

111TH CONGRESS  
1ST SESSION

# H. R. 1000

To provide environmental assistance to non-Federal interests in the State  
of Colorado.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2009

Mr. SALAZAR (for himself, Ms. MARKEY of Colorado, Mr. PERLMUTTER, Ms. DEGETTE, Mr. COFFMAN of Colorado, Mr. POLIS of Colorado, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To provide environmental assistance to non-Federal interests  
in the State of Colorado.

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 “Rural Colorado Water  
5        Infrastructure Act”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act, the following definitions apply:

1           (1) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Army, acting through the Chief  
3           of Engineers.

4           (2) STATE.—The term “State” means the State  
5           of Colorado.

6 **SEC. 3. PROGRAM.**

7           (a) ESTABLISHMENT.—The Secretary may establish  
8           a pilot program to provide environmental assistance to  
9           non-Federal interests in the State.

10          (b) FORM OF ASSISTANCE.—Assistance under this  
11          section may be provided in the form of design and con-  
12          struction assistance for water-related environmental infra-  
13          structure and resource protection and development  
14          projects in the State, including projects for—

15               (1) wastewater treatment and related facilities;

16               (2) water supply and related facilities;

17               (3) water conservation and related facilities;

18               (4) stormwater retention and remediation;

19               (5) environmental restoration; and

20               (6) surface water resource protection and devel-  
21          opment.

22          (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
23          retary may provide assistance for a project under this sec-  
24          tion only if the project is publicly owned.

25          (d) LOCAL COOPERATION AGREEMENT.—

1           (1) IN GENERAL.—Before providing assistance  
2           under this section, the Secretary shall enter into a  
3           local cooperation agreement with a non-Federal in-  
4           terest to provide for design and construction of the  
5           project to be carried out with the assistance.

6           (2) REQUIREMENTS.—Each local cooperation  
7           agreement entered into under this subsection shall  
8           provide for the following:

9                   (A) PLAN.—Development by the Secretary,  
10                   in consultation and coordination with appro-  
11                   priate Federal and State officials, of a facilities  
12                   or resource protection and development plan,  
13                   including appropriate engineering plans and  
14                   specifications.

15                   (B) LEGAL AND INSTITUTIONAL STRUC-  
16                   TURES.—Establishment of such legal and insti-  
17                   tutional structures as are necessary to ensure  
18                   the effective long-term operation of the project  
19                   by the non-Federal interest.

20           (3) COST SHARING.—

21                   (A) IN GENERAL.—The Federal share of  
22                   project costs under each local cooperation  
23                   agreement entered into under this subsection—

24                           (i) shall be 75 percent; and

1                   (ii) may be in the form of grants or  
2                   reimbursements of project costs.

3                   (B) PRE-COOPERATIVE AGREEMENT AC-  
4                   TIVITIES.—The Federal share of the cost of ac-  
5                   tivities carried out by the Secretary under this  
6                   section before the execution of a local coopera-  
7                   tive agreement shall be 100 percent.

8                   (C) CREDIT FOR DESIGN WORK.—The non-  
9                   Federal interest shall receive credit, not to ex-  
10                  ceed 6 percent of the total construction costs of  
11                  a project, for the reasonable costs of design  
12                  work completed by the non-Federal interest be-  
13                  fore entering into a local cooperation agreement  
14                  with the Secretary for the project.

15                  (D) CREDIT FOR INTEREST.—In case of a  
16                  delay in the funding of the Federal share of the  
17                  costs of a project that is the subject of an  
18                  agreement under this section, the non-Federal  
19                  interest shall receive credit for reasonable inter-  
20                  est incurred in providing the Federal share of  
21                  the costs of the project.

22                  (E) LAND, EASEMENTS, AND RIGHTS-OF-  
23                  WAY CREDIT.—The non-Federal interest shall  
24                  receive credit for land, easements, rights-of-  
25                  way, and relocations toward the non-Federal

1 share of project costs (including all reasonable  
2 costs associated with obtaining permits nec-  
3 essary for the construction, operation, and  
4 maintenance of the project on publicly owned or  
5 controlled land), but not to exceed 25 percent  
6 of total project costs.

7 (F) OPERATION AND MAINTENANCE.—The  
8 non-Federal share of operation and mainte-  
9 nance costs for projects constructed with assist-  
10 ance provided under this section shall be 100  
11 percent.

12 (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
13 LAWS.—Nothing in this section waives, limits, or other-  
14 wise affects the applicability of any provision of Federal  
15 or State law that would otherwise apply to a project to  
16 be carried out with assistance provided under this section.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$50,000,000 for fiscal year 2009 and thereafter. Such  
20 sums shall remain available until expended.

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