Att. 7a for CBPC meeting of March 18, 2011

COG Staff Summary of Status of Federal Funding for Chesapeake Bay Restoration

(Including note on recently approved federal legislation)

as of March 11, 2011

Federal budget matters, particularly in regard to the ongoing FY 2011 budget, are in flex pending the outcome of negotiations between the House and the Senate. COG staff may update this chart before the CBPC meeting of March 18.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Program | Enacted Appropriations for FY 2010 | President’s FY 2011 Request | House Continuing Resolution for FY 2011\* | Senate Continuing Resolution for FY 2011 | President’s Request for FY 2012 |
| EPA Chesapeake Bay Program\*\* | $50 million | $63 million | $40 million | --- | $67.35 million |
| USDA Chesapeake Bay Watershed Initiative | $43 million\*\*\* | $72 million\*\*\* | Not specifically cited | --- | $50 million\*\*\* |
| Clean Water State Revolving Fund (nationwide) | $2.1 billion | $2.0 billion | $0.69 billion | --- | $1.55 billion |
| USDA Environmental Quality Incentives Program EQIP)(nationwide) | $1.174 billion | $1.2 billion | $1.174 billion | --- | $1.408 billion |

Notes:

\* In addition to budgeted amounts, HR 1contains a number of policy “riders” that would affect what policies the agency can and can’t pursue. One of those policy riders, introduced by Rep. Robert Goodlatte, would prevent the agency from spending any funds on further implementation of the Bay TMDL. The CBPC sent a letter in opposition to this policy rider on Feb. 16, 2011.

\*\* EPA Chesapeake Bay Program is the main federal line item for work on the restoration effort, funding EPA staff efforts as well as the state implementation grants and the Small Watersheds Grants Program.

\* \*\* These are the fully authorized amounts for this program under the 2008 Farm Bill.

**Note regarding S. 3481, which was approved by Congress in early January 2011 and became Public Law111-378.**

In an attempt to address controversy over whether federal government facilities are subject to stormwater fees imposed by local governments, the legislation directed federal agencies to pay such fees provided that the fees in question are “reasonable” and “nondiscriminatory.”

However, questions have been raised about several aspects of this legislation, including what constitutes a “nondiscriminatory” fee and the mechanism by which federal government agencies actually would pay the fee. The Department of Justice is currently reviewing the language of this legislation and is expected to issue guidance on how federal agencies should comply with it soon.

This guidance will make clearer the extent to which local governments in the COG region can actually collect such fees from federal government properties within their jurisdiction.