

Protection Agency shall assist the Task Force and the Working Group in the performance of their functions. The Great Lakes National Program Manager shall serve as chair of the Working Group.

SEC. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, regulatory, and legislative proposals. Nothing in this order shall be construed to affect the statutory authority or obligations of any Federal agency or any bi-national agreement with Canada.

SEC. 6. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

§ 1268a. Great Lakes restoration activities report

(a) For purposes of this section the following definitions apply:

(1) The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 1962d-22 of title 42.

(2) The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) Hereafter, not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures in each of the 5 prior fiscal years by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

(Pub. L. 113-76, div. E, title VII, § 738, Jan. 17, 2014, 128 Stat. 238.)

CODIFICATION

Section was enacted as part of the Financial Services and General Government Appropriations Act, 2014, and also as part of the Consolidated Appropriations Act, 2014, and not as part of the Federal Water Pollution Control Act which comprises this chapter.

§ 1269. Long Island Sound

(a) Office of Management Conference of the Long Island Sound Study

The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the “Conference”) as established pursuant to section 1330 of this title, and shall establish an office (hereinafter referred to as the “Office”) to be located on or near Long Island Sound.

(b) Administration and staffing of Office

The Office shall be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

(c) Duties of Office

The Office shall assist the Management Conference of the Long Island Sound Study in carrying out its goals. Specifically, the Office shall—

(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 1330 of this title, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan;

(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

(A) population growth and the adequacy of wastewater treatment facilities,

(B) the use of biological methods for nutrient removal in sewage treatment plants,

(C) contaminated sediments, and dredging activities,

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed,

(E) wetland protection and restoration,

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound,

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality,

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan, and

(I) options for long-term financing of wastewater treatment projects and water pollution control programs.

(3) coordinate the grant, research and planning programs authorized under this section;

(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act [16 U.S.C. 1431 et seq., 1447 et seq.; 33 U.S.C. 1401 et seq., 2801 et seq.];

(5) provide administrative and technical support to the conference;

(6) collect and make available to the public publications, and other forms of information the conference determines to be appropriate, relating to the environmental quality of Long Island Sound;

(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 1330 of this title, and biennially thereafter, issue a report to the Congress which—

(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve-month period immediately preceding such report; and

(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and

(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

(d) Grants

(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

(2) State, interstate, and regional water pollution control agencies, and other public or non-profit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed 50 per centum of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

(e) Assistance to distressed communities

(1) Eligible communities

For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if

such criteria are developed after public review and comment.

(2) Priority

In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.

(f) Authorizations

(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d) of this section, such sums as may be necessary for each of the fiscal years 2001 through 2010.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) of this section not to exceed \$40,000,000 for each of fiscal years 2001 through 2010.

(June 30, 1948, ch. 758, title I, § 119, as added Pub. L. 101-596, title II, § 202, Nov. 16, 1990, 104 Stat. 3004; amended Pub. L. 104-303, title V, § 583, Oct. 12, 1996, 110 Stat. 3791; Pub. L. 106-457, title IV, §§ 402-404, Nov. 7, 2000, 114 Stat. 1973; Pub. L. 109-137, § 1, Dec. 22, 2005, 119 Stat. 2646.)

REFERENCES IN TEXT

The Marine Protection, Research, and Sanctuaries Act, referred to in subsec. (c)(4), probably means the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1052, as amended, which is classified generally to chapters 32 (§1431 et seq.) and 32A (§1447 et seq.) of Title 16, Conservation, and chapters 27 (§1401 et seq.) and 41 (§2801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1401 of this title and Tables.

AMENDMENTS

2005—Subsec. (f). Pub. L. 109-137 substituted “2010” for “2005” in pars. (1) and (2).

2000—Subsec. (c)(1). Pub. L. 106-457, § 402, inserted before semicolon at end “, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan”.

Subsec. (e). Pub. L. 106-457, § 403(2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 106-457, §§ 403(1), 404, redesignated subsec. (e) as (f) and substituted “2001 through 2005” for “1991 through 2001” in par. (1) and “not to exceed \$40,000,000 for each of fiscal years 2001 through 2005” for “not to exceed \$3,000,000 for each of the fiscal years 1991 through 2001” in par. (2).

1996—Subsec. (e). Pub. L. 104-303 substituted “2001” for “1996” in pars. (1) and (2).

LONG ISLAND SOUND STEWARDSHIP

Pub. L. 109-359, Oct. 16, 2006, 120 Stat. 2049, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Long Island Sound Stewardship Act of 2006’.

“SEC. 2. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1) Long Island Sound is a national treasure of great cultural, environmental, and ecological importance;

“(2) 8,000,000 people live within the Long Island Sound watershed and 28,000,000 people (approximately 10 percent of the population of the United States) live within 50 miles of Long Island Sound;

“(3) activities that depend on the environmental health of Long Island Sound contribute more than \$5,000,000,000 each year to the regional economy;

“(4) the portion of the shoreline of Long Island Sound that is accessible to the general public (estimated at less than 20 percent of the total shoreline) is not adequate to serve the needs of the people living in the area;

“(5) existing shoreline facilities are in many cases overburdened and underfunded;

“(6) large parcels of open space already in public ownership are strained by the effort to balance the demand for recreation with the needs of sensitive natural resources;

“(7) approximately 1/3 of the tidal marshes of Long Island Sound have been filled, and much of the remaining marshes have been ditched, diked, or impounded, reducing the ecological value of the marshes; and

“(8) much of the remaining exemplary natural landscape is vulnerable to further development.

“(b) PURPOSE.—The purpose of this Act is to establish the Long Island Sound Stewardship Initiative to identify, protect, and enhance upland sites within the Long Island Sound ecosystem with significant ecological, educational, open space, public access, or recreational value through a bi-State network of sites best exemplifying these values.

“SEC. 3. DEFINITIONS.

“In this Act, the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Long Island Sound Stewardship Advisory Committee established by section 8.

“(3) REGION.—The term ‘Region’ means the Long Island Sound Stewardship Initiative Region established by section 4(a).

“(4) STATE.—The term ‘State’ means each of the States of Connecticut and New York.

“(5) STEWARDSHIP.—The term ‘stewardship’ means land acquisition, land conservation agreements, site planning, plan implementation, land and habitat management, public access improvements, site monitoring, and other activities designed to enhance and preserve natural resource-based recreation and ecological function of upland areas.

“(6) STEWARDSHIP SITE.—The term ‘stewardship site’ means any area of State, local, or tribal government, or privately owned land within the Region that is designated by the Administrator under section 5(a).

“(7) SYSTEMATIC SITE SELECTION.—The term ‘systematic site selection’ means a process of selecting stewardship sites that—

“(A) has explicit goals, methods, and criteria;

“(B) produces feasible, repeatable, and defensible results;

“(C) provides for consideration of natural, physical, and biological patterns;

“(D) addresses replication, connectivity, species viability, location, and public recreation values;

“(E) uses geographic information systems technology and algorithms to integrate selection criteria; and

“(F) will result in achieving the goals of stewardship site selection at the lowest cost.

“(8) QUALIFIED APPLICANTS.—The term ‘qualified applicant’ means a non-Federal person that owns title to property located within the borders of the Region.

“(9) THREAT.—The term ‘threat’ means a threat that is likely to destroy or seriously degrade a conservation target or a recreation area.

“SEC. 4. LONG ISLAND SOUND STEWARDSHIP INITIATIVE REGION.

“(a) ESTABLISHMENT.—There is established in the States of Connecticut and New York the Long Island Sound Stewardship Initiative Region.

“(b) BOUNDARIES.—The Region consists of the immediate coastal upland areas along—

“(1) Long Island Sound between mean high water and the inland boundary, as described on the map en-

titled ‘Long Island Sound Stewardship Region’ and dated April 21, 2004; and

“(2) the Peconic Estuary as described on the map entitled ‘Peconic Estuary Program Study Area Boundaries’ and included in the Comprehensive Conservation and Management Plan for the Peconic Estuary Program and dated November 15, 2001.

“SEC. 5. DESIGNATION OF STEWARDSHIP SITES.

“(a) IN GENERAL.—The Administrator may designate a stewardship site in accordance with this Act any area that contributes to accomplishing the purpose of this Act.

“(b) PUBLICATION OF LIST OF RECOMMENDED SITES.—The Administrator shall—

“(1) publish in the Federal Register and make available in general circulation in the States of Connecticut and New York the list of sites recommended by the Advisory Committee; and

“(2) provide a 90-day period for—

“(A) the submission of public comment on the list; and

“(B) an opportunity for owners of such sites to decline designation of such sites as stewardship sites.

“(c) OPINION REGARDING OWNER’S RESPONSIBILITIES.—The Administrator may not designate an area as a stewardship site under this Act unless the Administrator provides to the owner of the area, and the owner acknowledges to the Administrator receipt of, a comprehensive opinion in plain English setting forth expressly the responsibility of the owner that arises from such designation.

“(d) DESIGNATION OF STEWARDSHIP SITES.—Not later than 150 days after receiving from the Advisory Committee its list of recommended sites, the Administrator—

“(1) shall review the recommendations of the Advisory Committee; and

“(2) may designate as a stewardship site any site included in the list.

“SEC. 6. RECOMMENDATIONS BY ADVISORY COMMITTEE.

“(a) IN GENERAL.—The Advisory Committee shall—

“(1) in accordance with this section, evaluate applications—

“(A) for designation of areas as stewardship sites;

“(B) to develop management plans to address threats to stewardship sites; and

“(C) to act on opportunities to protect and enhance stewardship sites;

“(2) develop recommended guidelines, criteria, schedules, and due dates for the submission of applications and the evaluation by the Advisory Committee of information to recommend areas for designation as stewardship sites that fulfill terms of a multi-year management plan;

“(3) recommend to the Administrator a list of sites for designation as stewardship sites that further the purpose of this Act;

“(4) develop management plans to address threats to stewardship sites;

“(5) raise awareness of the values of and threats to stewardship sites;

“(6) recommend that the Administrator award grants to qualified applicants; and

“(7) recommend to the Administrator ways to leverage additional resources for improved stewardship of the Region.

“(b) IDENTIFICATION OF SITES.—

“(1) IN GENERAL.—Any qualified applicant may submit an application to the Advisory Committee to have a site recommended to the Administrator for designation as a stewardship site.

“(2) IDENTIFICATION.—The Advisory Committee shall review each application submitted under this subsection to determine whether the site exhibits values that promote the purpose of this Act.

“(3) NATURAL RESOURCE-BASED RECREATION AREAS.—In reviewing an application for recommendation of a recreation area for designation as a stewardship site,

the Advisory Committee may use a selection technique that includes consideration of—

- “(A) public access;
- “(B) community support;
- “(C) high population density;
- “(D) environmental justice (as defined in section 385.3 of title 33, Code of Federal Regulations (or successor regulations));
- “(E) open spaces; and
- “(F) cultural, historic, and scenic characteristics.

“(4) NATURAL AREAS WITH ECOLOGICAL VALUE.—In reviewing an application for recommendation of a natural area with ecological value for designation as a stewardship site, the Advisory Committee may use a selection technique that includes consideration of—

- “(A) measurable conservation targets for the Region; and
- “(B) prioritizing new sites using systematic site selection, which shall include consideration of—
 - “(i) ecological uniqueness;
 - “(ii) species viability;
 - “(iii) habitat heterogeneity;
 - “(iv) size;
 - “(v) quality;
 - “(vi) open spaces;
 - “(vii) land cover;
 - “(viii) scientific, research, or educational value; and
 - “(ix) threats.

“(5) DEVIATION FROM PROCESS.—The Advisory Committee may accept an application to recommend a site other than as provided in this subsection, if the Advisory Committee—

- “(A) determines that the site makes significant ecological or recreational contributions to the Region; and
- “(B) provides to the Administrator the reasons for deviating from the process otherwise described in this subsection.

“(c) SUBMISSION OF LIST OF RECOMMENDED SITES.—

“(1) IN GENERAL.—After completion of the site identification process set forth in subsection (b), the Advisory Committee shall submit to the Administrator its list of sites recommended for designation as stewardship sites.

“(2) LIMITATION.—The Advisory Committee shall not include a site in the list submitted under this subsection unless, prior to submission of the list, the owner of the site is—

- “(A) notified of the inclusion of the site in the list; and
- “(B) allowed to decline inclusion of the site in the list.

“(3) PUBLIC COMMENT.—In identifying sites for inclusion in the list, the Advisory Committee shall provide an opportunity for submission of, and consider, public comments.

“SEC. 7. GRANTS AND ASSISTANCE.

“(a) IN GENERAL.—The Administrator may provide grants, subject to the availability of appropriations, and other assistance for projects to fulfill the purpose of this Act.

“(b) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using any assistance or grant under this Act shall not exceed 60 percent of the total cost of the activity.

“SEC. 8. LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—There is established a committee to be known as the ‘Long Island Sound Stewardship Advisory Committee’.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Administrator may appoint the members of the Advisory Committee in accordance with this subsection and the guidance in section 320(c) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)), except that the Governor of each State may appoint 2 members of the Advisory Committee.

“(2) ADDITIONAL MEMBERS.—In addition to the other members appointed under this subsection, the Advisory Committee may include—

- “(A) a representative of the Regional Plan Association;
- “(B) a representative of marine trade organizations; and
- “(C) a representative of private landowner interests.

“(3) CONSIDERATION OF INTERESTS.—In appointing members of the Advisory Committee, the Administrator shall consider—

- “(A) Federal, State, and local government interests and tribal interests;
- “(B) the interests of nongovernmental organizations;
- “(C) academic interests;
- “(D) private interests including land, agriculture, and business interests; and
- “(E) recreational and commercial fishing interests.

“(4) CHAIRPERSON.—In addition to the other members appointed under this subsection, the Administrator may appoint as a member of the Advisory Committee an individual to serve as the Chairperson, who may be the Director of the Long Island Sound Office of the Environmental Protection Agency.

“(5) COMPLETION OF APPOINTMENTS.—The Administrator shall complete the appointment of all members of the Advisory Committee by not later than 180 days after the date of enactment of this Act [Oct. 16, 2006].

“(A) [sic] VACANCIES.—A vacancy on the Advisory Committee—

- “(i) shall be filled not later than 90 days after the vacancy occurs;
- “(ii) shall not affect the powers of the Advisory Committee; and
- “(iii) shall be filled in the same manner as the original appointment was made.

“(c) TERM.—

“(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 4 years.

“(2) MULTIPLE TERMS.—An individual may be appointed as a member of the Advisory Committee for more than 1 term.

“(d) POWERS.—The Advisory Committee may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Advisory Committee considers advisable to carry out this Act.

“(e) MEETINGS.—

“(1) IN GENERAL.—The Advisory Committee shall meet at the call of the Chairperson, but no fewer than 4 times each year.

“(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Advisory Committee have been appointed, the Chairperson shall call the initial meeting of the Advisory Committee.

“(3) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum, but a lesser number of members may hold hearings.

“(f) ADAPTIVE MANAGEMENT.—

“(1) IN GENERAL.—The Advisory Committee shall use an adaptive management framework to identify the best policy initiatives and actions through—

- “(A) definition of strategic goals;
- “(B) definition of policy options for methods to achieve strategic goals;
- “(C) establishment of measures of success;
- “(D) identification of uncertainties;
- “(E) development of informative models of policy implementation;
- “(F) separation of the landscape into geographic units;
- “(G) monitoring key responses at different spatial and temporal scales; and
- “(H) evaluation of outcomes and incorporation into management strategies.

“(2) APPLICATION OF ADAPTIVE MANAGEMENT FRAMEWORK.—The Advisory Committee shall apply the

adaptive management framework to the process for making recommendations under subsections (b) through (f) of section 6 to the Administrator regarding sites that should be designated as stewardship sites.

“(3) ADAPTIVE MANAGEMENT.—The adaptive management framework required by this subsection shall consist of a scientific process—

“(A) for—

“(i) developing predictive models;

“(ii) making management policy decisions based upon the model outputs;

“(iii) revising the management policies as data become available with which to evaluate the policies; and

“(iv) acknowledging uncertainty, complexity, and variance in the spatial and temporal aspects of natural systems; and

“(B) that requires that management be viewed as experimental.

“(g) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate on December 31, 2011.

“SEC. 9. REPORTS.

“(a) ADMINISTRATOR.—The Administrator shall publish and make available to the public on the Internet and in paper form—

“(1) not later than 1 year after the date of enactment of this Act [Oct. 16, 2006], a report that—

“(A) assesses the role of this Act in protecting the Long Island Sound;

“(B) establishes in coordination with the Advisory Committee guidelines, criteria, schedules, and due dates for evaluating information to designate stewardship sites;

“(C) includes information about any grants that are available for the purchase of land or property rights to protect stewardship sites; and

“(D) accounts for funds received and expended during the previous fiscal year;

“(2) an update of such report, at least every other year; and

“(3) information on funding and any new stewardship sites more frequently than every other year.

“(b) ADVISORY COMMITTEE.—

“(1) REPORT.—For each of fiscal years 2007 through 2011, the Advisory Committee shall submit to the Administrator and the decisionmaking body of the Long Island Sound Study Management Conference established under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), an annual report that contains—

“(A) a detailed statement of the findings and conclusions of the Advisory Committee since the last report under this subsection;

“(B) a description of all sites recommended by the Advisory Committee to the Administrator for designation as stewardship sites;

“(C) the recommendations of the Advisory Committee for such legislation and administrative actions as the Advisory Committee considers appropriate; and

“(D) in accordance with paragraph (2), the recommendations of the Advisory Committee for the awarding of grants.

“(2) RECOMMENDATION FOR GRANTS.—

“(A) IN GENERAL.—The Advisory Committee shall recommend that the Administrator award grants to qualified applicants to help to secure and improve the open space, public access, or ecological values of stewardship sites, through—

“(i) purchase of the property of a stewardship site;

“(ii) purchase of relevant property rights to a stewardship site; or

“(iii) entering into any other binding legal arrangement that ensures that the values of a stewardship site are sustained, including entering into an arrangement with a land manager or property owner to develop or implement a management

plan that is necessary for the conservation of natural resources.

“(B) EQUITABLE DISTRIBUTION OF FUNDS.—The Advisory Committee shall exert due diligence to ensure that its recommendations result in an equitable distribution of funds between the States.

“SEC. 10. PRIVATE PROPERTY PROTECTION; NO REGULATORY AUTHORITY.

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act—

“(1) requires any private property owner to allow public access (including Federal, State, or local government access) to the private property; or

“(2) modifies the application of any provision of Federal, State, or local law with regard to public access to or use of private property, except as entered into by voluntary agreement of the owner or custodian of the property.

“(b) LIABILITY.—Establishment of the Region does not create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any person injured on the private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act modifies the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS NOT REQUIRED.—Nothing in this Act requires the owner of any private property located within the boundaries of the Region to participate in any land conservation, financial or technical assistance, or other programs established under this Act.

“(e) PURCHASE OF LAND OR INTEREST IN LAND FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this Act may be used to purchase land or interests in land only from willing sellers.

“(f) MANNER OF ACQUISITION.—All acquisitions of land under this Act shall be made in a voluntary manner and shall not be the result of forced takings.

“(g) EFFECT OF ESTABLISHMENT.—

“(1) IN GENERAL.—The boundaries of the Region represent the area within which Federal funds appropriated for the purpose of this Act may be expended.

“(2) REGULATORY AUTHORITY.—The establishment of the Region and the boundaries of the Region do not provide any regulatory authority not in existence immediately before the enactment of this Act [Oct. 16, 2006] on land use in the Region by any management entity, except for such property rights as may be purchased from or donated by the owner of the property (including public lands donated by a State or local government).

“SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$25,000,000 for each of fiscal years 2007 through 2011 to carry out this Act, including for—

“(1) acquisition of land and interests in land;

“(2) development and implementation of site management plans;

“(3) site enhancements to reduce threats or promote stewardship; and

“(4) administrative expenses of the Advisory Committee and the Administrator.

“(b) USE OF FUNDS.—Amounts made available to the Administrator under this section each fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.

“(c) AUTHORIZATION OF GIFTS, DEVISES, AND BEQUESTS FOR SYSTEM.—In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds therefrom, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.”

§ 1270. Lake Champlain Basin Program

(a) Establishment

(1) In general

There is established a Lake Champlain Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for Lake Champlain. The Administrator shall convene the management conference within ninety days of November 16, 1990.

(2) Implementation

The Administrator—

(A) may provide support to the State of Vermont, the State of New York, and the New England Interstate Water Pollution Control Commission for the implementation of the Lake Champlain Basin Program; and

(B) shall coordinate actions of the Environmental Protection Agency under subparagraph (A) with the actions of other appropriate Federal agencies.

(b) Membership

The Members of the Management Conference shall be comprised of—

(1) the Governors of the States of Vermont and New York;

(2) each interested Federal agency, not to exceed a total of five members;

(3) the Vermont and New York Chairpersons of the Vermont, New York, Quebec Citizens Advisory Committee for the Environmental Management of Lake Champlain;

(4) four representatives of the State legislature of Vermont;

(5) four representatives of the State legislature of New York;

(6) six persons representing local governments having jurisdiction over any land or water within the Lake Champlain basin, as determined appropriate by the Governors; and

(7) eight persons representing affected industries, nongovernmental organizations, public and private educational institutions, and the general public, as determined appropriate by the trigovernmental Citizens Advisory Committee for the Environmental Management of Lake Champlain, but not to be current members of the Citizens Advisory Committee.

(c) Technical Advisory Committee

(1) The Management Conference shall, not later than one hundred and twenty days after November 16, 1990, appoint a Technical Advisory Committee.

(2) Such Technical Advisory Committee shall consist of officials of: appropriate departments and agencies of the Federal Government; the State governments of New York and Vermont; and governments of political subdivisions of such States; and public and private research institutions.

(d) Research program

The Management Conference shall establish a multi-disciplinary environmental research pro-

gram for Lake Champlain. Such research program shall be planned and conducted jointly with the Lake Champlain Research Consortium.

(e) Pollution prevention, control, and restoration plan

(1) Not later than three years after November 16, 1990, the Management Conference shall publish a pollution prevention, control, and restoration plan for Lake Champlain.

(2) The Plan developed pursuant to this section shall—

(A) identify corrective actions and compliance schedules addressing point and nonpoint sources of pollution necessary to restore and maintain the chemical, physical, and biological integrity of water quality, a balanced, indigenous population of shellfish, fish and wildlife, recreational, and economic activities in and on the lake;

(B) incorporate environmental management concepts and programs established in State and Federal plans and programs in effect at the time of the development of such plan;

(C) clarify the duties of Federal and State agencies in pollution prevention and control activities, and to the extent allowable by law, suggest a timetable for adoption by the appropriate Federal and State agencies to accomplish such duties within a reasonable period of time;

(D) describe the methods and schedules for funding of programs, activities, and projects identified in the Plan, including the use of Federal funds and other sources of funds;

(E) include a strategy for pollution prevention and control that includes the promotion of pollution prevention and management practices to reduce the amount of pollution generated in the Lake Champlain basin; and

(F) be reviewed and revised, as necessary, at least once every 5 years, in consultation with the Administrator and other appropriate Federal agencies.

(3) The Administrator, in cooperation with the Management Conference, shall provide for public review and comment on the draft Plan. At a minimum, the Management Conference shall conduct one public meeting to hear comments on the draft plan in the State of New York and one such meeting in the State of Vermont.

(4) Not less than one hundred and twenty days after the publication of the Plan required pursuant to this section, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governors of the States of New York and Vermont concur.

(5) Upon approval of the plan, such plan shall be deemed to be an approved management program for the purposes of section 1329(h) of this title and such plan shall be deemed to be an approved comprehensive conservation and management plan pursuant to section 1330 of this title.

(f) Grant assistance

(1) The Administrator may, in consultation with participants in the Lake Champlain Basin Program, make grants to State, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations.