

“(iii) revising the management policies as data become available with which to evaluate the policies; and

“(iv) acknowledging uncertainty, complexity, and variance in the spatial and temporal aspects of natural systems; and

“(B) that requires that management be viewed as experimental.

“(g) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate on December 31, 2021.

“SEC. 9. REPORTS.

“(a) ADMINISTRATOR.—The Administrator shall publish and make available to the public on the Internet and in paper form—

“(1) not later than 1 year after the date of enactment of this Act [Oct. 16, 2006], a report that—

“(A) assesses the role of this Act in protecting the Long Island Sound;

“(B) establishes in coordination with the Advisory Committee guidelines, criteria, schedules, and due dates for evaluating information to designate stewardship sites;

“(C) includes information about any grants that are available for the purchase of land or property rights to protect stewardship sites; and

“(D) accounts for funds received and expended during the previous fiscal year;

“(2) an update of such report, at least every other year; and

“(3) information on funding and any new stewardship sites more frequently than every other year.

“(b) ADVISORY COMMITTEE.—

“(1) REPORT.—For each of fiscal years 2007 through 2011, the Advisory Committee shall submit to the Administrator and the decisionmaking body of the Long Island Sound Study Management Conference established under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), an annual report that contains—

“(A) a detailed statement of the findings and conclusions of the Advisory Committee since the last report under this subsection;

“(B) a description of all sites recommended by the Advisory Committee to the Administrator for designation as stewardship sites;

“(C) the recommendations of the Advisory Committee for such legislation and administrative actions as the Advisory Committee considers appropriate; and

“(D) in accordance with paragraph (2), the recommendations of the Advisory Committee for the awarding of grants.

“(2) RECOMMENDATION FOR GRANTS.—

“(A) IN GENERAL.—The Advisory Committee shall recommend that the Administrator award grants to qualified applicants to help to secure and improve the open space, public access, or ecological values of stewardship sites, through—

“(i) purchase of the property of a stewardship site;

“(ii) purchase of relevant property rights to a stewardship site; or

“(iii) entering into any other binding legal arrangement that ensures that the values of a stewardship site are sustained, including entering into an arrangement with a land manager or property owner to develop or implement a management plan that is necessary for the conservation of natural resources.

“(B) EQUITABLE DISTRIBUTION OF FUNDS.—The Advisory Committee shall exert due diligence to ensure that its recommendations result in an equitable distribution of funds between the States.

“SEC. 10. PRIVATE PROPERTY PROTECTION; NO REGULATORY AUTHORITY.

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act—

“(1) requires any private property owner to allow public access (including Federal, State, or local government access) to the private property; or

“(2) modifies the application of any provision of Federal, State, or local law with regard to public access to or use of private property, except as entered into by voluntary agreement of the owner or custodian of the property.

“(b) LIABILITY.—Establishment of the Region does not create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any person injured on the private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act modifies the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS NOT REQUIRED.—Nothing in this Act requires the owner of any private property located within the boundaries of the Region to participate in any land conservation, financial or technical assistance, or other programs established under this Act.

“(e) PURCHASE OF LAND OR INTEREST IN LAND FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this Act may be used to purchase land or interests in land only from willing sellers.

“(f) MANNER OF ACQUISITION.—All acquisitions of land under this Act shall be made in a voluntary manner and shall not be the result of forced takings.

“(g) EFFECT OF ESTABLISHMENT.—

“(1) IN GENERAL.—The boundaries of the Region represent the area within which Federal funds appropriated for the purpose of this Act may be expended.

“(2) REGULATORY AUTHORITY.—The establishment of the Region and the boundaries of the Region do not provide any regulatory authority not in existence immediately before the enactment of this Act [Oct. 16, 2006] on land use in the Region by any management entity, except for such property rights as may be purchased from or donated by the owner of the property (including public lands donated by a State or local government).

“SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$25,000,000 for each of fiscal years 2019 through 2023 to carry out this Act, including for—

“(1) acquisition of land and interests in land;

“(2) development and implementation of site management plans;

“(3) site enhancements to reduce threats or promote stewardship; and

“(4) administrative expenses of the Advisory Committee and the Administrator.

“(b) USE OF FUNDS.—Amounts made available to the Administrator under this section each fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.

“(c) AUTHORIZATION OF GIFTS, DEVISES, AND BEQUESTS FOR SYSTEM.—In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds therefrom, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.”

§ 1270. Patrick Leahy Lake Champlain Basin Program

(a) Establishment

(1) In general

There is established a Lake Champlain Management Conference to develop a comprehen-

sive pollution prevention, control, and restoration plan for Lake Champlain. The Administrator shall convene the management conference within ninety days of November 16, 1990.

(2) Implementation

The Administrator—

(A) may provide support to the State of Vermont, the State of New York, and the New England Interstate Water Pollution Control Commission for the implementation of the Patrick Leahy Lake Champlain Basin Program; and

(B) shall coordinate actions of the Environmental Protection Agency under subparagraph (A) with the actions of other appropriate Federal agencies.

(b) Membership

The Members of the Management Conference shall be comprised of—

(1) the Governors of the States of Vermont and New York;

(2) each interested Federal agency, not to exceed a total of five members;

(3) the Vermont and New York Chairpersons of the Vermont, New York, Quebec Citizens Advisory Committee for the Environmental Management of Lake Champlain;

(4) four representatives of the State legislature of Vermont;

(5) four representatives of the State legislature of New York;

(6) six persons representing local governments having jurisdiction over any land or water within the Lake Champlain basin, as determined appropriate by the Governors; and

(7) eight persons representing affected industries, nongovernmental organizations, public and private educational institutions, and the general public, as determined appropriate by the trigovernmental Citizens Advisory Committee for the Environmental Management of Lake Champlain, but not to be current members of the Citizens Advisory Committee.

(c) Technical Advisory Committee

(1) The Management Conference shall, not later than one hundred and twenty days after November 16, 1990, appoint a Technical Advisory Committee.

(2) Such Technical Advisory Committee shall consist of officials of: appropriate departments and agencies of the Federal Government; the State governments of New York and Vermont; and governments of political subdivisions of such States; and public and private research institutions.

(d) Research program

The Management Conference shall establish a multi-disciplinary environmental research program for Lake Champlain. Such research program shall be planned and conducted jointly with the Lake Champlain Research Consortium.

(e) Pollution prevention, control, and restoration plan

(1) Not later than three years after November 16, 1990, the Management Conference shall publish a pollution prevention, control, and restoration plan for Lake Champlain.

(2) The Plan developed pursuant to this section shall—

(A) identify corrective actions and compliance schedules addressing point and nonpoint sources of pollution necessary to restore and maintain the chemical, physical, and biological integrity of water quality, a balanced, indigenous population of shellfish, fish and wildlife, recreational, and economic activities in and on the lake;

(B) incorporate environmental management concepts and programs established in State and Federal plans and programs in effect at the time of the development of such plan;

(C) clarify the duties of Federal and State agencies in pollution prevention and control activities, and to the extent allowable by law, suggest a timetable for adoption by the appropriate Federal and State agencies to accomplish such duties within a reasonable period of time;

(D) describe the methods and schedules for funding of programs, activities, and projects identified in the Plan, including the use of Federal funds and other sources of funds;

(E) include a strategy for pollution prevention and control that includes the promotion of pollution prevention and management practices to reduce the amount of pollution generated in the Lake Champlain basin; and

(F) be reviewed and revised, as necessary, at least once every 5 years, in consultation with the Administrator and other appropriate Federal agencies.

(3) The Administrator, in cooperation with the Management Conference, shall provide for public review and comment on the draft Plan. At a minimum, the Management Conference shall conduct one public meeting to hear comments on the draft plan in the State of New York and one such meeting in the State of Vermont.

(4) Not less than one hundred and twenty days after the publication of the Plan required pursuant to this section, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governors of the States of New York and Vermont concur.

(5) Upon approval of the plan, such plan shall be deemed to be an approved management program for the purposes of section 1329(h) of this title and such plan shall be deemed to be an approved comprehensive conservation and management plan pursuant to section 1330 of this title.

(f) Grant assistance

(1) The Administrator may, in consultation with participants in the Patrick Leahy Lake Champlain Basin Program, make grants to State, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations.

(2) Grants under this subsection shall be made for assisting research, surveys, studies, and modeling and technical and supporting work necessary for the development and implementation of the Plan.

(3) The amount of grants to any person under this subsection for a fiscal year shall not exceed 75 per centum of the costs of such research, survey, study and work and shall be made available on the condition that non-Federal share of such costs are provided from non-Federal sources.

(4) The Administrator may establish such requirements for the administration of grants as he determines to be appropriate.

(g) Definitions

In this section:

(1) Patrick Leahy Lake Champlain Basin Program

The term “Patrick Leahy Lake Champlain Basin Program” means the coordinated efforts among the Federal Government, State governments, and local governments to implement the Plan.

(2) Lake Champlain drainage basin

The term “Lake Champlain drainage basin” means all or part of Clinton, Franklin, Hamilton, Warren, Essex, and Washington counties in the State of New York and all or part of Franklin, Grand Isle, Chittenden, Addison, Rutland, Bennington, Lamoille, Orange, Washington, Orleans, and Caledonia counties in Vermont, that contain all of the streams, rivers, lakes, and other bodies of water, including wetlands, that drain into Lake Champlain.

(3) Plan

The term “Plan” means the plan developed under subsection (e).

(h) No effect on certain authority

Nothing in this section—

(1) affects the jurisdiction or powers of—

(A) any department or agency of the Federal Government or any State government; or

(B) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory;

(2) provides new regulatory authority for the Environmental Protection Agency; or

(3) affects section 304 of the Great Lakes Critical Programs Act of 1990 (Public Law 101-596; 33 U.S.C. 1270 note).

(i) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section \$35,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(June 30, 1948, ch. 758, title I, § 120, as added Pub. L. 101-596, title III, § 303, Nov. 16, 1990, 104 Stat. 3006; amended Pub. L. 107-303, title II, § 202, Nov. 27, 2002, 116 Stat. 2358; Pub. L. 117-328, div. O, title IV, § 404(a), Dec. 29, 2022, 136 Stat. 5228.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328, § 404(a)(1), (2), inserted “Patrick Leahy” before “Lake Champlain Basin Program” in section catchline and wherever appearing in text.

Subsec. (g)(1). Pub. L. 117-328, § 404(a)(3), inserted “Patrick Leahy” before “Lake Champlain Basin Program” in heading.

Subsec. (i). Pub. L. 117-328, § 404(a)(4), amended subsec. (i) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Environmental Protection Agency to carry out this section—

“(1) \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995;

“(2) such sums as are necessary for each of fiscal years 1996 through 2003; and

“(3) \$11,000,000 for each of fiscal years 2004 through 2008.”

2002—Pub. L. 107-303, § 202(1), substituted “Lake Champlain Basin Program” for “Lake Champlain Management Conference” in section catchline.

Subsec. (a). Pub. L. 107-303, § 202(1), (2), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (d). Pub. L. 107-303, § 202(3), struck out par. (1) designation before “The Management”.

Subsec. (e)(1). Pub. L. 107-303, § 202(4)(A), struck out “(hereafter in this section referred to as the ‘Plan’)” after “restoration plan”.

Subsec. (e)(2)(F). Pub. L. 107-303, § 202(4)(B), added subpar. (F).

Subsec. (f)(1). Pub. L. 107-303, § 202(5)(A), substituted “participants in the Lake Champlain Basin Program,” for “the Management Conference,”.

Subsec. (f)(2). Pub. L. 107-303, § 202(5)(B), substituted “development and implementation of the Plan” for “development of the Plan and for retaining expert consultants in support of litigation undertaken by the State of New York and the State of Vermont to compel cleanup or obtain cleanup damage costs from persons responsible for pollution of Lake Champlain”.

Subsec. (g). Pub. L. 107-303, § 202(6)(A), substituted “Definitions” for “‘Lake Champlain drainage basin’ defined” in subsec. heading, inserted introductory provisions, added par. (1), inserted par. (2) designation and heading after par. (1) and inserted “The term” before “Lake Champlain drainage”.

Subsec. (g)(2). Pub. L. 107-303, § 202(6)(B), inserted “Hamilton,” after “Franklin,” and “Bennington,” after “Rutland,”.

Subsec. (g)(3). Pub. L. 107-303, § 202(6)(C), added par. (3).

Subsec. (h). Pub. L. 107-303, § 202(7), added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: “Nothing in this section shall be construed so as to affect the jurisdiction or powers of—

“(1) any department or agency of the Federal Government or any State government; or

“(2) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory.”

Subsec. (i). Pub. L. 107-303, § 202(8), substituted “section—” for “section \$2,000,000”, inserted “(1) \$2,000,000” before “for each of fiscal years 1991,”, substituted “1995;” for “1995.”, and added pars. (2) and (3).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 117-328, div. O, title IV, § 404(c), Dec. 29, 2022, 136 Stat. 5229, provided that: “Any reference in law, regulation, map, document, paper, or other record of the United States to the ‘Lake Champlain Basin Program’ shall be deemed to be a reference to the Patrick Leahy Lake Champlain Basin Program.”

FEDERAL PROGRAM COORDINATION

Pub. L. 101-596, title III, § 304, Nov. 16, 1990, 104 Stat. 3008, as amended by Pub. L. 104-127, title III, § 336(a)(2)(F), Apr. 4, 1996, 110 Stat. 1005; Pub. L. 115-334, title II, § 2301(d)(2)(F), Dec. 20, 2018, 132 Stat. 4555, provided that:

“(a) DESIGNATION OF LAKE CHAMPLAIN AS A PRIORITY AREA UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Lake Champlain basin, as defined under section 120(h) of the Federal Water Pollution Control Act [33 U.S.C. 1270(h)], shall be designated by the Secretary of Agriculture as a priority area under the environmental quality incentives program established under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.].

“(2) TECHNICAL ASSISTANCE REIMBURSEMENT.—To carry out the purposes of this subsection, the technical assistance reimbursement from the Agricultural Stabilization and Conservation Service authorized under the Soil Conservation and Domestic Allotment Act [16 U.S.C. 590a et seq.], shall be increased from 5 per centum to 10 per centum.

“(3) COMPREHENSIVE AGRICULTURAL MONITORING.—The Secretary, in consultation with the Management Conference and appropriate State and Federal agencies, shall develop a comprehensive agricultural monitoring and evaluation network for all major drainages within the Lake Champlain basin.

“(4) ALLOCATION OF FUNDS.—In allocating funds under this subsection, the Secretary of Agriculture shall consult with the Management Conference established under section 120 of the Federal Water Pollution Control Act and to the extent allowable by law, allocate funds to those agricultural enterprises located at sites that the Management Conference determines to be priority sites, on the basis of a concern for ensuring implementation of nonpoint source pollution controls throughout the Lake Champlain basin.

“(b) COOPERATION OF THE UNITED STATES GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR.—For the purpose of enhancing and expanding basic data collection and monitoring in operation in the Lake Champlain basin, as defined under section 120 of the Federal Water Pollution Control Act [33 U.S.C. 1270], the Secretary of the Interior, acting through the heads of water resources divisions of the New York and New England districts of the United States Geological Survey, shall—

“(1) in cooperation with appropriate universities and private research institutions, and the appropriate officials of the appropriate departments and agencies of the States of New York and Vermont, develop an integrated geographic information system of the Lake Champlain basin;

“(2) convert all partial recording sites in the Lake Champlain basin to continuous monitoring stations with full gauging capabilities and status; and

“(3) establish such additional continuous monitoring station sites in the Lake Champlain basin as are necessary to carry out basic data collection and monitoring, as defined by the Secretary of the Interior, including groundwater mapping, and water quality and sediment data collection.

“(c) COOPERATION OF THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE DEPARTMENT OF THE INTERIOR.—

“(1) RESOURCE CONSERVATION PROGRAM.—The Secretary of the Interior, acting through the United States Fish and Wildlife Service, in cooperation with the Lake Champlain Fish and Wildlife Management Cooperative and the Management Conference established pursuant to this subsection shall—

“(A) establish and implement a fisheries resources restoration, development and conservation program, including dedicating a level of hatchery production within the Lake Champlain basin at or above the level that existed immediately preceding the date of enactment of this Act [Nov. 16, 1990]; and

“(B) conduct a wildlife species and habitat assessment survey in the Lake Champlain basin, including—

“(i) a survey of Federal threatened and endangered species, listed or proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), New York State and State of Vermont threatened and endangered species and other species of special concern, migratory nongame species of management concern, and national resources plan species;

“(ii) a survey of wildlife habitats such as islands, wetlands, and riparian areas; and

“(iii) a survey of migratory bird populations breeding, migrating and wintering within the Lake Champlain basin.

“(2) To accomplish the purposes of paragraph (1), the Director of the United States Fish and Wildlife Service is authorized to carry out activities related to—

“(A) controlling sea lampreys and other non-indigenous aquatic animal nuisances;

“(B) improving the health of fishery resources;

“(C) conducting investigations about and assessing the status of fishery resources, and disseminating that information to all interested parties; and

“(D) conducting and periodically updating a survey of the fishery resources and their habitats and food chains in the Lake Champlain basin.

“(d) AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Department of Agriculture \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsection (a) of this section.

“(2) There is authorized to be appropriated to the Department of [the] Interior \$1,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsections (b) and (c) of this section.”

§ 1271. Sediment survey and monitoring

(a) Survey

(1) In general

The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive national survey of data regarding aquatic sediment quality in the United States. The Administrator shall compile all existing information on the quantity, chemical and physical composition, and geographic location of pollutants in aquatic sediment, including the probable source of such pollutants and identification of those sediments which are contaminated pursuant to section 501(b)(4).¹

(2) Report

Not later than 24 months after October 31, 1992, the Administrator shall report to the Congress the findings, conclusions, and recommendations of such survey, including recommendations for actions necessary to prevent contamination of aquatic sediments and to control sources of contamination.

(b) Monitoring

(1) In general

The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive and continuing program to assess aquatic sediment quality. The program conducted pursuant to this subsection shall, at a minimum—

(A) identify the location of pollutants in aquatic sediment;

(B) identify the extent of pollutants in sediment and those sediments which are contaminated pursuant to section 501(b)(4);¹

(C) establish methods and protocols for monitoring the physical, chemical, and biological effects of pollutants in aquatic sediment and of contaminated sediment;

(D) develop a system for the management, storage, and dissemination of data concerning aquatic sediment quality;

(E) provide an assessment of aquatic sediment quality trends over time;

¹ See References in Text note below.