

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2320

To amend the Federal Water Pollution Control Act to provide for implementation of a comprehensive plan for the San Francisco Bay-Delta Estuary, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Ms. PELOSI (for herself, Mr. MILLER of California, Mr. DELLUMS, Mr. FAZIO, Mr. EDWARDS of California, Mr. STARK, Mr. LANTOS, Ms. ESHOO, Ms. WOOLSEY, and Mr. HAMBURG) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Merchant Marine and Fisheries

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## A BILL

To amend the Federal Water Pollution Control Act to provide for implementation of a comprehensive plan for the San Francisco Bay-Delta Estuary, 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 “San Francisco Bay-  
5       Delta Estuary Restoration Act of 1993”.

1 **SEC. 2. IMPLEMENTATION OF COMPREHENSIVE PLAN FOR**  
2 **SAN FRANCISCO BAY-DELTA ESTUARY.**

3 Title I of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end  
5 the following new section:

6 **“SEC. 121. SAN FRANCISCO BAY-DELTA ESTUARY.**

7 “(a) ESTABLISHMENT OF EXECUTIVE COUNCIL AND  
8 OFFICE.—The Administrator shall establish an Executive  
9 Council of the San Francisco Bay-Delta Estuary Restora-  
10 tion Program (hereinafter in this section referred to as  
11 the ‘Executive Council’).

12 “(b) EXECUTIVE COUNCIL.—

13 “(1) DUTIES.—The Executive Council shall  
14 oversee and coordinate the implementation of the  
15 Comprehensive Conservation and Management Plan  
16 for the San Francisco Bay-Delta Estuary developed  
17 pursuant to section 320 of this Act (hereinafter in  
18 this section referred to as the ‘Comprehensive  
19 Plan’).

20 “(2) MEMBERSHIP.—The Executive Council  
21 shall be composed of 5 members as follows:

22 “(A) The Regional Administrator of the  
23 Environmental Protection Agency for Region  
24 IX.

25 “(B) The Regional Director of the United  
26 States Fish and Wildlife Service for Region I.

1           “(C) 1 member appointed by the Adminis-  
2           trator, in consultation with the San Francisco  
3           Estuary Project’s Management Committee,  
4           from among individuals who are representatives  
5           of State agencies responsible for resource man-  
6           agement.

7           “(D) 1 member appointed by the Adminis-  
8           trator, in consultation with the San Francisco  
9           Estuary Project’s Management Committee,  
10          from among individuals who are representatives  
11          of State agencies responsible for environmental  
12          management.

13          “(E) 1 member appointed by the Adminis-  
14          trator, in consultation with the San Francisco  
15          Estuary Project’s Management Committee,  
16          from among individuals who are local elected of-  
17          ficials for the San Francisco Bay-Delta region.

18          “(3) POWERS.—

19                 “(A) ESTABLISHMENT OF RESTORATION  
20                 PROGRAM OFFICE.—The Executive Council  
21                 shall establish an Office of the San Francisco  
22                 Bay-Delta Estuary Restoration Program (here-  
23                 inafter in this section referred to as the ‘Of-  
24                 fice’) to be located on or near the San Fran-  
25                 cisco Bay-Delta Estuary.

1           “(B) IMPLEMENTATION COMMITTEE.—The  
2 Executive Council shall establish an Implemen-  
3 tation Committee to provide assistance to the  
4 Council in carrying out its duties and imple-  
5 menting the comprehensive plan referred to in  
6 paragraph (1). The Implementation Committee  
7 shall be composed of not to exceed 25 members  
8 including the following:

9           “(i) Members appointed by the Execu-  
10 tive Council from among individuals who  
11 are representatives of local, State, and  
12 Federal agencies involved in implementing  
13 the Comprehensive Plan.

14           “(ii) 3 members appointed by the Ex-  
15 ecutive Council from among individuals  
16 recommended by the environmental rep-  
17 resentatives on the San Francisco Estuary  
18 Project’s Management Committee to rep-  
19 resent the San Francisco Bay-Delta Estu-  
20 ary environmental community.

21           “(iii) 3 members appointed by the Ex-  
22 ecutive Council from among individuals  
23 recommended by the business, water use,  
24 and discharger representatives on the San  
25 Francisco Estuary Project’s Management

1           Committee to represent the San Francisco  
2           Bay-Delta business, water use, and dis-  
3           charger communities.

4           “(iv) 1 member appointed by the Ex-  
5           ecutive Council from among individuals  
6           recommended by the fisheries representa-  
7           tives on the San Francisco Estuary  
8           Project’s Management Committee to rep-  
9           resent fisheries.

10          “(C) ADDITIONAL ADVISORY COMMIT-  
11          TEES.—The Executive Council may establish  
12          such additional advisory committees as the  
13          Council determines to be necessary to imple-  
14          ment the Comprehensive Plan.

15          “(D) EVALUATION AND REPORTING.—Not  
16          later than 2 years after the date of approval of  
17          the Comprehensive Plan, and biennially there-  
18          after, the Executive Council shall issue a public  
19          report to the Administrator, the Governor of  
20          California, and Congress which—

21                 “(i) evaluates the progress made in  
22                 implementing the Comprehensive Plan;

23                 “(ii) identifies anticipated priorities  
24                 and needs for future implementation of the  
25                 Comprehensive Plan;

1           “(iii) specifies recommendations and  
2           justification for potential modifications to  
3           the Comprehensive Plan; and

4           “(iv) summarizes any modifications to  
5           the Comprehensive Plan that may have  
6           been approved in the 24-month period im-  
7           mediately preceding such report.

8           The report shall be prepared in a manner con-  
9           sistent with specified review procedures that  
10          allow for effective input from the involved agen-  
11          cies and the public.

12         “(c) OFFICE.—

13           “(1) ADMINISTRATION AND STAFFING.—

14           “(A) IN GENERAL.—The Office shall be  
15           headed by a Director, appointed by the Execu-  
16           tive Council, who shall select additional appro-  
17           priate staff as may be necessary to carry out  
18           the duties of the Director under this section.

19           “(B) APPLICABILITY OF CERTAIN CIVIL  
20           SERVICE LAWS.—The Director and staff of the  
21           Office may be appointed without regard to the  
22           provisions of title 5, United States Code, gov-  
23           erning appointments in the competitive service,  
24           and may be paid without regard to the provi-  
25           sions of chapter 51 and subchapter III of chap-

1           ter 53 of such title, relating to classification  
2           and General Schedule pay rates.

3           “(2) DUTIES.—

4                 “(A) IN GENERAL.—The Director shall—

5                     “(i) assist the Executive Council and  
6                     the Implementation Committee in carrying  
7                     out its goals;

8                     “(ii) be the primary supervisor of the  
9                     programs and activities of the Office; and

10                    “(iii) be responsible for developing  
11                    and implementing the Office’s work plan  
12                    and budget.

13                 “(B) SPECIFIED DUTIES.—The Director’s  
14                 duties shall also include such additional duties  
15                 as may be specified by the Executive Council  
16                 and the Implementation Committee. Such du-  
17                 ties shall include, but not be limited to, the fol-  
18                 lowing:

19                     “(i) Assisting and supporting the im-  
20                     plementation of the Comprehensive Plan to  
21                     ensure success toward achieving the follow-  
22                     ing vision for the San Francisco Bay-Delta  
23                     Estuary set forth in the Comprehensive  
24                     Plan: ‘We, the people of California and the  
25                     San Francisco Bay-Delta region, believe

1 the San Francisco Bay-Delta Estuary is  
2 an international treasure and that our on-  
3 going stewardship is critical to its preser-  
4 vation, restoration, and enhancement. Ac-  
5 knowledging the importance of the Estuary  
6 to our environmental and economic well-  
7 being, we pledge to achieve and maintain  
8 an ecologically diverse and productive nat-  
9 ural estuarine system.’.

10 “(ii) Conducting, coordinating, and  
11 commissioning research, studies, and ac-  
12 tivities considered necessary for implemen-  
13 tation of the Comprehensive Plan in order  
14 to accomplish the mission statements iden-  
15 tified in the Comprehensive Plan.

16 “(iii) Identifying and pursuing options  
17 for long-term financing of actions under  
18 the Comprehensive Plan.

19 “(iv) Identifying and coordinating the  
20 grant, research, and planning programs  
21 authorized under this section.

22 “(v) Coordinating activities and imple-  
23 menting responsibilities with—

24 “(I) other Federal agencies and  
25 State and local agencies which have

1 jurisdiction over the San Francisco  
2 Estuary;

3 “(II) the federally approved State  
4 coastal management program for San  
5 Francisco Bay; and

6 “(III) national and regional ma-  
7 rine monitoring and research pro-  
8 grams.

9 “(vi) Providing administrative and  
10 technical support to the Executive Council,  
11 the Implementation Committee, and any  
12 other advisory committees established by  
13 the Executive Council.

14 “(vii) Assisting the Executive Council  
15 to ensure that the Comprehensive Plan’s  
16 public involvement and education program  
17 is carried out.

18 “(viii) Assisting the Executive Council  
19 to ensure that an estuary-wide monitoring  
20 program and a coordinated estuary re-  
21 search program are underway through the  
22 coordination of the proposed San Fran-  
23 cisco Estuarine Institute.

24 “(ix) Assisting the Executive Council  
25 with preparation of biennial reports that

1 evaluate the success of the Comprehensive  
2 Plan and identify recommendations for im-  
3 proved implementation.

4 “(x) Convening conferences and meet-  
5 ings for legislators from Federal, State,  
6 and local governments and political sub-  
7 divisions thereof for the purpose of making  
8 recommendations for coordinating legisla-  
9 tive efforts to facilitate the environmental  
10 restoration of the San Francisco Bay-Delta  
11 Estuary and the implementation of the  
12 Comprehensive Plan.

13 “(d) GRANTS.—

14 “(1) IN GENERAL.—The Administrator, acting  
15 through the Director, may make grants to eligible  
16 recipients described in paragraph (3) for projects  
17 and studies which will help in implementation of the  
18 Comprehensive Plan.

19 “(2) ADDITIONAL AUTHORITY.—In addition,  
20 the Administrator may make grants to eligible re-  
21 cipients for the purpose of acquiring such remnant  
22 habitats, acquiring and restoring such degraded wet-  
23 lands and uplands, and promoting the reuse of such  
24 dredged material as may be necessary for implemen-  
25 tation of the Comprehensive Plan.

1           “(3) ELIGIBLE RECIPIENTS.—State, interstate,  
2 coastal management, and regional water pollution  
3 control agencies and other public and nongovern-  
4 mental nonprofit agencies, institutions, and organi-  
5 zations shall be eligible for grants under this sub-  
6 section.

7           “(4) PRIORITY.—In making grants under this  
8 subsection, priority consideration shall be given—

9                   “(A) to establishing the San Francisco Es-  
10 tuarine Institute to coordinate implementation  
11 of the Comprehensive Plan’s research and mon-  
12 itoring program;

13                   “(B) to activities to conduct the Com-  
14 prehensive Plan’s public involvement and edu-  
15 cation program; and

16                   “(C) to other activities contained in the  
17 Comprehensive Plan that are identified as pri-  
18 ority activities by the Implementation Commit-  
19 tee and the Executive Council.

20           “(4) FEDERAL SHARE.—

21                   “(A) IN GENERAL.—Except as provided in  
22 subparagraphs (B) and (C), the Federal share  
23 of the cost of a project or study receiving  
24 amounts from a grant under this subsection  
25 shall not exceed 75 percent in the aggregate.

1           “(B) GRANTS TO NONGOVERNMENTAL  
2           NONPROFIT RECIPIENTS.—Except as provided  
3           in subparagraph (C), for grants made to non-  
4           governmental nonprofit recipients, the Federal  
5           share of the cost of a project shall not exceed  
6           95 percent in the aggregate.

7           “(C) GRANTS FOR RESTORATION  
8           PROJECTS.—For grants authorized under para-  
9           graph (2), the Federal share of the cost of a  
10          project shall not exceed 50 percent in the ag-  
11          gregate. The Administrator, acting through the  
12          Director, shall determine the percentage of the  
13          required non-Federal match on a case-by-case  
14          basis. Priority shall be given to projects that  
15          demonstrate cooperative approaches, including  
16          interagency efforts and partnerships between  
17          public and private entities.

18          “(D) NON-FEDERAL SOURCES.—A grant  
19          under this subsection to carry out a project  
20          shall be made on the condition that the non-  
21          Federal share of the cost of the project will be  
22          provided by non-Federal sources.

23          “(e) AUTHORIZATIONS.—There is authorized to be  
24          appropriated to the Administrator—

1           “(1) for the implementation of this section,  
2           other than subsections (c)(1) and (d), such sums as  
3           may be necessary for each of fiscal years 1994  
4           through 1998;

5           “(2) for the implementation of subsection (c)(1)  
6           not to exceed \$3,000,000 per fiscal year for each of  
7           fiscal years 1994 through 1998; and

8           “(3) for the implementation of subsection (d)  
9           not to exceed \$10,000,000 per fiscal year for each  
10          of fiscal years 1994 through 1998.”.

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