

109TH CONGRESS
1ST SESSION

S. 1202

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

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2005

Mr. ALLARD introduced the following bill; which was read twice and referred
to the Committee on Environment and Public Works

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:

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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