

107TH CONGRESS
2^D SESSION

H. R. 5405

To authorize the Secretary of the Army to carry out a program for ecosystem restoration in Appalachia and the Northeast Region.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2002

Mr. SHERWOOD introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Army to carry out a program for ecosystem restoration in Appalachia and the Northeast Region.

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. ECOSYSTEM RESTORATION IN THE APPA-**
4 **LACHIAN AND NORTHEAST REGIONS.**

5 (a) IN GENERAL.—The Secretary of the Army may
6 carry out ecosystem restoration and protection projects in
7 the Appalachian region (as defined in section 403 of the
8 Appalachian Regional Development Act of 1965 (40

1 U.S.C. App.)), New England, and the mid-Atlantic States
2 from New York to Virginia if the Secretary determines
3 that the project—

4 (1) will improve the quality of the environment
5 and is in the public interest; and

6 (2) is cost-effective.

7 (b) INCLUDED PROJECTS.—In this section, the term
8 “ecosystem restoration project” includes—

9 (1) the reestablishment of chemical, physical,
10 hydrologic, and biological features and components
11 of an ecosystem necessary to support fish and wild-
12 life habitat and increase the diversity and numbers
13 of species in an ecosystem;

14 (2) the abatement of abandoned mine drainage,
15 and reclamation of abandoned mine lands, coal
16 refuse piles, and other features contributing to mine
17 drainage and degradation of aquatic and terrestrial
18 habitat; and

19 (3) the reestablishment of stream and river
20 channels which are losing water to abandoned under-
21 ground mines.

22 (c) COST SHARING.—

23 (1) FEDERAL SHARE.—Except as provided in
24 paragraph (2), the Federal share of the cost of an
25 ecosystem restoration project (other than the cost of

1 operation and maintenance) under this section shall
2 not exceed 65 percent of the total cost of the
3 project.

4 (2) INNOVATIVE TECHNOLOGY COSTS.—The
5 Federal share of the incremental additional cost of
6 including in an ecosystem restoration project under
7 this section pilot testing or demonstration of an in-
8 novative technology shall be 75 percent.

9 (3) NON-FEDERAL SHARE.—The non-Federal
10 share of the cost of an ecosystem restoration project
11 carried out under this section shall include lands,
12 easements, rights of way, relocations, and disposals
13 and may include services, or any other form of in-
14 kind contribution determined by the Secretary to be
15 an appropriate contribution, to the project equiva-
16 lent to the monetary amount required for the non-
17 Federal share.

18 (4) NONPROFIT ENTITIES.—Notwithstanding
19 section 221 of the Flood Control Act of 1970 (42
20 U.S.C. 1962d–5b), for any project carried out under
21 this section, a non-Federal interest may include a
22 nonprofit entity with the consent of the affected
23 local government.

24 (5) NON-FEDERAL CREDIT FOR PRIOR WORK.—
25 The non-Federal share of the cost of an ecosystem

1 restoration project under this section may include
2 credit for data collection, testing, or other work lead-
3 ing to the project which is conducted not more than
4 2 years before execution of the cooperation agree-
5 ment for the project.

6 (6) OPERATION AND MAINTENANCE.—The non-
7 Federal interest shall be responsible for all costs as-
8 sociated with operating, maintaining, replacing, re-
9 pairing, and rehabilitating all projects carried out
10 under this section.

11 (7) POST-CONSTRUCTION MONITORING.—All
12 projects constructed under this section shall include,
13 as part of construction, post construction monitoring
14 following completion to assure solutions implemented
15 have performed as intended.

16 (d) AGREEMENTS.—Construction of a project under
17 this section shall be initiated only after a non-Federal in-
18 terest has entered into a legally binding agreement with
19 the Secretary to pay the non-Federal share of the costs
20 of construction required by this section and to pay 100
21 percent of any, operation, maintenance, replacement, and
22 rehabilitation costs with respect to the project in accord-
23 ance with regulations prescribed by the Secretary.

1 (e) COST LIMITATIONS.—Not more than \$8,000,000
2 in Federal funds may be allotted under this section for
3 projects under this section at any single locality.

4 (f) FUNDING.—There is authorized to be appro-
5 priated to carry out this section \$20,000,000 per year for
6 fiscal years 2003 and 2004 and \$40,000,000 per year for
7 fiscal years 2005 through 2008.

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