

111TH CONGRESS
1ST SESSION

H. R. 1000

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2009

Mr. SALAZAR (for himself, Ms. MARKEY of Colorado, Mr. PERLMUTTER, Ms. DEGETTE, Mr. COFFMAN of Colorado, Mr. POLIS of Colorado, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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:

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

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

6 **SEC. 3. PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary may establish
8 a pilot program to provide environmental assistance to
9 non-Federal interests in the State.

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

- 15 (1) wastewater treatment and related facilities;
- 16 (2) water supply and related facilities;
- 17 (3) water conservation and related facilities;
- 18 (4) stormwater retention and remediation;
- 19 (5) environmental restoration; and
- 20 (6) surface water resource protection and devel-
- 21 opment.

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

25 (d) LOCAL COOPERATION AGREEMENT.—

1 (1) IN GENERAL.—Before providing assistance
2 under this section, the Secretary shall enter into a
3 local cooperation agreement with a non-Federal in-
4 terest to provide for design and construction of the
5 project to be carried out with the assistance.

6 (2) REQUIREMENTS.—Each local cooperation
7 agreement entered into under this subsection shall
8 provide for the following:

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

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

20 (3) COST SHARING.—

21 (A) IN GENERAL.—The Federal share of
22 project costs under each local cooperation
23 agreement entered into under this subsection—

24 (i) shall be 75 percent; and

1 (ii) may be in the form of grants or
2 reimbursements of project costs.

3 (B) PRE-COOPERATIVE AGREEMENT AC-
4 TIVITIES.—The Federal share of the cost of ac-
5 tivities carried out by the Secretary under this
6 section before the execution of a local coopera-
7 tive agreement shall be 100 percent.

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

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

22 (E) LAND, EASEMENTS, AND RIGHTS-OF-
23 WAY CREDIT.—The non-Federal interest shall
24 receive credit for land, easements, rights-of-
25 way, and relocations toward the non-Federal

1 share of project costs (including all reasonable
2 costs associated with obtaining permits nec-
3 essary for the construction, operation, and
4 maintenance of the project on publicly owned or
5 controlled land), but not to exceed 25 percent
6 of total project costs.

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

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

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$50,000,000 for fiscal year 2009 and thereafter. Such
20 sums shall remain available until expended.

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