

103D CONGRESS
2D SESSION

H. R. 3873

To amend the Federal Water Pollution Control Act to establish a national urban watershed restoration program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 1994

Ms. NORTON (for herself, Mr. BLACKWELL, Mr. DELLUMS, Mr. EVANS, Mr. FILNER, Mr. FROST, Mr. HINCHEY, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SERRANO, Mr. SHAYS, Mr. STOKES, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. WALSH, Mr. WATT, and Mr. WYNN) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Merchant Marine and Fisheries

A BILL

To amend the Federal Water Pollution Control Act to establish a national urban watershed restoration program.

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 “Urban Watershed Res-
5 toration Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Urban communities are disproportionately
2 impacted by water quality degradation and aquatic
3 habitat loss.

4 (2) Local residents in urban communities can
5 and should be supported and empowered to revitalize
6 and restore the urban streams, rivers, lakes, and
7 wetlands in their neighborhoods.

8 (3) Water quality and watershed programs in
9 urban areas must create new and diverse jobs for
10 youths and other unemployed workers in order to
11 ensure the long-term participation of urban commu-
12 nities within these programs.

13 (4) A range of biological techniques, including
14 revegetation and other methods, have been dem-
15 onstrated to be effective in restoring urban waters,
16 but have been underutilized and underfunded in mu-
17 nicipal stormwater and watershed management pro-
18 grams.

19 (5) Loss of species diversity and the invasion of
20 exotic species negatively impact estuarine habitat
21 and can be addressed through projects that enhance
22 the diversity of indigenous plant and animal commu-
23 nities.

24 (6) Lack of public access to waterways and ri-
25 parian parkland fosters human isolation from and

1 disinterest in urban watersheds. Access to waterways
2 can and should be created in urban neighborhoods
3 when and where appropriate.

4 (7) The Nation benefits by supporting citizen
5 monitoring and local initiatives to protect and pre-
6 vent further degradation of urban waterways.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are as follows:

9 (1) To enable local citizen and government or-
10 ganizations in urban areas to undertake, with Fed-
11 eral, State, and private assistance, urban watershed
12 restoration programs which are consistent with ex-
13 isting watershed and estuarine restoration plans and
14 existing Federal regulatory programs.

15 (2) To restore both small and large urban
16 waterbodies to become oases of beauty, recreation,
17 sustenance, and renewal for their communities.

18 (3) To achieve the goals of the Federal Water
19 Pollution Control Act in the most degraded and ne-
20 glected urban areas; specifically, to restore and
21 maintain the chemical, physical, and biological integ-
22 rity of urban waters and watersheds, including res-
23 toration and maintenance of water quality, a bal-
24 anced indigenous population of shellfish, fish, and
25 wildlife, aquatic and riparian vegetation, and rec-

1 reational activities in and on the water, and to pro-
2 tect designated uses, including fishing, swimming,
3 and drinking water supply.

4 (4) To support the formation of, and provide
5 the funds for, small local and minority-owned busi-
6 nesses and nonprofit citizen organizations focused on
7 providing urban watershed restoration jobs, services,
8 and products for persons and communities in de-
9 graded urban watershed areas.

10 (5) To promote development of careers in urban
11 watershed restoration and related fields, as well as
12 environmental education, for youths.

13 (6) To create urban watershed restoration
14 project opportunities for State and local conservation
15 or service corps.

16 (7) To encourage the coordination of urban wa-
17 tershed restoration projects and municipal
18 stormwater and combined sewer overflow permit pro-
19 grams.

20 (8) To increase public access to urban water-
21 ways and to increase the amount of urban estuarine
22 and riparian parkland available for passive recre-
23 ation.

1 (9) To promote the use of physical restoration
2 of urban waterways as a means to low-cost
3 stormwater management.

4 (10) Creation of new wetland and riparian envi-
5 ronments as part of a multiobjective stormwater
6 management system in which the created wetlands,
7 stream channels, and riparian zones provide
8 stormwater storage, detention, retention, nutrient
9 filtering, wildlife habitat, and increase biological
10 diversity.

11 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

12 Section 319 of the Federal Water Pollution Control
13 Act (33 U.S.C. 1329) is amended by adding at the end
14 the following new subsection:

15 “(o) NATIONAL URBAN WATERSHED RESTORATION
16 PROGRAM.—

17 “(1) ESTABLISHMENT.—Not later than 90 days
18 after the date of the enactment of this subsection,
19 the Administrator shall establish a National Urban
20 Watershed Restoration Program to be carried out in
21 accordance with the requirements of this subsection.

22 “(2) ADMINISTRATION.—

23 “(A) IN GENERAL.—The Program shall be
24 administered by each State which the Adminis-
25 trator determines has a demonstrated success-

1 ful urban river restoration program. If a State
2 does not have a demonstrated successful urban
3 river restoration program, the Administrator
4 shall administer the Program through the Re-
5 gional Administration of the Environmental
6 Protection Agency.

7 “(B) COMBINED FUNDING.—The Adminis-
8 trator shall assist States participating in the
9 Program in combining funding from the Pro-
10 gram and other related programs to reduce in-
11 efficiencies.

12 “(3) FUNDING.—The Administrator shall allo-
13 cate at least 25 percent of funds made available to
14 carry out this section for the purpose of carrying out
15 the Program.

16 “(4) PROJECT GRANTS AND TECHNICAL ASSIST-
17 ANCE.—

18 “(A) IN GENERAL.—The Administrator
19 shall use funds allocated to carry out the Pro-
20 gram for making grants and providing technical
21 assistance for projects which meet the require-
22 ments of this subsection and which are selected
23 by the Administrator or the State, as the case
24 may be.

1 “(B) FEDERAL SHARE.—The Federal
2 share of the cost of carrying out a project with
3 Federal assistance under this subsection in any
4 fiscal year shall not exceed 60 percent of the
5 cost incurred in carrying out such project and
6 shall be made on condition that the non-Federal
7 share is provided from non-Federal sources.
8 The non-Federal share may include in-kind
9 services.

10 “(C) MAXIMUM AMOUNT TO BE USED FOR
11 INDIVIDUAL PROJECTS.—Not more than
12 \$500,000 of the funds allocated to carry out
13 the Program may be expended to carry out any
14 individual project.

15 “(D) SIMPLIFIED CONTRACTING PROCE-
16 DURES.—The Administrator shall develop sim-
17 plified contracting procedures for grants under
18 the Program and may waive Federal contract-
19 ing requirements as appropriate for grants
20 under \$100,000.

21 “(5) PROJECT SELECTION.—

22 “(A) CONDITIONS.—The Administrator or
23 State, as the case may be, shall select a project
24 to be carried out under the Program only if the
25 project meets the following requirements:

1 “(i) PROPOSAL.—The project is joint-
2 ly nominated by a State, local, regional, or
3 tribal governmental entity and by a private
4 citizen’s organization active in the urban
5 watershed area of the project, and the
6 project sponsors submit to the Adminis-
7 trator or State a proposal for carrying out
8 the project.

9 “(ii) CONSISTENCY WITH EXISTING
10 PLANS AND PERMITS.—In order to ensure
11 consistency with regional restoration prior-
12 ities, the project sponsors—

13 “(I) certify that all available and
14 relevant water quality and watershed
15 plans, reports, studies, and strategies
16 (including those under sections 118,
17 119, 120, 208, 303, 314, 319, and
18 320 of this Act) that the Adminis-
19 trator deems appropriate and, where
20 appropriate, municipal stormwater
21 discharge and combined sewer over-
22 flow permits under section 402 have
23 been considered by the project spon-
24 sor; and

1 “(II) provide assurances that the
2 project will be carried out in a man-
3 ner which is consistent with such
4 plans, reports, studies, strategies, and
5 permits, as well as the goals and ob-
6 jectives of the Program and this Act.

7 “(B) PRIORITY PROJECTS.—Under the
8 Program, the Administrator shall encourage
9 through technical assistance and other means,
10 and give priority to, those projects that—

11 “(i) assist communities in meeting
12 municipal stormwater discharge and com-
13 bined sewer overflow permit program re-
14 quirements under section 402 of this Act;

15 “(ii) assist in the implementation of
16 approved national estuary plans under sec-
17 tion 320 of this Act; and

18 “(iii) assist municipalities in the de-
19 velopment and implementation of stream
20 protection measures and monitoring.

21 “(C) FACTORS TO BE CONSIDERED.—In
22 considering whether or not to select a project to
23 be carried out under the Program, the Adminis-
24 trator or State shall consider, at a minimum,
25 the following factors and give priority to those

1 projects that meet more than one of these
2 factors:

3 “(i) The project will be carried out in
4 a low-income urban area.

5 “(ii) The project will correct a water
6 pollution, stormwater drainage, aquatic
7 and riparian habitat loss, erosion reduction
8 and control, or landscape degradation
9 problem which contributes to the economic,
10 social, and environmental and water qual-
11 ity degradation of the area.

12 “(iii) The project will support eco-
13 logically-oriented businesses or occupations
14 in the area served by the project.

15 “(iv) The project will employ and
16 train State and local conservation or serv-
17 ice corps in watershed restoration and
18 monitoring and assessment work.

19 “(v) The project will employ youth.

20 “(vi) The project will support diverse
21 community coalitions in low-income urban
22 areas and support outreach programs to
23 involve these communities in urban water-
24 shed monitoring and restoration.

1 “(vii) The project will restore urban
2 waterways providing benefits to urban fish-
3 eries of recreational, subsistence, commer-
4 cial, or scientific significance, giving prior-
5 ity to ecological restoration methods.

6 “(viii) The project will employ and
7 train urban fishers and other urban aquat-
8 ic resource users and harvesters who have
9 experienced loss or reduction of their liveli-
10 hoods due to habitat degradation or related
11 harvesting regulations.

12 “(ix) The project will integrate local
13 or regional schools, colleges, universities,
14 and nonprofit organizations into the res-
15 toration, monitoring, and education activi-
16 ties of urban water quality programs.

17 “(x) The project will assist a municip-
18 al project sponsor in complying with mu-
19 nicipal stormwater and combined sewer
20 overflow permit program requirements
21 under section 402.

22 “(6) ELIGIBLE PROJECT COSTS.—Project costs
23 eligible for funding under the Program shall be lim-
24 ited to the following activities and purposes:

1 “(A) Ecological restoration of existing de-
2 graded wetlands, streams, lakes, and rivers.

3 “(B) Removal of debris.

4 “(C) Creation of a greater diversity of
5 aquatic habitats in urban environments.

6 “(D) Construction of new wetlands and
7 vegetated riparian areas.

8 “(E) Reduction of runoff caused by urban-
9 ization, including impervious surface and aban-
10 doned lot reclamation and revegetation projects.

11 “(F) Streambank restoration and stabiliza-
12 tion utilizing biological slope stabilization.

13 “(G) Creation of floodplain riparian zones,
14 sediment removal from storm flows, and nutri-
15 ent uptake by riparian plant communities.

16 “(H) Projects designed to remove barriers
17 to fish passage and projects designed to remove
18 culverts or storm drains to reestablish stream
19 channel environments or to manage stormwater
20 flow.

21 “(I) Organization of neighborhood or re-
22 gional nonprofit watershed citizen groups and
23 councils to develop a consensus watershed res-
24 toration strategy where one does not currently

1 exist and to carry out restoration activities
2 under such a plan.

3 “(J) Watershed landscape projects and
4 geographical surveys and mapping to carry out
5 the purposes of this Act, including the identi-
6 fication of potential riparian restoration sites.

7 “(K) Employment of youths in any or all
8 of the activities described in subparagraphs (A)
9 and (J). Such employment shall be through
10 membership in State or local conservation or
11 service corps or, where such corps do not exist,
12 through membership in State, regional, or local
13 community service organizations or other equiv-
14 alent agencies.

15 “(7) COORDINATION WITH OTHER AGENCIES.—
16 The Administrator shall assist project sponsors in
17 coordinating with Federal and State agencies, aca-
18 demic institutions, community organizations, and
19 public interest groups.

20 “(8) COOPERATIVE AGREEMENTS.—Each Re-
21 gional Administrator may enter into 1 or more coop-
22 erative agreements with appropriate officials of the
23 Soil Conservation Service of the Department of Ag-
24 riculture and the Fish and Wildlife Service and the
25 National Park Service of the Department of the In-

1 terior for the purpose of having the cooperating
2 agency provide technical assistance to one or more
3 projects being carried out under the Program.

4 “(9) NONDEGRADATION POLICY.—Nothing in
5 this subsection shall be construed to encourage addi-
6 tional development, alteration, loss, or degradation
7 of wetlands or other waters within urban watersheds
8 or stream corridors or any other waters of the
9 United States.

10 “(10) REPORTS.—

11 “(A) REGIONAL ADMINISTRATORS.—Not
12 later than January 1, 1995, and each January
13 1 thereafter, each Regional Administrator shall
14 submit to the Administrator a report for the
15 preceding fiscal year on the implementation of
16 the Program in its region, together with rec-
17 ommendations of methods of improving such
18 implementation.

19 “(B) ADMINISTRATOR.—Not later than
20 March 1, 1997, the Administrator shall trans-
21 mit to Congress a report for fiscal years 1994,
22 1995, and 1996 on the implementation of the
23 Program under this subsection, together with
24 recommendations concerning continuation of
25 the Program after fiscal year 1998 and rec-

1 ommendations concerning methods of improving
2 such implementation.

3 “(11) DEFINITIONS.—For the purposes of this
4 subsection, the following definitions apply:

5 “(A) ECOLOGICAL RESTORATION.—The
6 term ‘ecological restoration’ means the process
7 of intentionally altering a site to establish a de-
8 fined, indigenous, historic ecosystem with the
9 goal of emulating the structure, function, diver-
10 sity, and dynamics of the ecosystem.

11 “(B) PROGRAM.—The term ‘Program’
12 means the National Urban Watershed Restora-
13 tion Program established under paragraph (1)
14 by the Administrator.

15 “(C) REGIONAL ADMINISTRATOR.—The
16 term ‘Regional Administrator’ means a Re-
17 gional Administrator of the Environmental Pro-
18 tection Agency.

19 “(D) URBAN WATERSHED.—The term
20 ‘urban watershed’ means any watershed located
21 wholly or substantially within the boundaries of
22 an urbanized area designated by the Bureau of
23 the Census or any watershed located wholly or
24 substantially within the boundaries of lands
25 owned or controlled by an Indian tribe.

1 “(E) WATERSHED.—The term ‘watershed’
2 means all lands that drain directly into a single
3 waterbody, the land that drains into sewer con-
4 veyances that discharge to the waterbody, and
5 the waterbody itself.”.

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