

109TH CONGRESS  
1ST SESSION

# S. 218

To amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat.

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IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2005

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat.

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. STREAM HABITAT IMPROVEMENT PROGRAM.**

4       (a) IN GENERAL.—Chapter 5 of subtitle D of title  
5       XII of the Food Security Act of 1985 (16 U.S.C. 3839bb  
6       et seq.) is amended by adding at the end the following:

7       **“SEC. 1240Q. STREAM HABITAT IMPROVEMENT PROGRAM.**

8       “(a) IN GENERAL.—The Secretary, in consultation  
9       with the State technical committees established under sec-  
10      tion 1261, shall establish within the Natural Resources

1 Conservation Service a program to be known as the stream  
 2 habitat improvement program (referred to in this section  
 3 as the ‘program’).

4 “(b) ELIGIBLE PROJECTS.—

5 “(1) IN GENERAL.—Under the program, the  
 6 Secretary shall offer to enter into agreements under  
 7 which the Secretary shall make cost-share payments  
 8 to landowners to carry out on land owned by the  
 9 landowners projects to—

10 “(A) protect streamside areas, including  
 11 through the installation of riparian fencing and  
 12 improved stream crossings;

13 “(B) repair in-stream habitat;

14 “(C) improve water flows and water qual-  
 15 ity, including through channel restoration;

16 “(D) initiate watershed management and  
 17 planning in areas in which streams are in a de-  
 18 graded condition due to past agricultural or for-  
 19 estry practices; and

20 “(E) undertake other types of stream habi-  
 21 tat improvement approved by the Secretary.

22 “(2) PRIORITY PROJECTS.—The Secretary shall  
 23 give priority to any landowner applicant that carries  
 24 out a project to—

1           “(A) remove a small dam or in-stream  
2           structure;

3           “(B) improve fish passage, including  
4           through culvert repair and maintenance;

5           “(C) protect streamside areas;

6           “(D) improve water flows, including  
7           through irrigation efficiency improvements; or

8           “(E) improve in-stream flow quality or  
9           timing or temperature regimes.

10          “(3) PRIORITY APPLICANTS.—To ensure that  
11          program projects address the causes of stream habi-  
12          tat degradation, the Secretary shall give priority to  
13          any landowner applicant that demonstrates that up-  
14          land improvements associated with the stream habi-  
15          tat improvement (including erosion and nutrient  
16          management) have been, or will be, carried out.

17          “(c) COST-SHARE PAYMENTS.—

18               “(1) IN GENERAL.—Except as provided in para-  
19               graphs (2) and (3), the Federal share of payments  
20               made under this section shall be equal to 80 percent  
21               of the total cost incurred by the landowner in car-  
22               rying out a project described in subsection (b), as  
23               determined and approved by the Secretary.

24               “(2) NONPROFIT PARTNERSHIP.—The Sec-  
25               retary shall provide a higher Federal share of pay-

1       ments than the share provided under paragraph (1)  
 2       to a landowner that carries out a project in partner-  
 3       ship with a nonprofit organization.

4               “(3) PRIORITY PROJECTS.—The Secretary may  
 5       provide a higher Federal share of payments than the  
 6       share provided under paragraph (1) to a landowner  
 7       that carries out a project described in subsection  
 8       (b)(2).”.

9       (b) FUNDING AND TECHNICAL ASSISTANCE.—

10              (1) FUNDING.—Section 1241(a) of the Food  
 11       Security Act of 1985 (16 U.S.C. 3841(a)) is amend-  
 12       ed by adding at the end the following:

13              “(8) The stream habitat improvement program  
 14       under section 1240Q, using, to the maximum extent  
 15       practicable, \$60,000,000 in each of fiscal years 2006  
 16       through 2008.”.

17              (2) TECHNICAL ASSISTANCE.—Section  
 18       1241(b)(1) of the Food Security Act of 1985 (16  
 19       U.S.C. 3841(b)(1)) is amended by striking “para-  
 20       graphs (1) through (7)” and inserting “paragraphs  
 21       (1) through (8)”.

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