

107TH CONGRESS  
2D SESSION

# H. R. 3480

---

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2002

Received; read twice and referred to the Committee on Environment and  
Public Works

---

## AN ACT

To promote Department of the Interior efforts to provide  
a scientific basis for the management of sediment and  
nutrient loss in the Upper Mississippi River Basin.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Upper Mississippi River Basin Protection Act of 2001”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Reliance on sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

- Sec. 101. Establishment of monitoring network.
- Sec. 102. Data collection and storage responsibilities.
- Sec. 103. Relationship to existing sediment and nutrient monitoring.
- Sec. 104. Collaboration with other public and private monitoring efforts.
- Sec. 105. Cost share requirements.
- Sec. 106. Reporting requirements.
- Sec. 107. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

- Sec. 201. Computer modeling and research of sediment and nutrient sources.
- Sec. 202. Use of electronic means to distribute information.
- Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The terms “Upper Mississippi River Basin”  
9 and “Basin” mean the watershed portion of the  
10 Upper Mississippi River and Illinois River basins,  
11 from Cairo, Illinois, to the headwaters of the Mis-  
12 sissippi River, in the States of Minnesota, Wis-  
13 consin, Illinois, Iowa, and Missouri. The designation  
14 includes the Kaskaskia watershed along the Illinois

1 River and the Meramec watershed along the Mis-  
2 souri River.

3 (2) The terms “Upper Mississippi River Stew-  
4 ardship Initiative” and “Initiative” mean the activi-  
5 ties authorized or required by this Act to monitor  
6 nutrient and sediment loss in the Upper Mississippi  
7 River Basin.

8 (3) The term “sound science” means a sci-  
9 entific method that uses the best available technical  
10 and scientific information and techniques to identify  
11 and understand natural resource management needs  
12 and appropriate treatments, to implement conserva-  
13 tion measures, and to assess the results of treat-  
14 ments on natural resource health and sustainability  
15 in the Upper Mississippi River Basin.

16 **SEC. 3. RELIANCE ON SOUND SCIENCE.**

17 It is the policy of Congress that Federal investments  
18 in the Upper Mississippi River Basin must be guided by  
19 sound science.

20 **TITLE I—SEDIMENT AND NUTRI-**  
21 **ENT MONITORING NETWORK**

22 **SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.**

23 (a) ESTABLISHMENT.—As part of the Upper Mis-  
24 sissippi River Stewardship Initiative, the Secretary of the  
25 Interior shall establish a sediment and nutrient moni-

1 toring network for the Upper Mississippi River Basin for  
2 the purposes of—

3 (1) identifying and evaluating significant  
4 sources of sediment and nutrients in the Upper Mis-  
5 sissippi River Basin;

6 (2) quantifying the processes affecting mobiliza-  
7 tion, transport, and fate of those sediments and nu-  
8 trients on land and in water;

9 (3) quantifying the transport of those sediments  
10 and nutrients to and through the Upper Mississippi  
11 River Basin;

12 (4) recording changes to sediment and nutrient  
13 loss over time;

14 (5) providing coordinated data to be used in  
15 computer modeling of the Basin, pursuant to section  
16 201; and

17 (6) identifying major sources of sediment and  
18 nutrients within the Basin for the purpose of tar-  
19 geting resources to reduce sediment and nutrient  
20 loss.

21 (b) ROLE OF UNITED STATES GEOLOGICAL SUR-  
22 VEY.—The Secretary of the Interior shall carry out this  
23 title acting through the office of the Director of the United  
24 States Geological Survey.

1 (c) HEADQUARTERS.—Sediment and nutrient moni-  
2 toring information shall be headquartered at the Upper  
3 Midwest Environmental Sciences Center in La Crosse,  
4 Wisconsin.

5 **SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBIL-**  
6 **ITIES.**

7 (a) GUIDELINES FOR DATA COLLECTION AND STOR-  
8 AGE.—The Secretary of the Interior shall establish guide-  
9 lines for the effective design of data collection activities  
10 regarding sediment and nutrient monitoring, for the use  
11 of suitable and consistent methods for data collection, and  
12 for consistent reporting, data storage, and archiving prac-  
13 tices.

14 (b) RELEASE OF DATA.—Data resulting from sedi-  
15 ment and nutrient monitoring in the Upper Mississippi  
16 River Basin shall be released to the public using generic  
17 station identifiers and hydrologic unit codes. In the case  
18 of a monitoring station located on private lands, informa-  
19 tion regarding the location of the station shall not be dis-  
20 seminated without the landowner's permission.

21 (c) PROTECTION OF PRIVACY.—Data resulting from  
22 sediment and nutrient monitoring in the Upper Mis-  
23 sissippi River Basin is not subject to the mandatory disclo-  
24 sure provisions of section 552 of title V, United States

1 Code, but may be released only as provided in subsection  
2 (b).

3 **SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NU-**  
4 **TRIENT MONITORING.**

5 (a) INVENTORY.—To the maximum extent prac-  
6 ticable, the Secretary of the Interior shall inventory the  
7 sediment and nutrient monitoring efforts, in existence as  
8 of the date of the enactment of this Act, of Federal, State,  
9 local, and nongovernmental entities for the purpose of cre-  
10 ating a baseline understanding of overlap, data gaps and  
11 redundancies.

12 (b) INTEGRATION.—On the basis of the inventory,  
13 the Secretary of the Interior shall integrate the existing  
14 sediment and nutrient monitoring efforts, to the maximum  
15 extent practicable, into the sediment and nutrient moni-  
16 toring network required by section 101.

17 (c) CONSULTATION AND USE OF EXISTING DATA.—  
18 In carrying out this section, the Secretary of the Interior  
19 shall make maximum use of data in existence as of the  
20 date of the enactment of this Act and of ongoing programs  
21 and efforts of Federal, State, tribal, local, and nongovern-  
22 mental entities in developing the sediment and nutrient  
23 monitoring network required by section 101.

24 (d) COORDINATION WITH LOWER ESTUARY ASSESS-  
25 MENT GROUP.—The Secretary of the Interior shall carry

1 out this section in coordination with the Lower Estuary  
2 Assessment Group, as authorized by section 902 of the  
3 Estuaries and Clean Waters Act of 2000 (Public Law  
4 106–457; 33 U.S.C. 2901 note).

5 **SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRI-**  
6 **VATE MONITORING EFFORTS.**

7 To establish the sediment and nutrient monitoring  
8 network, the Secretary of the Interior shall collaborate,  
9 to the maximum extent practicable, with other Federal,  
10 State, tribal, local and private sediment and nutrient mon-  
11 itoring programs that meet guidelines prescribed under  
12 section 102(a), as determined by the Secretary.

13 **SEC. 105. COST SHARE REQUIREMENTS.**

14 (a) **REQUIRED COST SHARING.**—The non-Federal  
15 sponsors of the sediment and nutrient monitoring network  
16 shall be responsible for not less than 25 percent of the  
17 costs of maintaining the network.

18 (b) **IN-KIND CONTRIBUTIONS.**—Up to 80 percent of  
19 the non-Federal share may be provided through in-kind  
20 contributions.

21 (c) **TREATMENT OF EXISTING EFFORTS.**—A State or  
22 local monitoring effort, in existence as of the date of the  
23 enactment of this Act, that the Secretary of the Interior  
24 finds adheres to the guidelines prescribed under section

1 102(a) shall be deemed to satisfy the cost share require-  
2 ments of this section.

3 **SEC. 106. REPORTING REQUIREMENTS.**

4 The Secretary of the Interior shall report to Congress  
5 not later than 180 days after the date of the enactment  
6 of this Act on the development of the sediment and nutri-  
7 ent monitoring network.

8 **SEC. 107. NATIONAL RESEARCH COUNCIL ASSESSMENT.**

9 The National Research Council of the National Acad-  
10 emy of Sciences shall conduct a comprehensive water re-  
11 sources assessment of the Upper Mississippi River Basin.

12 **TITLE II—COMPUTER MODELING**  
13 **AND RESEARCH**

14 **SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDI-**  
15 **MENT AND NUTRIENT SOURCES.**

16 (a) MODELING PROGRAM REQUIRED.—As part of the  
17 Upper Mississippi River Stewardship Initiative, the Direc-  
18 tor of the United States Geological Survey shall establish  
19 a modeling program to identify significant sources of sedi-  
20 ment and nutrients in the Upper Mississippi River Basin.

21 (b) ROLE.—Computer modeling shall be used to iden-  
22 tify subwatersheds which are significant sources of sedi-  
23 ment and nutrient loss and shall be made available for  
24 the purposes of targeting public and private sediment and  
25 nutrient reduction efforts.



1 (c) COMPONENTS.—Sediment and nutrient models  
2 for the Upper Mississippi River Basin shall include the  
3 following:

4 (1) Models to relate nutrient loss to landscape,  
5 land use, and land management practices.

6 (2) Models to relate sediment loss to landscape,  
7 land use, and land management practices.

8 (3) Models to define river channel nutrient  
9 transformation processes.

10 (d) COLLECTION OF ANCILLARY INFORMATION.—  
11 Ancillary information shall be collected in a GIS format  
12 to support modeling and management use of modeling re-  
13 sults, including the following:

14 (1) Land use data.

15 (2) Soils data.

16 (3) Elevation data.

17 (4) Information on sediment and nutrient re-  
18 duction improvement actions.

19 (5) Remotely sense data.

20 (e) HEADQUARTERS.—Information developed by  
21 computer modeling shall be headquartered at the Upper  
22 Midwest Environmental Sciences Center in La Crosse,  
23 Wisconsin.

1 **SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE**  
2 **INFORMATION.**

3 Not later than 90 days after the date of the enact-  
4 ment of this Act, the Director of the United States Geo-  
5 logical Survey shall establish a system that uses the tele-  
6 communications medium known as the Internet to provide  
7 information regarding the following:

8 (1) Public and private programs designed to re-  
9 duce sediment and nutrient loss in the Upper Mis-  
10 sissippi River Basin.

11 (2) Information on sediment and nutrient levels  
12 in the Upper Mississippi River and its tributaries.

13 (3) Successful sediment and nutrient reduction  
14 projects.

15 **SEC. 203. REPORTING REQUIREMENTS.**

16 (a) **MONITORING ACTIVITIES.**—Commencing one  
17 year after the date of the enactment of this Act, the Direc-  
18 tor of the United States Geological Survey shall provide  
19 to Congress and make available to the public an annual  
20 report regarding monitoring activities conducted in the  
21 Upper Mississippi River Basin.

22 (b) **MODELING ACTIVITIES.**—Every three years, the  
23 Director of the United States Geological Survey shall pro-  
24 vide to Congress and make available to the public a  
25 progress report regarding modeling activities.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior \$6,250,000 each fiscal year to carry out this Act.

Passed the House of Representatives April 9, 2002.

Attest: **JEFF TRANDAH**,  
*Clerk.*