

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                  tad degradation, the Secretary shall give priority to  
13                  any landowner applicant that demonstrates that up-  
14                  land improvements associated with the stream habi-  
15                  tad 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)”.

