

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4213

To amend the Land and Water Conservation Fund Act to authorize the Secretary of the Interior to establish a national registry of rivers and watersheds to be protected and restored, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1994

Mr. RICHARDSON (for himself, Ms. FURSE, Mr. WYNN, Mr. KOPETSKI, Mr. DEFAZIO, Ms. NORTON, Mr. KILDEE, Mr. OLVER, Mr. ROSE, and Mr. HAMBURG) introduced the following bill; which was referred jointly to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture

---

## A BILL

To amend the Land and Water Conservation Fund Act to authorize the Secretary of the Interior to establish a national registry of rivers and watersheds to be protected and restored, 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 “River and Watershed  
5       Protection and Restoration Act of 1994”.

1 **SEC. 2. AMENDMENT OF LAND AND WATER CONSERVATION**  
2 **FUND ACT OF 1965.**

3 The Land and Water Conservation Fund Act of 1965  
4 is amended by adding the following at the end thereof:

5 **“TITLE III—RIVER AND WATERSHED PROTECTION**

“Sec. 301. Findings and purposes.

“Sec. 302. National river and watershed registry.

“Sec. 303. Nominations for inclusion.

“Sec. 304. Inclusion on registry.

“Sec. 305. Watershed councils.

“Sec. 306. Federal and State agencies.

“Sec. 307. Watershed protection and restoration standards and assistance.

“Sec. 308. Additional incentives.

“Sec. 309. Authorization of appropriations.

“Sec. 310. Definitions.

6 **“SEC. 301. FINDINGS AND PURPOSES.**

7 “(a) FINDINGS.—The Congress finds that—

8 “(1) the biological integrity of river ecosystems  
9 is important to maintain biodiversity and the eco-  
10 nomic vitality of communities located in watersheds  
11 through which rivers flow, as well as the health and  
12 welfare of the American people;

13 “(2) the degradation of America’s riverine  
14 ecosystems and the loss of riverine biodiversity have  
15 reached alarming levels, affecting all rivers in the  
16 United States, from the smallest streams to the  
17 largest rivers, such that entire hydrologic systems  
18 and all forms of riverine and riparian biodiversity  
19 are at risk; and

1           “(3) current Federal policies are fragmented,  
2           ineffective, and inadequate to address the decline of  
3           riverine and riparian ecosystems and to stem the  
4           continued degradation of riverine biodiversity be-  
5           cause—

6                   “(A) there is no overall national goal to  
7                   protect and restore riverine systems and  
8                   biodiversity; and

9                   “(B) there is inadequate coordination  
10                  among various Federal and State programs (in-  
11                  cluding Federal programs providing financial  
12                  and technical assistance) affecting river systems  
13                  and watershed management.

14          “(b) PURPOSES.—The purpose of this title is to es-  
15          tablish national policies and mechanisms to—

16                  “(1) protect the remaining relatively undis-  
17                  turbed watershed, riparian ecosystems, flood plains,  
18                  refuges for riverine biodiversity, and the network of  
19                  small areas with greater concentrations of biological  
20                  diversity (‘hot spots’) found throughout river sys-  
21                  tems;

22                  “(2) restore disturbed watersheds, headwaters  
23                  areas, key ecosystem areas and biological and eco-  
24                  logical ‘hot spots’ to provide better management be-

1       tween them, and then ultimately linking and expand-  
2       ing the restored areas; and

3           “(3) involve the active participation of local  
4       communities and citizens in developing and imple-  
5       menting strategies to protect and restore all water-  
6       sheds and in identifying new opportunities for eco-  
7       nomic revitalization which will sustain both the eco-  
8       logical health of the watersheds and the economic vi-  
9       ability of affected communities.

10   **“SEC. 302. NATIONAL RIVER AND WATERSHED REGISTRY.**

11       “(a) ESTABLISHMENT.—The Secretary is authorized  
12   and directed to establish and maintain a National River  
13   and Watershed Registry to be comprised of rivers and as-  
14   sociated watershed areas, the natural, scenic, cultural, or  
15   recreational values of which are to be protected or re-  
16   stored, as provided in this title.

17       “(b) CRITERIA FOR INCLUSION.—Within 180 days  
18   after the enactment of this title, the Secretary shall pro-  
19   mulgate rules establishing criteria for the inclusion of riv-  
20   ers and associated watershed areas on the national reg-  
21   istry. Such criteria shall include (but not be limited to)  
22   requirements that a river or associated watershed area  
23   may be included on the National Registry only if—

1           “(1) a designated State agency or an Indian  
2           tribe has submitted a petition for nomination to the  
3           Secretary;

4           “(2) the petition contains a strategy to be un-  
5           dertaken by the designated State agency, the Indian  
6           tribe or the entity referred to in section 303(a)(3)  
7           which submitted the nomination to the designated  
8           State agency;

9           “(3) the strategy specifies techniques and meth-  
10          ods contributing to the protection and restoration of  
11          riverine and riparian resources within the watershed  
12          area concerned; and

13          “(4) the Secretary determines that the strategy  
14          is consistent with the standards published under sec-  
15          tion 307 and that nominating entity or entities have  
16          the ability or authority to implement such strategy.

17 **“SEC. 303. NOMINATIONS FOR INCLUSION.**

18          “(a) SUBMISSION OF NOMINATION.—

19                 “(1) STATE AGENCIES.—A nomination for the  
20                 inclusion of any river and associated watershed area  
21                 on the national registry may be submitted to the  
22                 Secretary by the designated State agency for the  
23                 State in which such river and associated watershed  
24                 area is located if that agency has authority or ability  
25                 to implement a strategy contributing to the protec-

1 tion and restoration of riverine and riparian re-  
2 sources within the watershed area concerned, con-  
3 sistent with the standards published under section  
4 307. The nomination shall be submitted only after  
5 the designated State agency has provided public no-  
6 tice and an opportunity of at least 60 days for pub-  
7 lic comment.

8 “(2) INDIAN TRIBES.— Whenever a designated  
9 State agency submits a nomination under paragraph  
10 (1), the agency shall notify the governing body of  
11 any Indian tribe with jurisdiction over any Indian  
12 lands in which such river and associated watershed  
13 area is located and provide an opportunity for such  
14 governing body to comment. The governing body of  
15 an Indian tribe with jurisdiction over Indian lands in  
16 which such river and associated watershed area is lo-  
17 cated may also directly submit to the Secretary a  
18 nomination for inclusion of such river and associated  
19 watershed area if that tribe has authority or ability  
20 to implement a strategy contributing to the protec-  
21 tion and restoration of riverine and riparian re-  
22 sources within the watershed area concerned, con-  
23 sistent with the standards published under section  
24 307.

1           “(3) OTHER ENTITIES.—A designated State  
2 agency shall also submit to the Secretary, within 90  
3 days after receipt thereof (including a period of at  
4 least 60 days for public comment), a nomination  
5 which is transmitted to the State agency by any of  
6 the following entities which has authority or ability  
7 to implement a strategy contributing to the protec-  
8 tion and restoration of riverine and riparian re-  
9 sources within the watershed area concerned, con-  
10 sistent with the standards published under section  
11 307:

12                   “(A) Another State agency within the  
13 State in which the river and associated water-  
14 shed area is located.

15                   “(B) A local government agency or a com-  
16 bination of local governments or a combination  
17 of State and local government agencies having  
18 jurisdiction over the river and associated water-  
19 shed area covered by the nomination.

20                   “(C) One or more owners of lands within  
21 the associated watershed area covered by the  
22 nomination.

23                   “(D) A watershed council, watershed task  
24 force, or other similar group or organization  
25 concerned with river or watershed management.

1           “(E) A citizens group or nonprofit organi-  
2           zation with membership residing in the water-  
3           shed area covered by the nomination.

4 Where a river or associated watershed area is located in  
5 more than one State, the nomination shall be submitted  
6 by the designated State agencies of all such States.

7           “(b) STATE AGENCY REVIEW.—The designated State  
8 agency submitting a nomination received from another en-  
9 tity under subsection (a)(3) shall include in its submission  
10 of such nomination to the Secretary the agency’s com-  
11 ments and recommendations with respect to such nomina-  
12 tion, including any comments by the State agency regard-  
13 ing the compliance or noncompliance of the application  
14 with the requirements of this section and any comments  
15 of the State agency regarding the extent to which the ap-  
16 plicant has the ability to implement the strategy contained  
17 in the nomination. At least 60 days before submitting any  
18 nomination to the Secretary, the designated State agency  
19 shall notify each affected unit of local government and  
20 each affected Tribal governing body and provide as full  
21 public notice as practicable (as determined by such State  
22 agency) within the area covered by nomination. The des-  
23 igned State agency and any Indian tribe submitting a  
24 nomination shall promptly make a copy of each nomina-  
25 tion, together with any supporting documents, available to



1 any person making a request for such nomination or docu-  
2 ments, or both.

3 “(c) ASSISTANCE.—The designated State agency may  
4 assist any entity referred to in subsection (a)(3) in prepar-  
5 ing a nomination under this section and in ensuring that  
6 the entity making such nomination will have the ability  
7 or authority to implement the strategy contained in the  
8 nomination. The Secretary of the Interior shall assist any  
9 Tribal governing body in preparing a nomination under  
10 this section.

11 “(d) CONTENTS OF NOMINATION.—A nomination  
12 under this section shall include each of the following:

13 “(1) A map of the watershed within which the  
14 river and associated watershed area covered by the  
15 nomination is located, including a depiction on such  
16 map of the river and associated watershed area.

17 “(2) Such data as may be available to the  
18 nominating entity regarding the natural, biological,  
19 scenic, cultural, or recreational values to be pro-  
20 tected or restored pursuant to the nomination.

21 “(3) A strategy referred to in section 302(b).

22 “(4) A statement describing the ability or au-  
23 thority of the nominating party or parties to imple-  
24 ment such strategy.

1           “(5) A brief description of the types of Federal,  
2           State and other assistance, if any, which will be  
3           needed in order to implement the strategy.

4           “(e) MODIFICATION OF REGISTRATION.—Any entity  
5           entitled to nominate a river and associated watershed area  
6           for inclusion on the registry may also submit a nomina-  
7           tion—

8           “(1) to amend the registration of any such river  
9           and associated watershed area to modify the bound-  
10          aries of the registered river segments and associated  
11          lands within the watershed concerned,

12          “(2) to modify the strategy referred to in sec-  
13          tion 302(b)(1), or

14          “(3) both.

15          Any nomination under this subsection shall be subject to  
16          the same requirements of this title as are applicable to  
17          original nominations.

18          “(f) CONSISTENCY AMONG NOMINATIONS AND  
19          STRATEGIES.—The Secretary shall resolve conflicts and  
20          inconsistencies between nominations, and between strate-  
21          gies in effect, for the same river and associated watershed  
22          area (including nominations and strategies for a single  
23          river or associated watershed area which is located in more  
24          than one State or which is located on Indian lands as well  
25          as other lands) and between proposed amendments to and

1 modifications of any strategy. The Secretary shall resolve  
2 such conflicts and inconsistencies in such manner as will  
3 best contribute to the protection and restoration of the  
4 watershed concerned in accordance with the standards  
5 published under section 307.

6 **“SEC. 304. INCLUSION ON REGISTRY.**

7       “(a) INCLUSION.—Within 90 days following the re-  
8 ceipt of a completed nomination from a designated State  
9 agency or Indian tribe, the Secretary shall include the  
10 nominated segment on the registry unless the Secretary  
11 determines that the nomination does not contain the ele-  
12 ments required by section 303(d) or that the criteria of  
13 section 302 have not been met.

14       “(b) PERIODIC REVIEW.—

15               “(1) IN GENERAL.—Every 5 years after inclu-  
16 sion of a river and associated watershed area within  
17 any State on the national registry, the designated  
18 State agency shall review the implementation of the  
19 strategy referred to in section 302(b) applicable to  
20 such river and associated watershed area. Such  
21 State agency shall periodically report to the Sec-  
22 retary on the adequacy of each such strategy to pro-  
23 tect and restore the watershed concerned and on the  
24 extent to which each such strategy is being imple-  
25 mented. Such report may include recommendations

1 for modifications to the strategy which would con-  
2 tribute to the protection and restoration of the wa-  
3 tershed concerned in accordance with the standards  
4 published under section 307.

5 “(2) INDIAN LANDS.—Paragraph (1) shall not  
6 apply in the case of any portion of a river and asso-  
7 ciated watershed areas located on Indian lands.  
8 Every 5 years after inclusion of such a river and as-  
9 sociated watershed area within any State on the na-  
10 tional registry, the Secretary shall review the imple-  
11 mentation of the strategy applicable to such river  
12 and associated watershed area to determine its ade-  
13 quacy to protect and restore the watershed con-  
14 cerned and the extent to which such strategy is  
15 being implemented.

16 “(c) REMOVAL FROM REGISTRY.—If the Secretary  
17 determines, after notice and opportunity for comment,  
18 that the strategy for any river and associated watershed  
19 area requires modification in order to adequately protect  
20 and restore the watershed concerned or that any such  
21 strategy is not being implemented according to its terms,  
22 the Secretary shall notify the entity or entities which nom-  
23 inated such river and associated watershed area and which  
24 are responsible for implementation of the strategy and  
25 each affected Indian tribe. If the Secretary determines,

1 within 180 days after notifying such entities, that correc-  
2 tive action has not been undertaken to modify the strategy  
3 or begin implementing the strategy in accordance with its  
4 terms, the Secretary shall remove the river and associated  
5 watershed area from the national registry and notify all  
6 affected agencies and Indian tribes that the provisions of  
7 this Act shall cease to apply to such river and associated  
8 watershed area. A nomination may not be submitted for  
9 inclusion of any river and associated watershed area which  
10 has been so removed for a period of at least 3 years after  
11 the date of such removal.

12 **“SEC. 305. WATERSHED COUNCILS.**

13       “(a) APPLICATION FOR QUALIFICATION.—Whenever  
14 any river or associated watershed area is proposed to be  
15 nominated for inclusion on the registry under this title,  
16 or after any such river or associated watershed area has  
17 been included on such registry, any watershed council, wa-  
18 tershed task force, or other similar group or organization  
19 concerned with river or watershed management may apply  
20 to the Secretary for a determination that such group or  
21 organization is a qualified watershed council eligible for  
22 assistance under section 307 and section 308. The Sec-  
23 retary shall act on any such application within 60 days  
24 after receipt thereof. If the Secretary determines that such  
25 group or organization meets the requirements of sub-

1 section (b), he shall publish notice of such determination  
2 in the Federal Register.

3 “(b) REQUIREMENTS FOR QUALIFICATION.—A group  
4 or body referred to in subsection (a) and any Tribal gov-  
5 erning body shall be deemed to be a qualified watershed  
6 council for any watershed if such group or body or Tribal  
7 governing body has the authority to coordinate the devel-  
8 opment and implementation of a strategy contributing to  
9 the protection and restoration of the watershed. In addi-  
10 tion, in the case of a group or body referred to in sub-  
11 section (a), such group or body may be a qualified water-  
12 shed council only if such group or body is comprised of—

13 “(1) owners of lands within the watershed or  
14 corporations doing business within the watershed;

15 “(2) members of citizens groups or other non-  
16 profit organizations with one or more members re-  
17 siding in the watershed;

18 “(3) State or local government officials; or

19 “(4) any combination of the foregoing.

20 “(c) TECHNICAL AND FINANCIAL ASSISTANCE.—A  
21 qualified watershed council may enter into agreements  
22 pursuant to which State, Tribal, or local government offi-  
23 cials with jurisdiction over any activity or activities within  
24 the watershed will provide technical or financial assistance  
25 or staff personnel to the council.

1       “(d) EXISTING WATERSHED COUNCILS.—The Sec-  
2 retary may, upon application from a watershed council,  
3 commission, task force, or other group or body formed to  
4 coordinate watershed planning which is in existence on the  
5 date of the enactment of this title, waive compliance with  
6 any requirement of paragraphs (1) through (4) of sub-  
7 section (b) for that watershed council if the Secretary de-  
8 termines that the council has the authority to coordinate  
9 the development and implementation of a strategy contrib-  
10 uting to the protection and restoration of the watershed  
11 and can otherwise carry out the purposes of this title.

12       “(e) WATERSHED COUNCIL NOT MANDATORY.—  
13 Nothing in this section shall be construed to require that  
14 a watershed council must be established for any registered  
15 watershed.

16       **“SEC. 306. FEDERAL AND STATE AGENCIES.**

17       “(a) NOTICE.—Before approving or authorizing any  
18 Federal or State or federally or State assisted undertaking  
19 that may adversely affect the implementation of a strategy  
20 in effect for a river and associated watershed area listed  
21 on the national registry, the head of any Federal or State  
22 department, agency, or instrumentality having direct or  
23 indirect jurisdiction over the undertaking shall promptly  
24 notify the Secretary, the designated State agency, any af-

1 fected Indian tribe, the appropriate local governmental of-  
2 ficials, and the public of the undertaking planned.

3 “(b) NO PRUDENT AND FEASIBLE ALTERNATIVE.—  
4 An approval or authorization referred to in subsection (a)  
5 may be issued if the Secretary (after consultation with  
6 such State, tribal, and local officials and after notice and  
7 opportunity for public comment) determines (1) that the  
8 undertaking is consistent with the strategy in effect for  
9 the river or watershed under this title, or (2) that there  
10 is no prudent and feasible alternative to the proposed ap-  
11 proval or undertaking and all reasonable steps to mitigate  
12 the adverse effects of the undertaking on such strategy  
13 will be taken.

14 “(c) EXEMPTIONS.—The provisions of subsections  
15 (a) and (b) shall not apply to any undertaking—

16 “(1) where the head of the Federal agency pro-  
17 posing to approve or authorize the undertaking de-  
18 termines that the undertaking is necessary for rea-  
19 sons of national security,

20 “(2) in an area the President has declared to  
21 be a major disaster area under the Disaster Relief  
22 and Emergency Assistance Act (42 U.S.C. 5121 et  
23 seq.),

24 “(3) involving only the repair or reconstruction  
25 of a building or facility constructed before the date



1 on which the river and associated watershed area  
2 concerned were included on the national registry, or  
3 “(4) if the undertaking is a mandatory action  
4 required to be undertaken pursuant to Federal or  
5 state law.

6 For purposes of paragraph (3), the terms ‘repair’ and ‘re-  
7 construction’ do not include the moving of a building or  
8 facility to another location or any substantial enlargement  
9 of a building or facility.

10 **“SEC. 307. WATERSHED PROTECTION AND RESTORATION**  
11 **STANDARDS AND ASSISTANCE.**

12 “(a) STANDARDS FOR WATERSHED PROTECTION  
13 AND RESTORATION.—The Secretary is authorized and di-  
14 rected to enter into an agreement with the National Acad-  
15 emy of Sciences to develop and publish standards for the  
16 protection and restoration of rivers and associated water-  
17 shed areas, including the protection and restoration of  
18 riverine and riparian resources. The National Academy  
19 shall develop and publish such standards after appropriate  
20 peer review and after opportunity for public comment. The  
21 standards shall, at a minimum require compliance with all  
22 Federal, State, and Tribal environmental laws, rules, and  
23 regulations, including, but not limited to those relating to  
24 water quality and groundwater protection.

1       “(b) TECHNICAL ASSISTANCE.—The Secretary, in co-  
2 operation with other appropriate departments and agen-  
3 cies of the United States, shall provide technical assistance  
4 and advice to qualified watershed councils and to State,  
5 Tribal and local governments, individuals, and private  
6 nonprofit organizations—

7               “(1) engaged in the restoration and conserva-  
8 tion of rivers and associated watershed areas listed  
9 on the National River and Watershed Registry, or

10              “(2) proposing to nominate a river or associ-  
11 ated watershed area, or both, for listing in accord-  
12 ance with section 304.

13 Such assistance may include technical assistance and ad-  
14 vice in the identification and documentation of the natu-  
15 ral, biological, scenic, cultural, or recreational values of  
16 any river and associated watershed area and in the prepa-  
17 ration and implementation of a strategy for undertaking  
18 restoration or conservation measures. All such assistance  
19 shall be consistent with standards published under sub-  
20 section (a). Except in the case of Indian tribes, such as-  
21 sistance shall be coordinated through the designated State  
22 agency.

23       “(c) ASSISTANCE FROM OTHER AGENCIES.—The Ad-  
24 ministrator of the Environmental Protection Agency and  
25 other appropriate departments and agencies of the United

1 States, in consultation with the Secretary and in coordina-  
2 tion with the designated State agency or affected Indian  
3 tribe, are also authorized to provide technical assistance  
4 described in subsection (b), consistent with standards pub-  
5 lished under subsection (a).

6 “(d) FEDERAL TRUST RESPONSIBILITY FOR TRIBAL  
7 GOVERNMENTS.—The standards published under this sec-  
8 tion shall take into account the Federal trust responsibil-  
9 ity to Tribal governments.

10 **“SEC. 308. ADDITIONAL INCENTIVES.**

11 “(a) STATE REVOLVING FUNDS FOR WATERSHED  
12 RESTORATION AND CONSERVATION.—

13 “(1) GENERAL AUTHORITY.—(A) The Secretary  
14 shall make capitalization grants to the States and  
15 Indian tribes under this subsection to be deposited  
16 in river and watershed restoration and conservation  
17 revolving funds established by the State or by the  
18 Tribal governing body.

19 “(B) Amounts deposited in any such revolving  
20 fund established by a State or Indian tribe, includ-  
21 ing loan repayments and interest earned on such  
22 amounts, shall be used by the designated State  
23 agency for that State (or by the Indian tribe) only  
24 for carrying out its responsibilities and authorities  
25 under other provisions of this title and for—

1           “(i) providing grants and loans to qualified  
2 watershed councils, or

3           “(ii) with the approval of a qualified water-  
4 shed council, loans to other entities contributing  
5 to the strategy applicable to the river and wa-  
6 tershed under this title.

7 Grants and loans under this subparagraph shall be  
8 used only for the purpose of carrying out projects  
9 contributing to the protection or restoration of rivers  
10 and associated watershed areas listed on the na-  
11 tional registry. Not more than 20 percent of the  
12 amounts in any such revolving fund may be used by  
13 the designated State agency or by an Indian tribe  
14 for purposes of carrying out its responsibilities and  
15 authorities under other provisions of this title.

16           “(C) Each such revolving fund shall be estab-  
17 lished, maintained, and credited with repayments  
18 and interest. The fund balance shall be available in  
19 perpetuity for providing financial assistance under  
20 this section. To the extent amounts in each such  
21 fund are not required for current obligation or ex-  
22 penditure, such amounts shall be invested by the  
23 State in interest bearing obligations of the State or  
24 of the United States.

1           “(D) A percentage of the total amount of  
2 grants made by the Secretary under this subsection  
3 to States and Indian tribes in any fiscal year shall  
4 be set aside only for allocation to Indian tribes. Such  
5 percentage shall be determined by dividing the total  
6 acreage of Indian lands in the United States by the  
7 total acreage of lands in the United States.

8           “(2) SPECIFIC REQUIREMENTS.—The Secretary  
9 shall enter into an agreement under this section with  
10 a State or Indian tribal governing body only after  
11 the State has established to the satisfaction of the  
12 Secretary that—

13           “(A) the State or tribe will deposit all cap-  
14 italization grants received from the Secretary  
15 under this subsection, together with all repay-  
16 ments and interest on such grants, in a revolv-  
17 ing fund established by the State or tribe in ac-  
18 cordance with this subsection; and

19           “(B) the State or tribe will deposit in the  
20 fund from State or Tribal monies an amount  
21 equal to at least 10 percent of the total amount  
22 of all such capitalization grants on or before the  
23 date on which each grant payment is made to  
24 the State or tribe.

1           “(3) FUND ADMINISTRATION.—(A) Each State  
2 or tribe may use up to 4 percent of the monies in  
3 a revolving fund established under this subsection to  
4 cover the reasonable costs of administration of the  
5 assistance program under this subsection.

6           “(B) The Secretary shall promulgate such regu-  
7 lations as may be necessary to carry out the provi-  
8 sions of this section, including provisions to ensure  
9 that each State or tribe commits and expends funds  
10 from revolving funds established under this sub-  
11 section in accordance with applicable laws and that  
12 the State or tribe uses accounting, audit, and fiscal  
13 procedures that conform to generally accepted ac-  
14 counting standards.

15           “(C) Each State or tribe administering a re-  
16 volving fund and assistance program under this sub-  
17 section shall publish and submit to the Secretary a  
18 report every 2 years on its activities under this sub-  
19 section, including the findings of the most recent  
20 audit of the fund. The Secretary shall periodically  
21 audit all revolving funds established under this sub-  
22 section in accordance with procedures established by  
23 the Comptroller General.

24           “(4) STAMPS.—In addition to such amounts as  
25 are made available for purposes of this subsection

1       pursuant to section 309, the Secretary is authorized  
2       to arrange, by contract or otherwise, for the design,  
3       printing, and sale of river and watershed restoration  
4       stamps. Such stamps shall be issued and sold in the  
5       same manner as provided for of stamps issued under  
6       the Act of March 16, 1934 (48 Stat. 452), except  
7       that such stamps shall be sold for such amount as  
8       the Secretary may determine and the net proceeds of  
9       all such sales shall be retained by the Secretary, not-  
10      withstanding sections 3302 and 1511 and following  
11      title 31 of the United States Code, and transferred  
12      to the revolving fund for the State in which such  
13      stamps are sold. In the case of stamps sold in any  
14      State which has not established a revolving fund  
15      under this subsection, the Secretary shall disburse  
16      such net proceeds to other States which have estab-  
17      lished such funds on a pro rata basis according to  
18      the volume of stamps sold in such other States. The  
19      provisions of subsections (b) and (c) of section 5 of  
20      the Act of March 16, 1934 (48 Stat. 452) shall  
21      apply to the stamps referred to in this section in the  
22      same manner as to stamps described in that Act.

23      “(b) PRIORITIES.—The Secretary shall establish pri-  
24      orities for providing assistance under subsection (a). A  
25      higher priority for assistance shall be accorded river and

1 watershed restoration and conservation projects to the ex-  
2 tent that such projects meet the following criteria:

3 “(1) Projects proposed to be monitored and su-  
4 pervised by qualified watershed councils.

5 “(2) Projects for river or associated watershed  
6 areas which have a high potential for restoration or  
7 conservation.

8 “(3) Projects which have widespread local sup-  
9 port in the affected communities.

10 “(4) Projects which provide significant short—  
11 and long—term economic benefits, including job cre-  
12 ation in areas with chronic unemployment.

13 “(5) Projects which provide for the participa-  
14 tion of economically disadvantaged groups, including  
15 minorities and low income individuals.

16 “(6) Projects which contribute to the economic  
17 revitalization of communities within the watershed  
18 concerned.

19 “(7) Projects which contribute to the conversion  
20 of industrial, agricultural, or range practices in the  
21 affected watershed to less energy and water—inten-  
22 sive and more ecologically sound industrial, agricul-  
23 tural, or range practices.

24 “(8) Projects which provide for full participa-  
25 tion by Indian tribes.



1       “(c) ASSISTANCE PROVIDED UNDER CERTAIN RE-  
2 LATED PROVISIONS OF LAW.—

3           “(1) ASSISTANCE FROM BOR.—Whenever the  
4 Secretary of the Interior, acting through the Bureau  
5 of Reclamation, provides assistance to State or local  
6 agencies or to any other entities for any project af-  
7 fecting a river or watershed, the Secretary shall give  
8 a priority to assistance which will contribute to the  
9 protection or restoration (in accordance with the  
10 standards published under section 307) of a river or  
11 associated watershed area which is listed on the na-  
12 tional registry under this title.

13           “(2) CONSERVATION RESERVE PROGRAM.—In  
14 entering into contracts and making payments under  
15 section 1234 of the Food Security Act of 1985 (16  
16 U.S.C. 3834), the Secretary of Agriculture shall  
17 waive the 50 percent cost sharing requirements of  
18 section 1234(b)(1) and (3) of that Act in the case  
19 of any contract entered into with a person for the  
20 purpose of carrying out any project which the Sec-  
21 retary of Agriculture determines to contribute to the  
22 protection and restoration of a river or associated  
23 watershed area listed on the national registry in ac-  
24 cordance with a strategy adopted under this title for  
25 such river or associated watershed area.

1           “(3) FORESTRY INCENTIVES PROGRAM.—In dis-  
2           tributing funds for the forestry incentives program  
3           under section 4 of the Cooperative Forestry Assist-  
4           ance Act of 1978 (16 U.S.C. 2103), whenever any  
5           such funds are provided to a landowner to carrying  
6           out measures specified in the strategy adopted under  
7           this title for a registered river or associated water-  
8           shed area, the term 95 percent shall be substituted  
9           for the term 75 percent in the cost sharing provi-  
10          sions of subsection (f) of such section 4.

11          “(4) WETLANDS RESERVE PROGRAM.—In es-  
12          tablishing priorities for including lands in the Wet-  
13          lands Reserve Program established under subchapter  
14          C of chapter 1 of title XII of the Food Security Act  
15          of 1985 (16 U.S.C. 3837 and following), the Sec-  
16          retary of Agriculture shall, in addition to the prior-  
17          ities listed in section 1237C(d) of such Act (16  
18          U.S.C. 3837c(d)), accord a high priority to lands  
19          within a watershed area listed on the registry under  
20          this title.

21          “(5) CONSERVATION EASEMENTS.—In carrying  
22          out the program authorized under section 3 of the  
23          Water Bank Act (16 U.S.C. 1302), the Secretary of  
24          Agriculture shall have the authority to enter into  
25          agreements with landowners and operators in areas

1 referred to in such section 3 which areas are covered  
2 by a protection and restoration strategy adopted  
3 under this title for any river or associated watershed  
4 listed on the registry. In any such case such strategy  
5 shall apply in lieu of the conservation plan referred  
6 to in such section 3.

7 “(6) AGRICULTURAL CREDIT ACT OF 1978.—As-  
8 sistance under the Agricultural Credit Act of 1978  
9 (16 U.S.C. 2201 and following) shall be available for  
10 river and watershed restoration projects directly af-  
11 fecting rivers and associated watershed areas listed  
12 on the national registry under this title.

13 “(7) AGRICULTURAL CONSERVATION PRO-  
14 GRAM.—The policies and purposes of the agricul-  
15 tural conservation program enumerated in section 7  
16 of the Soil Conservation and Domestic Allotment  
17 Act (16 U.S.C. 590g(a)) shall include the protection  
18 and restoration of rivers and associated watershed  
19 areas listed on the national registry under this title  
20 and the Secretary of Agriculture is authorized to  
21 carry out such policies and purposes by providing fi-  
22 nancial assistance under that Act for projects car-  
23 ried for the protection and restoration of such rivers  
24 and associated watershed areas in accordance with  
25 the standards published under section 307 of this

1 title. In formulating the national program under sec-  
2 tion 8 of the Act of April 27, 1935 (16 U.S.C.  
3 590g), and in approving farming practices under  
4 subsection (d) of such section 8, the Secretary of  
5 Agriculture shall take such standards published  
6 under section 307 of this title into account. No  
7 farming practices shall be approved under such sub-  
8 section (d) directly affecting a river or associated  
9 watershed area listed on the registry unless such  
10 practices are determined by the Secretary of Agri-  
11 culture to be consistent with the strategy adopted  
12 for such watershed under this title.

13 “(8) ASSISTANCE FROM NPS.—Whenever the  
14 Secretary of the Interior, acting through the Na-  
15 tional Park Service or acting under section 6 of this  
16 Act, provides assistance to State or local agencies or  
17 to any other entities for any project affecting a river  
18 or watershed, such Secretary shall give a priority to  
19 assistance which will contribute to the protection or  
20 restoration (in accordance with the standards pub-  
21 lished under section 307) of a river or associated  
22 watershed area which is listed on the national reg-  
23 istry under this title.

1 **“SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated such sums  
3 as may be necessary to carry out this title but not more  
4 than \$13,000,000 for fiscal year 1995 and for each suc-  
5 ceeding fiscal year.

6 **“SEC. 310. SAVINGS PROVISIONS.**

7 “Nothing in this Act shall be construed as establish-  
8 ing or creating any Federal express or implied Federal  
9 water right. Nothing in this section shall be construed as  
10 affecting or intending to affect or in any way interfere  
11 with the laws of the respective States relating to the con-  
12 trol, appropriation, use, or distribution of water used in  
13 irrigation or for municipal or other uses, or any vested  
14 right acquired therein.

15 **“SEC. 311. DEFINITIONS**

16 “As used in this title:

17 “(1) The term ‘associated watershed area’  
18 means, with respect to any river, the riparian zone,  
19 flood plain zone, and any other area within the wa-  
20 tershed of such river.

21 “(2) The term ‘designated State agency’ means  
22 the State agency having jurisdiction over river and  
23 watershed conservation and designated by the Gov-  
24 ernor to review and submit nominations under this  
25 title and to monitor implementation of conservation  
26 and restoration plans adopted under this title.

1           “(3) The term ‘Indian lands’ means Indian res-  
2           ervations, public domain Indian allotments, former  
3           Indian reservations in Oklahoma, land held by incor-  
4           porated Native groups, regional corporations, and  
5           village corporations under the provisions of the Alas-  
6           ka Native Claims Settlement Act (43 U.S.C. 1601 et  
7           seq.), and dependent Indian communities within the  
8           borders of the United States whether within the  
9           original or subsequently acquired territory thereof,  
10          and whether within or without the limits of a State.

11          “(4) The term ‘Indian tribe’ means any Indian  
12          tribe, band, nation, or other organized group or com-  
13          munity, including any Alaska Native village or re-  
14          gional or village corporation as defined in or estab-  
15          lished pursuant to the Alaska Native Claims Settle-  
16          ment Act (85 Stat. 688; 43 U.S.C. 1601 et seq.),  
17          which is recognized as eligible for the special pro-  
18          grams and services provided by the United States to  
19          Indians because of their status as Indians.

20          “(5) The term ‘National Registry’ means the  
21          National Watershed Registry established under this  
22          title.

23          “(6) The term ‘qualified watershed council’  
24          means a watershed council, watershed task force, or  
25          other similar group or organization concerned with

1 river or watershed management which the Adminis-  
2 tration has determined to be a qualified watershed  
3 council under section 305.

4 “(7) The term ‘restoration’, when used in con-  
5 nection with a river, means any repairing of ecologi-  
6 cal damage in order to return, to the extent feasible,  
7 the river and the riverine—riparian ecosystem to its  
8 predisturbance condition. Such term includes recon-  
9 struction of physical hydrologic and morphologic  
10 conditions, chemical cleanup or adjustment, and bio-  
11 logical manipulation, including revegetation, and the  
12 reintroduction of absent or currently nonviable na-  
13 tive species.

14 “(8) The term ‘restoration measure’ means any  
15 identifiable action or sequence of actions contribut-  
16 ing to the restoration of a river.

17 “(9) The term ‘riparian lands’ means, for any  
18 river, the portion of the terrestrial ecosystem that  
19 directly affects, or is directly affected by, the wetted  
20 zone adjacent to a river, including ground water and  
21 wetland areas adjacent to a river.

22 “(10) The term ‘river’ includes any stream,  
23 brook, creek, or tributary of a river and any segment  
24 of a river.

1           “(11) The term ‘riverine and riparian re-  
2 sources’ includes the natural, biological, scenic, cul-  
3 tural, or recreational values of the river and associ-  
4 ated watershed area.

5           “(12) The term ‘Secretary’ means the Secretary  
6 of the Interior except as otherwise specifically pro-  
7 vided.

8           “(13) The term ‘strategy’ means a statement of  
9 mission and objectives together with (A) an expla-  
10 nation of the methods to be used (by the entity  
11 nominating a river and watershed area for inclusion  
12 on the National Registry) to achieve such mission  
13 and objectives, and (B) a timetable for undertaking  
14 action.

15           “(14) The term ‘watershed’ means, for any  
16 river or stream, the surface drainage area that con-  
17 tributes water to that river or stream.”.

○

HR 4213 IH—2

HR 4213 IH—3