

AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MR. CARNEY OF DELAWARE

At the end of the bill, add the following new title:

1 **TITLE XV—DELAWARE RIVER**
2 **BASIN CONSERVATION ACT**

3 **SEC. 1501. SHORT TITLE.**

4 This title may be cited as the “Delaware River Basin
5 Conservation Act of 2012”.

6 **SEC. 1502. FINDINGS.**

7 Congress finds that—

8 (1) the Delaware River Basin is a national
9 treasure of great cultural, environmental, and eco-
10 logical importance;

11 (2) the Basin contains over 12,500 square miles
12 of land in the States of Delaware, New Jersey, New
13 York, and Pennsylvania, including nearly 800 square
14 miles of bay and more than 2,000 tributary rivers
15 and streams;

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

1 (4) the Basin provides clean drinking water to
2 more than 15,000,000 people, including New York
3 City, which relies on the Basin for approximately
4 half of the drinking water supply of the city, and
5 Philadelphia, whose most significant threat to the
6 drinking water supply of the city is forest clearing
7 in the Upper Basin, according to a study conducted
8 by the Philadelphia Water Department;

9 (5) almost 180 species of fish and wildlife are
10 considered special status species in the Basin due to
11 habitat loss and degradation, particularly sturgeon,
12 eastern oyster, and red knots, which have been iden-
13 tified as unique species in need of habitat improve-
14 ment;

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

20 (7) as of the date of enactment of this Act, oys-
21 ter landings in the Delaware Bay are at 100,000
22 bushels, down from the 500,000 bushels that were
23 harvested in the 1980s, due, in part, to water pollu-
24 tion and disease;

1 (8) the Delaware Bay has the second largest
2 concentration of shorebirds in North America and is
3 designated as one of the four most important
4 shorebird migration sites in the world;

5 (9) the Basin, 50 percent of which is forested,
6 also has 1,000,000 acres of wetland, more than
7 126,000 acres of which are recognized as inter-
8 nationally important, resulting in a landscape that
9 provides essential ecosystem services, including
10 recreation, commercial, and water-quality benefits;

11 (10) much of the remaining exemplary natural
12 landscape in the Basin is vulnerable to further deg-
13 radation, as the Basin gains approximately 14
14 square miles of developed land annually, and with
15 new development, urban watersheds are increasingly
16 covered by impervious surfaces, amplifying the quan-
17 tity of polluted runoff into rivers and streams;

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

22 (12) management of water volume in the Basin
23 is critical to flood mitigation and habitat for fish
24 and wildlife, and following 3 major floods along the
25 Delaware River since 2004, the Governors of the

1 States of Delaware, New Jersey, New York, and
2 Pennsylvania have called for natural flood damage
3 reduction measures to combat the problem, including
4 restoring the function of riparian corridors;

5 (13) the Delaware River Port Complex (includ-
6 ing docking facilities in the States of Delaware, New
7 Jersey, and Pennsylvania) is the largest freshwater
8 port in the world, the Port of Philadelphia handles
9 the largest volume of international tonnage and 70
10 percent of the oil shipped to the East Coast, and the
11 Port of Wilmington, a full-service deepwater port
12 and marine terminal, is the busiest terminal on the
13 Delaware River, handling more than 400 vessels per
14 year with an annual import/export cargo tonnage of
15 more than 4,000,000 tons;

16 (14) the Delaware Estuary, where freshwater
17 from the Delaware River mixes with saltwater from
18 the Atlantic Ocean, is one of the largest and most
19 complex of the 28 estuaries in the National Estuary
20 Program, and the Partnership for the Delaware Es-
21 tuary works to improve the environmental health of
22 the Delaware Estuary;

23 (15) the Delaware River Basin Commission is a
24 Federal-interstate compact government agency
25 charged with overseeing a unified approach to man-

1 aging the river system and implementing important
2 water resources management projects and activities
3 throughout the Basin that are in the national inter-
4 est; and

5 (16) restoration activities in the Basin are sup-
6 ported through several Federal and State agency
7 programs, and funding for those important pro-
8 grams should continue and complement the estab-
9 lishment of the Delaware River Basin Restoration
10 Program, which is intended to build on and help co-
11 ordinate restoration and protection funding mecha-
12 nisms at the Federal, State, regional, and local lev-
13 els.

14 **SEC. 1503. DEFINITIONS.**

15 In this title:

16 (1) **BASIN.**—The term “Basin” means the 4-
17 State Delaware Basin region, including all of Dela-
18 ware Bay and portions of the States of Delaware,
19 New Jersey, New York, and Pennsylvania located in
20 the Delaware River watershed.

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

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the United States Fish and Wildlife
3 Service.

4 (4) FOUNDATION.—The term “Foundation”
5 means the National Fish and Wildlife Foundation, a
6 congressionally chartered foundation established by
7 section 2 of the National Fish and Wildlife Founda-
8 tion Establishment Act (16 U.S.C. 3701).

9 (5) GRANT PROGRAM.—The term “grant pro-
10 gram” means the Delaware River Basin restoration
11 grant program established under section 1505.

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

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior, acting through the Di-
17 rector.

18 (8) SERVICE.—The term “Service” means the
19 United States Fish and Wildlife Service.

20 **SEC. 1504. PROGRAM ESTABLISHMENT.**

21 (a) ESTABLISHMENT.—Not later than 180 days after
22 amounts are made available to carry out this Act, the Sec-
23 retary shall establish a program to be known as the “Dela-
24 ware River Basin restoration program”.

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

3 (1) draw on existing and new management
4 plans for the Basin and work in consultation with
5 applicable management entities, including represent-
6 atives of the Partnership for the Delaware Estuary,
7 the Delaware River Basin Commission, the Federal
8 Government, and other State and local governments,
9 and regional and nonprofit organizations, as appro-
10 priate, to identify, prioritize, and implement restora-
11 tion and protection activities within the Basin;

12 (2) adopt an investment strategy that—

13 (A) supports the implementation of a
14 shared set of restoration and protection activi-
15 ties developed in accordance with paragraph

16 (1);

17 (B) targets cost-effective conservation
18 projects; and

19 (C) supports measurable conservation ef-
20 forts;

21 (3) establish the grant program in accordance
22 with section 5; and

23 (4) provide for technical assistance in accord-
24 ance with this Act.

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

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

4 (A) the Administrator of the Environ-
5 mental Protection Agency;

6 (B) the Administrator of the National Oce-
7 anic Atmospheric Administration;

8 (C) the Chief of the Natural Resource
9 Conservation Service;

10 (D) the Chief of Engineers of the United
11 States Army Corps of Engineers;

12 (E) the Director of the National Park
13 Service; and

14 (F) 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 habitat restora-
9 tion and protection activities;

10 (B) to sustain and enhance water-quality
11 improvements, including drinking water quality;

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

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

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

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

24 (G) to coordinate, conduct, and support
25 the planning, monitoring, and research activi-

1 ties necessary to carry out coordinated restora-
2 tion and protection activities; and

3 (3) providing competitive grants for technical
4 assistance to carry out restoration and protection ac-
5 tivities in the Basin, with priority given to activities
6 with multiple benefits, including habitat, water qual-
7 ity, and flood protection.

8 **SEC. 1505. GRANTS AND ASSISTANCE.**

9 (a) DELAWARE RIVER BASIN RESTORATION PRO-
10 GRAM.—To the extent that funds are available to carry
11 out this section, the Secretary shall establish a grant pro-
12 gram to be known as the “Delaware River Basin restora-
13 tion grant program” to provide competitive matching
14 grants of varying amounts to State and local governments,
15 nonprofit organizations, community organizations, institu-
16 tions of higher education, and other eligible entities to
17 carry out activities described in section 1504(d).

18 (b) CRITERIA.—The Secretary, in consultation with
19 the organizations described in section 1504(c), shall de-
20 velop criteria for the grant program to help ensure that
21 activities funded under this section accomplish one or
22 more of the following:

23 (1) Restoration or protection of fish and wildlife
24 species and the habitats of those species.

1 (2) Improvement or protection of water quality
2 by reducing nonpoint and point source pollutants.

3 (3) Reduction or improvement of the manage-
4 ment of water volume and flooding.

5 (4) Inclusion of priority needs or actions identi-
6 fied in the single investment strategy adopted under
7 section 1504(b)(2).

8 (5) Inclusion of restoration and protection ac-
9 tivities with multiple benefits in the Basin, including
10 habitat, water quality, and flood damage reduction.

11 (c) COST SHARING.—

12 (1) FEDERAL SHARE.—The Federal share of
13 the cost of a project funded under the grant pro-
14 gram shall not exceed 75 percent of the total cost
15 of the activity, as determined by the Secretary.

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

20 (d) ADMINISTRATION.—

21 (1) IN GENERAL.—The Secretary may enter
22 into an agreement to manage the grant program
23 with the National Fish and Wildlife Foundation or
24 a similar organization with applicable expertise.

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

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

8 (B) invest and reinvest those amounts for
9 the benefit of the grant program; and

10 (C) otherwise administer the grant pro-
11 gram to support partnerships between the pub-
12 lic and private sectors in accordance with this
13 Act.

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

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

24 (1) other Federal agencies;

25 (2) State and local governments;

- 1 (3) nonprofit organizations;
2 (4) community organizations;
3 (5) institutions of higher education; or
4 (6) other entities, as the Secretary determines
5 to be appropriate.

6 **SEC. 1506. ANNUAL REPORTS.**

7 Not later than 180 days after the date of enactment
8 of this title and annually thereafter, the Secretary shall
9 submit to Congress a report on the implementation of this
10 title, including a description of each project that has re-
11 ceived funding under this title.

12 **SEC. 1507. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) **IN GENERAL.**—The U.S. Fish and Wildlife Serv-
14 ice shall use funds within its existing budgetary authority
15 to carry out this title.

16 (b) **USE.**—Of any amount made available for each
17 fiscal year, the Secretary shall use at least 75 percent to
18 carry out the grant program and to provide, or provide
19 for, technical assistance under section 1505(e).

