

# Union Calendar No. 317

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5340

[Report No. 109-561]

To promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2006

Mr. KIND introduced the following bill; which was referred to the Committee on Resources

JULY 13, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 10, 2006]

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## A BILL

To promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 3 *“Upper Mississippi River Basin Protection Act”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 5 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

*Sec. 3. Reliance on sound science.*

*TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK*

*Sec. 101. Establishment of monitoring network.*

*Sec. 102. Data collection and storage responsibilities.*

*Sec. 103. Relationship to existing sediment and nutrient monitoring.*

*Sec. 104. Collaboration with other public and private monitoring efforts.*

*Sec. 105. Reporting requirements.*

*Sec. 106. National Research Council assessment.*

*TITLE II—COMPUTER MODELING AND RESEARCH*

*Sec. 201. Computer modeling and research of sediment and nutrient sources.*

*Sec. 202. Use of electronic means to distribute information.*

*Sec. 203. Reporting requirements.*

*TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED  
MATTERS*

*Sec. 301. Authorization of appropriations.*

*Sec. 302. Cost-sharing requirements.*

*Sec. 303. Sunset.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *The terms “Upper Mississippi River Basin”*  
 9 *and “Basin” mean the watershed portion of the*  
 10 *Upper Mississippi River and Illinois River basins,*  
 11 *from Cairo, Illinois, to the headwaters of the Mis-*  
 12 *sissippi River, in the States of Minnesota, Wisconsin,*  
 13 *Illinois, Iowa, and Missouri. The designation includes*

1        *the Kaskaskia watershed along the Illinois River and*  
2        *the Meramec watershed along the Missouri River.*

3            (2) *The terms “Upper Mississippi River Stew-*  
4        *ardship Initiative” and “Initiative” mean the activi-*  
5        *ties authorized or required by this Act to monitor nu-*  
6        *trient and sediment loss in the Upper Mississippi*  
7        *River Basin.*

8            (3) *The term “sound science” refers to the use of*  
9        *accepted and documented scientific methods to iden-*  
10       *tify and quantify the sources, transport, and fate of*  
11       *nutrients and sediment and to quantify the effect of*  
12       *various treatment methods or conservation measures*  
13       *on nutrient and sediment loss. Sound science requires*  
14       *the use of documented protocols for data collection*  
15       *and data analysis, and peer review of the data, re-*  
16       *sults, and findings.*

17 **SEC. 3. RELIANCE ON SOUND SCIENCE.**

18        *It is the policy of Congress that Federal investments*  
19       *in the Upper Mississippi River Basin must be guided by*  
20       *sound science.*

21 **TITLE I—SEDIMENT AND NUTRI-**  
22 **ENT MONITORING NETWORK**

23 **SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.**

24        (a) *ESTABLISHMENT.*—*As part of the Upper Mis-*  
25       *issippi River Stewardship Initiative, the Secretary of the*

1 *Interior shall establish a sediment and nutrient monitoring*  
2 *network for the Upper Mississippi River Basin for the pur-*  
3 *poses of—*

4           (1) *identifying and evaluating significant*  
5 *sources of sediment and nutrients in the Upper Mis-*  
6 *issippi River Basin;*

7           (2) *quantifying the processes affecting mobiliza-*  
8 *tion, transport, and fate of those sediments and nutri-*  
9 *ents on land and in water;*

10           (3) *quantifying the transport of those sediments*  
11 *and nutrients to and through the Upper Mississippi*  
12 *River Basin;*

13           (4) *recording changes to sediment and nutrient*  
14 *loss over time;*

15           (5) *providing coordinated data to be used in*  
16 *computer modeling of the Basin, pursuant to section*  
17 *201; and*

18           (6) *identifying major sources of sediment and*  
19 *nutrients within the Basin for the purpose of tar-*  
20 *geting resources to reduce sediment and nutrient loss.*

21           **(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—**

22 *The Secretary of the Interior shall carry out this title acting*  
23 *through the office of the Director of the United States Geo-*  
24 *logical Survey.*

1 **SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBIL-**  
2 **ITIES.**

3 (a) *GUIDELINES FOR DATA COLLECTION AND STOR-*  
4 *AGE.*—*The Secretary of the Interior shall establish guide-*  
5 *lines for the effective design of data collection activities re-*  
6 *garding sediment and nutrient monitoring, for the use of*  
7 *suitable and consistent methods for data collection, and for*  
8 *consistent reporting, data storage, and archiving practices.*

9 (b) *RELEASE OF DATA.*—*Data resulting from sediment*  
10 *and nutrient monitoring in the Upper Mississippi River*  
11 *Basin shall be released to the public using generic station*  
12 *identifiers and hydrologic unit codes. In the case of a moni-*  
13 *toring station located on private lands, information regard-*  
14 *ing the location of the station shall not be disseminated*  
15 *without the landowner's permission.*

16 (c) *PROTECTION OF PRIVACY.*—*Data resulting from*  
17 *sediment and nutrient monitoring in the Upper Mississippi*  
18 *River Basin is not subject to the mandatory disclosure pro-*  
19 *visions of section 552 of title 5, United States Code, but*  
20 *may be released only as provided in subsection (b).*

21 **SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NU-**  
22 **TRIENT MONITORING.**

23 (a) *INVENTORY.*—*To the maximum extent practicable,*  
24 *the Secretary of the Interior shall inventory the sediment*  
25 *and nutrient monitoring efforts, in existence as of the date*  
26 *of the enactment of this Act, of Federal, State, local, and*

1 *nongovernmental entities for the purpose of creating a base-*  
2 *line understanding of overlap, data gaps and redundancies.*

3 (b) *INTEGRATION.*—*On the basis of the inventory, the*  
4 *Secretary of the Interior shall integrate the existing sedi-*  
5 *ment and nutrient monitoring efforts, to the maximum ex-*  
6 *tent practicable, into the sediment and nutrient monitoring*  
7 *network required by section 101.*

8 (c) *CONSULTATION AND USE OF EXISTING DATA.*—*In*  
9 *carrying out this section, the Secretary of the Interior shall*  
10 *make maximum use of data in existence as of the date of*  
11 *the enactment of this Act and of ongoing programs and ef-*  
12 *forts of Federal, State, tribal, local, and nongovernmental*  
13 *entities in developing the sediment and nutrient monitoring*  
14 *network required by section 101.*

15 (d) *COORDINATION WITH LONG-TERM ESTUARY AS-*  
16 *SESSMENT PROJECT.*—*The Secretary of the Interior shall*  
17 *carry out this section in coordination with the long-term*  
18 *estuary assessment project authorized by section 902 of the*  
19 *Estuaries and Clean Waters Act of 2000 (Public Law 106-*  
20 *457; 33 U.S.C. 2901 note).*

21 **SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRI-**  
22 **VATE MONITORING EFFORTS.**

23 *To establish the sediment and nutrient monitoring net-*  
24 *work, the Secretary of the Interior shall collaborate, to the*  
25 *maximum extent practicable, with other Federal, State,*

1 *tribal, local and private sediment and nutrient monitoring*  
2 *programs that meet guidelines prescribed under section*  
3 *102(a), as determined by the Secretary.*

4 **SEC. 105. REPORTING REQUIREMENTS.**

5 *The Secretary of the Interior shall report to Congress*  
6 *not later than 180 days after the date of the enactment of*  
7 *this Act on the development of the sediment and nutrient*  
8 *monitoring network.*

9 **SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.**

10 *The National Research Council of the National Acad-*  
11 *emy of Sciences shall conduct a comprehensive water re-*  
12 *sources assessment of the Upper Mississippi River Basin.*

13 **TITLE II—COMPUTER MODELING**  
14 **AND RESEARCH**

15 **SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDI-**  
16 **MENT AND NUTRIENT SOURCES.**

17 *(a) MODELING PROGRAM REQUIRED.—As part of the*  
18 *Upper Mississippi River Stewardship Initiative, the Direc-*  
19 *tor of the United States Geological Survey shall establish*  
20 *a modeling program to identify significant sources of sedi-*  
21 *ment and nutrients in the Upper Mississippi River Basin.*

22 *(b) ROLE.—Computer modeling shall be used to iden-*  
23 *tify subwatersheds which are significant sources of sediment*  
24 *and nutrient loss and shall be made available for the pur-*

1 *poses of targeting public and private sediment and nutrient*  
2 *reduction efforts.*

3 (c) *COMPONENTS.—Sediment and nutrient models for*  
4 *the Upper Mississippi River Basin shall include the fol-*  
5 *lowing:*

6 (1) *Models to relate nutrient loss to landscape,*  
7 *land use, and land management practices.*

8 (2) *Models to relate sediment loss to landscape,*  
9 *land use, and land management practices.*

10 (3) *Models to define river channel nutrient*  
11 *transformation processes.*

12 (d) *COLLECTION OF ANCILLARY INFORMATION.—An-*  
13 *cillary information shall be collected in a GIS format to*  
14 *support modeling and management use of modeling results,*  
15 *including the following:*

16 (1) *Land use data.*

17 (2) *Soils data.*

18 (3) *Elevation data.*

19 (4) *Information on sediment and nutrient reduc-*  
20 *tion improvement actions.*

21 (5) *Remotely sense data.*

22 **SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE IN-**  
23 **FORMATION.**

24 *Not later than 90 days after the date of the enactment*  
25 *of this Act, the Director of the United States Geological Sur-*

1 *vey shall establish a system that uses the telecommuni-*  
2 *cations medium known as the Internet to provide informa-*  
3 *tion regarding the following:*

4           (1) *Public and private programs designed to re-*  
5 *duce sediment and nutrient loss in the Upper Mis-*  
6 *issippi River Basin.*

7           (2) *Information on sediment and nutrient levels*  
8 *in the Upper Mississippi River and its tributaries.*

9           (3) *Successful sediment and nutrient reduction*  
10 *projects.*

11 **SEC. 203. REPORTING REQUIREMENTS.**

12           (a) *MONITORING ACTIVITIES.*—*Commencing one year*  
13 *after the date of the enactment of this Act, the Director of*  
14 *the United States Geological Survey shall provide to Con-*  
15 *gress and make available to the public an annual report*  
16 *regarding monitoring activities conducted in the Upper*  
17 *Mississippi River Basin.*

18           (b) *MODELING ACTIVITIES.*—*Every three years, the*  
19 *Director of the United States Geological Survey shall pro-*  
20 *vide to Congress and make available to the public a progress*  
21 *report regarding modeling activities.*

1 **TITLE III—AUTHORIZATION OF**  
2 **APPROPRIATIONS AND RE-**  
3 **LATED MATTERS**

4 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *UNITED STATES GEOLOGICAL SURVEY ACTIVI-*  
6 *TIES.*—*There is authorized to be appropriated to the United*  
7 *States Geological Survey \$6,250,000 each fiscal year to*  
8 *carry out this Act (other than section 106). Of the amounts*  
9 *appropriated for a fiscal year pursuant to this authoriza-*  
10 *tion of appropriations, one-third shall be made available*  
11 *for the United States Geological Survey Cooperative Water*  
12 *Program and the remainder shall be made available for the*  
13 *United States Geological Survey Hydrologic Networks and*  
14 *Analysis Program.*

15 (b) *WATER RESOURCE AND WATER QUALITY MANAGE-*  
16 *MENT ASSESSMENT.*—*There is authorized to be appro-*  
17 *priated \$650,000 to allow the National Research Council*  
18 *to perform the assessment required by section 106.*

19 **SEC. 302. COST-SHARING REQUIREMENTS.**

20 *Funds made available for the United States Geological*  
21 *Survey Cooperative Water Program under section 301(a)*  
22 *shall be subject to the same cost sharing requirements as*  
23 *specified in the last proviso under the heading “UNITED*  
24 *STATES GEOLOGICAL SURVEY—SURVEYS, INVESTIGA-*  
25 *TIONS, AND RESEARCH” of the Department of the Inte-*

1 rior, *Environment, and Related Agencies Appropriations*  
2 *Act, 2006 (Public Law 109–54; 119 Stat. 510; 43 U.S.C.*  
3 *50).*

4 **SEC. 303. SUNSET.**

5 *The authority of the Secretary of the Interior to carry*  
6 *out any provisions of this Act shall terminate 10 years after*  
7 *the date of the enactment of this Act.*

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**H. R. 5340**

[Report No. 109-5611]

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