

109TH CONGRESS
1ST SESSION

S. 721

To authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2005

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

A BILL

To authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana.

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. LOUISIANA COASTAL AREA ECOSYSTEM RES-
4 TORATION, LOUISIANA.**

5 (a) IN GENERAL.—The Secretary may carry out a
6 program for ecosystem restoration, Louisiana Coastal
7 Area, Louisiana, substantially in accordance with the re-
8 port of the Chief of Engineers, dated January 31, 2005.

9 (b) PRIORITIES.—

4 (A) any portion of the program identified
5 in the report described in subsection (a) as a
6 critical restoration feature;

9 (i) protects a major population area of
10 the Pontchartrain, Pearl, Breton Sound,
11 Barataria, or Terrebonne Basin; and

12 (ii) produces an environmental benefit
13 to the coastal area of the State of Lou-
14 isiana or the State of Mississippi; and

15 (C) any barrier island, or barrier shoreline,
16 project that—

17 (i) is carried out in conjunction with
18 a Mississippi River diversion project; and

19 (ii) protects a major population area.

20 (c) NON-FEDERAL SHARE.—

21 (1) CREDIT FOR INTEGRAL WORK.—The Sec-

22 retary shall provide credit (including in-kind credit)

23 toward the non-Federal share for the cost of any

24 work carried out by the non-Federal interest on a

25 project that is part of the program under subsection

1 (a) if the Secretary determines that the work is inte-
2 gral to the project.

3 (2) CARRYOVER OF CREDITS.—A credit pro-
4 vided under paragraph (1) may be carried over be-
5 tween authorized projects in the Louisiana Coastal
6 Area ecosystem restoration program.

7 (3) NONGOVERNMENTAL ORGANIZATIONS.—A
8 nongovernmental organization shall be eligible to
9 contribute all or a portion of the non-Federal share
10 of the cost of a project under this section.

11 (d) COMPREHENSIVE PLAN.—

12 (1) IN GENERAL.—The Secretary, in coordina-
13 tion with the Governor of the State of Louisiana,
14 shall—

15 (A) develop a plan for protecting, pre-
16 serving, and restoring the coastal Louisiana
17 ecosystem; and

18 (B) not later than 1 year after the date of
19 enactment of this Act, and every 5 years there-
20 after, submit to Congress the plan, or an up-
21 date of the plan.

22 (2) INCLUSIONS.—The comprehensive plan
23 shall include a description of—

24 (A) the framework of a long-term program
25 that provides for the comprehensive protection,

1 conservation, and restoration of the wetlands,
2 estuaries (including the Barataria-Terrebonne
3 estuary), barrier islands, shorelines, and related
4 land and features of the coastal Louisiana eco-
5 system, including protection of a critical re-
6 source, habitat, or infrastructure from the ef-
7 fects of a coastal storm, a hurricane, erosion, or
8 subsidence;

9 (B) the means by which a new technology,
10 or an improved technique, can be integrated
11 into the program under subsection (a); and

12 (C) the role of other Federal agencies and
13 programs in carrying out the program under
14 subsection (a).

15 (3) CONSIDERATION.—In developing the com-
16 prehensive plan, the Secretary shall consider the ad-
17 visability of integrating into the program under sub-
18 section (a)—

19 (A) a related Federal or State project car-
20 ried out on the date on which the plan is devel-
21 oped;

22 (B) an activity in the Louisiana Coastal
23 Area; or

24 (C) any other project or activity identified
25 in—

- 1 (i) the Mississippi River and Tribu-
2 taries program;
- 3 (ii) the Louisiana Coastal Wetlands
4 Conservation Plan;
- 5 (iii) the Louisiana Coastal Zone Man-
6 agement Plan; or
- 7 (iv) the plan of the State of Louisiana
8 entitled “Coast 2050: Toward a Sustain-
9 able Coastal Louisiana”.

10 (e) TASK FORCE.—

19 (A) The Secretary.

20 (B) The Secretary of the Interior.

21 (C) The Secretary of Commerce.

22 (D) The Administrator of the Environmental Protection Agency.
23

24 (E) The Secretary of Agriculture.

25 (F) The Secretary of Transportation.

1 (G) The Secretary of Energy.

2 (H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

7 (A) policies, strategies, plans, programs,
8 projects, and activities for addressing conserva-
9 tion, protection, restoration, and maintenance
10 of the coastal Louisiana ecosystem;

11 (B) financial participation by each agency
12 represented on the Task Force in conserving,
13 protecting, restoring, and maintaining the
14 coastal Louisiana ecosystem, including rec-
15 commendations—

16 (i) that identify funds from current
17 agency missions and budgets; and

18 (ii) for coordinating individual agency
19 budget requests; and

20 (C) the comprehensive plan under sub-
21 section (d).

22 (4) WORKING GROUPS.—The Task Force may
23 establish such working groups as the Task Force de-
24 termines to be necessary to assist the Task Force in
25 carrying out this subsection.

6 (A) to identify any uncertainty relating to
7 the physical, chemical, geological, biological,
8 and cultural baseline conditions in coastal Lou-
9 isiana;

10 (B) to improve knowledge of the physical,
11 chemical, geological, biological, and cultural
12 baseline conditions in coastal Louisiana; and

13 (C) to identify and develop technologies,
14 models, and methods to carry out this sub-
15 section

1 tise in the restoration of aquatic and marine eco-
2 systems for coastal restoration and enhancement
3 through science and technology.

4 (h) ANALYSIS OF BENEFITS.—

5 (1) IN GENERAL.—Notwithstanding section 209
6 of the Flood Control Act of 1970 (42 U.S.C. 1962–
7 2) or any other provision of law, in carrying out an
8 activity to conserve, protect, restore, or maintain the
9 coastal Louisiana ecosystem, the Secretary may de-
10 termine that the environmental benefits provided by
11 the program under this section outweigh the dis-
12 advantage of an activity under this section.

13 (2) DETERMINATION OF COST-EFFECTIVE-
14 NESS.—If the Secretary determines that an activity
15 under this section is cost-effective, no further eco-
16 nomic justification for the activity shall be required.

17 (i) APPORTIONMENT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Sec-
20 retary, in consultation with the non-Federal interest,
21 shall enter into a contract with the National Acad-
22 emy of Sciences under which the National Academy
23 of Sciences shall conduct a study.

4 (A) each cause of degradation of the Lou-
5 isiana Coastal Area ecosystem that is attrib-
6 utable to an action by the Secretary;

9 (C) any potential reduction in the amount
10 of Federal emergency response funds that
11 would occur as a result of ecosystem restoration
12 in the Louisiana Coastal Area; and

13 (D) the reduction in costs associated with
14 protection and maintenance of infrastructure
15 that is threatened or damaged as a result of
16 coastal erosion in Louisiana that would occur as
17 a result of ecosystem restoration in the Lou-
18 isiana Coastal Area.

19 (j) REPORT.—Not later than July 1, 2006, the Sec-
20 retary, in conjunction with the Chief of Engineers, shall
21 submit to Congress a report describing the features in-
22 cluded in table 3 of the report described in subsection (a).

23 (k) PROJECT MODIFICATIONS.—

24 (1) REVIEW.—The Secretary, in cooperation
25 with any non-Federal interest, shall review each fed-

1 generally-authorized water resources project in the
2 coastal Louisiana area in existence on the date of
3 enactment of this Act to determine whether—

4 (A) each project is in accordance with the
5 program under subsection (a); and

6 (B) the project could contribute to eco-
7 system restoration under subsection (a) through
8 modification of the operations or features of the
9 project.

14 (3) REPORT.—

15 (A) IN GENERAL.—Before modifying an
16 operation or feature of a project under para-
17 graph (1)(B), the Secretary shall submit to the
18 Committee on Environment and Public Works
19 of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Rep-
21 resentatives a report describing the modifica-
22 tion.

23 (B) INCLUSION.—A report under para-
24 graph (2)(B) shall include such information re-

1 lating to the timeline and cost of a modification
2 as the Secretary determines to be relevant.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to the Sec-
5 retary to carry out modifications under this sub-
6 section \$10,000,000.

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