

106TH CONGRESS
1ST SESSION

H. R. 1444

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1999

Received

NOVEMBER 19, 1999

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California.

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. AQUATIC RESOURCES RESTORATION IN THE**
4 **NORTHWEST AND IN CALIFORNIA.**

5 (a) IN GENERAL.—In cooperation with other Federal
6 agencies, the Secretary of the Interior, acting through the
7 Director of the United States Fish and Wildlife Service
8 and in consultation with the Bureau of Reclamation, may
9 develop and implement projects for fish screens, fish pas-
10 sage devices, and related features agreed to by non-Fed-
11 eral interests, relevant Federal agencies, and affected
12 States to mitigate adverse impacts to fisheries resulting
13 from the construction and operation of water diversions
14 by local governmental entities in the States of Oregon,
15 Washington, Montana, Idaho, and California. Priority
16 shall be given to any project that has a total cost of less
17 than \$2,500,000.

18 (b) GOALS.—The goals of the program under sub-
19 section (a) shall be—

20 (1) to decrease the incidence of juvenile and
21 adult fish entering water supply systems; and

22 (2) to decrease fish mortality associated with
23 the withdrawal of water for irrigation and other pur-
24 poses without impairing the continued withdrawal of
25 water for that purpose.

1 (c) PARTICIPATION BY NON-FEDERAL ENTITIES.—
2 Non-Federal participation in the program under sub-
3 section (a) shall be voluntary. The Secretary shall take
4 no action that would result in any non-Federal entity
5 being held financially responsible for any action unless the
6 entity applies to participate in the program.

7 (d) EVALUATION AND PRIORITIZATION OF
8 PROJECTS.—Evaluation and prioritization of projects for
9 development and implementation under this section shall
10 be conducted on the basis of—

11 (1) assisting entities in their compliance with
12 the Endangered Species Act of 1973 (16 U.S.C.
13 1531 et seq.);

14 (2) cost effectiveness;

15 (3) size of diversion;

16 (4) availability of other funding sources; and

17 (5) opportunity for biological benefit to be
18 achieved with improved conditions.

19 (e) REQUIREMENTS.—A fish screen, fish passage de-
20 vice, or related feature shall not be eligible for funding
21 under subsection (a) unless—

22 (1) it meets the requirements of the United
23 States Fish and Wildlife Service or the National Ma-
24 rine Fisheries Service, as applicable, and any State
25 requirements; and

1 (2) it is agreed to by all interested Federal and
2 non-Federal entities.

3 (f) COST SHARING.—

4 (1) IN GENERAL.—(A) Development and imple-
5 mentation of projects under this section on lands
6 owned by the United States shall be at full Federal
7 expense.

8 (B) The non-Federal share of the cost of devel-
9 opment and implementation of any project under
10 this section on lands that are not owned by the
11 United States shall be 35 percent.

12 (2) IN-KIND CONTRIBUTIONS.—(A) For any
13 project under this section on lands that are not
14 owned by the United States, the non-Federal partici-
15 pants shall provide any lands, easements, rights-of-
16 way, dredged material disposal areas, and reloca-
17 tions that are necessary for the project.

18 (B) The value of lands, easements, rights-of-
19 way, dredged material disposal areas, and reloca-
20 tions provided under this paragraph for a project
21 shall be credited toward the non-Federal share of
22 the costs of the project under paragraph (1).

23 (3) OMRR&R.—(A) The non-Federal interests
24 shall be responsible for all costs associated with op-
25 erating, maintaining, repairing, rehabilitating, and

1 replacing all projects carried out under this section
2 on lands that are not owned by the United States.

3 (B) Costs associated with operating, maintain-
4 ing, repairing, rehabilitating, and replacing all
5 projects carried out under this section on lands
6 owned by the United States shall be a Federal ex-
7 pense.

8 (g) CONSULTATION AND USE OF EXISTING DATA
9 AND STUDIES.—In carrying out this section, the Secretary
10 shall consult with other Federal, State, and local agencies
11 and make maximum use of data and studies in existence
12 on the date of the enactment of this Act.

13 (h) LIMITATION ON ELIGIBILITY FOR FUNDING.—No
14 project applicant pursuant to this section may obtain
15 funds under this section if they are also receiving funds
16 from another federally funded program for the same pur-
17 pose.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to carry out this section \$25,000,000
21 for each of fiscal years 2001 through 2005.

22 (2) LIMITATIONS.—(A) Not more than one-
23 third of the total amount of funds appropriated
24 under this section may be used for projects in any
25 single State.

1 (B) Not more than 6 percent of the amount of
2 funds appropriated under this section for a fiscal
3 year may be used for administration of this section.

4 (3) INTERIM REPORT.—Upon the expiration of
5 the third fiscal year for which amounts are available
6 to carry out this section, the Secretary of the Inte-
7 rior shall report to the Congress describing the ac-
8 complishments to date under this section and the
9 projects that will be completed with amounts pro-
10 vided under this section for the fourth and fifth fis-
11 cal years for which such amounts are available.

Passed the House of Representatives November 9,
1999.

Attest:

JEFF TRANDAHL,

Clerk.