

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

TASK FORCE MEETING
January 11, 1991

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TABLE OF CONTENTS

<u>Title</u>	<u>Tab</u>
Agenda	A
Introductions	B
Task Force Meeting Procedures	C
Overview of Act	D
Formation of Technical Committees	E
Fiscal Matters	F
Public Involvement Program	G
Complete Text of Act and President's Signing Statement	H

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB A

AGENDA

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT
TASK FORCE MEETING
11 January 1991

AGENDA

- I. Introductions
 - A. Task Force members and alternates
 - B. Other attendees
 - C. Opening remarks by Task Force members
- II. Task Force Meeting Procedures
 - A. Public/Media Participation in Task Force Meetings
 - B. Scheduling/Location
 - C. Quorum/Voting
 - D. Agenda/Minutes
- III. Overview of Act
 - A. Overview by Section
 - 1. Section 303
 - 2. Section 304
 - 3. Section 305
 - 4. Section 306
 - 5. Section 307
 - B. Overview by Task Force Member
 - 1. State of Louisiana
 - 2. Environmental Protection Agency
 - 3. Department of the Interior
 - 4. Department of Agriculture
 - 5. Department of Commerce
 - 6. Department of the Army
 - C. Deliverables
 - 1. Priority List
 - 2. Restoration Plan
 - 3. Conservation Plan
 - 4. Flow Redistribution Study
- IV. Formation of Technical Committees
 - A. Technical Committees
 - 1. Priority List Technical Committee
 - 2. Restoration Plan Technical Committee
 - B. Membership/First Meetings
- V. Fiscal Matters
 - A. FY 91 Funding
 - B. Budget Preparation and Funds Distribution
- VI. Public Involvement Program
 - A. Information Bulletin
 - B. Public Review Process
- VII. Additional Agenda Items
- VIII. Date/Location of Next Task Force Meeting
- IX. Request for Written Questions from Public

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB B

INTRODUCTIONS

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

IMPLEMENTATION PLAN

TASK FORCE MEMBERS

Task Force Member

Member's Representative

Governor, State of Louisiana

Mr. David Chambers
Executive Assistant for Coastal Activities
Office of the Governor
P. O. Box 94004
Baton Rouge, LA 70804-9004
(504) 342-6493

Administrator, EPA

Mr. Russell F. Rhoades
Division Director
Environmental Services Division
Region VI
Environmental Protection Agency
1445 Ross Ave.
Dallas, Texas 75202
(214) 655-2210

Secretary, Department of the Interior

Mr. S. Scott Sewell
Principal Deputy Assistant Secretary
for Fish, Wildlife, and Parks
U.S. Department of the Interior
Mail Stop: 3153 M.I.B.
1849 C Street, NW, Office #3153
Washington, D.C. 20240
(202) 208-7400

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

IMPLEMENTATION PLAN

TASK FORCE MEMBERS (cont.)

<u>Task Force Member</u>	<u>Member's Representative</u>
Secretary, Department of Agriculture	Mr. Horace J. Austin State Conservationist Soil Conservation Service 3737 Government Street Alexandria, LA 71302 (318) 473-7751
Secretary, Department of Commerce	Mr. Timothy R.E. Keeney Director Office of Ocean and Coastal Resources Management U.S. Department of Commerce Room 706; Universal Bldg. 1825 Connecticut Ave. Washington, D.C. 20235 (202) 673-5111
Secretary of the Army	Col. Richard V. Gorski District Engineer U.S. Army Engineer District, N.O. P.O. Box 60267 New Orleans, LA 70160-0267 (504) 862-2204

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB C

TASK FORCE MEETING PROCEDURES

Task Force Meeting Procedures

- **Public/Media Participation**
- **Scheduling/Location**
- **Quorum/Voting**
- **Agenda/Minutes**

QUESTION SUBMITTAL CARD

NAME: _____

ORGANIZATION: _____

ADDRESS: _____

QUESTIONS OR COMMENTS TO BE ADDRESSED AT NEXT MEETING

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TASK FORCE PROCEDURES

I. Task Force Meetings and Attendance

A. Scheduling/Location

The Task Force will hold regular meetings quarterly, or more often if necessary to carry out its responsibilities. When possible, regular meetings will be scheduled as to time and location prior to the adjournment of any preceding regular meeting.

Special meetings may be called upon request and with the concurrence of a majority of the Task Force members, in which case, the Chairperson will schedule a meeting as soon as possible.

Emergency meetings may be called upon request and with the unanimous concurrence of all members of the Task Force at the call of the Chairperson. When deemed necessary by the Chairperson, such meetings can be held via telephone conference call provided that a record of the meeting is made and that any actions taken are affirmed at the next regular or special meeting.

B. Delegation of Attendance

The appointed members of the Task Force may delegate authority to participate and actively vote on the Task Force to a substitute of their choice. Notice of such delegation shall be provided in writing to the Task Force Chairperson prior to the opening of the meeting.

C. Staff Participation

Each member of the Task Force may bring colleagues, staff or other assistants/advisors to the meetings. These individuals may participate fully in the meeting discussions but will not be allowed to vote.

D. Public Participation (see Public Involvement Program)

All Task Force meetings will be open to the public. Interested parties may submit written questions or comments that will be addressed at the next regular meeting.

II. Administrative Procedures

A. Quorum

A quorum of the Task Force shall be a simple majority of the appointed members of the Task Force, or their designated representatives.

B. Voting

Whenever possible, the Task Force shall resolve issues by consensus. Otherwise, issues will be decided by a simple majority vote, with each member of the Task Force having one vote. The Task Force Chairperson may vote on any issue, but must vote to break a tie. All votes shall be via voice and individual votes shall be recorded in the minutes, which shall be public documents.

C. Agenda Development/Approval

The agenda will be developed by the Chairperson's staff. Task Force members or Technical Committee Chairpersons may submit agenda items to the Chairperson in advance. The agenda will be distributed to each Task Force member (and others on an distribution list maintained by the Chairperson's staff) within two weeks prior to the scheduled meeting date. Additional agenda items may be added by any Task Force member at the beginning of a meeting.

D. Minutes

The Chairperson will arrange for minutes of all meetings to be taken and distributed within two weeks after a meeting is held to all Task Force members and others on the distribution list.

E. Distribution of Information/Products

All information and products developed by the Task Force members or their staffs will be distributed to all Task Force members normally within two weeks in advance of any proposed action in order to allow adequate time for review and comment, unless the information/product is developed at the meeting or an emergency situation occurs.

III. Miscellaneous

A. Liability Disclaimer

To the extent permitted by the law of the State of Louisiana and Federal regulations, neither the Task Force nor any of its members individually shall be liable for the negligent acts or omissions of an employee, agent or representative selected with reasonable care, nor for anything the Task Force may do or refrain from doing in good faith, including the following: errors in judgement, acts done or committed on advice of counsel, or mistakes of fact or law.

B. Conflict of Interest

No member of the Task Force (or designated representative) shall participate in any decision or vote which would constitute a conflict of interest under Federal or State law. Any potential conflicts of interest must clearly be stated by the member prior to any discussion on the agenda item.

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB D

OVERVIEW OF ACT

COASTAL WETLANDS PLANNING, PROTECTION, & RESTORATION ACT
(Title III, Nonindigenous Aquatic Nuisance Act of 1990)

SECTION 303. Priority Louisiana Coastal Wetlands Restoration Projects.

- Section 303a. Priority Project List.
 - NLT 13 Jan 91, Sec. of the Army (Secretary) will convene a Task Force.
 - Secretary
 - Administrator, EPA
 - Governor, Louisiana
 - Secretary, Interior
 - Secretary, Agriculture
 - Secretary, Commerce
 - NLT 28 Nov 91, Task Force will prepare and transmit to Congress a Priority List of wetland restoration projects based on cost effectiveness and wetland quality.
 - Priority List is revised and submitted annually as part of President's budget.
- Section 303b. Federal and State Project Planning.
 - NLT 28 Nov 93, Task Force will prepare a comprehensive coastal wetlands Restoration Plan for Louisiana.
 - Restoration Plan will consist of a list of wetland projects, ranked by cost effectiveness and wetland quality.
 - Completed Restoration Plan will become Priority List.
 - Secretary will ensure that navigation and flood control projects are consistent with the purpose of the Restoration Plan.
 - Upon submission of the Restoration Plan to Congress, the Task Force will conduct a scientific evaluation of the completed wetland restoration projects every 3 years and report the findings to Congress.

SECTION 304. Louisiana Coastal Wetlands Conservation Planning.

- Secretary; Administrator, EPA; and Director, USFWS will:
 - Sign an agreement with the Governor specifying how Louisiana will develop and implement the Conservation Plan.
 - Approve the Conservation Plan.
 - Provide Congress with periodic status reports on Plan implementation.
- NLT 3 years after agreement is signed, Louisiana will develop a Wetland Conservation Plan to achieve no net loss of wetlands resulting from development.

SECTION 305. National Coastal Wetlands Conservation Grants.

- Director, USFWS, will make matching grants to any coastal state to implement Wetland Conservation Projects (projects to acquire, restore, manage, and enhance real property interest in coastal lands and waters).
- Cost sharing is 50% Federal / 50% State *

SECTION 306. Distribution of Appropriations.

- 70% of annual appropriations not to exceed (NTE) \$70 million used as follows:
 - NTE \$15 million to fund Task Force completion of Priority List and Restoration Plan -- Secretary disburses funds.
 - NTE \$10 million to fund 75% of Louisiana's cost to complete Conservation Plan -- Administrator disburses funds.
 - Balance to fund wetland restoration projects at 75% Federal/ 25% Louisiana ** -- Secretary disburses funds.
- 15% of annual appropriations, NTE \$15 million for Wetland Conservation Grants - Director, USFWS disburses funds.
- 15% of annual appropriations, NTE \$15 million for projects authorized by the North American Wetlands Conservation Act - Secretary, Interior disburses funds.

SECTION 307. Additional Authority for the Corps of Engineers.

- Section 307a. Secretary authorized to:
 - Carry out projects to protect, restore, and enhance wetlands and aquatic/coastal ecosystems.
- Section 307b. Secretary authorized and directed to study feasibility of modifying the MR&T to increase flows and sediment to the Atchafalaya River for land building and wetland nourishment.

* 25% if the state has dedicated trust fund from which principal is not spent.

** 15% when Louisiana's Conservation Plan is approved.

Section 303(a)

(Priority Projects List)

- **All Task Force members participate**
- **Coastal Wetlands Restoration Projects**
- **Order of priority**
 - Cost effectiveness**
 - Wetland quality**
- **One year to complete and send to Congress**
- **Update annually as part of the President's budget**
- **Lead Task Force members**

Section 303(b)

(Louisiana Coastal Wetlands Conservation Planning)

- **All Task Force Members participate**
- **Coastal Wetlands Restoration Projects**
 - **Order of priority**
 - Cost effectiveness**
 - Wetland quality**
- **Three years to complete and send to Congress**
- **Lead Task Force members**
- **Plan evaluation**

Section 304

(Louisiana Coastal Wetlands Conservation Planning)

- **Implementing Agencies**
 - State of Louisiana
 - Environmental Protection Agency
 - U.S. Fish & Wildlife Service
 - Department of the Army

- **Conservation Plan**
 - Developed by State
 - Three years to complete

Section 306

(Distribution of Appropriations)

- **70% of annual funds available for:**
 - Priority List**
 - Restoration Plan**
 - Conservation Plan**
- **15% for National Coastal Wetlands Conservation Grants**
- **15% for North American Wetlands Conservation Act**

Section 305

(National Coastal Wetlands Conservation Grants)

- **Wetland Conservation Projects**
- **U.S. Fish & Wildlife Service Implements**
 - Grants to coastal states (except Louisiana)
 - State cost sharing (50% or 25%)
 - Wetlands Study in Texas

Section 306(c)

(North American Coastal Wetlands Conservation)

- **Wetlands Conservation Projects**
- **Department of the Interior Implements**
 - **Projects within coastal states**
(including Louisiana)
 - **Non-Federal cost sharing (50%)**

Section 307

(General Provisions)

- **Additional Authority for the USACE (307a)**
 - Carry out wetland/coastal restoration projects
 - Equal consideration with other purposes
- **Study (307b)**
 - Land building/wetland nourishment by increasing Atchafalaya River flows

State of Louisiana

- **Priority List**
- **Restoration Plan**
- **Conservation Plan**
- **North American Wetlands
Conservation Act**

Environmental Protection Agency

- **Priority List**
- **Restoration Plan**
- **Conservation Plan**

Department of the Interior

- **Priority List**
- **Restoration Plan**
- **North American Wetlands
Conservation Act**
- **Director, U.S. Fish & Wildlife Service**
 - Conservation Plan**
 - National Coastal Wetlands
Conservation Grants**

Department of Agriculture

- **Priority List**
- **Restoration Plan**

Department of Commerce

- **Priority List**
- **Restoration Plan**

Department of the Army

- **Priority List**
- **Restoration Plan**
- **Conservation Plan**
- **Additional Authority**
- **Flow Redistribution Study**

Deliverables

- **Priority List (303a)**
 - Initial Submission to Congress
 - Annual Submissions to Congress
- **Restoration Plan (303b)**
 - Submission to Congress
 - Status Reports to Congress
- **Conservation Plan (304)**
 - Agreement Signed
 - Submission to Congress
 - Status Reports to Congress
- **Flow Redistribution Study (307b)**

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB E

FORMATION OF TECHNICAL COMMITTEES

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB F

FISCAL MATTERS

Fiscal Matters

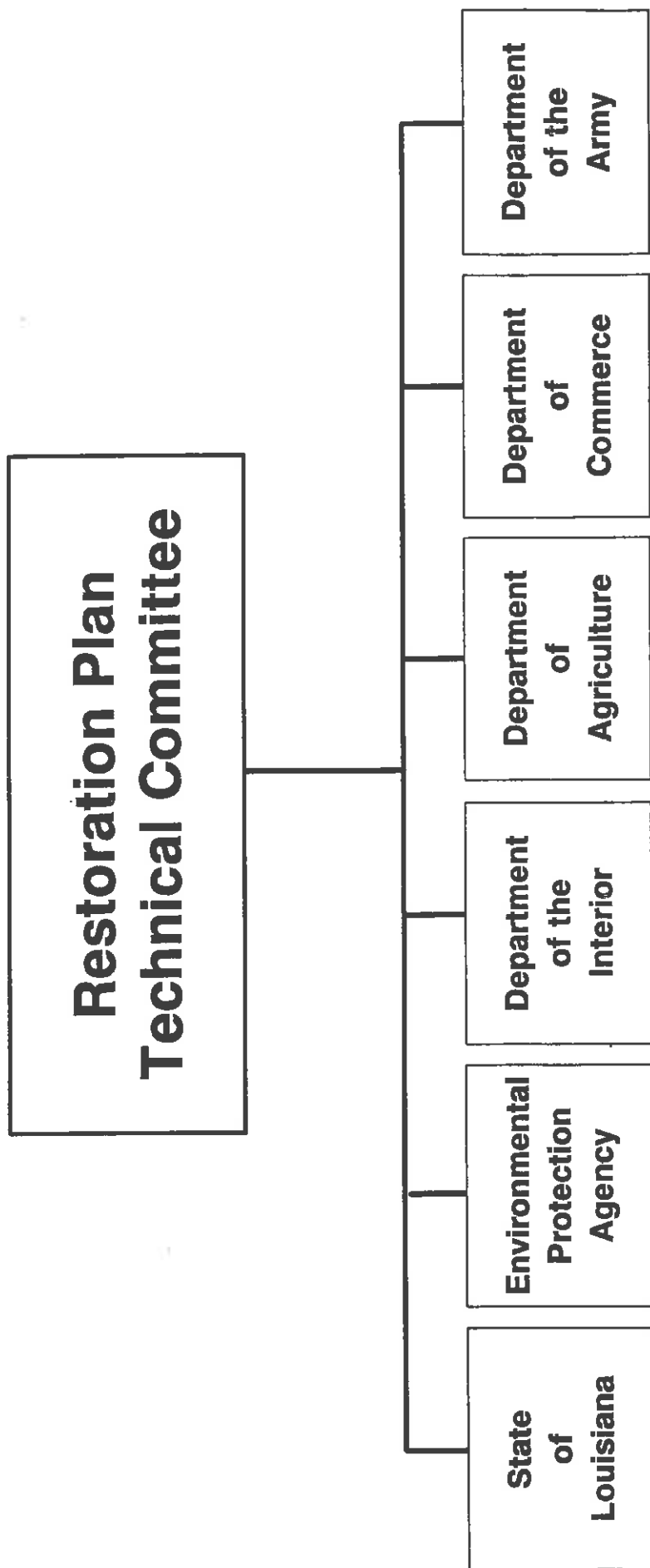
- **FY91 Funding**
- **Budget Preparation**
- **Funds Distribution**

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB G

PUBLIC INVOLVEMENT PROGRAM



Public Involvement Program

- **Public Information Bulletin**
- **Public Review Process**

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

PUBLIC INVOLVEMENT PROGRAM

I. Public Information Bulletin

- A. Prepared by Task Force.
- B. Distributed Monthly.
- C. Provides Status on all aspects of Act.

II. Participation in Task Force Meetings

- A. Public Notices and News Releases announce Task Force Meetings.
- B. Public/Media Invited to Attend.
- C. Questions and Comments.
 - 1. Submitted in writing at meetings.
 - 2. Addressed at next task force meeting.

III. Method of Public Review and Comment on Deliverables

A. Section 303a

- 1. Attendance at Task Force Meetings.
- 2. Bulletin/News Releases/Media interviews.

B. Section 303b

- 1. Attendance at Task Force Meetings.
- 2. Bulletin/News Releases/Media interviews.
- 3. Scoping Meetings.
- 4. Public Meeting during Plan Formulation Phase.
- 5. Draft Report/EIS Review and Public Meeting.
- 6. Final Report/EIS Review.

C. Section 304

- 1. Attendance at Task Force Meetings.
- 2. Bulletin/News Releases/Media interviews.
- 3. State provides opportunity for Public Involvement during development of Conservation Plan.

D. Section 307b

1. Attendance at Task Force Meetings.
2. Bulletin/News Releases.
3. Scoping Meetings.
4. Draft Report/EIS Review and Public Meeting/News Releases.
5. Final Report/EIS Review.

IV. Media Participation

- A. Chairperson's Office serves as Primary Media Contact.
- B. Press invited to Attend Task Force Meetings and conduct post-meeting interviews.
- C. Questions submitted during meetings will be answered at the Next Task Force Meeting.

COASTAL WETLANDS PLANNING, PROTECTION, AND
RESTORATION ACT

TASK FORCE MEETING

TAB H

COMPLETE TEXT OF ACT
AND
PRESIDENT'S SIGNING STATEMENT

CONGRESSIONAL RECORD — HOUSE

H 13282

"(D) mitigation measures to restore and enhance fishery resources adversely affected by past Federal (including federally assisted or approved) water resource development projects and other activities;

"(E) increasing the involvement of the International Joint Commission, the Great Lakes Commission, the Great Lakes Fishery Commission, and other interjurisdictional entities regarding fishery resources protection, restoration, and enhancement;

"(F) research projects and data gathering initiatives regarding population trends of fish stocks, including population abundance and structure, interspecific competition, survival rates, and behavioral patterns;

"(G) important fishery resource habitat and other areas that should be protected, restored, or enhanced for the benefit of Great Lakes fishery resources;

"(H) how private conservation organizations, recreational and commercial fishing interests, the aquaculture industry, and the general public could contribute to the implementation of the fishery resource restoration and enhancement recommendations developed pursuant to this Act; and

"(I) appropriate contributions that should be made by States and other non-Federal entities to the cost of activities undertaken to implement the recommendations, including a description of—

"(i) the activities that shall be cost-shared;

"(ii) the entities or individuals which shall share the costs of those activities;

"(iii) the proportion of appropriate project and activity costs that shall be borne by non-Federal interests; and

"(iv) how the entities or individuals who share costs should finance their contributions.

"(d) PROPOSALS FOR IMPLEMENTING RECOMMENDATIONS.—The Director shall develop proposals for implementing the recommendations of the study developed under subsection (c)(5). The proposals shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, State and tribal fishery management jurisdiction, and the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources.

"SEC. 2006. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

"In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

"(1) Restoring and maintaining self-sustaining fishery resource populations.

"(2) Minimizing the impacts of contaminants on fishery and wildlife resources.

"(3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.

"(4) Stopping illegal activities adversely impacting fishery and wildlife resources.

"(5) Restoring threatened and endangered species to viable, self-sustaining levels.

"(6) Protecting, managing, and conserving migratory birds.

"SEC. 2007. ESTABLISHMENT OF OFFICES.

"(a) GREAT LAKES COORDINATION OFFICE.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the "Great Lakes Coordination Office". The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordina-

tion Office shall include all administrative and technical support necessary to carry out its responsibilities.

"(b) LOWER GREAT LAKES FISHERY RESOURCES OFFICE.—The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes. The office shall be known as the "Lower Great Lakes Fishery Resources Office", and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

"(c) UPPER GREAT LAKES FISHERY RESOURCES OFFICE.—The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes. Each of the offices shall be known as an "Upper Great Lakes Fishery Resources Office", and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

"SEC. 2008. ANNUAL REPORTS.

"Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Each such report shall describe—

"(1) the progress and findings of the studies conducted under section 2005, including recommendations of implementing activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

"(2) activities undertaken to accomplish the goals stated in section 2006.

"SEC. 2009. AUTHORIZATION OF APPROPRIATIONS.

"(a) There are authorized to be appropriated to the Director—

"(1) for conducting a study under section 2005 not more than \$4,000,000 for each of fiscal years 1991 through 1994;

"(2) to establish and operate the Great Lakes Coordination Office under section 2008(a) and Upper Great Lakes Fishery Resources Offices under section 2008(c), not more than \$4,000,000 for each of fiscal years 1991 through 1995; and

"(3) to establish and operate the Lower Great Lakes Fishery Resources Offices under section 2008(b), not more than \$2,000,000 for each of fiscal years 1991 through 1995.

"(b) There are authorized to be appropriated to the Secretary to carry out this Act, not more than \$1,500,000 for each of fiscal years 1991 through 1995."

TITLE III—WETLANDS

SEC. 301. SHORT TITLE.

This title may be cited as the "Coastal Wetlands Planning, Protection and Restoration Act".

SEC. 302. DEFINITIONS.

As used in this title, the term—

(1) "Secretary" means the Secretary of the Army;

(2) "Administrator" means the Administrator of the Environmental Protection Agency;

(3) "development activities" means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type,

distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;

(4) "State" means the State of Louisiana;

(5) "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes; for the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa;

(6) "coastal wetlands restoration project" means any technically feasible activity to create, restore, protect, or enhance coastal wetlands through sediment and freshwater diversion, water management, or other measures that the Task Force finds will significantly contribute to the long-term restoration or protection of the physical, chemical and biological integrity of coastal wetlands in the State of Louisiana, and includes any such activity authorized under this title or under any other provision of law, including, but not limited to, new projects, completion or expansion of existing or on-going projects, individual phases, portions, or components of projects and operation, maintenance and rehabilitation of completed projects; the primary purpose of a "coastal wetlands restoration project" shall not be to provide navigation, irrigation or flood control benefits;

(7) "coastal wetlands conservation project" means—

(A) the obtaining of a real property interest in coastal lands or waters, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon; and

(B) the restoration, management, or enhancement of coastal wetlands ecosystems if such restoration, management, or enhancement is conducted on coastal lands and waters that are administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon;

(8) "Governor" means the Governor of Louisiana;

(9) "Task Force" means the Louisiana Coastal Wetlands Conservation and Restoration Task Force which shall consist of the Secretary, who shall serve as chairman, the Administrator, the Governor, the Secretary of the Interior, the Secretary of Agriculture and the Secretary of Commerce; and

(10) "Director" means the Director of the United States Fish and Wildlife Service.

SEC. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

(a) PRIORITY PROJECT LIST.—

(1) PREPARATION OF LIST.—Within forty-five days after the date of enactment of this title, the Secretary shall convene the Task Force to initiate a process to identify and prepare a list of coastal wetlands restoration projects in Louisiana to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration.

(2) TASK FORCE PROCEDURES.—The Secretary shall convene meetings of the Task Force as appropriate to ensure that the list

October 27, 1990

CONGRESSIONAL RECORD — HOUSE

H 13283

is produced and transmitted annually to the Congress as required by this subsection. If necessary to ensure transmittal of the list on a timely basis, the Task Force shall produce the list by a majority vote of those Task Force members who are present and voting; except that no coastal wetlands restoration project shall be placed on the list without the concurrence of the lead Task Force member that the project is cost effective and sound from an engineering perspective. Those projects which potentially impact navigation or flood control on the lower Mississippi River System shall be constructed consistent with section 304 of this Act.

(3) **TRANSMITTAL OF LIST.**—No later than one year after the date of enactment of this title, the Secretary shall transmit to the Congress the list of priority coastal wetlands restoration projects required by paragraph (1) of this subsection. Thereafter, the list shall be updated annually by the Task Force members and transmitted by the Secretary to the Congress as part of the President's annual budget submission. Annual transmittals of the list to the Congress shall include a status report on each project and a statement from the Secretary of the Treasury indicating the amounts available for expenditure to carry out this title.

(4) **LIST CONTENTS.**—

(A) **AREA IDENTIFICATION; PROJECT DESCRIPTION.**—The list of priority coastal wetlands restoration projects shall include, but not be limited to—

(i) identification, by map or other means, of the coastal area to be covered by the coastal wetlands restoration project; and

(ii) a detailed description of each proposed coastal wetlands restoration project including a justification for including such project on the list, the proposed activities to be carried out pursuant to each coastal wetlands restoration project, the benefits to be realized by such project, the identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project and the responsibilities of each other participating Task Force member, an estimated timetable for the completion of each coastal wetlands restoration project, and the estimated cost of each project.

(B) **PRE-PLAN.**—Prior to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that can be substantially completed during a five-year period commencing on the date the project is placed on the list.

(C) Subsequent to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that have been identified in such plan.

(5) **FUNDING.**—The Secretary shall, with the funds made available in accordance with section 306 of this title, allocate funds among the members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the purposes of this subsection.

(b) **FEDERAL AND STATE PROJECT PLAN-
NING.**—

(1) **PLAN PREPARATION.**—The Task Force shall prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration. Such restoration plan shall be completed

within three years from the date of enactment of this title.

(2) **PURPOSE OF THE PLAN.**—The purpose of the restoration plan is to develop a comprehensive approach to restore and prevent the loss of coastal wetlands in Louisiana. Such plan shall coordinate and integrate coastal wetlands restoration projects in a manner that will ensure the long-term conservation of the coastal wetlands of Louisiana.

(3) **INTEGRATION OF EXISTING PLANS.**—In developing the restoration plan, the Task Force shall seek to integrate the "Louisiana Comprehensive Coastal Wetlands Feasibility Study" conducted by the Secretary of the Army and the "Coastal Wetlands Conservation and Restoration Plan" prepared by the State of Louisiana's Wetlands Conservation and Restoration Task Force.

(4) **ELEMENTS OF THE PLAN.**—The restoration plan developed pursuant to this subsection shall include—

(A) identification of the entire area in the State that contains coastal wetlands;

(B) identification, by map or other means, of coastal areas in Louisiana in need of coastal wetlands restoration projects;

(C) identification of high priority coastal wetlands restoration projects in Louisiana needed to address the areas identified in subparagraph (B) and that would provide for the long-term conservation of restored wetlands and dependent fish and wildlife populations;

(D) a listing of such coastal wetlands restoration projects, in order of priority, to be submitted annually, incorporating any project identified previously in lists produced and submitted under subsection (a) of this section;

(E) a detailed description of each proposed coastal wetlands restoration project, including a justification for including such project on the list;

(F) the proposed activities to be carried out pursuant to each coastal wetlands restoration project;

(G) the benefits to be realized by each such project;

(H) an estimated timetable for completion of each coastal wetlands restoration project;

(I) an estimate of the cost of each coastal wetlands restoration project;

(J) identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project listed in the plan;

(K) consultation with the public and provision for public review during development of the plan; and

(L) evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

(5) **PLAN MODIFICATION.**—The Task Force may modify the restoration plan from time to time as necessary to carry out the purposes of this section.

(6) **PLAN SUBMISSION.**—Upon completion of the restoration plan, the Secretary shall submit the plan to the Congress. The restoration plan shall become effective ninety days after the date of its submission to the Congress.

(7) **PLAN EVALUATION.**—Not less than three years after the completion and submission of the restoration plan required by this subsection and at least every three years thereafter, the Task Force shall provide a report to the Congress containing a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in creating, restoring, protecting and enhancing coastal wetlands in Louisiana.

(c) **COASTAL WETLANDS RESTORATION PROJECT BENEFITS.**—Where such a determination is required under applicable law, the

net ecological, aesthetic, and cultural benefits, together with the economic benefits, shall be deemed to exceed the costs of any coastal wetlands restoration project within the State which the Task Force finds to contribute significantly to wetlands restoration.

(d) **CONSISTENCY.**—(1) In implementing, maintaining, modifying, or rehabilitating navigation, flood control or irrigation projects, other than emergency actions, under other authorities, the Secretary, in consultation with the Director and the Administrator, shall ensure that such actions are consistent with the purposes of the restoration plan submitted pursuant to this section.

(2) At the request of the Governor of the State of Louisiana, the Secretary of Commerce shall approve the plan as an amendment to the State's coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(e) **FUNDING OF WETLANDS RESTORATION PROJECTS.**—The Secretary shall, with the funds made available in accordance with this title, allocate such funds among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the list transmitted in accordance with this section. The Secretary shall not fund a coastal wetlands restoration project unless that project is subject to such terms and conditions as necessary to ensure that wetlands restored, enhanced or managed through that project will be administered for the long-term conservation of such lands and waters and dependent fish and wildlife populations.

(f) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—Amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this title shall provide 75 percent of the cost of such projects.

(2) **FEDERAL SHARE UPON CONSERVATION PLAN APPROVAL.**—Notwithstanding the previous paragraph, if the State develops a Coastal Wetlands Conservation Plan pursuant to this title, and such conservation plan is approved pursuant to section 304 of this title amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project under this section shall be 85 percent of the cost of the project. In the event that the Secretary, the Director, and the Administrator jointly determine that the State is not taking reasonable steps to implement and administer a conservation plan developed and approved pursuant to this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project shall revert to 75 percent of the cost of the project. *Provided, however,* That such reversion to the lower cost share level shall not occur until the Governor has been provided notice of, and opportunity for hearing on, any such determination by the Secretary, the Director, and Administrator, and the State has been given ninety days from such notice or hearing to take corrective action.

(3) **FORM OF STATE SHARE.**—The share of the cost required of the State shall be from a non-Federal source. Such State share shall consist of a cash contribution of not less than 5 percent of the cost of the project. The balance of such State share may take the form of lands, easements, or right-of-way, or any other form of in-kind contribution determined to be appropriate by the lead Task Force member.

(4) Paragraphs (1), (2), and (3) of this subsection shall not affect the existing cost

CONGRESSIONAL RECORD — HOUSE

H 13284

sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.
SEC. 301. LOUISIANA COASTAL WETLANDS CONSERVATION PLANNING.

(a) DEVELOPMENT OF CONSERVATION PLAN.—

(1) AGREEMENT.—The Secretary, the Director, and the Administrator are directed to enter into an agreement with the Governor, as set forth in paragraph (2) of this subsection, upon notification of the Governor's willingness to enter into such agreement.

(2) TERMS OF AGREEMENT.—

(A) Upon receiving notification pursuant to paragraph (1) of this subsection, the Secretary, the Director, and the Administrator shall promptly enter into an agreement (hereafter in this section referred to as the "agreement") with the State under the terms set forth in subparagraph (B) of this paragraph.

(B) The agreement shall—

(i) set forth a process by which the State agrees to develop, in accordance with this section, a coastal wetlands conservation plan (hereafter in this section referred to as the "conservation plan");

(ii) designate a single agency of the State to develop the conservation plan;

(iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;

(iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the Director, and the Administrator for their approval; and

(v) upon approval of the conservation plan, obligate the State to implement the conservation plan.

(3) GRANTS AND ASSISTANCE.—Upon the date of signing the agreement—

(A) the Administrator shall, in consultation with the Director, with the funds made available in accordance with section 306 of this title, make grants during the development of the conservation plan to assist the designated State agency in developing such plan. Such grants shall not exceed 75 percent of the cost of developing the plan; and

(B) the Secretary, the Director, and the Administrator shall provide technical assistance to the State to assist it in the development of the plan.

(b) CONSERVATION PLAN GOAL.—If a conservation plan is developed pursuant to this section, it shall have a goal of achieving no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to approval of the plan, exclusive of any wetlands gains achieved through implementation of the preceding section of this title.

(c) ELEMENTS OF CONSERVATION PLAN.—The conservation plan authorized by this section shall include—

(1) identification of the entire coastal area in the State that contains coastal wetlands;

(2) designation of a single State agency with the responsibility for implementing and enforcing the plan;

(3) identification of measures that the State shall take in addition to existing Federal authority to achieve a goal of no net loss of wetlands as a result of development activities, exclusive of any wetlands gains achieved through implementation of the preceding section of this title;

(4) a system that the State shall implement to account for gains and losses of coastal wetlands within coastal areas for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained;

(5) satisfactory assurances that the State will have adequate personnel, funding, and authority to implement the plan;

(6) a program to be carried out by the State for the purpose of educating the public concerning the necessity to conserve wetlands;

(7) a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and

(8) a program for the review, evaluation, and identification of regulatory and nonregulatory options that will be adopted by the State to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands.

(d) APPROVAL OF CONSERVATION PLAN.—

(1) IN GENERAL.—If the Governor submits a conservation plan to the Secretary, the Director, and the Administrator for their approval, the Secretary, the Director, and the Administrator shall, within one hundred and eighty days following receipt of such plan, approve or disapprove it.

(2) APPROVAL CRITERIA.—The Secretary, the Director, and the Administrator shall approve a conservation plan submitted by the Governor, if they determine that—

(A) the State has adequate authority to fully implement all provisions of such a plan;

(B) such a plan is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of this section; and

(C) the plan was developed in accordance with the terms of the agreement set forth in subsection (a) of this section.

(e) MODIFICATION OF CONSERVATION PLAN.—

(1) NONCOMPLIANCE.—If the Secretary, the Director, and the Administrator determine that a conservation plan submitted by the Governor does not comply with the requirements of subsection (d) of this section, they shall submit to the Governor a statement explaining why the plan is not in compliance and how the plan should be changed to be in compliance.

(2) RECONSIDERATION.—If the Governor submits a modified conservation plan to the Secretary, the Director, and the Administrator for their reconsideration, the Secretary, the Director, and Administrator shall have ninety days to determine whether the modifications are sufficient to bring the plan into compliance with the requirements of subsection (d) of this section.

(3) APPROVAL OF MODIFIED PLAN.—If the Secretary, the Director, and the Administrator fail to approve or disapprove the conservation plan, as modified, within the ninety-day period following the date on which it was submitted to them by the Governor, such plan, as modified, shall be deemed to be approved effective upon the expiration of such ninety-day period.

(f) AMENDMENTS TO CONSERVATION PLAN.—If the Governor amends the conservation plan approved under this section, any such amended plan shall be considered a new plan and shall be subject to the requirements of this section; except that minor changes to such plan shall not be subject to the requirements of this section.

(g) IMPLEMENTATION OF CONSERVATION PLAN.—A conservation plan approved under this section shall be implemented as provided therein.

(h) FEDERAL OVERSIGHT.—

(1) INITIAL REPORT TO CONGRESS.—Within one hundred and eighty days after entering into the agreement required under subsection (a) of this section, the Secretary, the Director, and the Administrator shall report to the Congress as to the status of a conser-

vation plan approved under this section and the progress of the State in carrying out such a plan, including an accounting, as required under subsection (c) of this section, of the gains and losses of coastal wetlands as a result of development activities.

(2) REPORTS TO CONGRESS.—Twenty-four months after the initial one hundred and eighty day period set forth in paragraph (1), and at the end of each twenty-four-month period thereafter, the Secretary, the Director, and the Administrator shall, report to the Congress on the status of the conservation plan and provide an evaluation of the effectiveness of the plan in meeting the goal of this section.

SEC. 305. NATIONAL COASTAL WETLANDS CONSERVATION GRANTS.

(a) MATCHING GRANTS.—The Director shall, with the funds made available in accordance with the next following section of this title, make matching grants to any coastal State to carry out coastal wetlands conservation projects from funds made available for that purpose.

(b) PRIORITY.—Subject to the cost-sharing requirements of this section, the Director may grant or otherwise provide any matching moneys to any coastal State which submits a proposal substantial in character and design to carry out a coastal wetlands conservation project. In awarding such matching grants, the Director shall give priority to coastal wetlands conservation projects that are—

(1) consistent with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921); and

(2) in coastal States that have established dedicated funding for programs to acquire coastal wetlands, natural areas and open spaces. In addition, priority consideration shall be given to coastal wetlands conservation projects in maritime forests on coastal barrier islands.

(c) CONDITIONS.—The Director may only grant or otherwise provide matching moneys to a coastal State for purposes of carrying out a coastal wetlands conservation project if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such moneys will be administered for the long-term conservation of such lands and waters and the fish and wildlife dependent thereon.

(d) COST-SHARING.—

(1) FEDERAL SHARE.—Grants to coastal States of matching moneys by the Director for any fiscal year to carry out coastal wetlands conservation projects shall be used for the payment of not to exceed 50 percent of the total costs of such projects; except that such matching moneys may be used for payment of not to exceed 75 percent of the costs of such projects if a coastal State has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces.

(2) FORM OF STATE SHARE.—The matching moneys required of a coastal State to carry out a coastal wetlands conservation project shall be derived from a non-Federal source.

(3) IN-KIND CONTRIBUTIONS.—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(e) PARTIAL PAYMENTS.—

(1) The Director may from time to time make matching payments to carry out coastal wetlands conservation projects as such projects progress, but such payments, in-

October 27, 1990

CONGRESSIONAL RECORD — HOUSE

H 13285

including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (d) of this section.

(2) The Director may enter into agreements to make matching payments on an initial portion of a coastal wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent moneys if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purpose of this section.

(f) **WETLANDS ASSESSMENT.**—The Director shall, with the funds made available in accordance with the next following section of this title, direct the U.S. Fish and Wildlife Service's National Wetland Inventory to update and digitize wetlands maps in the State of Texas and to conduct an assessment of the status, condition, and trends of wetlands in that State.

SEC. 306. DISTRIBUTION OF APPROPRIATIONS.

(a) **PRIORITY PROJECT AND CONSERVATION PLANNING EXPENDITURES.**—Of the total amount appropriated during a given fiscal year to carry out this title, 70 percent, not to exceed \$70,000,000, shall be available, and shall remain available until expended, for the purposes of making expenditures—

(1) not to exceed the aggregate amount of \$5,000,000 annually to assist the Task Force in the preparation of the list required under this title and the plan required under this title, including preparation of—

- (A) preliminary assessments;
- (B) general or site-specific inventories;
- (C) reconnaissance, engineering or other studies;
- (D) preliminary design work; and
- (E) such other studies as may be necessary to identify and evaluate the feasibility of coastal wetlands restoration projects;

(2) to carry out coastal wetlands restoration projects in accordance with the priorities set forth on the list prepared under this title;

(3) to carry out wetlands restoration projects in accordance with the priorities set forth in the restoration plan prepared under this title;

(4) to make grants not to exceed \$2,500,000 annually or \$10,000,000 in total, to assist the agency designated by the State in development of the Coastal Wetlands Conservation Plan pursuant to this title.

(b) **COASTAL WETLANDS CONSERVATION GRANTS.**—Of the total amount appropriated during a given fiscal year to carry out this Title, 15 percent, not to exceed \$15,000,000 shall be available, and shall remain available to the Director, for purposes of making grants—

(1) to any coastal State, except States eligible to receive funding under section 308(a), to carry out coastal wetlands conservation projects in accordance with section 305 of this title; and

(2) in the amount of \$2,500,000 in total for an assessment of the status, condition, and trends of wetlands in the State of Texas.

(c) **NORTH AMERICAN WETLANDS CONSERVATION.**—Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000, shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in any coastal State under section 8 of the North American Wetlands Conservation Act (Public Law 101-233, 103 Stat. 1968, December 13, 1989).

SEC. 307. GENERAL PROVISIONS.

(a) **ADDITIONAL AUTHORITY FOR THE CORPS OF ENGINEERS.**—The Secretary is authorized

to carry out projects for the protection, restoration, or enhancement of aquatic and associated ecosystems, including projects for the protection, restoration, or creation of wetlands and coastal ecosystems. In carrying out such projects, the Secretary shall give such projects equal consideration with projects relating to irrigation, navigation, or flood control.

(b) **STUDY.**—The Secretary is hereby authorized and directed to study the feasibility of modifying the operation of existing navigation and flood control projects to allow for an increase in the share of the Mississippi River flows and sediment send down the Atchafalaya River for purposes of land building and wetlands nourishment.

SEC. 309. CONFORMING AMENDMENT.

16 U.S.C. 777c is amended by adding the following after the first sentence:

“The Secretary shall distribute 18 percent of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act; *Provided that*, notwithstanding the provisions of section 777b, such sums shall remain available to carry out such Act through fiscal year 1999.”

“TITLE IV—GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT

“SEC. 1001. SHORT TITLE.

“This title may be cited as the “Great Lakes Oil Pollution Research and Development Act”.

“SEC. 1002. GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT.

“Section 7001 of the Oil Pollution Act of 1990 (Public Law 101-380) is amended as follows:

“(1) **GREAT LAKES DEMONSTRATION PROJECT.**—In subsection (c)(6), strike “3” and insert “4”, strike “and” after “California.”, and insert “and (D) ports on the Great Lakes,” after “Louisiana.”

“(2) **FUNDING.**—In subsection (f) strike “21,250,000” and insert “22,000,000” and in subsection (f)(2) strike “2,250,000” and insert “3,000,000”.

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The **SPEAKER** pro tempore (Mr. ECKART). Is a second demanded?

Mr. DAVIS. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5390, an act to prevent and control infestations of U.S. waters by the zebra mussel and other aquatic nuisance species, to restore Great Lakes fish and wildlife, to restore coastal wetlands and to improve oilspill research and development in the Great Lakes.

The zebra mussel has proliferated in the Great Lakes, clogging water pipes and if uncontrolled, is expected to infest the waterways in over two-

thirds of the continental United States. It is estimated that economic costs associated with the spread of this organism would be \$5 billion by the year 2000.

Title I of this bill is designed to address the problem created by zebra mussels and other aquatic nuisance species. It establishes a regulatory program to control ballast water in vessels entering the Great Lakes, and mandates a research and control program for zebra mussels and other exotic species.

Title II requires the U.S. Fish and Wildlife Service to conduct a study to identify threats to the fish and wildlife resources of the Great Lakes.

Title III establishes a coastal wetland restoration program in Louisiana, and also establishes a separate coastal wetland restoration program for other coastal States. It also provides additional funds for wetland conservation projects in coastal States under the North American Wetlands Conservation Act.

Title IV provides for an oilspill cleanup demonstration project in the Great Lakes.

This is a worthwhile bill and I urge members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 5390, legislation that is critical for the Great Lakes. I would like to thank Congressman HERREL, author of the legislation, for his fine efforts, and also Congressman Srupps for his work on this bill.

Title I of the bill addresses an immediate problem for the lakes-zebra mussels. In 5 short years after being dumped in the Great Lakes by ocean-going ships, these small clamlike organisms have clogged industrial and municipal water intake pipes and boat motors, colonized fish spawning reefs, and have littered beaches with razor sharp shells.

The potential for severe economic harm is devastating, because these tiny aquatic animals have no natural predators to limit their numbers. Not only have they found their way into each of the Great Lakes, but are gaining a foothold as far west as Northern Minnesota's St. Louis River, spreading fear of infestation to Minnesota's 10,000 lakes and the Mississippi River.

The bill will require the U.S. Coast Guard to develop voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels. Within 2 years these requirements would be made mandatory for the Great Lakes.

This title also establishes a Federal task force to develop a comprehensive research, monitoring, control, and

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**Statement on Signing the Bill on
Wetland and Coastal Inland Waters
Protection and Restoration Programs**
November 29, 1990

Today I am signing H.R. 5390, "An Act to prevent and control infestation of the coastal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes." This Act is designed to minimize, monitor, and control nonindigenous species that become established in the United States, particularly the zebra mussel; establish wetlands protection and restoration programs in Louisiana and nationally; and promote fish and wildlife conservation in the Great Lakes.

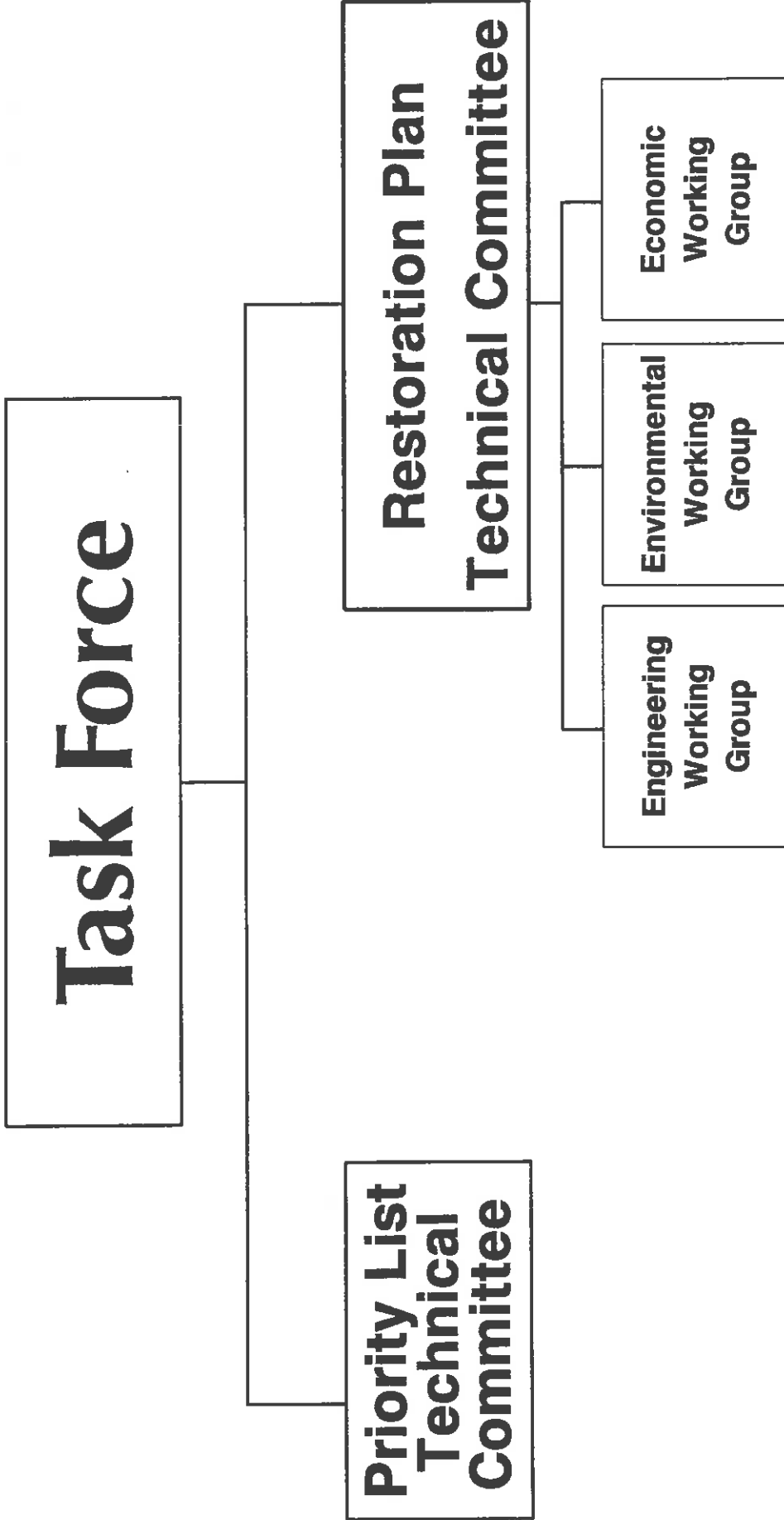
Title III of this Act designates a State official not subject to executive control as a member of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. This official would be the only member of the Task Force whose appointment would not conform to the Appointments Clause of the Constitution.

The Task Force will set priorities for wetlands restoration and formulate Federal conservation and restoration plans. Certain of its duties, which ultimately determine funding levels for particular restoration projects, are an exercise of significant authority that must be undertaken by an officer of the United States, appointed in accordance with the Appointments Clause, Article II, sec. 2, cl. 2, of the Constitution.

In order to constitutionally enforce this program, I instruct the Task Force to promulgate its priorities list under section 303(a)(2) "by a majority vote of those Task Force members who are present and voting," and to consider the State official to be a nonvoting member of the Task Force for this purpose. Moreover, the Secretary of the Army should construe "lead Task Force member" to include only those members appointed in conformity with the Appointments Clause.

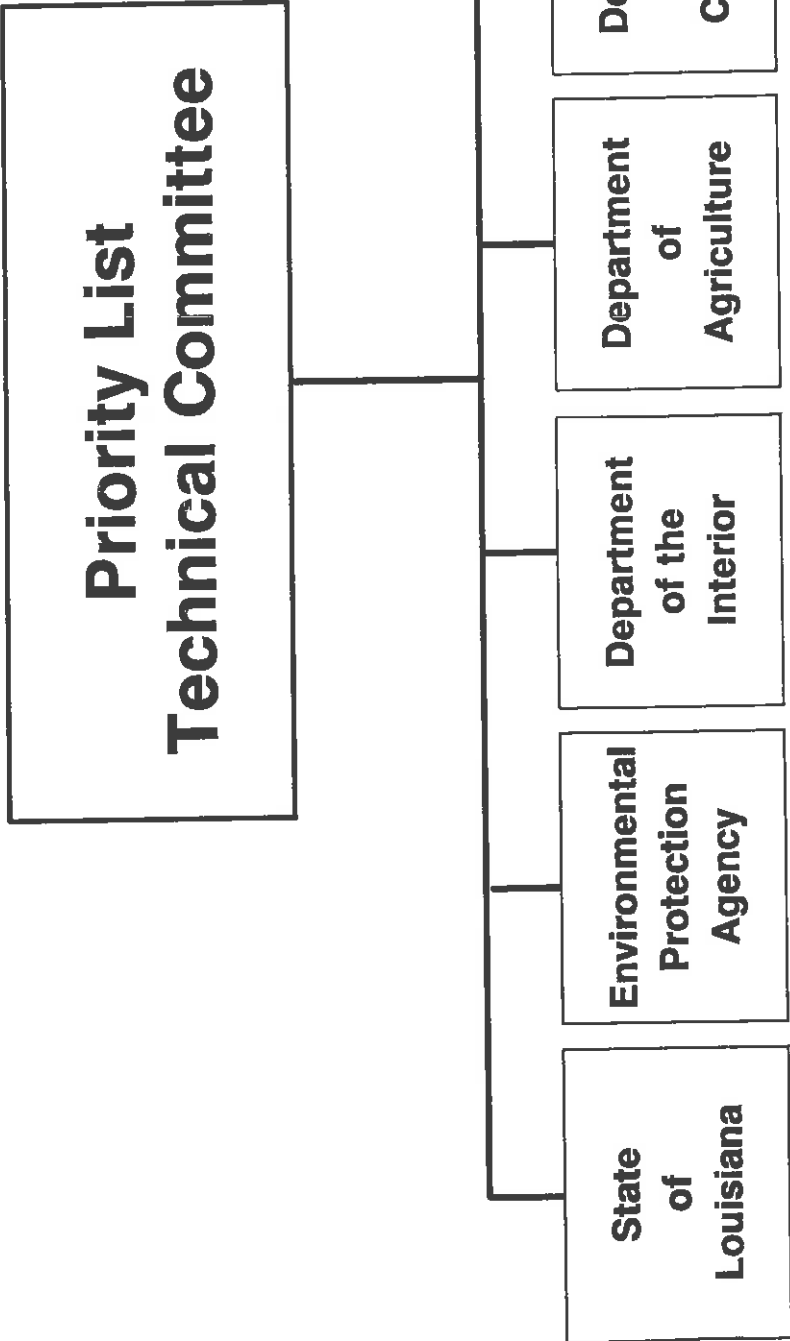
George Bush

The White House,
November 29, 1990.



Task Force

Chairman	
State of Louisiana	Department of the Army
Mr. David Chambers	Col Richard Gorski
Environmental Protection Agency	Department of Commerce
Mr. Russell Rhoades	Mr. Timothy Keeney
Department of the Interior	Department of Agriculture
Mr. S. Scott Sewell	Mr. Horace Austin





ATTENDANCE RECORD



DATE(S)	SPONSORING ORGANIZATION	LOCATION
1/11/91		New Orleans
PURPOSE Coastal Wetlands Planning, Protection & Restoration Act.		
PARTICIPANT REGISTER *		
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John C. Weber	CELMN-PD-R	504/862-2516
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