

108TH CONGRESS
1ST SESSION

H. R. 1025

To amend the Coastal Zone Management Act of 1972 to establish the National Estuarine Reserve System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. SAXTON introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Coastal Zone Management Act of 1972 to establish the National Estuarine Reserve System, 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 “National Estuarine
5 Reserve System Act of 2003”.

6 **SEC. 2. ESTABLISHMENT OF NATIONAL ESTUARINE RE-**
7 **SERVE SYSTEM.**

8 (a) POLICY.—Section 303 of the Coastal Zone Man-
9 agement Act of 1972 (16 U.S.C. 1452) is amended—

1 (1) in paragraph (5) by striking “and” after
2 the semicolon;

3 (2) in paragraph (6) by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(7) to use the National Estuarine Reserve Sys-
7 tem established under section 315 to improve the
8 understanding, stewardship, and management of
9 coastal and estuarine resources, including the devel-
10 opment, application, and transfer to local, State, and
11 Federal resources managers of innovative coastal
12 and estuarine resources management technologies
13 and techniques.”.

14 (b) DEFINITION OF RESOURCE STEWARDSHIP.—Sec-
15 tion 304 of such Act (16 U.S.C. 1453) is amended by add-
16 ing at the end the following:

17 “(19) The term ‘resource stewardship’ means the im-
18 plementation of management, research, and public edu-
19 cation and outreach methods and techniques to ensure the
20 long-term conservation of fish, wildlife, and plant re-
21 sources and the maintenance of biological integrity, diver-
22 sity, and environmental health of coastal and estuarine re-
23 sources.”.

1 (c) NATIONAL ESTUARINE RESERVE SYSTEM.—Sec-
2 tion 315 of such Act (16 U.S.C. 1461) is amended to read
3 as follows:

4 “NATIONAL ESTUARINE RESERVE SYSTEM

5 “SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—

6 “(1) IN GENERAL.—There is established the
7 National Estuarine Reserve System. The System
8 shall consist of—

9 “(A) each component of the National Estu-
10 arine Research Reserve System established by
11 this section, as in effect immediately before the
12 enactment of the National Estuarine Reserve
13 System Act of 2003; and

14 “(B) each national estuarine reserve des-
15 igned under this section.

16 “(2) PURPOSE.—The purpose of the System
17 and of each reserve is to improve the understanding,
18 stewardship, and management of coastal and estua-
19 rine resources.

20 “(3) DESIGNATION OF EXISTING SANCTUARIES
21 AS RESERVES.—Each component of the National Es-
22 tuarine Research Reserve System referred to in
23 paragraph (1)(A) is hereby designated as a national
24 estuarine reserve.

1 “(b) DESIGNATION OF NATIONAL ESTUARINE RE-
2 SERVES.—The Secretary may designate an area as a na-
3 tional estuarine reserve if—

4 “(1) the area—

5 “(A) includes any part or all of an estuary
6 and any island, transitional area, and upland
7 in, adjoining, or adjacent to the estuary; and

8 “(B) constitutes to the extent feasible a
9 natural unit;

10 “(2) the Government of the coastal State in
11 which the area is located nominates the area for that
12 designation; and

13 “(3) the Secretary finds that—

14 “(A) the area is a representative estuarine
15 ecosystem that is suitable for long-term re-
16 search and contributes to the biogeographical
17 and typological balance of the System;

18 “(B) the law of the coastal State provides
19 long-term protection for reserve resources to en-
20 sure a stable environment for research, edu-
21 cation, and resource stewardship; and

22 “(C) designation of the area as a reserve
23 will serve to enhance public awareness and un-
24 derstanding of coastal and estuarine resources,
25 and provide suitable opportunities for edu-

1 cation, interpretation, training, and demonstra-
2 tion projects to improve management of coastal
3 and estuarine resources.

4 “(c) COASTAL AND ESTUARINE RESEARCH, EDU-
5 CATION, AND RESOURCE STEWARDSHIP GUIDELINES.—

6 “(1) IN GENERAL.—The Secretary shall develop
7 guidelines for the conduct of research, education,
8 and resource stewardship within the System that
9 shall include—

10 “(A) a mechanism for identifying, and es-
11 tablishing priorities among, the coastal and es-
12 tuarine management issues that should be ad-
13 dressed through coordinated research, edu-
14 cation, and resource stewardship within the
15 System;

16 “(B) the establishment of common prin-
17 ciples and objectives to guide the development
18 of research, education, and resource steward-
19 ship programs within the System;

20 “(C) the identification of uniform research
21 methodologies which will ensure comparability
22 of data, the broadest application of research re-
23 sults, and the maximum use of the System for
24 research purposes;

1 “(D) the establishment of performance
2 standards upon which the effectiveness of the
3 research, education, and resource stewardship
4 efforts and the value of reserves within the Sys-
5 tem in addressing the coastal and estuarine
6 management issues identified in subparagraph
7 (A) may be measured; and

8 “(E) the consideration of sources of funds
9 for coastal and estuarine research, education,
10 and resource stewardship in addition to the
11 funds authorized under this title, and strategies
12 for encouraging the use of such funds within
13 the System, with particular emphasis on mecha-
14 nisms established under subsection (d).

15 “(2) CONSULTATION.—In developing the guide-
16 lines under this section, the Secretary shall consult
17 with State representatives and prominent members
18 of the coastal and estuarine research, education, and
19 resource stewardship community.

20 “(d) PROMOTION AND COORDINATION OF COASTAL
21 AND ESTUARINE RESEARCH, EDUCATION, AND RE-
22 SOURCE STEWARDSHIP.—

23 “(1) IN GENERAL.—The Secretary shall take
24 such actions as are necessary to promote and coordi-
25 nate the use of the System for coastal and estuarine

1 research, education, and resource stewardship pur-
2 poses.

3 “(2) REQUIRED ACTIONS.—Actions under this
4 subsection shall include the following:

5 “(A) Requiring that research, education,
6 and resource stewardship activities adminis-
7 tered or supported by the Secretary and relat-
8 ing to coastal and estuarine resources give pri-
9 ority consideration to activities that use the
10 System.

11 “(B) Consulting with other Federal and
12 State agencies to promote use of one or more
13 reserves within the System by such agencies
14 when conducting coastal and estuarine research,
15 education, and resource stewardship activities.

16 “(C) Establishing partnerships with other
17 Federal and State coastal and estuarine man-
18 agement programs to coordinate and collaborate
19 on coastal and estuarine research, education,
20 and resource stewardship.

21 “(e) FINANCIAL ASSISTANCE.—

22 “(1) IN GENERAL.—The Secretary may, in ac-
23 cordance with such rules and regulations as the Sec-
24 retary shall promulgate, make grants—

25 “(A) to a coastal State—

1 “(i) for purposes of acquiring such
2 lands and waters, and any property inter-
3 ests therein, as are necessary to ensure the
4 appropriate long-term management of an
5 area as a reserve and constructing appro-
6 priate reserve facilities;

7 “(ii) for purposes of operating or
8 managing a reserve; or

9 “(iii) for purposes of conducting re-
10 source stewardship, educational, or inter-
11 pretive activities at a reserve; and

12 “(B) to any coastal State or public or pri-
13 vate person for purposes of—

14 “(i) supporting research and moni-
15 toring within a reserve that are consistent
16 with the research guidelines developed
17 under subsection (c); or

18 “(ii) conducting educational, interpre-
19 tive, or training activities for a reserve that
20 are consistent with the education guide-
21 lines developed under subsection (c).

22 “(2) TERMS AND CONDITIONS.—Financial as-
23 sistance provided under paragraph (1) shall be sub-
24 ject to such terms and conditions as the Secretary
25 considers necessary or appropriate to protect the in-

1 terests of the United States, including requiring
2 coastal States to execute suitable title documents
3 setting forth the property interest or interests of the
4 United States in any lands and waters acquired in
5 whole or part with such financial assistance.

6 “(3) AMOUNT OF ASSISTANCE.—(A) The
7 amount of the financial assistance provided under
8 paragraph (1)(A)(i) with respect to the acquisition
9 of lands and waters, or interests therein, for any one
10 national estuarine reserve may not exceed an
11 amount equal to 50 percent of the costs of the lands,
12 waters, and interests therein.

13 “(B)(i) Except as provided in clause (ii), the
14 amount of the financial assistance provided under
15 paragraph (1)(A)(ii) and paragraph (1)(B) may not
16 exceed 70 percent of the costs incurred to achieve
17 the purposes described in those paragraphs with re-
18 spect to a reserve.

19 “(ii) The amount of financial assistance pro-
20 vided for education and interpretive activities under
21 paragraph (1)(A)(iii) or research and monitoring ac-
22 tivities under paragraph (1)(B) may be up to 100
23 percent of any costs for activities that service the
24 System as a whole, including System-wide moni-
25 toring equipment acquisition, data management, and

1 data synthesis; administration and synthesis of Sys-
2 tem-wide research programs; and graduate research
3 fellowship programs.

4 “(C) Notwithstanding subparagraphs (A) and
5 (B), financial assistance under this subsection pro-
6 vided from amounts recovered as a result of damage
7 to natural resources located in the coastal zone may
8 be used to pay 100 percent of the costs of activities
9 carried out with the assistance.

10 “(4) DONATIONS.—(A) The Secretary may—

11 “(i) enter into cooperative agreements or
12 contracts with any nonprofit organization estab-
13 lished to benefit a reserve, authorizing the orga-
14 nization to solicit donations to carry out
15 projects, other than general administration of
16 the reserve or the System, that are consistent
17 with the purpose of the reserve and the System;
18 and

19 “(ii) accept donations of funds and services
20 for use in carrying out projects, other than gen-
21 eral administration of a reserve or the System,
22 that are consistent with the purpose of the re-
23 serve and the System.

24 “(B) Donations accepted under this paragraph
25 shall be considered as a gift or bequest to or for the

1 use of the United States for carrying out this sec-
2 tion.

3 “(f) EVALUATION OF SYSTEM PERFORMANCE.—

4 “(1) IN GENERAL.—The Secretary shall peri-
5 odically evaluate the operation and management of
6 each reserve, including coordination with State pro-
7 grams established under section 306, education and
8 interpretive activities, and the research being con-
9 ducted within the reserve.

10 “(2) SUSPENSION OF FINANCIAL ASSIST-
11 ANCE.—If evaluation under paragraph (1) reveals
12 that the operation and management of the reserve is
13 deficient, or that the research, education, or resource
14 stewardship being conducted within the reserve is
15 not consistent with the guidelines developed under
16 subsection (c), the Secretary may suspend the eligi-
17 bility of that reserve for financial assistance under
18 subsection (e) until the deficiency or inconsistency is
19 remedied.

20 “(3) WITHDRAWAL OF DESIGNATION.—The
21 Secretary may withdraw the designation of an estua-
22 rine area as a reserve if evaluation under paragraph
23 (1) reveals that—

1 “(A) the basis for any one or more of the
2 findings made under subsection (b)(3) regard-
3 ing that area no longer exists;

4 “(B) a substantial portion of the research,
5 education, or resource stewardship conducted
6 within the area, over a period of years, has not
7 been consistent with the guidelines developed
8 under subsection (c); or

9 “(C) the coastal State in which the area is
10 located has not complied with the requirements
11 of any guidelines developed under subsection
12 (c).

13 “(g) REPORT.—Every 2 years the Secretary shall re-
14 port to the Committee on Resources of the House of Rep-
15 resentatives and the Committee on Commerce, Science,
16 and Transportation of the Senate information regarding—

17 “(1) the designation of new reserves;

18 “(2) the expansion of existing reserves;

19 “(3) the status of the research, education, and
20 resource stewardship program being conducted with-
21 in the System; and

22 “(4) a summary of the evaluations made under
23 subsection (f).

24 “(h) DEFINITIONS.—In this section:

1 “(1) RESERVE.—The term ‘reserve’ means a
2 component of the National Estuarine Reserve des-
3 ignated under subsection (a)(3) or (b).

4 “(2) SYSTEM.—The term ‘System’ means the
5 National Estuarine Reserve System established by
6 this section.”.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
8 318 of such Act (16 U.S.C. 1464) is amended—

9 (1) in subsection (a) by striking paragraph (2)
10 and inserting the following:

11 “(2) for grants under section 315—

12 “(A) \$35,000,000 for fiscal year 2004;

13 “(B) \$36,000,000 for fiscal year 2005;

14 “(C) \$37,000,000 for fiscal year 2006;

15 “(D) \$38,000,000 for fiscal year 2007;

16 and

17 “(E) \$39,000,000 for fiscal year 2008”;

18 and

19 (2) by adding at the end thereof the following:

20 “(d) LIMITATION ON GRANTS FOR ACQUISITION AND
21 CONSTRUCTION FOR RESERVES.—The Secretary shall en-
22 sure that of the funds provided under paragraph (2) of
23 subsection (a), no more than \$15,000,000 is used for as-
24 sistance under section 315(e)(1)(A)(i).”.

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