

Calendar No. 433

107TH CONGRESS
2^D SESSION**H. R. 3480****[Report No. 107-169]**

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2002

Received; read twice and referred to the Committee on Environment and
Public Works

JUNE 21, 2002

Reported by Mr. JEFFORDS, without amendment

AN ACT

To promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Upper Mississippi River Basin Protection Act of 2001”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Definitions.
 Sec. 3. Reliance on sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

- Sec. 101. Establishment of monitoring network.
 Sec. 102. Data collection and storage responsibilities.
 Sec. 103. Relationship to existing sediment and nutrient monitoring.
 Sec. 104. Collaboration with other public and private monitoring efforts.
 Sec. 105. Cost share requirements.
 Sec. 106. Reporting requirements.
 Sec. 107. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

- Sec. 201. Computer modeling and research of sediment and nutrient sources.
 Sec. 202. Use of electronic means to distribute information.
 Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The terms “Upper Mississippi River Basin”
 4 and “Basin” mean the watershed portion of the
 5 Upper Mississippi River and Illinois River basins,
 6 from Cairo, Illinois, to the headwaters of the Mis-
 7 sissippi River, in the States of Minnesota, Wis-
 8 consin, Illinois, Iowa, and Missouri. The designation
 9 includes the Kaskaskia watershed along the Illinois
 10 River and the Meramec watershed along the Mis-
 11 souri River.

12 (2) The terms “Upper Mississippi River Stew-
 13 ardship Initiative” and “Initiative” mean the activi-
 14 ties authorized or required by this Act to monitor
 15 nutrient and sediment loss in the Upper Mississippi
 16 River Basin.

1 (3) The term “sound science” means a sci-
2 entific method that uses the best available technical
3 and scientific information and techniques to identify
4 and understand natural resource management needs
5 and appropriate treatments, to implement conserva-
6 tion measures, and to assess the results of treat-
7 ments on natural resource health and sustainability
8 in the Upper Mississippi River Basin.

9 **SEC. 3. RELIANCE ON SOUND SCIENCE.**

10 It is the policy of Congress that Federal investments
11 in the Upper Mississippi River Basin must be guided by
12 sound science.

13 **TITLE I—SEDIMENT AND NUTRI-**
14 **ENT MONITORING NETWORK**

15 **SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.**

16 (a) ESTABLISHMENT.—As part of the Upper Mis-
17 sissippi River Stewardship Initiative, the Secretary of the
18 Interior shall establish a sediment and nutrient moni-
19 toring network for the Upper Mississippi River Basin for
20 the purposes of—

21 (1) identifying and evaluating significant
22 sources of sediment and nutrients in the Upper Mis-
23 sissippi River Basin;

1 (2) quantifying the processes affecting mobiliza-
2 tion, transport, and fate of those sediments and nu-
3 trients on land and in water;

4 (3) quantifying the transport of those sediments
5 and nutrients to and through the Upper Mississippi
6 River Basin;

7 (4) recording changes to sediment and nutrient
8 loss over time;

9 (5) providing coordinated data to be used in
10 computer modeling of the Basin, pursuant to section
11 201; and

12 (6) identifying major sources of sediment and
13 nutrients within the Basin for the purpose of tar-
14 geting resources to reduce sediment and nutrient
15 loss.

16 (b) **ROLE OF UNITED STATES GEOLOGICAL SUR-**
17 **VEY.**—The Secretary of the Interior shall carry out this
18 title acting through the office of the Director of the United
19 States Geological Survey.

20 (c) **HEADQUARTERS.**—Sediment and nutrient moni-
21 toring information shall be headquartered at the Upper
22 Midwest Environmental Sciences Center in La Crosse,
23 Wisconsin.

1 **SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.**
2

3 (a) **GUIDELINES FOR DATA COLLECTION AND STORAGE.**—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

10 (b) **RELEASE OF DATA.**—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

17 (c) **PROTECTION OF PRIVACY.**—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title V, United States Code, but may be released only as provided in subsection (b).

23 **SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.**
24

25 (a) **INVENTORY.**—To the maximum extent practicable, the Secretary of the Interior shall inventory the

1 sediment and nutrient monitoring efforts, in existence as
2 of the date of the enactment of this Act, of Federal, State,
3 local, and nongovernmental entities for the purpose of cre-
4 ating a baseline understanding of overlap, data gaps and
5 redundancies.

6 (b) INTEGRATION.—On the basis of the inventory,
7 the Secretary of the Interior shall integrate the existing
8 sediment and nutrient monitoring efforts, to the maximum
9 extent practicable, into the sediment and nutrient moni-
10 toring network required by section 101.

11 (c) CONSULTATION AND USE OF EXISTING DATA.—
12 In carrying out this section, the Secretary of the Interior
13 shall make maximum use of data in existence as of the
14 date of the enactment of this Act and of ongoing programs
15 and efforts of Federal, State, tribal, local, and nongovern-
16 mental entities in developing the sediment and nutrient
17 monitoring network required by section 101.

18 (d) COORDINATION WITH LOWER ESTUARY ASSESS-
19 MENT GROUP.—The Secretary of the Interior shall carry
20 out this section in coordination with the Lower Estuary
21 Assessment Group, as authorized by section 902 of the
22 Estuaries and Clean Waters Act of 2000 (Public Law
23 106–457; 33 U.S.C. 2901 note).

1 **SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRI-**
2 **VATE MONITORING EFFORTS.**

3 To establish the sediment and nutrient monitoring
4 network, the Secretary of the Interior shall collaborate,
5 to the maximum extent practicable, with other Federal,
6 State, tribal, local and private sediment and nutrient mon-
7 itoring programs that meet guidelines prescribed under
8 section 102(a), as determined by the Secretary.

9 **SEC. 105. COST SHARE REQUIREMENTS.**

10 (a) **REQUIRED COST SHARING.**—The non-Federal
11 sponsors of the sediment and nutrient monitoring network
12 shall be responsible for not less than 25 percent of the
13 costs of maintaining the network.

14 (b) **IN-KIND CONTRIBUTIONS.**—Up to 80 percent of
15 the non-Federal share may be provided through in-kind
16 contributions.

17 (c) **TREATMENT OF EXISTING EFFORTS.**—A State or
18 local monitoring effort, in existence as of the date of the
19 enactment of this Act, that the Secretary of the Interior
20 finds adheres to the guidelines prescribed under section
21 102(a) shall be deemed to satisfy the cost share require-
22 ments of this section.

23 **SEC. 106. REPORTING REQUIREMENTS.**

24 The Secretary of the Interior shall report to Congress
25 not later than 180 days after the date of the enactment

1 of this Act on the development of the sediment and nutri-
2 ent monitoring network.

3 **SEC. 107. NATIONAL RESEARCH COUNCIL ASSESSMENT.**

4 The National Research Council of the National Acad-
5 emy of Sciences shall conduct a comprehensive water re-
6 sources assessment of the Upper Mississippi River Basin.

7 **TITLE II—COMPUTER MODELING**
8 **AND RESEARCH**

9 **SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDI-**
10 **MENT AND NUTRIENT SOURCES.**

11 (a) MODELING PROGRAM REQUIRED.—As part of the
12 Upper Mississippi River Stewardship Initiative, the Direc-
13 tor of the United States Geological Survey shall establish
14 a modeling program to identify significant sources of sedi-
15 ment and nutrients in the Upper Mississippi River Basin.

16 (b) ROLE.—Computer modeling shall be used to iden-
17 tify subwatersheds which are significant sources of sedi-
18 ment and nutrient loss and shall be made available for
19 the purposes of targeting public and private sediment and
20 nutrient reduction efforts.

21 (c) COMPONENTS.—Sediment and nutrient models
22 for the Upper Mississippi River Basin shall include the
23 following:

24 (1) Models to relate nutrient loss to landscape,
25 land use, and land management practices.

1 (2) Models to relate sediment loss to landscape,
2 land use, and land management practices.

3 (3) Models to define river channel nutrient
4 transformation processes.

5 (d) COLLECTION OF ANCILLARY INFORMATION.—
6 Ancillary information shall be collected in a GIS format
7 to support modeling and management use of modeling re-
8 sults, including the following:

9 (1) Land use data.

10 (2) Soils data.

11 (3) Elevation data.

12 (4) Information on sediment and nutrient re-
13 duction improvement actions.

14 (5) Remotely sense data.

15 (e) HEADQUARTERS.—Information developed by
16 computer modeling shall be headquartered at the Upper
17 Midwest Environmental Sciences Center in La Crosse,
18 Wisconsin.

19 **SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE**
20 **INFORMATION.**

21 Not later than 90 days after the date of the enact-
22 ment of this Act, the Director of the United States Geo-
23 logical Survey shall establish a system that uses the tele-
24 communications medium known as the Internet to provide
25 information regarding the following:

1 (1) Public and private programs designed to re-
2 duce sediment and nutrient loss in the Upper Mis-
3 sissippi River Basin.

4 (2) Information on sediment and nutrient levels
5 in the Upper Mississippi River and its tributaries.

6 (3) Successful sediment and nutrient reduction
7 projects.

8 **SEC. 203. REPORTING REQUIREMENTS.**

9 (a) **MONITORING ACTIVITIES.**—Commencing one
10 year after the date of the enactment of this Act, the Direc-
11 tor of the United States Geological Survey shall provide
12 to Congress and make available to the public an annual
13 report regarding monitoring activities conducted in the
14 Upper Mississippi River Basin.

15 (b) **MODELING ACTIVITIES.**—Every three years, the
16 Director of the United States Geological Survey shall pro-
17 vide to Congress and make available to the public a
18 progress report regarding modeling activities.

19 **TITLE III—AUTHORIZATION OF**
20 **APPROPRIATIONS**

21 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) **IN GENERAL.**—There is authorized to be appro-
23 priated to the Secretary of the Interior \$6,250,000 each
24 fiscal year to carry out this Act.

1 (b) WATER RESOURCE AND WATER QUALITY MAN-
2 AGEMENT ASSESSMENT.—There is authorized to be ap-
3 propriated \$650,000 to allow the National Research Coun-
4 cil to perform the assessment required by section 107.

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