

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
January 2010

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

People:

- **Senate** – Martha Coakley, former Massachusetts Attorney General, [won](#) the Democratic primary for the special election to be held on January 19 to fill the former Senator Kennedy's seat. She will be challenged by Republican state Senator Scott Brown.
- **Senate** – In mid-December, Senate Agriculture Committee Chairwoman Blanche Lincoln (AR) and Ranking Member Saxby Chambliss (GA) [announced](#) that Senator Debbie Stabenow (MI) will take over as chairwoman of the Rural Revitalization, Conservation, Forestry and Credit Subcommittee. Senator Lincoln [took over](#) the chairmanship of the Senate Agriculture Committee following the departure of Senator Tom Harkin (IA) to the Senate Health, Education, Labor and Pensions Committee.
- **EPA** – Robert [Perciaspe](#) was confirmed by the Senate on December 24 as Deputy Administrator at the EPA.

EPA:

- **Stormwater** – On December 12, the EPA [released guidance](#) that will assist federal agencies in mitigating the impact of stormwater flowing from federal development projects on adjacent waters.
- **Water Research** – On December 18, the EPA [released](#) its National Water Research Strategy. The [document](#) outlines research needs as well as engagement of partners in the science of the water program and the development of “regulatory and non-regulatory management tools and decisions.”
- **Marcellus Shale** – On December 30, the EPA submitted [comments](#) on a New York state draft environmental

impact statement on horizontal drilling and hydraulic fracturing in the Marcellus Shale.

- **Enforcement** – The EPA recently [released](#) enforcement results for fiscal year 2009, as well as a new interactive [mapping tool](#) to help the public obtain location-specific pollution enforcement information.

Executive Order: Throughout December, the EPA continued to hold public meetings and briefings on both the Chesapeake Bay [strategy](#) and [TMDL](#) efforts. Several of the meetings can be viewed from the above-linked websites.

- In early January, the Chesapeake Executive Council [will reportedly meet](#) to discuss progress on meeting the goals of the 2009 Executive Order and to possibly elect EPA Administrator Lisa Jackson chair of the council.
- On December 29, the EPA sent a [letter](#) to the Bay states and the District [outlining](#) enforcement and accountability measures for future Chesapeake restoration work, which [includes](#) accountability for two-year milestones set for 2011. Additionally, the EPA has announced that it will provide technical assistance and an additional \$11.2 million in grants for fiscal year 2010 to help with pollution control, more than doubling 2009 funding levels.

Superfund: On December 3, the EPA held a [public meeting](#) to discuss the cleanup and possible listing of the [Gowanus Canal](#) in New York City on the Superfund National Priorities List.

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

CEQ: On December 3, the Obama Administration's Council on Environmental Quality [released](#) "[Principles and Guidelines](#)" for water resources planning to be used by federal agencies in formulating, evaluating, and implementing water resource projects. [Public comments](#) are currently being accepted

Studies, Reports:

- The EPA recently [released](#) the results of its first baseline [survey](#) of the nation's lakes, which found that more than half are in "good biological condition." More than 1,000 lakes were studied; degraded shoreline habitat was the most prevalent problem.

- On December 23, New York's Department of Environmental Protection [released](#) a study that details the impact of gas drilling and hydraulic fracturing in the Marcellus Shale on the watershed that provides drinking water for many residents of New York City.
- A [report](#) published in the journal Nature analyzes the "velocity of climate change," the adaptation needs for various ecosystems and species in the face of temperature changes.

Conferences/Meetings: The Choose Clean Water Coalition will hold its first Chesapeake Bay Restoration [Conference](#) January 10 – 12 in Washington, DC.

LEGISLATION IN BRIEF

Water and Wildlife Bills:

- **USDA/Watersheds:** Under the Watershed Protection and Flood Prevention Act, USDA watershed projects that cost more than \$5 million require Congressional review. On December 16, the Senate Agriculture Committee approved authorization for projects in West Virginia and Massachusetts. The House Agriculture Committee has already approved the projects.
- **Wildlife Stamp:** On December 7, the House passed a bill ([H.R. 1454](#)) that would establish a postal stamp program that would help bolster the U.S. Fish & Wildlife Service's Multinational Species Conservation Fund.
- **USACE Permits:** The House passed a bill ([H.R. 4165](#)) on December 8 that would allow local governments to financially contribute to U.S. Army Corps of Engineers permit reviews for an additional year. The Senate passed the bill on December 10, and the president signed it on December 22.
- **EPW:** On December 10, the Senate Environment and Public Works Committee passed several bills, including:
 - [S. 1214](#) that authorizes a new fish habitat program in the Interior Department at \$75 million.
 - [S. 1519](#) to give the Interior Department greater control over nutria populations in the Mid-Atlantic and Louisiana, and will now include Delaware and Virginia in eradication efforts.
 - [H.R. 3433](#) to allow greater Canadian matching fund contributions toward North American

Wetlands Conservation Act projects. The bill passed the House in October.

- [H.R. 2188](#) to formally authorize the U.S. Fish & Wildlife Service's Joint Venture Programs, which functions as a partnership to conserve bird habitat. The bill passed the House in July.
- [H.R. 3537](#) that reauthorizes the Junior Duck Stamp Program, which provides for youth education in wetlands stewardship. The bill passed the House in October.

Chesapeake Bay: On December 9, the Conservation, Credit, Energy, and Research Subcommittee of the House Agriculture Committee held a [hearing](#) to [gather testimony](#) on the potential impact of the new federal cleanup strategy and pending legislation ([H.R. 3852](#); [S. 1816](#)) on agriculture in the Chesapeake Bay watershed.

Jobs Bill: In late December ([H.R. 2847](#)), the House passed a bill that is intended to create jobs and boost the economy, in part through using remaining Troubled Asset Relief Program. A portion of the bill—about \$48 billion—is to be used for infrastructure spending, some of which is dedicated to clean water efforts (\$1 billion each for Clean Water and Drinking Water State Revolving Funds). The bill also extends current transportation legislation through September 2010. The Senate has not yet taken up a jobs package, but is expected in early January.

Budget and Appropriations: As the second Continuing Resolution drew near, Congress moved quickly to finish appropriations work. An omnibus measure was approved by the House on December 10, and agreed to in the Senate on December 13. The Defense spending measure was sent to the President on December 19, thereby wrapping up appropriations work for FY10.

OMNIBUS – The conference [report](#) for the omnibus appropriations bill ([H.R. 3288](#)) includes provisions for six of the seven FY2010 appropriations: Transportation-HUD; Commerce-Justice-Science; Financial Services; Labor-HHS; Military Construction-VA; and State-Foreign Operations.

- CJS (NOAA): The National Oceanic and Atmospheric Administration [received](#) its largest budget ever—\$4.7 billion—through the FY10 omnibus measure. The National Ocean Service will receive \$522 million, and National Marine Fisheries will receive \$905 million. Significant boosts are also given to climate and weather programs. The CJS bill also includes:
 - \$200,000 for the Delaware River Basin flood warning system
 - \$500,000 for the Alliance for Coastal Technologies—Chesapeake Biological Laboratories
 - \$3 million for NOAA oyster restoration in Maryland and Virginia

DEFENSE – The \$636 billion spending bill ([H.R. 3326](#)) for the Department of Defense includes an environmental remediation measure which provides \$1.5 billion for cleanup at Department of Defense facilities.

FY2011: Some thoughts are already turning to the next round of budget and appropriations, and on December 17, eight Senators sent a [letter](#) to President Obama requesting funding for Chesapeake restoration be made a priority in FY11.

The House is in recess until January 12, 2010. The Senate returns on January 5, 2010 (pro forma only – will return to voting on January 19).

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



Photo: Rachel Dawson

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
February 2010

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

EPA:

- **2010 Priorities** – On January 12, Administrator Lisa Jackson released a [memorandum](#) to EPA staff regarding priorities for the agency for the coming year. These include: climate change, air quality, chemical safety, community cleanup (Superfund, brownfields), water quality (including watershed programs), environmental justice, and building partnerships.
- **Beach Grants** – On January 8, EPA [announced](#) nearly \$10 million in grants to 37 states to monitor the quality of beaches for public safety.
- **Mass. Stormwater** – The EPA [released](#) a draft plan on January 26 to address stormwater runoff in Massachusetts. A public meeting will be held March 18, with the public comment period closing March 31.
- **Pompton Lakes** – Without listing the site on the Superfund National Priorities List, the EPA has [committed](#) to addressing the contamination at a DuPont facility in Pompton Lakes, NJ in partnership with New Jersey Department of Environmental Protection.
- **Superfund** – The Wildcat Landfill near Dover, Delaware—which was on the Superfund National Priorities List until 2003—requires further oversight and monitoring according to a [report released](#) by the EPA Inspector General.
- **Fracking** – In late January, the EPA [launched](#) a tipline for residents concerned about non-emergency suspicious activities associated with oil development or gas drilling activity.

Chesapeake Bay:

- On January 11, EPA Administrator Lisa Jackson [announced](#) plans to [impose](#) tighter rules on concentrated animal feeding operations nationally and stormwater within the Chesapeake Bay watershed. The CAFO rule could bring more farms within the scope of federal rules, and is expected to be finalized in 2013. The stormwater rule would be finalized by November 2012.
- The Chesapeake Bay Commission and the state of Pennsylvania [released](#) a [report](#) on January 21 that suggests increasing cellulosic biofuel crop farming in the Bay watershed would provide alternative fuel, improve water quality, and create more than 18,000 jobs.
- On January 5, EPA Administrator Lisa Jackson [took over](#) as chairwoman of the Chesapeake Executive Council, replacing former Virginia Governor Tim Kaine.
- In January, the US Department of Agriculture's Natural Resources Conservation Service [encouraged](#) Pennsylvania farmers to take advantage of an opportunity for conservation assistance (financial and technical) under the Chesapeake Bay Watershed [Initiative](#).

DOI, NOAA, NPS:

- **DOI** – In a December [letter](#) to the Army Corps of Engineers, the US Department of the Interior [recommends](#) denying permits for the proposed cross-county connector in Charles County, MD.
- **DOI** – In early January, Secretary Salazar [announced](#) that 25 conservation projects would receive \$19.2

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

million in National Coastal Wetlands Conservation Grant Program funds. [Two awards](#) totaling nearly \$1.2 million will fund projects in the Chesapeake Bay watershed on the Eastern Shore of Maryland.

- [DOI](#) – The Interior Department has released a [report](#) of accomplishments in 2009. In conjunction with the release, Secretary Salazar [announced](#) a new focus on preserving open space and increasing landscape-scale conservation.
- [NOAA](#) – The National Oceanic and Atmospheric Administration will [consider](#) listing the Atlantic Sturgeon under the Endangered Species Act. The last review was four years ago. NRDC petitioned the National Marine Fisheries Service to list the species in the fall of 2009. Public comments are [accepted](#) until February 5.
- [NOAA](#) – On January 21, the inspector general of the US Department of Commerce released a [report](#) on NOAA's troubles with fisheries enforcement. NOAA Administrator Jane Lubchenco immediately [announced](#) steps that will be taken to remedy the situation.
- [NPS](#) – The National Park Service has [determined](#) that the Nantucket Sound is eligible to be listed on the National Register of Historic Places, which could have [implications](#) for activities in the area, including the Cape Wind project.

Studies, Reports:

- [Research](#) out of the University of Virginia reports that growing algae for biofuel purposes is energy- and water-intensive, but suggests that using wastewater to grow algae offers a sustainable alternative to current methods.
- Scientists have [identified](#) a toxin emitted by a microbe associated with algal blooms that damages the gills of fish and causes fish kills.

- A recently-updated [study](#) by NOAA suggests that although the frequency of Atlantic hurricanes is expected to fall over the next several decades, the proportion of the most intense storms is expected to rise significantly.
- The EPA [released](#) a report on January 21 that says that Superfund cleanup efforts in the Hudson River have revealed greater PCB contamination than previously expected. The Next Hudson River Community Advisory Group [meeting](#) will take place Thursday, February 25.

Grant Opportunities: The National Fish and Wildlife Foundation is [accepting](#) proposals for the Five Star Restoration Program and the Nature Restoration Trust. Projects must include on-the-ground habitat restoration. Applications are accepted until February 11.

- NFWF is also [accepting](#) pre-proposals for the 2010 Innovative Nutrient and Sediment Reduction Program within the Chesapeake Bay Stewardship Fund until February 5.

Conferences/Meetings:

- The EPA is holding the Green Cleanup [Symposium](#) in Philadelphia on February 10 and 11 at Drexel University. The conference will explore environmentally-friendly methods of cleaning up and revitalizing contaminated properties.
- The Mid-Atlantic Carbon Symposium will be held on Tuesday, February 16 from 10am to 3pm at the offices of the Interstate Commission on the Potomac River Basin. At the symposium, information will be provided to policymakers in the mid-Atlantic region as they consider the policies, structures and guidance necessary for land owners to participate in carbon markets. RSVP by February 9 to Olivia Devereux at (301)-274-8114.

LEGISLATION IN BRIEF

NOAA: The National Oceanic and Atmospheric Administration has gone without congressional authorization for four decades. The House Science and Technology Committee will likely [consider](#) steps to codify the agency this session.

Coal Caucus: On January 25, a bipartisan group of Representatives [announced](#) the [establishment](#) of the Congressional Coal Caucus. The group currently includes mid-Atlantic Congressmen Jason Altmire and Tim Holden of Pennsylvania, and is encouraging increased membership.

Fracking: The House Energy and Commerce Energy and Environment Subcommittee held a [hearing](#) on January 20 to explore the merger between Exxon Mobil and XTO Energy; however the hearing focused frequently on the practice of hydraulic fracturing and the regulation thereof. Discussion also turned to the Fracturing Responsibility and Awareness of Chemicals Act ([H.R. 2766, S. 1215](#)) which would require disclosure of chemicals used in hydraulic fracturing under the Safe Drinking Water Act.

Farm Bill: Rep. Collin Peterson (MN), Chairman of the House Agriculture Committee, has [noted](#) that hearings on the 2012 farm bill could begin as early as March.

Jobs Bill: In late December, the House passed a \$150 billion bill ([H.R. 2847](#)) that is intended to create jobs and boost the economy. A portion of the bill—about \$48 billion—is to be used for infrastructure spending, some of which is dedicated to clean water efforts (\$1 billion each for Clean Water and Drinking Water State Revolving Funds). The bill also extends current transportation legislation through September 2010. The Senate has stated that they will unveil their jobs package the week of February 1.

Budget and Appropriations: With FY2010 budget and appropriations recently wrapped up, focus is already turning to FY2011. The President’s budget request is slated to be released on February 1. Reports suggest that this budget will recommend a “freeze” on many non-military federal programs. The budget can be found on the OMB [website](#) when released. Shortly thereafter, the House and Senate appropriations committees will turn to crafting their respective budget resolutions, and the FY11 Congressional appropriations process will begin.

- A coalition of environmental organizations [released](#) their “[green budget](#)” on January 28. The budget is essentially a wish list for environmental groups’ priorities for the coming fiscal year.



EPA Administrator Lisa Jackson Announces new rulemaking for CAFOs and stormwater at the Choose Clean Water Conference on January 11 (Photo: Rachel Dawson)

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
March 2010

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

People:

- FWS – Fish & Wildlife Service Director Sam Hamilton passed away suddenly on February 20 in Colorado. His position will be temporarily filled by Rowan Gould, deputy director of operations for FWS.
- NMFS – Eric Schwaab has been [selected](#) to head the National Marine Fisheries Service at NOAA. Schwaab comes most recently from the Maryland Department of Natural Resources.
- NPS – Sean McGuinness is now [serving](#) as the new superintendent of the National Park Service's Upper Delaware Scenic and Recreation River.

EPA:

- Office of Sustainable Communities – On February 5, the Environmental Protection Agency [announced](#) plans to establish an Office of Sustainable Communities to help states and municipalities take an integrated approach in making environmental, housing and transportation decisions. A pilot program to help three states—including Maryland and New York—use Clean Water State Revolving Fund money to foster sustainable communities was also announced.
- Community-based Grants – On February 4, the EPA [announced](#) the availability of grants to address community-based pollution control (air, water, or land) through the Community Action for a Renewed Environment program. Grants range from \$75,000 to \$100,000 and \$150,000 to \$300,000. Proposals are due March 9.
- Endocrine Disruptors – At a House Energy and Commerce [hearing](#) on February 25, the EPA reported

that the agency will be regularly screening for endocrine disruptors in drinking water.

- Green Infrastructure – A review by the EPA Inspector General [released](#) on February 1 suggests that the agency has not properly defined or guided states on “green” water infrastructure, although 20% of states’ stimulus money is to be spent on green projects.
- Superfund – The EPA has [released](#) its annual report to Congress on the Superfund program.

Chesapeake Bay:

- TMDL – In a series of webinars, the EPA will update the public on its recent work to establish a Total Maximum Daily Load for the Chesapeake Bay (to be completed in December 2010). The [first webinar](#) was held February 25; the [next webinar](#) will take place on March 25.

DOI, NOAA, CEQ:

- DOI – In conjunction with Agriculture Secretary Tom Vilsack, Interior Secretary Ken Salazar [created](#) the Wildlife and Hunting Heritage Conservation Council, which will include representatives from hunting and wildlife groups. The council will serve an advisory role for the federal government.
- DOI – A lawsuit was [filed](#) on March 1 against the US FWS to contest genetically modified crops being grown at Bombay Hook National Wildlife Refuge.
- NOAA – The National Oceanic and Atmospheric Administration [announced](#) plans in early February to establish a NOAA Climate Service, which would act as a unified federal source of climate information.

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

- CEQ – The White House Council on Environmental Quality has [proposed](#) that all federal agencies must now consider climate change as a part of their NEPA reviews.

Studies, Reports:

- Researchers at the Smithsonian Environmental Research Center in Edgewater, MD [suggest](#) that trees in the Chesapeake Bay region are growing faster than expected, perhaps due to increased amounts of atmospheric carbon dioxide.

Conferences/Meetings:

- Worcester County, Maryland is hosting a [workshop](#) on March 6 to provide tools and information to landowners and residents who are interested in land stewardship.

- The Northeast-Midwest Institute, in coordination with the Northeast-Midwest Congressional Coalition is sponsoring a briefing on two green infrastructure bills, *the Green Communities Act* ([H.R. 2222](#)) and *the Green Infrastructure for Clean Water Act* ([H.R. 4202](#)). The briefing will take place on March 17 from 2 to 3:30 in Rayburn 2253. St. Patrick’s Day cookies and refreshments will be provided.
- The Center for Watershed Protection will be [hosting](#) “From the Rooftop to the Bay: Implementing Stormwater Management Strategies in the Chesapeake Bay Watershed” from March 9-11 in Staunton, Virginia. The conference is designed to help public and private sector stormwater professionals.

LEGISLATION IN BRIEF

Delaware River Basin Legislation: A bill ([H.R. 4896](#)) that would authorize a federal conservation and restoration program for the Delaware River Basin was introduced on February 25.

Hudson River Study Bill: On February 25, the House Natural Resources Committee approved a bill ([H.R. 4003](#)) that calls for a study to evaluate sections of the Hudson River in New York for inclusion in the National Park System.

Long Island Sound: The Senate EPW full committee and the Water and Wildlife Subcommittee held a [hearing](#) on February 24 to further explore legislative approaches for the “Great Waters,” including the Long Island Sound.

Jobs Bill: In late December, the House passed a \$150 billion bill ([H.R. 2847](#)) to create jobs and boost the economy. The Senate continues debate on their jobs package, which will likely include a transportation extension, though it is unclear for how long.

WRDA: The House Transportation and Infrastructure Committee will hold a [hearing](#) on March 3 at 11am in 2167 Rayburn to review implementation of the 2007 Water Resources Development Act.

Budget and Appropriations: The President’s budget request was released on February 1 and can be found on the OMB [website](#). Detailed numbers by agency are often found in the [appendix](#). A breakdown of relevant program funding and several highlights follows.

CJS – The administration has proposed a \$5.5 billion budget for the National Oceanic and Atmospheric Administration in FY11, an increase of 15% over FY10’s \$4.75 billion (Department of Commerce [Budget in Brief](#)).

- \$20 million for regional ocean partnership grants
- \$907.7 million for National Marine Fisheries Service, an increase of nearly \$65 million

ENERGY and WATER – The President’s budget includes \$4.9 billion for the US Army Corps of Engineers, a decrease from FY10’s enacted figure of \$5.4 billion (US ACE [Budget in Brief](#)).

- \$2.4 billion for operations & maintenance and \$1.7 billion for construction
- \$30 million for flood control and coastal emergencies
- \$104 million for investigations, which includes funding for a Water Resources Priorities Study

INTERIOR and ENVIRONMENT – The FY11 President’s budget requests \$10 billion for the EPA, which is about \$300 million below FY10 (EPA [Budget in Brief](#)). \$12.1 billion is requested for the Interior Department, a decrease of .3% below FY10 enacted levels (Interior [Budget in Brief](#)).

EPA:

- \$4.3 million to for new research in hydraulic fracturing and the risk to drinking water
- \$63 million for the Chesapeake Bay Program, an increase of \$13 million over the FY11 enacted figure
- \$3.3 billion for the Clean Water and Drinking Water State Revolving Fund programs –

slightly below FY10 numbers, but more than twice FY09 enacted levels

- \$17.4 million for endocrine disruptors research
- \$274 million for Section 106 water pollution control grants

INTERIOR:

- \$1.6 billion for Fish & Wildlife Service, a decrease of \$4.6 million from the 2010 enacted level
- \$2.7 billion for National Park Service, \$21.7 million below 2010 enacted
- \$10 million to conserve and protect the Chesapeake Bay's resources
- \$619 million for the Land and Water Conservation Fund (with USDA)
- \$62 million for WaterSMART grants, basin studies, and water reclamation and reuse programs, plus \$9 million to fund a WaterSMART availability and use assessment program

AGRICULTURE – The administration proposes \$149 billion for the USDA in FY11, (USDA [Budget in Brief](#)).

- \$5 billion for farm bill conservation programs
- \$72 million for the Chesapeake Bay Watershed Initiative, nearly \$29 million more than the FY10 level
- \$30 million more for the Land and Water Conservation Fund (added to Interior)
- \$502 million to enroll 192,982 acres in the Wetlands Reserve Program in FY11
- \$1.2 billion for EQIP, an increase of \$28 million over FY10
- \$73 million for the Wildlife Habitat Incentives Program, \$12 million below FY10

UPCOMING BUDGET HEARINGS – See committee websites for witness testimony. Most hearings are also available for viewing via streaming video. Please click on the room number for more detailed information, webcasts, and testimony.

EPA – Senate Appropriations Committee, Interior & Environment Subcommittee
March 3, 9:30am – [124](#) Dirksen

Interior – Senate Energy & Natural Resources Committee
March 3, 10am – [366](#) Dirksen

Agriculture – Senate Appropriations Committee, Agriculture Subcommittee
March 2, 10am – [192](#) Dirksen

Commerce (NOAA/Locke) – Senate Appropriations Committee
March 4, 10am – [138](#) Dirksen

Commerce (NOAA/Locke) – House Appropriations Committee, CJS Subcommittee
March 4, 2pm [2359](#) Rayburn

Commerce (NOAA/Lubchenco) – Senate Commerce Committee
March 3, 10am [253](#) Russell

Commerce (NOAA/Lubchenco) – House Natural Resources Committee
March 3, 2pm – [1324](#) Longworth

Interior (Fish & Wildlife Service) – House Natural Resources Committee, Insular Affairs, Oceans, Wildlife Subcommittee
March 4, 10am – [1334](#) Longworth

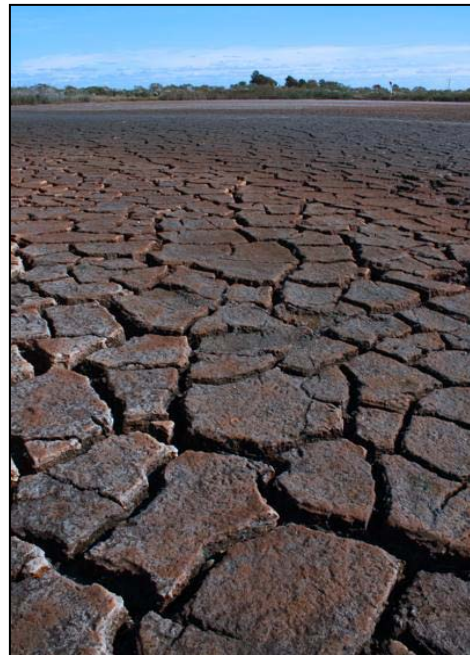
US Army Corps of Engineers – House Transportation & Infrastructure, Water Resources and Environment Subcommittee
March 4, 10am – [2167](#) Rayburn

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking.

NEMW's Mid-Atlantic Watersheds Program has recently launched a new blog! Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Bombay Hook National Wildlife Refuge, Delaware
Photo: Adam Davis

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
April 2010

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

People:

- Interior Appropriations – Congressman Jim Moran (VA) was selected to chair the House Interior and Environment Appropriations Subcommittee following Rep. Norm Dicks' departure for the Defense Appropriations Subcommittee.

EPA:

- Hudson Dredging – On March 8, EPA [released](#) a final [report](#) on the first phase of PCB dredging in the upper Hudson River. The report is currently open for public [comment](#), and the second phase of dredging will begin in 2011.
- Superfund – The EPA, in early March, [added](#) ten new sites to its Superfund National Priorities List—including the Gowanus Canal in Brooklyn—and proposes the addition of two other New York sites, the Black River and the Dewey Loeffel Landfill.
 - Also, on March 4, EPA [released](#) its annual [analysis](#) of the Superfund program for FY09. Cleanup at twenty sites was completed in that year, bringing the total to 1,080.

Chesapeake Bay:

- TMDL – In a series of webinars, the EPA will update the public on its recent work to establish a Total Maximum Daily Load for the Chesapeake Bay (to be completed in December 2010). The [next webinar](#) will take place on May 4. The EPA reports that nearly 600 people participated in the two most recent webinars.
- Draft Guidance – On March 22, the EPA released draft guidance to help federal land managers evaluate the

most effective tools and practices for reducing water pollution in the Bay watershed. According to the [Executive Order website](#), “The cost-effective tools and practices outlined in the document are indicated by current scientific and technical literature to be the most state-of-the-art approaches to reduce water pollution from nitrogen, phosphorus and sediment.”

- Goals & Vision – on March 19, the EPA released draft goals, milestones and outcomes for the new federal strategy called for in the President's Executive Order. This “draft vision” was not included in the draft strategy released in November of last year. A pdf of the document is available on the [Executive Order website](#), and comments are currently being accepted.

DOI, NOAA, CEQ:

- NOAA – The National Oceanic and Atmospheric Administration has [released](#) a [memo](#) detailing fisheries management and enforcement overhauls. The agency's changes are in response to a January 2010 inspector general's [report](#) that was highly critical of NOAA's rules for preventing over-harvesting.
 - The memo also mentions an “Enforcement Summit” that will solicit stakeholder input in the areas of “communication, priority-setting, and program implementation.” The summit is scheduled for June 22.

Grant Opportunities: The US Fish & Wildlife Service has [announced](#) the availability of approximately \$16 million in competitive grant money to states for wetland and coastal restoration and conservation through the National Coastal Wetlands Conservation Grant Program. Applications are due June 25, 2010.

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

Fracking:

- In late March, the Philadelphia city council [adopted](#) a resolution to discourage natural gas drilling in the Delaware River watershed.
- On March 18, the EPA [announced](#) the beginning of its study of the impacts of hydraulic fracturing on public health and water quality. EPA received funding through the FY10 appropriations process, and has requested additional funding in FY11 for the effort.
- A recent [report](#) by Daniel Yergin of IHS Cambridge Energy Research Associates claims that sweeping natural gas discoveries across the country will change “North America’s energy landscape.” The report points to water as the top environmental concern with fracking, and suggests that states already closely regulate oil and gas operations.

Studies, Reports:

- In early March, DOI—in conjunction with several other groups—[released](#) the 2010 [State of the Birds Report](#), which focused primarily on the status of various bird species in the face of a changing climate.
- A [study](#) by Dr. Lou Codispoti at the University of Maryland Center for Environmental Science suggests that hypoxic “dead zones” can exacerbate climate change as they release elevated amounts of nitrous oxide into the atmosphere.
- [Research](#) by Jonathan Sharp at the University of Delaware suggests that the Delaware Estuary has undergone perhaps “one of the most dramatic

improvements of water quality of any river worldwide.”

- A [study](#) published in the *Proceedings of the National Academy of Sciences* reports that atrazine—the most commonly-used pesticide in the world and common water contaminant—is also an endocrine disruptor and has caused male frogs to become females capable of laying eggs and mating with other male frogs.
- Researchers at the Virginia Institute of Marine Science have released a [study](#) that suggests that filter-feeding menhaden may not have a significant impact on the water quality of the Chesapeake Bay.
- Several conservation and sportsmen’s groups have recently released “Beyond Season’s End,” a [report](#) detailing the need for funding and implementing wildlife adaptation strategies in federal climate efforts.

Conferences/Meetings:

- In advance of the EPA’s “Coming Together for Clean Water” conference next month—which will address pollution problems facing the nation’s waters—the agency launched a new [online forum](#) for the public to offer ideas and thoughts to “inform the discussion” that the conference will undertake.
- Restore America’s Estuaries is hosting a public workshop and webinar on “Greenhouse Gas Offset Protocol Development for Wetlands Restoration and Management” on April 14 from 1-4pm in San Francisco, CA. Details and information for the webinar can be found on the RAE [website](#).

LEGISLATION IN BRIEF

Coastal Jobs Bill: The Coastal Jobs Creation Act of 2010 ([H.R. 4914](#)) was introduced before recess by Rep. Frank Pallone (NJ). The bill would authorize \$80,000,000 to provide employment opportunities for coastal communities through a grant program by increasing support for: cooperative research and monitoring, the revitalization of coastal infrastructure, recreational fishing registry programs, marine debris removal, and restoration of coastal resources.

Hudson River Study Bill: On March 19, the House passed a bill ([H.R. 4003](#)) to authorize a study to determine the feasibility of establishing an area of the Hudson River Valley as a unit of the National Park System. The bill has been referred to the Senate Committee on Energy and Natural Resources.

Oceans Bill: On March 24, the Senate Commerce, Science, & Transportation Committee [approved](#) the Oceans and Human Health Reauthorization Act of 2009 ([S. 1252](#)). The legislation amends the Oceans and Human Health Act to expand the interagency oceans and human health research program to include coasts and the Great Lakes.

Clean Water Act: In late March, the American Farm Bureau and US Sugar Corp. [filed a lawsuit](#) against the US Army Corps of Engineers over Clean Water Act regulation of prior converted wetlands. The Clean Water Act exempts wetlands converted to agricultural uses prior to 1983 from federal oversight—any other use is subject to the same regulation as other waters of the US. The lawsuit alleges that the policy reduces the value of land nationwide and limits property owners in their ability to sell converted land for other uses.

Farm Bill Conservation: A [bill](#) from Senator Blanche Lincoln (AR) would trim agricultural conservation programs to pay for boosts in child nutrition programs. The Environmental Quality Incentives Program is most likely to see the biggest cut.

B-WET: The *Bay-Watershed Education and Training (B-WET) Regional Program and National Environmental Literacy Grant Program Act* ([H.R. 3644](#)) passed the House on March 19. The legislation directs NOAA to establish education and watershed programs which advance environmental literacy. [B-WET](#) provides funding to organizations that offer watershed education to students, teachers and communities. The Chesapeake Bay watershed is among the areas that already enjoy access to these grants, and this bill expands the geographic reach of the program to new regions.

Algal Blooms Bill: After difficulty passing the House on the first attempt, a bill that addresses harmful algal blooms and hypoxia ([H.R. 3650](#)) gained approval on its second try. On March 12, the House passed the bill, which will reauthorize and expand the federal hypoxia research program.

Abandoned Mines Bill: Senator Arlen Specter (PA) introduced a bill ([S. 3053](#)) to "...to permit the Abandoned Mine Reclamation Fund to be used for transportation and use of dredged materials for abandoned mine reclamation." The bill would allow abandoned mine funds to cover dredging costs, and allow dredge spoils to be disposed of in abandoned mines. The bill has been referred to the Senate Committee on Energy and Natural Resources.

NAWCA: The Senate unanimously passed a bill ([H.R. 3433](#)) that would adjust matching fund requirements for North American Wetlands Conservation Act projects on March 9, and the President signed the bill into law on March 25.

Earmarks: On March 11, House Minority leadership banned Republican Members of Congress from all earmarks for one year. The ban not only includes appropriations bills, but also authorizing legislation, which has implications for geographically-focused bills.

Budget and Appropriations: Following the administration's FY11 budget requests and recent earmark deadlines for House Democrats and Senators, House and Senate Budget Committees will prepare their budget resolutions (which sets spending ceilings for Congress) in response to the President's budget requests before the individual appropriations subcommittees can begin drafting their appropriations bills.

The House and Senate are in recess and both chambers will return on April 12. The next recess is May 31-June 6.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking.

NEMW's Mid-Atlantic Watersheds Program has recently launched a new blog! Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Milford Neck Sunrise
Photo: Adam Davis

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
May 2010

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

EPA:

- **CWA Enforcement** – On April 29, EPA [unveiled](#) its new set of web tools, data, and interactive maps to help the public [monitor](#) Clean Water Act violations nationwide. Information is taken from EPA's 2008 Annual Noncompliance Report.
- **CWA Settlement** – On April 20, the EPA and the US Justice Department [announced](#) that Hovnanian Enterprises, Inc., a national homebuilder, agreed to pay a \$1 million civil penalty to resolve [alleged Clean Water Act violations](#) at 591 construction sites in 18 states and DC. A portion of the settlement helps EPA efforts to protect the Chesapeake Bay.
- **Hudson** – Two towns that rely on the Hudson River for drinking water will have the costs of drawing water from a different system covered by the EPA while PCB dredging continues in the Hudson River the agency [announced](#) yesterday.
 - The public is [invited](#) to participate in the second meeting of the Hudson River Peer Review Panel to be held on May 4, 5 and 6 in Glens Falls, NY.
- **Superfund** – EPA [initiated](#) the Raritan Bay, NJ contamination investigation in early April. The Raritan Bay Slag Superfund site was added to Superfund's National Priorities List last fall after initial sampling at the site confirmed considerable lead contamination in the soil, sediment, and water.
 - The recently undertaken Gowanus Canal Superfund study is yielding early results

[according](#) to the EPA. Contaminants in the canal include PCBs, coal tar wastes, heavy metals and volatile organics.

Chesapeake Bay:

- **Bay Barometer** – On April 7, the Chesapeake Bay Program [released](#) the 2009 Bay Barometer, which continues to report poor health for the Bay despite some areas of improvement. The overall health of the Bay received a score of 45% with 64% of restoration implementation goals met.
- **TMDL** – In a series of webinars, the EPA has been updating the public on its recent work to establish a Total Maximum Daily Load for the Chesapeake Bay (to be completed in December 2010). The most recent webinar, which was to be held on May 4, will be rescheduled due to technical difficulties. The [website](#) will list the new date.
- **TMDL** – On April 23, the EPA [announced](#) a new, draft total maximum daily load (TMDL) for trash in the Anacostia River. The trash TMDL is the first for a mid-Atlantic river, and only the second in the country. [Comments](#) are being accepted until May 18, and a public meeting will be held May 6.
- **Executive Order** – May 12 will mark one year since the signing of President Obama's Executive Order on the Chesapeake Bay, as well as the due date for the final strategy for Bay restoration. Keep an eye on the Executive Order [website](#) for further details.
- **Enforcement** – On April 28, EPA [released](#) a new online interactive map [tool](#) for the public to track federal air and water enforcement actions in the Chesapeake Bay watershed. The resource is a part of the EPA's draft

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

Chesapeake Bay Compliance and Enforcement Strategy which will be part of the final Executive Order strategy.

Grant Opportunities:

- The EPA recently [announced](#) the availability of urban watershed grants as part of the [Urban Waters Initiative](#). A \$600,000 grant is available to an entity capable of managing a national small grants program.
- On April 19, the US Department of Agriculture [announced](#) the availability of financial assistance to carry out its Cooperative Conservation Partnership Initiative in the Chesapeake Bay watershed. Under [CCPI](#), USDA enters into agreements of up to five years with eligible partners interested in enhancing conservation on agricultural and non-industrial private forest lands. Proposals are due May 24 — more information is available on the [GPO website](#).

Fracking:

- Senator Bob Casey (PA) and Representative Maurice Hinchey (NY) have both recently requested further investigations into Marcellus Shale drilling. Senator Casey [sent](#) a letter to EPA Administrator Lisa Jackson asking the agency to examine its authority in the situation in Pennsylvania, while Rep. Hinchey [requested](#) a cumulative impact study be prepared before drilling proceeds in the Delaware River Basin.

Studies, Reports:

- On March 31, the Government Accountability Office [released](#) a new report on the deepening of the Delaware River. The report, “Delaware River Deepening Project: Comprehensive Reanalysis Corrected Errors, but Several Issues Still Need to be Addressed,” is a follow up to a previous GAO economic analysis calling for a reanalysis of the project from the Army Corps of Engineers, which was completed in 2004. The current GAO report says that the reanalysis

filled many of the gaps, but the GAO points to several problems that remain in the Corps analysis.

- A [study](#) to be published in the journal *Frontiers in Ecology and the Environment* suggests that rivers in the mid-Atlantic and Northeast are warming, including the Delaware, Potomac, and Hudson Rivers.
- Ornithologists [suggest](#) that birds—up to 70% of migrating species—are altering their migration patterns due to climate change.
- Researchers at WVU and Virginia Tech have [released](#) a study that claims that cancer deaths are more likely for those living near streams contaminated by coal mining.
- A recent [study](#) by US Geological Service researchers published in the April issue of *BioScience magazine* concludes that eastern tree cover is declining after years of expansion.
- The National Research Council [reports](#) that increased atmospheric carbon dioxide is changing the chemistry of the oceans. The research examined ocean acidification and its potential threats to marine life.
- The EPA [reports](#) that climate change is currently affecting several key environmental indicators, including storm intensity, sea level rise, and glacial melting.

Conferences/Meetings:

- The White House [Conference](#) on the Great Outdoors was held on April 16. President Obama spoke about the importance of land conservation and reconnecting American families to the outdoors. The president addressed four priorities: 1) building on local conservation; 2) helping farmers and landowners protect land; 3) helping families spend more time outdoors; and 4) fostering a sense of community for urban open spaces.

LEGISLATION IN BRIEF

Clean Water Act: On April 21, House Transportation & Infrastructure Chairman Jim Oberstar (MN) [unveiled](#) the latest attempt at a bill intended to address confusion over “navigability” in the Clean Water Act following [two Supreme Court rulings](#) regarding the Act’s scope. The bill, “America’s Commitment to Clean Water Act” ([H.R. 5088](#)), includes concessions for prior converted wetlands and wastewater treatment systems, and does not include a reference to “activities” as previous versions have.

2012 Farm Bill: On April 21, the House Agriculture Committee held a preliminary hearing on the 2012 farm bill; Secretary Vilsack [testified](#).

Coastal Conservation: The Senate Environment & Public Works Committee held a [hearing](#) on collaborative wildlife and habitat management on April 27, during which Senators discussed possible authorization of the Interior Department’s Coastal Program, which began as an effort in the Chesapeake Bay more than two decades ago.

WRDA: The Senate EPW Committee will hold a [hearing](#) on the next Water Resources Development Act on May 6,

focusing primarily on jobs and economic considerations of the legislation. WRDA project requests are [due](#) by May 18 according to a letter sent to Senators on April 20.

- On April 15, the House Water Resources and Environment Subcommittee of the Transportation & Infrastructure Committee held a [hearing](#) on proposals for the next Water Resources Development Act.

NEP Bill: After being amended to include the Great Lakes and require consideration of sea-level rise, the “Clean Estuaries Act of 2010” ([H.R. 4715](#)) passed the House 278 – 128. The legislation reauthorizes the EPA’s National Estuaries Program.

Budget and Appropriations: The Senate Budget Committee has prepared its [budget resolution](#) (which sets spending ceilings for Congress), passed it on April 22, and released details on April 26. The House is expected to release its resolution soon.

The next Congressional recess will be May 31 - June 6.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking.

NEMW’s Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Photo: Adam Davis

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
June 2010

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

EPA:

- Sanitary Sewer Rulemaking – On May 27, the US Environmental Protection Agency [announced](#) the initiation of rulemaking to reduce the harmful effects of [sanitary sewer overflows](#) (SSOs), which can discharge untreated wastewater into the environment, and may also contribute to beach closures, shellfish bed closures, contamination of drinking water, and other concerns. EPA will hold public listening sessions in late June and early July, and the public can submit written comments for sixty days following Federal Register publication.
 - Beach, Coastal Monitoring – Also on May 27, EPA [announced](#) the launch of its annual beach and coastal monitoring efforts in New York and New Jersey. The effort includes [helicopter](#) and boat surveillance and sampling, partnering with states on monitoring and public notification, as well as rapid testing for bacteria that causes gastrointestinal illness.
 - No Discharge Zone – In time for the summer boating season, the EPA and the NY State Department of Environmental Conservation [announced](#) last month that the entire NY State Canal System is now a “[no discharge zone](#),” which means that boats are banned from discharging sewage into the canals.
- modeled after Maryland’s [BayStat](#) program, and “presents comprehensive information about Bay Program activities, funding and progress toward goals.”
 - TMDL – The most recent in a series of webinars on the development of the Chesapeake Bay Total Maximum Daily Load was held on June 7. The [presentation](#) is available on the EPA website. The [next webinar](#) is scheduled for July 8 at 10am.
 - Executive Order – the EPA, in conjunction with the Departments of Agriculture, Commerce, Interior, and Defense, and the Council on Environmental Quality unveiled the final “Strategy for Protecting and Restoring the Chesapeake Bay Watershed” that was called for in last year’s [Executive Order](#) 13508. [The plan](#) calls for increased collaboration and dedication of resources from the federal agencies, maximization of accountability and enforcement, as well as consideration of two-year milestones in the restoration process. According to the [executive summary](#), “Federal agencies recognize the need to fundamentally shift efforts, take bold action, and increase accountability.”
 - As a part of the EPA’s ramped-up efforts to increase enforcement in the Chesapeake Bay Watershed following the Executive Order, the agency [announced](#) on June 2 that it is requiring a Manheim, PA farm to stop discharging pollutants without a required Clean Water Act permit. The dairy and egg operation has been releasing nutrient-laden animal manure into a tributary of the Susquehanna River. The EPA [also cited](#) two

Chesapeake Bay:

- Executive Council – On June 3, at the Chesapeake Executive Council annual [meeting](#), Bay leaders [announced](#) a new website which allows the public to follow pollution abatement practices throughout the watershed. Called [ChesapeakeStat](#), the tool is

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

farms in the Shenandoah watershed in Virginia for discharging pollutants without a permit.

NOAA:

- This week, the National Oceanic and Atmospheric Administration launched the *State of the Coast* [website](#) to highlight the crucial importance of healthy coastal ecosystems to a robust U.S. economy, a safe population, and a sustainable quality of life for coastal residents.

Energy Development, Fracking:

- On May 5, the Delaware River Basin Commission [voted to postpone](#) Marcellus Shale natural gas drilling in the Delaware River watershed for an undetermined period of time while regulations to handle the projects are revised. The commissioners will consider applications after the new regulations are in place.
- A natural gas well in Clearfield County, PA shot hydraulic fracturing fluid and natural gas 75 feet into the air on June 3—the well was contained the following afternoon after releasing 35,000 gallons of fluid. A malfunctioning blowout preventer was [blamed](#) for the accident. No one was hurt in the incident, but subsequently, Rep. Joe Sestak (PA) [reportedly](#) sent a letter to US Environmental Protection Agency Administrator Lisa Jackson urging federal oversight of natural gas extraction in the Marcellus Shale.
- On May 27, the Obama administration [announced](#) an extension of the current moratorium on deepwater offshore oil drilling for another six months, as well as a cancellation of the planned lease sale off the Virginia coast. On May 21, four mid-Atlantic Senators sent a [letter](#) to President Obama urging the administration to not move forward with plans for oil drilling off the Virginia coast.

Flooding:

- [Recently](#), eleven Members of Congress sent a [letter](#) to New York City Mayor Michael Bloomberg requesting strong consideration of drinking-water reservoir levels in the face of flooding risks along the Delaware River.

Studies, Reports:

- On May 27, NOAA [released](#) its predictions for the 2010 hurricane season, which could spell trouble for the beleaguered Gulf region. The estimates of a decidedly “busy” season include: 14-23 named storms, 8-14 hurricanes, and 3-7 major hurricanes (category 3 and above). The season runs June 1 through November 30.

- On June 3, river advocacy group American Rivers released their annual *America’s Most Endangered Rivers* [report](#) which highlights the ten rivers the organization feels are the country’s most threatened. This year, the Upper Delaware River takes the [number one](#) spot on the list due to concerns about natural gas extraction activities in the Marcellus Shale.
- Given recent declines in forest cover in New England and the east coast, a recent [study](#) released by [Harvard University](#) on Wednesday calls for greater attention to woodland conservation and suggests conserving and managing 70% of northeast forests over the next 50 years, which equates to about 30 million acres.
- On May 17, NOAA [released data](#) analyzed by the National Climatic Data Center that suggests that the combined global land and ocean average surface temperature in April was the warmest on record at 58.1°F (14.5°C), which is 1.37°F (0.76°C) above the 20th century average of 56.7°F (13.7°C).
- A recent [report](#) by the United Nations Environment Programme [suggests](#) that nations could benefit their economies by investing in ecosystem restoration.
- Another UNEP [report](#) claims that investing heavily—including perhaps phasing out subsidies—in bolstering failing fish stocks will ultimately raise catches and provide benefits to consumers, industry, and economies.
- A warming climate may be to blame for the potential extinction of many lizard species according to a [study](#) published in the journal *Science* in early May.

Conferences/Meetings:

- On June 7, Rep. Mike Castle (DE) [convened](#) a roundtable of Delaware River and Bay stakeholders to discuss the needs, opportunities, priorities, and current conservation work in the Basin. Following the discussion, the Congressman held a press conference along the banks of the Delaware River in New Castle, Delaware (articles are [here](#), [here](#) and [here](#)).
- On June 25 in Annapolis, Maryland, the Department of Interior, USDA, EPA, and the White House Council on Environmental Quality will hold a [public listening session](#) & discussion in the Chesapeake region on land conservation, recreation, & reconnecting people to the outdoors as a part of the broader America’s Great Outdoors initiative.

LEGISLATION IN BRIEF

Chesapeake Reauthorization: On June 10, Reps. Tim Holden (PA) and Bob Goodlatte (VA), Chairman and Ranking Member of the House Agriculture Committee's Subcommittee on Conservation, Credit, Energy, and Research, [introduced](#) the Chesapeake Bay Program Reauthorization and Improvement Act ([H.R. 5509](#)), which takes a more agricultural approach to Chesapeake Bay restoration than previously-introduced legislation (i.e. [H.R. 3852](#), the Chesapeake Clean Water & Ecosystem Restoration Act). Aside from reauthorizing the Chesapeake Bay Program, the bill places emphasis on market-based regional water quality trading systems (including the provision of guidelines) and an "assurance" program to provide certainty and assistance to agricultural producers in the watershed.

FWS Coastal Program bill: On May 18, Senator Ben Cardin (MD) [introduced](#) a bill ([S. 3382](#)) to formally authorize the Coastal Program of the US Fish & Wildlife Service. The legislation would encourage FWS to engage partners in "efforts to assess, protect, restore, and enhance" coastal fish and wildlife habitat. The purpose of the bill is to "conduct collaborative, long-term, landscape-level planning and on-the-ground habitat protection, restoration, and enhancement projects in priority coastal areas..." The following day, Rep. Frank Kratovil (MD) introduced the House companion bill ([H.R. 5344](#)).

Fracking: At the May 26 markup of the AQUA legislation (see below), Rep. Diana DeGette (CO) offered and later withdrew an amendment that would require disclosure of chemicals used in hydraulic fracturing fluid under the Safe Drinking Water Act. Chairman Waxman asked that the amendment be withdrawn from consideration due to ongoing investigations into fracking by his committee.

AQUA: On May 19, the House Energy and Environment Subcommittee of the Energy and Commerce Committee [approved](#) a \$13 billion "Assistance, Quality, and Affordability Act of 2010" ("[AQUA](#)") ([H.R. 5320](#)) to reauthorize the drinking water state revolving fund program to repair aging drinking water systems throughout the country. The bill also directs the EPA to evaluate hormone-disrupting pharmaceuticals and personal care products in public drinking water systems.

Defense bill: On May 28, the House passed the FY11 Defense authorization/supplemental bill ([H.R. 5136](#)). The legislation [contains](#) a provision for \$297 million to fund environmental restoration for former Defense Department facilities, and \$39.8 million for the Readiness and Environmental Protection Initiative to purchase buffer areas around military bases for wildlife habitat and encroachment prevention.

Budget and Appropriations: There is currently little movement on FY11 appropriations bills. Several Congressional staffers have suggested that Congress will resort to Continuing Resolutions this fall due to tight legislative calendars and other priorities.

The next Congressional recess will be July 5-9.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Photo: Adam Davis - Prime Hook, Delaware

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
July 2010

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

EPA:

- **Agency Priorities** – The US Environmental Protection Agency is requesting public [comment](#) on its draft [strategic plan](#) for addressing Administrator Lisa Jackson's priorities and the mission to protect human health and the environment. The seven priorities are: taking action on climate change, improving air quality, protecting America's waters, cleaning up our communities, assuring the safety of chemicals, expanding the conversation on environmentalism and working for environmental justice, and building strong state and tribal partnerships.
- **Waterborne Pathogens** – EPA [released](#) notification that it is proposing to revise a national primary drinking water regulation to protect against waterborne pathogens in public water systems. Public comments are accepted for 60 days.
- **Superfund** – On June 21, EPA [notified](#) Congress that it supports reinstating the expired "polluter pays" tax that provides funding to the Superfund program.

Chesapeake Bay:

- **TMDL** – On July 1, the EPA [released](#) its preliminary figures for the Chesapeake Bay TMDL. The [draft allocations](#) for nitrogen (187.4 million pounds) and phosphorus (12.5 million pounds) are divided among the six watershed states and DC, as well as the major river basins. Sediment allocations will be assigned on August 15. Draft Watershed Implementation Plans detailing how the states will further divide the allocations and meet the requirements are due

September 1. The EPA says it is [committed](#) to meeting the December 31 deadline.

- The most recent in a series of [webinars](#) will be held on July 8 at 10am.
- **CSO in PA** - The Justice Department and the U.S. Environmental Protection Agency [announced](#) last month that the Williamsport Sanitary Authority in Williamsport, PA will invest \$10 million to address Clean Water Act violations and correct problems with combined sewer overflows to the Susquehanna River, and ultimately, the Chesapeake Bay.

Energy Development, Fracking:

- On June 14, the Delaware River Basin Commission [announced](#) that it has extended its May 2009 natural gas well determination to include all exploratory projects. According to DRBC's press release, "all natural gas well project sponsors, including the sponsors of natural gas well projects intended solely for exploratory purposes, must first apply for and obtain commission approval before commencing any natural gas well project for the production from or exploration of shale formations within the drainage area of Special Protection Waters in the Delaware River Basin." The Special Protection Waters cover a significant portion of the Delaware River, particularly the non-tidal section above Trenton, NJ. DRBC cites potential risks of degradation to ground and surface waters from land disturbance and drilling activities as its impetus for the determination. Exploratory projects underway prior to June 14, 2010 will be allowed to continue.

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

- In mid June, the EPA [released](#) details on four informational public meetings it will host in conjunction with its proposed hydraulic fracturing study. The meetings will provide public information about the proposed study scope and design. EPA will solicit public comments on the draft study plan. Meetings will be held in Canonsburg, PA on July 22 and Binghamton, NY on August 12.
- A [study](#) by researchers at Stanford University suggests that modern farming practices helped prevent large amounts of greenhouse gases from entering the atmosphere.
- A recent Ecosystem Marketplace [report](#), *State of Watershed Payments: An Emerging Marketplace* claims that a market in water quality is emerging worldwide as countries invest billions in public and private funds into water resources protection.

Studies, Reports:

- The dead zone that grows in the Chesapeake Bay each summer is [expected](#) this year to be one of the smallest in the last two and a half decades. Research by the University of Maryland Center for Environmental Science suggests low anoxic conditions in the Bay during the early summer months. Scientists will [adjust](#) the forecast throughout the summer as conditions change.
- A [study](#) by UMCES recently published in the journal *Estuaries and Coasts* suggests that rising acidity levels in the saltier parts of the Chesapeake Bay are negatively impacting juvenile oyster shell development. Regions with lower salinity are becoming more alkaline. The researchers have drawn a connection between algae growth (driven by nutrient inputs) and the variability of acidity in the Bay.
- The Chesapeake Bay Foundation has recently released a [report](#) that says oysters in the Chesapeake Bay are naturally developing an increased resistance to disease.

Conferences/Meetings:

- Registration is [open](#) for the Restore America's Estuaries 5th National Conference in Galveston, TX November 13-17, 2010. The theme will be "Preparing for Climate Change: Science, Practice, and Policy."
- On June 25, the US Department of Interior, along with Maryland Governor Martin O'Malley and several others [hosted](#) a public listening session for the Administration's America's Great Outdoors initiative.

LEGISLATION IN BRIEF

Chesapeake Reauthorization: During a June 30 [markup](#) of several "Great Waters" bills, the Senate Environment & Public Works Committee marked up the Chesapeake Clean Water and Ecosystem Restoration Act ([S. 1816](#)) sponsored by Senator Ben Cardin (MD). In the final hours leading up to the markup, Senator Cardin collaborated with Senator Inhofe (OK) to reach a compromise on the legislation. The bill was amended by substitute (text of the substitute is available on Senator Cardin's [website](#)) and passed the EPW committee. Some of the changes are outlined below:

- The entire section that would codify the Chesapeake Bay TMDL is deleted. EPA is still legally bound to complete the TMDL by December 31, 2010, but this has implications for other sections of the bill that tie water quality and trading to TMDL standards.
- In the section originally requiring Basin States to submit Watershed Implementation Plans (WIP) to the EPA, "shall" is replaced with "may," making them non-mandatory. EPA enforcement will only pertain to those States that submitted WIPs. In the event that a State's WIP is taken over by the EPA, the EPA cannot enforce against nonpoint source pollution in the manner of Section 402 permitting enforcement.
- In consultation with the US Department of Agriculture, EPA may make grants (authorized at \$10 million per year) to establish and support centers of excellence for water quality and agricultural practices. Overall, USDA gained a greater role in Bay restoration efforts in the compromise language.
- Because the section codifying the TMDL was removed, trading programs are no longer tied to the TMDL requirements, but rather the standards for Chesapeake Bay tidal segments. Credit sellers, however, must meet baseline water quality requirements imposed on them in order to trade, including any TMDL.
- Senator Carper offered an amendment that would create a new Agricultural Animal Waste-to-Energy Program to assist agricultural producers with the management of their waste through a grant program.

Long Island Sound: Also on June 30, the EPW Committee marked up the Long Island Sound Restoration and Stewardship Act ([S. 3119](#)), which would reauthorize the LIS Stewardship Program, and passed the bill as a substitute amendment.

NEP Bill: At that same EPW markup, the Clean Estuaries Act ([H.R. 4715](#)) was agreed to. The bill would reauthorize the National Estuary Program, as well as authorize \$50 million per year for the program.

Stormwater Violations: On June 11, Senator Cardin [introduced](#) a bill ([S. 3481](#)) that would require the federal government to comply with local stormwater fees. Localities would gain assistance from the federal government to cover the costs associated with handling pollution originating from federal activities on federal lands. The bill was approved in the June 30 EPW markup.

CWA Violations: On June 24, the Senate Judiciary Committee [marked up](#) a bill ([S. 3466](#)) that would make restitution for Clean Water Act violations mandatory, and more appropriate for the severity of the crime.

Coastal Jobs Bill: In late June, Senator Olympia Snowe (ME) introduced a bill ([S. 3528](#)) intended to boost coastal economies. The bill would provide \$80 million annually through the US Department of Commerce to spur employment in cooperative research and monitoring, the revitalization of coastal infrastructure, marine debris removal, and restoration of coastal resources. A companion bill ([H.R. 4914](#)) was introduced in the House in March.

Incidental Discharge: On July 1, the House Transportation & Infrastructure Committee marked up a bill ([H.R. 5301](#)) that will extend a moratorium on the EPA that prohibits the requirement of a permit under Section 402 of the Clean Water Act for “discharges that are incidental to normal operations of vessels.” The moratorium, which was set to expire on July 31, was in place while the EPA conducted a study prior to establishing the permit; however, time ran out before EPA could fully analyze the results of the study.

Farm bill: On July 1, the House Agriculture Committee held a [hearing](#) to review the administration and delivery of conservation programs. These hearings are precursors to work on the 2012 farm bill.

Budget and Appropriations: A few FY11 appropriations bills have been tackled at the subcommittee level in recent weeks. Still, several Congressional staffers have suggested that Congress will resort to Continuing Resolutions this fall due to tight legislative calendars and other priorities, and perhaps an omnibus appropriations bill following the election.

ENERGY and WATER – Markup of the FY11 Energy and Water Appropriations bill was originally scheduled for June 24, but has been postponed. New date is TBD.

AGRICULTURE – On June 30, the Agriculture Subcommittee of the House Appropriations Committee completed markup of the FY11 Agriculture Appropriations bill. According to the Subcommittee website, “The 2011 bill totals approximately \$23 billion in discretionary spending. The bill total is \$204 million below the FY2010 enacted level and \$27 million below the President’s request.”

- Natural Resources Conservation Service received \$1 billion, \$50 million above request, with \$12.5 million for the new proposal by NRCS for Strategic Watershed Action Teams.
- Funding is restored for the Resource Conservation and Development Program.
- An earmark from Reps. Connolly (VA), Kratovil (MD), Moran (VA), Sarbanes (MD), Scott (VA), and Van Hollen (MD) would provide nearly \$4 million for NRCS Chesapeake Bay Activities.

CJS – On June 29, the Commerce-Justice-Science subcommittee of the House Appropriations Committee [marked up](#) the FY11 CJS Appropriations bill. Under the bill, the National Oceanic and Atmospheric Administration will receive \$5.5 billion, well above FY10 levels but slightly below the President’s request. A list of earmarks can be found [here](#).

Congress is currently in recess until July 12. The next Congressional recess will be August 9 – September 10 for the Senate and House.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW’s Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Photo: Adam Davis

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
August 2010

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

EPA:

- **PA Waste- and Stormwater Crackdown** – Over the last several weeks, the US Environmental Protection Agency has filed many complaints and issued several notices to municipalities and facilities in Pennsylvania—particularly those within the Chesapeake Bay watershed.
 - On August 6, the EPA [announced](#) that it had sent orders to four municipalities in the Chesapeake Bay watershed for stormwater improvements in their Municipal Separate Storm Sewer System (MS4) programs. According to an EPA press release, “The orders require the cited municipalities to correct problems with their respective MS4 programs and come into compliance with their Clean Water Act permit.”
 - On July 29, the EPA [proposed penalties](#) for ten wastewater treatment facilities in Pennsylvania for Clean Water Act violations. Nine of those are in the Chesapeake Bay watershed. The complaints focus primarily on industrial users, and the facilities’ failure to sample for and reevaluate pollution limits set for those users.
 - On August 3, as part of President Obama’s Chesapeake Bay Executive Order, the EPA [released](#) a guide for improving urban stormwater permitting in the mid-Atlantic. The guide addresses several areas of stormwater permitting that the EPA found needed clarification.

Chesapeake Bay:

- **TMDL** – On August 15, the EPA is [expected](#) to release sediment allocations as it continues to work through the Bay TMDL process. The States are expected to have their draft Watershed Implementation Plans completed by September 1.
 - The next [webinar](#) will be held Thursday, August 19 at 10am.

USDA: In early July, the US Department of Agriculture [initiated](#) a program intended to encourage private landowners to open their property to public access for hunting and fishing. The Open Fields program will offer State and tribal participants up to \$50 million in grants through FY2012.

Energy Development, Fracking:

- The EPA is [continuing](#) to host its informational public meetings regarding its planned study on hydraulic fracturing. In the mid-Atlantic, a [meeting](#) was held on July 22 in Canonsburg, PA; 1200 people attended. The next, and final, meetings will be held throughout the day on August 12 in Binghamton, NY.
- The New York State Senate [passed](#) a bill that will establish a temporary moratorium on hydraulic fracturing while the State Department of Environmental Conservation completes its review of the practice.
- In late July, the Obama Administration officially cancelled two proposed offshore oil lease sales, including the one slated for development off the Virginia coast to “...allow time to develop and implement measures to improve the safety of oil and

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

gas development in Federal waters.” The formal cancellation was published in the Federal Register on July 28 ([Page 44276](#)).

Studies, Reports:

- The National Oceanic and Atmospheric Administration [announced](#) this week that the past decade is the warmest on record. The 2009 State of the Climate [report](#) compiles data from 300 scientists in 48 countries.
- Recent federal [funding](#) will allow researchers at the University of Maryland Center for Environmental Science to study the effects of pollution on bacteria and other microorganisms that make up the foundation of the food web.
- An [investigation](#) by the Delaware News Journal suggests that chemicals from industrial areas of northern Delaware may have reached the Potomac Aquifer and could affect water supplies for surrounding states.
- Journalism students at the University of Maryland have sampled water in Bay tributaries after intense rain events, and [determined](#) that bacteria levels exceed that of an unflushed toilet bowl.

- The United States Geological Survey has [released](#) a first-of-its-kind comprehensive, interactive land cover (i.e. forests, grasslands, wetlands) map of the nation.

Conferences/Meetings:

- On August 24 and 26 at 1pm, the EPA [will host](#) public listening sessions via teleconference on [potentially changing](#) water quality standards. Possible revisions to a 1983 regulation include: “strengthening protection for water bodies with water quality that already exceeds or meet the interim goals of the Clean Water Act; ensuring that standards reflect a continued commitment to these goals wherever attainable; improving transparency of regulatory decisions; and strengthening federal oversight.” The sessions will provide the public opportunity to comment on the changes.
- Registration is [open](#) for the Restore America’s Estuaries 5th National Conference in Galveston, TX November 13-17, 2010. The theme will be “Preparing for Climate Change: Science, Practice, and Policy.”
- The International Submerged Lands Management Conference is [hosting](#) a fall webinar series to “Increase awareness of the management issues surrounding submerged lands.” All sessions are free and cover various topics including property rights, climate change, recreational use, and the Gulf oil spill.

LEGISLATION IN BRIEF

Chesapeake Reauthorization: Rep. Holden’s (PA) ag-centric Chesapeake Bay bill ([H.R. 5509](#)) easily passed the House Agriculture Committee on July 28. It will also be considered by the Water Resources Subcommittee of the House Transportation and Infrastructure Committee.

Long Island Sound: On July 27, House lawmakers [introduced](#) legislation ([H.R. 5876](#)) that would reauthorize the Long Island Sound Study and provide an expansion of funding — up to \$250 million per fiscal year from FY12 through FY15. The bill expands the area covered by the LIS program to include the entire watershed, and requires the EPA to establish regulations for regional stormwater. The funding can be used for water infrastructure improvements. A LIS bill ([S. 3119](#)) was approved by the Senate Environment and Public Works Committee on June 30.

Fishery Conservation Bill: In July, Senator Bill Nelson (FL) introduced legislation ([S.3594](#)) that would amend Magnuson-Stevens to give greater consideration to the economic impact of the transition to sustainable fisheries and address deficiencies in data collection and science.

Highway Stormwater Bill: Senator Ben Cardin (MD) [introduced](#) a bill ([S. 3602](#)) on July 15 that would address stormwater from the nation’s highway system through design standards and federal aid. The legislation has been referred to the Senate Environment & Public Works Committee.

WRDA: On July 29, the House Transportation and Infrastructure Committee passed the 2010 \$6 billion Water Resources and Development Act ([H.R. 5892](#), bill [summary](#)) containing nearly 300 water resources/Army Corps projects—and almost none from Republicans due to their party’s current earmark ban.

DWSRF: On July 29, the House approved a bill ([H.R. 3520](#)) to reauthorize the Drinking Water State Revolving Fund at \$1.4 billion for FY11, \$1.6 billion for FY12, and \$1.8 billion for FY13. The fund helps states make drinking water infrastructure improvements.

Green Infrastructure: Senators Tom Udall (NM) and Sheldon Whitehouse (RI) introduced a bill ([S. 3561](#)) on June 30 that would establish a new EPA Office of Water program to promote and facilitate green infrastructure uses in

stormwater management. The bill also includes a provision for a grant program to help fund three to five university-based “Centers of Excellence” for infrastructure research.

Incidental Discharge: Also on July 29, the House approved by voice vote a small vessel incidental discharge bill ([S. 3372](#)) that will extend a moratorium on the EPA that prohibits the requirement of a permit under Section 402 of the Clean Water Act for “discharges that are incidental to normal operations of vessels.” The Senate approved the bill on July 14.

Budget and Appropriations: A few FY11 appropriations bills have been tackled in recent weeks. Although the Senate remained in session a week longer than the House, no FY11 Senate appropriations bills were scheduled for consideration just prior to recess. The three remaining Senate bills—including Interior & Environment—will receive Committee attention when Congress reconvenes after Labor Day, despite early interest in completing all bills before recess.

Even still, with the end of the fiscal year (Sept 30) and an election looming, the odds of fully completing appropriations bills before then are *very* slim to none. The full Senate has not voted on any bills, and the full House has voted on just a few with many still awaiting full Appropriations Committee consideration. It isn’t a question if there will be a Continuing Resolution, but rather for how long.

There has been recent Senate discussion about further cutting spending in appropriations, which could mean either trimming bills before they head to the floor or establishing new limits in the impending Continuing Resolution.

ENERGY & WATER – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Energy and Water Development spending bill.

- Army Corps of Engineers – \$5.320 billion (\$416 million above President’s request, slightly above House mark)
- Operations & Maintenance – \$2.495 billion
- Construction – \$1.780 billion
- General Investigations – \$166 million (about \$35 million above House mark)

Earmarks (see other earmarks [here](#))

- Chesapeake Bay Oyster Recovery – \$5 million
- Delaware River Deepening – \$7 million

On July 15, the Energy and Water Subcommittee of the House Appropriations Committee [marked up](#) its FY 2011 Appropriations bill. The draft provides nearly \$5.3 billion

for the US Army Corps of Engineers, \$400 million above the President’s budget request.

- Investigations – \$131 million
- Construction – \$1.85 billion
- Operations & Maintenance – \$2.53 billion

Earmarks (see other earmarks [here](#))

- Three mid-Atlantic River Basin Commissions – \$1 million
- Chesapeake Bay oyster recovery – \$6 million

INTERIOR & ENVIRONMENT – On July 22, the Interior and Environment Subcommittee of the House Appropriations Committee [marked up](#) its FY11 bill. The bill was flat lined, so very few spending increases are included, and the bill comes in below the President’s request.

- US Department of Interior – \$11 billion; EPA – \$10 billion
- US Fish & Wildlife Service – \$1.64 billion (decrease of \$5 million from FY10)
- Land & Water Conservation Fund – \$518 million (increase of \$68 million from FY10)
- Superfund – \$1.3 billion; STAG – \$4.7 billion (decrease of \$227 million from FY10)
- Clean Water State Revolving Fund – \$1.9 billion

Earmarks (see other earmarks [here](#))

- Chesapeake Bay Gateways & Trails – \$2 million
- Chesapeake Bay Treasured Landscapes – \$1 million
- Cumulative Impact Study on Natural Gas Development in the Delaware Basin – \$1 million
- Nitrogen removal at Blue Plains Wastewater Treatment Plant, DC – \$1.96 million

The Senate Appropriations Committee has not yet taken up an Interior and Environment bill.

AGRICULTURE – In mid July, the Senate Appropriations Committee [completed](#) its FY 11 Agriculture spending bill.

- Environmental Quality Incentives Program, Wetlands Reserve Program, Grasslands Reserve Program and the Farm and Ranchland Protection Program are all cut below farm bill levels for FY11
- Earmark: Cover crop program in Maryland – \$1 million (see other earmarks [here](#))

On June 30, the Agriculture Subcommittee of the House Appropriations Committee completed [markup](#) of the FY11 Agriculture Appropriations bill.

CJS – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Commerce-Justice Science appropriations legislation. NOAA was provided with more than \$5.5 billion.

- National Ocean Service – \$537 million
- National Weather Service – \$1 billion
- National Marine Fisheries Service – \$909 million
- Oceanic and Atmospheric research, including climate science – \$449 million

Earmarks (see other earmarks [here](#))

- Chesapeake Bay Oyster Restoration – \$3 million
- Susquehanna Flood Forecast and Warning System – \$2.4 million

On June 29, the Commerce-Justice-Science subcommittee of the House Appropriations Committee [marked up](#) the FY11 CJS Appropriations bill.

Congress is currently on recess; both chambers will return the week of September 13.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.

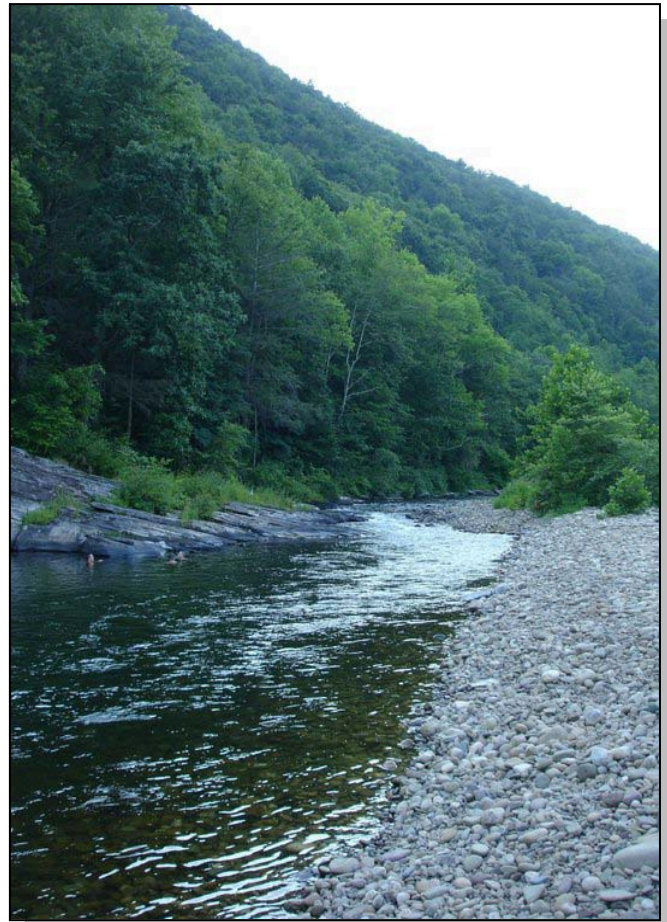


Photo: Loyalsock Creek, PA, Rachel Dawson

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
September 2010

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

EPA:

- New Drinking Water Forum – The US Environmental Protection Agency has [launched](#) a new [web-based forum](#) to solicit input and feedback on drinking water protection. The forum will be open for approximately one month, and will cover four topics: Addressing contaminants as groups; fostering development of new drinking water technologies; using the authority of multiple statutes; collaborating with states to share more complete data.
- Draft Strategy on Clean Water – Using concepts generated from this year's Coming Together for Clean Water forum, the EPA has prepared a [draft strategy](#) for protecting and restoring our nation's lakes, streams, and coastal waters. Public [comments](#) are being accepted until September 17.

Chesapeake Bay:

- TMDL – In early September, each state (including DC) within the Chesapeake Bay watershed [released](#) and made public its draft Watershed Implementation Plan (WIP). The WIPs detail how states intend to meet the target Chesapeake Bay Total Maximum Daily Load (TMDL) draft allocations recently developed by the EPA, which will then review the WIPs based on detailed expectations it provided. The information in the WIPs will be considered by EPA as the Agency completes its draft Bay TMDL, which will be issued for public comment on September 24, 2010. Final WIPs are due on November 29, 2010 and a final Bay TMDL will be issued by December 31, 2010.

- On August 13, the EPA [released](#) sediment [allocations](#) as a part of the Bay TMDL process.
- The next [webinar](#) will be held Tuesday, September 28 at 10am.
- The Chesapeake Bay Commission will meet September 9-10 in PA—half of the meeting [agenda](#) is dedicated to discussing the WIPs.

Superfund:

- Hudson PCBs – A panel of experts has [released](#) a draft independent [report](#) to the EPA on the first phase of Hudson River PCB Superfund [dredging](#). The report suggests that the second phase (which is scheduled to resume in 2011) should occur in order to clean up the Upper Hudson, but the EPA should take more time and act more deliberately to ensure thorough removal of contaminants as it proceeds. The report calls for better mapping of PCBs in the riverbed.
- Delaware River – Years after a toxic landfill in Narrowsburg, NY was cleaned up through the EPA's [Superfund](#) program, it has been [determined](#) that the site remains contaminated and is releasing a plume of pollution into groundwater and the Delaware River. The new cleanup is expected to last seven years and cost \$8.1 million. EPA is taking public comment until September 12.

Grants, Funding:

- Anacostia Grants – Funding is now [available](#) through the EPA and the [Green Streets-Green Jobs](#) initiative for pilot projects in the Anacostia watershed—a tributary to the Chesapeake Bay. The EPA is partnering with the

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

Chesapeake Bay Trust, MD Department of Environment and MD Department of Natural Resources to offer special opportunity grants to local governments and nonprofits in urbanized watersheds for green infrastructure, energy efficiency, stormwater reduction, and livable community projects that also invigorate local economies. Applications are due by 5pm September 24. Full RFP is [here](#) (pdf).

- **B-WET** – The Chesapeake Bay office of the National Oceanic and Atmospheric Administration is now [accepting](#) applications for 2011 Bay Watershed Education and Training–**B-WET**–grants. The deadline to submit is Friday, October 15. The B-WET Chesapeake program provides hands-on watershed education to students and teachers to foster stewardship of the Bay.
- **Chesapeake Bay Stewardship Fund** – In August, eleven Chesapeake Bay watershed projects [received](#) \$5.8 million to reduce nutrient and sediment loads in the Bay. The funding was provided through the Innovative Nutrient and Sediment Reduction Program, a part of the Chesapeake Bay Stewardship Fund. Awardees provided \$10 million in match.

Energy Development, Fracking:

- **NY EPA Meeting** – The EPA is wrapping up its informational public meetings on its planned hydraulic fracturing study. The [final meetings](#) in the mid-Atlantic will include four identical sessions held over two days on September 13 and 15 in Binghamton, NY. These sessions were originally slated for August 12.

Studies, Reports:

- A recent US Geological Survey [study](#) claims that submerged aquatic vegetation, a critical habitat in the Potomac River, is making a remarkable comeback following restoration efforts, particularly nutrient and sediment reductions.
- A [new](#) multi-agency, federal [report](#) suggests dead zones throughout the nation continue to be a threat to habitats as prevalence increases. The report claims that although some areas are currently improving, overall, hypoxic conditions have increased 30-fold in the last five decades. The report also offers several policy and scientific [recommendations](#) for better addressing hypoxia.

- The US Forest Service has released a [report](#) that says that large areas of private forests in the US (about 56% of the nation's forests) could be lost to housing development, which would seriously diminish the ecosystem services they provide, including water quality, wildlife habitat, timber, carbon sequestration, and recreation.
- The World Resources Institute has undertaken an [analysis](#) that [suggests](#) that Chesapeake watershed farmers who participate in Bay-wide nutrient trading programs could earn thousands in additional income annually.

Conferences/Meetings:

- The USGS will host a [briefing](#) on September 10 on Capitol Hill entitled "Science for the Future of the Bay." 10:00am, 2353 Rayburn House Office Building.
- The USGS will host an additional briefing on September 24 on nutrients in streams and groundwater across the United States. Discussions will include developing nutrient criteria for surface water bodies; reducing nutrients to receiving waters; setting realistic expectations for water-quality improvements following nutrient reduction strategies; and managing elevated nutrients in drinking water. The briefing is scheduled for 9:30am in the Capitol Visitor's Center, SVC Room 201/200.
- Penn State Cooperative Extension, in partnership with Penn State Outreach and the Interstate Oil & Gas Compact Commission are hosting the 2010 [Marcellus Summit](#): Building a Sustainable Future October 10-12 in State College, PA.
- Registration is [open](#) for the Restore America's Estuaries 5th National Conference in Galveston, TX November 13-17, 2010. The theme will be "Preparing for Climate Change: Science, Practice, and Policy."
- The International Submerged Lands Management Conference is [hosting](#) a fall webinar series to "Increase awareness of the management issues surrounding submerged lands." All sessions are free and cover various topics including property rights, climate change, recreational use, and the Gulf oil spill.

LEGISLATION IN BRIEF

Because Congress has been on recess for the month of August, legislative news is scant for this newsletter. Congress will return the week of September 13, and is

expected to address perhaps a few legislative efforts (aside from energy legislation, there is also some discussion of a [possible Senate "great waters/public lands package"](#) before

breaking again in October to campaign. Please check our [blog](#) for any legislative developments in the interim.

The following appropriations information from last month is reposted as a placeholder prior to the anticipated Continuing Resolution.

Budget and Appropriations: A few FY11 appropriations bills have been tackled in recent weeks. Although the Senate remained in session a week longer than the House, no FY11 Senate appropriations bills were scheduled for consideration just prior to recess. The three remaining Senate bills—including Interior & Environment—will receive Committee attention when Congress reconvenes after Labor Day, despite early interest in completing all bills before recess.

Even still, with the end of the fiscal year (Sept 30) and an election looming, the odds of fully completing appropriations bills before then are very slim to none. The full Senate has not voted on any bills, and the full House has voted on just a few with many still awaiting full Appropriations Committee consideration. It isn't a question if there will be a Continuing Resolution, but rather for how long.

There has been recent Senate discussion about further cutting spending in appropriations, which could mean either trimming bills before they head to the floor or establishing new limits in the impending Continuing Resolution.

ENERGY & WATER – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Energy and Water Development spending bill.

On July 15, the Energy and Water Subcommittee of the House Appropriations Committee [marked up](#) its FY 2011 Appropriations bill. The draft provides nearly \$5.3 billion for the US Army Corps of Engineers, \$400 million above the President's budget request.

INTERIOR & ENVIRONMENT – On July 22, the Interior and Environment Subcommittee of the House Appropriations Committee [marked up](#) its FY11 bill. The bill was flat lined, so very few spending increases are included, and the bill comes in below the President's request.

The Senate Appropriations Committee has not yet taken up an Interior and Environment bill.

AGRICULTURE – In mid July, the Senate Appropriations Committee [completed](#) its FY 11 Agriculture spending bill.

On June 30, the Agriculture Subcommittee of the House Appropriations Committee completed [markup](#) of the FY11 Agriculture Appropriations bill.

CJS – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Commerce-Justice Science

appropriations legislation. NOAA was provided with more than \$5.5 billion.

On June 29, the Commerce-Justice-Science subcommittee of the House Appropriations Committee [marked up](#) the FY11 CJS Appropriations bill.

Congress is currently on recess; both chambers will return the week of September 13.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.

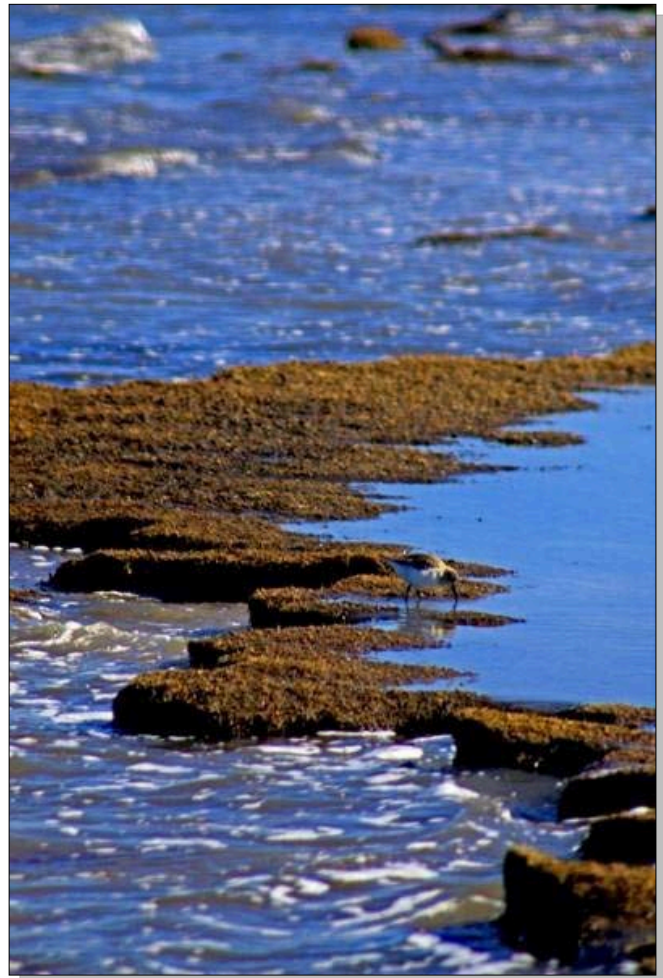


Photo: Adam Davis

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
October 2010

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

EPA:

- **Water Infrastructure** – On October 4, the US Environmental Protection Agency [released](#) its policy for sustainable clean water and drinking water infrastructure. The [policy](#) also addresses assistance with community funding needs for upgrades and repairs to aging infrastructure.
- **Blue Plains** – The EPA has [reissued](#) a five-year [NPDES](#) operating permit for the Blue Plains wastewater treatment facility along the Potomac River – the largest facility in the Chesapeake Bay watershed – with new stringent discharge [requirements](#).

DOI: In late September, the US Department of Interior [released](#) its new scientific integrity policy through secretarial order. The [policy](#) provides protection for whistleblowers and prohibits both political and career employees from suppressing scientific and technological findings.

- The US Fish & Wildlife Service recently released its collaborative strategic [plan](#) to address the impact of climate change on landscapes and vulnerable species.

Chesapeake Bay:

- **TMDL** – On September 24, the EPA released the draft Chesapeake Bay Total Maximum Daily Load. The public comment period on the proposed [TMDL](#) continues for 45 days after publishing through November 8.
 - EPA is hosting a series of public meetings throughout the watershed this fall on the TMDL. The schedule of meetings and

presentations can be found on the [TMDL website](#).

- Webinars will accompany TMDL meetings; the next webinar will be held October 7 at 1pm (Hampton, VA).
- On September 21, the EPA [announced](#) the final TMDL for trash in the Anacostia River watershed. Developed over the last few months, this interstate TMDL is the first of its kind nation-wide to address trash as an impairment.
- **Action Plan** – On September 30, federal agencies released their fiscal year 2011 [“action plan”](#) for restoring the Chesapeake Bay. The effort was called for in President Obama’s May 2009 [Executive Order](#), and outlines each Federal Leadership Committee agency’s contribution and responsibilities in the overall Bay restoration effort. The \$490 million plan includes details on all federal activities to be undertaken from now until September 30, 2011, broken down by the four goal areas and four supporting strategies.
- **Enforcement** – In mid-September, the EPA [levied](#) an Administrative Penalty against a Pennsylvania farm for discharging manure and other agricultural waste into a tributary of the Susquehanna River without a Clean Water Act permit. The farm was inspected on April 1 and was asked on June 1 to stop discharging or obtain a permit.
- **NPS** – The National Park Service has [released](#) its draft Comprehensive Management Plan/Environmental Assessment for Captain John Smith Chesapeake National Historic Trail. Public comments may be made until November 5. An analysis of the comments will be

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

made and a final 20-year CMP will be submitted to Congress.

Superfund: The EPA [announced](#) on September 27 that it is adding Newtown Creek in New York City to its Superfund National Priorities List. According to the EPA, “Potentially harmful contaminants such as pesticides, metals and polychlorinated biphenyls (PCBs) have been detected in Newtown Creek along with volatile organic compounds (VOCs).”

Energy Development, Fracking:

- **Disclosure** – As a part of its study on the environmental and health impacts of natural gas extraction via hydraulic fracturing, the EPA has formally [requested](#) voluntary information on the chemical composition of fluids used in the process. EPA submitted requests to nine companies, and is also asking for data on the impacts of the chemicals on human health and the environment, standard operating procedures at their hydraulic fracturing sites and the locations of sites. The agency hopes to receive results from the requests by October 10, but EPA will use its authority to gather the information if the requests are declined.

Studies, Reports:

- A new US Geological Survey [report](#) summarizes the last three decades of nutrient abatement in the Chesapeake Bay, and suggests the employment of a new method that improves consideration of flow rates for tracking nutrient inputs in the watershed. Analysis shows that nutrient reduction efforts are having varied results across sub-watersheds.
- A [report](#) by the group OMB Watch suggests that the US Environmental Protection Agency as part of President Obama’s Administration has made little rulemaking progress on water quality issues compared to air pollution standards.
- The National Oceanic and Atmospheric Administration has [awarded](#) a grant to a team of researchers who will study the impact of night-and-day swings of hypoxia in shallow waters of the Chesapeake Bay—particularly on

commercially and ecologically important finfish and shellfish.

- A broad coalition of stakeholders has released a [study](#) “Charting New Waters: A Call to Action to Address U.S. Freshwater Challenges,” which cites an impending freshwater crisis in the US. The report points to five issues areas of concern—quality and supply of freshwater, competing water needs, climate change, environmental and public health impacts, and economic implications.
- Recently, a collaboration of Pennsylvania colleges and universities released a [study](#) titled “Baseline Socioeconomic Analysis for the Marcellus Shale Development in Pennsylvania.” The study relied on surveys and interviews to obtain baseline data to determine future community changes.
- A new [report](#) by the group American Rivers highlights how states have been using their allotment of federal ARRA dollars that provided \$1.2 billion for green infrastructure, water and energy efficiency, and environmental innovation.
- The USGS held a Capitol Hill [briefing](#) on September 24 on a new [report](#) examining nutrients in streams and groundwater across the United States.

Conferences/Meetings:

- On October 6 at 7pm in Reston, VA, USGS will host a public [lecture](#) entitled, “Turning the Tide on the Chesapeake Bay.” USGS Bay scientists will discuss new science and cooperation that is being applied to restore the nation’s largest estuary.
- Penn State Cooperative Extension, in partnership with Penn State Outreach and the Interstate Oil & Gas Compact Commission are hosting the 2010 [Marcellus Summit](#): Building a Sustainable Future October 10-12 in State College, PA.
- Registration is [open](#) for the Restore America’s Estuaries 5th National Conference in Galveston, TX November 13-17, 2010. The theme will be “Preparing for Climate Change: Science, Practice, and Policy.”

LEGISLATION IN BRIEF

Congress returned on September 13 and recessed again for the election on September 30. Congress will return the week of November 15 and will likely attempt to address appropriations, energy, and a few other legislative priorities—possibly including land and water bills—during the lame duck session.

Connecticut River: On September 27, the Senate Energy and Natural Resources Committee passed a bill ([S.1117](#)) that would authorize the US Department of Interior to implement a program in the Connecticut River watershed in New Hampshire and Vermont to provide grants and technical assistance for historic and natural resources conservation.

Flood Insurance: On September 22, the Senate Banking Committee held a [hearing](#) on reauthorizing the national flood insurance program.

WRDA: The Senate Environment & Public Works Committee will hold a [hearing](#) on the next Water Resources Development Act on November 17 at 10am in Dirksen 406.

Green Infrastructure: On September 30, the Water Resources Subcommittee of the House Transportation & Infrastructure Committee held a [hearing](#) on the "Impact of Green Infrastructure and Low Impact Development."

National Park Partnerships: The House Natural Resources Committee held an oversight [hearing](#) on September 23 on the role of partnerships in National Parks.

Coastal Mapping: On September 23, Rep. Ruppertsberger (MD) introduced a bill ([H.R. 6215](#)) that would establish a program within the US Department of Commerce for complete digital mapping of the coastal zone. The bill would also allow for the establishment of "coastal services centers."

EPA in Ag: The Senate Agriculture Committee held an oversight [hearing](#) on September 23 to examine the EPA's role in agricultural operations.

Agency Performance: On September 29, the Senate Homeland Security & Government Affairs Committee [passed](#) a bill (that would require federal agencies to carry out quarterly performance reviews to cut waste, encourage accountability, and meet goals.

Budget and Appropriations: Just before fiscal year 2010 expired on September 30, Congress considered and approved a \$219 billion [continuing resolution](#) to fund the federal government at current levels until FY 2011 appropriations can be made. The bill purportedly contained no amendments or changes.

The full Senate has not voted on any bills, and the full House has voted on just a few with many still awaiting full Appropriations Committee consideration. Reports suggest both chambers will address FY11 appropriations through a large omnibus bill during the lame duck.

The following detailed appropriations information is reposted as a placeholder prior to anticipated action on appropriations following the election.

ENERGY & WATER – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Energy and Water Development spending bill.

On July 15, the Energy and Water Subcommittee of the House Appropriations Committee [marked up](#) its FY 2011 Appropriations bill. The draft provides nearly \$5.3 billion for the US Army Corps of Engineers, \$400 million above the President's budget request.

INTERIOR & ENVIRONMENT – On July 22, the Interior and Environment Subcommittee of the House Appropriations Committee [marked up](#) its FY11 bill. The bill was flat lined, so very few spending increases are included, and the bill comes in below the President's request.

The Senate Appropriations Committee has not yet taken up an Interior and Environment bill.

AGRICULTURE – In mid July, the Senate Appropriations Committee [completed](#) its FY 11 Agriculture spending bill.

On June 30, the Agriculture Subcommittee of the House Appropriations Committee completed [markup](#) of the FY11 Agriculture Appropriations bill.

CJS – On July 22, the Senate Appropriations Committee [approved](#) its FY11 Commerce-Justice Science appropriations legislation. NOAA was provided with more than \$5.5 billion.

On June 29, the Commerce-Justice-Science subcommittee of the House Appropriations Committee [marked up](#) the FY11 CJS Appropriations bill.

Congress is currently on recess; both chambers will return the week of November 15.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information.



Photo: Adam Davis - Rehoboth Bay, DE

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
November 2010

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

EPA: The US Environmental Protection Agency recently [released](#) its FY 2011 five-year strategic [plan](#) to guide the agency in meeting its priorities. The plan presents five strategic goals for advancing the agency's environmental and human-health mission, accompanied by five cross-cutting fundamental strategies.

DOI: On October 18, the US Fish and Wildlife Service [announced](#) the establishment of a new mid-Atlantic wildlife refuge in the National Wildlife Refuge System; the Cherry Valley NWR in the Delaware River Basin in eastern Pennsylvania is America's 553rd refuge.

Chesapeake Bay:

- **TMDL** – The 45-day public comment period for the draft Chesapeake Bay Total Maximum Daily Load ends on November 8. The proposed **TMDL** was published on September 24. Final Watershed Implementation Plans are due November 29.
 - In response to an earlier letter sent by Members of Congress to EPA Administrator Lisa Jackson, the agency has [denied](#) a request to extend the Chesapeake Bay TMDL comment period.
 - Members of the New York Congressional and Senate delegations also [sent a letter](#) to the EPA expressing their dissatisfaction with the proposed Bay TMDL limits for New York.
- **Grants** – In early November, the National Fish and Wildlife Foundation [awarded](#) 34 Chesapeake Bay restoration projects with a total of \$3.4 million through the Small Watershed Grants Program.

- **Enforcement** – The EPA has [fined](#) Baltimore City and Anne Arundel and Harford Counties in Maryland for stormwater runoff violations.
- **Stormwater** – The EPA is [holding](#) a series of public listening sessions on a proposed stormwater [rule](#) for new development and redevelopment that would impact the Chesapeake Bay watershed. The first session was held October 26 in Baltimore, MD with sessions in other states through mid-November. The full list of dates and locations and [registration](#) for the sessions can be found on the EPA website. There will also be one webcast on November 16.

Superfund:

- New York Governor David Patterson will [withdraw](#) the state from the EPA's Superfund program, which has 114 sites throughout NY, including the PCB dredging program in the Hudson River—the nation's largest project.
- In mid-October, the EPA announced intentions to [propose](#) to add the Mansfield Trail Dump [Site](#) in Byram Township, New Jersey, and the Dwyer Property Ground Water [Plume](#) located north of Elkton, Maryland to the Superfund National Priorities List.
- In early November, the EPA [announced](#) completion of the cleanup at the Havertown PCE Superfund site in Haverford Township, Delaware County, Pennsylvania, which included removing contaminated soil and treating polluted groundwater.

Grants and Funding: The National Oceanic and Atmospheric Administration's Restoration Center has a

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

new funding opportunity for coastal habitat restoration. The [Open Rivers Initiative](#) will fund projects that directly benefit migratory fish species, including dam removal, installation of fish passage, and elimination of other migration barriers. Deadline to apply is November 17.

Energy Development, Fracking:

- **Disclosure** – As a part of its study of hydraulic fracturing, the EPA has formally [requested](#) voluntary information on the chemical composition of fluids used in the process. The agency had hoped to receive responses within 30 days; many companies have [missed](#) the initial deadline citing a need for more time to compile information, but ultimately intend to comply.
- **Regulation** – The Delaware River Basin Commission again [delayed](#) the release of its draft regulation for natural gas development within the Delaware watershed. The draft is now expected sometime in November or December.

Studies and Reports:

- A federal scientist is [reporting](#) the discovery of intersex male smallmouth bass in the Susquehanna. She is investigating the relationship between exposure to farm chemicals/pharmaceuticals and the abnormality.

- A recent [study](#) by the United States Geological Survey suggests that altering river and stream flows changes the composition of the ecosystem. Researchers examined 3000 sites across the country.
- In late October, the Susquehanna River Basin Commission along with Bucknell University, the EPA, and the Susquehanna River Heartland Coalition for Environmental Studies [released](#) the first ever State of the Susquehanna [report](#).

Conferences and Meetings:

- Registration for the 2011 Choose Clean Water – Chesapeake Bay Restoration Conference in Washington, DC is now [open](#). The conference will be held January 10-12 at the Park Hyatt hotel.
- Registration is still [open](#) for the Restore America's Estuaries 5th National Conference in Galveston, TX November 13-17, 2010. The theme will be "Preparing for Climate Change: Science, Practice, and Policy."
- The "Where Do We Grow From Here? Bay Friendly Development in the 21st Century" [conference](#) on development, environment, and the Bay will be hosted by the Chesapeake Bay Foundation and the Home Builders Association of Maryland on November 17 in Baltimore, MD.

LEGISLATION IN BRIEF

Congress has been on recess since September 30 in preparation for the November 2 election. They will return the week of November 15 and will likely attempt to address appropriations, energy, and a few other legislative priorities—possibly including land and water bills—during the lame duck session.

WRDA: The Senate Environment & Public Works Committee will hold a [hearing](#) on the next Water Resources Development Act on November 17 at 10am in Dirksen 406.

The following appropriations information is reposted as a placeholder prior to anticipated action on appropriations after the election—although currently it seems as though Congress will simply enact another Continuing Resolution to keep the government running into the next Congress.

Budget and Appropriations: Just before FY 2010 expired on September 30, Congress considered and approved a \$219 billion [continuing resolution](#) to fund the federal government at current levels.

The full Senate has not yet voted on any bills, and the full House has voted on just a few with many still awaiting full Appropriations Committee consideration.

ENERGY & WATER – On July 22, the Senate Appropriations Committee [approved](#) its FY11 spending bill. On July 15, the

House Energy and Water Appropriations Subcommittee [marked up](#) its FY11 Appropriations bill.

INTERIOR & ENVIRONMENT – On July 22, the House Interior and Environment Appropriations Subcommittee [marked up](#) its FY11 bill. The Senate Committee has not yet taken up an Interior and Environment bill.

AGRICULTURE – In mid July, the Senate Appropriations Committee [completed](#) its FY11 Agriculture spending bill. On June 30, the Agriculture Subcommittee of the House Appropriations Committee completed [markup](#) of its bill.

CJS – On July 22, the Senate Appropriations Committee [approved](#) its FY11 legislation. On June 29, the House Commerce-Justice-Science Appropriations Subcommittee [marked up](#) the FY11 CJS Appropriations bill.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!
Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information. Regional election analysis coming soon!

Mid-Atlantic Watersheds Update

Northeast-Midwest Institute
December 2010

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

EPA:

- The US Environmental Protection Agency's senior Chesapeake Bay adviser, Chuck Fox, is [resigning](#) to join a new ocean protection and conservation effort.
- In mid-November, EPA [released](#) guidance to coastal states seeking better data collection and reporting on ocean acidification. EPA has asked that States list waters not meeting water quality standards with regard to marine pH criteria.

Chesapeake Bay:

- TMDL – The 45-day public comment period for the draft Chesapeake Bay [Total Maximum Daily Load](#) ended on November 8 and final Watershed Implementation Plans prepared by the States and DC were due November 29. [New York](#) and Maryland missed the deadline—Maryland [submitted](#) its WIP on December 3. The EPA will now review the plans (which can be found on the TMDL website) and provide comments on them. The TMDL is expected to be finalized by December 31.
- Grants – In late November, the Chesapeake Bay Trust announced \$1.3 million in grant funding to for various Bay restoration and education programs. Funding was made available through four major grant programs: Living Shorelines, Green Streets—Green Jobs, Watershed Assistance Grants, and Mini Grants.
- Map – The new Congressional district map of the Chesapeake Bay is available [here](#).

Grants and Funding:

- On December 2, the National Fish and Wildlife Foundation [issued an RFP](#) for its Innovative Nutrient and Sediment Reduction Grants. NFWF, in partnership with EPA and the Chesapeake Bay Program, will award grants on a competitive basis of between \$200,000 and \$1 million to support the demonstration of innovative approaches to dramatically reduce or eliminate nutrient and sediment pollution to the Chesapeake Bay and its tributaries. A total of up to \$5.8 million will be awarded. An applicant webinar will be held on January 7.
- On November 19, the EPA announced an award of nearly \$400,000 to Ocean County College to evaluate the health of Barnegat Bay's coastal marshes, particularly the ability of the marshes to perform natural functions that benefit coastal communities. This grant will enhance and expand monitoring and assessment work being conducted by the Partnership for the Delaware Estuary.
- In November, EPA [awarded](#) \$2.4 million in grants to 38 state and local governments and community groups providing \$4.4 million in matching dollars to help restore the health of the Long Island Sound.

Energy Development, Fracking:

- Disclosure – As a part of its study of hydraulic fracturing, the EPA has formally [requested](#) voluntary information on the chemical composition of fluids used in the process. Halliburton is the only remaining company to not yet disclose to the EPA, [responding](#) only with an online posting in mid-November—the company plans to disclose to EPA by January 31, 2011.

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

Rachel Dawson – Policy Analyst – rdawson@nemw.org – 202.464.4016

Northeast-Midwest Institute – 50 F Street, NW, Suite 950, Washington, DC 20001 – <http://www.nemw.org>

~

THIS NEWSLETTER IS MADE POSSIBLE THROUGH GENEROUS SUPPORT FROM THE WILLIAM PENN FOUNDATION & THE KEITH CAMPBELL FOUNDATION

- **DOI** – In early December, Secretary of the Interior Ken Salazar [held](#) a public forum to discuss the best practices for hydraulic fracturing in oil and natural gas production. The forum included discussion by federal and state officials as well as representatives from industry and from environmental and sportsmen’s organizations. The agency is considering a new policy for disclosure of fracking chemicals.
- **Regulation** – The Delaware River Basin Commission has released its [draft regulation](#) for natural gas development within the Delaware River watershed. According to DRBC, the purpose of the proposed regulations is to protect the water resources of the Delaware River Basin during the construction and operation of natural gas development projects. The overall rules are stricter than surrounding states, and include elements of financial assurance and bonding. Three public hearings will be scheduled during the ensuing 90-day public comment period. Details will be forthcoming as the dates and locations are confirmed. Written comments will be accepted through the close of business March 16, 2011 – see the [DRBC website](#) for more information.
 - **Opposition** – Congressmen Maurice Hinchey (NY) and Rush Holt (NJ)–co-chairs of the Delaware River Basin Task Force–released a [statement](#) criticizing DRBC for developing and releasing regulations without first performing a cumulative impact study. New York Governor David Paterson also recently [expressed](#) his displeasure with DRBC’s intention to release its regulation. New Jersey Governor Chris Christie has [voiced](#) similar concern.
 - **Moratorium** – On November 29, the New York State Assembly [approved](#) a temporary moratorium on horizontal drilling until May 2011. Governor Patterson has yet to sign the bill.

Studies and Reports:

- A recent [study](#) by the Environmental Working Group suggests that phosphorus is being applied excessively to farms in the Chesapeake Bay watershed.
- A new [report](#) commissioned by the agriculture industry is questioning discrepancies in the science and data behind the new Chesapeake Bay TMDL.
- The Nature Conservancy, in partnership with other Delaware Basin organizations, has created an online “[workspace](#)” to help identify a shared set of places and actions that will help guide future restoration and protection actions toward the highest priority areas and advance the conservation in the Delaware Basin.
- The Potomac Conservancy released in November its *State of the Nation’s River* [report](#) detailing land use in the basin and possible steps to restore and protect the watershed.

Conferences and Meetings:

- The National Council for Science and the Environment will host the *11th National Conference on Science, Policy and the Environment: Our Changing Oceans* on January 19 - 21, 2011, at the Ronald Reagan Building and International Trade Center in Washington, D.C.
- Registration for the 2011 Choose Clean Water – *Chesapeake Bay Restoration Conference* in Washington, DC is now [open](#). The conference will be held January 10-12 at the Park Hyatt hotel.
- The first *National Green Infrastructure Conference* will be held on February 23-25, 2011, in Shepherdstown, WV, bringing together policy-makers, practitioners, and on-the-ground implementers of green infrastructure practices and design from around the country to discuss key elements for success and lessons-learned.
- Registration is open for the 2011 *Delaware Estuary Science and Environmental Summit* January 30 – February 2 in Cape May, New Jersey. Early registration ends December 15.

LEGISLATION IN BRIEF

Congress returned after the November 2 election for a lame-duck session. They will likely end the 111th Congress around December 17.

The new House calendar for the 112th Congress is available [here](#). House leadership for the next Congress is planning to alter the typical Congressional work schedule to include monthly in-district constituent work weeks.

The more traditional Senate calendar for the 112th Congress can be viewed [here](#). The new Senate will be sworn in January 5.

WRDA: The Senate Environment & Public Works Committee held a [hearing](#) on the next Water Resources Development Act on November 17.

Public Lands & Water: Several Senators are [attempting](#) to assemble an omnibus public lands and waters bill that will include over 100 pieces of legislation from the Senate

Energy & Natural Resources Committee and the Environment & Public Works Committee. Among myriad bills, the package could likely include Senator Cardin's Chesapeake Clean Water and Ecosystem Restoration Act ([S.1816](#)), the Long Island Sound Restoration and Stewardship Act ([S. 3119](#)), and the Clean Estuaries Act ([H.R. 4715](#)). A few Senate Republicans are vowing to block the bill.

New House Committee Chairmen of Interest:

Agriculture: Frank Lucas – Oklahoma

Appropriations: Hal Rogers – Kentucky

Budget: Paul Ryan – Wisconsin

Energy & Commerce: Fred Upton – Michigan

Natural Resources: Doc Hastings – Washington

Oversight & Government Reform: Darrell Issa – California

Science and Technology: Ralph Hall – Texas

Transportation & Infrastructure: John Mica – Florida

Budget and Appropriations: On December 8, the House of Representatives approved a \$1.1 trillion Continuing Resolution ([H.R. 3082](#)) to fund the federal government through next September. The year-long CR provides funding at fiscal year 2010 levels – but makes a few changes to some programs at the Departments of Energy and Interior, and removes \$6 billion for last year's Census.

Despite attempts to assemble an omnibus appropriations bill during the current lame-duck—due to time constraints and Republican opposition—the CR was compiled in lieu of any FY 2011 legislation.

The Senate continues to work on a possible omnibus (that could include earmarks), and if passed, it could replace the House's CR.

Additionally, soon-to-be Speaker of the House John Boehner [announced](#) in early December that the possible new spending plan for the House in the 112th Congress will be “cut go,” requiring any new spending to be offset by a cut in or elimination of other programs.

Please check the NEMW [website](#) for regular appropriations updates, reports, analysis and tracking when available.

NEMW's Mid-Atlantic Watersheds Program has a blog!

Please visit

<http://midatlanticnemw.wordpress.com/>

for up-to-the-minute Capitol Hill and regional news and information. Regional election analysis coming soon!



Photo: Rachel Dawson; natural gas drilling in Bradford County, PA.