

106TH CONGRESS
2D SESSION

S. 2724

To direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2000

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

A BILL

To direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams.

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. VERMONT DAM REMEDIATION AND RESTORA-**
4 **TION PROGRAM.**

5 (a) ASSESSMENT.—

6 (1) IN GENERAL.—In consultation with the Di-
7 rector of the Federal Emergency Management Agen-
8 cy and the State of Vermont, the Secretary of the

1 Army shall carry out an assessment of State, munic-
2 ipal, and private dams in the State of Vermont—

3 (A) to determine whether the dams and re-
4 lated structures continue to serve their intended
5 purposes;

6 (B) to evaluate the condition of the dams;

7 (C) to identify any repairs and improve-
8 ments required to address structural defi-
9 ciencies in the dams;

10 (D) to identify dams the condition of which
11 warrants removal of the dams; and

12 (E) to evaluate the need for modifications
13 to the dams for the purpose of environmental
14 enhancement, including the need to modify or
15 remove existing structures or to construct addi-
16 tional structures to provide for fish passage.

17 (2) PRIORITY DAMS.—The State of Vermont
18 shall be responsible for determining which dams
19 have priority for assessment under paragraph (1).

20 (b) MODIFICATIONS TO DAMS.—

21 (1) RECOMMENDED MEASURES.—After comple-
22 tion of the assessment under subsection (a), the Sec-
23 retary, in cooperation with appropriate non-Federal
24 interests, shall implement the recommendations de-
25 veloped under the assessment, including rec-

1 ommendations for modifications to the dams evalu-
2 ated under the assessment.

3 (2) EMERGENCY MEASURES.—Pending comple-
4 tion of the assessment under subsection (a), the Sec-
5 retary shall plan and implement necessary modifica-
6 tions to such dams described in subsection (a)(1) as
7 are identified by the Secretary as high or significant
8 hazard dams that pose an imminent threat to life
9 and property in order to address the hazards posed
10 by the dams.

11 (c) COST SHARING.—

12 (1) IN GENERAL.—The non-Federal interests
13 shall pay—

14 (A) 25 percent of the costs of the assess-
15 ment under subsection (a); and

16 (B) 25 percent of the costs of modifica-
17 tions to dams under subsection (b).

18 (2) CONTRIBUTIONS BY NON-FEDERAL INTER-
19 ESTS.—The non-Federal interests shall—

20 (A) provide all land, easements, and rights-
21 of-way required to carry out modifications to
22 dams under subsection (b); and

23 (B) be responsible for all costs associated
24 with operation, maintenance, replacement, and
25 rehabilitation of the modifications to the dams.

1 (3) CREDITS.—

2 (A) ASSESSMENT.—The non-Federal inter-
3 ests may receive credit toward the non-Federal
4 share required under paragraph (1)(A) for the
5 reasonable costs of in-kind services performed
6 and materials provided by the non-Federal in-
7 terests in connection with the assessment under
8 subsection (a).

9 (B) MODIFICATIONS TO DAMS.—

10 (i) IN GENERAL.—Subject to clause
11 (ii), the non-Federal interests shall receive
12 credit toward the non-Federal share re-
13 quired under paragraph (1)(B) for—

14 (I) the value of land, easements,
15 and rights-of-way provided under
16 paragraph (2)(A); and

17 (II) the costs of in-kind services
18 performed and materials provided by
19 the non-Federal interests in connec-
20 tion with modifications to dams under
21 subsection (b).

22 (ii) MAXIMUM AMOUNT OF CREDIT.—
23 Credit under clause (i) shall not exceed an
24 amount equal to 25 percent of the costs of

1 modifications to dams under subsection
2 (b).

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