

103^D CONGRESS
2^D SESSION

H. R. 4962

To amend the Federal Water Pollution Control Act relating to the Coeur d'Alene Basin Management Conference.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 12, 1994

Mr. LARocco introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation, Natural Resources, Merchant Marine and Fisheries, and Energy and Commerce

A BILL

To amend the Federal Water Pollution Control Act relating to the Coeur d'Alene Basin Management Conference.

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 "Coeur d'Alene Basin
5 Restoration Act of 1994".

6 **SEC. 2. COEUR D'ALENE BASIN MANAGEMENT CON-**
7 **ERENCE.**

8 Title I of the Federal Water Pollution Control Act
9 (33 U.S.C. 1251–1270) is amended by adding at the end
10 the following:

1 **“SEC. 121. COEUR D’ALENE BASIN MANAGEMENT CON-**
2 **ERENCE.**

3 “(a) ESTABLISHMENT.—There is established a Coeur
4 d’Alene Basin Management Conference to develop a com-
5 prehensive pollution prevention, control, and restoration
6 plan for the Coeur d’Alene Basin. The Administrator shall
7 convene the management conference within 30 days of the
8 date of the enactment of this section.

9 “(b) MEMBERSHIP.—

10 “(1) IN GENERAL.—The members of the Man-
11 agement Conference shall be comprised of—

12 “(A) a representative of the Environmental
13 Protection Agency;

14 “(B) a representative of the Coeur d’Alene
15 Indian tribe; and

16 “(C) a representative of the Idaho Depart-
17 ment of Environmental Quality.

18 “(2) STEERING COMMITTEE.—The Manage-
19 ment Conference shall appoint—

20 “(A) a management advisory committee;

21 “(B) a technical advisory committee; and

22 “(C) a citizens’ advisory committee.

23 “(3) EX OFFICIO MEMBERS.—The Management
24 Conference shall have ex officio members which shall
25 include, at a minimum, the Member of the United

1 States House of Representatives within whose con-
2 gressional district lies the Coeur d'Alene Basin.

3 “(c) POLLUTION PREVENTION, CONTROL, AND RES-
4 TINATION PLAN.—

5 “(1) PUBLICATION DEADLINE.—Not later than
6 1 year after the date of the enactment of this sec-
7 tion, the Management Conference shall publish a
8 water pollution prevention, control, and restoration
9 plan (hereinafter in this section referred to as the
10 ‘Plan’) for the Coeur d'Alene Basin.

11 “(2) CONTENTS.—The Plan developed pursuant
12 to this section shall—

13 “(A) clarify the duties of Federal and
14 State agencies and other persons in water pollu-
15 tion prevention and control activities, and to the
16 extent allowable by law, suggest a reasonable
17 timetable for adoption by the appropriate Fed-
18 eral and State agencies to accomplish such du-
19 ties;

20 “(B) describe the methods and schedules
21 for funding of programs, activities, and projects
22 identified in the Plan, including the use of Fed-
23 eral and other sources of funds;

24 “(C) incorporate environmental manage-
25 ment concepts and programs established in

1 State and Federal plans and programs in effect
2 at the time of the development of the Plan; and

3 “(D) include a strategy for water pollution
4 prevention and control in the Coeur d’Alene
5 Basin, including the promotion of pollution pre-
6 vention and management practices to reduce
7 the amount of pollution generated in the Coeur
8 d’Alene Basin.

9 “(3) PUBLIC REVIEW AND COMMENT.—The Ad-
10 ministrator, in cooperation with the Management
11 Conference, shall provide for public review and com-
12 ment on the draft Plan. At a minimum, the Manage-
13 ment Conference shall conduct one public meeting to
14 hear comments on the draft plan in the State of
15 Idaho.

16 “(4) APPROVAL.—Not less than 30 days after
17 the publication of the Plan required pursuant to this
18 section, the Administrator shall approve the Plan if
19 the Plan meets the requirements of this section.

20 “(5) TREATMENT.—Upon approval of the Plan,
21 the Plan shall be deemed to be an approved manage-
22 ment program for the purposes of section 319(h) of
23 this Act and such plan shall be deemed to be an ap-
24 proved comprehensive conservation and management
25 plan pursuant to section 320 of this Act.

1 “(6) IMPLEMENTATION.—Upon approval of the
2 Plan under this subsection, the Plan shall be imple-
3 mented.

4 “(d) GRANT ASSISTANCE.—

5 “(1) IN GENERAL.—The Administrator may, in
6 consultation with the Management Conference, make
7 grants to State, interstate, and regional water pollu-
8 tion control agencies, and public or nonprofit agen-
9 cies, institutions, and organizations.

10 “(2) PURPOSES.—Grants under this subsection
11 shall be made for assisting development of the Plan,
12 including research, surveys, studies, and modeling
13 and technical and supporting work necessary for the
14 development of the Plan.

15 “(3) FEDERAL SHARE.—The amount of grants
16 to any person under this subsection for a fiscal year
17 shall not exceed 70 percent of the costs of develop-
18 ment of the Plan and shall be made available on the
19 condition that non-Federal share of such costs are
20 provided from non-Federal sources. The non-Federal
21 share may be provided by in-kind services.

22 “(4) TERMS AND CONDITIONS.—The Adminis-
23 trator may establish such terms and conditions for
24 the administration of grants as the Administrator
25 determines to be appropriate.

1 “(e) DEFINITION.—For purposes of this section, the
2 term ‘Coeur d’Alene Basin’ means the watershed in
3 northern Idaho containing the South Fork of the Coeur
4 d’Alene River, the main stem of the Coeur d’Alene River,
5 and Lake Coeur d’Alene.

6 “(f) STATUTORY INTERPRETATION.—Nothing in this
7 section shall be used to affect the jurisdiction or powers
8 of—

9 “(1) any department or agency of the United
10 States or any State; or

11 “(2) any entity related to the Coeur d’Alene
12 Basin created by treaty or memorandum to which
13 the United States is a signatory.

14 “(g) AUTHORIZATION.—There are authorized to be
15 appropriated to the Environmental Protection Agency to
16 carry out this section such sums as may be necessary for
17 fiscal years 1995, 1996, 1997, 1998, and 1999.”.

18 **SEC. 3. FEDERAL PROGRAM COORDINATION.**

19 (a) COOPERATION OF THE UNITED STATES GEO-
20 LOGICAL SURVEY OF THE DEPARTMENT OF THE INTE-
21 RIOR.—For the purpose of enhancing and expanding basic
22 data collection and monitoring in operation in the Coeur
23 d’Alene Basin, as defined under section 121 of the Federal
24 Water Pollution Control Act, the Secretary of the Interior,
25 acting through the heads of water resources divisions of

1 the Idaho and Washington districts of the United States
2 Geological Survey, shall—

3 (1) in cooperation with appropriate universities
4 and private research institutions and appropriate of-
5 ficials of the appropriate departments and agencies
6 of the States of Idaho and Washington, develop an
7 integrated geographic information system of the
8 Coeur d'Alene Basin;

9 (2) convert all partial recording sites in the
10 Coeur d'Alene Basin to continuous monitoring sta-
11 tions with full gauging capabilities and status; and

12 (3) establish such additional continuous mon-
13 itoring station sites in the Coeur d'Alene Basin as
14 are necessary to carry out basic data collection and
15 monitoring, as defined by the Secretary of the Inte-
16 rior, including ground water mapping, and water
17 quality and sediment data collection.

18 (b) COOPERATION OF THE UNITED STATES FISH
19 AND WILDLIFE SERVICE OF THE DEPARTMENT OF THE
20 INTERIOR.—

21 (1) RESOURCE CONSERVATION PROGRAM.—The
22 Secretary of the Interior, acting through the United
23 States Fish and Wildlife Service, in cooperation with
24 the Coeur d'Alene Fish and Wildlife Management
25 Cooperative and the Coeur d'Alene Basin Manage-

1 ment Conference established pursuant to section 121
2 of the Federal Water Pollution Control Act, shall—

3 (A) establish and implement a fisheries re-
4 sources restoration, development, and conserva-
5 tion program, including dedicating a level of
6 hatchery production within the Coeur d’Alene
7 Basin at or above the level that existed imme-
8 diately preceding the date of the enactment of
9 this Act; and

10 (B) conduct a wildlife species and habitat
11 assessment survey in the Coeur d’Alene Basin,
12 including—

13 (i) a survey of Federal threatened and
14 endangered species, listed or proposed for
15 listing under the Endangered Species Act
16 of 1973 (16 U.S.C. 1531 et seq.), Idaho
17 State and Washington State threatened
18 and endangered species and other species
19 of special concern, migratory nongame spe-
20 cies of management concern, and national
21 resources plan species; and

22 (ii) a survey of migratory bird popu-
23 lations breeding, migrating, and wintering
24 within the Coeur d’Alene Basin.

1 (2) ACTIVITIES.—To accomplish the purposes
2 of paragraph (1), the Director of the United States
3 Fish and Wildlife Service is authorized to carry out
4 activities related to—

5 (A) improving the health of fishery re-
6 sources;

7 (B) conducting investigations about the
8 status of fishery resources, and disseminating
9 that information to all interested parties; and

10 (C) conducting and periodically updating a
11 survey of the fishery resources and their habi-
12 tats and food chains in the Coeur d’Alene
13 Basin.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Department of the
16 Interior such sums as may be necessary for fiscal years
17 1995, 1996, 1997, 1998, and 1999 to carry out sub-
18 sections (a) and (b) of this section.

19 **SEC. 4. RESTORATION PLAN.**

20 (a) COOPERATION OF THE UNITED STATES BUREAU
21 OF LAND MANAGEMENT OF THE DEPARTMENT OF THE
22 INTERIOR.—For the purpose of restoring and managing
23 of public lands, public uses, and the basin restoration
24 areas, the Secretary of the Interior, acting through the

1 State director of the Bureau of Land Management,
2 shall—

3 (1) cooperatively with the other natural re-
4 source trustees, develop and implement a restoration
5 plan for the public lands and other contaminated
6 lands to reduce human and environmental risks in
7 the Coeur d'Alene Basin, as defined in section 121
8 of the Federal Water Pollution Control Act;

9 (2) develop and maintain a computerized geo-
10 graphical information system inventory of abandoned
11 or inactive mining sites and extensively mine waste
12 contaminated areas in the Basin, including audits,
13 tailing piles, mill sites, and processing facilities,
14 their location, key contaminants, their concentra-
15 tions and loading rates, and other information perti-
16 nent to evaluation and prioritization;

17 (3) provide for the cleanup of mining contami-
18 nated sites or areas and the restoration of damaged
19 natural resources on public lands or land acquired to
20 be restored in the Basin;

21 (4) develop and implement stream and river
22 restoration plans which would involve the rebuilding
23 of stream structure, placement of wood debris, habi-
24 tat structures, and habitat rocks, stabilization of
25 banks, and riparian plantings in the Basin;

1 (5) provide for monitoring of restored areas in
2 order to document the effectiveness of the restora-
3 tion and identify any residual problems not suffi-
4 ciently corrected;

5 (6) cooperatively with the other land managing
6 and public health agencies, the Coeur d'Alene Indian
7 tribe, regulators, and land owners, develop and im-
8 plement a land management plan for the public
9 lands and other lands in the Basin to reduce human
10 health and environmental risks;

11 (7) develop and maintain cooperatively an inte-
12 grated computerized geographical information sys-
13 tem of cultural and ecological resources, location of
14 source and contaminated areas, and records of res-
15 toration and management activities to ensure long-
16 term coordinated management within the Basin;

17 (8) working with the Forest Service, Fish and
18 Wildlife Service, Idaho Department of Fish and
19 Game, the Coeur d'Alene Indian tribe, and other
20 wildlife interests, develop wildlife and fishery habitat
21 management plans for the streams, river, lakes, and
22 wetlands in the Basin, including development of co-
23 operative wildlife management areas;

24 (9) provide for monitoring of wildlife manage-
25 ment areas in the Basin for effectiveness of wildlife

1 improvements and restoration and management ac-
2 tivities;

3 (10) working with the Forest Service, Idaho
4 Departments of Fish and Game and Parks and
5 Recreation, public health agencies, the Coeur
6 d'Alene Indian tribe, and other public recreation in-
7 terests develop an integrated public recreation man-
8 agement plan for the Basin to provide public infor-
9 mation and minimize recreational health risks; and

10 (11) develop and implement a lake and river in-
11 formation program to provide public use and health
12 risk information in the Basin along with the recre-
13 ation management and maintenance of public land
14 sites.

15 (b) POWERS OF BLM.—To accomplish the purposes
16 of paragraphs (2), (3), and (4) of subsection (a), the Di-
17 rector of the United States Bureau of Land Management
18 is authorized to carry out activities related to—

19 (1) data collection and other inventory of min-
20 ing waste source areas and contaminated lands;

21 (2) data management of resource information,
22 restoration activities, and monitoring and manage-
23 ment data;

24 (3) accepting or acquiring mining contaminated
25 lands to restore and manage for the purpose of mini-

1 mizing long-term human health and natural resource
2 risks;

3 (4) design, engineering, construction, and main-
4 tenance of restoration projects and management fa-
5 cilities;

6 (5) design, oversee construction, and manage-
7 ment of repositories for mine waste and mine con-
8 taminated soil needed for restoration activities;

9 (6) lake and river information program, public
10 use information, and recreation use supervision;

11 (7) long-term restoration and land management
12 plans for contaminated and restored lands; and

13 (8) providing long-term maintenance and man-
14 agement of restored public lands.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Department of the
17 Interior, Bureau of Land Management, such sums as may
18 be necessary for fiscal years 1995, 1996, 1997, 1998,
19 1999, 2000, 2001, and 2002 to carry out subsections (a)
20 and (b) of this section.

21 **SEC. 5. EXEMPTION FROM CERCLA LIABILITY.**

22 The Environmental Protection Agency and the De-
23 partment of the Interior shall be specifically exempted
24 from liability under the Comprehensive Environmental Re-
25 sponse, Compensation, and Liability Act of 1980 for ac-

1 tions taken under this Act, including any amendment
2 made by this Act.

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