

LAKE PONTCHARTRAIN BASIN RESTORATION ACT OF 2000

MAY 2, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2957]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE**

This Act may be cited as the “Lake Pontchartrain Basin Restoration Act of 2000”.

**SEC. 2. NATIONAL ESTUARY PROGRAM.**

(a) **FINDING.**—Congress finds that the Lake Ponchartrain Basin is an estuary of national significance.

(b) **ADDITION TO NATIONAL ESTUARY PROGRAM.**—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting “Lake Ponchartrain Basin, Louisiana and Mississippi;” before “and Peconic Bay, New York.”

**SEC. 3. LAKE PONTCHARTRAIN BASIN.**

(a) **IN GENERAL.**—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 121. LAKE PONTCHARTRAIN BASIN.**

“(a) **ESTABLISHMENT OF RESTORATION PROGRAM.**—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

“(b) **PURPOSE.**—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

“(c) **DUTIES.**—In carrying out the program, the Administrator shall—

- “(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;
  - “(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;
  - “(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;
  - “(4) develop a comprehensive research plan to address the technical needs of the program;
  - “(5) coordinate the grant, research, and planning programs authorized under this section; and
  - “(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.
- “(d) GRANTS.—The Administrator may make grants—
- “(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;
  - “(2) for public education projects recommended by the management conference; and
  - “(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.
- “(e) DEFINITIONS.—In this section, the following definitions apply:
- “(1) BASIN.—The term ‘Basin’ means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.
  - “(2) PROGRAM.—The term ‘program’ means the Lake Pontchartrain Basin Restoration Program established under subsection (a).
- “(f) AUTHORIZATION OF APPROPRIATIONS.—
- “(1) IN GENERAL.—There is authorized to be appropriated—
    - “(A) \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and
    - “(B) \$5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.
- Such sums shall remain available until expended.
- “(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).”.

#### PURPOSE AND SUMMARY

The purpose of H.R. 2957, the “Lake Pontchartrain Basin Restoration Act,” is to provide financial and technical assistance for water quality restoration activities in the Lake Pontchartrain Basin.

#### BACKGROUND AND NEED FOR LEGISLATION

The Lake Pontchartrain Basin watershed covers a 5,000 square mile area and includes 16 Louisiana parishes and four Mississippi counties. Almost 1.5 million people live in the area of Lake Pontchartrain, the 630 square mile lake at the center of the basin, making it the most densely populated area in Louisiana. The Basin also includes Lakes Borgne and Maurepas, and these three lakes comprise one of the largest estuaries in the U.S. The Basin supports numerous species of fish, birds, mammals, and plants, and its fisheries contribute over \$35 million to the local economy by providing much of the seafood harvested in the Gulf Coast.

Since the 1940s, increasing population, urbanization, and land use changes have adversely affected the Basin leading to mounting environmental problems and declining health of the watershed. Increasing growth and development coupled with inadequate wastewater treatment, stormwater and agricultural runoff, saltwater intrusion, and land subsidence have contributed to shore erosion,

wetland losses, and degraded water quality. Since the 1960s, Lake Pontchartrain's famous south shore has been closed for swimming and other recreational activities, and by the mid-1980s most rivers, tributaries, and lakes in the watershed failed to meet their "designated uses" under the Clean Water Act.

H.R. 2957 creates a Lake Pontchartrain Basin Restoration Program within the Environmental Protection Agency (EPA) to coordinate federal, state, and local efforts to reduce pollution and to restore the ecological health of the Basin.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION  
ANALYSIS

*Section 1. Short title*

Provides that the Act may be cited as the "Lake Pontchartrain Basin Restoration Act of 2000."

*Section 2. National Estuary Program*

(a) FINDING.—Finds that Lake Pontchartrain Basin is an estuary of national significance.

(b) ADDITION TO THE NATIONAL ESTUARY PROGRAM.—Amends section 320(a)(2)(B) of the Federal Water Pollution Control Act (the Clean Water Act) to add Lake Pontchartrain Basin to the list of estuaries to receive priority consideration for inclusion in the National Estuary Program.

*Section 3. Lake Pontchartrain Basin*

Adds new section 121 to title I of the Clean Water Act as follows:

(a) ESTABLISHMENT OF RESTORATION PROGRAM.—Establishes the Lake Pontchartrain Basin Program within the EPA.

(b) PURPOSE.—Establishes as the purpose of the program the restoration of the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

(c) DUTIES.—Requires EPA to: provide administrative and technical assistance to a management conference for the Lake Pontchartrain Basin convened under National Estuary Program (section 320 of the Clean Water Act); assist and support the activities of the management conference, including implementation of recommendations of the management conference; support environmental monitoring of the Basin and research to provide necessary technical and scientific information; develop a comprehensive research plan to address the technical needs of the program; coordinate the grant, research, and planning programs authorized under this section; and collect and make available to the public publications and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

In carrying out the Lake Pontchartrain Basin Restoration Program, the Committee intends EPA to convene a management conference for the Basin under section 320 that includes the Governor of the State of Louisiana, the Chairman of the Regional Planning Commission for Jefferson, Orleans, St. Bernard, and St. Tammany Parishes, the Chancellor of the University of New Orleans (who will coordinate scientific input from all universities in the basin

with the aid of Southeastern Louisiana University), the Executive Director of the Lake Pontchartrain Basin Foundation, one northshore citizen nominated by the parish executives in the basin north of Lake Pontchartrain, and one southshore citizen nominated by the parish executives in the basin south of Lake Pontchartrain. The management conference should also include appropriate representation from watershed areas in Mississippi.

The Committee intends that this management conference be subject to all appropriate open meeting and ethics laws and regulations. In addition, the Committee understands that this legislation focuses on restoration projects and does not create new additional regulatory authority.

(d) GRANTS.—Authorizes EPA to make grants for restoration projects and studies and public education projects recommended by the management conference. Also authorizes grants for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

Annually, Jefferson Parish and Orleans Parish each should submit to the management conference inflow and infiltration plans for the coming fiscal year. The management conference should ensure that each parish inflow and infiltration plan advances the overall goals of the Lake Pontchartrain Basin Restoration Program.

(e) DEFINITIONS.—Defines the terms “Basin” and “program.”

(f) AUTHORIZATION OF APPROPRIATIONS.—Authorizes \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana. Also authorizes \$5,000,000 for each of fiscal years 2001 through 2005 to carry out new section 121 of the Act; provided, however, no more than 15 percent of annual appropriations for such purposes may be expended on grants for public education projects.

#### HEARINGS

On February 29, 2000, the Subcommittee on Water Resources and Environment held a hearing on H.R. 2957 and other legislation. Testimony on H.R. 2957 was given by Representative Vitter (LA), and Representative Jefferson (LA). In addition, testimony was given by representatives of local government and academic organizations.

#### COMMITTEE CONSIDERATION

On April 5, 2000, the Subcommittee reported H.R. 2957 favorably to the Full Committee. The Subcommittee adopted a substitute amendment that made technical changes; identified Lake Pontchartrain Basin as an estuary of national significance under EPA’s National Estuary Program (NEP); established a Lake Pontchartrain Basin Program within EPA; authorized EPA assistance to an NEP Management Conference to develop and implement a comprehensive conservation management plan; authorized grants for public education projects; and, authorized funding for inflow and infiltration projects.

On April 11, 2000, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported to the House by unanimous voice vote.

#### ROLLCALL VOTES

Clause 3(b) of Rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 2957 reported.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2957.

3. With respect to the requirement of clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2957 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 18, 2000.*

Hon. BUD SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2957, the Lake Pontchartrain Basin Restoration Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman

(for federal costs) and Victoria Heid Hall (for the state and local impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 2957—Lake Pontchartrain Basin Restoration Act of 2000*

Summary: H.R. 2957 would authorize the appropriation of \$5 million for each of fiscal years 2001 through 2005 for the Environmental Protection Agency (EPA) to establish a Lake Pontchartrain Basin Restoration Program. This new program would coordinate federal, state, and local efforts to restore the basin. The bill also would authorize a one-time appropriation of \$100 million for an inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish. CBO estimates that implementing this legislation would cost \$108 million over the next five years, assuming appropriation of the authorized amounts.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2957 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: For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated for each fiscal year and that outlays will occur at rates similar to those for other EPA activities associated with water restoration projects. The estimated budgetary impact of H.R. 2957 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in million of dollars				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level .....	105	5	5	5	5
Estimated outlays .....	5	16	33	34	20

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 2957 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Implementing the bill would benefit jurisdictions in Louisiana and Mississippi within the Lake Pontchartrain Basin if the Congress appropriates funds for restoration projects and related scientific and public education projects. Any costs to these jurisdictions would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman, impact on State, local, and tribal governments: Victoria Heid Hall, and impact on the private sector: Jean Wooster.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of Rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4.)

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1.)

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 italics, existing law in which no change is proposed is shown in roman):

**FEDERAL WATER POLLUTION CONTROL ACT**

TITLE I—RESEARCH AND RELATED PROGRAMS

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**SEC. 121. LAKE PONTCHARTRAIN BASIN.**

(a) *ESTABLISHMENT OF RESTORATION PROGRAM.*—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

(b) *PURPOSE.*—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

(c) *DUTIES.*—In carrying out the program, the Administrator shall—

(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;  
(4) develop a comprehensive research plan to address the technical needs of the program;

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

(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

(d) GRANTS.—The Administrator may make grants—

(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

(2) for public education projects recommended by the management conference; and

(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BASIN.—The term “Basin” means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

(2) PROGRAM.—The term “program” means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated—

(A) \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

(B) \$5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).

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TITLE III—STANDARDS AND ENFORCEMENT

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SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) MANAGEMENT CONFERENCE.—

(1) \* \* \*

(2) CONVENING OF CONFERENCE.—

(A) \* \* \*

(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and

Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albermarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; *Lake Ponchartrain Basin, Louisiana and Mississippi*; and Peconic Bay, New York.

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