

Calendar No. 90

115TH CONGRESS } <i>1st Session</i>	SENATE	{ REPORT 115-72
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LONG ISLAND SOUND RESTORATION AND STEWARDSHIP ACT

MAY 17, 2017.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and
Public Works, submitted the following

R E P O R T

[To accompany S. 675]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 675) to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The Long Island Sound Restoration and Stewardship Act reauthorizes EPA's Long Island Sound Program (section 119 of the Clean Water Act) and the Long Island Stewardship Act (33 U.S.C. 1269 note; Public Law 109-359), until fiscal year 2023. The authorizations support various projects to restore and preserve the Long Island Sound and its ecosystems including; upgrades to wastewater facilities, wetland protection and restoration, non-point source pollution control and abatement projects. Long Island Sound, which borders New York and Connecticut, is a 1,320 square mile estuary of the Atlantic Ocean.

OBJECTIVES OF THE LEGISLATION

The objective of the legislation is to reauthorize the Long Island Sound Restoration Act and the Long Island Stewardship Act.

SECTION-BY-SECTION ANALYSIS

Section 1: Short title

Section 1 notes that this act may be cited as the “Long Island Sound Restoration and Stewardship Act”

Section 2: Amendments

Section 2(a) amends section 119(c) of the Clean Water Act to add to the responsibilities of the Long Island Sound office to include studies of environmental impacts on the Long Island Sound watershed, planning initiatives for the Long Island Sound, development and implementation of public education strategies, and monitoring.

It amends section 119(d) to increase the federal share of grants under that section from 50% to 60%.

Finally, it adds three new subsections to section 119. New subsection (f) requires biennial reports to Congress outlining progress in carrying out the Plan and progress to meeting the goals contained in the Plan. New subsection (g) requires the President to submit an annual crosscut budget on Long Island Sound funding. New subsection (h) requires federal agencies to coordinate efforts in the Long Island Sound. Agencies that occupy lands in the Long Island Sound watershed are required to participate in watershed planning efforts, and ensure that management of the agency’s land in the watershed is consistent with any requirements set forth in the Plan.

Section 2(b) amends the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public law 109–359) to extend the authorization through 2023, and to exempt the Advisory Committee and any board, committee, or other group established under this law from the Federal Advisory Committee Act.

Section 3: Reauthorization

Section 3(a) extends the authorization of such sums as may be necessary through 2023 for EPA to implement section 119 of the Clean Water Act and authorizes such sums for EPA to implement the Long Island Stewardship Act.

Section 3(b) extends the authorization of appropriations for grants under section 119(d) of the Clean Water Act from 2018 through 2023 at current authorization levels (\$40 million a year).

Section 3(c) extends the authorization of appropriations for EPA to carry out the Long Island Sound Stewardship Act from 2018 through 2023 at current authorization levels (\$25 million a year).

LEGISLATIVE HISTORY

Multiple almost identical bills have been reported favorably by voice vote. On February 24, 2016, the Committee reported S. 1674, on February 6, 2014, the Committee reported S. 1080, on June 21, 2012, the Committee reported S. 2018, and on June 30, 2010, the Committee reported S. 3119. S. 1676 also was included last Congress in the Water Resources Development Act of 2016, S. 2848. S. 2848 was reported by the Committee on June 20, 2016. S. 2848 passed the Senate on September 15, 2016 by a vote of 95 to 3.

On March 21, 2017, Senator Gillibrand once again introduced the Long Island Sound Restoration and Stewardship Act. The bill was referred to the Committee on Environment and Public Works. On

April 5, 2017, the Committee considered S. 675 and the bill was ordered to be reported favorably by voice vote, without amendment.

HEARINGS

On March 28, 2017, Committee on Environment and Public Works Subcommittee on Fisheries, Water, and Wildlife held a legislative hearing to review S. 518, the “Small and Rural Community Clean Water Technical Assistance Act,” S. 692, the “Water Infrastructure Flexibility Act of 2017,” and S. 675, the “Long Island Sound Restoration and Stewardship Act”, and hear from interested stakeholders.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 675 on April 5, 2017. The bill was ordered favorably reported by voice vote. No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 675 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee notes that the Congressional Budget Office found that S. 675 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would impose no costs on state, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

APRIL 19, 2017.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 675, the Long Island Sound Restoration and Stewardship Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon G. Sperl.

Sincerely,

KEITH HALL.

Enclosure.

S. 675—Long Island Sound Restoration and Stewardship Act

Summary: S. 675 would require the Long Island Sound office of the Environmental Protection Agency (EPA) to study the impact of

climate change on the Long Island Sound watershed, to develop conservation strategies, and to increase public education about the watershed. In addition, the bill would authorize appropriations through 2023 for activities related to those purposes and for the EPA to operate the Office of the Management Conference of the Long Island Sound Study.

Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing this legislation would cost \$274 million over the 2017–2022 period.

Enacting S. 675 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 675 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 675 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 675 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						
	2017	2018	2019	2020	2021	2022	2017– 2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Conservation and Management Plan:							
Authorization Level	0	40	40	40	40	40	200
Estimated Outlays	0	9	34	40	40	40	163
Long Island Sound Stewardship Grants:							
Authorization Level	0	25	25	25	25	25	125
Estimated Outlays	0	10	21	25	25	25	106
Office of the Management Conference of the Long Island Sound Study:							
Estimated Authorization Level	0	1	1	1	1	1	5
Estimated Outlays	0	1	1	1	1	1	5
Total Changes:							
Estimated Authorization Level	0	66	66	66	66	66	330
Estimated Outlays	0	20	56	66	66	66	274

Basis of estimate: For this estimate, CBO assumes that S. 675 will be enacted by the end of fiscal year 2017, that the specified and estimated amounts will be appropriated each year, and that outlays will follow historical spending patterns for the existing programs. A full-year appropriation for the EPA has not yet been enacted for 2017, however, the Long Island Sound program run by the agency received appropriations of about \$4 million on an annualized basis for 2017 to carry out some of the activities, including making grants for conservation and research projects, that would be authorized by S. 675. Specifically, the bill would:

- Authorize the appropriation of \$40 million annually over the 2018–2023 period for the EPA to make grants for conservation and research projects as part of implementing a comprehensive conservation and management plan for the Long Island Sound, and for administrative costs;
- Authorize the appropriation of \$25 million annually over that same period for the EPA to provide grants to state and local governments, nonprofit organizations, and private land-

owners to procure and enhance ecologically important sites within the Long Island Sound watershed, and for administrative costs; and

- Authorize the appropriation of whatever sums are necessary for the EPA to operate the Office of the Management Conference of the Long Island Sound Study, which CBO estimates would cost about \$5 million over the 2018–2022 period.

Pay-As-You-Go considerations: None.

Increase in long-term deficit and direct spending: CBO estimates that enacting S. 675 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: S. 675 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state and local governments, as well as public institutions of higher education, by authorizing grants for environmental projects in the Long Island Sound. Any costs incurred by those entities, including matching contributions, would be incurred voluntarily.

Estimate prepared by: Federal costs: Jon G. Sperl; Impact on state, local, and tribal governments: Jon G. Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

Federal Water Pollution Control Act

* * * * *

SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

(1)* * *

* * * * *

SEC. 119. LONG ISLAND SOUND.—

(a) The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the “Conference”) as established pursuant to section 320 of this Act, and shall establish an office (hereinafter referred to as the “Office”) to be located on or near Long Island Sound.

[(b) ADMINISTRATION AND STAFFING OF OFFICE.—The Office shall]

(b) OFFICE.—

(1) ESTABLISHMENT.—*The Administrator shall—*

(A) continue to carry out the conference study; and

(B) establish an office, to be located on or near Long Island Sound.

(2) ADMINISTRATION AND STAFFING.—*The Office shall be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.*

(c) DUTIES OF THE OFFICE.—The Office shall assist the [Management Conference of the Long Island Sound Study] *conference study* in carrying out its goals. Specifically, the Office shall—

(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 320 of this Act, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan;

(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

(A) population growth and the adequacy of wastewater treatment facilities[.];

(B) the use of biological methods for nutrient removal in sewage treatment plants[.];

(C) contaminated sediments, and dredging activities[.];

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed[.];

(E) wetland protection and restoration[.];

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound[.];

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality[.];

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan[, and];

(I) options for long-term financing of wastewater treatment projects and water pollution control programs[.];

(J) *environmental impacts on the Long Island Sound watershed, including—*

(i) the identification and assessment of vulnerabilities in the watershed;

(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

(K) *planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;*

(3) coordinate the grant, research and planning programs authorized under this section;

[(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act;]

(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;

(5) provide administrative and technical support to the conference study;

(6) collect and make available to the public *(including on the Internet)* publications, and other forms of information the conference study determines to be appropriate, relating to the environmental quality of Long Island Sound;

[(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 320 of this Act, and biennially thereafter, issue a report to the Congress which—

[(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

[(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve-month period immediately preceding such report; and

[(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and]

(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and

(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

(d) GRANTS.—(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed [50 per centum] 60 percent of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

(1) ELIGIBLE COMMUNITIES.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

(2) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.

(f) REPORT.—

(1) IN GENERAL.—*Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—*

(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

(2) PUBLIC AVAILABILITY.—*The Administrator shall make the report described in paragraph (1) available to the public, including on the Internet.*

(g) ANNUAL BUDGET PLAN.—*The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—*

(1) an interagency crosscut budget that displays for each department and agency—

(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

(B) *the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and*

(C) *the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and*

(2) *a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.*

(h) **FEDERAL ENTITIES.**—

(1) **COORDINATION.**—*The Administrator shall coordinate the actions of all Federal departments and agencies that impact water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.*

(2) **METHODS.**—*In carrying out this section, the Administrator, acting through the Director of the Office, may—*

(A) *enter into interagency agreements; and*

(B) *make intergovernmental personnel appointments.*

(3) **FEDERAL PARTICIPATION IN WATERSHED PLANNING.**—*A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.*

(4) **CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.**—*To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).*

[(f)] (i) **AUTHORIZATIONS.**—(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 2001 through 2010.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed \$40,000,000 for each of fiscal years 2001 through 2010.

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Long Island Sound Stewardship Act of 2006

[33 U.S.C. 1269; PUBLIC LAW 109–359—OCT. 16, 2006]

This Act may be cited as the “Long Island Sound Stewardship Act of 2006”.

SEC. 2. FINDINGS AND PURPOSE. <<NOTE: 33 USC 1330 note.>>

(a) **Findings.**—Congress finds that—

(1) * * *

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SEC. 8. LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.

<<NOTE: 33 USC 1330 note.>>

(a)* * *

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(g) Termination of Advisory Committee.—The Advisory Committee shall terminate on December 31, **[2011]** 2023.(h) NONAPPLICABILITY OF FACA.—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—*(1) *the Advisory Committee; or*(2) *any board, committee, or other group established under this Act.***SEC. 9. REPORTS.**

(a) Administrator.—The <<NOTE: 33 USC 1330 note. Public information.>> Administrator shall publish and make available to the public on the Internet and in paper form—

(1)* * *

* * * * *

(b) Advisory Committee.—

(1) Report.—For each of fiscal years 2007 through **[2011]** 2023, the Advisory Committee shall submit to the Administrator and the decisionmaking body of the Long Island Sound Study Management Conference established under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), an annual report that contains—

* * * * *

SEC. 11. <<NOTE: 33 USC 1330 note.>> AUTHORIZATION OF APPROPRIATIONS.**[(a) In General.]**—There is authorized to be appropriated to the Administrator \$25,000,000 for each of fiscal years 2007 through 2011 to carry out this Act, including for—**[(1) acquisition of land and interests in land;****[(2) development and implementation of site management plans;****[(3) site enhancements to reduce threats or promote stewardship; and****[(4) administrative expenses of the Advisory Committee and the Administrator.]****[(b)] (a) Use of Funds.**—Amounts made available to the Administrator **[under this section each]** *to carry out this Act for a* fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.**[(c)] (b) Authorization of Gifts, Devises, and Bequests for System.**—In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds there from, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

[(d)] *(c)* Limitation on Administrative Costs.—Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.

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