

115TH CONGRESS  
1ST SESSION

# S. 1332

To establish the Great Lakes Aquatic Connectivity and Infrastructure Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2017

Ms. STABENOW (for herself, Mr. PETERS, and Mr. BROWN) 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 establish the Great Lakes Aquatic Connectivity and Infrastructure 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 “Great Lakes Aquatic  
5 Connectivity and Infrastructure Program Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) modernizing aging infrastructure and the  
9 protection of habitat and ecosystems that support

1 fish populations are critical to State, regional, and  
2 local economies in the Great Lakes basin;

3 (2) infrastructure—

4 (A) maintains essential services and safety  
5 for communities in the Great Lakes basin; and

6 (B) in some cases, provides a long-term  
7 barrier to the expansion of aquatic invasive spe-  
8 cies;

9 (3) as of the date of enactment of this Act,  
10 there are more than 7,000 recorded dams and an es-  
11 timated 260,000 road stream crossings of varying  
12 ages and conditions in the Great Lakes basin;

13 (4) fish and wildlife populations with reduced  
14 access to habitat are generally less robust and more  
15 susceptible to declines in abundance than popu-  
16 lations with access to suitable habitat;

17 (5) efficiencies are increased when Federal,  
18 State, and local experts and regulators work collabo-  
19 ratively to identify and implement best practices that  
20 result in addressing infrastructure needs while also,  
21 to the extent possible, expanding habitats for fish  
22 and wildlife populations and preventing the spread  
23 of aquatic invasive species; and

24 (6) it is imperative to establish a program simi-  
25 lar to the program established by the Great Lakes

1 Fish and Wildlife Restoration Act of 1990 (16  
2 U.S.C. 941 et seq.) that is dedicated to collabo-  
3 ratively and strategically seeking opportunities to  
4 modernize Great Lakes infrastructure while con-  
5 serving the aquatic ecosystem.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) COMMITTEE.—The term “Committee”  
9 means the Great Lakes Aquatic Connectivity and In-  
10 frastructure Committee established by section 5(a).

11 (2) DIRECTOR.—The term “Director” means  
12 the Director of the United States Fish and Wildlife  
13 Service.

14 (3) GREAT LAKES STATES.—The term “Great  
15 Lakes States” means each of the States of Illinois,  
16 Indiana, Michigan, Minnesota, Ohio, Pennsylvania,  
17 New York, and Wisconsin.

18 (4) PROGRAM.—The term “Program” means  
19 the Great Lakes Aquatic Connectivity and Infra-  
20 structure Program established by section 4(a).

21 (5) SECRETARY.—The term “Secretary” means  
22 the Secretary of Transportation.

23 (6) STRATEGIC PLAN.—The term “strategic  
24 plan” means the strategic plan developed under sec-  
25 tion 4(d)(1).

1 **SEC. 4. GREAT LAKES AQUATIC CONNECTIVITY AND INFRA-**  
2 **STRUCTURE PROGRAM.**

3 (a) ESTABLISHMENT.—There is established within  
4 the United States Fish and Wildlife Service a program  
5 for the removal or selective bypass of barriers to aquatic  
6 connectivity in tributaries of the Great Lakes, to be known  
7 as the “Great Lakes Aquatic Connectivity and Infrastruc-  
8 ture Program”.

9 (b) GOAL.—

10 (1) IN GENERAL.—The goal of the Program is  
11 to identify and implement voluntary measures that  
12 restore aquatic species to self-sustaining levels by re-  
13 connecting aquatic habitats in the Great Lakes basin  
14 while maintaining and modernizing needed infra-  
15 structure, particularly in locations where roads, trib-  
16 utaries, or dams intersect.

17 (2) APPROACH.—The goal under paragraph (1)  
18 shall be achieved by using a proactive science-based  
19 approach that—

20 (A) balances infrastructure modernization  
21 while enhancing aquatic connectivity through the  
22 removal or bypass of barriers to the movement  
23 of aquatic organisms;

24 (B) minimizes the expansion of habitat for  
25 aquatic invasive species;

1 (C) supports the development and imple-  
2 mentation of selective fish passage technologies;

3 (D) measures the effectiveness of projects  
4 under the Program and informs strategic plan-  
5 ning for the Program; and

6 (E) avoids the construction of unintended  
7 barriers by focusing on ecosystem resiliency  
8 through collaboration and best practices.

9 (c) COLLABORATION.—The Director and the Sec-  
10 retary shall collaborate with Federal, State, local, and  
11 tribal governments, the Great Lakes Fishery Commission,  
12 signatories to the Joint Strategic Plan for Management  
13 of Great Lakes Fisheries, and any other stakeholder the  
14 Director and the Secretary determine to be appropriate  
15 to support—

16 (1) sound approaches to addressing infrastruc-  
17 ture and aquatic populations in the Great Lakes;  
18 and

19 (2) ecosystem resiliency.

20 (d) STRATEGIC PLAN.—

21 (1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of this Act, subject to the  
23 availability of appropriations, the Director, in con-  
24 sultation with the Committee shall finalize a stra-

1       strategic plan for the Program to address aquatic  
2       connectivity in the Great Lakes basin.

3           (2) INCLUSIONS.—The strategic plan shall in-  
4       clude an analysis of Federal, State, and local efforts  
5       to enhance aquatic connectivity in the Great Lakes  
6       basin.

7           (3) REVIEW.—Not less frequently than once  
8       every 5 years, the Director, in consultation with the  
9       Committee, shall review and revise the strategic plan  
10      as appropriate.

11          (4) AVAILABILITY.—The Director shall make  
12      the strategic plan available on a publicly accessible  
13      Internet website.

14      (e) PROPOSALS.—

15          (1) IN GENERAL.—The Director shall encour-  
16      age the development and, subject to the availability  
17      of appropriations, the implementation of aquatic  
18      connectivity proposals to achieve the goal described  
19      in subsection (b).

20          (2) REQUEST FOR PROPOSALS.—Not later than  
21      1 year after the date of enactment of this Act and  
22      annually thereafter, the Director shall request that  
23      any interested entity submit a proposal to restore  
24      aquatic connectivity in the Great Lakes basin in  
25      support of the strategic plan.

1           (3) SUBMISSION.—A proposal referred to in  
2 paragraph (2) shall be submitted to the Director—

3           (A) at such time, in such manner, and con-  
4 taining such information as the Director may  
5 require; and

6           (B) consistent with other laws relating to  
7 the restoration of the aquatic resources and  
8 habitat of the Great Lakes basin.

9           (4) SELECTION CRITERIA.—In selecting and  
10 funding proposals, the Director shall take into ac-  
11 count the effectiveness and appropriateness of the  
12 proposed activities with respect to—

13           (A) the strategic plan;

14           (B) the restoration of aquatic resources  
15 and habitat;

16           (C) transportation and infrastructure in  
17 the Great Lakes basin; and

18           (D) minimizing the expansion of habitat  
19 for aquatic invasive species.

20           (5) IMPLEMENTATION.—After considering the  
21 recommendations of the Committee and the goal de-  
22 scribed in subsection (b), the Director shall—

23           (A) select proposals to be implemented;

24           and

1 (B) subject to the availability of funds and  
2 subsection (f), award funding to implement the  
3 selected proposals.

4 (f) NON-FEDERAL MATCHING FUNDS REQUIRED.—

5 (1) IN GENERAL.—Not less than 25 percent of  
6 the cost of implementing a proposal shall be derived  
7 from non-Federal sources, including in-kind con-  
8 tributions.

9 (2) TIMING.—The non-Federal share of the  
10 cost of implementing a proposal may be provided at  
11 any time during the 2-year period preceding Janu-  
12 ary 1 of the year in which the Director receives the  
13 proposal.

14 (g) REPORT TO CONGRESS.—Not later than Decem-  
15 ber 31, 2019, and annually thereafter, the Director shall  
16 submit to Congress a report that includes—

17 (1) a summary of the outcomes of actions taken  
18 under the Program, including recommendations of  
19 activities, where appropriate, that would contribute  
20 to achievement of the goal described in subsection  
21 (b);

22 (2) a description of activities carried out under  
23 the Program and an explanation of how those activi-  
24 ties help achieve the goal described in subsection (b);  
25 and



1           (3) an analysis of Federal, State, and local ef-  
 2           forts to enhance multidisciplinary approaches to en-  
 3           hance aquatic connectivity and infrastructure im-  
 4           provements in the Great Lakes basin, and rec-  
 5           ommendations to improve the efficiency and effec-  
 6           tiveness of the Program.

7 **SEC. 5. GREAT LAKES AQUATIC CONNECTIVITY AND INFRA-**  
 8 **STRUCTURE COMMITTEE.**

9           (a) ESTABLISHMENT.—There is established a com-  
 10          mittee, to be known as the “Great Lakes Aquatic  
 11          Connectivity and Infrastructure Committee”, which shall  
 12          operate under the guidance of the United States Fish and  
 13          Wildlife Service.

14          (b) MEMBERSHIP.—

15                (1) IN GENERAL.—The Committee shall consist  
 16          of—

17                        (A) 2 representatives of each of the Great  
 18          Lakes States, of whom—

19                                (i) 1 representative with expertise in  
 20                                road and dam infrastructure shall be ap-  
 21                                pointed by, and serve at the pleasure of, as  
 22                                determined by the State—

23                                        (I) the head of the transportation  
 24                                        department of the State; or

1 (II) the head of the dam safety  
2 department of the State; and

3 (ii) 1 representative with expertise in  
4 aquatic habitat connectivity, or a similar  
5 field, shall be appointed by, and serve at  
6 the pleasure of, the head of the environ-  
7 mental management agency of the State;  
8 and

9 (B) 2 representatives of each tribal organi-  
10 zation represented on the Council of Lake Com-  
11 mittees of the Great Lakes Fishery Commis-  
12 sion, of whom—

13 (i) 1 representative with expertise in  
14 road and dam infrastructure shall be ap-  
15 pointed by, and serve at the pleasure of,  
16 the tribal chair; and

17 (ii) 1 representative with expertise in  
18 aquatic habitat connectivity, or a similar  
19 field, shall be appointed by, and serve at  
20 the pleasure of, the tribal chair.

21 (2) OBSERVERS.—There shall be 3 participants  
22 who shall serve as nonvoting observers of the Com-  
23 mittee, of whom—

24 (A) 1 shall be appointed by the Director;

1 (B) 1 shall be appointed by the Secretary;

2 and

3 (C) 1 shall be appointed by the Great

4 Lakes Fishery Commission.

5 (3) RECUSAL.—A member of the Committee

6 shall recuse himself or herself from consideration of

7 proposals that the member, or the entity that the

8 member represents, has submitted.

9 (c) DUTIES.—The Committee shall—

10 (1) review proposals submitted under section

11 4(e)(3) to assess the effectiveness and appropriate-

12 ness of the proposals to achieve the goal described

13 in section 4(b);

14 (2) recommend to the Director any proposals

15 reviewed under paragraph (1) that the Committee

16 determines should receive funding and be imple-

17 mented under the Program;

18 (3) meet not less frequently than annually; and

19 (4) establish the terms of reference of the Com-

20 mittee, as appropriate.

21 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out

23 the Program \$5,000,000 for each of fiscal years 2018

24 through 2022, of which, for each fiscal year—

1           (1) not more than the lesser of 15 percent and  
2       \$750,000 shall be available for proposals selected  
3       under section 4(e)(5) that support the development  
4       of selective fish passage technologies; and

5           (2) the lesser of 5 percent and \$250,000 shall  
6       be available to the Director and the Secretary for  
7       costs incurred in coordinating the Program and im-  
8       plementing the proposals selected under section  
9       4(e)(5).

10 **SEC. 7. SAVINGS CLAUSE.**

11       Nothing in this Act conflicts with the authority of the  
12       Great Lakes Fishery Commission to eradicate or minimize  
13       a sea lamprey population under the Convention on Great  
14       Lakes Fisheries signed at Washington September 10,  
15       1954 (6 U.S.T. 2836; TIAS 3326), between the United  
16       States of America and Canada.

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