

Public Law 96-495
96th Congress

An Act

To provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California.

Dec. 3, 1980
[H.R. 4084]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Suisun Marsh Preservation and Restoration Act of 1979".

Suisun Marsh
Preservation
and Restoration
Act of 1979.

SEC. 2. It is the purpose of this Act to—

(1) provide for partial mitigation of the adverse effects on the fish and wildlife resources of the Suisun Marsh in Solano County, California of the Central Valley project; and

(2) assist in the preservation and restoration of the fish and wildlife resources of the Marsh by authorizing the Secretary of the Interior to enter into a cooperative agreement with the State of California for the planning, design, construction, operation and maintenance of certain facilities for the Marsh which will not materially enhance the overall resources of the Marsh; and

(3) to provide for such facilities as part of the more extensive system of preservation and restoration facilities to be developed for the Solano County region by the State of California, the Secretary of the Interior, or both.

SEC. 3. The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to enter into a cooperative agreement with the State of California (hereinafter in this Act referred to as the "State") to provide for mitigation of the adverse effects of the Central Valley project on the fish and wildlife resources of the Suisun Marsh, Solano County, California, and for the preservation and restoration of these resources. The cooperative agreement shall include the following provisions:

Cooperative
agreement.

(1) The State shall design, construct, operate, and maintain certain channels, levees, and control structures in the Marsh in a manner which substantially conforms to the provisions of the development plan contained in the Report on the Suisun Marsh Interim Facilities (dated May 1978), prepared by the State of California with the assistance of the Water and Power Resources Service and the Fish and Wildlife Service. The State may enter into contracts with appropriate non-Federal public agencies within the State for the operation and maintenance of such facilities.

Contracts.

(2) The Secretary of the Interior shall pay to the State the Federal share of the costs of the activities described in paragraph (1), whether such costs are incurred before or after the date the cooperative agreement is entered into, upon a determination that such activities are in substantial conformity with the development plan referred to in such paragraph.

Costs, Federal
share.

(3) A study shall be conducted by the State, the Secretary of the Interior, or both parties, for the purpose of identifying manage-

Water-use study.

ment techniques which could result in more efficient water use on the managed wetlands of the Marsh.

Costs, Federal share.

(4) Appropriate arrangements shall be made by the Secretary of the Interior and the State to provide for the monitoring of the salinity levels in the Marsh.

(5) The Federal share of the costs of the activities referred to in paragraphs (1) through (4) shall be 50 per centum: *Provided*, That the Federal share may be altered when the system of preservation and restoration facilities referred to in section 2, subsection (3) is authorized: *And provided further*, That any such altered division of costs shall be made retroactively applicable to the cost of the facilities herein provided for.

Appropriation authorization.

SEC. 4. The authority to enter into cooperative agreements under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 5. There are authorized to be appropriated \$2,500,000 for the fiscal year ending September 30, 1981 for the Federal share of the costs of the construction and the initial operation and maintenance of the facilities described in section 3(1) of this Act. Sums appropriated under this section shall remain available until expended.

Approved December 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-597, Pt. 1 (Comm. on Interior and Insular Affairs) and No.

96-597, Pt. 2 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-928 (Comm. on Environment and Public Works) and (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 10, considered and passed House.

Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.

Nov. 18, House concurred in Senate amendments.