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110TH CONGRESS
2D SESSION

S. 3085

To require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of the Interior to establish a cooperative watershed management program, 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 “Cooperative Watershed
5 Management Act of 2008”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AFFECTED STAKEHOLDER.**—The term “af-
4 fected stakeholder” means an entity that signifi-
5 cantly affects, or is significantly affected by, the
6 quality or quantity of water in a watershed, as de-
7 termined by the Secretary.

8 (2) **GRANT RECIPIENT.**—The term “grant re-
9 cipient” means an eligible management entity that
10 the Secretary has selected to receive a grant under
11 section 3(e)(2).

12 (3) **MANAGEMENT GROUP.**—The term “man-
13 agement group” means a self-sustaining, cooperative
14 watershed-wide management group that—

15 (A) is comprised of each affected stake-
16 holder of the watershed that is the subject of
17 the management group;

18 (B) incorporates the perspectives of a di-
19 verse array of stakeholders;

20 (C) is designed to be carried out as a
21 grassroots, nonregulatory entity to address local
22 water availability and quality issues within the
23 watershed that is the subject of the manage-
24 ment group; and

25 (D) is capable of managing in a sustain-
26 able manner the water resources of the water-

1 shed that is the subject of the management
 2 group and improving the functioning condition
 3 of rivers and streams through—

- 4 (i) water conservation;
- 5 (ii) improved water quality;
- 6 (iii) ecological resiliency; and
- 7 (iv) the reduction of water conflicts.

8 (4) PROGRAM.—The term “program” means
 9 the cooperative watershed management program es-
 10 tablished by the Secretary under section 3(a).

11 (5) SECRETARY.—The term “Secretary” means
 12 the Secretary of the Interior.

13 **SEC. 3. PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
 15 the date of enactment of this Act, the Secretary shall es-
 16 tablish a program, which shall be known as the “coopera-
 17 tive watershed management program”, under which the
 18 Secretary shall provide grants to eligible management en-
 19 tities—

- 20 (1) to form a management group;
- 21 (2) to enlarge a management group, of which
 22 the eligible management entity is a member; or
- 23 (3) to conduct 1 or more projects in accordance
 24 with the goals of a management group, of which the
 25 eligible management entity is a member.

1 (b) ~~ELIGIBILITY.~~—To be eligible to receive a grant
2 under this section, an eligible management entity shall be
3 comprised of each affected stakeholder of the watershed
4 that is the subject of the eligible management entity, in-
5 cluding to the maximum extent practicable—

6 ~~(1)~~ representatives of private interests, includ-
7 ing representatives of—

8 ~~(A)~~ hydroelectric production;

9 ~~(B)~~ livestock grazing;

10 ~~(C)~~ timber production;

11 ~~(D)~~ land development;

12 ~~(E)~~ recreation or tourism;

13 ~~(F)~~ irrigated agricultural production; and

14 ~~(G)~~ the environment;

15 ~~(2)~~ any Federal agency that has authority with
16 respect to the watershed, including not less than 1
17 representative of—

18 ~~(A)~~ the Department of Agriculture;

19 ~~(B)~~ the Department of the Interior; and

20 ~~(C)~~ the National Oceanic and Atmospheric
21 Administration;

22 ~~(3)~~ any State or local agency that has authority
23 with respect to the watershed; and

1 (4) any member of an Indian tribe that owns
2 land within the watershed or has land in the water-
3 shed held in trust.

4 (c) APPLICATION.—

5 (1) ESTABLISHMENT OF APPLICATION PROC-
6 ESS; CRITERIA.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall es-
8 tablish—

9 (A) an application process under which
10 each eligible management entity may apply for
11 a grant under this section; and

12 (B) criteria for consideration of the appli-
13 cation of each eligible management entity.

14 (2) APPLICATION PROCESS.—To be eligible to
15 receive a grant under this section, an eligible man-
16 agement entity shall submit to the Secretary an ap-
17 plication in accordance with the application process
18 and criteria established by the Secretary under para-
19 graph (1).

20 (d) DISTRIBUTION OF GRANT FUNDS.—

21 (1) IN GENERAL.—In distributing grant funds
22 under this section, the Secretary shall comply with
23 paragraph (2).

24 (2) FUNDING PROCEDURE.—

25 (A) FIRST PHASE.—

1 (i) IN GENERAL.—During the first
 2 phase of a grant established under this
 3 subparagraph, the Secretary may provide
 4 to a grant recipient a grant in an amount
 5 of not greater than \$100,000 each year for
 6 a period of not more than 3 years.

7 (ii) MANDATORY USE OF FUNDS.—A
 8 grant recipient that receives funds through
 9 a grant during the first phase shall use the
 10 funds—

11 (I) to establish or enlarge a man-
 12 agement group;

13 (II) to develop a mission state-
 14 ment for the management group; and

15 (III) to develop project concepts.

16 (iii) ANNUAL DETERMINATION OF
 17 ELIGIBILITY.—

18 (I) DETERMINATION.—For each
 19 year of the first phase, not later than
 20 270 days after the date on which a
 21 grant recipient first receives grant
 22 funds for the year, the Secretary shall
 23 determine whether the grant recipient
 24 has made sufficient progress during
 25 the year to justify additional funding.

1 (II) EFFECT OF DETERMINA-
2 TION.—If the Secretary determines
3 under subclause (I) that the progress
4 of a grant recipient during the year
5 covered by the determination justifies
6 additional funding, the Secretary shall
7 provide to the grant recipient grant
8 funds for the year following the year
9 during which the determination was
10 made.

11 (iv) ADVANCEMENT CONDITIONS.—A
12 grant recipient shall not be eligible to re-
13 ceive grant funds during the second phase
14 described in subparagraph (B) until the
15 date on which the Secretary determines
16 that the management group established by
17 the grant recipient is—

18 (I) fully formed, including the
19 drafting and approval of articles of in-
20 corporation and bylaws governing the
21 organization; and

22 (II) fully functional, including
23 holding regular meetings, having
24 reached a consensus on the mission of

1 the group, and having developed
2 project concepts.

3 (B) SECOND PHASE.—

4 (i) IN GENERAL.—During the second
5 phase of a grant established under this
6 subparagraph, the Secretary may provide
7 to a grant recipient a grant in an amount
8 of not greater than \$1,000,000 each year
9 for a period of not more than 4 years.

10 (ii) MANDATORY USE OF FUNDS.—A
11 grant recipient that receives funds through
12 a grant under the second phase shall use
13 the funds to carry out watershed manage-
14 ment projects.

15 (iii) ANNUAL DETERMINATION OF
16 ELIGIBILITY.—

17 (I) DETERMINATION.—For each
18 year of the second phase, not later
19 than 270 days after the date on which
20 a grant recipient first receives grant
21 funds for the year, the Secretary shall
22 determine whether the grant recipient
23 has made sufficient progress during
24 the year to justify additional funding.

1 (II) EFFECT OF DETERMINA-
2 TION.—If the Secretary determines
3 under subclause (I) that the progress
4 of a grant recipient during the year
5 covered by the determination justifies
6 additional funding, the Secretary shall
7 provide to the grant recipient grant
8 funds for the year following the year
9 during which the determination was
10 made.

11 (iv) ADVANCEMENT CONDITION.—A
12 grant recipient shall not be eligible to re-
13 ceive grant funds during the third phase
14 described in subparagraph (C) until the
15 date on which the Secretary determines
16 that the grant recipient has—

17 (I) completed each requirement
18 with respect to each year of the sec-
19 ond phase; and

20 (II) demonstrated that 1 or more
21 pilot projects of the grant recipient
22 have resulted in demonstrable im-
23 provements in the functioning condi-
24 tion of at least 1 river or stream in
25 the watershed.

1 (C) THIRD PHASE.—

2 (i) FUNDING LIMITATION.—

3 (I) IN GENERAL.—Except as pro-
4 vided in subclause (II), during the
5 third phase of a grant established
6 under this subparagraph, the Sec-
7 retary may provide to a grant recipi-
8 ent a grant in an amount of not
9 greater than \$5,000,000 for a period
10 of not more than 5 years.

11 (II) EXCEPTION.—The Secretary
12 may provide to a grant recipient a
13 grant in an amount that is greater
14 than the amount described in sub-
15 clause (I) if the Secretary determines
16 that the grant recipient is capable of
17 using the additional amount to
18 achieve an appropriate increase in an
19 economic, social, or environmental
20 benefit that could not otherwise be
21 achieved by the grant recipient
22 through the amount described in sub-
23 clause (I).

24 (ii) MANDATORY USE OF FUNDS.—A
25 grant recipient that receives funds through

1 a grant under the third phase shall use the
2 funds to carry out not less than 1 water-
3 shed management project of the grant re-
4 cipient.

5 ~~(3)~~ PERMISSIVE USE OF FUNDS.—A grant re-
6 cipient that receives funds through a grant under
7 this section may use the funds—

8 (A) to pay for—

9 (i) the administrative costs of the
10 management group of the grant recipient;

11 (ii) the salary of not more than 1 full-
12 time employee of the management group of
13 the grant recipient; and

14 (iii) any legal fees of the grant recipi-
15 ent arising from the establishment of the
16 management group of the grant recipient;

17 (B) to fund—

18 (i) studies of the watershed that is
19 managed by the management group of the
20 grant recipient; and

21 (ii) any project—

22 (I) described in the mission state-
23 ment of the management group of the
24 grant recipient; and

1 (H) to be carried out by the
2 management group of the grant re-
3 cipient to achieve any goal of the
4 management group;

5 (C) to carry out demonstration projects re-
6 lating to water conservation or alternative water
7 uses; and

8 (D) to expand a management group that is
9 established by the grant recipient.

10 (4) REQUIREMENT OF CONSENSUS OF MEM-
11 BERS OF MANAGEMENT GROUP.—A management
12 group of a grant recipient may not use grant funds
13 for any initiative of the management group unless
14 the group reaches a consensus decision.

15 (e) COST SHARE.—

16 (1) PLANNING.—The Federal share of the cost
17 of any activity of a management group of a grant
18 recipient relating to any use required under sub-
19 section (d)(2)(A)(ii) shall be 100 percent.

20 (2) PROJECTS CARRIED OUT UNDER SECOND
21 PHASE.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), the Federal share of the costs of any
24 activity of a management group of a grant re-
25 cipient relating to a watershed management

1 project described in subsection (d)(2)(B)(ii)
 2 shall not exceed 60 percent of the total costs of
 3 the watershed management project.

4 (B) LIMITATION.—To pay for any costs re-
 5 lating to administrative expenses incurred for a
 6 watershed management project described in
 7 subsection (d)(2)(B)(ii), a management group
 8 of a grant recipient may use grant funds in an
 9 amount not greater than the lesser of—

10 (i) \$100,000; or

11 (ii) 20 percent of the total amount of
 12 the Federal share provided to the manage-
 13 ment group to carry out the watershed
 14 management project.

15 (C) FORM OF NON-FEDERAL SHARE.—The
 16 non-Federal share under subparagraph (A) may
 17 be in the form of any in-kind contributions.

18 ~~(3) PROJECTS CARRIED OUT UNDER THIRD~~
 19 ~~PHASE.—~~

20 (A) IN GENERAL.—Subject to subpara-
 21 graph (B), the Federal share of the costs of any
 22 activity of a management group of a grant re-
 23 cipient relating to a watershed management
 24 project described in subsection (d)(2)(C)(ii)

1 shall not exceed 50 percent of the total costs of
2 the watershed management project.

3 ~~(B) LIMITATION.—To pay for any costs re-~~
4 ~~lating to administrative expenses with respect~~
5 ~~to a watershed management project described~~
6 ~~in subsection (d)(2)(C)(ii), a management~~
7 ~~group of a grant recipient may use grant funds~~
8 ~~in an amount not greater than the lesser of—~~

9 ~~(i) \$100,000; or~~

10 ~~(ii) 20 percent of the total amount of~~
11 ~~the Federal share provided to the manage-~~
12 ~~ment group to carry out the watershed~~
13 ~~management project.~~

14 ~~(C) FORM OF NON-FEDERAL SHARE.—The~~
15 ~~non-Federal share under subparagraph (A) may~~
16 ~~be in the form of any in-kind contributions.~~

17 ~~(f) ANNUAL REPORTS.—~~

18 ~~(1) IN GENERAL.—Not later than 1 year after~~
19 ~~the date on which a management group of a grant~~
20 ~~recipient first receives funds through a grant under~~
21 ~~this section, and annually thereafter, in accordance~~
22 ~~with paragraph (2), the management group shall~~
23 ~~submit to the Secretary a report that describes, for~~
24 ~~the period covered by the report, the progress of the~~

1 management group with respect to the duties of the
2 management group.

3 ~~(2) REQUIRED DEGREE OF DETAIL.—~~The con-
4 tents of an annual report required under paragraph
5 ~~(1)~~ shall contain a degree of detail that is sufficient
6 to enable the Secretary to complete each report re-
7 quired under subsection ~~(g)~~, as determined by the
8 Secretary.

9 ~~(g) REPORT.—~~Not later than 5 years after the date
10 of enactment of this Act, and every 5 years thereafter,
11 the Secretary shall submit to the appropriate committees
12 of Congress a report that describes—

13 ~~(1)~~ the manner by which the program enables
14 the Secretary—

15 ~~(A)~~ to address water conflicts;

16 ~~(B)~~ to conserve water; and

17 ~~(C)~~ to improve water quality; and

18 ~~(2)~~ each benefit that is achieved through the
19 administration of the program, including, to the
20 maximum extent practicable, a quantitative analysis
21 of each economic, social, and environmental benefit.

22 ~~(h) AUTHORIZATION OF APPROPRIATIONS.—~~There
23 are authorized to be appropriated to carry out this sec-
24 tion—

- 1 (1) \$2,000,000 for each of fiscal years 2008
2 and 2009;
3 (2) \$5,000,000 for fiscal year 2010;
4 (3) \$10,000,000 for fiscal year 2011; and
5 (4) \$20,000,000 for each of fiscal years 2012
6 through 2020.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Cooperative Watershed*
9 *Management Act of 2008”.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) *AFFECTED STAKEHOLDER.—The term “af-*
13 *ected stakeholder” means an entity that significantly*
14 *affects, or is significantly affected by, the quality or*
15 *quantity of water in a watershed, as determined by*
16 *the Secretary.*

17 (2) *GRANT RECIPIENT.—The term “grant recipi-*
18 *ent” means a watershed group that the Secretary has*
19 *selected to receive a grant under section 3(c)(2).*

20 (3) *PROGRAM.—The term “program” means the*
21 *Cooperative Watershed Management Program estab-*
22 *lished by the Secretary under section 3(a).*

23 (4) *SECRETARY.—The term “Secretary” means*
24 *the Secretary of the Interior.*

1 (5) *WATERSHED GROUP.*—*The term “watershed*
2 *group” means a self-sustaining, cooperative water-*
3 *shed-wide group that—*

4 (A) *is comprised of representatives of the af-*
5 *ected stakeholders of the relevant watershed;*

6 (B) *incorporates the perspectives of a di-*
7 *verse array of stakeholders, including, to the*
8 *maximum extent practicable—*

9 (i) *representatives of—*

10 (I) *hydroelectric production;*

11 (II) *livestock grazing;*

12 (III) *timber production;*

13 (IV) *land development;*

14 (V) *recreation or tourism;*

15 (VI) *irrigated agricultural pro-*
16 *duction;*

17 (VII) *the environment;*

18 (VIII) *potable water purveyors*
19 *and industrial water users; and*

20 (IX) *private property owners*
21 *within the watershed;*

22 (ii) *any Federal agency that has au-*
23 *thority with respect to the watershed;*

24 (iii) *any State agency that has author-*
25 *ity with respect to the watershed;*

1 (iv) any local agency that has author-
2 ity with respect to the watershed; and

3 (v) any Indian tribe that—

4 (I) owns land within the water-
5 shed; or

6 (II) has land in the watershed
7 that is held in trust;

8 (C) is a grassroots, nonregulatory entity
9 that addresses water availability and quality
10 issues within the relevant watershed;

11 (D) is capable of promoting the sustainable
12 use of the water resources of the relevant water-
13 shed and improving the functioning condition of
14 rivers and streams through—

15 (i) water conservation;

16 (ii) improved water quality;

17 (iii) ecological resiliency; and

18 (iv) the reduction of water conflicts;

19 and

20 (E) makes decisions on a consensus basis, as
21 defined in the bylaws of the watershed group.

22 (6) *WATERSHED MANAGEMENT PROJECT.*—The
23 term “watershed management project” means any
24 project (including a demonstration project) that—

1 (A) enhances water conservation, including
2 alternative water uses;

3 (B) improves water quality;

4 (C) improves ecological resiliency of a river
5 or stream;

6 (D) reduces the potential for water conflicts;

7 or

8 (E) advances any other goals associated
9 with water quality or quantity that the Sec-
10 retary determines to be appropriate.

11 **SEC. 3. PROGRAM.**

12 (a) *ESTABLISHMENT.*—Not later than 180 days after
13 the date of enactment of this Act, the Secretary shall estab-
14 lish a program, to be known as the “Cooperative Watershed
15 Management Program”, under which the Secretary shall
16 provide grants—

17 (1)(A) to form a watershed group; or

18 (B) to enlarge a watershed group; and

19 (2) to conduct 1 or more projects in accordance
20 with the goals of a watershed group.

21 (b) *APPLICATION.*—

22 (1) *ESTABLISHMENT OF APPLICATION PROCESS;*
23 *CRITERIA.*—Not later than 1 year after the date of en-
24 actment of this Act, the Secretary shall establish—

1 (A) *an application process for the program;*
2 *and*

3 (B) *in consultation with the States,*
4 *prioritization and eligibility criteria for consid-*
5 *ering applications submitted in accordance with*
6 *the application process.*

7 (c) *DISTRIBUTION OF GRANT FUNDS.—*

8 (1) *IN GENERAL.—In distributing grant funds*
9 *under this section, the Secretary—*

10 (A) *shall comply with paragraph (2); and*

11 (B) *may give priority to watershed groups*
12 *that—*

13 (i) *represent maximum diversity of in-*
14 *terests; or*

15 (ii) *serve subbasin-sized watersheds*
16 *with an 8-digit hydrologic unit code, as de-*
17 *finied by the United States Geological Sur-*
18 *vey.*

19 (2) *FUNDING PROCEDURE.—*

20 (A) *FIRST PHASE.—*

21 (i) *IN GENERAL.—The Secretary may*
22 *provide to a grant recipient a first-phase*
23 *grant in an amount not greater than*
24 *\$100,000 each year for a period of not more*
25 *than 3 years.*

1 (ii) *MANDATORY USE OF FUNDS.—A*
2 *grant recipient that receives a first-phase*
3 *grant shall use the funds—*

4 (I) *to establish or enlarge a water-*
5 *shed group;*

6 (II) *to develop a mission state-*
7 *ment for the watershed group;*

8 (III) *to develop project concepts;*
9 *and*

10 (IV) *to develop a restoration plan.*

11 (iii) *ANNUAL DETERMINATION OF ELI-*
12 *GIBILITY.—*

13 (I) *DETERMINATION.—For each*
14 *year of a first-phase grant, not later*
15 *than 270 days after the date on which*
16 *a grant recipient first receives grant*
17 *funds for the year, the Secretary shall*
18 *determine whether the grant recipient*
19 *has made sufficient progress during the*
20 *year to justify additional funding.*

21 (II) *EFFECT OF DETERMINA-*
22 *TION.—If the Secretary determines*
23 *under subclause (I) that the progress of*
24 *a grant recipient during the year cov-*
25 *ered by the determination justifies ad-*

1 *ditional funding, the Secretary shall*
2 *provide to the grant recipient grant*
3 *funds for the following year.*

4 *(iv) ADVANCEMENT CONDITIONS.—A*
5 *grant recipient shall not be eligible to re-*
6 *ceive a second-phase grant under subpara-*
7 *graph (B) until the date on which the Sec-*
8 *retary determines that the watershed*
9 *group—*

10 *(I) has approved articles of incor-*
11 *poration and bylaws governing the or-*
12 *ganization; and*

13 *(II)(aa) holds regular meetings;*

14 *(bb) has completed a mission*
15 *statement; and*

16 *(cc) has developed a restoration*
17 *plan and project concepts for the wa-*
18 *tershed.*

19 *(v) EXCEPTION.—A watershed group*
20 *that has not applied for or received first-*
21 *phase grants may apply for and receive sec-*
22 *ond-phase grants under subparagraph (B)*
23 *if the Secretary determines that the group*
24 *has satisfied the requirements of first-phase*
25 *grants.*

1 (B) *SECOND PHASE.*—

2 (i) *IN GENERAL.*—*A watershed group*
3 *may apply for and receive second-phase*
4 *grants of \$1,000,000 each year for a period*
5 *of not more than 4 years if—*

6 (I) *the watershed group has ap-*
7 *plied for and received watershed grants*
8 *under subparagraph (A); or*

9 (II) *the Secretary determines that*
10 *the watershed group has satisfied the*
11 *requirements of first-phase grants.*

12 (ii) *MANDATORY USE OF FUNDS.*—*A*
13 *grant recipient that receives a second-phase*
14 *grant shall use the funds to plan and carry*
15 *out watershed management projects.*

16 (iii) *ANNUAL DETERMINATION OF ELI-*
17 *GIBILITY.*—

18 (I) *DETERMINATION.*—*For each*
19 *year of the second-phase grant, not*
20 *later than 270 days after the date on*
21 *which a grant recipient first receives*
22 *grant funds for the year, the Secretary*
23 *shall determine whether the grant re-*
24 *cipient has made sufficient progress*

1 *during the year to justify additional*
 2 *funding.*

3 (II) *EFFECT OF DETERMINA-*
 4 *TION.—If the Secretary determines*
 5 *under subclause (I) that the progress of*
 6 *a grant recipient during the year justi-*
 7 *fies additional funding, the Secretary*
 8 *shall provide to the grant recipient*
 9 *grant funds for the following year.*

10 (iv) *ADVANCEMENT CONDITION.—A*
 11 *grant recipient shall not be eligible to re-*
 12 *ceive a third-phase grant under subpara-*
 13 *graph (C) until the date on which the Sec-*
 14 *retary determines that the grant recipient*
 15 *has—*

16 (I) *completed each requirement of*
 17 *the second-phase grant; and*

18 (II) *demonstrated that 1 or more*
 19 *pilot projects of the grant recipient*
 20 *have resulted in demonstrable improve-*
 21 *ments, as determined by the Secretary,*
 22 *in the functioning condition of at least*
 23 *1 river or stream in the watershed.*

24 (C) *THIRD PHASE.—*

25 (i) *FUNDING LIMITATION.—*

1 (I) *IN GENERAL.*—*Except as pro-*
2 *vided in subclause (II), the Secretary*
3 *may provide to a grant recipient a*
4 *third-phase grant in an amount not*
5 *greater than \$5,000,000 for a period of*
6 *not more than 5 years.*

7 (II) *EXCEPTION.*—*The Secretary*
8 *may provide to a grant recipient a*
9 *third-phase grant in an amount that is*
10 *greater than the amount described in*
11 *subclause (I) if the Secretary deter-*
12 *mines that the grant recipient is capa-*
13 *ble of using the additional amount to*
14 *further the purposes of the program in*
15 *a way that could not otherwise be*
16 *achieved by the grant recipient using*
17 *the amount described in subclause (I).*

18 (ii) *MANDATORY USE OF FUNDS.*—*A*
19 *grant recipient that receives a third-phase*
20 *grant shall use the funds to plan and carry*
21 *out at least 1 watershed management*
22 *project.*

23 (3) *AUTHORIZING USE OF FUNDS FOR ADMINIS-*
24 *TRATIVE AND OTHER COSTS.*—*A grant recipient that*

1 *receives a grant under this section may use the*
2 *funds—*

3 *(A) to pay for—*

4 *(i) administrative and coordination*
5 *costs, if the costs are not greater than the*
6 *lesser of—*

7 *(I) 20 percent of the total amount*
8 *of the grant; or*

9 *(II) \$100,000;*

10 *(ii) the salary of not more than 1 full-*
11 *time employee of the watershed group; and*

12 *(iii) any legal fees arising from the es-*
13 *tablishment of the relevant watershed group;*

14 *and*

15 *(B) to fund—*

16 *(i) water quality and quantity studies*
17 *of the relevant watershed; and*

18 *(ii) the planning, design, and imple-*
19 *mentation of any projects relating to water*
20 *quality or quantity.*

21 *(d) COST SHARE.—*

22 *(1) PLANNING.—The Federal share of the cost of*
23 *an activity provided assistance through a first-phase*
24 *grant shall be 100 percent.*

1 (2) *PROJECTS CARRIED OUT UNDER SECOND*
2 *PHASE.—*

3 (A) *IN GENERAL.—The Federal share of the*
4 *cost of any activity of a watershed management*
5 *project provided assistance through a second-*
6 *phase grant shall not exceed 50 percent of the*
7 *total cost of the activity.*

8 (B) *FORM OF NON-FEDERAL SHARE.—The*
9 *non-Federal share under subparagraph (A) may*
10 *be in the form of in-kind contributions.*

11 (3) *PROJECTS CARRIED OUT UNDER THIRD*
12 *PHASE.—*

13 (A) *IN GENERAL.—The Federal share of the*
14 *costs of any activity of a watershed group of a*
15 *grant recipient relating to a watershed manage-*
16 *ment project provided assistance through a third-*
17 *phase grant shall not exceed 50 percent of the*
18 *total costs of the watershed management project.*

19 (B) *FORM OF NON-FEDERAL SHARE.—The*
20 *non-Federal share under subparagraph (A) may*
21 *be in the form of in-kind contributions.*

22 (e) *ANNUAL REPORTS.—*

23 (1) *IN GENERAL.—Not later than 1 year after*
24 *the date on which a grant recipient first receives*
25 *funds under this section, and annually thereafter, in*

1 *accordance with paragraph (2), the watershed group*
2 *shall submit to the Secretary a report that describes*
3 *the progress of the watershed group.*

4 (2) *REQUIRED DEGREE OF DETAIL.—The con-*
5 *tents of an annual report required under paragraph*
6 *(1) shall contain sufficient information to enable the*
7 *Secretary to complete each report required under sub-*
8 *section (f), as determined by the Secretary.*

9 (f) *REPORT.—Not later than 5 years after the date of*
10 *enactment of this Act, and every 5 years thereafter, the Sec-*
11 *retary shall submit to the Committee on Energy and Nat-*
12 *ural Resources of the Senate and the Committee on Natural*
13 *Resources of the House of Representatives a report that de-*
14 *scribes—*

15 (1) *the ways in which the program assists the*
16 *Secretary—*

17 (A) *in addressing water conflicts;*

18 (B) *in conserving water;*

19 (C) *in improving water quality; and*

20 (D) *in improving the ecological resiliency of*
21 *a river or stream; and*

22 (2) *benefits that the program provides, includ-*
23 *ing, to the maximum extent practicable, a quan-*
24 *titative analysis of economic, social, and environ-*
25 *mental benefits.*

1 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to carry out this section—*

3 (1) *\$2,000,000 for each of fiscal years 2008 and*
4 *2009;*

5 (2) *\$5,000,000 for fiscal year 2010;*

6 (3) *\$10,000,000 for fiscal year 2011; and*

7 (4) *\$20,000,000 for each of fiscal years 2012*
8 *through 2020.*

9 **SEC. 4. EFFECT OF ACT.**

10 *Nothing in this Act affects the applicability of any*
11 *Federal, State, or local law with respect to any watershed*
12 *group.*

Calendar No. 999

110TH CONGRESS
2^D SESSION

S. 3085

A BILL

To require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes.

SEPTEMBER 16, 2008

Reported with an amendment