

114TH CONGRESS  
1ST SESSION

# S. 921

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2015

Mr. CARPER (for himself, Mr. COONS, Mr. BOOKER, Mr. MENENDEZ, Mr. CASEY, Mr. SCHUMER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Delaware River Basin  
5 Conservation Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the Delaware River Basin is a national  
2           treasure of great cultural, environmental, ecological,  
3           and economic importance;

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

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

13          (4) the Basin provides clean drinking water to  
14          more than 15,000,000 people, including New York  
15          City, which relies on the Basin for approximately  
16          half of the drinking water supply of the city, and  
17          Philadelphia, whose most significant threat to the  
18          drinking water supply of the city is loss of forests  
19          and other natural cover in the Upper Basin, accord-  
20          ing to a study conducted by the Philadelphia Water  
21          Department;

22          (5) the Basin contributes \$25,000,000,000 an-  
23          nually in economic activity, provides  
24          \$21,000,000,000 in ecosystem goods and services  
25          per year, and is directly or indirectly responsible for

1 600,000 jobs with \$10,000,000,000 in annual  
2 wages;

3 (6) almost 180 species of fish and wildlife are  
4 considered special status species in the Basin due to  
5 habitat loss and degradation, particularly sturgeon,  
6 eastern oyster, horseshoe crabs, and red knots,  
7 which have been identified as unique species in need  
8 of habitat improvement;

9 (7) the Basin provides habitat for over 200  
10 resident and migrant fish species, includes signifi-  
11 cant recreational fisheries, and is an important  
12 source of eastern oyster, blue crab, and the largest  
13 population of the American horseshoe crab;

14 (8) the annual dockside value of commercial  
15 eastern oyster fishery landings for the Delaware Es-  
16 tuary is nearly \$4,000,000, making it the fourth  
17 most lucrative fishery in the Delaware River Basin  
18 watershed, and proven management strategies are  
19 available to increase oyster habitat, abundance, and  
20 harvest;

21 (9) the Delaware Bay has the second largest  
22 concentration of shorebirds in North America and is  
23 designated as one of the 4 most important shorebird  
24 migration sites in the world;

1           (10) the Basin, 50 percent of which is forested,  
2           also has over 700,000 acres of wetland, more than  
3           126,000 acres of which are recognized as inter-  
4           nationally important, resulting in a landscape that  
5           provides essential ecosystem services, including  
6           recreation, commercial, and water quality benefits;

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

14          (12) the Delaware River is the longest  
15          undammed river east of the Mississippi; a critical  
16          component of the National Wild and Scenic Rivers  
17          System in the Northeast, with more than 400 miles  
18          designated; home to one of the most heavily visited  
19          National Park units in the United States, the Dela-  
20          ware Water Gap National Recreation Area; and the  
21          location of 6 National Wildlife Refuges;

22          (13) the Delaware River supports an inter-  
23          nationally renowned cold water fishery in more than  
24          80 miles of its northern headwaters that attracts  
25          tens of thousands of visitors each year and generates

1 over \$21,000,000 in annual revenue through tourism  
2 and recreational activities;

3 (14) management of water volume in the Basin  
4 is critical to flood mitigation and habitat for fish  
5 and wildlife, and following 3 major floods along the  
6 Delaware River since 2004, the Governors of the  
7 States of Delaware, New Jersey, New York, and  
8 Pennsylvania have called for natural flood damage  
9 reduction measures to combat the problem, including  
10 restoring the function of riparian corridors;

11 (15) the Delaware River Port Complex (includ-  
12 ing docking facilities in the States of Delaware, New  
13 Jersey, and Pennsylvania) is one of the largest  
14 freshwater ports in the world, the Port of Philadel-  
15 phia handles the largest volume of international ton-  
16 nage and 70 percent of the oil shipped to the East  
17 Coast, and the Port of Wilmington, a full-service  
18 deepwater port and marine terminal supporting  
19 more than 12,000 jobs, is the busiest terminal on  
20 the Delaware River, handling more than 400 vessels  
21 per year with an annual import/export cargo tonnage  
22 of more than 4,000,000 tons;

23 (16) the Delaware Estuary, where freshwater  
24 from the Delaware River mixes with saltwater from  
25 the Atlantic Ocean, is one of the largest and most

1 complex of the 28 estuaries in the National Estuary  
2 Program, and the Partnership for the Delaware Es-  
3 tuary works to improve the environmental health of  
4 the Delaware Estuary;

5 (17) the Delaware River Basin Commission is a  
6 Federal-interstate compact government agency  
7 charged with overseeing a unified approach to man-  
8 aging the river system and implementing important  
9 water resources management projects and activities  
10 throughout the Basin that are in the national inter-  
11 est;

12 (18) restoration activities in the Basin are sup-  
13 ported through several Federal and State agency  
14 programs, and funding for those important pro-  
15 grams should continue and complement the estab-  
16 lishment of the Delaware River Basin Restoration  
17 Program, which is intended to build on and help co-  
18 ordinate restoration and protection funding mecha-  
19 nisms at the Federal, State, regional, and local lev-  
20 els; and

21 (19) the existing and ongoing voluntary con-  
22 servation efforts in the Delaware River Basin neces-  
23 sitate improved efficiency and cost effectiveness, as  
24 well as increased private-sector investments and co-  
25 ordination of Federal and non-Federal resources.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

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

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

19 (5) **GRANT PROGRAM.**—The term “grant pro-  
20 gram” means the voluntary Delaware River Basin  
21 Restoration Grant Program established under sec-  
22 tion 5.

23 (6) **PROGRAM.**—The term “program” means  
24 the nonregulatory Delaware River Basin restoration  
25 program established under section 4.

1           (7) RESTORATION AND PROTECTION.—The  
2 term “restoration and protection” means the con-  
3 servation, stewardship, and enhancement of habitat  
4 for fish and wildlife to preserve and improve eco-  
5 systems and ecological processes on which they de-  
6 pend, and for use and enjoyment by the public.

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

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

12 **SEC. 4. PROGRAM ESTABLISHMENT.**

13          (a) ESTABLISHMENT.—Not later than 180 days after  
14 the date of enactment of this Act, the Secretary shall es-  
15 tablish a nonregulatory program to be known as the  
16 “Delaware River Basin restoration program”.

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

19           (1) draw on existing and new management  
20 plans for the Basin, or portions of the Basin, and  
21 work in consultation with applicable management  
22 entities, including representatives of the Partnership  
23 for the Delaware Estuary, the Delaware River Basin  
24 Commission, the Federal Government, and other  
25 State and local governments, and regional and non-



1 profit organizations, as appropriate, to identify,  
2 prioritize, and implement restoration and protection  
3 activities within the Basin;

4 (2) adopt a Basinwide strategy that—

5 (A) supports the implementation of a  
6 shared set of science-based restoration and pro-  
7 tection activities developed in accordance with  
8 paragraph (1);

9 (B) targets cost-effective projects with  
10 measurable results; and

11 (C) maximizes conservation outcomes with  
12 no net gain of Federal full-time equivalent em-  
13 ployees; and

14 (3) establish the voluntary grant and technical  
15 assistance programs in accordance with section 5.

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

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

19 (A) the Administrator of the Environ-  
20 mental Protection Agency;

21 (B) the Administrator of the National Oce-  
22 anic and Atmospheric Administration;

23 (C) the Chief of the Natural Resources  
24 Conservation Service;

1 (D) the Chief of Engineers of the Corps of  
2 Engineers; and

3 (E) the head of any other applicable agen-  
4 cy;

5 (2) the Governors of the Basin States;

6 (3) the Partnership for the Delaware Estuary;

7 (4) the Delaware River Basin Commission;

8 (5) fish and wildlife joint venture partnerships;

9 and

10 (6) other public agencies and organizations with  
11 authority for the planning and implementation of  
12 conservation strategies in the Basin.

13 (d) PURPOSES.—The purposes of the program in-  
14 clude—

15 (1) coordinating restoration and protection ac-  
16 tivities among Federal, State, local, and regional en-  
17 tities and conservation partners throughout the  
18 Basin;

19 (2) carrying out coordinated restoration and  
20 protection activities, and providing for technical as-  
21 sistance throughout the Basin and Basin States—

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

24 (B) to improve and maintain water quality  
25 to support fish and wildlife, as well as the habi-

1 tats of fish and wildlife, and drinking water for  
2 people;

3 (C) to sustain and enhance water manage-  
4 ment for volume and flood damage mitigation  
5 improvements to benefit fish and wildlife habi-  
6 tat;

7 (D) to improve opportunities for public ac-  
8 cess and recreation in the Basin consistent with  
9 the ecological needs of fish and wildlife habitat;

10 (E) to facilitate strategic planning to maxi-  
11 mize the resilience of natural systems and habi-  
12 tats under changing watershed conditions;

13 (F) to engage the public through outreach,  
14 education, and citizen involvement, to increase  
15 capacity and support for coordinated restora-  
16 tion and protection activities in the Basin;

17 (G) to increase scientific capacity to sup-  
18 port the planning, monitoring, and research ac-  
19 tivities necessary to carry out coordinated res-  
20 toration and protection activities; and

21 (H) to provide technical assistance to carry  
22 out restoration and protection activities in the  
23 Basin.

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

2 (a) DELAWARE RIVER BASIN RESTORATION GRANT  
3 PROGRAM.—To the extent that funds are available to  
4 carry out this section, the Secretary shall establish a vol-  
5 untary grant and technical assistance program to be  
6 known as the “Delaware River Basin Restoration Grant  
7 Program” to provide competitive matching grants of vary-  
8 ing amounts to State and local governments, nonprofit or-  
9 ganizations, institutions of higher education, and other eli-  
10 gible entities to carry out activities described in section  
11 4(d).

12 (b) CRITERIA.—The Secretary, in consultation with  
13 the organizations described in section 4(c), shall develop  
14 criteria for the grant program to help ensure that activi-  
15 ties funded under this section accomplish one or more of  
16 the purposes identified in section 4(d)(2) and advance the  
17 implementation of priority actions or needs identified in  
18 the Basinwide strategy adopted under section 4(b)(2).

19 (c) COST SHARING.—

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

24 (2) NON-FEDERAL SHARE.—The non-Federal  
25 share of the cost of a project funded under the grant

1 program may be provided in cash or in the form of  
2 an in-kind contribution of services or materials.

3 (d) ADMINISTRATION.—

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

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

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

16 (B) invest and reinvest those amounts for  
17 the benefit of the grant program; and

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

22 (3) REQUIREMENTS.—If the Secretary enters  
23 into an agreement with the Foundation under para-  
24 graph (1), any amounts received by the Foundation  
25 under this section shall be subject to the National

1 Fish and Wildlife Foundation Establishment Act (16  
2 U.S.C. 3701 et seq.), excluding section 10(a) of that  
3 Act (16 U.S.C. 3709(a)).

4 **SEC. 6. ANNUAL REPORTS.**

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

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-  
12 priated to the Secretary to carry out this Act \$5,000,000  
13 for each of fiscal years 2016 through 2021.

14 (b) USE.—Of any amount made available under this  
15 section for each fiscal year, the Secretary shall use at least  
16 75 percent to carry out the grant program under section  
17 5 and to provide, or provide for, technical assistance under  
18 such program.

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