

FLOOD & STORMWATER MANAGEMENT UPDATE



Future of Interior-EPA Appropriations Bill Uncertain

Although Senate members of the Interior and Environment Appropriations subcommittee released their 2012 proposal to fund the Interior Department and U.S. EPA, it is unclear if the measure will ever be voted on by the Senate Appropriations Committee.

The Interior-EPA bill could be the only fiscal 2012 spending bill not to receive a committee vote. The Senate Appropriations Committee has already approved all 11 of the other bills to fund federal agencies for the fiscal year that began October 1.

The draft \$18.8 billion bill to fund the Interior Department and U.S. EPA for FY 2012 contains almost none of the controversial policy riders impacting the EPA that were in the House version. The draft as written would provide \$10.2 billion for the Interior Department in fiscal 2012, down \$287 million compared with fiscal 2011 levels. EPA would receive \$8.62 billion, down \$61 million from enacted levels.

Under the Senate draft language, roughly the same funding level would be maintained for key Interior conservation programs that were slashed under the House's fiscal 2012 plan, including land acquisition, species protections and wetlands preservation. For example, the Senate version would provide \$338 million for the Land and Water Conservation Fund, which allows land management agencies to buy new federal lands, purchase easements on private lands and assist states in promoting urban recreation. The funding is a slight increase from fiscal 2011 levels and more than five times the levels originally proposed by the House.

It is possible that the draft might be included in a future "minibus" proposal wrapping together several appropriations bills (as opposed to an omnibus), a procedural decision that would be made by Senate Appropriations Chairman Daniel Inouye (D-HI) and other leaders. Alternatively, without being brought up in the senate, the draft may form the basis for negotiations with the House.

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Appropriators Continue Work on Corps 2012 Funding

Senate and House appropriators have recently begun hammering out differences between their versions of the Energy and Water FY 2012 appropriations bill. However, there are still no guarantees that the bill, which includes funding for the U.S. Army Corps of Engineers, will go forward on its own, rather than part of an omnibus or "minibus" package.

The effort was initiated by the leadership group referred to as the "four corners." The group includes Senator Dianne Feinstein (D-CA), chairwoman of the Energy and Water Development Appropriations Subcommittee; Sen. Lamar Alexander, the subcommittee's ranking Republican (TN); House Energy and Water Development Appropriations Chairman Rodney Frelinghuysen (R-NJ); and Rep. Peter Visclosky (IN), the subpanel's top Democrat.

Lawmakers at a recent meeting agreed to have their staffers work together to prepare for the Senate taking up an energy and water spending bill. The meeting was considered "preliminary" and allowed the lawmakers to work through lingering differences, primarily related to nuclear power and spent fuel disposal. Although there are differences between the two chambers in their funding for the Army Corps of Engineers, the differences for the Corps programs are relatively minor and do not include significant policy differences.



Senate Advances "Minibus" Appropriations Bill

When the Senate returns to Washington on Halloween, lawmakers are expected to approve a package of three spending bills in a "minibus" spending package which includes the fiscal 2012 budgets for the Agriculture Department; Commerce, Justice and Science; and Transportation, Housing and Urban Development.

Overall, the bills significantly reduce federal spending compared to FY2011 in an attempt to meet budget targets, although some water programs received a boost during amendments on the Senate floor.

In final votes on amendments to the bill, Senators approved, 58-41, a proposal to boost funding for the emergency conservation and watershed protection programs. The amendment from Sen.

Kirsten Gillibrand (D-NY) would allot an extra \$49 million for the emergency conservation program and just over \$61 million more for the emergency watershed protection program. The programs offer assistance to help landowners respond to floods, fires and other natural disasters. Gillibrand said extra money is needed for the program to help landowners clean up debris and restore bridges hit by hurricane-related floods in August.

The Senate also approved an amendment from Sen. Jerry Moran (R-KS) that would transfer \$8 million from the administrative account of USDA's Natural Resources Conservation Service into the Watershed Rehabilitation Program, which provides funding for water infrastructure maintenance and rehabilitation.

John Bryson Confirmed as Commerce Secretary



NetFlight Daily

After a lengthy delay, the Senate has confirmed environmentalist and businessman John Bryson to be the next secretary of Commerce. The 74-26 vote broke through months of gridlock on the nomination. Bryson won wide backing despite concerns of a strident and vocal group of Republicans who opposed his nomination because of Bryson's connection to environmental groups and his position on global climate change.

President Obama named Bryson as his pick to lead the Commerce Department in May, but the confirmation was put on hold when senators declined to move any Commerce nominees until the administration and Congress completed three free-trade agreements. The approval of those agreements last week opened the door for the Commerce nominees.

Democrats then had to reach an agreement with Republicans who had put a hold on Bryson's nomination. Senator James Inhofe (R-OK) and other conservatives had vigorously opposed the nominee, labeling him an "environmental extremist" who would be bad for jobs. Inhofe agreed to back down from filibuster threats as long as Democratic leadership had at least 60 votes of support for Bryson. The U.S. Chamber of Commerce, the Hispanic Chamber of Commerce and the National Association of Manufacturers all supported Bryson.

Bryson was a co-founder of the environmental group Natural Resources Defense Council 40 years ago. He has had little direct involvement with the group in recent years. More recently, he served as CEO of California-based electric power generator Edison International and has substantial experience on the boards of major American businesses, including the Walt Disney Co. and Boeing Co.

Bryson will oversee the multi-faceted Department of Commerce, which represents U.S. business interests and also includes the National Oceanic and Atmospheric Administration with its focus on oceans, climate and science.

CEQ Names Two Pilots for Streamlining NEPA Reviews

The White House Council on Environmental Quality has announced the second and third of up to five proposed plans to adopt as part of an initiative launched in March to solicit ideas from the public and federal agencies on how to improve reviews under the National Environmental Policy Act (NEPA).

One of the projects will consist of the National Association of Environmental Professionals consulting with agencies to come up with a report on best practices that it will submit to CEQ. It was proposed – on behalf of the association – by Larry Canter, a retired professor at the University of Oklahoma and an expert on environmental impact studies.

The second project is aimed at improving access to a U.S. EPA website called NEPAassist, which is designed to help those doing NEPA reviews to incorporate relevant environmental and geographical information. It was submitted by Susan Bromm, director of EPA's Office of Federal Activities, which handles NEPA reviews.

Both projects "will help federal agencies save time and money and promote more efficient and effective environmental reviews," CEQ chief Nancy Sutley said in a statement.

The first of the pilot projects, announced in August, spotlighted information technology tools that were developed by the U.S. Forest Service and National Park Service to speed up the NEPA process.

For additional information about the NEPA Pilot Program, and to learn more about the pilots selected thusfar, please see:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/nepa-pilot-project>



Senate Convenes Hearing on 2011 Flooding

Epic floods along the Mississippi and Missouri rivers were the focus of a Senate Environment and Public Works Committee hearing on October 18.

Unprecedented snowpack and rainfall combined to create what congressional records refer to as the Mississippi River's Great Flood of 2011 – the greatest in the river's history. Despite the magnitude, the high water caused no major catastrophe, as had past Mississippi floods, thanks to the sprawling, 1930s-era flood-control system in place.

Second only to that event was more prolonged flooding along the Missouri River that lasted through the summer. The Missouri River floods caused more than \$1 billion in damage to levees and crops, according to state and federal statistics, and there are worries that states near the riverbank may not recover before additional rain this winter and spring.

Altogether, the Army Corps of Engineers has estimated that \$2 billion in repairs to flood-control infrastructure is needed on the Mississippi and Missouri Rivers alone, a sum that could grow to as much as \$3 billion once other major flooding disasters, including the northeast flooding, are accounted for.

Eight senators and a congressman from Iowa, the Dakotas, Kansas, Nebraska and Missouri participated in the hearing – a showing Chairwoman Barbara Boxer (D-Calif.) called “unprecedented” – to express their opinion that the Corps needed to rewrite its “Master Manual” for managing the Missouri River, a document last updated in 2004 after a 14-year, \$33 million public process. The manual specifically dictates how the system, including water levels in six flood-control reservoirs, should be operated to balance the needs for flood control, commercial navigation, the environment and recreation.

Senators from flooded states demanded that flood control be given greater priority. They alleged that the policies led the Army Corps to store too much water in the reservoirs for too long to serve commercial shipping, irrigation, environmental and recreational interests during the dry season, leaving no room to catch the unanticipated deluge from the snowmelt and rainfall.

The Army Corps has convened a review panel to assess the agency's decision-making throughout the five-month flood emergency and is expected to report back at the end of December. Although Army Corps officials said they wanted to wait for the results of that report before deciding how or if to make operational changes, they largely defended their management of the system. “I don't want to ever say we didn't do anything wrong, but I think what we did do was operate the system as it was designed to work,” Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy said at the hearing.



Photo: AP

Sen. Max Baucus (D-MT) also reminded lawmakers that calls from downstream Missouri River states that upstream reservoirs be emptied earlier in the year in the name of flood-control are in sharp contrast to opposite demands from the same states in previous decades to hold on to as much water as possible in those same reservoirs to ensure that barge traffic could be accommodated throughout the dry season. To that end, Congress – and the Corps – should not move too fast in rewriting the river management policies based on the events of a single year. Senator Baucus also raised questions about levee accreditation and the Corps ability to assist owners and operators with the process.

The hearing also included testimony from those offering a broader look at the flood risk management issues highlighted by this year's floods, including arguments by some about how cutting the river off from natural floodplain has caused floods to become more frequent and more severe, and what can be done to reverse those past mistakes.

To find funding for repairs from this year's floods, the Army Corps is moving more than \$212 million from other Corps accounts to respond to flood emergencies and trying to use some money originally planned for late 2012.

Witnesses at the hearing included: Jo-Ellen Darcy, assistant secretary of the Army (Civil Works); Gerald Galloway, Department of Civil and Environmental Engineering, University of Maryland; Larry Larson, executive director, Association of State Floodplain Managers; Buzz Mattelin, president, Lower Missouri Coordinated Resource Management Council, president, Montana Association of Conservation Districts; Terence McGean, city engineer, Ocean City, MD; Cpt. Mike Lorino, president, Associated Branch Pilots; Brian Dunnigan, director, Nebraska Department of Natural Resources; and A.C. Wharton Jr., mayor, Memphis, TN.



“Conducting Effective Stormwater Outreach” Free Webcast

The U.S. Environmental Protection Agency’s (EPA) Watershed Academy is sponsoring its 60th free Webcast Seminar on Thursday, October 27, 2011: “Conducting Effective Stormwater Outreach.”

This webinar will help state and local agencies, municipalities, watershed groups and others design effective outreach initiatives. It will showcase EPA’s Nonpoint Source (NPS) Outreach Toolbox, which offers a variety of stormwater TV, radio and print ads, and other tools.

Featured products cover: general stormwater, lawn and garden care, pet care, septic system care, motor vehicle care, and household chemicals. The webinar will also feature Think Blue Maine. This successful awareness and behavior change outreach effort by the Think Blue Maine partnership included the development and airing of a 30-second Public Service Announcement (Devil Ducks) and the creation of posters, door hangers and other products. Recent survey results show a marked increase in public understanding and a willingness to take actions to protect water quality.

To register for the webcast please visit: <https://www2.gotomeeting.com/register/373037154>

For more information, or to view an archived copy of the webcast, please see: <http://epa.gov/watershedwebcasts>

Upcoming Dates

Oct 27

Conducting Effective Stormwater Outreach Free Webcast
<http://epa.gov/watershedwebcasts>

Oct 31 - Nov 3

NAFSMA Annual Meeting, St. Petersburg, FL
<http://www.loewshotels.com/en/Don-CeSar-Beach-Resort>

Make your reservations now at the Don Cesar Hotel at 1-800-235-6397. Register under the NAFSMA block for special conference rate.

Green Infrastructure Proposed for NYC CSOs

The New York State Department of Environmental Conservation and the New York City Department of Environmental Protection recently released a joint draft proposal that aims to address the more than 27 billion gallons of raw sewage and polluted stormwater that ends up New York Harbor each year. The plan calls for improving harbor water quality by injecting cash into “green infrastructure” projects. In all, the regulators would spend \$2.4 billion in public and private dollars over the next 20 years on such projects in an attempt to capture stormwater before it enters the city’s sewage system.

The city committed to spend \$187 million on its own by 2015 to address the problem. The money would fund such projects as vegetation on roofs to slow water from draining too quickly, porous pavement for parking lots to allow water to be absorbed as groundwater, tree pits and streetside swales to let water pool in underground areas, and rain barrels in some residential areas.

The plan is an attempt to incorporate green infrastructure for the first time into the city’s federally required plan for coping with sewage overflows. It also would remove some so-called gray infrastructure projects: the tanks, pipes and pumps that make an urban water system go.

Philadelphia has recently undertaken a 25-year, \$2 billion “Green City, Clean Waters” plan to reduce contaminated rainwater flow into the state’s rivers and streams by 5 billion to 8 billion gallons per year with green infrastructure approaches.