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NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE REAUTHORIZATION ACT OF 2009

DECEMBER 7, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1672]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1672) to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT.

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

(1) in section 402, by striking "(in this title referred to as the 'Commission')"; and

(2) by striking sections 403 and 404;

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

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

"SEC. 403. FINDINGS.

"Congress makes the following findings:

"(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

"(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

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

"(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105–384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

"(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

"(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.

"(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

"SEC. 404. DEFINITIONS.

"In this title:

"(1) COMMISSION.—The term 'Commission' means the Northwest Straits Advisory Commission established by section 402.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NORTHWEST STRAITS.—The term 'Northwest Straits' means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.

"SEC. 405. MEMBERSHIP OF THE COMMISSION.

"(a) COMPOSITION.—The Commission shall be composed of up to 14 members who shall be appointed as follows:

"(1) One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:

"(A) San Juan County.
"(B) Island County.
"(C) Skagit County.
"(D) Whatcom County.
"(E) Snohomish County.
"(F) Clallam County.
"(G) Jefferson County.

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

"(3) One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.

"(4) Four members appointed by the Governor of the State of Washington who—

"(A) are residents of the State of Washington; and
"(B) are not employed by a Federal, State, or local government.

"(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

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

"(d) MEETING.—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

"(e) LIAISON.—

"(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), shall appoint an employee of the National Oceanic and Atmospheric Administration—

"(A) to serve as a liaison between the Commission and the Department of Commerce; and

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

"(2) LIMITATION.—Service of an employee as an appointee under paragraph (1)—

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

"(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

"SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

"(a) GOAL.—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

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

"(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

"(3) maintaining and expanding diverse membership and partner organizations;

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

"(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

"(b) DUTIES.—The duties of the Commission are the following:

"(1) To provide resources and technical support for marine resources committees established under section 408.

"(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes affected by this title to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

"(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

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

"(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

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

"(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe affected by this title, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

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

"(9) To consult with all Indian tribes affected by this title to ensure that the work of the Commission does not violate tribal treaty rights.

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

"(d) COORDINATION AND COLLABORATION.—The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes affected by this title.

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

"(f) ANNUAL REPORT.—

"(1) IN GENERAL.—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

"(A) the activities carried out by the Commission during the preceding year; and

"(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

"(2) BENCHMARKS.—The benchmarks described in this paragraph are the following:

"(A) Protection and restoration of marine, coastal, and nearshore habitats.

"(B) Prevention of loss and achievement of a net gain of healthy habitat areas.

"(C) Protection and restoration of marine populations to healthy, sustainable levels.

"(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

"(E) Collection of high-quality data and promotion of the use and dissemination of such data.

"(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

"SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

"(a) DIRECTOR.—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

"(b) STAFF.—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

"(c) ADMINISTRATIVE SERVICES.—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

"SEC. 408. MARINE RESOURCES COMMITTEES.

"(a) IN GENERAL.—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

"(1) complies with the requirements of this section; and

"(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

"(A) to address issues affecting the marine ecosystems within its county; and

"(B) to work to achieve the benchmarks described in section 406(f)(2).

"(b) MEMBERSHIP.—

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

"(A) members with relevant scientific expertise; and

"(B) members that represent balanced representation, including representation of—

"(i) local governments, including planning staff from counties and cities with marine shorelines;

"(ii) affected economic interests, such as ports and commercial fishers;

"(iii) affected recreational interests, such as sport fishers; and

"(iv) conservation and environmental interests.

"(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraphs (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

"(3) CHAIRPERSON.—

"(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

"(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

"(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

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

"(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes affected by this title, and other entities.

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

"(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

"(5) To work closely with county leadership to implement local marine conservation and restoration initiatives.

"(6) To coordinate with the Commission on marine ecosystem objectives.

"(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

"SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

"(a) ESTABLISHMENT.—The Director of the Commission and the Director of the State of Washington Department of Ecology, or his or her designee, may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

"(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the 'Northwest Straits Marine Conservation Foundation'.

"(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

"(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.".

PURPOSE OF THE BILL

The purpose of H.R. 1672 is to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The State of Washington's Northwest Straits encompasses the U.S. marine waters of the Strait of Juan de Fuca, the San Juan Islands and northern Puget Sound, and includes critical commercial, environmental, and cultural resources. The region makes up nearly 60% of Puget Sound's total shoreline, provides a critical seaway to the major ports of Tacoma, Seattle, and Vancouver, British Columbia, includes seven counties and 15 tribes, and supports culturally-significant species, such as numerous Pacific salmon runs and three pods of resident orca whales.

In the mid-1980s, Congress recognized that ongoing regional environmental degradation, including impaired water quality and the collapse of harvestable marine species, required action and authorized a study of the Northwest Straits region for potential inclusion in the National Marine Sanctuary Program. The sanctuary proposal met with stiff resistance from local and regional interests who were concerned that it would be administered in a top-down fashion. In 1994, all seven counties voiced strong opposition to the sanctuary proposal, and the designation process was terminated administratively in 1996.

In 1997, a blue-ribbon commission was convened at the request of U.S. Senator Patty Murray (D–WA) and then-U.S. Representative Jack Metcalf (R–WA) to explore citizen-based management

strategies that could restore and protect the Northwest Straits within the existing state and federal regulatory framework. In 1998, the Murray-Metcalf Report was released and provided recommendations for a new grassroots, consensus-building approach to marine management.

Congress responded by authorizing the Northwest Straits Marine Conservation Initiative (Initiative) in Title IV of Public Law 105–384. The law established the Northwest Straits Advisory Commission (Commission) to collect marine resource data, coordinate federal, state, and local protection and restoration activities, and carry out the recommendations of the Murray-Metcalf Report. One of these recommendations included establishing a network of local, county-based Marine Resources Committees (MRCs), linking citizen-based approaches to marine management within the broader Commission. MRCs submit their data and priority project proposals to the Commission, which coordinates efforts at an ecosystem-level; provides funding and technical assistance to MRCs; and directs protection and restoration activities within the framework of the existing local, state, and federal authorities.

In 2004, the Initiative's authorization expired. The Commission currently operates without formal congressional authorization or statutory nexus to any federal marine conservation program. The Northwest Straits Evaluation Panel completed a mandatory program review in 2004 and recommended Congressional reauthorization for 8–10 years, increased federal funding to $1.6 million, and pilot replication of this model in other areas. Since 2005, the Initiative has been funded annually through the Commerce-Justice-Science Appropriations bills and the National Marine Sanctuary Program.

In 2009, the Commission received a total of $6.2 million in funding—$1.6 million in annual appropriations to administer their ongoing projects and an additional $4.6 million in economic stimulus funds from the American Recovery and Reinvestment Act of 2009 to implement their Derelict Fishing Net Program. This program will remove an estimated 3000 nets from the seafloor and restore 645 acres of marine habitat in the Northwest Straits.

COMMITTEE ACTION

H.R. 1672 was introduced on March 23, 2009 by Representative Rick Larsen (D–WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On October 20, 2009, the Subcommittee held a hearing where witnesses from the Administration and the Commission testified in support of the legislation, though some changes were recommended.

On November 18, 2009, the Subcommittee was discharged from the further consideration of H.R. 1672 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairwoman Madeleine Bordallo (D–GU) offered an amendment in the nature of a substitute that specified the Commission would receive financial and administrative support through the Washington State Department of Ecology; made clear the role of the liaison between the National Oceanic and Atmospheric Administration and the Commission; and made additional technical and clarifying changes. The amendment was adopted by unanimous consent. The bill, as

amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009".

Section 2. Reauthorization of Northwest Straits Marine Conservation Initiative Act

Section 2 amends the Northwest Straits Marine Conservation Initiative Act (Public Law 105–384, Title IV) by making clarifying changes to section 402 of that Act, striking existing sections 403 and 404, re-designating section 405 as section 410, and inserting new sections 403 through 409.

In the new Section 403, Congress finds that the Northwest Straits are unique and valuable resources which have been degraded and are facing new threats from climate change. Congress further finds that the Northwest Straits Marine Conservation Initiative creates a mechanism for grassroots conservation and assists the National Oceanic and Atmospheric Administration with their marine mission.

The new Section 404 defines terms that appear in the Act.

The new Section 405 establishes the membership, the chairperson, the meeting frequency, and the liaison of the Commission.

The new Section 406 establishes the goals and duties of the Commission. It provides that the goal of the Commission is to achieve ecosystem health and sustainable resource use in the Northwest Straits by initiating projects that are based on science and local priorities; building awareness and stewardship; maintaining and expanding diverse membership and partners, including tribes; and recognizing economic and social benefits derived from sustainable marine resources. The duties of the Commission established in this section are to provide resources and technical support for the MRCs; develop programs to monitor the overall ecosystem health of the Northwest Straits; identify factors adversely affecting or preventing restoration; develop scientifically sound restoration and protection recommendations; assist in carrying out such recommendations, including regional projects; serve as a public forum for policy discussion; inform appropriate authorities and local communities; and consult with tribes on tribal treaty rights. The Commission must submit a report to Congress on its activities and the progress made toward benchmarks of protection and restoration of marine, coastal, and nearshore habitats, populations, and water quality; achievement of a net gain of healthy habitat areas; collection of high-quality data; and promotion of stewardship. This section also clarifies that the Commission has no regulatory authority.

The new Section 407 establishes a Director and staff for the Commission. It provides that administrative services to the Commission are provided through the State of Washington Department of Ecology.

The new Section 408 establishes MRCs, their membership, and a chairperson for each of the seven counties surrounding the North-

west Straits. The duties of the MRCs are to assist in assessment of marine resource problems; identify local needs and strategies for recovery of Puget Sound salmon and other endangered species; enhance the monitoring program, identify local priorities; collaborate with county leadership; coordinate with the Commission; and educate the public on the relationship between healthy marine habitats and human activities.

The new Section 409 establishes the nonprofit Northwest Straits Marine Conservation Foundation to generate funding and support for the Commission and MRCs.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1672—Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009

H.R. 1672 would reauthorize the Northwest Straits Marine Conservation Initiative Act and codify aspects of the initiative, including the composition and goals of the Northwest Straits Advisory Commission. The bill also would require the Commission to submit an annual report to the Congress. Assuming appropriation of the

necessary amounts, CBO estimates that implementing H.R. 1672 would cost $2 million a year over the 2010–2014 period. Enacting the bill would not affect direct spending or revenues.

The Northwest Straits Initiative is an intergovernmental partnership that restores and protects marine resources along the northwest coast of Washington state. The initiative is led by the Northwest Straits Advisory Commission, composed of federal, state, and county representatives who provide resources and support to county governments working to achieve the initiative's goals.

Congressional authorization for the Northwest Straits Initiative expired in 2004. In fiscal years 2004 through 2009, the initiative received appropriations ranging from $1 million to $2 million annually, including $1.6 million in fiscal year 2009. It has not yet received a full-year appropriation for 2010.

H.R. 1672 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1672 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT

* * * * * * *

SEC. 402. ESTABLISHMENT.

There is established a commission to be known as the Northwest Straits Advisory Commission [(in this title referred to as the "Commission")].

[SEC. 403. ORGANIZATION AND OPERATION.

[The Commission shall be organized and operated in accordance with the provisions of the Northwest Straits Citizen's Advisory Commission Report of August 20, 1998, on file with the Secretary of Commerce (in this title referred to as the "Report").

[SEC. 404. FUNDING.

[(a) IN GENERAL.—The Secretary of Commerce may, from amounts available to the Secretary to carry out the work of the

Commission, provide assistance for use in accordance with the Report and the priorities of the Commission—

[(1) to collect marine resources data in the Northwest Straits;

[(2) to coordinate Federal, State, and local marine resources protection and restoration activities in the Northwest Straits; and

[(3) to carry out other activities identified in the Report as important to the protection and restoration of marine resources in the Northwest Straits.

[(b) PROVISION.—The Secretary may provide the assistance authorized by subsection (a) through the Director of the Padilla Bay National Estuarine Research Reserve, unless the Governor of the State of Washington objects. If the Governor objects, then the Secretary may provide the assistance though the Administrator of the National Oceanic and Atmospheric Administration.]

SEC. 403. FINDINGS.

Congress makes the following findings:

(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

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

(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105–384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.

(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

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(B) Island County.
(C) Skagit County.
(D) Whatcom County.
(E) Snohomish County.
(F) Clallam County.
(G) Jefferson County.

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

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

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

(A) are residents of the State of Washington; and

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

(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

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

(d) MEETING.—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

(e) LIAISON.—

(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), shall appoint an employee of the National Oceanic and Atmospheric Administration—

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

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

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

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

(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

(a) GOAL.—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

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

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

(3) maintaining and expanding diverse membership and partner organizations;

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

(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

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

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

(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes affected by this title to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

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

(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

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

(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe affected by this title, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

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

(9) To consult with all Indian tribes affected by this title to ensure that the work of the Commission does not violate tribal treaty rights.

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

(d) COORDINATION AND COLLABORATION.—The Commission shall carry out the duties described in subsection (b) in coordination and

collaboration, when appropriate, with Federal, State, and local governments and Indian tribes affected by this title.

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

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

(A) the activities carried out by the Commission during the preceding year; and

(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

(2) BENCHMARKS.—The benchmarks described in this paragraph are the following:

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

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

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

(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

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

(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

(a) DIRECTOR.—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

(b) STAFF.—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

(c) ADMINISTRATIVE SERVICES.—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

SEC. 408. MARINE RESOURCES COMMITTEES.

(a) IN GENERAL.—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

(1) complies with the requirements of this section; and

(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

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

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

(b) MEMBERSHIP.—

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

(A) members with relevant scientific expertise; and

(B) members that represent balanced representation, including representation of—

(i) local governments, including planning staff from counties and cities with marine shorelines;

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

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

(iv) conservation and environmental interests.

(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraphs (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

(3) CHAIRPERSON.—

(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

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

(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes affected by this title, and other entities.

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

(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

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

(6) To coordinate with the Commission on marine ecosystem objectives.

(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

(a) ESTABLISHMENT.—The Director of the Commission and the Director of the State of Washington Department of Ecology, or his or her designee, may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the "Northwest Straits Marine Conservation Foundation".

(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.

SEC. [405] *410*. LIMITATION.

Nothing in this title provides the Commission with the authority to implement any Federal law or regulation.

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