

113TH CONGRESS
1ST SESSION

H. R. 644

To direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Mr. CARNEY (for himself, Mr. ANDREWS, Mr. CARTWRIGHT, Mr. DENT, Mr. FITZPATRICK, Mr. GIBSON, Mr. HOLT, Mr. LOBIONDO, Mr. MEEHAN, Mr. RUNYAN, and Ms. SCHWARTZ) 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

A BILL

To direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Delaware River Basin
5 Conservation Act of 2013”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Delaware River Basin is a national
4 treasure of great cultural, environmental, and eco-
5 logical importance;

6 (2) the Basin contains over 12,500 square miles
7 of land in the States of Delaware, New Jersey, New
8 York, and Pennsylvania, including nearly 800 square
9 miles of bay and more than 2,000 tributary rivers
10 and streams;

11 (3) the Basin is home to more than 8,000,000
12 people who depend on the Delaware River and the
13 Delaware Bay as an economic engine, a place of
14 recreation, and a vital habitat for fish and wildlife;

15 (4) the Basin provides clean drinking water to
16 more than 15,000,000 people, including New York
17 City, which relies on the Basin for approximately
18 half of the drinking water supply of the city, and
19 Philadelphia, whose most significant threat to the
20 drinking water supply of the city is forest clearing
21 in the Upper Basin, according to a study conducted
22 by the Philadelphia Water Department;

23 (5) almost 180 species of fish and wildlife are
24 considered special status species in the Basin due to
25 habitat loss and degradation, particularly sturgeon,
26 eastern oyster, and red knots, which have been iden-

1 tified as unique species in need of habitat improve-
2 ment;

3 (6) the Basin provides habitat for over 200
4 resident and migrant fish species, includes signifi-
5 cant recreational fisheries, and is a prolific source of
6 eastern oyster, blue crab, and the largest population
7 of the American horseshoe crab;

8 (7) the annual value of commercial Eastern
9 oyster landings for the Delaware Estuary is
10 \$3,700,000 per year in 2010 dollars, making it the
11 fourth-most lucrative fishery in the Delaware River
12 Basin watershed, and oyster populations are re-
13 bounding despite many years of below-average bio-
14 logical recruitment due, in part, to pollution and dis-
15 ease;

16 (8) the Delaware Bay has the second largest
17 concentration of shorebirds in North America and is
18 designated as 1 of the 4 most important shorebird
19 migration sites in the world;

20 (9) the Basin, 50 percent of which is forested,
21 also has 1,000,000 acres of wetland, more than
22 126,000 acres of which are recognized as inter-
23 nationally important, resulting in a landscape that
24 provides essential ecosystem services, including
25 recreation, commercial, and water quality benefits;

1 (10) much of the remaining exemplary natural
2 landscape in the Basin is vulnerable to further deg-
3 radation, as the Basin gains approximately 14
4 square miles of developed land annually, and with
5 new development, urban watersheds are increasingly
6 covered by impervious surfaces, amplifying the quan-
7 tity of polluted runoff into rivers and streams;

8 (11) the Delaware River is the longest
9 undammed river east of the Mississippi, and a crit-
10 ical component of the National Wild and Scenic Riv-
11 ers System in the Northeast;

12 (12) management of water volume in the Basin
13 is critical to flood mitigation and habitat for fish
14 and wildlife, and following 3 major floods along the
15 Delaware River since 2004, the Governors of the
16 States of Delaware, New Jersey, New York, and
17 Pennsylvania have called for natural flood damage
18 reduction measures to combat the problem, including
19 restoring the function of riparian corridors;

20 (13) the Delaware River Port Complex (includ-
21 ing docking facilities in the States of Delaware, New
22 Jersey, and Pennsylvania) is one of the largest
23 freshwater port in the world, the Port of Philadel-
24 phia handles the largest volume of international ton-
25 nage and 70 percent of the oil shipped to the East

1 Coast, and the Port of Wilmington, a full-service
2 deepwater port and marine terminal, is the busiest
3 terminal on the Delaware River, handling more than
4 400 vessels per year with an annual import/export
5 cargo tonnage of more than 4,000,000 tons;

6 (14) the Delaware Estuary, where freshwater
7 from the Delaware River mixes with saltwater from
8 the Atlantic Ocean, is 1 of the largest and most
9 complex of the 28 estuaries in the National Estuary
10 Program, and the Partnership for the Delaware Es-
11 tuary works to improve the environmental health of
12 the Delaware Estuary;

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

20 (16) restoration activities in the Basin are sup-
21 ported through several Federal and State agency
22 programs, and funding for those important pro-
23 grams should continue and complement the estab-
24 lishment of the Delaware River Basin Restoration
25 Program, which is intended to build on and help co-

1 ordinate restoration and protection funding mecha-
2 nisms at the Federal, State, regional, and local lev-
3 els; and

4 (17) the existing and ongoing voluntary con-
5 servation efforts in the Delaware River Basin neces-
6 sitate improved efficiency and cost-effectiveness, as
7 well as increased private-sector investments and co-
8 ordination of Federal and non-Federal resources.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **BASIN.**—The term “Basin” means the 4-
12 State Delaware Basin region, including all of Dela-
13 ware Bay and portions of the States of Delaware,
14 New Jersey, New York, and Pennsylvania located in
15 the Delaware River watershed.

16 (2) **BASIN STATE.**—The term “Basin State”
17 means each of the States of Delaware, New Jersey,
18 New York, and Pennsylvania.

19 (3) **DIRECTOR.**—The term “Director” means
20 the Director of the United States Fish and Wildlife
21 Service.

22 (4) **FOUNDATION.**—The term “Foundation”
23 means the National Fish and Wildlife Foundation, a
24 congressionally chartered foundation established by

1 section 2 of the National Fish and Wildlife Founda-
2 tion Establishment Act (16 U.S.C. 3701).

3 (5) GRANT PROGRAM.—The term “grant pro-
4 gram” means the Delaware River Basin restoration
5 grant program established under section 5.

6 (6) PROGRAM.—The term “program” means
7 the Delaware River Basin restoration program es-
8 tablished under section 4.

9 (7) RESTORATION AND PROTECTION.—The
10 term “restoration and protection” means the con-
11 servation, protection, and enhancement of fish and
12 wildlife, as well as the habitats of fish and wildlife.

13 (8) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior, acting through the Di-
15 rector.

16 (9) SERVICE.—The term “Service” means the
17 United States Fish and Wildlife Service.

18 **SEC. 4. PROGRAM ESTABLISHMENT.**

19 (a) ESTABLISHMENT.—Not later than 180 days after
20 the date of enactment of this Act, the Secretary shall es-
21 tablish a program to be known as the “Delaware River
22 Basin restoration program”.

23 (b) DUTIES.—In carrying out the program, the Sec-
24 retary shall—

1 (1) draw on existing and new management
2 plans for the Basin, or portions of the Basin, and
3 work in consultation with applicable management
4 entities, including representatives of the Partnership
5 for the Delaware Estuary, the Delaware River Basin
6 Commission, the Federal Government, and other
7 State and local governments, and regional and non-
8 profit organizations, as appropriate, to identify,
9 prioritize, and implement restoration and protection
10 activities within the Basin;

11 (2) adopt a basin-wide strategy that—

12 (A) supports the implementation of a
13 shared set of science-based restoration and pro-
14 tection activities developed in accordance with
15 paragraph (1);

16 (B) targets cost-effective conservation
17 projects;

18 (C) supports measurable conservation ef-
19 forts; and

20 (D) maximizes conservation outcomes with
21 no net gain of Federal full-time equivalent em-
22 ployees;

23 (3) establish the grant program in accordance
24 with section 5; and

1 (4) provide for technical assistance in accord-
2 ance with this Act.

3 (c) COORDINATION.—In establishing the program,
4 the Secretary shall consult, as appropriate, with—

5 (1) the heads of Federal agencies, including—

6 (A) the Administrator of the Environ-
7 mental Protection Agency;

8 (B) the Administrator of the National Oce-
9 anic and Atmospheric Administration;

10 (C) the Chief of the Natural Resource
11 Conservation Service;

12 (D) the Chief of Engineers of the Corps of
13 Engineers; and

14 (E) the head of any other applicable agen-
15 cy;

16 (2) the Governors of the Basin States;

17 (3) the Partnership for the Delaware Estuary;

18 (4) the Delaware River Basin Commission;

19 (5) fish and wildlife joint venture partnerships;

20 and

21 (6) other public agencies and organizations with
22 authority for the planning and implementation of
23 conservation strategies in the Basin.

24 (d) PURPOSES.—The purposes of the program in-
25 clude—

1 (1) coordinating restoration and protection ac-
2 tivities among Federal, State, local, and regional en-
3 tities and conservation partners throughout the
4 Basin;

5 (2) carrying out coordinated restoration and
6 protection activities throughout the Basin and Basin
7 States—

8 (A) to sustain and enhance fish and wild-
9 life habitat restoration and protection activities;

10 (B) to improve and maintain water quality
11 to support fish and wildlife, as well as the habi-
12 tats of fish and wildlife;

13 (C) to sustain and enhance water manage-
14 ment and flood damage mitigation improve-
15 ments to benefit fish and wildlife habitat;

16 (D) to improve opportunities for public ac-
17 cess and recreation in the Basin;

18 (E) to encourage environmentally sensitive
19 land use planning and development;

20 (F) to increase the capacity to implement
21 coordinated restoration and protection activities
22 in the Basin by conducting public outreach and
23 education and promoting citizen involvement;
24 and

1 (G) to increase scientific capacity to sup-
2 port the planning, monitoring, and research ac-
3 tivities necessary to carry out coordinated res-
4 toration and protection activities; and

5 (3) providing competitive grants for technical
6 assistance to carry out restoration and protection ac-
7 tivities in the Basin, with priority given to activities
8 with multiple benefits, as described in paragraph
9 (2).

10 **SEC. 5. GRANTS AND ASSISTANCE.**

11 (a) DELAWARE RIVER BASIN RESTORATION PRO-
12 GRAM.—To the extent that funds are available to carry
13 out this section, the Secretary shall establish a grant pro-
14 gram to be known as the “Delaware River Basin restora-
15 tion grant program” to provide competitive matching
16 grants of varying amounts to State and local governments,
17 nonprofit organizations, community organizations, institu-
18 tions of higher education, and other eligible entities to
19 carry out activities described in section 4(d).

20 (b) CRITERIA.—The Secretary, in consultation with
21 the organizations described in section 4(c), shall develop
22 criteria for the grant program to help ensure that activi-
23 ties funded under this section accomplish 1 or more of
24 the following:

1 (1) Restoration or protection of fish and wildlife
2 and the habitats of fish and wildlife.

3 (2) Improvement or protection of water quality
4 by reducing pollutants and restoring headwater
5 areas and drinking water basins.

6 (3) Improvement of the management of water
7 volume and mitigation of flood damage to support
8 the ecological needs of fish and wildlife and the habi-
9 tats of fish and wildlife.

10 (4) Inclusion of priority needs or actions identi-
11 fied in the basin-wide strategy adopted under section
12 4(b)(2).

13 (5) Inclusion of restoration and protection ac-
14 tivities with multiple benefits in the Basin, including
15 habitat, water quality, and flood damage mitigation.

16 (c) COST SHARING.—

17 (1) FEDERAL SHARE.—The Federal share of
18 the cost of a project funded under the grant pro-
19 gram shall not exceed 50 percent of the total cost
20 of the activity, as determined by the Secretary.

21 (2) NON-FEDERAL SHARE.—The non-Federal
22 share of the cost of a project funded under the grant
23 program may be provided in cash or in the form of
24 an in-kind contribution of services or materials.

25 (d) ADMINISTRATION.—

1 (1) IN GENERAL.—The Secretary may enter
2 into an agreement to manage the grant program
3 with the National Fish and Wildlife Foundation or
4 a similar organization that offers grant management
5 services.

6 (2) FUNDING.—If the Secretary enters into an
7 agreement under paragraph (1), the organization se-
8 lected shall—

9 (A) for each fiscal year, receive amounts to
10 carry out this section in an advance payment of
11 the entire amount on October 1, or as soon as
12 practicable thereafter, of that fiscal year;

13 (B) invest and reinvest those amounts for
14 the benefit of the grant program; and

15 (C) otherwise administer the grant pro-
16 gram to support partnerships between the pub-
17 lic and private sectors in accordance with this
18 Act.

19 (3) REQUIREMENTS.—If the Secretary enters
20 into an agreement with the Foundation under para-
21 graph (1), any amounts received by the Foundation
22 under this section shall be subject to the National
23 Fish and Wildlife Foundation Establishment Act (16
24 U.S.C. 3701 et seq.), excluding section 10(a) of that
25 Act (16 U.S.C. 3709(a)).

1 (e) TECHNICAL ASSISTANCE.—The Secretary may
2 provide, or provide for, technical assistance to carry out
3 this section, on a nonreimbursable basis, to—

- 4 (1) other Federal agencies;
- 5 (2) State and local governments;
- 6 (3) nonprofit organizations;
- 7 (4) community organizations;
- 8 (5) institutions of higher education; or
- 9 (6) other entities, as the Secretary determines
10 to be appropriate.

11 **SEC. 6. ANNUAL REPORTS.**

12 Not later than 180 days after the date of enactment
13 of this Act and annually thereafter, the Secretary shall
14 submit to Congress a report on the implementation of this
15 Act, including a description of each project that has re-
16 ceived funding under this Act.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—The United States Fish and Wild-
19 life Service shall use funds within its existing budgetary
20 authority to carry out this Act.

21 (b) USE.—Of any amount made available each fiscal
22 year to carry out this Act, the Secretary shall use at least
23 75 percent to carry out the grant program under section

- 1 5 including to provide, or provide for, technical assistance
- 2 under section 5(e).

