

103D CONGRESS  
2D SESSION

# S. 2020

To authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 14 (legislative day, APRIL 11), 1994

Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI) 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 authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, 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. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-  
4 TION AND PROTECTION PROGRAM.**

5       (a) ESTABLISHMENT.—

6           (1) IN GENERAL.—The Secretary of the Army  
7       (referred to in this section as the “Secretary”) shall  
8       establish a pilot program to provide environmental

1 assistance to non-Federal interests in the Chesa-  
2 peake Bay watershed.

3 (2) FORM.—The assistance shall be in the form  
4 of design and construction assistance for water-relat-  
5 ed environmental infrastructure and resource protec-  
6 tion and development projects affecting the Chesa-  
7 peake Bay estuary, including projects for sediment  
8 and erosion control, protection of eroding shorelines,  
9 protection of essential public works, wastewater  
10 treatment and related facilities, water supply and re-  
11 lated facilities, and beneficial uses of dredged mate-  
12 rial, and other related projects that may enhance the  
13 living resources of the estuary.

14 (b) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
15 retary may provide assistance for a project under this sec-  
16 tion only if the project is publicly owned, and will be pub-  
17 licly operated and maintained.

18 (c) LOCAL COOPERATION AGREEMENT.—

19 (1) IN GENERAL.—Before providing assistance  
20 under this section, the Secretary shall enter into a  
21 local cooperation agreement with a non-Federal in-  
22 terest to provide for design and construction of the  
23 project to be carried out with the assistance.

1                             (2) REQUIREMENTS.—Each local cooperation  
2                             agreement entered into under this subsection shall  
3                             provide for the following:

4                                 (A) PLAN.—Development by the Secretary,  
5                             in consultation with appropriate Federal, State,  
6                             and local officials, of a facilities or resource  
7                             protection and development plan, including ap-  
8                             propriate engineering plans and specifications  
9                             and an estimate of expected resource benefits.

10                                 (B) LEGAL AND INSTITUTIONAL STRUC-  
11                             TURES.—Establishment of such legal and insti-  
12                             tutional structures as are necessary to ensure  
13                             the effective long-term operation and mainte-  
14                             nance of the project by the non-Federal  
15                             interest.

16                             (d) COST SHARING.—

17                                 (1) FEDERAL SHARE.—Except as provided in  
18                             paragraph (2)(B), the Federal share of the total  
19                             project costs of each local cooperation agreement en-  
20                             tered into under this section shall be 75 percent.

21                                 (2) NON-FEDERAL SHARE.—

22                                 (A) VALUE OF LANDS, EASEMENTS,  
23                             RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-  
24                             mining the non-Federal contribution toward  
25                             carrying out a local cooperation agreement en-

1           tered into under this section, the Secretary  
2        shall provide credit to a non-Federal interest  
3        for the value of lands, easements, rights-of-way,  
4        and relocations provided by the non-Federal in-  
5       terest, except that the amount of credit pro-  
6       vided for a project under this paragraph may  
7       not exceed 25 percent of total project costs.

8           (B) OPERATION AND MAINTENANCE  
9        COSTS.—The non-Federal share of the costs of  
10      operation and maintenance of carrying out the  
11      agreement under this section shall be 100 per-  
12      cent.

13           (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
14      LAWS AND AGREEMENTS.—

15           (1) IN GENERAL.—Nothing in this section  
16      waives, limits, or otherwise affects the applicability  
17      of any provision of Federal or State law that would  
18      otherwise apply to a project carried out with assist-  
19      ance provided under this section.

20           (2) COOPERATION.—In carrying out this sec-  
21      tion, the Secretary shall cooperate fully with the  
22      heads of appropriate Federal agencies, including—

23           (A) the Administrator of the Environ-  
24      mental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

17       (g) REPORT.—Not later than December 31, 1998,  
18 the Secretary shall transmit to Congress a report on the  
19 results of the program carried out under this section, to-  
20 gether with a recommendation concerning whether or not  
21 the program should be implemented on a national basis.

22       (h) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section  
24 \$30,000,000 for fiscal year 1995, to remain available until  
25 expended.

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