

**Calendar No. 221**

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1672**

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2009

Received; read twice and placed on the calendar

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**AN ACT**

To reauthorize 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Northwest Straits Ma-  
3 rine Conservation Initiative Reauthorization Act of 2009”.

4 **SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MA-  
5 RINE CONSERVATION INITIATIVE ACT.**

6 The Northwest Straits Marine Conservation Initiative  
7 Act (title IV of Public Law 105–384; 112 Stat. 3458) is  
8 amended—

9 (1) in section 402, by striking “(in this title re-  
10 ferred to as the ‘Commission’)”;

11 (2) by striking sections 403 and 404;

12 (3) by redesignating section 405 as section 410;

13 and

14 (4) by inserting after section 402 the following  
15 new sections:

16 **“SEC. 403. FINDINGS.**

17 “Congress makes the following findings:

18 “(1) The marine waters and ecosystem of the  
19 Northwest Straits in Puget Sound in the State of  
20 Washington represent a unique resource of enor-  
21 mous environmental and economic value to the peo-  
22 ple of the United States.

23 “(2) During the 20th century, the environ-  
24 mental health of the Northwest Straits declined dra-  
25 matically as indicated by impaired water quality, de-  
26 clines in marine wildlife, collapse of harvestable ma-

1 rine species, loss of critical marine habitats, ocean  
2 acidification, and sea level rise.

3 “(3) At the start of the 21st century, the  
4 Northwest Straits have been threatened by sea level  
5 rise, ocean acidification, and other effects of climate  
6 change.

7 “(4) In 1998, the Northwest Straits Marine  
8 Conservation Initiative Act (title IV of Public Law  
9 105–384) was enacted to tap the unprecedented  
10 level of citizen stewardship demonstrated in the  
11 Northwest Straits and create a mechanism to mobi-  
12 lize public support and raise capacity for local ef-  
13 forts to protect and restore the ecosystem of the  
14 Northwest Straits.

15 “(5) The Northwest Straits Marine Conserva-  
16 tion Initiative helps the National Oceanic and At-  
17 mospheric Administration and other Federal agen-  
18 cies with their marine missions by fostering local in-  
19 terest in marine issues and involving diverse groups  
20 of citizens.

21 “(6) The Northwest Straits Marine Conserva-  
22 tion Initiative shares many of the same goals with  
23 the National Oceanic and Atmospheric Administra-  
24 tion, including fostering citizen stewardship of ma-

1 rine resources, general ecosystem management, and  
2 protecting federally managed marine species.

3 “(7) Ocean literacy and identification and re-  
4 moval of marine debris projects are examples of on-  
5 going partnerships between the Northwest Straits  
6 Marine Conservation Initiative and the National  
7 Oceanic and Atmospheric Administration.

8 **“SEC. 404. DEFINITIONS.**

9 “In this title:

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

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

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

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

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

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

5                   “(A) San Juan County.

6                   “(B) Island County.

7                   “(C) Skagit County.

8                   “(D) Whatcom County.

9                   “(E) Snohomish County.

10                  “(F) Clallam County.

11                  “(G) Jefferson County.

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

18           “(3) One member appointed by the Governor of  
19 the State of Washington to represent the interests of  
20 the Puget Sound Partnership.

21           “(4) Four members appointed by the Governor  
22 of the State of Washington who—

23                   “(A) are residents of the State of Wash-  
24 ington; and

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

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

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

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

11          “(e) LIAISON.—

12                   “(1) IN GENERAL.—The Secretary of Com-  
13 merce, acting through the Under Secretary for  
14 Oceans and Atmosphere and in consultation with the  
15 Director of the Commission appointed under section  
16 407(a), shall appoint an employee of the National  
17 Oceanic and Atmospheric Administration—

18                   “(A) to serve as a liaison between the  
19 Commission and the Department of Commerce;  
20 and

21                   “(B) to attend meetings and other events  
22 of the Commission as a nonvoting participant.

23                   “(2) LIMITATION.—Service of an employee as  
24 an appointee under paragraph (1)—

1           “(A) shall be limited to service as a liaison  
2           and attendance of meetings and other events as  
3           a nonvoting participant; and

4           “(B) does not obligate the employee to per-  
5           form any duty of the Commission under section  
6           406(b).

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

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

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

15           “(2) building awareness and stewardship and  
16           making recommendations to improve the health of  
17           the Northwest Straits marine resources;

18           “(3) maintaining and expanding diverse mem-  
19           bership and partner organizations;

20           “(4) expanding partnerships with governments  
21           of Indian tribes affected by this title and continuing  
22           to foster respect for tribal cultures and treaties; and

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

1       “(b) DUTIES.—The duties of the Commission are the  
2 following:

3           “(1) To provide resources and technical support  
4 for marine resources committees established under  
5 section 408.

6           “(2) To work with such marine resources com-  
7 mittees and appropriate entities of Federal and  
8 State governments and Indian tribes affected by this  
9 title to develop programs to monitor the overall  
10 health of the marine ecosystem of the Northwest  
11 Straits.

12           “(3) To identify factors adversely affecting or  
13 preventing the restoration of the health of the ma-  
14 rine ecosystem and coastal economies of the North-  
15 west Straits.

16           “(4) To develop scientifically sound restoration  
17 and protection recommendations, informed by local  
18 priorities, that address such factors.

19           “(5) To assist in facilitating the successful im-  
20 plementation of such recommendations by developing  
21 broad support among appropriate authorities, stake-  
22 holder groups, and local communities.

23           “(6) To develop regional projects based on such  
24 recommendations to protect and restore the North-  
25 west Straits ecosystem.



1           “(7) To serve as a public forum for the discus-  
2           sion of policies and actions of Federal, State, or  
3           local government, an Indian tribe affected by this  
4           title, or the Government of Canada with respect to  
5           the marine ecosystem of the Northwest Straits.

6           “(8) To inform appropriate authorities and  
7           local communities about the marine ecosystem of the  
8           Northwest Straits and about issues relating to the  
9           marine ecosystem of the Northwest Straits.

10           “(9) To consult with all Indian tribes affected  
11           by this title to ensure that the work of the Commis-  
12           sion does not violate tribal treaty rights.

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

16           “(d) COORDINATION AND COLLABORATION.—The  
17           Commission shall carry out the duties described in sub-  
18           section (b) in coordination and collaboration, when appro-  
19           priate, with Federal, State, and local governments and In-  
20           dian tribes affected by this title.

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

23           “(f) ANNUAL REPORT.—

24           “(1) IN GENERAL.—Each year, the Commission  
25           shall prepare, submit to the Committee on Com-

1 merce, Science, and Transportation of the Senate,  
2 the Committee on Natural Resources of the House  
3 of Representatives, and the Under Secretary for  
4 Oceans and Atmosphere, and make available to the  
5 public an annual report describing—

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

8 “(B) the progress of the Commission in  
9 achieving the benchmarks described in para-  
10 graph (2).

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

13 “(A) Protection and restoration of marine,  
14 coastal, and nearshore habitats.

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

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

19 “(D) Protection of the marine water qual-  
20 ity of the Northwest Straits region and restora-  
21 tion of the health of marine waters.

22 “(E) Collection of high-quality data and  
23 promotion of the use and dissemination of such  
24 data.

1                   “(F) Promotion of stewardship and under-  
2                   standing of Northwest Straits marine resources  
3                   through education and outreach.

4   **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**  
5                   **MATTERS.**

6           “(a) DIRECTOR.—The Manager of the Shorelands  
7   and Environmental Assistance Program of the Depart-  
8   ment of Ecology of the State of Washington may, upon  
9   the recommendation of the Commission and the Director  
10   of the Padilla Bay National Estuarine Research Reserve,  
11   appoint and terminate a Director of the Commission. The  
12   employment of the Director shall be subject to confirma-  
13   tion by the Commission.

14           “(b) STAFF.—The Director may hire such other per-  
15   sonnel as may be appropriate to enable the Commission  
16   to perform its duties. Such personnel shall be hired  
17   through the personnel system of the Department of Ecol-  
18   ogy of the State of Washington.

19           “(c) ADMINISTRATIVE SERVICES.—If the Governor of  
20   the State of Washington makes available to the Commis-  
21   sion the administrative services of the State of Wash-  
22   ington Department of Ecology, the Commission shall use  
23   such services for employment, procurement, grant and fis-  
24   cal management, and support services necessary to carry  
25   out the duties of the Commission.

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

2       “(a) IN GENERAL.—The government of each of the  
3 counties referred to in subparagraphs (A) through (G) of  
4 section 405(a)(1) may establish a marine resources com-  
5 mittee that—

6           “(1) complies with the requirements of this sec-  
7 tion; and

8           “(2) receives from such government the mis-  
9 sion, direction, expert assistance, and financial re-  
10 sources necessary—

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

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

15       “(b) MEMBERSHIP.—

16           “(1) IN GENERAL.—Each marine resources  
17 committee established pursuant to this section shall  
18 be composed of—

19           “(A) members with relevant scientific ex-  
20 pertise; and

21           “(B) members that represent balanced rep-  
22 resentation, including representation of—

23           “(i) local governments, including plan-  
24 ning staff from counties and cities with  
25 marine shorelines;

1                   “(ii) affected economic interests, such  
2                   as ports and commercial fishers;

3                   “(iii) affected recreational interests,  
4                   such as sport fishers; and

5                   “(iv) conservation and environmental  
6                   interests.

7                   “(2) TRIBAL MEMBERS.—With respect to a  
8                   county referred to in subparagraphs (A) through (G)  
9                   of section 405(a)(1), each Indian tribe with usual  
10                  and accustomed fishing rights in the waters of such  
11                  county and each Indian tribe with reservation lands  
12                  in such county, may appoint one member to the ma-  
13                  rine resources committee for such county. Such  
14                  member may be appointed by the respective tribal  
15                  authority.

16                  “(3) CHAIRPERSON.—

17                         “(A) IN GENERAL.—Each marine re-  
18                         sources committee established pursuant to this  
19                         section shall select a chairperson from among  
20                         members by a majority vote of the members of  
21                         the committee.

22                         “(B) ROTATING POSITION.—Each marine  
23                         resources committee established pursuant to  
24                         this section shall select a new chairperson at a  
25                         frequency determined by the county charter of

1           the marine resources committee to create a di-  
2           versity of representation in the leadership of the  
3           marine resources committee.

4           “(c) DUTIES.—The duties of a marine resources com-  
5           mittee established pursuant to this section are the fol-  
6           lowing:

7           “(1) To assist in assessing marine resource  
8           problems in concert with governmental agencies,  
9           tribes, and other entities.

10           “(2) To assist in identifying local implications,  
11           needs, and strategies associated with the recovery of  
12           Puget Sound salmon and other species in the region  
13           of the Northwest Straits listed under the Endan-  
14           gered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
15           in coordination with Federal, State, and local gov-  
16           ernments, Indian tribes affected by this title, and  
17           other entities.

18           “(3) To work with other entities to enhance the  
19           scientific baseline and monitoring program for the  
20           marine environment of the Northwest Straits.

21           “(4) To identify local priorities for marine re-  
22           source conservation and develop new projects to ad-  
23           dress those needs.

1           “(5) To work closely with county leadership to  
2           implement local marine conservation and restoration  
3           initiatives.

4           “(6) To coordinate with the Commission on ma-  
5           rine ecosystem objectives.

6           “(7) To educate the public and key constitu-  
7           encies regarding the relationship between healthy  
8           marine habitats, harvestable resources, and human  
9           activities.

10 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**  
11 **FOUNDATION.**

12           “(a) ESTABLISHMENT.—The Director of the Com-  
13 mission and the Director of the State of Washington De-  
14 partment of Ecology, or his or her designee, may enter  
15 into an agreement with an organization described in sec-  
16 tion 501(c)(3) of the Internal Revenue Code of 1986 to  
17 establish a nonprofit foundation to support the Commis-  
18 sion and the marine resources committees established  
19 under section 408 in carrying out their duties under this  
20 Act.

21           “(b) DESIGNATION.—The foundation authorized by  
22 subsection (a) shall be known as the ‘Northwest Straits  
23 Marine Conservation Foundation’.

24           “(c) RECEIPT OF GRANTS.—The Northwest Straits  
25 Marine Conservation Foundation may, if eligible, apply

1 for, accept, and use grants awarded by Federal agencies,  
2 States, local governments, regional agencies, interstate  
3 agencies, corporations, foundations, or other persons to  
4 assist the Commission and the marine resources commit-  
5 tees in carrying out their duties under this Act.

6 “(d) TRANSFER OF FUNDS.—The Northwest Straits  
7 Marine Conservation Foundation may transfer funds to  
8 the Commission or the marine resources committees to as-  
9 sist them in carrying out their duties under this Act.”.

Passed the House of Representatives December 7,  
2009.

Attest:

LORRAINE C. MILLER,

*Clerk.*





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11<sup>TH</sup> CONGRESS  
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