

with expertise in estuary or estuary habitat restoration, and representatives of Indian tribes, agricultural interests, fishing interests, and other estuary users—

- (1) to assist the Council in the development of the estuary habitat restoration strategy to be developed under section 2905 of this title; and
- (2) to provide advice and recommendations to the Council on proposed estuary habitat restoration projects, including advice on the scientific merit, technical merit, and feasibility of a project.

(Pub. L. 106-457, title I, §105, Nov. 7, 2000, 114 Stat. 1962.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2902, 2903 of this title.

§ 2905. Estuary habitat restoration strategy

(a) In general

Not later than 1 year after November 7, 2000, the Council,¹ shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) Goal

The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) Integration of estuary habitat restoration plans, programs, and partnerships

In developing the estuary habitat restoration strategy, the Council shall—

- (1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and
- (2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) Elements of the strategy

The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

- (1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;
- (2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;
- (3) promoting estuary habitat restoration projects to—
 - (A) provide healthy ecosystems in order to support—
 - (i) wildlife, including endangered and threatened species, migratory birds, and

resident species of an estuary watershed; and

- (ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this chapter.

(e) Public review and comment

Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) Periodic revision

Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

(Pub. L. 106-457, title I, §106, Nov. 7, 2000, 114 Stat. 1963.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2903, 2904 of this title.

§ 2906. Monitoring of estuary habitat restoration projects

(a) Under Secretary

In this section, the term “Under Secretary” means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) Database of restoration project information

The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this chapter, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) Monitoring data standards

The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) Coordination of data

The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

¹ So in original. The comma probably should not appear.

(e) Use of existing programs

The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) Public availability

The Under Secretary shall make the information collected and maintained under this section available to the public.

(Pub. L. 106-457, title I, §107, Nov. 7, 2000, 114 Stat. 1964.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2903, 2904, 2907 of this title.

§ 2907. Reporting**(a) In general**

At the end of the third and fifth fiscal years following November 7, 2000, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this chapter.

(b) Contents of report

A report under subsection (a) of this section shall include—

- (1) data on the number of acres of estuary habitat restored under this chapter, including descriptions of, and partners involved with, projects selected, in progress, and completed under this chapter that comprise those acres;
- (2) information from the database established under section 2906(b) of this title related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;
- (3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;
- (4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;
- (5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this chapter; and
- (6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

(Pub. L. 106-457, title I, §108, Nov. 7, 2000, 114 Stat. 1965.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2904 of this title.

§ 2908. Funding**(a) Authorization of appropriations****(1) Estuary habitat restoration projects**

There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

- (A) \$40,000,000 for fiscal year 2001;
- (B) \$50,000,000 for each of fiscal years 2002 and 2003;

- (C) \$60,000,000 for fiscal year 2004; and
- (D) \$75,000,000 for fiscal year 2005.

Such sums shall remain available until expended.

(2) Monitoring

There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this chapter, \$1,500,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) Set-aside for administrative expenses of the Council

Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) of this section or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council.

(Pub. L. 106-457, title I, §109, Nov. 7, 2000, 114 Stat. 1965.)

§ 2909. General provisions**(a) Agency consultation and coordination**

In carrying out this chapter, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) Cooperative agreements; memoranda of understanding

In carrying out this chapter, the Secretary may—

- (1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and
- (2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) Federal agency facilities and personnel

Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this chapter, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this chapter.

(d) Identification and mapping of dredged material disposal sites

In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this chapter.

(e) Study of bioremediation technology**(1) In general**

Not later than 180 days after November 7, 2000, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.