

107TH CONGRESS
2^D SESSION

S. 2928

To amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2002

Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin.

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 “Daniel Patrick Moy-
5 nihan Lake Champlain Basin Program Act of 2002”.

6 **SEC. 2. LAKE CHAMPLAIN BASIN PROGRAM.**

7 Title I of the Federal Water Pollution Control Act
8 is amended by striking section 120 (33 U.S.C. 1270) and
9 inserting the following:

1 **“SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COMMITTEE.—The term ‘Committee’
4 means the steering committee of the program com-
5 prised of representatives of Federal, State, and local
6 governments and other persons, as specified in the
7 Plan.

8 “(2) LAKE CHAMPLAIN BASIN.—

9 “(A) IN GENERAL.—The term ‘Lake
10 Champlain basin’ means all water and land re-
11 sources in the United States in the drainage
12 basin of Lake Champlain.

13 “(B) INCLUSIONS.—The term ‘Lake
14 Champlain basin’ includes—

15 “(i) Clinton, Essex, Franklin, Ham-
16 iltton, Warren, and Washington counties in
17 the State of New York; and

18 “(ii) Addison, Bennington, Caledonia,
19 Chittenden, Franklin, Grand Isle,
20 Lamoille, Orange, Orleans, Rutland, and
21 Washington counties in the State of
22 Vermont.

23 “(3) PLAN.—The term ‘Plan’ means the plan
24 entitled ‘Opportunities for Action: An Evolving Plan
25 for the Future of the Lake Champlain Basin’, ap-
26 proved by Lake Champlain Steering Committee on

1 January 30, 2002, that describes the actions nec-
2 essary to protect and enhance the environmental in-
3 tegrity and the social and economic benefits of the
4 Lake Champlain basin.

5 “(4) PROGRAM.—The term ‘program’ means
6 the Lake Champlain Basin Program established by
7 subsection (b)(1).

8 “(b) ESTABLISHMENT.—

9 “(1) IN GENERAL.—There is established a pro-
10 gram to be known as the ‘Lake Champlain Basin
11 Program’.

12 “(2) PURPOSES.—The purposes of the program
13 are—

14 “(A) to protect and enhance the environ-
15 mental integrity and social and economic bene-
16 fits of the Lake Champlain basin; and

17 “(B) to achieve the environmental goals
18 described in the Plan, including—

19 “(i) the reduction of phosphorous in-
20 puts to Lake Champlain from point
21 sources and nonpoint sources so as to—

22 “(I) promote a healthy and di-
23 verse ecosystem; and

1 “(II) provide for sustainable
2 human use and enjoyment of Lake
3 Champlain;

4 “(ii) the reduction of toxic contamina-
5 tion, such as contamination by mercury
6 and polychlorinated biphenyls, to protect
7 public health and the ecosystem of the
8 Lake Champlain basin;

9 “(iii) the control of the introduction,
10 spread, and impacts of nonnative nuisance
11 species to preserve the integrity of the eco-
12 system of the Lake Champlain basin;

13 “(iv) the minimization of risks to hu-
14 mans from water-related health hazards in
15 the Lake Champlain basin, including
16 through the protection of sources of drink-
17 ing water in the Lake Champlain basin;

18 “(v) the restoration and maintenance
19 of a healthy and diverse community of fish
20 and wildlife in the Lake Champlain basin;

21 “(vi) the protection and restoration of
22 wetland, streams, and riparian habitat in
23 the Lake Champlain basin, including func-
24 tions and values provided by those areas;

1 “(vii) the management of Lake Cham-
2 plain, including shorelines and tributaries
3 of Lake Champlain, to achieve—

4 “(I) the protection of natural and
5 cultural resources of Lake Champlain;
6 and

7 “(II) the maintenance of rec-
8 reational uses of Lake Champlain;

9 “(viii) the protection of recreation and
10 cultural heritage resources of the Lake
11 Champlain basin;

12 “(ix) the continuance of the Lake
13 Champlain long-term water quality and bi-
14 ological monitoring program; and

15 “(x) the promotion of healthy and di-
16 verse economic activity and sustainable de-
17 velopment principles in the Lake Cham-
18 plain basin.

19 “(c) IMPLEMENTATION.—The Committee, in con-
20 sultation with appropriate heads of Federal agencies, shall
21 implement the program.

22 “(d) REVISION OF PLAN.—At least once every 5
23 years, the Committee shall review and, as necessary, revise
24 the Plan.

25 “(e) GRANTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the Administrator may, in consultation with the
3 Committee, make grants, for the purpose of imple-
4 menting the management strategies contained in the
5 Plan, to—

6 “(A) State, interstate, and regional water
7 pollution control agencies; and

8 “(B) public or nonprofit agencies, institu-
9 tions, and organizations.

10 “(2) COST SHARING.—The Federal share of the
11 cost of any activity carried out using funds from a
12 grant provided under this subsection shall not exceed
13 75 percent.

14 “(3) ADDITIONAL REQUIREMENTS.—The Ad-
15 ministrator may establish such additional require-
16 ments for the administration of grants provided
17 under this subsection as the Administrator deter-
18 mines to be appropriate.

19 “(f) COORDINATION OF FEDERAL PROGRAMS.—

20 “(1) AGRICULTURE.—The Secretary of Agri-
21 culture shall support the implementation of the pro-
22 gram by providing financial and technical assistance
23 relating to best management practices for controlling
24 nonpoint source pollution, particularly with respect
25 to preventing pollution from agricultural activities.

1 “(2) INTERIOR.—

2 “(A) GEOLOGICAL SURVEY.—The Sec-
3 retary of the Interior, acting through the
4 United States Geological Survey, shall support
5 the implementation of the program by providing
6 financial, scientific, and technical assistance
7 and applicable watershed research, such as—

8 “(i) stream flow monitoring;

9 “(ii) water quality monitoring;

10 “(iii) evaluation of effectiveness of
11 best management practices;

12 “(iv) research on the transport and
13 final destination of toxic chemicals in the
14 environment; and

15 “(v) development of an integrated ge-
16 ographic information system of the Lake
17 Champlain basin.

18 “(B) FISH AND WILDLIFE.—The Secretary
19 of the Interior, acting through the Director of
20 the United States Fish and Wildlife Service and
21 in cooperation with the Committee, shall sup-
22 port the implementation of the program by—

23 “(i) supporting the protection and res-
24 toration of wetland, streams, aquatic, and
25 riparian habitat;

1 “(ii) supporting restoration of inter-
2 jurisdictional fisheries and declining aquat-
3 ic species in the Lake Champlain water-
4 shed through—

5 “(I) propagation of fish in hatch-
6 eries; and

7 “(II) continued advancement in
8 fish culture and aquatic species man-
9 agement technology;

10 “(iii) supporting the control and man-
11 agement of aquatic nuisance species that
12 have adverse effects on—

13 “(I) fisheries; or

14 “(II) the form, function, or struc-
15 ture of the ecosystem of the Lake
16 Champlain basin;

17 “(iv) providing financial and technical
18 assistance in accordance with the Fish and
19 Wildlife Coordination Act (16 U.S.C. 661
20 et seq.) to private landowners seeking to
21 improve fish and wildlife habitat, a goal of
22 which is—

23 “(I) restoration of full function
24 to degraded habitat;

1 “(II) enhancement of specific
2 habitat functions; or

3 “(III) establishment of valuable
4 fish and wildlife habitat that did not
5 previously exist on a particular parcel
6 of real property; and

7 “(v) taking other appropriate action
8 to assist in implementation of the Plan.

9 “(C) NATIONAL PARKS.—The Secretary of
10 the Interior, acting through the Director of the
11 National Park Service, shall support the imple-
12 mentation of the program by providing, through
13 the use of funds in the National Recreation and
14 Preservation Appropriation account of the Na-
15 tional Park Service, financial and technical as-
16 sistance for programs concerning cultural herit-
17 age, natural resources, recreational resources,
18 or other programs consistent with the mission
19 of the National Park Service that are associated
20 with the Lake Champlain basin, as identified in
21 the Plan.

22 “(3) COMMERCE.—The Secretary of Commerce,
23 acting through the Under Secretary for Oceans and
24 Atmosphere, shall support the implementation of the
25 program by providing financial and technical assist-

1 ance, through the national sea grant program of the
2 Department of Commerce, for—

3 “(A) research;

4 “(B) management of fisheries and other
5 aquatic resources;

6 “(C) related watershed programs; and

7 “(D) other appropriate action to assist in
8 implementation of the Plan.

9 “(g) NO EFFECT ON OTHER AUTHORITY.—Nothing
10 in this section affects the authority of—

11 “(1) any Federal or State agency; or

12 “(2) any international entity relating to Lake
13 Champlain established by an international agree-
14 ment to which the United States is a party.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 \$11,000,000 for each of fiscal years 2003 through 2007,
18 of which—

19 “(1) \$5,000,000 shall be made available to the
20 Administrator;

21 “(2) \$3,000,000 shall be made available to the
22 Secretary of the Interior;

23 “(3) \$1,000,000 shall be made available to the
24 Secretary of Commerce; and

1 “(4) \$2,000,000 shall be made available to the
2 Secretary of Agriculture.”.

3 **SEC. 3. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
4 **NEW YORK.**

5 Section 542 of the Water Resources Development Act
6 of 2000 (114 Stat. 2671) is amended—

7 (1) in subsection (a)—

8 (A) by striking “(a)” and all that follows
9 through “(A) the land areas” and inserting the
10 following:

11 “(a) DEFINITION OF LAKE CHAMPLAIN WATER-
12 SHED.—In this section, the term ‘Lake Champlain water-
13 shed’ means—

14 “(1) the land areas”;

15 (B) by striking “(B)(i) the” and inserting
16 the following:

17 “(2)(A) the”;

18 (C) by striking “(ii) the” and inserting the
19 following:

20 “(B) the”;

21 (D) in paragraph (2)(A) (as redesignated
22 by subparagraph (B)), by inserting “Ham-
23 ilton,” after “Franklin,”; and

1 (E) in paragraph (2)(B) (as redesignated
2 by subparagraph (C)), by striking “clause (i)”
3 and inserting “subparagraph (A)”;

4 (2) in subsections (b) through (e), by striking
5 “critical restoration” each place it appears and in-
6 serting “ecosystem restoration”;

7 (3) in subsection (b)—

8 (A) in the subsection heading, by striking
9 “CRITICAL RESTORATION PROJECTS” and in-
10 serting “ECOSYSTEM RESTORATION PROGRAM”;

11 (B) in paragraph (1), by striking “partici-
12 pate in” and inserting “provide design and con-
13 struction assistance to non-Federal interests
14 for”; and

15 (C) in paragraph (2), by striking “A” and
16 inserting “An”;

17 (4) in subsection (c)—

18 (A) by striking “assistance for a” and in-
19 serting “design and construction assistance for
20 an”; and

21 (B) in paragraph (2), by inserting “eco-
22 system restoration or” after “form of”;

23 (5) in subsection (d)—

1 (A) by striking “(d)” and all that follows
2 through “(A) IN GENERAL.—A” and inserting
3 the following:

4 “(d) CRITERIA FOR ELIGIBILITY.—

5 “(1) IN GENERAL.—An”; and

6 (B) by striking “(B) SPECIAL” and insert-
7 ing the following:

8 “(2) SPECIAL”; and

9 (6) in subsection (e)(1)—

10 (A) by striking “to a” and inserting “to
11 an”; and

12 (B) by striking “agreement that shall re-
13 quire the non-Federal interest” and inserting
14 the following: “agreement that is in accordance
15 with section 221 of the Flood Control Act of
16 1970 (42 U.S.C. 1962d–5b) and under which
17 the non-Federal interest agrees”.

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