

106TH CONGRESS
2D SESSION

H. R. 5150

To direct the Secretary of the Army to conduct studies and ecosystem restoration projects within the Lower Columbia River and Tillamook Bay Estuaries, Oregon and Washington.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. BLUMENAUER (for himself, Mr. DEFazio, Ms. HOOLEY of Oregon, and Mr. WU) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of the Army to conduct studies and ecosystem restoration projects within the Lower Columbia River and Tillamook Bay Estuaries, Oregon and Washington.

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. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**

4 **ESTUARIES, OREGON AND WASHINGTON.**

5 (a) IN GENERAL.—The Secretary of the Army shall
6 conduct studies and ecosystem restoration projects within

1 the Lower Columbia River and Tillamook Bay Estuaries,
2 Oregon and Washington.

3 (b) CONSULTATION.—In carrying out this section,
4 the Secretary shall consult with—

5 (1) the States of Oregon and Washington;

6 (2) the Administrator of the Environmental
7 Protection Agency;

8 (3) the Director of the United States Fish and
9 Wildlife Service of the Department of Interior;

10 (4) the Under Secretary for Oceans and Atmos-
11 phere of the Department of Commerce; and

12 (5) the Chief of the Forest Service of the De-
13 partment of Agriculture.

14 (c) USE OF MANAGEMENT PLANS AND COMMIT-
15 TEES.—In carrying out this section, the Secretary shall
16 use comprehensive conservation and management plans
17 and committees established pursuant to the Tillamook
18 Bay National Estuary Project (in this section referred to
19 as the “TBNEP”) and the Lower Columbia River Estuary
20 Program (in this section referred to as the “LCREP”) as
21 guides for estuary restoration projects.

22 (d) REQUIREMENTS FOR PROJECTS.—The Secretary
23 shall conduct projects under this section that are nec-
24 essary to protect, monitor, and restore fish and wildlife
25 habitat without adversely affecting the water-related needs

1 of the Lower Columbia River and Tillamook Bay Estu-
2 aries (including navigation, recreation, and water supply)
3 and private property rights.

4 (e) PRIORITIZATION.—In prioritizing projects for im-
5 plementation under this subsection, the Secretary shall
6 consult with the LCREP Implementation Committee and
7 the TBNEP Tillamook Performance Partnership Com-
8 mittee and give full consideration to their priorities for
9 projects.

10 (f) IMPLEMENTATION.—Ecosystem restoration meas-
11 ures determined by the Secretary to be feasible based on
12 studies conducted under this section and on prior analyses
13 conducted by both Federal agencies and non-Federal spon-
14 sors shall be implemented using funds made available to
15 carry out this section. These measures may include envi-
16 ronmental improvements related to existing Corps of En-
17 gineers facilities and other Federal facilities. The Sec-
18 retary shall develop cost effectiveness and other criteria
19 for evaluating and approving authorized studies and prior
20 analyses.

21 (g) DEMONSTRATION PROJECTS.—To demonstrate
22 the importance of expediting restoration efforts in the
23 Lower Columbia River and Tillamook Bay Estuaries, the
24 Secretary shall work with the LCREP Implementation
25 Committee and the TBNEP Tillamook Performance Part-

1 nership Committee to select 2 sites for appropriate envi-
2 ronmental restoration actions and to plan, design, and
3 construct 2 demonstration projects at full Federal ex-
4 pense. Funding for each project shall not exceed
5 \$5,000,000.

6 (h) COST SHARING.—

7 (1) NON-FEDERAL SHARE.—Except as other-
8 wise provided under this section, the non-Federal
9 share of the cost of a project carried out under this
10 section shall be 25 percent.

11 (2) IN-KIND CONTRIBUTIONS.—Not more than
12 50 percent of the non-Federal share required under
13 this subsection may be satisfied by the provision of
14 in-kind services.

15 (3) FEDERAL LANDS.—The Federal share of
16 the cost of a project under this section to make res-
17 toration improvements to Corps of Engineers facili-
18 ties or other Federal facilities or to Federal lands
19 shall be 100 percent, including operation and main-
20 tenance. Operation and maintenance for such
21 projects shall be the responsibility of the managing
22 agency.

23 (4) OPERATION AND MAINTENANCE.—Except
24 as provided under paragraph (3), the operation and

1 maintenance of a project carried out under this sec-
2 tion shall be a non-Federal responsibility.

3 (i) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) LOWER COLUMBIA RIVER ESTUARY.—The
6 term “Lower Columbia River Estuary” means those
7 river reaches having navigation channels on the Co-
8 lumbia River main stem river west of the Bonneville
9 Dam, and their tributaries to the extent they are
10 tidally influenced.

11 (2) TILLAMOOK BAY ESTUARY.—The term
12 “Tillamook Bay Estuary” means those areas of
13 Tillamook Bay and its tributaries to the extent they
14 are tidally influenced.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section a
17 total of \$175,000,000, of which not more than
18 \$35,000,000 may be appropriated in any fiscal year. Such
19 amounts shall remain available until expended.

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