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SENATE

{ REPORT
116-123

**DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS BILL, 2020**

SEPTEMBER 26, 2019.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 2580]

The Committee on Appropriations reports the bill (S. 2580) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2020

Total of bill as reported to the Senate	\$38,113,720,000
Amount of 2019 appropriations	37,703,691,000
Amount of 2020 budget estimate	32,472,531,000
Bill as recommended to Senate compared to—	
2019 appropriations	+410,029,000
2020 budget estimate	+5,641,189,000

ember 29, 2016. The Committee urges the Agency to continue its efforts towards full implementation of the plan and directs the Agency to provide an update on its efforts in its fiscal year 2021 budget request.

Regulation of Groundwater.—The Agency is directed to continue following the guidance contained in the explanatory statement accompanying Public Law 115–141. The Committee reiterates that, since enactment in 1972, the Clean Water Act (Public Law 92–500) [CWA] has regulated impacts to navigable waters, while regulation of groundwater has remained outside of the act’s jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through the CWA’s nonpoint source program and other Federal and State laws.

Protection of Resources in Bristol Bay, Alaska.—The Committee appreciates that the Environmental Protection Agency [EPA], Department of the Interior [DOI], the National Marine Fisheries Service [NMFS], the State of Alaska, and independent subject matter experts have provided significant technical comments to the U.S. Army Corps of Engineers (Army Corps) in response to its draft Environmental Impact Statement [DEIS] for the proposed Pebble mine project in southwest Alaska. The Committee notes that multiple Federal agencies commented to express their concerns that the DEIS is inadequate and does not meet the Army Corps’ obligations to thoroughly evaluate the potential impacts of the proposed project. The Committee shares the agencies’ concerns that the DEIS lacks certain critical information about the proposed project and related mitigation and therefore likely underestimates its potential risks and impacts. Sound science must guide Federal decisionmaking and all gaps and deficiencies identified in comments from Federal agencies and other stakeholders, including Alaska Natives, must be fully addressed, even if that requires additional scientific study, data collection, and more comprehensive analysis of the project’s potential impacts. In addition, the Committee encourages the Army Corps to utilize EPA, NMFS, and the Alaska Department of Fish and Game to provide assistance on fisheries-related analysis given the special expertise and jurisdiction of those agencies. Adverse impacts to Alaska’s world-class salmon fishery and to the ecosystem of Bristol Bay, Alaska, are unacceptable. To the extent DOI, EPA, or NMFS are not satisfied with the Army Corps’ analysis of the project, the agencies are encouraged to exercise their discretionary authorities, which include EPA’s enforcement authority under the Clean Water Act, at an appropriate time in the permitting process to ensure the full protection of the region.

Significant New Alternatives Policy Program.—The Committee reiterates the direction contained within the explanatory statement accompanying the Consolidated Appropriations Act, 2017 (Public Law 115–31) to consider harmonizing the status of any previously approved refrigerant or foam-blowing agent with other domestic and international programs for refrigeration and commercial air conditioning applications and corresponding deadlines for military, space-, and aeronautics-related applications.

Small Refinery Relief.—The Committee continues the directive contained in Senate Report 114–281 related to small refinery relief.