

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to extend an agreement for professional services to identify and pursue federal funding opportunities.

WHEREAS, the Delaware River Basin Compact provides that the United States is a full signatory party and voting member of the Delaware River Basin Commission; and

WHEREAS, since the Commission's inception in 1961, the United States has participated fully in Commission decision-making and has helped to coordinate among the multiple federal agencies whose actions affect the water resources of the Basin; and

WHEREAS, with one exception, during each fiscal year since FY 1998, the federal government has provided no signatory party funding to support the Commission's operations, despite express authorizations and direction by Congress through: the Delaware River Basin Compact (U.S. Public Law 87-328); the Water Resources Development Act of 2007 (P.L. 110-114, Sec. 5019); and the Water Resources Reform and Development Act of 2014 (P.L. 113-121, Sec. 4001); and

WHEREAS, since 2016, the United States has supported the Delaware River Basin Restoration Program (the "DRBRP"), a non-regulatory initiative managed by the United States Fish and Wildlife Service focused on habitat conservation and restoration within the Basin's geographic boundaries; and

WHEREAS, over the period from FY 2018 – 2021, the United States has appropriated funds for the DRBRP in the amount of \$30.7 million; the President's FY 2022 Budget included an additional \$10 million in funding for the DRBRP; and the Infrastructure Investment and Jobs Act, recently passed by Congress with bipartisan support, included another \$26 million in special funding for the DRBRP; and

WHEREAS, DRBC must compete with non-governmental organizations for DRBRP grant funds; and

WHEREAS, the National Estuary Program ("NEP") managed by the U.S. Environmental Protection Agency ("EPA") provides annual federal financial support for the Delaware Estuary Program, a non-regulatory program hosted by the Partnership for the Delaware Estuary ("PDE"), a non-governmental organization; and the recently enacted Infrastructure Investment and Jobs Act included supplemental funding in the amount of \$950,000 per year over 5 years for each NEP, including the Delaware Estuary Program; and

WHEREAS, DRBC is eligible for NEP funds only as a contractor to PDE; and

WHEREAS, in accordance with a Resolution for the Minutes dated December 8, 2021, the Executive Director on December 21, 2021 entered into an agreement with Van Scoyoc Associates,

Inc. (“VSA”) for professional services including consultation, advice and advocacy with respect to federal funding, legislation, regulations, and federal agency policies that align with the Commission’s mission to manage, protect, and improve the water resources of the Delaware River Basin and that potentially could support the Commission’s fiscal operations or program activities; and

WHEREAS, with VSA’s assistance, the Commission secured the inclusion of report language in the Senate and House fiscal year 2023 funding bills to support the inclusion of DRBC funding in future budgets of the United States Army Corps of Engineers (the “Corps”); and

WHEREAS, with VSA’s support, and in the absence of an appropriation through the Corps budget, the Commission during 2022 advanced Community Project Funding for the DRBC through H.R. 8294, a package of six fiscal year 2023 funding bills, including for Energy and Water Development and Related Agencies (the federal fiscal FY 2023 budget is still pending action by Congress); and

WHEREAS, during calendar year 2023 additional congressional legislation and federal policies and programs will be considered on matters central to the Commission’s mandate—the planning, development, conservation, utilization, management, and control of the water resources of the Delaware River Basin to meet present and future needs—including measures to address climate change, water quality challenges, and infrastructure needs; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized and directed to extend for a period not to exceed twelve months the Commission’s agreement with VSA for professional services as described herein. The objectives of such extension shall continue to include: to renew clear congressional authorizations for DRBC funding; to ensure inclusion of DRBC funding in the budgets of executive branch agencies and the President; and to secure one or more congressional appropriations. The services may also include support for national, regional and watershed-based federal policies and programs that align with the DRBC’s mission to manage, protect, and improve the water resources of the Delaware River Basin.

2. The cost per month of these services shall not exceed \$8,333.

3. No federal monies shall be used to pay for these services.

ADOPTED: December 8, 2022