

CONGRESS OF THE UNITED STATES  
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WASHINGTON, DC 20515

(202) 225-2011

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December 3, 2009

The Honorable James L. Oberstar  
Chairman  
Committee on Transportation and  
Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

The Honorable John L. Mica  
Ranking Member  
Committee on Transportation and  
Infrastructure  
2163 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Oberstar and Ranking Member Mica:

I am requesting inclusion into the Water Resources Development Act reauthorization process an authority to identify and implement comprehensive solutions to the degradation of the water resources related environment through solidifying the connection between land use and water resources management through an Integrated Water Resources Management approach.

**Suggested Language:**

(a) Establishment of Program. The Secretary may establish a pilot program for providing environmental and infrastructure assistance to non Federal interests in Delaware County and portions of Chester County (bound by the Brandywine and Valley Creek Watersheds and the Schuylkill River Drainage encompassing portions of Phoenixville Borough) and Montgomery County (bound by the Schuylkill River, Perkiomen Creek, Skippack Creek, Stony Creek, and Lower Merion Drainage Area Watersheds) in Pennsylvania and, if appropriate, limited adjacent watersheds that directly impact the watersheds within this area.

(b) Form of Assistance. Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure, resource protection and development, flood damage reduction and ecosystem restoration projects in the Pennsylvania Counties of Chester, Delaware and Montgomery, including projects for waste water treatment and related facilities, water supply and related facilities, ecosystem restoration, and surface water resource protection and development.

(c) Public Ownership Requirement. The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Design and Project Partnership Agreements.

(1) In general. Before providing assistance under this section, where applicable, the Secretary may develop watershed or sub-watershed Management Plans as appropriate to identify problems, develop projects, and then enter into a project partnership agreement with a non-Federal interest to provide for design and construction of the project(s) to be carried out with such assistance. Management Plans shall be 100% Federal.

(2) Requirements. Each Agreement entered into under this subsection shall provide for the following:

(A) Plan. Development, by the Secretary in consultation with appropriate Federal and State officials, of water resources related projects, including appropriate engineering plans and specifications.

(B) Legal and institutional structures. Establishment of such legal and institutional structures as necessary to ensure the effective long term operation of the project by the non-Federal interest.

(3) Cost sharing.

(A) In general. Total project costs under each project partnership agreement entered into under this subsection shall be shared at 75% Federal and 25% non-Federal, except for the Management Plans which shall be 100% Federal cost. 100% of the non-Federal share may be provided in in-kind services.

(B) Credit for design work. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into an Agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) Lands, easements, and rights of way credit. The non-Federal interest shall receive credit for lands, easements, rights of way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

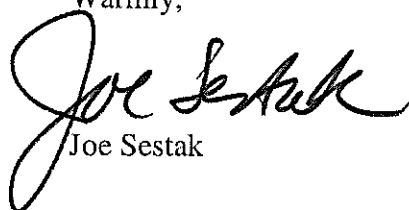
(e) Operation and maintenance. The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws. Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Authorization of Appropriations. There is authorized to be appropriated to carry out this section \$10,000,000.

Thank you for your consideration of this project that is important to my district. If you have any questions, please do not hesitate to contact me or Jason Marmon in my office at (202) 225-2011.

Warmly,

A handwritten signature in black ink that reads "Joe Sestak". The signature is written in a cursive style with a large, looping initial "J".

Joe Sestak