

104TH CONGRESS
1ST SESSION

S. 934

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.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 5), 1995

Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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—

4 (A) the development by the Secretary, in
5 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 and

11 (B) the establishment of such legal and in-
12 stitutional structures as are necessary to ensure
13 the effective long-term operation and mainte-
14 nance of the project by the non-Federal inter-
15 est.

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 a project carried
11 out under an agreement under this section shall
12 be 100 percent.

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;

1 (B) the Secretary of Commerce, acting
2 through the Administrator of the National Oce-
3 anic and Atmospheric Administration;

4 (C) the Secretary of the Interior, acting
5 through the Director of the United States Fish
6 and Wildlife Service; and

7 (D) the heads of such other Federal agen-
8 cies and departments and agencies of a State or
9 political subdivision of a State as the Secretary
10 determines to be appropriate.

11 (f) DEMONSTRATION PROJECT.—The Secretary shall
12 establish at least 1 project under this section in each of
13 the States of Maryland, Virginia, and Pennsylvania. A
14 project established under this section shall be carried out
15 using such measures as are necessary to protect environ-
16 mental, 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

- 1 \$30,000,000 for the period consisting of fiscal years 1996
- 2 through 1998, to remain available until expended.

