



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Legislative
and Intergovernmental Affairs
Washington, D.C. 20230

August 29, 2000

The Honorable Don Young
Chairman, Committee on Resources
House of Representatives
Washington, DC 20515-6201

Dear Mr. Chairman:

This letter provides you with the Administration's views on H.R. 1775, the "Estuary Restoration Act of 2000." Specifically, we are commenting on the substitute that was passed by the House Resources Committee on May 22, 2000.

Enactment of this bill will help to restore the health of our nation's estuaries. Healthy estuaries are important for the Nation because of the vital services they perform. Estuaries provide habitat for many important fish and wildlife species, act as a water treatment system, provide flood control and protection against storm damage, and serve as recreational areas. Estuaries and coastal wetlands provide essential fish habitat for 80-90% of the recreational fish species, and 70% of commercially harvested species.

The Administration is generally pleased with H.R. 1775, and we recommend that it be passed by the full House. However, there are areas where we believe that the bill could be strengthened, and we have enclosed details on those suggestions.

In closing, we commend the Congress for their dedication in moving this bill forward. We would be pleased to offer any further assistance as this bill progresses. We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter from the viewpoint of the Administration's program.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Kilmer".

Deborah Kilmer

Enclosure

cc: The Honorable Jim Saxton

COMMENTS ON H.R. 1775

1) The Administration believes that the bill should allow non-profit organizations to apply for restoration funds directly, and remove the obstacle of obtaining a Governor's letter. Local non-profit organizations and community groups are frequently more aware of restoration needs than state agencies and are the most appropriate mechanism for getting restoration work done.

2) As the bill is currently written, restoration projects may be considered only for those areas covered under existing Federal planning efforts. However, there are many estuaries in need of restoration that are not covered under existing Federal plans. We recommend that all projects be considered, with those covered under existing plans given higher priority. Similarly, the requirements for project selection are much more stringent under the Resources Committee substitute. Projects must meet a wide range of factors to qualify. The original, introduced version of the bill requires that certain factors be taken into account, an approach which is much more flexible when addressing estuaries across the Nation in different environmental, economic, and social settings. The substitute also requires States to have dedicated funding sources, a criteria that could eliminate many projects dependent upon non-State sources of funding that are not specifically identified as being dedicated to habitat work. The substitute also requires restoration of physical features, including "flood control," which could be interpreted as repairing man-made systems such as jetties, dikes, etc. We would prefer that this be limited to natural physical features.

3) The Administration would recommend more of a focus on supporting long-term monitoring and synthesis of monitoring results, oversight, and any needed corrective actions. The bill is very supportive of implementing projects. However, in cases where the project is not successful, it is important that we learn from our efforts. Further funding of these types of activities would help us carry out these efforts.

4) We recommend reinstating the Regional Councils as outlined in the introduced version of the bill. However, any such modification to the bill must take into account the objections raised by the Department of Justice regarding Appointments Clause issues.

5) We suggest that the National Council have a rotating Chair, as outlined in the introduced version of the bill, and a rotating vice-chair. This would help to ensure that a diversity of views are represented on the Council.

6) We agree that the Council should establish a procedure for providing scientific peer review of estuary restoration projects. While the Department appreciates the Committee's recognition of the National Estuarine Research Reserve System (NERRS) as having the leadership and expertise required to coordinate a peer review process, the NERRS does not have the resources required to fulfill this role. Additionally, expertise resides in other programs and agencies. Therefore, we recommend that the Council should both establish the procedure and coordinate the scientific peer review process.

7) With regard to the advisory panel members, we recommend adding one member to represent Native American tribes. In Section 4(f), this member could appear on the list after the two members representing estuary users.

8) Also, with regard to the advisory panel members, we believe that definitions of "estuary user" and "at-large member" should be included.

Identical letters sent to:

The Honorable George Miller
Ranking Member, Committee on Resources

cc: The Honorable Eni F. H. Faleomavaega

The Honorable Bud Shuster
Chairman, Committee on Transportation
And Infrastructure

cc: The Honorable Sherwood L. Boehlert

The Honorable James L. Oberstar
Ranking Member, Committee on Transportation
And Infrastructure
House of Representatives
Washington, DC 20515-6256

cc: The Honorable Robert A. Borski