

107TH CONGRESS  
2D SESSION

# S. 3045

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2002

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

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## A BILL

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

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 “Finger Lakes Initiative  
5       Act of 2002”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

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

7           (2) the environmental attributes and benefits of  
8       the Finger Lakes Region are key to attracting visi-  
9       tors to the Region;

10          (3) with their scenic beauty and high quality of  
11       life, the communities of the Finger Lakes have be-  
12       come a magnet for thousands of people and a bur-  
13       geoning tourism industry;

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

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

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

21          (C) according to the 1997 Census of Agri-  
22       culture conducted by the Department of Agriculture,  
23       nearly \$800,000,000 worth of agricultural commod-  
24       ities were produced in the Finger Lakes Region;

25          (6) the Finger Lakes Region—

1 (A) produces a wide variety of food for the  
2 United States; and

3 (B) supports numerous restaurants, wine  
4 trails, and farmers' markets;

5 (7) the Finger Lakes provide a clean and reli-  
6 able source of drinking water for numerous munici-  
7 palities, including Rochester, Syracuse, and Auburn,  
8 New York;

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

14 (9) the Finger Lakes Region supports a diver-  
15 sity of populations of Federal- and State-listed  
16 threatened and endangered species, including the  
17 bald eagle, bog turtle, timber rattlesnake, lake stur-  
18 geon, black tern, least bittern, queen snake, Indiana  
19 bat and pied-billed grebe;

20 (10) the natural ecology and nationally signifi-  
21 cant biodiversity of the Finger Lakes is under stress  
22 in that—

23 (A) water quality is being degraded;

24 (B) urban and suburban sprawl is slowly  
25 destroying prime farmland and vineyards;

1 (C) important fisheries are being nega-  
2 tively affected; and

3 (D) invasive species are altering the eco-  
4 logical balance in the Finger Lakes;

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

8 (12) the United States Fish and Wildlife Serv-  
9 ice and the United States Geological Survey have  
10 issued a preliminary report that identifies 3 primary  
11 watershed issues, consisting of—

12 (A) degraded water quality;

13 (B) degraded fish and wildlife habitat; and

14 (C) danger of flooding;

15 (13) other Federal, State, and regional agen-  
16 cies, local governments, and local organizations have  
17 been working to protect and preserve the Finger  
18 Lakes;

19 (14) despite widespread interest in the environ-  
20 mental condition of the Finger Lakes, monitoring,  
21 study, and protection activities have been largely un-  
22 coordinated and underfunded;

23 (15) to help maintain the Finger Lakes as an  
24 ecological and economic resource for the Finger  
25 Lakes Region, the State of New York, and the

1 United States, a comprehensive environmental pro-  
 2 tection and resource management plan for the Fin-  
 3 ger Lakes Region needs to be developed and imple-  
 4 mented; and

5 (16) the comprehensive plan should be devel-  
 6 oped and implemented with the input, participation,  
 7 and cooperation of all interested parties, including—

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

9 (B) representatives of all interested stake-  
 10 holders.

11 **SEC. 3. FINGER LAKES INITIATIVE.**

12 Title I of the Federal Water Pollution Control Act  
 13 (33 U.S.C. 1251 et seq.) is amended—

14 (1) by redesignating section 121 (as added by  
 15 section 112(b) of the Miscellaneous Appropriations  
 16 Act, 2001 (114 Stat. 2763, 2763A–225)), as section  
 17 122; and

18 (2) by adding at the end the following:

19 **“SEC. 123. FINGER LAKES INITIATIVE.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COMPREHENSIVE PLAN.—The term ‘com-  
 22 prehensive plan’ means the comprehensive plan re-  
 23 quired to be developed and published under sub-  
 24 section (d).

“(2) FINGER LAKES REGION.—The term ‘Finger Lakes Region’ means—

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

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

“(C) the Montezuma National Wildlife Refuge; and

“(D) the Finger Lakes National Forest.

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

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

“(5) STATE.—The term ‘State’ means the State of New York.

1 “(b) FINGER LAKES INITIATIVE.—

2 “(1) ESTABLISHMENT.—There is established a  
3 program within the Environmental Protection Agen-  
4 cy to be known as the ‘Finger Lakes Initiative’.

5 “(2) PURPOSES.—The purposes of the Initiative  
6 are—

7 “(A) to protect and enhance the environ-  
8 mental integrity and cultural and economic ben-  
9 efits of the Finger Lakes Region; and

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

13 “(c) FINGER LAKES MANAGEMENT CONFERENCE.—

14 “(1) ESTABLISHMENT.—There is established  
15 the Finger Lakes Management Conference to de-  
16 velop, carry out, and provide assistance and rec-  
17 ommendations with respect to the Initiative.

18 “(2) DUTIES.—The duties of the Management  
19 Conference shall include—

20 “(A) development, in accordance with sub-  
21 section (d), of a comprehensive plan for the  
22 Finger Lakes Region;

23 “(B) conduct of a research and education  
24 program in accordance with subsection (e); and

1           “(C) provision of financial and technical  
2           assistance in accordance with subsection (f).

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

8           “(4) MEMBERSHIP.—The Management Con-  
9           ference shall be composed of individuals who shall be  
10          appointed by the Administrator, in consultation with  
11          the Governor of the State and the Members of Con-  
12          gress representing the Finger Lakes Region, of  
13          whom—

14               “(A) 1 member shall represent the Gov-  
15               ernor of the State;

16               “(B) 1 member shall represent each inter-  
17               ested Federal agency, including—

18                       “(i) the Environmental Protection  
19                       Agency;

20                       “(ii) the Department of the Interior;

21                       “(iii) the Department of Agriculture;

22                       and

23                       “(iv) the Department of Commerce;

1           “(C) 4 members shall represent members  
2           of the State legislature that represent the Fin-  
3           ger Lakes Region;

4           “(D) 6 members shall represent local gov-  
5           ernments within the Finger Lakes Region; and

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

8                   “(i) businesses;

9                   “(ii) regional planning agencies;

10                  “(iii) academic institutions;

11                  “(iv) lake association and homeowner  
12                  organizations;

13                  “(v) environmental organizations;

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

16                  “(vii) economic development interests;

17                  “(viii) the tourism industry; and

18                  “(viii) Indian tribes.

19           “(5) GEOGRAPHIC DISTRIBUTION.—In appoint-  
20           ing members of the Management Conference, the  
21           Administrator shall ensure, to the maximum extent  
22           practicable, diverse geographic representation by the  
23           members, including at least 1 individual representing  
24           each of the 11 Finger Lakes.

1           “(6) COCHAIRPERSONS.—The following mem-  
2       bers of the Management Conference shall serve as  
3       cochairpersons of the Management Conference:

4           “(A) The member appointed under para-  
5       graph (4)(B)(i) to represent the Environmental  
6       Protection Agency.

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

11       “(7) TECHNICAL ADVISORY COMMITTEE.—

12           “(A) IN GENERAL.—Not later than 120  
13      days after the date of enactment of this section,  
14      the Management Conference shall appoint a  
15      technical advisory committee to provide tech-  
16      nical advice to the Management Conference in  
17      carrying out the duties of the Management  
18      Conference under this section.

19           “(B) MEMBERSHIP.—The technical advi-  
20      sory committee shall consist of officials of—

21           “(i) appropriate Federal, State, re-  
22      gional, and local government agencies; and

23           “(ii) public and private research insti-  
24      tutions located in the Finger Lakes Re-  
25      gion.

1 “(d) COMPREHENSIVE PLAN.—

2 “(1) IN GENERAL.—Not later than 3 years  
3 after the date of enactment of this section, the Man-  
4 agement Conference shall develop and make avail-  
5 able to the public a comprehensive plan to provide  
6 for the protection and enhancement of the environ-  
7 mental integrity and the social and economic bene-  
8 fits of the Finger Lakes Region.

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

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

14 “(i) the chemical, physical, and bio-  
15 logical integrity of water;

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

19 “(iii) appropriate water levels; and

20 “(iv) recreational and economic activi-  
21 ties;

22 “(B) promote—

23 “(i) watershed planning;

24 “(ii) air, water, wildlife, and habitat  
25 monitoring;

1 “(iii) sustainable development and ap-  
 2 propriate land-use planning; and

3 “(iv) economic development and em-  
 4 ployment opportunities;

5 “(C) incorporate environmental manage-  
 6 ment and economic development concepts and  
 7 programs established under Federal, State, re-  
 8 gional, and local plans and programs in effect  
 9 at the time of development of the comprehen-  
 10 sive plan;

11 “(D)(i) describe the duties of Federal and  
 12 State agencies in carrying out activities de-  
 13 scribed in the comprehensive plan; and

14 “(ii) recommend a schedule for adoption by  
 15 the appropriate Federal and State agencies for  
 16 carrying out those duties within a reasonable  
 17 period of time; and

18 “(E) describe methods and schedules for  
 19 funding of programs, activities, and projects  
 20 identified in the comprehensive plan, including  
 21 the use of Federal and other sources of funds.

22 “(3) PUBLIC REVIEW AND COMMENT.—

23 “(A) IN GENERAL.—In cooperation with  
 24 the Management Conference, the Administrator

1 shall provide for public review and comment on  
2 the draft comprehensive plan.

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

8 “(4) APPROVAL BY THE ADMINISTRATOR.—

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

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

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

19 “(B) EFFECT OF APPROVAL.—Upon ap-  
20 proval of the comprehensive plan under sub-  
21 paragraph (A), the comprehensive plan shall be  
22 deemed to be an approved management pro-  
23 gram for the purposes of section 319(h).

1           “(5) REVISION OF PLAN.—At least once every  
2       5 years, the Management Conference shall review  
3       and, as necessary, revise the Plan.

4       “(e) RESEARCH AND EDUCATION.—

5           “(1) ESTABLISHMENT.—The Management Con-  
6       ference shall establish an interdisciplinary environ-  
7       mental research and education program for the Fin-  
8       ger Lakes Region.

9       “(2) FINGER LAKES INSTITUTE.—

10           “(A) ESTABLISHMENT.—As part of the re-  
11       search and education program, the Manage-  
12       ment Conference shall support a Finger Lakes  
13       Institute at an academic institution within the  
14       Finger Lakes Region.

15           “(B) PURPOSES.—The purposes of the In-  
16       stitute shall be, in collaboration with regional  
17       partners and Federal, State, and local govern-  
18       ment offices—

19           “(i) to promote environmental re-  
20       search on and education concerning the  
21       Finger Lakes and surrounding environ-  
22       ments;

23           “(ii) to advance scientific under-  
24       standing about the environmental,  
25       hydrogeochemical, and ecological com-

1 plexity and biodiversity of the Finger  
2 Lakes Region;

3 “(iii) to serve as a clearinghouse for  
4 environmental information about the Fin-  
5 ger Lakes Region;

6 “(iv) to provide interdisciplinary train-  
7 ing for environmental researchers, edu-  
8 cators, and policymakers;

9 “(v) to enhance understanding of en-  
10 vironmental issues by regional policy-  
11 makers and the general public;

12 “(vi) to develop and disseminate edu-  
13 cational resources and opportunities for  
14 education at all levels; and

15 “(vii) to foster sound development  
16 practices throughout the Finger Lakes Re-  
17 gion.

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

22 “(f) FINANCIAL AND TECHNICAL ASSISTANCE.—

23 “(1) IN GENERAL.—In consultation with the  
24 Management Conference, the Administrator may  
25 provide financial and technical assistance to eligible

1 entities described in paragraph (2) to carry out a  
2 project to—

3 “(A) conduct research, surveys, studies,  
4 modeling work, and technical and supporting  
5 work (including demonstration projects) nec-  
6 essary for development of the comprehensive  
7 plan; and

8 “(B) implement the approved comprehen-  
9 sive plan.

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

12 “(A) a State, regional, or local water pollu-  
13 tion control agency or water resources planning  
14 agency; and

15 “(B) a public or nonprofit agency, institu-  
16 tion, or organization.

17 “(3) COST SHARING.—

18 “(A) FEDERAL SHARE.—The Federal  
19 share of the costs of carrying out projects de-  
20 scribed in paragraph (1) shall not exceed 75  
21 percent.

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

24 “(i) shall be provided from non-Fed-  
25 eral sources; and

1                   “(ii) may be provided in the form of  
2                   cash or in-kind contributions (including  
3                   contributions of real or personal property).

4                   “(4) ADMINISTRATION.—The Administrator  
5                   may establish such requirements for the administra-  
6                   tion of assistance under this subsection as the Ad-  
7                   ministrator determines to be appropriate.

8                   “(g) FEDERAL PROGRAM COORDINATION.—

9                   “(1) IN GENERAL.—Appropriate financial, sci-  
10                  entific, and technical assistance shall be provided for  
11                  the Initiative and the development and implementa-  
12                  tion of the comprehensive plan under this section  
13                  by—

14                  “(A) the Secretary of the Interior, acting  
15                  through—

16                         “(i) the Director of the United States  
17                         Geological Survey;

18                         “(ii) the Director of the United States  
19                         Fish and Wildlife Service; and

20                         “(iii) the Director of the National  
21                         Park Service;

22                         “(B) the Secretary of Agriculture;

23                         “(C) the Secretary of Commerce, acting  
24                         through—

1 “(i) the Under Secretary for Oceans  
2 and Atmosphere; and

3 “(ii) the Assistant Secretary for Eco-  
4 nomic Development; and

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

7 “(2) TYPES OF ASSISTANCE.—Assistance pro-  
8 vided under paragraph (1) may include assistance  
9 relating to—

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

12 “(B) use of best management practices, in-  
13 cluding agricultural best management practices,  
14 as determined by the Secretary of Agriculture,  
15 acting through the Natural Resources Con-  
16 servation Service;

17 “(C) development of an integrated geo-  
18 graphic information system;

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

22 “(E) management of fisheries and other  
23 aquatic and wildlife resources, cultural heritage  
24 resources, and recreational resources;

1           “(F) wildlife species and habitat assess-  
2           ment surveys;

3           “(G) development and implementation of  
4           resource restoration, development, and con-  
5           servation programs;

6           “(H) control of invasive species; and

7           “(I) promotion of healthy and diverse eco-  
8           nomic activity and sustainable development.

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

12          “(i) AUTHORIZATION OF APPROPRIATIONS.—

13               “(1) IN GENERAL.—There are authorized to be  
14          appropriated for each of fiscal years 2003 through  
15          2007—

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

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

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

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

24               “(B) to carry out subsection (g),  
25          \$7,000,000, of which—

1                   “(i) \$4,000,000 shall be used by the  
2                   Secretary of the Interior;

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

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

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

○