

Congress finds that—
(1) the Finger Lakes Region in central New York State features freshwater, glacier-formed lakes that provide important ecological, biodiversity, and economic benefits to the Finger Lakes Region, the State of New York, and the United States as a whole;

(2) the environmental attributes and benefits of the Finger Lakes Region are key to attracting visitors to the Region;

(3) with their scenic beauty and high quality of life, the communities of the Finger Lakes have become a magnet for thousands of people and a burgeoning tourism industry;

(4) a strong and healthy environment in the Finger Lakes Region is also critical to maintaining the agricultural productivity of the Region;

(5)(A) agriculture is a significant activity in the Finger Lakes Region;

(B) more than 8000 farms are located in the Finger Lakes Region; and

(C) according to the 1997 Census of Agriculture conducted by the Department of Agriculture, nearly $800,000,000 worth of agricultural commodities were produced in the Finger Lakes Region;

(6) the Finger Lakes Region—
(A) produces a wide variety of food for the United States; and

(B) supports numerous restaurants, wine trails, and farmers’ markets;

(7) the Finger Lakes provide a clean and reliable source of drinking water for numerous municipalities, including Rochester, Syracuse, and Auburn, New York;

(8) the Finger Lakes serve as critical habitat for migratory waterfowl and shorebirds, including 1 of the largest concentrations of migratory birds in the entire Northeast at the Northern Montezuma Wetlands Complex;

(9) the Finger Lakes Region supports a diversity of populations of Federal- and State-listed threatened and endangered species, including the bald eagle, bog turtle, timber rattlesnake, lake sturgeon, black tern, least bittern, queen snake, Indiana bat and pied-billed grebe;

(10) the natural ecology and nationally significant biodiversity of the Finger Lakes is under stress in that—

(A) water quality is being degraded;

(B) urban and suburban sprawl is slowly destroying prime farmland and vineyards;
(C) important fisheries are being negatively affected; and

(D) invasive species are altering the ecological balance in the Finger Lakes;

(11) the manipulation of water flows in the Finger Lakes Region is putting communities at risk of flood damage;

(12) the United States Fish and Wildlife Service and the United States Geological Survey have issued a preliminary report that identifies 3 primary watershed issues, consisting of—

(A) degraded water quality;

(B) degraded fish and wildlife habitat; and

(C) danger of flooding;

(13) other Federal, State, and regional agencies, local governments, and local organizations have been working to protect and preserve the Finger Lakes;

(14) despite widespread interest in the environmental condition of the Finger Lakes, monitoring, study, and protection activities have been largely uncoordinated and underfunded;

(15) to help maintain the Finger Lakes as an ecological and economic resource for the Finger Lakes Region, the State of New York, and the
United States, a comprehensive environmental protection and resource management plan for the Finger Lakes Region needs to be developed and implemented; and

(16) the comprehensive plan should be developed and implemented with the input, participation, and cooperation of all interested parties, including—

(A) Federal, State, and local experts; and

(B) representatives of all interested stakeholders.

SEC. 3. FINGER LAKES INITIATIVE.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by redesignating section 121 (as added by section 112(b) of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763, 2763A–225)), as section 122; and

(2) by adding at the end the following:

“SEC. 123. FINGER LAKES INITIATIVE.

“(a) DEFINITIONS.—In this section:

“(1) COMPREHENSIVE PLAN.—The term ‘comprehensive plan’ means the comprehensive plan required to be developed and published under subsection (d).
“(2) Finger Lakes Region.—The term ‘Finger Lakes Region’ means—

“(A) Canandaigua Lake, Canadice Lake, Cayuga Lake, Conesus Lake, Hemlock Lake, Honeoye Lake, Keuka Lake, Otisco Lake, Owasco Lake, Seneca Lake, and Skaneateles Lake in the State;

“(B) all land and water in the watersheds of those lakes, including the land and water in Cayuga, Cortland, Livingston, Monroe, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tompkins, Wayne, and Yates counties in the State that may affect those lakes;

“(C) the Montezuma National Wildlife Refuge; and

“(D) the Finger Lakes National Forest.

“(3) Initiative.—The term ‘Initiative’ means the Finger Lakes Initiative established by subsection (b)(1).

“(4) Management Conference.—The term ‘Management Conference’ means the Finger Lakes Management Conference established by subsection (e)(1).

“(5) State.—The term ‘State’ means the State of New York.
“(b) Finger Lakes Initiative.—

“(1) Establishment.—There is established a program within the Environmental Protection Agency to be known as the ‘Finger Lakes Initiative’.

“(2) Purposes.—The purposes of the Initiative are—

“(A) to protect and enhance the environmental integrity and cultural and economic benefits of the Finger Lakes Region; and

“(B) to assist the Management Conference in achieving its goals through the development and implementation of the comprehensive plan.

“(c) Finger Lakes Management Conference.—

“(1) Establishment.—There is established the Finger Lakes Management Conference to develop, carry out, and provide assistance and recommendations with respect to the Initiative.

“(2) Duties.—The duties of the Management Conference shall include—

“(A) development, in accordance with subsection (d), of a comprehensive plan for the Finger Lakes Region;

“(B) conduct of a research and education program in accordance with subsection (e); and
“(C) provision of financial and technical assistance in accordance with subsection (f).

“(3) INITIAL MEETING.—Not later than 90 days after the date of enactment of this section, the Administrator, in coordination with the Secretary of the Interior, shall convene the initial meeting of the Management Conference.

“(4) MEMBERSHIP.—The Management Conference shall be composed of individuals who shall be appointed by the Administrator, in consultation with the Governor of the State and the Members of Congress representing the Finger Lakes Region, of whom—

“(A) 1 member shall represent the Governor of the State;

“(B) 1 member shall represent each interested Federal agency, including—

“(i) the Environmental Protection Agency;

“(ii) the Department of the Interior;

“(iii) the Department of Agriculture;

and

“(iv) the Department of Commerce;
“(C) 4 members shall represent members of the State legislature that represent the Finger Lakes Region;

“(D) 6 members shall represent local governments within the Finger Lakes Region; and

“(E) 12 members shall represent within the Finger Lakes Region—

“(i) businesses;

“(ii) regional planning agencies;

“(iii) academic institutions;

“(iv) lake association and homeowner organizations;

“(v) environmental organizations;

“(vi) agricultural interests (including local wineries);

“(vii) economic development interests;

“(viii) the tourism industry; and

“(viii) Indian tribes.

“(5) GEOGRAPHIC DISTRIBUTION.—In appointing members of the Management Conference, the Administrator shall ensure, to the maximum extent practicable, diverse geographic representation by the members, including at least 1 individual representing each of the 11 Finger Lakes.
“(6) COCHAIRPERSONS.—The following members of the Management Conference shall serve as cochairpersons of the Management Conference:

“(A) The member appointed under paragraph (4)(B)(i) to represent the Environmental Protection Agency.

“(B) A member of the Management Conference appointed under paragraph (4)(B)(E), as elected for 2-year term by a majority vote of the Management Conference.

“(7) TECHNICAL ADVISORY COMMITTEE.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Management Conference shall appoint a technical advisory committee to provide technical advice to the Management Conference in carrying out the duties of the Management Conference under this section.

“(B) MEMBERSHIP.—The technical advisory committee shall consist of officials of—

“(i) appropriate Federal, State, regional, and local government agencies; and

“(ii) public and private research institutions located in the Finger Lakes Region.
“(d) COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Management Conference shall develop and make available to the public a comprehensive plan to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region.

“(2) OBJECTIVES.—The comprehensive plan developed under paragraph (1) shall—

“(A) identify actions and schedules for the protection and maintenance in the Finger Lakes Region of—

“(i) the chemical, physical, and biological integrity of water;

“(ii) native habitats and a balanced, indigenous population of shellfish, fish, and wildlife;

“(iii) appropriate water levels; and

“(iv) recreational and economic activities;

“(B) promote—

“(i) watershed planning;

“(ii) air, water, wildlife, and habitat monitoring;
“(iii) sustainable development and appropriate land-use planning; and
“(iv) economic development and employment opportunities;
“(C) incorporate environmental management and economic development concepts and programs established under Federal, State, regional, and local plans and programs in effect at the time of development of the comprehensive plan;
“(D)(i) describe the duties of Federal and State agencies in carrying out activities described in the comprehensive plan; and
“(ii) recommend a schedule for adoption by the appropriate Federal and State agencies for carrying out those duties within a reasonable period of time; and
“(E) describe methods and schedules for funding of programs, activities, and projects identified in the comprehensive plan, including the use of Federal and other sources of funds.
“(3) PUBLIC REVIEW AND COMMENT.—
“(A) IN GENERAL.—In cooperation with the Management Conference, the Administrator
shall provide for public review and comment on
the draft comprehensive plan.

“(B) PUBLIC MEETINGS.—At a minimum,
the Management Conference shall conduct 4
public meetings in the Finger Lakes Region to
receive comments on the draft comprehensive
plan.

“(4) APPROVAL BY THE ADMINISTRATOR.—

“(A) IN GENERAL.—Not later than 120
days after the date of release of the comprehen-
sive plan to the public under paragraph (1), the
Administrator shall approve the comprehensive
plan if—

“(i) the comprehensive plan meets the
requirements of this subsection; and

“(ii) the Governor of the State of New
York concurs in approval of the com-
prehensive plan.

“(B) EFFECT OF APPROVAL.—Upon ap-
proval of the comprehensive plan under sub-
paragraph (A), the comprehensive plan shall be
deemed to be an approved management pro-
gram for the purposes of section 319(h).
“(5) **Revision of Plan.**—At least once every 5 years, the Management Conference shall review and, as necessary, revise the Plan.

“(e) **Research and Education.**—

“(1) **Establishment.**—The Management Conference shall establish an interdisciplinary environmental research and education program for the Finger Lakes Region.

“(2) **Finger Lakes Institute.**—

“(A) **Establishment.**—As part of the research and education program, the Management Conference shall support a Finger Lakes Institute at an academic institution within the Finger Lakes Region.

“(B) **Purposes.**—The purposes of the Institute shall be, in collaboration with regional partners and Federal, State, and local government offices—

“(i) to promote environmental research on and education concerning the Finger Lakes and surrounding environments;

“(ii) to advance scientific understanding about the environmental, hydrogeochemical, and ecological com-
plexity and biodiversity of the Finger Lakes Region;

“(iii) to serve as a clearinghouse for environmental information about the Finger Lakes Region;

“(iv) to provide interdisciplinary training for environmental researchers, educators, and policymakers;

“(v) to enhance understanding of environmental issues by regional policymakers and the general public;

“(vi) to develop and disseminate educational resources and opportunities for education at all levels; and

“(vii) to foster sound development practices throughout the Finger Lakes Region.

“(C) FEDERAL SHARE.—The Federal share of the cost of supporting the Institute, and of any project carried out by the Institute under this section, shall not exceed 75 percent.

“(f) FINANCIAL AND TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—In consultation with the Management Conference, the Administrator may provide financial and technical assistance to eligible
entities described in paragraph (2) to carry out a project to—

“(A) conduct research, surveys, studies, modeling work, and technical and supporting work (including demonstration projects) necessary for development of the comprehensive plan; and

“(B) implement the approved comprehensive plan.

“(2) ELIGIBLE ENTITIES.—An eligible entity referred to in paragraph (1) is—

“(A) a State, regional, or local water pollution control agency or water resources planning agency; and

“(B) a public or nonprofit agency, institution, or organization.

“(3) COST SHARING.—

“(A) FEDERAL SHARE.—The Federal share of the costs of carrying out projects described in paragraph (1) shall not exceed 75 percent.

“(B) PROVISION OF NON-FEDERAL SHARE.—The non-Federal share—

“(i) shall be provided from non-Federal sources; and
“(ii) may be provided in the form of
cash or in-kind contributions (including
contributions of real or personal property).
“(4) ADMINISTRATION.—The Administrator
may establish such requirements for the administra-
tion of assistance under this subsection as the Ad-
ministrator determines to be appropriate.
“(g) FEDERAL PROGRAM COORDINATION.—
“(1) IN GENERAL.—Appropriate financial, sci-
entific, and technical assistance shall be provided for
the Initiative and the development and implementa-
tion of the comprehensive plan under this section
by—
“(A) the Secretary of the Interior, acting
through—
“(i) the Director of the United States
Geological Survey;
“(ii) the Director of the United States
Fish and Wildlife Service; and
“(iii) the Director of the National
Park Service;
“(B) the Secretary of Agriculture;
“(C) the Secretary of Commerce, acting
through—
“(i) the Under Secretary for Oceans and Atmosphere; and

“(ii) the Assistant Secretary for Economic Development; and

“(D) the Assistant Secretary of the Army for Civil Works.

“(2) TYPES OF ASSISTANCE.—Assistance provided under paragraph (1) may include assistance relating to—

“(A) water quality monitoring, watershed modeling, and flood management;

“(B) use of best management practices, including agricultural best management practices, as determined by the Secretary of Agriculture, acting through the Natural Resources Conservation Service;

“(C) development of an integrated geographic information system;

“(D) protection and restoration of streams, wetland, grassland, and aquatic and riparian habitats;

“(E) management of fisheries and other aquatic and wildlife resources, cultural heritage resources, and recreational resources;
“(F) wildlife species and habitat assessment surveys;

“(G) development and implementation of resource restoration, development, and conservation programs;

“(H) control of invasive species; and

“(I) promotion of healthy and diverse economic activity and sustainable development.

“(h) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section affects any authority of a Federal or State agency provided under other law.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2003 through 2007—

“(A) to the Administrator, $3,000,000, of which—

“(i) $500,000 shall be used to carry out subsections (b) through (d);

“(ii) $1,000,000 shall be used to carry out subsection (e); and

“(iii) $1,500,000 shall be used to carry out subsection (f); and

“(B) to carry out subsection (g), $7,000,000, of which—
“(i) $4,000,000 shall be used by the Secretary of the Interior;

“(ii) $2,000,000 shall be used by the Secretary of Agriculture; and

“(iii) $1,000,000 shall be used by the Secretary of Commerce.

“(2) ADMINISTRATIVE COSTS.—Except with respect to funds provided under paragraph (1)(A)(i), not more than 10 percent of the funds provided for a fiscal year under paragraph (1) may be used for administrative costs incurred in carrying out this section.”.