

109TH CONGRESS  
1ST SESSION

# H. R. 3521

To provide environmental assistance to non-Federal interests in the State  
of Colorado.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. BEAUPREZ (for himself, Mrs. MUSGRAVE, Mr. SALAZAR, and Mr. UDALL  
of Colorado) introduced the following bill; which was referred to the Com-  
mittee on Transportation and Infrastructure

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## A BILL

To provide environmental assistance to non-Federal interests  
in the State of Colorado.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rural Colorado Water  
5       Infrastructure Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act, the following definitions apply:

8               (1) SECRETARY.—The term “Secretary” means  
9       the Secretary of the Army, acting through the Chief  
10       of Engineers.

1           (2) STATE.—The term “State” means the State  
2           of Colorado.

3 **SEC. 3. PROGRAM.**

4           (a) ESTABLISHMENT.—The Secretary may establish  
5 a pilot program to provide environmental assistance to  
6 non-Federal interests in the State.

7           (b) FORM OF ASSISTANCE.—Assistance under this  
8 section may be provided in the form of design and con-  
9 struction assistance for water-related environmental infra-  
10 structure and resource protection and development  
11 projects in the State, including projects for—

12           (1) wastewater treatment and related facilities;

13           (2) water supply and related facilities;

14           (3) water conservation and related facilities;

15           (4) stormwater retention and remediation;

16           (5) environmental restoration; and

17           (6) surface water resource protection and devel-  
18 opment.

19           (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
20 retary may provide assistance for a project under this sec-  
21 tion only if the project is publicly owned.

22           (d) LOCAL COOPERATION AGREEMENT.—

23           (1) IN GENERAL.—Before providing assistance  
24 under this section, the Secretary shall enter into a  
25 local cooperation agreement with a non-Federal in-

1       terest to provide for design and construction of the  
2       project to be carried out with the assistance.

3           (2) REQUIREMENTS.—Each local cooperation  
4       agreement entered into under this subsection shall  
5       provide for the following:

6           (A) PLAN.—Development by the Secretary,  
7       in consultation and coordination with appro-  
8       priate Federal and State officials, of a facilities  
9       or resource protection and development plan,  
10      including appropriate engineering plans and  
11      specifications.

12          (B) LEGAL AND INSTITUTIONAL STRUC-  
13      TURES.—Establishment of such legal and insti-  
14      tutional structures as are necessary to ensure  
15      the effective long-term operation of the project  
16      by the non-Federal interest.

17          (3) COST SHARING.—

18           (A) IN GENERAL.—The Federal share of  
19      project costs under each local cooperation  
20      agreement entered into under this subsection—

21                   (i) shall be 75 percent; and

22                   (ii) may be in the form of grants or  
23      reimbursements of project costs.

24          (B) PRE-COOPERATIVE AGREEMENT AC-  
25      TIVITIES.—The Federal share of the cost of ac-

1 activities carried out by the Secretary under this  
2 section before the execution of a local coopera-  
3 tive agreement shall be 100 percent.

4 (C) CREDIT FOR DESIGN WORK.—The non-  
5 Federal interest shall receive credit, not to ex-  
6 ceed 6 percent of the total construction costs of  
7 a project, for the reasonable costs of design  
8 work completed by the non-Federal interest be-  
9 fore entering into a local cooperation agreement  
10 with the Secretary for the project.

11 (D) CREDIT FOR INTEREST.—In case of a  
12 delay in the funding of the Federal share of the  
13 costs of a project that is the subject of an  
14 agreement under this section, the non-Federal  
15 interest shall receive credit for reasonable inter-  
16 est incurred in providing the Federal share of  
17 the costs of the project.

18 (E) LAND, EASEMENTS, AND RIGHTS-OF-  
19 WAY CREDIT.—The non-Federal interest shall  
20 receive credit for land, easements, rights-of-  
21 way, and relocations toward the non-Federal  
22 share of project costs (including all reasonable  
23 costs associated with obtaining permits nec-  
24 essary for the construction, operation, and  
25 maintenance of the project on publicly owned or

1 controlled land), but not to exceed 25 percent  
2 of total project costs.

3 (F) OPERATION AND MAINTENANCE.—The  
4 non-Federal share of operation and mainte-  
5 nance costs for projects constructed with assist-  
6 ance provided under this section shall be 100  
7 percent.

8 (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
9 LAWS.—Nothing in this section waives, limits, or other-  
10 wise affects the applicability of any provision of Federal  
11 or State law that would otherwise apply to a project to  
12 be carried out with assistance provided under this section.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$50,000,000 for the period beginning with fiscal year  
16 2006, to remain available until expended.

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