

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4698

To direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2010

Mr. CASTLE (for himself, Mr. DENT, Mr. HINCHEY, Mr. HOLT, and Mr. SESTAK) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Delaware River Basin  
3 Conservation Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Delaware River Basin is a national  
7 treasure of great cultural, environmental, and eco-  
8 logical importance.

9 (2) The Delaware River Basin contains over  
10 12,500 square miles of land in Delaware, New Jer-  
11 sey, New York, and Pennsylvania, nearly 800 square  
12 miles of bay, and more than 2,000 tributary rivers  
13 and streams.

14 (3) The Basin is home to more than 8,000,000  
15 people who depend on the Delaware River and Bay  
16 as an economic engine, a place of recreation, and a  
17 vital habitat for fish and wildlife.

18 (4) The Basin provides clean drinking water to  
19 more than 15,000,000 people. New York City relies  
20 on the Delaware River Basin for half of its drinking  
21 water supply. A study conducted by the City of  
22 Philadelphia Water Department determined that the  
23 most significant threat to its drinking water supply  
24 is forest clearing in the Upper Basin.

25 (5) Almost 180 species of fish and wildlife are  
26 considered special status species in the Basin due to

1 habitat loss and degradation. Sturgeon, eastern oys-  
2 ter, and red knots have been identified as unique  
3 species in need of habitat improvement.

4 (6) The Basin provides habitat for over 200  
5 fish species, both residents and migrants, and in-  
6 cludes significant recreational fisheries. The Basin is  
7 also a prolific source of eastern oyster, blue crab,  
8 and the largest population of the American horse-  
9 shoe crab.

10 (7) Current oyster landings in the Delaware  
11 Bay are at 100,000 bushels, down from 500,000  
12 harvested in the 1980s due, in part, to polluted  
13 water and disease.

14 (8) The Delaware Bay has the second largest  
15 concentration of shorebirds in North America and is  
16 designated as one of the four most important  
17 shorebird migration sites in the world.

18 (9) The Basin has 1,000,000 acres of wetlands,  
19 more than 126,000 acres of which are recognized as  
20 internationally important. Fifty percent of the Basin  
21 is covered by forest. This landscape provides essen-  
22 tial ecosystem services, including recreation, com-  
23 mercial, and water quality benefits.

24 (10) Much of the remaining exemplary natural  
25 landscape is vulnerable to further degradation. The

1 Basin gains approximately 14 square miles of devel-  
2 oped land annually. With new development, urban  
3 watersheds are increasingly covered by impervious  
4 surfaces, amplifying the amount of polluted runoff  
5 into rivers and streams.

6 (11) The Delaware River is the longest  
7 undammed river east of the Mississippi, and a crit-  
8 ical component of the National Wild and Scenic  
9 River System in the Northeast.

10 (12) Management of water volume in the Basin  
11 is critical to flood mitigation and habitat for fish  
12 and wildlife. Following three major floods along the  
13 River since 2004, the governors of Delaware, New  
14 Jersey, New York, and Pennsylvania, have called for  
15 natural flood control measures to combat the prob-  
16 lem, including restoring the function of riparian cor-  
17 ridors.

18 (13) The Delaware River Port Complex (includ-  
19 ing docking facilities in Delaware, New Jersey, and  
20 Pennsylvania) is the largest freshwater port in the  
21 world. The Port of Philadelphia handles the largest  
22 volume of international tonnage and 70 percent of  
23 the oil shipped to the east coast. The Port of Wil-  
24 mington, a full-service deepwater port and marine  
25 terminal, is the busiest terminal on the Delaware

1 River handling over 400 vessels per year with an an-  
2 nual import/export cargo tonnage of over 4,000,000  
3 tons.

4 (14) The Delaware Estuary, where fresh water  
5 from the Delaware River mixes with salt water from  
6 the Atlantic Ocean, is one of the largest and most  
7 complex of the 28 estuaries in the National Estuary  
8 Program, and the Partnership for the Delaware Es-  
9 tuary works to improve the environmental health of  
10 the Delaware Estuary.

11 (15) The Delaware River Basin Commission is  
12 a Federal-interstate compact government agency  
13 charged with overseeing a unified approach to man-  
14 aging the river system and implements important  
15 water resources management projects and activities  
16 throughout the Basin that are in the national inter-  
17 est.

18 (16) Restoration in the Basin is presently sup-  
19 ported through several State and Federal agency  
20 programs. Funding for these important programs  
21 should continue and complement the establishment  
22 of the Delaware River Basin Restoration Program.  
23 The Program and associated funding for the Basin  
24 is intended to build upon and help coordinate res-

1        toration and protection funding mechanisms at the  
2        Federal, regional, State, and local level.

3   **SEC. 3. DEFINITIONS.**

4        In this Act, the following definitions apply:

5            (1) **BASIN.**—The term “Basin” means the four-  
6        State Delaware Basin including all of Delaware Bay  
7        and portions of Delaware, New Jersey, New York,  
8        and Pennsylvania, located in the Delaware River wa-  
9        tershed.

10           (2) **DIRECTOR.**—The term “Director” means  
11        the Director of the United States Fish and Wildlife  
12        Service.

13           (3) **FOUNDATION.**—The term “Foundation”  
14        means the National Fish and Wildlife Foundation, a  
15        congressionally chartered foundation established  
16        under the National Fish and Wildlife Foundation  
17        Establishment Act (16 U.S.C. 3701 et seq.).

18           (4) **GRANT PROGRAM.**—The term “Grant Pro-  
19        gram” refers to the Delaware River Basin Restora-  
20        tion Grant Program.

21           (5) **PROGRAM.**—The term “Program” means  
22        the Delaware River Basin Restoration Program.

23           (6) **SECRETARY.**—The term “Secretary” means  
24        the Secretary of the Interior.

1           (7) SERVICE.—The term “Service” means the  
2           United States Fish and Wildlife Service.

3 **SEC. 4. PROGRAM ESTABLISHMENT.**

4           (a) ESTABLISHMENT.—Not later than 180 days after  
5 funds are made available for this purpose, the Secretary  
6 shall establish a program, through the Director, that shall  
7 be known as the “Delaware River Basin Restoration Pro-  
8 gram”. The Director shall—

9           (1) work in consultation with existing manage-  
10 ment structures, including representatives of the  
11 Partnership for the Delaware Estuary and the Dela-  
12 ware River Basin Commission, and other Federal,  
13 State, local government, regional, and nonprofit or-  
14 ganizations, as appropriate, to identify, prioritize,  
15 and implement restoration and protection activities  
16 within the Basin;

17           (2) adopt a single plan that includes a shared  
18 set of priorities for implementation of the Program;

19           (3) establish the Grant Program; and

20           (4) provide for technical assistance in accord-  
21 ance with this Act.

22           (b) COORDINATION.—In establishing the Program,  
23 the Director shall consult, as appropriate, with—

24           (1) Federal agencies, including the Environ-  
25 mental Protection Agency, National Oceanic Atmos-

1 pheric Administration, Natural Resource Conserva-  
2 tion Service, United States Army Corps of Engi-  
3 neers, the National Park Service, and any other rel-  
4 evant agencies;

5 (2) Basin States which include Delaware, New  
6 Jersey, New York, and Pennsylvania;

7 (3) the Partnership for the Delaware Estuary;

8 (4) the Delaware River Basin Commission;

9 (5) fish and wildlife joint venture partnerships  
10 in existence on the date of the enactment of this Act  
11 as well as those formed after such date; and

12 (6) other public agencies and organizations with  
13 authorities for planning and implementation of con-  
14 servation strategies in the Basin.

15 (c) PURPOSES.—The purposes of the Program in-  
16 clude—

17 (1) to coordinate restoration and protection ac-  
18 tivities among Federal agencies, State, local and re-  
19 gional entities, and conservation partners throughout  
20 the Basin;

21 (2) to carry out coordinated restoration and  
22 protection activities throughout the Basin and the  
23 States to—

24 (A) sustain and enhance habitat restora-  
25 tion and protection activities;

1 (B) sustain and enhance water quality im-  
2 provements, including drinking water;

3 (C) sustain and enhance water manage-  
4 ment and flood control improvements to benefit  
5 fish and wildlife habitat;

6 (D) improve opportunities for public access  
7 and recreation in the Basin;

8 (E) encourage environmentally sensitive  
9 land use planning and development;

10 (F) increase the capacity to implement co-  
11 ordinated restoration and protection activities  
12 in Basin by conducting public outreach and  
13 education, and promoting citizen involvement;  
14 and

15 (G) coordinate, conduct, and support plan-  
16 ning, studies, monitoring, and research nec-  
17 essary to carry out coordinated restoration and  
18 protection activities; and

19 (3) to provide competitive grants and for tech-  
20 nical assistance for restoration and protection activi-  
21 ties in Basin with priority given to activities with  
22 multiple benefits, including habitat, water quality,  
23 and flood protection.

1 **SEC. 5. GRANTS AND ASSISTANCE.**

2 (a) DELAWARE RIVER BASIN RESTORATION PRO-  
3 GRAM.—To the extent that funds are available for this  
4 purpose, the Director shall establish a “Delaware River  
5 Basin Restoration Grant Program” to provide competitive  
6 matching grants of varying amounts to State and local  
7 governments, nonprofit organizations, community organi-  
8 zations, universities, and others to carry out activities for  
9 the purposes set forth in section 4.

10 (b) CRITERIA.—The Director, in consultation with  
11 the organizations listed in section 4(b), shall develop cri-  
12 teria for the Grant Program to help ensure that activities  
13 funded under this section address one or more of the fol-  
14 lowing:

15 (1) Restore or protect fish and wildlife species  
16 and their habitats.

17 (2) Improve or protect water quality by reduc-  
18 ing nonpoint and point source pollutants.

19 (3) Reduce or improve management of water  
20 volume and flooding.

21 (4) Address priority needs or actions identified  
22 in the single plan adopted under section 4(a)(2).

23 (5) Include activities with multiple benefits in  
24 Basin, including habitat, water quality, and flood  
25 protection.

26 (c) COST SHARING.—

1           (1) FEDERAL SHARE.—The Federal share of  
2           the cost of a project funded under the Grant Pro-  
3           gram shall not exceed 75 percent of the total cost  
4           of the activity.

5           (2) NON-FEDERAL SHARE.—The non-Federal  
6           share of the cost of a project funded under the  
7           Grant Program may be provided in cash or in the  
8           form of an in-kind contribution of services or mate-  
9           rials.

10          (d) ADMINISTRATION.—The Director may enter into  
11          an agreement with the National Fish and Wildlife Foun-  
12          dation or another organization with the proper expertise  
13          to manage the Grant Program. If selected, the Foundation  
14          or other organization shall receive in lump sum, invest and  
15          reinvest funds for the Grant Program, and otherwise ad-  
16          minister the Grant Program to support partnerships be-  
17          tween the public and private sectors that further the pur-  
18          poses of this Act. Amounts received by the Foundation  
19          under this section shall be subject to the provisions of the  
20          National Fish and Wildlife Foundation Establishment Act  
21          (16 U.S.C. 3701 et seq.), excluding section 3709(a) of  
22          that Act.

23          (e) TECHNICAL ASSISTANCE.—The Director may  
24          provide or provide for technical assistance, on a nonreim-  
25          bursable basis, to other Federal agencies, State and local

1 governments, nonprofit organizations, community organi-  
2 zations, universities, and others to carry out the purposes  
3 of the Program.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-  
6 priated to the Secretary \$5,000,000 for each of fiscal  
7 years 2011 through 2016 to carry out this Act.

8 (b) PROPORTIONATE USE.—Of the amount appro-  
9 priated, at least 75 percent shall be used to carry out the  
10 Grant Program and to provide or provide for technical as-  
11 sistance under section 5.

12 **SEC. 7. REPORT TO CONGRESS.**

13 Not later than 180 days after the date of the enact-  
14 ment of this Act and annually thereafter, the Secretary  
15 shall submit to Congress a report on the implementation  
16 of the Act, including what projects have been funded  
17 under this Act.

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