

**§ 2905. Estuary habitat restoration strategy****(a) In general**

Not later than 1 year after November 7, 2000, the Council,<sup>1</sup> 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.)

**§ 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 have general data compilation, coordination, and analysis responsibilities to carry out this chapter and in support of the strategy developed under this section, including compilation of 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.

**(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; Pub. L. 110-114, title V, §5017(e), Nov. 8, 2007, 121 Stat. 1198.)

**AMENDMENTS**

2007—Subsec. (d). Pub. L. 110-114 substituted “have general data compilation, coordination, and analysis responsibilities to carry out this chapter and in support of the strategy developed under this section, including compilation of” for “compile”.

<sup>1</sup> So in original. The comma probably should not appear.

**§ 2907. Reporting****(a) In general**

Not later than September 30, 2008, and every 2 years thereafter, 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; Pub. L. 110-114, title V, § 5017(f), Nov. 8, 2007, 121 Stat. 1198.)

## AMENDMENTS

2007—Subsec. (a). Pub. L. 110-114 substituted “Not later than September 30, 2008, and every 2 years thereafter” for “At the end of the third and fifth fiscal years following November 7, 2000”.

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

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

(A) to the Secretary, \$25,000,000 for each of fiscal years 2008 through 2012;

(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), \$2,500,000 for each of fiscal years 2008 through 2012;

(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, \$2,500,000 for each of fiscal years 2008 through 2012;

(D) to the Administrator of the Environmental Protection Agency, \$2,500,000 for each of fiscal years 2008 through 2012; and

(E) to the Secretary of Agriculture, \$2,500,000 for each of fiscal years 2008 through 2012.

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 and other information compiled under section 2906 of this title, \$1,500,000 for each of fiscal years 2001 through 2012. 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; Pub. L. 110-114, title V, § 5017(g), Nov. 8, 2007, 121 Stat. 1198.)

## AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-114, § 5017(g)(1), struck out “to the Secretary” after “appropriated” in introductory provisions, added subpars. (A) to (E), and struck out former subpars. (A) to (D) which read as follows:

“(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.”

Subsec. (a)(2). Pub. L. 110-114, § 5017(g)(2), inserted “and other information compiled under section 2906 of this title” after “this chapter” and substituted “2012” for “2005”.

**§ 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 or contracts with Federal, State, and local government agencies, nongovernmental organizations, 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.

(Pub. L. 106-457, title I, § 110, Nov. 7, 2000, 114 Stat. 1966; Pub. L. 110-114, title V, § 5017(h), Nov. 8, 2007, 121 Stat. 1199.)

## AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-114, § 5017(h)(1), inserted “or contracts” after “agreements” and “, nongovernmental organizations,” after “agencies”.