

116TH CONGRESS
1ST SESSION

S. 2591

To authorize the Secretary of the Interior to establish a program to restore and protect the Chesapeake Bay watershed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2019

Mr. VAN HOLLEN (for himself, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. KAINE, Mr. WARNER, Mr. COONS, Mr. MANCHIN, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize the Secretary of the Interior to establish a program to restore and protect the Chesapeake Bay watershed, 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 “Chesapeake Watershed
5 Investments for Landscape Defense Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

(1) CHESAPEAKE BAY AGREEMENTS.—The term “Chesapeake Bay agreements” means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay watershed ecosystem and the living resources of the Chesapeake Bay watershed ecosystem; and

(B) signed by the Chesapeake Executive Council.

(2) CHESAPEAKE BAY PROGRAM.—The term “Chesapeake Bay program” means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay agreements.

(3) CHESAPEAKE BAY WATERSHED.—The term “Chesapeake Bay watershed” means the region that covers—

(A) the Chesapeake Bay;

(B) the portions of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia that drain into the Chesapeake Bay; and

(C) the District of Columbia.

(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term “Chesapeake Executive Council” means the council comprised of—

1 (A) the Governors of each of the States of
 2 Delaware, Maryland, New York, Pennsylvania,
 3 Virginia, and West Virginia;

4 (B) the Mayor of the District of Columbia;

5 (C) the Chair of the Chesapeake Bay Com-
 6 mission; and

7 (D) the Administrator of the Environ-
 8 mental Protection Agency.

9 (5) CHESAPEAKE WILD PROGRAM.—The term
 10 “Chesapeake WILD program” means the nonregula-
 11 tory program established by the Secretary under sec-
 12 tion 3(a).

13 (6) GRANT PROGRAM.—The term “grant pro-
 14 gram” means the Chesapeake Watershed Invest-
 15 ments for Landscape Defense grant program estab-
 16 lished by the Secretary under section 4(a).

17 (7) RESTORATION AND PROTECTION ACTIV-
 18 ITY.—The term “restoration and protection activity”
 19 means an activity carried out for the conservation,
 20 stewardship, and enhancement of habitat for fish
 21 and wildlife—

22 (A) to preserve and improve ecosystems
 23 and ecological processes on which the fish and
 24 wildlife depend; and

25 (B) for use and enjoyment by the public.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the United States Fish and Wildlife Serv-
4 ice.

5 **SEC. 3. PROGRAM ESTABLISHMENT.**

6 (a) ESTABLISHMENT.—Not later than 180 days after
7 the date of enactment of this Act, the Secretary shall es-
8 tablish a nonregulatory program, to be known as the
9 “Chesapeake Watershed Investments for Landscape De-
10 fense program”.

11 (b) PURPOSES.—The purposes of the Chesapeake
12 WILD program include—

13 (1) coordinating restoration and protection ac-
14 tivities among Federal, State, local, and regional en-
15 tities and conservation partners throughout the
16 Chesapeake Bay watershed;

17 (2) engaging other agencies and organizations
18 to build a broader range of partner support, capac-
19 ity, and potential funding for projects in the Chesa-
20 peake Bay watershed;

21 (3) carrying out coordinated restoration and
22 protection activities, and providing for technical as-
23 sistance, throughout the Chesapeake Bay water-
24 shed—

1 (A) to sustain and enhance restoration and
2 protection activities;

3 (B) to improve and maintain water quality
4 to support fish and wildlife, habitats of fish and
5 wildlife, and drinking water for people;

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

10 (D) to improve opportunities for public ac-
11 cess and recreation in the Chesapeake Bay wa-
12 tershed consistent with the ecological needs of
13 fish and wildlife habitat;

14 (E) to facilitate strategic planning to maxi-
15 mize the resilience of natural ecosystems and
16 habitats under changing watershed conditions;

17 (F) to utilize green infrastructure or nat-
18 ural infrastructure best management practices
19 to enhance fish and wildlife habitat;

20 (G) to engage the public through outreach,
21 education, and citizen involvement to increase
22 capacity and support for coordinated restora-
23 tion and protection activities in the Chesapeake
24 Bay watershed;

1 (H) to sustain and enhance vulnerable
2 communities and fish and wildlife habitat;

3 (I) to conserve and restore fish, wildlife,
4 and plant corridors; and

5 (J) to increase scientific capacity to sup-
6 port the planning, monitoring, and research ac-
7 tivities necessary to carry out coordinated res-
8 toration and protection activities.

9 (c) DUTIES.—In carrying out the Chesapeake WILD
10 program, the Secretary shall—

11 (1) draw on existing plans for the Chesapeake
12 Bay watershed, or portions of the Chesapeake Bay
13 watershed, including the Chesapeake Bay agree-
14 ments, and work in consultation with applicable
15 management entities, including Chesapeake Bay pro-
16 gram partners, such as the Federal Government,
17 State and local governments, the Chesapeake Bay
18 Commission, and other regional organizations, as
19 appropriate, to identify, prioritize, and implement
20 restoration and protection activities within the
21 Chesapeake Bay watershed;

22 (2) adopt a Chesapeake Bay watershed-wide
23 strategy that—

24 (A) supports the implementation of a
25 shared set of science-based restoration and pro-

1 tection activities developed in accordance with
2 paragraph (1); and

3 (B) targets cost-effective projects with
4 measurable results; and

5 (3) establish the grant program in accordance
6 with section 4.

7 (d) COORDINATION.—In establishing the Chesapeake
8 WILD program, the Secretary shall consult, as appro-
9 priate, with—

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

11 (A) the Administrator of the Environ-
12 mental Protection Agency;

13 (B) the Administrator of the National Oce-
14 anic and Atmospheric Administration;

15 (C) the Chief of the Natural Resources
16 Conservation Service;

17 (D) the Chief of Engineers;

18 (E) the Director of the United States Geo-
19 logical Survey;

20 (F) the Secretary of Transportation;

21 (G) the Chief of the Forest Service; and

22 (H) the head of any other applicable agen-
23 cy;

24 (2) the Governors of each of the States of Dela-
25 ware, Maryland, New York, Pennsylvania, Virginia,

1 and West Virginia and the Mayor of the District of
2 Columbia;

3 (3) fish and wildlife joint venture partnerships;
4 and

5 (4) other public agencies and organizations with
6 authority for the planning and implementation of
7 conservation strategies in the Chesapeake Bay wa-
8 tershed.

9 **SEC. 4. GRANTS AND TECHNICAL ASSISTANCE.**

10 (a) CHESAPEAKE WILD GRANT PROGRAM.—To the
11 extent that funds are made available to carry out this sec-
12 tion, the Secretary shall establish and carry out, as part
13 of the Chesapeake WILD program, a voluntary grant and
14 technical assistance program, to be known as the “Chesa-
15 peake Watershed Investments for Landscape Defense
16 grant program”, to provide competitive matching grants
17 of varying amounts and technical assistance to eligible en-
18 tities described in subsection (b) to carry out activities de-
19 scribed in section 3(b).

20 (b) ELIGIBLE ENTITIES.—The following entities are
21 eligible to receive a grant and technical assistance under
22 the grant program:

23 (1) A State.

24 (2) The District of Columbia.

25 (3) A unit of local government.

1 (4) A nonprofit organization.

2 (5) An institution of higher education.

3 (6) Any other entity that the Secretary deter-
4 mines to be appropriate in accordance with the cri-
5 teria established under subsection (c).

6 (c) CRITERIA.—The Secretary, in consultation with
7 officials and entities described in section 3(d), shall estab-
8 lish criteria for the grant program to help ensure that ac-
9 tivities funded under this section—

10 (1) accomplish 1 or more of the purposes de-
11 scribed in section 3(b); and

12 (2) advance the implementation of priority ac-
13 tions or needs identified in the Chesapeake Bay wa-
14 tershed-wide strategy adopted under section 3(c)(2).

15 (d) COST SHARING.—

16 (1) DEPARTMENT OF THE INTERIOR SHARE.—
17 The Department of the Interior share of the cost of
18 a project funded under the grant program shall not
19 exceed 50 percent of the total cost of the project, as
20 determined by the Secretary.

21 (2) NON-DEPARTMENT OF THE INTERIOR
22 SHARE.—

23 (A) IN GENERAL.—The non-Department of
24 the Interior share of the cost of a project fund-
25 ed under the grant program may be provided in

1 cash or in the form of an in-kind contribution
2 of services or materials.

3 (B) OTHER FEDERAL FUNDING.—Non-De-
4 partment of the Interior Federal funds may be
5 used for not more than 25 percent of the total
6 cost of a project funded under the grant pro-
7 gram.

8 (e) ADMINISTRATION.—The Secretary may enter into
9 an agreement to manage the grant program with an orga-
10 nization that offers grant management services.

11 **SEC. 5. REPORTING.**

12 Not later than 180 days after the date of enactment
13 of this Act, and annually thereafter, the Secretary shall
14 submit to Congress a report describing the implementation
15 of this Act, including a description of each project that
16 has received funding under this Act.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated such sums as are necessary to carry out this Act.

20 (b) SUPPLEMENT, NOT SUPPLANT.—Funds made
21 available under subsection (a) shall supplement, and not
22 supplant, funding for other activities conducted by the
23 Secretary in the Chesapeake Bay watershed.

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