

106TH CONGRESS  
2D SESSION

# S. 2724

To direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams.

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## IN THE SENATE OF THE UNITED STATES

JUNE 13, 2000

Mr. JEFFORDS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams.

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. VERMONT DAM REMEDIATION AND RESTORA-**  
4       **TION PROGRAM.**

5       (a) ASSESSMENT.—

6               (1) IN GENERAL.—In consultation with the Di-  
7       rector of the Federal Emergency Management Agen-  
8       cy and the State of Vermont, the Secretary of the

1 Army shall carry out an assessment of State, munic-  
2 ipal, and private dams in the State of Vermont—

3 (A) to determine whether the dams and re-  
4 lated structures continue to serve their intended  
5 purposes;

6 (B) to evaluate the condition of the dams;

7 (C) to identify any repairs and improve-  
8 ments required to address structural defi-  
9 ciencies in the dams;

10 (D) to identify dams the condition of which  
11 warrants removal of the dams; and

12 (E) to evaluate the need for modifications  
13 to the dams for the purpose of environmental  
14 enhancement, including the need to modify or  
15 remove existing structures or to construct addi-  
16 tional structures to provide for fish passage.

17 (2) PRIORITY DAMS.—The State of Vermont  
18 shall be responsible for determining which dams  
19 have priority for assessment under paragraph (1).

20 (b) MODIFICATIONS TO DAMS.—

21 (1) RECOMMENDED MEASURES.—After comple-  
22 tion of the assessment under subsection (a), the Sec-  
23 retary, in cooperation with appropriate non-Federal  
24 interests, shall implement the recommendations de-  
25 veloped under the assessment, including rec-

ommendations for modifications to the dams evaluated under the assessment.

(2) EMERGENCY MEASURES.—Pending completion of the assessment under subsection (a), the Secretary shall plan and implement necessary modifications to such dams described in subsection (a)(1) as are identified by the Secretary as high or significant hazard dams that pose an imminent threat to life and property in order to address the hazards posed by the dams.

(c) COST SHARING.—

(1) IN GENERAL.—The non-Federal interests shall pay—

(A) 25 percent of the costs of the assessment under subsection (a); and

(B) 25 percent of the costs of modifications to dams under subsection (b).

(2) CONTRIBUTIONS BY NON-FEDERAL INTERESTS.—The non-Federal interests shall—

(A) provide all land, easements, and rights-of-way required to carry out modifications to dams under subsection (b); and

(B) be responsible for all costs associated with operation, maintenance, replacement, and rehabilitation of the modifications to the dams.

1           (3) CREDITS.—

2           (A) ASSESSMENT.—The non-Federal inter-  
3           ests may receive credit toward the non-Federal  
4           share required under paragraph (1)(A) for the  
5           reasonable costs of in-kind services performed  
6           and materials provided by the non-Federal in-  
7           terests in connection with the assessment under  
8           subsection (a).

9           (B) MODIFICATIONS TO DAMS.—

10           (i) IN GENERAL.—Subject to clause  
11           (ii), the non-Federal interests shall receive  
12           credit toward the non-Federal share re-  
13           quired under paragraph (1)(B) for—

14                   (I) the value of land, easements,  
15                   and rights-of-way provided under  
16                   paragraph (2)(A); and

17                   (II) the costs of in-kind services  
18                   performed and materials provided by  
19                   the non-Federal interests in connec-  
20                   tion with modifications to dams under  
21                   subsection (b).

22           (ii) MAXIMUM AMOUNT OF CREDIT.—  
23           Credit under clause (i) shall not exceed an  
24           amount equal to 25 percent of the costs of

- 1 modifications to dams under subsection
- 2 (b).

