

110TH CONGRESS  
2D SESSION

# H. R. 6746

To reauthorize and expand the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. LARSEN of Washington (for himself, Mr. DICKS, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To reauthorize and expand 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 and Expan-  
6 sion Act of 2008”.

1 **SEC. 2. EXPANSION OF NORTHWEST STRAITS MARINE CON-**  
2 **SERVATION 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   **“SEC. 404. DEFINITIONS.**

10       “In this title:

11           “(1) COMMISSION.—The term ‘Commission’  
12       means the Northwest Straits Advisory Commission  
13       established by section 402.

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

18           “(3) NORTHWEST STRAITS.—The term ‘North-  
19       west Straits’ means the marine waters of the Strait  
20       of Juan de Fuca and of Puget Sound from the Ca-  
21       nadian border to the south end of Snohomish Coun-  
22       ty.

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

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

5 “(1) One member appointed by a consensus of  
6 the members of a marine resources committee estab-  
7 lished under section 408 for each of the following  
8 counties of the State of Washington:

9 “(A) San Juan County.

10 “(B) Island County.

11 “(C) Skagit County.

12 “(D) Whatcom County.

13 “(E) Snohomish County.

14 “(F) Clallam County.

15 “(G) Jefferson County.

16 “(2) Two members appointed by the Secretary  
17 of the Interior in trust capacity and in consultation  
18 with the Northwest Indian Fisheries Commission or  
19 the Indian tribes affected by this title collectively, as  
20 the Secretary of the Interior considers appropriate,  
21 to represent the interests of such tribes.

22 “(3) One member appointed by the Governor of  
23 the State of Washington to represent the interests of  
24 the Puget Sound Partnership.

25 “(4) Four members appointed by the Governor  
26 of the State of Washington who—

1                   “(A) are residents of the State of Wash-  
2                   ington; and

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

5           “(b) VACANCIES.—A vacancy in the Commission  
6 shall be filled in the manner in which the original appoint-  
7 ment was made.

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

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

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

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

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

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

24                   “(3) maintaining and expanding diverse mem-  
25                   bership and partner organizations;

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

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

7           “(b) DUTIES.—The duties of the Commission are the  
8           following:

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

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

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

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

24          “(5) To assist in facilitating the successful im-  
25          plementation of such recommendations by developing

1 broad support among appropriate authorities, stake-  
2 holder groups, and local communities.

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

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

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

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

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

22 “(d) COORDINATION AND COLLABORATION.—The  
23 Commission shall carry out the duties described in sub-  
24 section (b) in coordination and collaboration, when appro-

1 priate, with Federal, State, and local governments and In-  
2 dian tribes.

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

5 “(f) ANNUAL REPORT.—

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

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

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

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

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

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

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



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

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

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

10   **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**  
11           **MATTERS.**

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

20       “(b) STAFF.—The Director may hire such other per-  
21   sonnel as may be appropriate to enable the Commission  
22   to perform its duties. Such personnel shall be hired  
23   through the personnel system of the Department of Ecol-  
24   ogy of the State of Washington.

1       “(c) ADMINISTRATIVE SERVICE.—If the Governor of  
 2 the State of Washington makes available to the Commis-  
 3 sion the administrative services of the State of Wash-  
 4 ington Department of Ecology and Padilla Bay National  
 5 Estuarine Research Reserve, the Commission shall use  
 6 such services for employment, procurement, grant and fis-  
 7 cal management, and support services necessary to carry  
 8 out the duties of the Commission.

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

10       “(a) IN GENERAL.—The government of each of the  
 11 counties referred to in subparagraph (A) through (G) of  
 12 section 405(a)(1) may establish a marine resources com-  
 13 mittee that—

14               “(1) complies with the requirements of this sec-  
 15 tion; and

16               “(2) receives from such government the mis-  
 17 sion, direction, expert assistance, and financial re-  
 18 sources necessary—

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

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

23       “(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 sources 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.

17 **“SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to the  
19 Under Secretary for Oceans and Atmosphere to support  
20 the Commission in carrying out its duties and administra-  
21 tive functions under this title—

22 “(1) \$2,250,000 for each of the fiscal years  
23 2009 through 2011; and

- 1           “(2) \$2,500,000 for each of fiscal years 2012
- 2       and 2013.”.

