

105TH CONGRESS
1ST SESSION

S. 1399

To authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

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

A BILL

To authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

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. MISSOURI AND MIDDLE MISSISSIPPI RIVERS**

4 **ENHANCEMENT PROJECT.**

5 (a) DEFINITIONS.—In this section:

6 (1) MIDDLE MISSISSIPPI RIVER.—The term
7 “middle Mississippi River” means the reach of the
8 Mississippi River from the mouth of the Ohio River

1 (river mile 0, Upper Mississippi River) to the mouth
2 of the Missouri River (river mile 195).

3 (2) MISSOURI RIVER.—The term “Missouri
4 River” means the reach of the Missouri River from
5 the mouth of the Missouri River (river mile 0, Mis-
6 souri River) to river mile 742.

7 (3) PROJECT.—The term “project” means the
8 project authorized by this section.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of the Army.

11 (b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

12 (1) PLAN.—

13 (A) DEVELOPMENT.—Not later than 180
14 days after the date of enactment of this Act,
15 the Secretary shall develop a plan for a project
16 to protect and enhance fish and wildlife habitat
17 of the Missouri River and the middle Mis-
18 sissippi River.

19 (B) ACTIVITIES.—

20 (i) IN GENERAL.—The plan shall pro-
21 vide for such activities as are necessary to
22 protect and enhance fish and wildlife habi-
23 tat without adversely affecting—

24 (I) the water-related needs of the
25 region surrounding the Missouri River

1 and the middle Mississippi River, in-
2 cluding flood control, navigation, and
3 enhancement of water supply; and

4 (II) private property rights.

5 (ii) REQUIRED ACTIVITIES.—The plan
6 shall include—

7 (I) modification and improvement
8 of navigation training structures to
9 protect and enhance fish and wildlife
10 habitat;

11 (II) modification and creation of
12 side channels to protect and enhance
13 fish and wildlife habitat;

14 (III) restoration and creation of
15 island fish and wildlife habitat;

16 (IV) creation of riverine fish and
17 wildlife habitat;

18 (V) establishment of criteria for
19 prioritizing the type and sequencing of
20 activities based on cost-effectiveness
21 and likelihood of success; and

22 (VI) physical and biological mon-
23 itoring for evaluating the success of
24 the project.

25 (2) IMPLEMENTATION OF ACTIVITIES.—

1 (A) IN GENERAL.—Using funds made
2 available to carry out this section, the Secretary
3 shall carry out the activities described in the
4 plan.

5 (B) USE OF EXISTING AUTHORITY FOR
6 UNCONSTRUCTED FEATURES OF THE
7 PROJECT.—Using funds made available to the
8 Secretary under other law, the Secretary shall
9 design and construct any feature of the project
10 that may be carried out using the authority of
11 the Secretary to modify an authorized project,
12 if the Secretary determines that the design and
13 construction will—

14 (i) accelerate the completion of activi-
15 ties to protect and enhance fish and wild-
16 life habitat of the Missouri River or the
17 middle Mississippi River; and

18 (ii) be compatible with the project
19 purposes described in this section.

20 (c) INTEGRATION OF OTHER ACTIVITIES.—

21 (1) IN GENERAL.—In carrying out the activities
22 described in subsection (b), the Secretary shall inte-
23 grate the activities with other Federal and State ac-
24 tivities.

25 (2) EFFECT ON AUTHORITY.—

1 (A) EXISTING AUTHORITY.—Except as
2 otherwise expressly provided in this section,
3 nothing in this section affects—

4 (i) the authority to carry out the
5 project for mitigation of fish and wildlife
6 losses, Missouri River Bank Stabilization
7 and Navigation Project, Missouri, Kansas,
8 Iowa, and Nebraska, authorized by section
9 601(a) of the Water Resources Develop-
10 ment Act of 1986 (100 Stat. 4143);

11 (ii) the authority provided by section
12 1103 of the Water Resources Development
13 Act of 1986 (33 U.S.C. 652); or

14 (iii) any other authority in effect on
15 the date of enactment of this Act or any
16 requirement of the authority.

17 (B) NEW AUTHORITY.—Nothing in this
18 section confers any new regulatory authority on
19 any Federal or non-Federal entity that carries
20 out any activity authorized by this section.

21 (d) PUBLIC PARTICIPATION.—In developing and car-
22 rying out the plan under subsection (b) and the activities
23 described in subsection (c), the Secretary shall provide for
24 public review and comment in accordance with applicable
25 Federal law, including—

- 1 (1) providing advance notice of meetings;
- 2 (2) providing adequate opportunity for public
- 3 input and comment;
- 4 (3) maintaining appropriate records; and
- 5 (4) compiling a record of the proceedings of
- 6 meetings.

7 (e) COMPLIANCE WITH APPLICABLE LAW.—In carry-
8 ing out the activities described in subsections (b) and (c),
9 the Secretary shall comply with any applicable Federal
10 law, including the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.).

12 (f) COST SHARING.—

13 (1) NON-FEDERAL SHARE.—The non-Federal
14 share of the cost of the project (including design and
15 construction described in subsection (b)(2)(B)) shall
16 not exceed 25 percent.

17 (2) FEDERAL SHARE.—The Federal share of
18 the cost of any 1 activity described in subsection (b)
19 shall not exceed \$5,000,000.

20 (3) OPERATION AND MAINTENANCE.—The op-
21 eration and maintenance of the project shall be a
22 Federal responsibility.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There is authorized to be
25 appropriated to pay the Federal share of the cost of

1 carrying out activities under this section
2 \$50,000,000 for the period of fiscal years 1999
3 through 2004.

4 (2) MANAGEMENT OF FUNDS.—Funds made
5 available under this subsection shall be managed by
6 the Mississippi Valley Division of the Army Corps of
7 Engineers and distributed to the appropriate Dis-
8 tricts of the Army Corps of Engineers.

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