



To: Subcommittee on Water, Oceans and Wildlife Republican Members
From: Subcommittee on Water, Oceans and Wildlife Republicans Staff; Kiel Weaver (Kiel.Weaver@mail.house.gov), Annick Miller (Annick.Miller@mail.house.gov) and Rob MacGregor (Robert.MacGregor@mail.house.gov)
Date: March 8, 2021
Subject: Oversight Hearing on “Building Back Better: Building Resilience for the Economy, Climate, and Ecosystems”

The Subcommittee on Water, Oceans and Wildlife will hold an oversight hearing on “Building Back Better: Building Resilience for the Economy, Climate, and Ecosystems” on Thursday, March 11, 2021, at 2:00pm EST online via Cisco WebEx.

Member offices are requested to notify Rob MacGregor no later than Tuesday, March 9, at 4:30pm EST, if their Member intends to participate. Submissions for the hearing record must be submitted through the Committee’s electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (Everett.Winnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Top-down, costly, duplicative, and burdensome climate adaptation regulations and policies pushed by the Administration and some House Democrats purportedly aimed at creating jobs have a dramatically negative impact on the American economy and the environment.
- Federal mandates aimed at limiting access to waters and lands and making water projects more costly will do nothing to help the environment and the economy and are anti-infrastructure.
- As we’ve seen from the shale gas boom, America can reduce global emissions more effectively through innovation and the free market than over-regulating our domestic resources.
- We can promote regulatory streamlining to build projects and restore watersheds much faster and cheaper and focus on existing “all of the above” water infrastructure programs - like hydropower, water storage and delivery - with a proven success record.

- While this oversight hearing focuses on the general topic of infrastructure related to climate adaptation, future legislative initiatives on this topic within the Committee’s jurisdiction should go through regular order.

II. WITNESSES

- **Mr. Dan Keppen**, Executive Director, Family Farm Alliance, Klamath Falls, Oregon [Republican witness]
- **Dr. Cassandra Moseley**, Research Professor and Senior Policy Advisor, Ecosystem Workforce Program, University of Oregon, Eugene, Oregon
- **Captain Aleksandr Modjeski**, Habitat Restoration Program Director, American Littoral Society, Highlands, New Jersey
- **Ms. Laura Ziemer**, Senior Counsel, Trout Unlimited, Arlington, Virginia

III. BACKGROUND

During his presidential campaign, Democratic nominee Joe Biden released his “[Build Back Better](#)” plan which, among other issues, focused on clean energy, infrastructure improvements and environmental justice. Biden’s “Build Back Better” plan specifically includes proposals such as spending billions of dollars of taxpayer money to establish a “Civilian Climate Corps” in which workers will “repair dilapidated irrigation systems to conserve water...protect and restore coastal ecosystems, such as wetlands, seagrasses, oyster reefs, and mangrove and kelp forests, to protect vulnerable coastlines, sequester carbon, and support biodiversity and fisheries...and thin and sustainably manage our forests.”¹ At least one of the Democratic witnesses will testify on the need for a “Civilian Climate Corps.” In addition, the “Build Back Better” plan promotes policies such as achieving a “carbon pollution-free power sector by 2035.”²

Following the “Build Back Better” theme and in the event that the House of Representatives considers an infrastructure bill, this hearing will highlight some of the policies the Democratic majority believes should be included as part of this plan. Within the Water, Oceans and Wildlife Subcommittee’s jurisdiction, there will be a particular focus on ecosystem restoration activities, coastal disaster risk reduction activities and western water infrastructure.

Prior Democratic Legislative Action

This hearing follows action from the Democratic Majority in the last Congress, when the House Natural Resources Committee considered several bills which promoted many of the ideas highlighted in the “Build Back Better” plan. Natural Resources Committee Chair Raul Grijalva’s (D-AZ) “Ocean-Based Climate Solutions Act of 2020” (H.R.8632) was one

¹ <https://joebiden.com/clean-energy/>

² Id.

such measure. Some Democrat Members and witnesses will likely discuss the bill's provisions, particularly Titles I, II and X. Below are quick overviews of these three relevant titles.

Title I created a new “Blue Carbon” Program within the National Oceanic and Atmospheric Administration (NOAA) that included a five-year \$1 billion grant program to restore “blue carbon ecosystems.” The legislation also created new designations such as “coastal carbon areas of significance.” Similar to Essential Fish Habitat consultations required under the Magnuson-Stevens Act (MSA), H.R. 8632 requires all federal agencies to consult with NOAA if any proposed action “has the potential to cause an adverse impact to the carbon storage, ecosystem services, or habitat capacity” of a designated area.³ The legislation further prohibits a federal agency from taking the proposed action if an alternative exists that fulfills the purpose of the proposed action without harming the designated area, regardless of cost.⁴

Title II stated that the policy of the U.S. is: “(1) to prohibit any commercial extractive or destructive human activity in at least 30 percent of the ocean under United States jurisdiction by 2030. The 30 percent shall include existing areas in which commercial extractive and destructive human activities are and continue to be prohibited; and (2) to support the adoption and implementation of a global goal to protect at least 30 percent of land and 30 percent of ocean areas by 2030 under the Convention on Biological Diversity.”⁵ The legislation created so-called Marine Protected Areas to implement this “30x30” policy. Fishing organizations opposed this title and a distinguished, long-time fisheries scientist testified that “such marine protected areas are simply the wrong tool for adapting to climate change.”⁶ On January 27, 2021, President Biden issued Executive Order 14008 directing federal officials to preserve 30% of the country’s lands and ocean waters by 2030, “part of an effort to slow the wildlife extinction crisis and curb global warming,” according to the Center for Biological Diversity.⁷

Title X created new grant programs to address coastal resiliency and adaptation. Included in this title was funding for “living shorelines.” During the legislative hearing last Congress on the bill, the NOAA Deputy Administrator, Rear Admiral Timothy Gallaudet, testified that “the agency currently provides financial and technical assistance to coastal communities for the use of living shorelines through existing programs. The National Coastal Resilience Fund is a partnership between NOAA and the National Fish and Wildlife Foundation that funds projects that protect coastal communities while enhancing fish and wildlife habitat, including living shorelines projects. Additionally, NOAA’s Community-based Habitat Restoration Program provides funds for the use of living

³ <https://www.congress.gov/bill/116th-congress/house-bill/8632/text>

⁴ Id.

⁵ Id.

⁶ <https://naturalresources.house.gov/imo/media/doc/Hilborn%20Testimony%20FC%20Leg%20Hrg%2011.17.20.pdf>

⁷ <https://biologicaldiversity.org/w/news/press-releases/biden-executive-order-pushes-for-protection-of-30-of-america-land-oceans-2021-01-27/>; see <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>

shoreline and related techniques for marine and coastal habitat restoration.”⁸ The National Coastal Resilience Fund received \$33 million in fiscal year (FY) 2021.⁹

In contrast to Democrats’ strategy of increased spending and expansion of the federal bureaucracy, Republicans are focused on bringing state and regional input back into federal marine resource management, decreasing duplicative and burdensome regulations, and increasing access to fisheries for both commercial and recreational fishing, where appropriate. Our waters can provide opportunities for economic and recreational activity while conserving our environment.

Western Water Infrastructure

Signed into law by President Barack Obama and supported by, among others, U.S. Senator Dianne Feinstein (D-CA) and House Republicans from the California delegation, the Water Infrastructure for the Nation (WIIN) Act provides operational flexibility in California during drought years and increased federal investments in water storage, recycling and desalination throughout the western United States. This law expires in 2021 and is critical to increasing the resilience of water supplies for western communities and the ecosystems reliant on the water they deliver.

In 2020, Water, Oceans and Wildlife Subcommittee Chair Jared Huffman (D-CA) released draft legislation that created new authorities while letting key WIIN components such as operational flexibility lapse. Provisions of the Huffman legislation require that a project show “net ecosystem benefits over and above required environmental mitigation and compliance obligations” and “dedication of water to ecosystems above environmental mitigation and compliance obligations.”¹⁰ This legislation was never introduced, yet some of it was included in the House-passed H.R. 2, the “Moving Forward Act” as an amendment in the last Congress.¹¹

The Republican witness will focus on the importance of reauthorizing WIIN, the need for continued federal investment in multi-purpose water facilities, regulatory streamlining for the construction and operation of water projects and protecting water supplies from catastrophic wildfire. Republican Members will also discuss the need for bipartisan and common sense solutions to our infrastructure challenges, including the need to promote all-of-the above water and supply policies, hydropower (including pumped storage) and forest restoration aimed at protecting water supplies for the benefit of communities and ecosystems.

⁸ [Written Testimony by RDML Tim Gallaudet, Deputy NOAA Administrator, Hearing July 25, 2019.](#)

⁹ [Division B Report](#)

¹⁰ <https://huffman.house.gov/download/01/16/2020/future-drought-resiliency-act-of-2020>

¹¹ <https://www.congress.gov/bill/116th-congress/house-bill/2/text>