

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

# H. R. 5129

To modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama.

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IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2002

Mr. BOYD introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama.

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. SHORT TITLE.**

4 This Act may be cited as the “Restore the Apalachi-  
5 cola River Ecosystem Act” or the “RARE Act”.

6 **SEC. 2. APALACHICOLA, CHATTAHOOCHEE, AND FLINT RIV-**  
7 **ERS, GEORGIA, FLORIDA, AND ALABAMA.**

8 (a) IN GENERAL.—The project for navigation, Apa-  
9 lachicola, Chattahoochee, and Flint Rivers, Georgia, Flor-  
10 ida, and Alabama, authorized by section 2 of the Act of

1 March 2, 1945 (59 Stat. 17, chapter 19), and modified  
2 by the first section of the Act of July 24, 1946 (60 Stat.  
3 635, chapter 595), and the project for the West Point Res-  
4 ervoir, Chattahoochee River, Georgia, authorized by sec-  
5 tion 203 of the Flood Control Act of 1962 (76 Stat. 1182),  
6 are modified—

7 (1) to deauthorize the 9-foot by 100-foot chan-  
8 nel between the Gulf Intracoastal Waterway near  
9 Apalachicola, Florida, to Jim Woodruff Dam near  
10 Chattahoochee, Florida; and

11 (2) to authorize the Secretary of the Army, in  
12 consultation with the State of Florida, to develop the  
13 plan described in subsection (b).

14 (b) PLAN FOR RESTORATION OF APALACHICOLA  
15 RIVER.—

16 (1) IN GENERAL.—Not later than 2 years after  
17 the date of enactment of this Act and before com-  
18 mencement of any restoration activity under sub-  
19 section (a), the Secretary of the Army, in coordina-  
20 tion with the State of Florida, the United States  
21 Fish and Wildlife Service, and the United States Ge-  
22 ological Survey, shall—

23 (A) develop a comprehensive plan to re-  
24 store the Apalachicola River basin; and

1 (B) submit to the Committee on Environ-  
2 ment and Public Works of the Senate and the  
3 Committee on Transportation and Infrastruc-  
4 ture of the House of Representatives the plan  
5 developed under subparagraph (A).

6 (2) REQUIRED ELEMENTS.—The plan under  
7 paragraph (1) shall—

8 (A) have as its sole goal the reestablish-  
9 ment of the ecological integrity of the Apalachi-  
10 cola River basin ecosystem (including restora-  
11 tion of bendways, interconnecting waterways,  
12 sloughs, watersheds, associated land areas, and  
13 fish and wildlife habitat);

14 (B) reestablish an ecosystem that supports  
15 and sustains a balanced, integrated, adaptive  
16 community of organisms having species com-  
17 position, diversity, and functional organization  
18 comparable to those of the natural habitat of  
19 the Apalachicola River; and

20 (C) include a method of monitoring and  
21 assessing the biota, habitats, and water quality  
22 of the Apalachicola River basin for use in as-  
23 sessing restoration activities and impacts of res-  
24 toration activities.

1           (3) FUNDING.—The plan under paragraph (1)  
2           shall be developed at a total cost of \$4,000,000.

3           (c) PUBLIC OUTREACH.—In carrying out this sec-  
4           tion, the Secretary of the Army shall engage in significant  
5           public outreach.

6           (d) RELATIONSHIP TO OTHER ACTIVITIES.—The  
7           Secretary of the Army shall ensure that activities con-  
8           ducted under this section do not interfere with water com-  
9           pact activities and negotiations being carried out as of the  
10          date of enactment of this Act with respect to the Apalachi-  
11          cola, Chattahoochee, and Flint Rivers, Georgia, Florida,  
12          and Alabama.

13          (e) EFFECT ON OTHER LAW.—Nothing in this sec-  
14          tion limits the authority of any agency under any other  
15          provision of law to require compliance with any applicable  
16          statutory or regulatory requirement.

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