

105TH CONGRESS
1ST SESSION

H. R. 2949

To authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Mr. HULSHOF (for himself and Ms. DANNER) 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 project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

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. MISSOURI AND MIDDLE MISSISSIPPI RIVERS**

4 **ENHANCEMENT PROJECT.**

5 (a) DEFINITIONS.—In this section:

6 (1) MIDDLE MISSISSIPPI RIVER.—The term
7 “middle Mississippi River” means the reach of the

1 Mississippi River from the mouth of the Ohio River
2 (river mile 0, Upper Mississippi River) to the mouth
3 of the Missouri River (river mile 195).

4 (2) MISSOURI RIVER.—The term “Missouri
5 River” means the reach of the Missouri River from
6 the mouth of the Missouri River (river mile 0, Mis-
7 souri River) to river mile 742.

8 (3) PROJECT.—The term “project” means the
9 project authorized by this section.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Army.

12 (b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

13 (1) PLAN.—

14 (A) DEVELOPMENT.—Not later than 180
15 days after the date of enactment of this Act,
16 the Secretary shall develop a plan for a project
17 to protect and enhance fish and wildlife habitat
18 of the Missouri River and the middle Mis-
19 sissippi River.

20 (B) ACTIVITIES.—

21 (i) IN GENERAL.—The plan shall pro-
22 vide for such activities as are necessary to
23 protect and enhance fish and wildlife habi-
24 tat without adversely affecting—

1 (I) the water-related needs of the
2 region surrounding the Missouri River
3 and the middle Mississippi River, in-
4 cluding flood control, navigation, and
5 enhancement of water supply; and

6 (II) private property rights.

7 (ii) REQUIRED ACTIVITIES.—The plan
8 shall include—

9 (I) modification and improvement
10 of navigation training structures to
11 protect and enhance fish and wildlife
12 habitat;

13 (II) modification and creation of
14 side channels to protect and enhance
15 fish and wildlife habitat;

16 (III) restoration and creation of
17 island fish and wildlife habitat;

18 (IV) creation of riverine fish and
19 wildlife habitat;

20 (V) establishment of criteria for
21 prioritizing the type and sequencing of
22 activities based on cost-effectiveness
23 and likelihood of success; and

1 (VI) physical and biological mon-
2 itoring for evaluating the success of
3 the project.

4 (2) IMPLEMENTATION OF ACTIVITIES.—

5 (A) IN GENERAL.—Using funds made
6 available to carry out this section, the Secretary
7 shall carry out the activities described in the
8 plan.

9 (B) USE OF EXISTING AUTHORITY FOR
10 UNCONSTRUCTED FEATURES OF THE
11 PROJECT.—Using funds made available to the
12 Secretary under other law, the Secretary shall
13 design and construct any feature of the project
14 that may be carried out using the authority of
15 the Secretary to modify an authorized project,
16 if the Secretary determines that the design and
17 construction will—

18 (i) accelerate the completion of activi-
19 ties to protect and enhance fish and wild-
20 life habitat of the Missouri River or the
21 middle Mississippi River; and

22 (ii) be compatible with the project
23 purposes described in this section.

24 (c) INTEGRATION OF OTHER ACTIVITIES.—

1 (1) IN GENERAL.—In carrying out the activities
2 described in subsection (b), the Secretary shall inte-
3 grate the activities with other Federal and State ac-
4 tivities.

5 (2) EFFECT ON AUTHORITY.—

6 (A) EXISTING AUTHORITY.—Except as
7 otherwise expressly provided in this section,
8 nothing in this section affects—

9 (i) the authority to carry out the
10 project for mitigation of fish and wildlife
11 losses, Missouri River Bank Stabilization
12 and Navigation Project, Missouri, Kansas,
13 Iowa, and Nebraska, authorized by section
14 601(a) of the Water Resources Develop-
15 ment Act of 1986 (100 Stat. 4143);

16 (ii) the authority provided by section
17 1103 of the Water Resources Development
18 Act of 1986 (33 U.S.C. 652); or

19 (iii) any other authority in effect on
20 the date of enactment of this Act or any
21 requirement of the authority.

22 (B) NEW AUTHORITY.—Nothing in this
23 section confers any new regulatory authority on
24 any Federal or non-Federal entity that carries
25 out any activity authorized by this section.

1 (d) PUBLIC PARTICIPATION.—In developing and car-
2 rying out the plan under subsection (b) and the activities
3 described in subsection (c), the Secretary shall provide for
4 public review and comment in accordance with applicable
5 Federal law, including—

6 (1) providing advance notice of meetings;

7 (2) providing adequate opportunity for public
8 input and comment;

9 (3) maintaining appropriate records; and

10 (4) compiling a record of the proceedings of
11 meetings.

12 (e) COMPLIANCE WITH APPLICABLE LAW.—In carry-
13 ing out the activities described in subsections (b) and (c),
14 the Secretary shall comply with any applicable Federal
15 law, including the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.).

17 (f) COST SHARING.—

18 (1) NON-FEDERAL SHARE.—The non-Federal
19 share of the cost of the project (including design and
20 construction described in subsection (b)(2)(B)) shall
21 not exceed 25 percent.

22 (2) FEDERAL SHARE.—The Federal share of
23 the cost of any 1 activity described in subsection (b)
24 shall not exceed \$5,000,000.

1 (3) OPERATION AND MAINTENANCE.—The op-
2 eration and maintenance of the project shall be a
3 Federal responsibility.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated to pay the Federal share of the cost of
7 carrying out activities under this section
8 \$50,000,000 for the period of fiscal years 1999
9 through 2004.

10 (2) MANAGEMENT OF FUNDS.—Funds made
11 available under this subsection shall be managed by
12 the Mississippi Valley Division of the Army Corps of
13 Engineers and distributed to the appropriate Dis-
14 tricts of the Army Corps of Engineers.

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