

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2667

To revitalize the Los Angeles River, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

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

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## A BILL

To revitalize the Los Angeles River, and for other purposes.

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 “Los Angeles River Re-  
5 vitalization Act”.

6 **SEC. 2. LOS ANGELES RIVER REVITALIZATION, CALI-**  
7 **FORNIA.**

8       (a) DEFINITIONS.—In this section:

9           (1) CITY.—The term “City” means the city of  
10 Los Angeles, California.

11           (2) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Army.

1 (b) REVITALIZATION PLAN.—

2 (1) IN GENERAL.—The Secretary, in coordina-  
3 tion with the City and in consultation with appro-  
4 priate Federal, State, regional, and local agencies,  
5 shall—

6 (A) prepare a project-specific plan for the  
7 revitalization of the Los Angeles River that is  
8 consistent with the goals of the Los Angeles  
9 River Revitalization Master Plan published by  
10 the City; and

11 (B) submit the plan to Congress by not  
12 later than 3 years after the date on which funds  
13 are appropriated to carry out this subsection.

14 (2) CONTENTS.—The plan under paragraph (1)  
15 shall—

16 (A) address environmental restoration, rec-  
17 reational, water conservation, flood control, eco-  
18 nomic development, and other uses of the Los  
19 Angeles River; and

20 (B) include—

21 (i) a feasibility report with respect to  
22 the implementation of the plan; and

23 (ii) a project-specific environmental  
24 impact statement or similar analysis re-  
25 quired under the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4321 et  
2 seq.) relating to each proposed Federal ac-  
3 tion under the plan.

4 (3) USE OF EXISTING INFORMATION AND MEAS-  
5 URES.—In preparing and implementing the plan  
6 under paragraph (1), the Secretary shall use, to the  
7 maximum extent practicable—

8 (A) information that is available as of the  
9 date of enactment of this Act;

10 (B) information developed under the pilot  
11 projects under subsection (c); and

12 (C) any measure being carried out as of  
13 the date of enactment of this Act by a partici-  
14 pating agency.

15 (4) AGREEMENT.—

16 (A) IN GENERAL.—The Secretary shall  
17 offer to enter into a binding agreement with the  
18 City and any other non-Federal sponsor to  
19 carry out the plan under paragraph (1).

20 (B) NON-FEDERAL SHARE.—

21 (i) IN GENERAL.—The agreement  
22 under subparagraph (A) shall include cost-  
23 sharing provisions under which the City  
24 and any other non-Federal sponsor shall  
25 pay not less than 50 percent of the total

1 costs of carrying out the plan under para-  
2 graph (1).

3 (ii) FORM.—The non-Federal share  
4 under clause (i) may be provided in cash  
5 or in-kind.

6 (iii) CREDIT FOR PREVIOUSLY DEVEL-  
7 OPED INFORMATION.—In calculating the  
8 non-Federal share under clause (i), the  
9 Secretary shall provide to the City a credit  
10 in the amount of the cost of developing any  
11 information used under paragraph (3)(A).

12 (5) ALTERNATIVES.—

13 (A) IN GENERAL.—The Secretary, in co-  
14 ordination with the City, may recommend,  
15 through a full and open evaluation process, any  
16 locally-preferred project as an alternative to a  
17 measure proposed in the plan under paragraph  
18 (1).

19 (B) INCLUSION IN FEASIBILITY REPORT  
20 AND EIS.—Each recommended locally-preferred  
21 project under subparagraph (A) shall be in-  
22 cluded in the feasibility report or an environ-  
23 mental impact statement or analysis, as appro-  
24 priate, under paragraph (2)(B).

1           (6) REPORT TO CONGRESS.—The Secretary  
2 shall submit to Congress a report describing the im-  
3 plementation and results of the plan under para-  
4 graph (1) as soon as practicable after the date on  
5 which the plan is carried out.

6           (7) AUTHORIZATION OF APPROPRIATIONS.—  
7 There is authorized to be appropriated to carry out  
8 this subsection \$4,000,000.

9           (c) PILOT PROJECTS.—

10           (1) IN GENERAL.—The Secretary is authorized  
11 to construct, at any time, any pilot project described  
12 in paragraph (2) in order to provide information to  
13 develop, or to carry out, the revitalization plan under  
14 subsection (b)(1).

15           (2) DESCRIPTION OF PROJECTS.—A pilot  
16 project referred to in paragraph (1) is a pilot project  
17 for the revitalization of the Los Angeles River, in-  
18 cluding—

19                   (A) a channel wall texturing or other aes-  
20 thetic treatment construction project;

21                   (B) a flood control system that incor-  
22 porates an in-channel temporary dam to pond  
23 water for environmental or aesthetic purposes;

24                   (C) a graffiti removal or control construc-  
25 tion project; or

1 (D) a wetlands or riparian habitat restora-  
2 tion demonstration project.

3 (3) AGREEMENTS.—

4 (A) IN GENERAL.—The Secretary shall  
5 offer to enter into a binding agreement with the  
6 City and any other non-Federal sponsor to  
7 carry out each pilot project under paragraph  
8 (1) under which the City and any other non-  
9 Federal sponsor shall agree—

10 (i) to pay at least 35 percent of the  
11 total costs of the pilot project;

12 (ii) to acquire any land, easement,  
13 right-of-way, relocation, or dredged mate-  
14 rial disposal area required to carry out the  
15 pilot project; and

16 (iii) to hold the United States harm-  
17 less for any claim or damage that arises in  
18 carrying out the pilot project, except for a  
19 claim or damage arising from the neg-  
20 ligence of an officer or contractor of the  
21 United States.

22 (B) NON-FEDERAL SHARE.—

23 (i) FORM.—The non-Federal share  
24 under subparagraph (A)(i) may be pro-  
25 vided in cash or in-kind.

1 (ii) CREDITS.—

2 (I) IN GENERAL.—In calculating  
3 the non-Federal share under clause  
4 (i), the Secretary shall provide to the  
5 City and any other non-Federal spon-  
6 sor a credit (including an in-kind  
7 credit) in an amount that reflects—

8 (aa) the value of any land,  
9 easement, right-of-way, reloca-  
10 tion, or dredged material disposal  
11 area provided by the City and  
12 any other non-Federal sponsor in  
13 carrying out the applicable pilot  
14 project; and

15 (bb) the reasonable cost of  
16 any work performed in connec-  
17 tion with a study,  
18 preconstruction engineering and  
19 design project, or construction  
20 project required to carry out the  
21 revitalization plan under sub-  
22 section (b)(1).

23 (II) USE.—A credit provided  
24 under this clause may be used for any  
25 pilot project under this subsection.

1           (4) PRIORITY.—The Secretary, in consultation  
2 with the City, shall assign a priority to each pilot  
3 project under this subsection.

4           (5) FEDERAL SHARE.—Subject to subsection  
5 (e), the Federal share of a pilot project under this  
6 subsection shall not exceed \$5,000,000.

7           (6) REPORT TO CONGRESS.—The Secretary  
8 shall submit to Congress a report describing each  
9 pilot project carried out under this subsection as  
10 soon as practicable after the date on which the pilot  
11 project is completed.

12           (7) AUTHORIZATION OF APPROPRIATIONS.—  
13 There is authorized to be appropriated to carry out  
14 this subsection \$35,000,000.

15           (d) WATER REUSE PROJECT.—Section 219(f) of the  
16 Water Resources Development Act of 1992 (106 Stat.  
17 4835; 117 Stat. 1836, 1838, 1841, 1844; 119 Stat. 2255)  
18 is amended—

19           (1) by striking “CHARLESTON, SOUTH CARO-  
20 LINA.—\$5,000,000” and inserting the following:

21           “(72) CHARLESTON, SOUTH CAROLINA.—  
22 \$5,000,000”;

23           (2) by redesignating the second paragraph (71)  
24 and each subsequent paragraph as paragraphs (73)  
25 through (77), respectively;

1           (3) in paragraph (75) (as redesignated by para-  
2 graph (2))—

3           (A) by striking “(75) \$6,430,000” and in-  
4 sserting the following:

5           “(75) INDIANAPOLIS, INDIANA.—\$6,430,000”;  
6 and

7           (B) by striking the semicolon at the end  
8 and inserting a period; and

9           (4) by adding at the end the following:

10           “(78) LOS ANGELES RIVER, LOS ANGELES,  
11 CALIFORNIA.—\$40,000,000 for a water reuse  
12 project, including measures for environmental res-  
13 toration and revitalization of the Los Angeles River  
14 within the City of Los Angeles, California.”.

15           (e) MAXIMUM COST OF PROJECTS.—Each project  
16 carried out under the revitalization plan under subsection  
17 (b), and each pilot project carried out under subsection  
18 (c), shall be subject to section 902 of the Water Resources  
19 Development Act of 1986 (100 Stat. 4183).

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