

H. R. 4883

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

TITLE IV—MISCELLANEOUS

SEC. 401. CHESAPEAKE BAY OFFICE.

(a) REAUTHORIZATION OF OFFICE.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended to read as follows:

“SEC. 307. CHESAPEAKE BAY OFFICE.

“(a) ESTABLISHMENT.—(1) The Secretary of Commerce shall establish, within the National Oceanic and Atmospheric Administration, an office to be known as the Chesapeake Bay Office (in this section referred to as the ‘Office’).

“(2) The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce, in consultation with the Chesapeake Executive Council. Any individual appointed as

Director shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

“(3) The Director may appoint such additional personnel for the Office as the Director determines necessary to carry out this section.

“(b) FUNCTIONS.—The Office, in consultation with the Chesapeake Executive Council, shall—

“(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

“(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

“(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

“(C) monitoring the implementation and effectiveness of management plans;

“(2) develop and implement a strategy for the National Oceanic and Atmospheric Administration that integrates the science, research, monitoring, data collection, regulatory, and management responsibilities of the Secretary of Commerce in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement;

“(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System, including—

“(A) programs and activities in—

“(i) coastal and estuarine research, monitoring, and assessment;

“(ii) fisheries research and stock assessments;

“(iii) data management;

“(iv) remote sensing;

“(v) coastal management;

“(vi) habitat conservation and restoration; and

“(vii) atmospheric deposition; and

“(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

“(i) nonindigenous species;

“(ii) estuarine and marine species pathology;

“(iii) human pathogens in estuarine and marine environments; and

“(iv) ecosystem health;

“(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

“(5) establish an effective mechanism which shall ensure that projects have undergone appropriate peer review and provide other appropriate means to determine that projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area;

“(6) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

“(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office and on the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay, which report shall include an action plan consisting of—

“(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

“(B) proposals for—

“(i) continuing any new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

“(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.

“(c) CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL WATERSHED GRANTS PROGRAM.—

“(1) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (in this section referred to as the ‘Director’), in cooperation with the Chesapeake Executive Council, shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

“(2) PROJECTS.—

“(A) SUPPORT.—The Director shall make grants under this subsection to pay the Federal share of the cost of projects that are carried out by entities eligible under paragraph (3) for the restoration of fisheries and habitats in the Chesapeake Bay.

“(B) FEDERAL SHARE.—The Federal share under subparagraph (A) shall not exceed 75 percent.

“(C) TYPES OF PROJECTS.—Projects for which grants may be made under this subsection include—

“(i) the improvement of fish passageways;

“(ii) the creation of natural or artificial reefs or substrata for habitats;

“(iii) the restoration of wetland or sea grass;

“(iv) the production of oysters for restoration projects; and

“(v) the prevention, identification, and control of nonindigenous species.

“(3) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under this subsection:

“(A) The government of a political subdivision of a State in the Chesapeake Bay watershed, and the government of the District of Columbia.

“(B) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization)—

“(i) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; and

“(ii) that will administer such grants in coordination with a government referred to in subparagraph (A).

“(4) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this subsection.

“(d) CHESAPEAKE EXECUTIVE COUNCIL.—For purposes of this section, ‘Chesapeake Executive Council’ means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office \$6,000,000 for each of fiscal years 2002 through 2006.”.

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e).

(c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall begin a 5-year study, in cooperation with the scientific community of the Chesapeake Bay, appropriate State and interstate resource management entities, and appropriate Federal agencies—

(A) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

(B) to develop a multiple species management strategy for the Chesapeake Bay.

(2) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under paragraph (1)(B), the study shall—

(A) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay and its tributaries and are selected for study;

(B) evaluate and assess interactions among the fish and shellfish referred to in subparagraph (A) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

(C) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.