

110TH CONGRESS
1ST SESSION

S. 424

To require the Secretary of the Army to carry out the Penobscot River
Restoration Project.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2007

Ms. COLLINS (for herself and Ms. SNOWE) introduced the following bill; which
was read twice and referred to the Committee on Environment and Public
Works

A BILL

To require the Secretary of the Army to carry out the
Penobscot River Restoration Project.

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 “Penobscot River Res-
5 toration Act”.

6 **SEC. 2. PENOBSCOT RIVER RESTORATION PROJECT.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Penobscot River Restoration Project
9 (referred to in this section as the “Project”) is—

1 (A) a project to restore the natural flow of
2 the largest watershed of the State of Maine, at
3 a cost of \$50,000,000 over a term of 5 years;
4 and

5 (B) a partnership among the State of
6 Maine, the Department of Interior, the Na-
7 tional Park Service, the United States Fish and
8 Wildlife Service, the Bureau of Indian Affairs,
9 the Penobscot Indian Nation, the Atlantic
10 Salmon Federation, PPL, the Natural Re-
11 sources Council of Maine, American Rivers,
12 Maine Audubon, and Trout Unlimited;

13 (2) the goals of the Project are—

14 (A) to open up 100 percent of the historic
15 habitat of the Penobscot River for species, such
16 as the endangered shortnose sturgeon; and

17 (B) to greatly improve access to more than
18 1,000 miles of the Penobscot River for endan-
19 gered Atlantic salmon;

20 (3) the Project, which involves removing 2 dams
21 and bypassing another, is 1 of the largest, most cre-
22 ative river restoration projects in the history of the
23 United States;

24 (4) through collaboration with dam owners, the
25 Project will maintain virtually all of the hydroelectric

1 generation on the Penobscot River through a series
 2 of energy enhancements farther up the Penobscot
 3 watershed;

4 (5) the Project will have far-ranging benefits
 5 for migratory birds, a variety of riverine and estua-
 6 rine wetlands, and endangered species, including At-
 7 lantic salmon and 10 other species of diadromous
 8 fish; and

9 (6) the Project will help revive the social, cul-
 10 tural, and economic traditions of the second largest
 11 river in New England.

12 (b) RESTORATION PROJECT.—

13 (1) IN GENERAL.—The Secretary of the Army,
 14 acting through the Chief of Engineers (referred to in
 15 this section as the “Secretary”), shall carry out the
 16 Project substantially in accordance with the plan de-
 17 scribed in Lower Penobscot River Multiparty Settle-
 18 ment Agreement, dated June 2004, subject to a de-
 19 termination by the Secretary that the plan is—

20 (A) cost-effective, technically sound, and
 21 environmentally acceptable; and

22 (B) in the best interest of the United
 23 States.

24 (2) USE OF EXISTING STUDIES.—The Secretary
 25 shall expedite the feasibility and pre-construction,

1 engineering, and design of the Project by using, to
 2 the maximum extent practicable, any applicable
 3 study prepared by the State of Maine or any other
 4 non-Federal interest of the Project.

5 (3) COST SHARING.—

6 (A) IN GENERAL.—The non-Federal share
 7 of the cost of the Project shall be 35 percent,
 8 including the provision of—

9 (i) any land, easement, or right-of-way
 10 required to carry out the Project; and

11 (ii) any relocation, determination of
 12 property value, or other non-Federal con-
 13 tribution required to carry out the Project.

14 (B) CREDIT FOR STUDIES AND MONI-
 15 TORING.—The cost of any study or pre-Project
 16 monitoring shall be credited to the non-Federal
 17 share under subparagraph (A).

18 (4) NON-FEDERAL INTEREST.—Notwith-
 19 standing section 221(b) of the Flood Control Act of
 20 1970 (42 U.S.C. 1962d–5b(b)), a nonprofit entity
 21 may be considered to be a non-Federal interest of
 22 the Project.

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