

LEGISLATIVE SUMMARY FOR:**November 1, 1999**

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LAST WEEK -

HOUSE AGRICULTURE COMMITTEE MARKUP OF AGING WATESHEDS

BILL - The House Agriculture Committee met Wednesday to hold a markup of H.R. 728, the "Small Watershed Rehabilitation Amendments of 1999" introduced by Rep. Frank Lucas (R-OK). There was excellent attendance with 44 of the 50 members present and standing room only for public audience members.

Three amendments were offered, two of which were not directly related to the legislation. An amendment was offered by Rep. Robert Goodlatte (R-VA) that would direct the Secretary of Agriculture and "other executive branch officials" to not prohibit the removal of flood water debris from streams for the purpose of preventing future flooding. This issue does not reflect USDA or NRCS activities, but is instead aimed to resolve issues associated with the Army Corps of Engineers 404 permitting and associated state jurisdictional issues. The amendment passed by a voice vote.

An amendment offered by Rep. Charlie Stenholm (D-TX) would amend the Food Security Act of 1985 to prohibit the release of information gathered by NRCS and FSA while providing assistance to landowners and operators who are participants in USDA conservation programs. Specific language dealt with not disclosing NRI data points. Rep. Helen Chenoweth (R-ID) expressed concerns and the amendment received considerable discussion. In the end the amendment passed by a recorded vote of 37-1.

Overall the legislation took the form of an amendment in the nature of a substitute offered by Chairman Combest. Four technical changes were made to the original text of H.R. 728. There were no comments or questions about the amendment, which passed by a voice vote. The majority of the 1- hour committee meeting was devoted to the amendments. Overall members made very supporting statements about the bill and the desire to see it move forward. Chairman Combest commented that he understood that the legislation would see action in the House Transportation and Infrastructure Committee possibly by the end of the week. Before adjourning the Committee passed H.R. 728 as amended and recommended it to the House for floor passage.

EPA AGRICULTURAL REGULATORY PROGRAMS HEARING - On Thursday, October 28, the Department Operations, Oversight, Nutrition and Forestry Subcommittee (Chairman Goodlatte, R-VA) of the House Agriculture Committee held a hearing on the new agriculture regulatory programs of the Environment Protection Agency (EPA). Glenda Humiston, Deputy Undersecretary for Natural Resources and Environment, Department of Agriculture, testified that EPA's proposed rules regarding Total Maximum Daily Loads (TMDL) and the National Pollution Discharge Elimination System (NPDES), along with the guidance manual for the permitting of concentrating animal feeding operations (CAFO), will address water quality issues. She said USDA has worked with EPA in the development of these rules and guidance, and expects to play an important role helping other units of government, tribes, and landowners comply with them.

Charles Fox, Assistant Administrator for Water, Environment Protection Agency, testified that the first part of the TMDL program is the identification of polluted waters. He said that States develop lists of polluted waterbodies, waters that do not attain State water quality standards, every two years. Mr. Fox said States consult with the public in developing lists, rank waters on their lists based on the severity of the pollution, and set schedules of the development of TMDLs for each water body over 8-13 year period. He indicated the second part of the program is the development of the actual TMDL and is a State's plan to restore the health of the polluted water. It includes a quantitative assessment of water quality problems and the pollutant sources that contribute to these problems. He further stated the TMDL specifies the amount of a pollutant that needs to be reduced so that the waterbody will achieve state water quality standards, allocates reductions in the pollutant or pollutants among the sources in a watershed, and provides a guide to taking on-the-ground actions needed to restore waterbody. Mr. Fox also said that States would develop both lists of polluted waters and specific TMDLs, both of which must be approved or disapproved by EPA and if EPA disapproves a state list or TMDL, it is required to establish the list or TMDL for the state.

Rep. Charles Stenholm, D-TX, said there were questions about the logic behind the goals and timelines within several of the proposals and that it was not clear how each of the proposals will interact and which will supercede the other. He also said serious concerns had been raised about whether some of these proposals exceed the authority Congress has given EPA under the Clean Water Act. He further stated that conservation funds were very tight and with the overwhelming workload facing conservation agencies, it was critical to use limited resources very wisely. He went on to say that he was so concerned about the lack of science supporting some of the proposals that he introduced H.R. 2793 to ensure that sound science is used for future water quality policy for agricultural lands.

LEGISLATION OF NOTE

The following Bills of significance to NRCS and conservation have been introduced.

BILL	MEMBER	PURPOSE
S. 1699	Voinovich, (OH)	Would amend the Federal Water Pollution Control Act to authorize appropriations for state water pollution control revolving funds.
S. 1706	Hutchison, (TX)	Would amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.
S. 1762	Coverdell, (GA)	Would amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related law.

THIS WEEK

HABITAT CONSERVATION PLANS - The Drinking Water, Fisheries and Wildlife Subcommittee (Chairman Crapo, R-ID) of the Senate Environment and Public Works Committee will hold a hearing on habitat conservation plans.

Nov. 3 10:00am 406 Dirksen Bldg.

LOOKING AHEAD

ENERGY FULL COMMITTEE MARKUP - The Senate Energy and Natural Resources Committee (Chairman Murkowski, R-AK) will markup S. 25, a bill to provide coastal impact assistance to state and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978 and the Land and Water Conservation Fund Act of 1965.

date TBA time TBA 366 Dirksen Bldg.

RESOURCES FULL COMMITTEE MARKUP - The House Resources Committee (Chairman Young, R-Alaska) will meet to markup H.R. 701, a bill to provide Outer Continental Shelf Impact Assistance to state and local governments, to amend the Land and Water Conservation Fund Act of 1965 and the Urban Park and Recreation Recovery Act of 1978. The committee will also markup H.R. 798, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

date TBA

time TBA

1324 Longworth Bldg.

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