

INTRODUCTION OF THE CHESAPEAKE BAY PROGRAM REAUTHORIZATION AND IMPROVEMENT ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act with my colleague TIM HOLDEN from Pennsylvania.

The Chesapeake Bay, the largest estuary in the U.S., is an incredibly complex ecosystem that includes important habitats and is a cherished part of our American heritage. The Bay Watershed includes all types of land uses, from intensely urban areas, spread out suburban development and diverse agricultural practices.

I have worked hard during past negotiations on the Farm Bill to ensure that critical resources are in place to help restore the Bay. While the goal from all involved is the same, restoring the health and vitality of the Bay, the path to that health and vitality is being strongly debated. It is a clear choice, overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay watershed their home, or commonsense incentive-based efforts that help restore and protect our natural resources.

Unfortunately, proposals like the Presidential Executive Order and the Environmental Protection Agency's Total Maximum Daily Load, TMDL, forces more mandates and overzealous regulations on all of those who live, work, and farm in the Chesapeake Bay Watershed. The EPA's TMDL is a power grab that sets strict limits on the amount of nutrients discharged into the Chesapeake Bay and each of its tributaries by different types of sources. These limits will dramatically restrict land usages for everyone who lives and works in the Watershed. Although the Clean Water Act requires the EPA to establish a TMDL, the power is currently reserved to the states to determine how to improve water quality, including determining nutrient reduction allocations among different types of point and non-point sources. In the proposed TMDL, the EPA has exceeded its authority in the Clean Water Act by setting specific nutrient reduction allocations by sector, a power currently reserved to the states.

Beyond the fact that the EPA lacks the authority in the Clean Water Act to take the majority of the actions that it is taking, I have serious concerns about this approach to Bay restoration. EPA has increased its federal actions in the Watershed while relying on modeling data that does not adequately include nutrient reductions that have been made in the Watershed to guide its decisions. This raises serious concerns about the ability of the agency to measure and assess restoration efforts. Further, it is clear by reports of the communities and industries affected, that these new regulations will be devastating during our current economic downturn. This will result in many billions of dollars in economic losses to states, cities and towns, farms and other businesses large and small.

This strategy limits economic growth and unfairly over regulates our local economies. Mr. HOLDEN and I recognized that we must

form a proposal that does not pit the health of the bay against the strength and vitality of our local communities and that is why we rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act

Instead of overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay Watershed their home, our legislation allows states and communities more flexibility in meeting water quality goals so that we can help restore and protect our natural resources. Our bill sets up new programs to give farmers, homebuilders, and localities new ways to meet their water quality goals. This includes preserving current intrastate nutrient trading programs that many Bay states already have in place, while also creating a voluntary interstate nutrient trading program. Additionally, this bill creates a voluntary assurance framework for farmers. The program will deem farmers to be fully in compliance with their water quality requirements as long as they have undertaken appropriate conservation activities to comply with state and federal water quality standards.

Our bill makes sure that the agencies are using common sense when regulating water quality goals for localities. Our legislation requires the regulators to take into account the availability, cost, effectiveness, and appropriateness of practices, techniques, or methods in meeting water quality goals. This will ensure that localities are not being mandated to achieve a reduction in nutrient levels by a prescribed date, when no technology exists to achieve that reduction within that timeline.

Additionally, the bill contains language that reaffirms and preserves the rights of the states to write their own water quality plans. This role has been traditionally reserved to the states but that is being threatened by the Obama Administration's policies. The Obama Administration is seeking to expand their regulatory authority by seizing authority granted to the states and converting the Bay Cleanup efforts to a process that is a top down approach with mandatory regulations. I believe that each state knows best how to manage their water quality goals; not the bureaucrats at the EPA. This legislation would restore the original intent of the Clean Water Act and reaffirm the role of the States to write their own water quality plans.

While our bill does a lot to improve water quality, we also call for more oversight over the Chesapeake Bay Program. For over 3 decades Congress has been working to preserve and protect the Chesapeake Bay. Despite the efforts of the federal, state, and local governments the health of the bay is still in peril. The participants in restoring the Bay include 10 federal agencies, six states and the District of Columbia, over one thousand localities and multiple nongovernmental organizations. This legislation would fully implement two cutting-edge management techniques, crosscut budgeting and adaptive management, to enhance coordination, flexibility and efficiency of restoration efforts. Neither technique is currently required or fully utilized in the Bay restoration efforts, where results have lagged far behind the billions of dollars spent. Further, this bill calls for a review of the EPA's Bay model. We often hear complaints from those who make good faith efforts to restore the Bay that their efforts are not being recognized by EPA's Bay model. EPA's model does not account for any voluntary measures being under-

taken on farms to control nitrogen and phosphorous nor does it even account for some of the nitrogen and phosphorous reductions that are being achieved through government programs like USDA's Environmental Quality Incentives Program. Effectively, EPA is ignoring nutrient reductions that have already been achieved. Our legislation requires that an independent evaluator assess and make recommendations to alter EPA's Bay model, so that we can develop a model that will capture all of the nutrient reductions that are happening in the Bay.

Mr. Speaker, the people who call the Bay Watershed home are the ones who are the most concerned about protecting and restoring the Chesapeake Bay. Unfortunately, too often these hardworking individuals are cast as villains and placed in a position where restoring the Bay is pitted against the economic livelihoods of their communities. We can restore the Bay while also maintaining the economic livelihood of these communities. The Chesapeake Bay Program Reauthorization and Improvement Act is the way we can do both. I look forward to working with my colleagues in the Congress, so that we can pass this important legislation and work to restore the Chesapeake Bay.

TRIBUTE TO LT. CMDR. DALE T. TAYLOR, USCG

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, age 36, and to honor his heroic and tireless service to our country.

Lt. Cmdr. Taylor was one of four U.S. Coast Guard crewmen aboard a MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

Lt. Cmdr. Taylor, a rescue pilot and father of two young sons, was stationed at the Aviation Training Center in Mobile, Alabama. He and his family are active members of Cottage Hill Baptist Church, where he served as a deacon.

An accomplished pilot who was devoted to saving lives, Lt. Cmdr. Taylor received the Coast Guard Medal in 2003 for heroism while heading a rescue mission near Key West, Florida. According to the award citation quoted by the Mobile Press-Register, Lt. Cmdr. Taylor braved rough seas to rescue a victim. "Despite jeopardizing his own safety, Lieutenant Taylor grabbed the victim and with all his remaining strength swam to the basket and lifted the exhausted survivor to safety shortly before the survivor would have surely succumbed to the seas."

Lt. Cmdr. Taylor and his fellow crewmen of CG-6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of Lt. Cmdr. Taylor as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.