

108TH CONGRESS
2D SESSION

S. 2350

To establish the Long Island Sound Stewardship System.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2004

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

A BILL

To establish the Long Island Sound Stewardship System.

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 “Long Island Sound
5 Stewardship Act of 2004”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) Long Island Sound is a national treasure of
9 great cultural, environmental, and ecological impor-
10 tance;

1 (2) 8,000,000 people live within the Long Is-
2 land Sound watershed and 28,000,000 people (ap-
3 proximately 10 percent of the population of the
4 United States) live within 50 miles of Long Island
5 Sound;

6 (3) activities that depend on the environmental
7 health of Long Island Sound contribute more than
8 \$5,000,000,000 each year to the regional economy;

9 (4) the portion of the shoreline of Long Island
10 Sound that is accessible to the general public (esti-
11 mated at less than 20 percent of the total shoreline)
12 is not adequate to serve the needs of the people liv-
13 ing in the area;

14 (5) existing shoreline facilities are in many
15 cases overburdened and underfunded;

16 (6) large parcels of open space already in public
17 ownership are strained by the effort to balance the
18 demand for recreation with the needs of sensitive
19 natural resources;

20 (7) approximately $\frac{1}{3}$ of the tidal marshes of
21 Long Island Sound have been filled, and much of
22 the remaining marshes have been ditched, dyked, or
23 impounded, reducing the ecological value of the
24 marshes; and

(b) PURPOSE.—The purpose of this Act is to establish the Long Island Sound Stewardship System to preserve areas of critical importance because of the open space, public access, and ecological value of the areas.

8 In this Act:

9 (1) COMMITTEE.—The term “Committee”
10 means the Long Island Sound Stewardship Coordi-
11 nating Committee established by section 5(a).

(2) REGION.—The term “Region” means the Long Island Sound Stewardship System Region established by section 4(a).

15 (3) STATES.—The term “States” means the
16 States of Connecticut and New York.

17 **SEC. 4. LONG ISLAND SOUND STEWARDSHIP SYSTEM RE-**
18 **GION.**

(a) ESTABLISHMENT.—There is established in the States the Long Island Sound Stewardship System Region.

(b) BOUNDARIES.—The Region shall encompass the immediate coastal upland and underwater areas along Long Island Sound, including those portions of the Sound with coastally influenced vegetation, as described on the

1 map entitled the “Long Island Sound Stewardship Re-
 2 gion” and dated April 21, 2004.

3 **SEC. 5. LONG ISLAND SOUND STEWARDSHIP COORDI-**
 4 **NATING COMMITTEE.**

5 (a) ESTABLISHMENT.—There is established a com-
 6 mittee to be known as the “Long Island Sound Steward-
 7 ship Coordinating Committee”.

8 (b) CHAIRPERSON.—The Chairperson of the Com-
 9 mittee shall be the Director of the Long Island Sound Of-
 10 fice of the Environmental Protection Agency, or designee.

11 (c) MEMBERSHIP.—

12 (1) COMPOSITION.—

13 (A) IN GENERAL.—The chairperson shall
 14 appoint the members of the Committee in ac-
 15 cordance with this subsection and section
 16 320(c) of the Federal Water Pollution Control
 17 Act (33 U.S.C. 1330(c)).

18 (B) REPRESENTATION.—The Committee
 19 shall—

20 (i) include equal representation of the
 21 interests of the States; and

22 (ii) represent—

23 (I) Federal, State, and local gov-
 24 ernment interests;

- 1 (II) the interests of nongovern-
2 mental organizations;
3 (III) academic interests; and
4 (IV) private interests.

5 (2) DATE OF APPOINTMENTS.—The appoint-
6 ment of a member of the Committee shall be made
7 not later than 180 days after the date of enactment
8 of this Act.

9 (d) TERM; VACANCIES.—

10 (1) TERM.—A member shall be appointed for
11 the life of the Committee.

12 (2) VACANCIES.—A vacancy on the Com-
13 mittee—

14 (A) shall not affect the powers of the Com-
15 mittee; and

16 (B) shall be filled in the same manner as
17 the original appointment was made.

18 (e) INITIAL MEETING.—Not later than 30 days after
19 the date on which all members of the Committee have been
20 appointed, the Committee shall hold the initial meeting of
21 the Committee.

22 (f) MEETINGS.—The Committee shall meet at the
23 call of the Chairperson, but not less than 4 times each
24 year.

1 (g) QUORUM.—A majority of the members of the
 2 Committee shall constitute a quorum, but a lesser number
 3 of members may hold hearings.

4 **SEC. 6. DUTIES OF THE COMMITTEE.**

5 The Committee shall—

6 (1) consistent with the guidelines described in
 7 section 9(c)—

8 (A) establish specific criteria for the eval-
 9 uation of applications for stewardship site des-
 10 ignations; and

11 (B) evaluate and award or deny steward-
 12 ship designation to applicants for that designa-
 13 tion;

14 (2) consistent with the guidelines described in
 15 section 9(d)—

16 (A) evaluate applications from government
 17 or nonprofit organizations qualified to hold con-
 18 servation easements for funds to purchase land
 19 or development rights for stewardship sites; and

20 (B) award funds to qualified applicants;

21 (3) not later than 1 year after the date of en-
 22 actment of this Act, develop and publish a manage-
 23 ment plan that—

24 (A) assesses the current resources of and
 25 threats to Long Island Sound;

1 (B) assesses the role of the Long Island
 2 Sound Stewardship System in protecting Long
 3 Island Sound;

4 (C) establishes—

5 (i) guidelines, schedules, and due
 6 dates for applying for designation as a
 7 stewardship site; and

8 (ii) specific criteria to be used in eval-
 9 uating stewardship site applications;

10 (D) includes information about any grants
 11 that are available for the purchase of land or
 12 property rights to protect stewardship sites;

13 (E) shall be made available to the public
 14 on the Internet and in hardcopy form; and

15 (F) shall be updated at least every other
 16 year, with information on applications for stew-
 17 ardship site designation and funding published
 18 more frequently; and

19 (4) concurrent with the first management plan,
 20 publish a list of sites that the Committee considers
 21 most appropriate for designation as stewardship
 22 sites.

23 **SEC. 7. POWERS OF THE COMMITTEE.**

24 (a) HEARINGS.—The Committee may hold such hear-
 25 ings, meet and act at such times and places, take such

1 testimony, and receive such evidence as the Committee
2 considers advisable to carry out this Act.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—

4 (1) IN GENERAL.—The Committee may secure
5 directly from a Federal agency such information as
6 the Committee considers necessary to carry out this
7 Act.

8 (2) PROVISION OF INFORMATION.—On request
9 of the Chairperson of the Committee, the head of
10 the agency shall provide the information to the Com-
11 mittee.

12 (c) POSTAL SERVICES.—The Committee may use the
13 United States mails in the same manner and under the
14 same conditions as other agencies of the Federal Govern-
15 ment.

16 (d) GIFTS.—The Committee may accept, use, and
17 dispose of gifts or donations of services or property.

18 **SEC. 8. COMMITTEE PERSONNEL MATTERS.**

19 (a) COMPENSATION OF MEMBERS.—

20 (1) NON-FEDERAL EMPLOYEES.—A member of
21 the Committee who is not an officer or employee of
22 the Federal Government shall be compensated at a
23 rate equal to the daily equivalent of the annual rate
24 of basic pay prescribed for level IV of the Executive
25 Schedule under section 5315 of title 5, United

1 States Code, for each day (including travel time)
2 during which the member is engaged in the perform-
3 ance of the duties of the Committee.

4 (2) FEDERAL EMPLOYEES.—A member of the
5 Committee who is an officer or employee of the Fed-
6 eral Government shall serve without compensation in
7 addition to the compensation received for the serv-
8 ices of the member as an officer or employee of the
9 Federal Government.

10 (b) TRAVEL EXPENSES.—A member of the Com-
11 mittee shall be allowed travel expenses, including per diem
12 in lieu of subsistence, at rates authorized for an employee
13 of an agency under subchapter I of chapter 57 of title
14 5, United States Code, while away from the home or reg-
15 ular place of business of the member in the performance
16 of the duties of the Committee.

17 (c) STAFF.—

18 (1) IN GENERAL.—The Chairperson of the
19 Committee may, without regard to the civil service
20 laws (including regulations), appoint and terminate
21 an executive director and such other additional per-
22 sonnel as are necessary to enable the Committee to
23 perform the duties of the Committee.

1 (2) CONFIRMATION OF EXECUTIVE DIREC-
2 TOR.—The employment of an executive director shall
3 be subject to confirmation by the Committee.

4 (3) COMPENSATION.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Chairperson of the Com-
7 mittee may fix the compensation of the execu-
8 tive director and other personnel without regard
9 to the provisions of chapter 51 and subchapter
10 III of chapter 53 of title 5, United States Code,
11 relating to classification of positions and Gen-
12 eral Schedule pay rates.

13 (B) MAXIMUM RATE OF PAY.—The rate of
14 pay for the executive director and other per-
15 sonnel shall not exceed the rate payable for
16 level V of the Executive Schedule under section
17 5316 of title 5, United States Code.

18 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
19 EES.—

20 (1) IN GENERAL.—An employee of the Federal
21 Government may be detailed to the Committee with-
22 out reimbursement.

23 (2) CIVIL SERVICE STATUS.—The detail of the
24 employee shall be without interruption or loss of civil
25 service status or privilege.

1 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
 2 TENT SERVICES.—The Chairperson of the Committee may
 3 procure temporary and intermittent services in accordance
 4 with section 3109(b) of title 5, United States Code, at
 5 rates for individuals that do not exceed the daily equiva-
 6 lent of the annual rate of basic pay prescribed for level
 7 V of the Executive Schedule under section 5316 of that
 8 title.

9 **SEC. 9. STEWARDSHIP SITES.**

10 (a) DEFINITION OF QUALIFYING LAND.—In this sec-
 11 tion, the term “qualifying land” means land—

12 (1) that is in the Region; and

13 (2) that is—

14 (A) Federal, State, local, or tribal land;

15 (B) land owned by a nonprofit organiza-
 16 tion; or

17 (C) privately owned land.

18 (b) APPLICATION FOR DESIGNATION.—Owners or
 19 other parties in control of qualifying land may apply to
 20 the Committee to have the qualifying land designated as
 21 a Long Island Sound stewardship site.

22 (c) GENERAL GUIDELINES FOR STEWARDSHIP SITE
 23 DESIGNATION.—

1 (1) IN GENERAL.—The Committee shall choose
2 land to be designated as a stewardship site based
3 on—

4 (A) the contribution of the land to open
5 space on and public access to Long Island
6 Sound; and

7 (B) the ecological value of the land.

8 (2) CRITERIA.—In considering land described
9 in applications submitted under subsection (b), the
10 Committee shall consider—

11 (A) land cover;

12 (B) size;

13 (C) adjacency and connectivity to existing
14 parks and open spaces;

15 (D) water quality;

16 (E) current or prospective recreational use;

17 (F) visitor demand;

18 (G) scenic quality;

19 (H) cultural resources;

20 (I) erosion and flood hazard prevention;

21 (J) environmental justice;

22 (K) fish and wildlife productivity;

23 (L) biodiversity;

24 (M) scientific value;

25 (N) water quality protection;

- 1 (O) habitat restoration characteristics;
- 2 (P) connectivity to other habitats that are
- 3 vital to sustaining healthy living resources in
- 4 the Long Island Sound watershed;
- 5 (Q) risk of development; and
- 6 (R) other criteria developed by the Com-
- 7 mittee under section 6(1)(A).

8 (d) GENERAL GUIDELINES FOR AWARDING
9 FUNDS.—

10 (1) IN GENERAL.—The Committee shall award
11 funds to qualified applicants to help to secure and
12 improve the open space, public access, or ecological
13 values of stewardship sites, through—

- 14 (A) purchase of the property of the site;
- 15 (B) purchase of relevant property rights of
- 16 the site; or
- 17 (C) entering into any other binding legal
- 18 arrangement that ensures that the values of the
- 19 site are preserved.

20 (2) EQUITABLE DISTRIBUTION OF FUNDS.—

21 The Committee shall exert due diligence to dis-
22 tribute funds equitably between the States.

23 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act \$40,000,000 for each fiscal

1 year, to be allocated from the national estuary program
2 under section 320 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1330).

4 (b) ALLOCATION OF FUNDS.—For each fiscal year—

5 (1) not more than 15 percent of funds made
6 available under subsection (a) shall be used to im-
7 prove the facilities of stewardship sites; and

8 (2) at least 85 percent of funds made available
9 under subsection (a) shall be used to secure the val-
10 ues of stewardship sites.

11 (c) FEDERAL SHARE.—The Federal share of the cost
12 of an activity carried out using any assistance or grant
13 under this Act shall not exceed 75 percent of the total
14 cost of the activity.

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