

106TH CONGRESS
2D SESSION

S. 2228

To require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2000

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

A BILL

To require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, 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. PUGET SOUND ECOSYSTEM RESTORATION.**

4 (a) IN GENERAL.—As soon as practicable after the
5 date of enactment of this Act, the Secretary of the Army
6 (in this section referred to as the “Secretary”) shall con-
7 duct studies and carry out ecosystem restoration and other
8 protective measures within Puget Sound, Washington,

1 and adjacent waters and associated estuary and near-
2 shore habitat, including—

3 (1) the 17 watersheds that drain directly into
4 Puget Sound;

5 (2) Admiralty Inlet;

6 (3) Hood Canal;

7 (4) Rosario Strait; and

8 (5) the eastern portion of the Strait of Juan de
9 Fuca.

10 (b) IMPLEMENTATION.—

11 (1) IN GENERAL.—The Secretary shall use
12 funds made available to carry out this section to
13 carry out ecosystem restoration and other protective
14 measures (including environmental improvements re-
15 lated to facilities of the Corps of Engineers in exist-
16 ence on the date of enactment of this Act) deter-
17 mined by the Secretary to be feasible based on—

18 (A) the studies conducted under subsection

19 (a); or

20 (B) analyses conducted before such date of
21 enactment by non-Federal interests.

22 (2) CRITERIA AND PROCEDURES FOR REVIEW
23 AND APPROVAL.—In consultation with the Secretary
24 of Commerce and the Governor of the State of
25 Washington, the Secretary shall develop criteria and

1 procedures consistent with the National Marine
2 Fisheries Service and State fish restoration goals
3 and objectives for reviewing and approving analyses
4 described in paragraph (1)(B) and the protective
5 measures proposed in those analyses. The Secretary
6 shall use prior studies and plans to identify project
7 needs and priorities wherever practicable.

8 (3) PRIORITIZATION OF PROJECTS.—In
9 prioritizing projects for implementation under this
10 subsection, the Secretary shall consult with public
11 and private entities active in watershed planning and
12 ecosystem restoration in Puget Sound watersheds,
13 including the Salmon Recovery Funding Board, the
14 Northwest Straits Commission, the Hood Canal Co-
15 ordinating Council, county watershed planning coun-
16 cils, and salmon enhancement groups, and shall give
17 full consideration to their priorities for projects.

18 (c) PUBLIC PARTICIPATION.—In developing and im-
19 plementing protective measures under subsections (a) and
20 (b), the Secretary shall provide for public review and com-
21 ment in accordance with applicable Federal law,
22 including—

- 23 (1) providing advance notice of public meetings;
24 (2) providing adequate opportunity for public
25 input and comment;

1 (3) maintaining appropriate records; and

2 (4) compiling a record of the proceedings of
3 meetings.

4 (d) COMPLIANCE WITH APPLICABLE LAW.—In devel-
5 oping and implementing protective measures under sub-
6 sections (a) and (b), the Secretary shall comply with appli-
7 cable Federal law, including the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

9 (e) COST SHARING.—

10 (1) IN GENERAL.—Studies and technical assist-
11 ance provided to determine the feasibility of protec-
12 tive measures under subsections (a) and (b) shall—

13 (A) be considered to be project costs; and

14 (B) be shared by non-Federal interests
15 during project implementation in accordance
16 with this subsection.

17 (2) NON-FEDERAL SHARE.—Subject to para-
18 graph (4), the non-Federal share of the cost of the
19 protective measures shall be 35 percent; except that
20 if a project would otherwise be eligible for cost-shar-
21 ing under section 1135 of the Water Resources De-
22 velopment Act of 1986 (33 U.S.C. 2294 note), the
23 non-Federal share of the cost of the protective meas-
24 ures for the project shall be 25 percent.

1 (3) IN-KIND CONTRIBUTIONS.—Not more than
2 80 percent of the non-Federal share may be pro-
3 vided in the form of services, materials, supplies, or
4 other in-kind contributions necessary to carry out
5 the protective measures.

6 (4) FEDERAL SHARE.—The Federal share of
7 the cost of any single protective measure shall not
8 exceed \$5,000,000.

9 (5) OPERATION AND MAINTENANCE.—The op-
10 eration and maintenance of the protective measures
11 shall be a non-Federal responsibility.

12 (6) TRIBAL COST-SHARING.—The Secretary
13 shall waive the first \$200,000 in non-Federal cost
14 share for all studies and projects cosponsored by
15 federally recognized Indian tribes.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to not to exceed
18 \$125,000,000 to pay the Federal share of the cost of car-
19 rying out this section.

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