

117TH CONGRESS  
2D SESSION

# S. 4903

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2022

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northwest Straits Ma-  
5 rine Conservation Initiative Reauthorization Act of 2022”.

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

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

6 (1) in section 402, by striking “Commission (in  
7 this title referred to as the ‘Commission’).” and in-  
8 serting “Commission.”; and

9 (2) by striking sections 403, 404, and 405 and  
10 inserting the following:

11 **“SEC. 403. FINDINGS.**

12 “Congress makes the following findings:

13 “(1) The marine waters and ecosystem of the  
14 Northwest Straits in Puget Sound in the State of  
15 Washington represent a unique resource of enor-  
16 mous environmental and economic value to the peo-  
17 ple of the United States.

18 “(2) During the 20th century, the environ-  
19 mental health of the Northwest Straits declined dra-  
20 matically as indicated by impaired water quality, de-  
21 clines in marine wildlife, collapse of harvestable ma-  
22 rine species, loss of critical marine habitats, ocean  
23 acidification, and sea level rise.

24 “(3) Increasingly, the Northwest Straits have  
25 been threatened by sea level rise, ocean acidification,  
26 and other effects of climate change.

1           “(4) This title was enacted to tap the unprece-  
2           dented level of citizen stewardship demonstrated in  
3           the Northwest Straits and create a mechanism to  
4           mobilize public support and raise capacity for local  
5           efforts to protect and restore the ecosystem of the  
6           Northwest Straits.

7           “(5) The Northwest Straits Marine Conserva-  
8           tion Initiative helps the National Oceanic and At-  
9           mospheric Administration and other Federal agen-  
10          cies with their marine missions by fostering local in-  
11          terest in marine issues and involving diverse commu-  
12          nities.

13          “(6) The Northwest Straits Marine Conserva-  
14          tion Initiative shares many of the same goals with  
15          the National Oceanic and Atmospheric Administra-  
16          tion, including fostering citizen stewardship of ma-  
17          rine resources, general ecosystem management, and  
18          protecting federally managed marine species.

19          “(7) Ocean literacy, kelp habitat conservation  
20          and monitoring, Veterans Conservation Corps in-  
21          ternships, and removal of marine debris projects are  
22          examples of previous and ongoing partnerships be-  
23          tween the Northwest Straits Marine Conservation  
24          Initiative and the National Oceanic and Atmospheric

1 Administration. Areas of partnership may evolve  
2 with emerging opportunities.

3 **“SEC. 404. DEFINITIONS.**

4 “In this title:

5 “(1) COMMISSION.—The term ‘Commission’  
6 means the Northwest Straits Advisory Commission  
7 established by section 402.

8 “(2) MARINE RESOURCES COMMITTEE.—The  
9 term ‘marine resources committee’ means a county  
10 government committee that assists in assessing ma-  
11 rine resource and conservation needs.

12 “(3) NORTHWEST STRAITS REGION.—The term  
13 ‘Northwest Straits region’ means the marine waters  
14 of the Strait of Juan de Fuca and of Puget Sound  
15 from the Canadian border to the south end of Sno-  
16 homish County.

17 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal  
18 government’ means the recognized governing body of  
19 any Indian or Alaska Native tribe, band, nation,  
20 pueblo, village, community, component band, or com-  
21 ponent reservation individually identified (including  
22 parenthetically) in the list published most recently as  
23 of the date of enactment of the Northwest Straits  
24 Marine Conservation Initiative Reauthorization Act  
25 of 2022 pursuant to section 104 of the Federally

1 Recognized Indian Tribe List Act of 1994 (25  
2 U.S.C. 5131).

3 “(5) UNDER SECRETARY.—The term ‘Under  
4 Secretary’ means the Under Secretary of Commerce  
5 for Oceans and Atmosphere.

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

7 “(a) COMPOSITION.—

8 “(1) IN GENERAL.—The Commission shall be  
9 composed of 14 members, except as provided in  
10 paragraph (2), who shall be appointed as follows:

11 “(A) One member appointed by a con-  
12 sensus of the members of a marine resources  
13 committee for San Juan County, Washington.

14 “(B) One member appointed by a con-  
15 sensus of the members of a marine resources  
16 committee for Island County, Washington.

17 “(C) One member appointed by a con-  
18 sensus of the members of a marine resources  
19 committee for Skagit County, Washington.

20 “(D) One member appointed by a con-  
21 sensus of the members of a marine resources  
22 committee for Whatcom County, Washington.

23 “(E) One member appointed by a con-  
24 sensus of the members of a marine resources  
25 committee for Snohomish County, Washington.

1           “(F) One member appointed by a con-  
2           sensus of the members of a marine resources  
3           committee for Clallam County, Washington.

4           “(G) One member appointed by a con-  
5           sensus of the members of a marine resources  
6           committee for Jefferson County, Washington.

7           “(H) Two members appointed by the Sec-  
8           retary of the Interior, in coordination with the  
9           Northwest Indian Fisheries Commission and in  
10          consultation with the Tribal governments af-  
11          fected by this title, to represent the interests of  
12          such Tribal governments.

13          “(I) One member appointed by the Gov-  
14          ernor of the State of Washington to represent  
15          the interests of the Puget Sound Partnership.

16          “(J) Four members appointed by the Gov-  
17          ernor of the State of Washington who—

18                 “(i) are residents of the State of  
19                 Washington; and

20                 “(ii) are not employed by a Federal,  
21                 State, or local government, excluding an  
22                 institution of higher education.

23          “(2) ADDITIONAL MEMBERS.—The Commission  
24          may, as determined necessary to improve the ability  
25          of the Commission to perform the duties of the

1 Commission under section 406(b), appoint members  
2 in addition to those appointed under paragraph (1).  
3 Any such additional member shall be appointed by  
4 a consensus of the members of a marine resources  
5 committee that is not described in such paragraph.

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

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

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

14 “(e) LIAISON.—

15 “(1) IN GENERAL.—The Under Secretary, in  
16 consultation with the Commission, shall appoint an  
17 employee of the National Oceanic and Atmospheric  
18 Administration—

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

21 “(B) to coordinate programs of the Na-  
22 tional Oceanic and Atmospheric Administration  
23 with activities related to the goal of the Com-  
24 mission described in section 406(a); and

1           “(C) to perform additional liaison func-  
2           tions benefitting the Commission and the Na-  
3           tional Oceanic and Atmospheric Administration,  
4           which may include, as agreed to by the Com-  
5           mission and the National Oceanic and Atmos-  
6           pheric Administration, attending meetings and  
7           other events of the Commission as a nonvoting  
8           participant.

9           “(2) LIMITATION.—Service as a member of the  
10          Commission by the employee appointed under para-  
11          graph (1)—

12                 “(A) is limited to the employee’s service as  
13                 a liaison; and

14                 “(B) does not obligate the employee to per-  
15                 form any duty of the Commission under section  
16                 406(b).

17          “(f) ADMINISTRATION.—The Commission may enter  
18          into cooperative agreements with the State of Washington  
19          for staffing and administrative services for the purposes  
20          of supporting the duties of the Commission under section  
21          406(b).

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

23                 “(a) GOAL.—The goal of the Commission is to pro-  
24                 tect and restore the marine waters, habitats, and species



1 of the Northwest Straits region to achieve ecosystem  
2 health and sustainable resource use by—

3 “(1) designing and recommending projects that  
4 are driven by the best available science, local prior-  
5 ities, community-based decisions, and the ability to  
6 measure results;

7 “(2) building awareness and stewardship and  
8 making recommendations to improve the health of  
9 the marine resources of the Northwest Straits re-  
10 gion;

11 “(3) maintaining and expanding diverse mem-  
12 bership and collaboration with partner organizations,  
13 such as the Puget Sound Partnership;

14 “(4) expanding partnerships with Tribal gov-  
15 ernments and continuing to support Tribal treaties,  
16 cultures, and subsistence and Tribal treaty rights;  
17 and

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

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

23 “(1) To provide resources and technical support  
24 for marine resources committees.

1           “(2) To work with such marine resources com-  
2           mittees and appropriate entities of Federal, State,  
3           and local governments and Tribal governments to  
4           provide advice in developing regional programs to  
5           monitor the overall health of the marine ecosystem  
6           of the Northwest Straits region.

7           “(3) To collect marine resources data and iden-  
8           tify factors adversely affecting or preventing the res-  
9           toration of the health of the marine ecosystem and  
10          coastal economies of the Northwest Straits region to  
11          inform decisionmakers.

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

15          “(5) To serve as a public forum for the infor-  
16          mal discussion of policies and actions, with respect  
17          to the marine ecosystem of the Northwest Straits re-  
18          gion, of Federal, State, or local governments, Tribal  
19          governments, or the Government of Canada.

20          “(6) To inform appropriate authorities and  
21          local communities about the marine ecosystem of the  
22          Northwest Straits region and about issues relating  
23          to the marine ecosystem of the Northwest Straits re-  
24          gion.

1           “(7) To consult with all affected Tribal govern-  
2           ments in the Northwest Straits region to ensure that  
3           the work of the Commission does not violate Tribal  
4           treaty rights.

5           “(c) COORDINATION AND COLLABORATION.—The  
6           Commission—

7           “(1) shall carry out the duties described in sub-  
8           section (b) in coordination and collaboration, as ap-  
9           propriate, with Federal, State, and local govern-  
10          ments and Tribal governments, including by—

11           “(A) providing technical support and as-  
12           sistance to any Tribal government seeking rep-  
13           resentation and participation on the Commis-  
14           sion; and

15           “(B) supporting the work and duties of the  
16           liaison to the Commission under section 405(e);  
17           and

18           “(2) may enter into cooperative agreements  
19           with nonprofit entities, such as the Northwest  
20           Straits Foundation, to provide assistance, including  
21           financial assistance, in carrying out the duties de-  
22           scribed in subsection (b).

23           “(d) LIMITATIONS.—Nothing in this title provides  
24           the Commission with authority to issue regulations or im-  
25           plement any Federal law or regulation.

1       “(e) ACCEPTANCE OF DONATIONS.—For purposes of  
2 carrying out this section, the Commission may solicit, ac-  
3 cept, receive, hold, administer, and use gifts, devises, and  
4 bequests without any further approval or administrative  
5 action.

6       “(f) ANNUAL REPORT.—

7           “(1) IN GENERAL.—Each year, the Commission  
8 shall prepare, submit to the Committee on Com-  
9 merce, Science, and Transportation and the Com-  
10 mittee on Appropriations of the Senate, the Com-  
11 mittee on Natural Resources and the Committee on  
12 Appropriations of the House of Representatives, and  
13 the Under Secretary, and make available to the pub-  
14 lic a report describing—

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

17           “(B) the progress in achieving the bench-  
18 marks described in paragraph (2).

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

21           “(A) Protection and restoration of marine,  
22 coastal, and nearshore habitats within the  
23 Northwest Straits region.

1           “(B) Protection and restoration of marine  
2 resources populations to healthy, sustainable  
3 levels.

4           “(C) Improvement of the water quality of  
5 the Northwest Straits region.

6           “(D) Collection of high-quality data and  
7 promotion of the use and dissemination of such  
8 data for the purposes of ecosystem monitoring.

9           “(E) Promotion of stewardship and under-  
10 standing of marine resources of the Northwest  
11 Straits region through education and outreach,  
12 including by targeted outreach to  
13 underresourced communities.

14 **“SEC. 407. FUNDING.**

15           “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Under Secretary  
17 to carry out this title, including to be made available to  
18 the Commission to carry out the duties of the Commission  
19 under this title—

20           “(1) \$10,000,000 for each of the first 6 fiscal  
21 years in which funds are appropriated to carry out  
22 this section; and

23           “(2) such sums as may be necessary for each  
24 fiscal year after the 6 fiscal years described in para-  
25 graph (1).

1 “(b) ASSISTANCE.—

2 “(1) IN GENERAL.—The Under Secretary may,  
3 from amounts made available to the Under Sec-  
4 retary to carry out this title, provide assistance to  
5 the Commission in carrying out the duties of the  
6 Commission under this title.

7 “(2) PROVISION.—The Under Secretary may  
8 provide the assistance described in paragraph (1),  
9 and make available amounts to the Commission to  
10 carry out the duties of the Commission, through a  
11 contract with the Director of the Padilla Bay Na-  
12 tional Estuarine Research Reserve, unless the Gov-  
13 ernor of the State of Washington objects. If such  
14 Governor so objects, the Under Secretary may pro-  
15 vide such assistance and make available such  
16 amounts to the Commission.”.

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