

Calendar No. 752

107TH CONGRESS
2^D SESSION

S. 2928

[Report No. 107-339]

To amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2002

Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 13, 2002

Reported by Mr. JEFFORDS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Daniel Patrick Moy-
3 nihan Lake Champlain Basin Program Act of 2002”.

4 **SEC. 2. LAKE CHAMPLAIN BASIN PROGRAM.**

5 Title I of the Federal Water Pollution Control Act
6 is amended by striking section 120 (33 U.S.C. 1270) and
7 inserting the following:

8 **“SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COMMITTEE.—The term ‘Committee’
11 means the steering committee of the program com-
12 prised of representatives of Federal, State, and local
13 governments and other persons, as specified in the
14 Plan.

15 “(2) LAKE CHAMPLAIN BASIN.—

16 “(A) IN GENERAL.—The term ‘Lake
17 Champlain basin’ means all water and land re-
18 sources in the United States in the drainage
19 basin of Lake Champlain.

20 “(B) INCLUSIONS.—The term ‘Lake
21 Champlain basin’ includes—

22 “(i) Clinton, Essex, Franklin, Ham-
23 ilton, Warren, and Washington counties in
24 the State of New York; and

25 “(ii) Addison, Bennington, Caledonia,
26 Chittenden, Franklin, Grand Isle,

1 Lamoille, Orange, Orleans, Rutland, and
2 Washington counties in the State of
3 Vermont.

4 “(3) PLAN.—The term ‘Plan’ means the plan
5 entitled ‘Opportunities for Action: An Evolving Plan
6 for the Future of the Lake Champlain Basin’,
7 approved by Lake Champlain Steering Committee on
8 January 30, 2002, that describes the actions nec-
9 essary to protect and enhance the environmental in-
10 tegrity and the social and economic benefits of the
11 Lake Champlain basin.

12 “(4) PROGRAM.—The term ‘program’ means
13 the Lake Champlain Basin Program established by
14 subsection (b)(1).

15 “(b) ESTABLISHMENT.—

16 “(1) IN GENERAL.—There is established a pro-
17 gram to be known as the ‘Lake Champlain Basin
18 Program’.

19 “(2) PURPOSES.—The purposes of the program
20 are—

21 “(A) to protect and enhance the environ-
22 mental integrity and social and economic bene-
23 fits of the Lake Champlain basin; and

24 “(B) to achieve the environmental goals
25 described in the Plan, including—

1 “(i) the reduction of phosphorous in-
2 puts to Lake Champlain from point
3 sources and nonpoint sources so as to—

4 “(I) promote a healthy and di-
5 verse ecosystem; and

6 “(II) provide for sustainable
7 human use and enjoyment of Lake
8 Champlain;

9 “(ii) the reduction of toxic contamina-
10 tion, such as contamination by mercury
11 and polychlorinated biphenyls, to protect
12 public health and the ecosystem of the
13 Lake Champlain basin;

14 “(iii) the control of the introduction,
15 spread, and impacts of nonnative nuisance
16 species to preserve the integrity of the eco-
17 system of the Lake Champlain basin;

18 “(iv) the minimization of risks to hu-
19 mans from water-related health hazards in
20 the Lake Champlain basin, including
21 through the protection of sources of drink-
22 ing water in the Lake Champlain basin;

23 “(v) the restoration and maintenance
24 of a healthy and diverse community of fish
25 and wildlife in the Lake Champlain basin;

1 “(vi) the protection and restoration of
2 wetland, streams, and riparian habitat in
3 the Lake Champlain basin, including func-
4 tions and values provided by those areas;

5 “(vii) the management of Lake Cham-
6 plain, including shorelines and tributaries
7 of Lake Champlain, to achieve—

8 “(I) the protection of natural and
9 cultural resources of Lake Champlain;
10 and

11 “(II) the maintenance of rec-
12 reational uses of Lake Champlain;

13 “(viii) the protection of recreation and
14 cultural heritage resources of the Lake
15 Champlain basin;

16 “(ix) the continuance of the Lake
17 Champlain long-term water quality and bi-
18 ological monitoring program; and

19 “(x) the promotion of healthy and di-
20 verse economic activity and sustainable de-
21 velopment principles in the Lake Cham-
22 plain basin.

23 “(c) IMPLEMENTATION.—The Committee, in con-
24 sultation with appropriate heads of Federal agencies, shall
25 implement the program.

1 “(d) REVISION OF PLAN.—At least once every 5
2 years, the Committee shall review and, as necessary, revise
3 the Plan.

4 “(e) GRANTS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 the Administrator may, in consultation with the
7 Committee, make grants, for the purpose of imple-
8 menting the management strategies contained in the
9 Plan, to—

10 “(A) State, interstate, and regional water
11 pollution control agencies; and

12 “(B) public or nonprofit agencies, institu-
13 tions, and organizations.

14 “(2) COST SHARING.—The Federal share of the
15 cost of any activity carried out using funds from a
16 grant provided under this subsection shall not exceed
17 75 percent.

18 “(3) ADDITIONAL REQUIREMENTS.—The Ad-
19 ministrator may establish such additional require-
20 ments for the administration of grants provided
21 under this subsection as the Administrator deter-
22 mines to be appropriate.

23 “(f) COORDINATION OF FEDERAL PROGRAMS.—

24 “(1) AGRICULTURE.—The Secretary of Agri-
25 culture shall support the implementation of the pro-

1 gram by providing financial and technical assistance
2 relating to best management practices for controlling
3 nonpoint source pollution, particularly with respect
4 to preventing pollution from agricultural activities.

5 “(2) INTERIOR.—

6 “(A) GEOLOGICAL SURVEY.—The Sec-
7 retary of the Interior, acting through the
8 United States Geological Survey, shall support
9 the implementation of the program by providing
10 financial, scientific, and technical assistance
11 and applicable watershed research, such as—

12 “(i) stream flow monitoring;

13 “(ii) water quality monitoring;

14 “(iii) evaluation of effectiveness of
15 best management practices;

16 “(iv) research on the transport and
17 final destination of toxic chemicals in the
18 environment; and

19 “(v) development of an integrated ge-
20 ographic information system of the Lake
21 Champlain basin.

22 “(B) FISH AND WILDLIFE.—The Secretary
23 of the Interior, acting through the Director of
24 the United States Fish and Wildlife Service and

1 in cooperation with the Committee, shall sup-
2 port the implementation of the program by—

3 “(i) supporting the protection and res-
4 toration of wetland, streams, aquatic, and
5 riparian habitat;

6 “(ii) supporting restoration of inter-
7 jurisdictional fisheries and declining aquat-
8 ic species in the Lake Champlain water-
9 shed through—

10 “(I) propagation of fish in hatch-
11 eries; and

12 “(II) continued advancement in
13 fish culture and aquatic species man-
14 agement technology;

15 “(iii) supporting the control and man-
16 agement of aquatic nuisance species that
17 have adverse effects on—

18 “(I) fisheries; or

19 “(II) the form, function, or struc-
20 ture of the ecosystem of the Lake
21 Champlain basin;

22 “(iv) providing financial and technical
23 assistance in accordance with the Fish and
24 Wildlife Coordination Act (16 U.S.C. 661
25 et seq.) to private landowners seeking to

1 improve fish and wildlife habitat, a goal of
2 which is—

3 “(I) restoration of full function
4 to degraded habitat;

5 “(II) enhancement of specific
6 habitat functions; or

7 “(III) establishment of valuable
8 fish and wildlife habitat that did not
9 previously exist on a particular parcel
10 of real property; and

11 “(v) taking other appropriate action
12 to assist in implementation of the Plan.

13 “(C) NATIONAL PARKS.—The Secretary of
14 the Interior, acting through the Director of the
15 National Park Service, shall support the imple-
16 mentation of the program by providing, through
17 the use of funds in the National Recreation and
18 Preservation Appropriation account of the Na-
19 tional Park Service, financial and technical as-
20 sistance for programs concerning cultural herit-
21 age, natural resources, recreational resources,
22 or other programs consistent with the mission
23 of the National Park Service that are associated
24 with the Lake Champlain basin, as identified in
25 the Plan.

1 “(3) COMMERCE.—The Secretary of Commerce,
2 acting through the Under Secretary for Oceans and
3 Atmosphere, shall support the implementation of the
4 program by providing financial and technical assist-
5 ance, through the national sea grant program of the
6 Department of Commerce, for—

7 “(A) research;

8 “(B) management of fisheries and other
9 aquatic resources;

10 “(C) related watershed programs; and

11 “(D) other appropriate action to assist in
12 implementation of the Plan.

13 “(g) NO EFFECT ON OTHER AUTHORITY.—Nothing
14 in this section affects the authority of—

15 “(1) any Federal or State agency; or

16 “(2) any international entity relating to Lake
17 Champlain established by an international agree-
18 ment to which the United States is a party.

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$11,000,000 for each of fiscal years 2003 through 2007,
22 of which—

23 “(1) \$5,000,000 shall be made available to the
24 Administrator;

1 “(2) \$3,000,000 shall be made available to the
2 Secretary of the Interior;

3 “(3) \$1,000,000 shall be made available to the
4 Secretary of Commerce; and

5 “(4) \$2,000,000 shall be made available to the
6 Secretary of Agriculture.”.

7 **SEC. 3. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
8 **NEW YORK.**

9 Section 542 of the Water Resources Development Act
10 of 2000 (114 Stat. 2671) is amended—

11 (1) in subsection (a)—

12 (A) by striking “(a)” and all that follows
13 through “(A) the land areas” and inserting the
14 following:

15 “(a) DEFINITION OF LAKE CHAMPLAIN WATER-
16 SHED.—In this section, the term ‘Lake Champlain water-
17 shed’ means—

18 “(1) the land areas”;

19 (B) by striking “(B)(i) the” and inserting
20 the following:

21 “(2)(A) the”;

22 (C) by striking “(ii) the” and inserting the
23 following:

24 “(B) the”;

1 (D) in paragraph (2)(A) (as redesignated
 2 by subparagraph (B)), by inserting
 3 “Hamilton,” after “Franklin,”; and

4 (E) in paragraph (2)(B) (as redesignated
 5 by subparagraph (C)), by striking “clause (i)”
 6 and inserting “subparagraph (A)”;

7 (2) in subsections (b) through (e), by striking
 8 “critical restoration” each place it appears and in-
 9 serting “ecosystem restoration”;

10 (3) in subsection (b)—

11 (A) in the subsection heading, by striking
 12 “CRITICAL RESTORATION PROJECTS” and in-
 13 serting “ECOSYSTEM RESTORATION PROGRAM”;

14 (B) in paragraph (1), by striking
 15 “participate in” and inserting “provide design
 16 and construction assistance to non-Federal in-
 17 terests for”; and

18 ~~(C) in paragraph (2), by striking “A” and~~
 19 ~~inserting “An”;~~

20 *(C) in paragraph (2)—*

21 *(i) by striking “A” and inserting*
 22 *“An”; and*

23 *(ii) in subparagraph (E), by inserting*
 24 *before the period at the end the following: “,*
 25 *including remote sensing and the develop-*

1 *ment of a geographic information system*
 2 *for the Lake Champlain basin by the Cold*
 3 *Regions Research and Engineering Labora-*
 4 *tory”;*

5 (4) in subsection (c)—

6 (A) by striking “assistance for a” and in-
 7 serting “design and construction assistance for
 8 an”; and

9 (B) in paragraph (2), by inserting
 10 “ecosystem restoration or” after “form of”;

11 (5) in subsection (d)—

12 (A) by striking “(d)” and all that follows
 13 through “(A) IN GENERAL.—A” and inserting
 14 the following:

15 “(d) CRITERIA FOR ELIGIBILITY.—

16 “(1) IN GENERAL.—An”; and

17 (B) by striking “(B) SPECIAL” and insert-
 18 ing the following:

19 “(2) SPECIAL”; and

20 ~~(6) in subsection (e)(1)—~~

21 ~~(A) by striking “to a” and inserting “to~~
 22 ~~an”; and~~

23 ~~(B) by striking “agreement that shall re-~~
 24 ~~quire the non-Federal interest” and inserting~~
 25 ~~the following: “agreement that is in accordance~~

1 with section 221 of the Flood Control Act of
 2 1970 (42 U.S.C. 1962d–5b) and under which
 3 the non-Federal interest agrees”.

4 (6) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) by striking “to a” and inserting “to
 7 an”;

8 (ii) by striking “project,” and insert-
 9 ing “project (which assistance may include
 10 the provision of funds through the Lake
 11 Champlain Basin Program),”; and

12 (iii) by striking “agreement that shall
 13 require the non-Federal interest” and in-
 14 serting the following: “agreement that is in
 15 accordance with section 221 of the Flood
 16 Control Act of 1970 (42 U.S.C. 1962d–5b)
 17 and under which the non-Federal interest
 18 agrees”;

19 (B) in paragraph (2)(C), by striking “50”
 20 and inserting “100”; and

21 (C) by adding at the end the following:

22 “(3) CREDIT FOR AGRICULTURAL CONSERVA-
 23 TION.—Funds provided to a non-Federal interest
 24 under the conservation reserve enhancement program
 25 of the Department of Agriculture announced on May

1 27, 1998 (63 *Fed. Reg.* 28965), or the wetlands re-
2 serve program under subchapter C of chapter 1 of
3 subtitle D of title XII of the Food Security Act of
4 1985 (16 U.S.C. 3837 et seq.), for use in carrying out
5 a project under the Plan shall be credited toward the
6 non-Federal share of the cost of the project if the Sec-
7 retary of Agriculture certifies that those funds may be
8 used for the purpose of the project under the Plan.”.

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