

# Mid-Atlantic Watersheds Update

Northeast-Midwest Institute  
August 2009

*Welcome to the Mid-Atlantic Watersheds Update from the Northeast-Midwest Institute. These monthly updates will provide relevant news clippings, policy and Capitol Hill updates, and other helpful information. We are aware that brevity is always appreciated, so links are included for further information.*



## NEWS

### **Confirmations:**

- EPA - On July 10, the Senate confirmed Californian Peter Silva in the role of Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency. Silva will be responsible for implementing the Clean Water Act and Safe Drinking Water Act programs and regulations.
- Supreme Court - The Senate continues its hearings and proceedings regarding the confirmation of Sonia Sotomayor for the U.S. Supreme Court. The Senate Judicial Committee voted 13-6 on July 28 to endorse the nomination.
- FWS - On July 22, the Senate Environment and Public Works Committee held a hearing on the nomination of Sam Hamilton to lead the U.S. Fish and Wildlife Service.

### **Water:**

- EPA - The EPA has posted data on water pollution enforcement on its website in an effort to increase public awareness and bring about greater enforcement. Data is available for each state in a user-friendly format.
- Water Infrastructure, PA - Governor Ed Rendell has announced \$355 million in Recovery Act grants and loans for Pennsylvania water infrastructure projects. The funding is for 111 projects, including green infrastructure, drinking water, and wastewater improvements.
- Wetlands - Recent research from Brown University suggests that climate change is limiting the biodiversity

in the salt marshes of the northeast, particularly among plants. The study sites were in Rhode Island and Maine.

- White House - A draft executive order was released recently; it addresses development in floodplains, including dams, levees, and other structures in flood-prone areas.

**Invasives:** A University of Delaware study suggests that a toxin secreted by the invasive wetland plant phragmites is likely to become more potent as the climate warms. Increased ultra violet radiation boosts the toxin, and allows the invasive to become more virulent, killing and crowding out native plants.

**Superfund:** The EPA has proposed paving over a Superfund site near Delaware City, Delaware as the most cost effective option for containment. The Metachem chemical plant location contains millions of pounds of spilled chemicals and contaminated soils. The 65-acre site is already enclosed with concrete walls sunken seventy feet into the ground to mitigate seepage. Written comments will be accepted through August 14, and a public meeting will be held July 28.

**Mid-Atlantic Fisheries:** The Pew Environmental Group recently produced a report detailing the potential economic impact of fisheries management in the Mid-Atlantic. The report focused on four species, and suggests that had stocks of those fisheries recovered by 2007, landings would have increased resulting in a multi-million dollar boost to the value of both commercial and recreational fisheries.

*For questions, further information, or to be added or removed from this distribution list, please contact*

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## LEGISLATION IN BRIEF

**CWRA:** The House Small Business Committee held a [hearing](#) on July 22 seeking testimony regarding the potential affect of the Clean Water Restoration Act on small businesses and farmers. Most panelists expressed concern over the perception of increased regulation. See [link](#) for a recent *National Journal* discussion of this issue.

### **Water and Wildlife Bills:**

- **Joint Ventures:** The House of Representatives passed the Joint Ventures for Bird Habitat Conservation Act ([H.R. 2188](#)), on July 16 by a 400-0 vote, and the legislation has been referred to the Senate EPW Committee. The bill would require the Fish & Wildlife Service to establish a program to develop a framework for Joint Ventures (self-directed, voluntary partnerships) that provide financial and technical assistance to support regional migratory bird conservation partnerships
- **Duck Stamp:** The House Natural Resources Committee is scheduled for a July 29 [markup](#) of the Migratory Bird Habitat Investment and Enhancement Act ([H.R. 1916](#)), which would increase the price of the duck stamp by \$10 which would help with the cost of land acquisition for migratory bird habitat. Funds from sales of the stamp have conserved more than 5 million acres of waterfowl breeding, migrating, and wintering habitat across the United States.
- **LWCF:** A [report](#) released in early July calls for Congress to increase funding for the Land and Water Conservation Fund. The LWCF provides the means for state and federal acquisition of park and recreation land. The report suggests funding the program to \$5 billion by no later than 2015; FY10 Senate appropriations currently provides \$419 million. Other recommendations include: improved coordination for spending money, increased partnerships, and a new system of "blueways."
- **Clean Water Trust Fund:** Following last month's release of the GAO report on taxing industry to pay for water infrastructure upgrades, Congressman Earl Blumenauer (D-OR) has introduced related legislation ([fact sheet](#)), the Water Protection and Reinvestment Act. The bill would tax: corporations earning a profit of more than \$4 million a year by .15%; manufacturers of beverages (water-based, excluding alcohol) by \$.04 per container; soaps, detergents, toiletries, toilet paper, water softeners, and cooking oils by 3% on wholesale price; and pharmaceutical products at .5% on wholesale price. The revenue would raise an estimated \$10 billion a year to address aging water

infrastructure and sewer needs. A [hearing](#) was also held on July 15.

- **Connecticut River:** The Upper Connecticut River Partnership Act ([H.R. 2643](#), [S. 1117](#)) would require the Secretary of the Interior to establish a Connecticut River Grants and Technical Assistance Program to provide grants and technical assistance to state/local govt., non-profits and the private sector. Projects would carry out conservation, restoration, and interpretation of historic, cultural, recreational, and natural resources in the Upper CT River Watershed. The authorization would provide \$1 million annually.
- **Cape Cod:** The House Agriculture Committee will take a look at the Cape Cod Water Resources Restoration Project at a [hearing](#) on July 30. Because this project will cost more than \$5 million, it falls under the Watershed Protection and Flood Prevention Act, and is subject to Congressional vetting and authorization. The Cape Cod project will address issues resulting from development pressure and questions about water quality.

**Climate & Energy:** The Senate Environment and Public Works Committee continues its work on the Senate's version of climate legislation by holding a series of [hearings](#) while working on their draft. For example, on [July 14](#), the testimony centered on agricultural offsets, and a [July 16](#) hearing focused on the economics of climate change legislation. A hearing scheduled for [July 30](#) will examine implications for national security. Senate leadership has set a deadline for voting on a bill by the end of September, while the EPW Committee hopes to unveil the bill immediately following the end of August recess.

### **Chesapeake Bay:**

- **NOAA and Budgets:** At a [hearing](#) on July 8 before the House Natural Resources Committee, two Chesapeake Bay-related bills were discussed - Congressman John Sarbanes' (D-MD) NOAA Chesapeake Bay reauthorization bill ([H.R. 1771](#)) and Congressman Rob Wittman's (R-VA) bill ([H.R. 1053](#)) that would require a cross-cutting budget and adaptive management for agencies involved in Bay restoration. The administration gave tentative support for the bills, but did call Rep. Wittman's bill potentially duplicative. Both bills are scheduled for a Natural Resources committee [vote](#) on July 29.
- **Runoff:** On July 20, Congressman Gerald Connolly (D-VA) introduced the Chesapeake Bay Restoration Act of 2009 ([H.R. 3265](#)). The bill would amend the Clean

Water Act to “reduce pollution resulting from impervious surfaces within the Chesapeake Bay watershed.” The legislation sets forth requirements for forest cover and reforestation efforts, and creates a permitting system and associated grant program for impervious surfaces.

- **EPW:** A hearing is planned for August 3 with regard to the Chesapeake. Details are not immediately available. Please check the EPW [website](#) as the date approaches.

**Transportation Bill:** The Senate is moving ahead with its plans to enact an extension for the Federal Surface Transportation Act. Three Senate panels with jurisdiction over the legislation have approved extensions. Simultaneously, the Senate Finance Committee is working on its \$27 billion provision to keep the Highway Trust Fund viable during the extension. The House still plans to try to pass a reauthorization ([summary](#)) before the law expires in September, but also needs to address the shortfall in the Trust Fund before recess. The House will likely approve a \$5 billion stopgap transfer to the fund to keep it afloat.

**Budget and Appropriations:** As July comes to a close, the [Senate](#) resumes consideration of its FY10 spending bills after taking a short break mid-month to work on other priorities, while the [House](#) is completing work on the last of the 12 bills before recess.

**INTERIOR-ENVIRONMENT** – In June, the House approved a \$32.3 billion spending bill ([H.R. 2996](#)) for the Interior and Environment by a vote of 254-173. The Senate Appropriations Committee also approved its [spending bill](#) in June, which lays out \$32.1 billion in funding; it has not yet gone to the Senate floor.

**AGRICULTURE** – The House Agriculture spending bill ([H.R. 2997](#)) headed to the House floor on July 9, and passed by a vote of 266-160. Thirteen [amendments](#) were offered. The Senate Agriculture Appropriations took up their bill on July 7, skipping over subcommittee markup. The Senate bill ([S. 1406](#)), which is awaiting floor time, provides more than \$949 million to conservation operations and \$24.4 million for Watershed and Flood Prevention Operations. It is possible that the Senate will send the agriculture spending bill to the floor before recess if it finishes with energy and water.

**CJS** – The House approved a \$64.4 billion Commerce-Justice-Science appropriations bill ([H.R. 2847](#)) in June. The Senate Appropriations Committee passed its \$64.9 billion [bill](#) on June 25; it has not yet gone to the Senate floor.

**ENERGY AND WATER DEVELOPMENT** – On July 17, the House voted to pass the Energy and Water Development spending bill ([H.R. 3183](#)) by a vote of 320-97. Twenty-one [amendments](#) were offered (proposed Senate

amendments are also listed on this page). The bill provides \$33.3 billion for energy and water development projects, including \$5.5 billion for the Army Corps of Engineers. The Senate EWD Subcommittee marked up their bill ([S. 1436](#)) on July 8, and the full committee voted to pass it on July 9 ([report language](#)). Overall, the bill is \$643 million below the White House request. Work began on the Senate floor July 27 and continues at press time.

- **Army Corps of Engineers:** In the House bill, Construction is funded at \$2.1 billion, and Operations and Maintenance and \$2.5 billion. Flood Control and Coastal Emergencies requested in the President’s budget at \$41 million did not get funded. The Senate bill includes \$5.4 billion for the Army Corps, which is \$280 million over the administration’s budget request and \$2.6 million above the fiscal year 2009 enacted amount. This includes \$1.9 billion for Construction, \$2.5 billion for Operations and Maintenance; the Flood Control and Coastal Emergencies category was also unfunded in the Senate version.

*Most markups are available for viewing on House and Senate committee websites, as floor activity is aired on C-SPAN. Details of President Obama’s FY2010 budget are available on the White House OMB [website](#).*

*Also check out the **NEW** Northeast-Midwest Institute website – we will soon post more information on relevant appropriations earmarks and include FY2010 appropriations charts.*

*Remember – Congressional summer recess is fast-approaching. Your Members of Congress will be home for in-district work periods from **August 3 - September 7**. This is a great time to schedule meetings and attend local events in your area.*

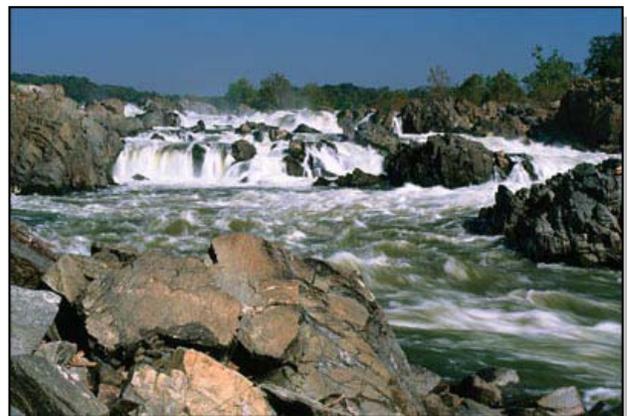


Photo: Gary Fleming, Virginia Department of Conservation and Recreation