

Section 594. Additional assistance for critical projects

Amends section 219 of the Water Resources Development Act of 1992 to add assistance for critical projects.

ADDITIONAL MATTERS

The water levels of the Great Lakes are cyclical, rising and falling as temperature and precipitation patterns naturally change over the years. Currently, the level of the Lake Huron is in a low period, exposing muck and weeds that can be both unhealthy and unsightly. This exposed lake bottom also can serve as a breeding ground for mosquitoes. The Committee is aware that some owners of property on Lake Huron, in Saginaw Bay, have tried to clean up this muck and weeds. As a result of these beach maintenance activities, the Corps of Engineers has issued cease and desist orders and threatened some landowners with penalties under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act. In fact, the Detroit District has informed us. "[I]n an effort to keep such unauthorized work from spreading across the entire Saginaw Bay, we secured assistance from the US Attorneys Office to take action against three, randomly chosen parties," threatening criminal penalties.

The Committee is concerned about how the Detroit District chose to address this situation. The Committee directs the Corps of Engineers to examine its enforcement measures, and instead emphasize education and compliance assistance to carry out its regulatory authorities.

The Committee directs the Secretary to have the Secretary's Counsel review section 404 of the Clean Water Act, section 10 of the Rivers and Harbors Act, and the beach maintenance activities of landowners along Lake Huron, to determine if these activities actually constitute an activity that requires a permit under federal or state law.

If, after the review, Counsel for the Army determines that the beach maintenance activities of these landowners are regulated activities, the Committee directs the Corps of Engineers to work with the property owners the effects of the beach maintenance activities and bring them within the scope of a general permit.

The Committee also is aware of problems with an invasive aquatic species known as tamarisk, or salt cedar, that is using 2 to 4.5 million acre-feet of water in reservoirs on the West Coast. The Corps of Engineers' has a great deal of expertise in aquatic plant control through its Aquatic Plant Control Research Program. The Committee encourages the Corps to look for opportunities to use this program to assist with the control of tamarisk.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Subcommittee on Water Resources and Environment held three days of hearings on projects, programs and policies considered during the development of H.R. 5428: on March 7, 2002; April 10, 2002; and April 17, 2002. During these hearings, testimony was received from 30 witnesses, including Members of Congress, the Administration, project sponsors, national water resources development and environmental organizations, and state and local officials. On February 27, 2002, the Subcommittee also held a hearing