

## HR 4715

Clean Estuaries Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** Mar 2, 2010

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 569.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 569. (Sep 16, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/4715>

### Sponsor

**Name:** Rep. Bishop, Timothy H. [D-NY-1]

**Party:** Democratic • **State:** NY • **Chamber:** House

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Mar 2, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Sep 16, 2010
Transportation and Infrastructure Committee	House	Discharged from	Mar 3, 2010

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
111 HR 5301	Related bill	<b>Jul 21, 2010:</b> Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 472.
111 S 3540	Related bill	<b>Jun 28, 2010:</b> Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR S5490-5492)
111 HRES 1248	Procedurally related	<b>Apr 15, 2010:</b> Motion to reconsider laid on the table Agreed to without objection.

Clean Estuaries Act of 2010 - Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to reauthorize the National Estuary Program.

Revises the purpose of management conferences convened with respect to estuaries to expand requirements governing a comprehensive conservation and management plan by requiring such a plan to: (1) identify the estuary and the associated upstream waters to be addressed by the plan; (2) identify healthy watershed components for protection and conservation by carrying out integrated assessments of aquatic habitat and biological integrity, water quality; and natural hydrologic flows; (3) consider sustainable commercial activities in the estuary; (4) address the impacts of climate change on the estuary; (5) increase public education and awareness with respect to the ecological health and water quality conditions of the estuary and to ocean, estuarine, land, and atmospheric connections and interactions; (6) identify, assess, and provide the applicable state with information on impairments, including significant adverse upstream impairments coming from outside of the area addressed by the plan, and the sources of those impairments; (7) include performance measures and goals to track implementation of the plan; (8) include a coordinated monitoring strategy for government and other entities; (9) monitor (and make results available to the public regarding) water quality conditions in the estuary and the associated upstream waters, healthy watershed and habitat conditions that relate to the ecological health and water quality conditions of the estuary, and the effectiveness of actions taken pursuant to the plan; and (10) provide information and educational activities on the estuary's ecological health and water quality conditions.

Requires a management conference's membership to include, among other entities, not-for-profit organizations.

Requires a management conference, in updating or developing a new plan, to make use of collaborative processes to: (1) ensure equitable inclusion of affected interests and the accessibility of relevant information to members; (2) engage with members of the conference through the use of consensus-based decision rules and assistance from impartial facilitators; (3) promote accountability and transparency by ensuring members are informed of conference purposes and objectives and evaluation results in a timely manner; (4) identify roles and responsibilities of members in conference proceedings and plan implementation; and (5) seek resolution of conflicts or disputes.

Requires the Administrator of the Environmental Protection Agency (EPA) to: (1) evaluate the implementation of each comprehensive conservation and management plan developed under the Program to determine the degree to which the goals of the plan have been met and review the program designed to implement the plan every five years; (2) submit the results of the evaluation to the appropriate management conference for review and comment; and (3) report on the results of the evaluation and make such report available to the public in the Federal Register and on the Internet.

Requires management conferences to update plans 18 months after they are evaluated.

Authorizes the Administrator to consider a management conference to be in probationary status if the conference has not received approval for an updated plan within three years of the date of the evaluation's publication. Requires the Administrator to: (1) reduce a grant for the implementation of a plan developed by a management conference with probationary status; and (2) terminate a management conference and cease funding for the implementation of the plan if the conference has been in probationary status for two consecutive years.

Requires, after the Administrator's approval of a plan for an estuary, any federal action or activity affecting such estuary to be conducted in a manner consistent with such plan. Requires the Secretary of the Army, the Administrator of the National Oceanic and Atmospheric Administration (NOAA), the Director of the United States Fish and Wildlife Service, the Secretary of the Department of Agriculture, the Director of the United States Geological Survey (USGS), the

Secretary of the Department of Transportation, the Secretary of Housing and Urban Development (HUD), and the heads of other appropriate federal agencies to: (1) cooperate and coordinate activities, including monitoring activities, related to the implementation of such plans; and (2) collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference. Requires EPA to serve as the lead coordinating agency for such activities.

Requires an agency head, in making annual budget requests, to consider the agency's responsibilities under the Program.

Repeals provisions authorizing the Administrator to give grants to individuals for the development and implementation of plans.

Authorizes appropriations for FY2011-FY2016 for management conferences, grants, and monitoring the administration of plans.

Requires the Administrator to include measures to track the introduction and establishment of non-native species within the trend assessment program that monitors variations in environmental parameters which may affect estuarine zones.

Requires the Administrator, every five years, to: (1) evaluate the effectiveness of the Program in, and identify best practices for, improving water quality, natural resources, and sustainable uses of estuaries covered by conferences; (2) assess the reasons why such practices resulted in the achievement of program goals; (3) identify and develop a plan for limiting redundant requirements for reporting by grant recipients; and (4) report on such evaluation to management conferences convened and the public.

Repeals provisions directing the Administrator to give priority to specified areas in the convening of conferences. Revises the definition of: (1) "estuary" to include near coastal waters and other bodies of water within the Great Lakes similar in form and function to waters otherwise described in such definition; and (2) "estuarine zones" to include such waters and transitional areas, associated aquatic ecosystems, and those portions of tributaries.

## Actions Timeline

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- **Sep 16, 2010:** Committee on Environment and Public Works. Reported by Senator Boxer with an amendment in the nature of a substitute. With written report No. 111-293.
- **Sep 16, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 569.
- **Jun 30, 2010:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 19, 2010:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Apr 15, 2010:** Rule H. Res. 1248 passed House.
- **Apr 15, 2010:** Considered under the provisions of rule H. Res. 1248. (consideration: CR H2595-2609)
- **Apr 15, 2010:** Rule provides for consideration of H.R. 4715 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution.
- **Apr 15, 2010:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 1248 and Rule XVIII.
- **Apr 15, 2010:** The Speaker designated the Honorable Henry Cuellar to act as Chairman of the Committee.
- **Apr 15, 2010:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4715.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Oberstar amendment.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Kagen amendment.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Schauer amendment.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Moore (WI) amendment.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Shea-Porter amendment.
- **Apr 15, 2010:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Shea-Porter amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Shea-Porter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Apr 15, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1248, the Committee of the Whole proceeded with 10 minutes of debate on the Kratovil amendment.
- **Apr 15, 2010:** Mr. Oberstar moved that the Committee rise.
- **Apr 15, 2010:** On motion that the Committee rise Agreed to by voice vote.
- **Apr 15, 2010:** Committee of the Whole House on the state of the Union rises leaving H.R. 4715 as unfinished business.
- **Apr 15, 2010:** Considered as unfinished business. (consideration: CR H2610-2614)
- **Apr 15, 2010:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Apr 15, 2010:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Apr 15, 2010:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4715.
- **Apr 15, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H2611)
- **Apr 15, 2010:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H2601-2602)
- **Apr 15, 2010:** Mr. Jordan (OH) moved to recommit with instructions to Transportation. (consideration: CR H2611-2613; text: CR H2611)
- **Apr 15, 2010:** DEBATE - The House proceeded with ten minutes of debate on the Jordan motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment which provides that authorization levels in the bill would be reduced under specified conditions.

- Apr 15, 2010:** The previous question on the motion was ordered without objection. (consideration: CR H2612)
- **Apr 15, 2010:** On motion to recommit with instructions Failed by recorded vote: 192 - 214 (Roll no. 208).
  - **Apr 15, 2010:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 278 - 128 (Roll no. 209).
  - **Apr 15, 2010:** On passage Passed by the Yeas and Nays: 278 - 128 (Roll no. 209).
  - **Apr 15, 2010:** Motion to reconsider laid on the table Agreed to without objection.
  - **Apr 14, 2010:** Rules Committee Resolution H. Res. 1248 Reported to House. Rule provides for consideration of H.R. 4715 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution.
  - **Mar 17, 2010:** Reported by the Committee on Transportation. H. Rept. 111-442.
  - **Mar 17, 2010:** Placed on the Union Calendar, Calendar No. 255.
  - **Mar 3, 2010:** Referred to the Subcommittee on Water Resources and Environment.
  - **Mar 3, 2010:** Subcommittee on Water Resources and Environment Discharged.
  - **Mar 3, 2010:** Committee Consideration and Mark-up Session Held.
  - **Mar 3, 2010:** Ordered to be Reported by Voice Vote.
  - **Mar 2, 2010:** Introduced in House
  - **Mar 2, 2010:** Referred to the House Committee on Transportation and Infrastructure.