

PUBLIC LAW 101-596 – NOV. 16, 1990

TITLE III – LAKE CHAMPLAIN

SHORT TITLE

Sec. 301 This title may be cited as the “Lake Champlain Special Designation Act of 1990”

DEMONSTRATION PROGRAM

Sec. 302 Paragraph (2) of section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d) is amended by inserting “Lake Champlain, New York and Vermont;” before “Lake Houston, Texas”.

LAKE CHAMPLAIN MANAGEMENT CONFERENCE

Sec. 1270.

- (a) Establishment
There is established a Lake Champlain Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for Lake Champlain. The Administrator shall convene the management conference within ninety days of November 16, 1990.
- (b) Membership
The Members of the Management Conference shall be comprised of -
 - (1) the Governors of the States of Vermont and New York;
 - (2) each interested Federal agency, not to exceed a total of five members;
 - (3) the Vermont and New York Chairpersons of the Vermont, New York, Quebec Citizens Advisory Committee for the Environmental Management of Lake Champlain;
 - (4) four representatives of the State legislature of Vermont;
 - (5) four representatives of the State legislature of New York;
 - (6) six persons representing local governments having jurisdiction over any land or water within the Lake Champlain basin, as determined appropriate by the Governors; and
 - (7) eight persons representing affected industries, nongovernmental organizations, public and private educational institutions, and the general public, as determined appropriate by the trigovernmental Citizens Advisory Committee for the Environmental Management of Lake Champlain, but not to be current members of the Citizens Advisory Committee.
- (c) Technical Advisory Committee
 - (1) The Management Conference shall, not later than one hundred and twenty days after November 16, 1990, appoint a Technical Advisory Committee.
 - (2) Such Technical Advisory Committee shall consist of officials of: appropriate departments and agencies of the Federal Government; the State governments of New York and Vermont; and governments of political subdivisions of such States; and public and private research institutions.
- (d) Research program
 - (1) ⁽¹⁾ The Management Conference shall establish a multi-disciplinary environmental research program for Lake Champlain. Such research program shall be planned and conducted jointly with the Lake Champlain Research Consortium.
⁽¹⁾ So in original. Subsec. (d) enacted without a par.
 - () ⁽¹⁾ The Management Conference shall establish a
- (e) Pollution prevention, control, and restoration plan

- (1) Not later than three years after November 16, 1990, the Management Conference shall publish a pollution prevention, control, and restoration plan (hereafter in this section referred to as the "Plan") for Lake Champlain.
- (2) The Plan developed pursuant to this section shall -
 - (A) identify corrective actions and compliance schedules addressing point and nonpoint sources of pollution necessary to restore and maintain the chemical, physical, and biological integrity of water quality, a balanced, indigenous population of shellfish, fish and wildlife, recreational, and economic activities in and on the lake;
 - (B) incorporate environmental management concepts and programs established in State and Federal plans and programs in effect at the time of the development of such plan;
 - (C) clarify the duties of Federal and State agencies in pollution prevention and control activities, and to the extent allowable by law, suggest a timetable for adoption by the appropriate Federal and State agencies to accomplish such duties within a reasonable period of time;
 - (D) describe the methods and schedules for funding of programs, activities, and projects identified in the Plan, including the use of Federal funds and other sources of funds; and
 - (E) include a strategy for pollution prevention and control that includes the promotion of pollution prevention and management practices to reduce the amount of pollution generated in the Lake Champlain basin.
- (3) The Administrator, in cooperation with the Management Conference, shall provide for public review and comment on the draft Plan. At a minimum, the Management Conference shall conduct one public meeting to hear comments on the draft plan in the State of New York and one such meeting in the State of Vermont.
- (4) Not less than one hundred and twenty days after the publication of the Plan required pursuant to this section, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governors of the States of New York and Vermont concur.
- (5) Upon approval of the plan, such plan shall be deemed to be an approved management program for the purposes of section [1329](#)(h) of this title and such plan shall be deemed to be an approved comprehensive conservation and management plan pursuant to section [1330](#) of this title.
- (f) Grant assistance
 - (1) The Administrator may, in consultation with the Management Conference, make grants to State, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations.
 - (2) Grants under this subsection shall be made for assisting research, surveys, studies, and modeling and technical and supporting work necessary for the development of the Plan and for retaining expert consultants in support of litigation undertaken by the State of New York and the State of Vermont to compel cleanup or obtain cleanup damage costs from persons responsible for pollution of Lake Champlain.
 - (3) The amount of grants to any person under this subsection for a fiscal year shall not exceed 75 per centum of the costs of such research, survey, study and work and shall be made available on the condition that non-Federal share of such costs are provided from non-Federal sources.
 - (4) The Administrator may establish such requirements for the administration of grants as he determines to be appropriate.
- (g) "Lake Champlain drainage basin" defined
 For the purposes of this section, the term "Lake Champlain drainage basin" means all or part of Clinton, Franklin, Warren, Essex, and Washington counties in the State of New York and all or

part of Franklin, Grand Isle, Chittenden, Addison, Rutland, Lamoille, Orange, Washington, Orleans, and Caledonia counties in Vermont, that contain all of the streams, rivers, lakes, and other bodies of water, including wetlands, that drain into Lake Champlain.

- (h) Statutory interpretation

Nothing in this section shall be construed so as to affect the jurisdiction or powers of -

- (1) any department or agency of the Federal Government or any State government; or
- (2) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory.

- (i) Authorization

There are authorized to be appropriated to the Environmental Protection Agency to carry out this section \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995.

Notes on Title 33, Section 1270

SOURCE

(June 30, 1948, ch. 758, title I, Sec. 120, as added Nov. 16, 1990, [Pub. L. 101-596](#), title III, Sec. 303, 104 Stat. 3006.)

FEDERAL PROGRAM COORDINATION

Section 304 of [Pub. L. 101-596](#), as amended by [Pub. L. 104-127](#), title III, Sec. 336(a)(2)(F), Apr. 4, 1996, 110 Stat. 1005, provided that: "(a) Designation of Lake Champlain as a Priority Area Under the Environmental Quality Incentives Program. - "

(1) In general. - Notwithstanding any other provision of law, the Lake Champlain basin, as defined under section 120(h) of the Federal Water Pollution Control Act (33 U.S.C. 1270(h)), shall be designated by the Secretary of Agriculture as a priority area under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.). "

(2) Technical assistance reimbursement. - To carry out the purposes of this subsection, the technical assistance reimbursement from the Agricultural Stabilization and Conservation Service authorized under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), shall be increased from 5 per centum to 10 per centum. "

(3) Comprehensive agricultural monitoring. - The Secretary, in consultation with the Management Conference and appropriate State and Federal agencies, shall develop a comprehensive agricultural monitoring and evaluation network for all major drainages within the Lake Champlain basin. "

(4) Allocation of funds. - In allocating funds under this subsection, the Secretary of Agriculture shall consult with the Management Conference established under section 120 of the Federal Water Pollution Control Act and to the extent allowable by law, allocate funds to those agricultural enterprises located at sites that the Management Conference determines to be priority sites, on the basis of a concern for ensuring implementation of nonpoint source pollution controls throughout the Lake Champlain basin. "

(b) Cooperation of the United States Geological Survey of the Department of the Interior. - For the purpose of enhancing and expanding basic data collection and monitoring in operation in the Lake Champlain basin, as defined under section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270), the Secretary of the Interior, acting through the heads of water resources divisions of the New York and New England districts of the United States Geological Survey, shall - "

(1) in cooperation with appropriate universities and private research institutions, and the appropriate officials of the appropriate departments and agencies of the States of New York and Vermont, develop an integrated geographic information system of the Lake Champlain basin; "

(2) convert all partial recording sites in the Lake Champlain basin to continuous monitoring stations with full gauging capabilities and status; and "

(3) establish such additional continuous monitoring station sites in the Lake Champlain basin as are necessary to carry out basic data collection and monitoring, as defined by the Secretary of the Interior, including groundwater mapping, and water quality and sediment data collection. "

(c) Cooperation of the United States Fish and Wildlife Service of the Department of the Interior. - "

(1) Resource conservation program. - The Secretary of the Interior, acting through the United States Fish and Wildlife Service, in cooperation with the Lake Champlain Fish and Wildlife Management Cooperative and the Management Conference established pursuant to this subsection shall - "

(A) establish and implement a fisheries resources restoration, development and conservation program, including dedicating a level of hatchery production within the Lake Champlain basin at or above the level that existed immediately preceding the date of enactment of this Act (Nov. 16, 1990); and "

(B) conduct a wildlife species and habitat assessment survey in the Lake Champlain basin, including - "

(i) a survey of Federal threatened and endangered species, listed or proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), New York State and State of Vermont threatened and endangered species and other species of special concern, migratory nongame species of management concern, and national resources plan species; "

(ii) a survey of wildlife habitats such as islands, wetlands, and riparian areas; and "

(iii) a survey of migratory bird populations breeding, migrating and wintering within the Lake Champlain basin."

(2) To accomplish the purposes of paragraph (1), the Director of the United States Fish and Wildlife Service is authorized to carry out activities related to - "

(A) controlling sea lampreys and other nonindigenous aquatic animal nuisances; "

(B) improving the health of fishery resources; "

(C) conducting investigations about and assessing the status of fishery resources, and disseminating that information to all interested parties; and

(D) conducting and periodically updating a survey of the fishery resources and their habitats and food chains in the Lake Champlain basin. "(d) Authorizations. -

(1) There is authorized to be appropriated to the Department of Agriculture \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsection (a) of this section. "(2) There is authorized to be appropriated to the Department of (the) Interior \$1,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsections (b) and (c) of this section."