

113TH CONGRESS  
1ST SESSION

# H. R. 3414

To amend the Water Resources Development Act of 2000 with respect to ecosystem restoration in the lower Columbia River and Tillamook Bay estuaries.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Ms. HERRERA BEUTLER (for herself, Mr. BLUMENAUER, Mr. SCHRADER, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural 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

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## A BILL

To amend the Water Resources Development Act of 2000 with respect to ecosystem restoration in the lower Columbia River and Tillamook Bay estuaries.

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 “Fundamentally Im-  
5 proving Salmon Habitat Act” or the “FISH Act”.

1 **SEC. 2. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**  
2 **ECOSYSTEM RESTORATION, OREGON AND**  
3 **WASHINGTON.**

4 Section 536 of the Water Resources Development Act  
5 of 2000 (114 Stat. 2661) is amended as follows:

6 (1) By amending subsection (a) to read as fol-  
7 lows:

8 “(a) IN GENERAL.—The Secretary shall, for the  
9 lower Columbia River and Tillamook Bay estuaries, Or-  
10 egon and Washington—

11 “(1) conduct ecosystem restoration projects  
12 with total costs of \$2,000,000 or greater per project,  
13 and studies relating to such projects; and

14 “(2) in accordance with an allocation plan sub-  
15 mitted under subsection (h)(1), provide grants for  
16 ecosystem restoration projects with total costs of less  
17 than \$2,000,000 per project—

18 “(A) in the case of projects for the lower  
19 Columbia River estuary, except as provided in  
20 subparagraph (B), to the Lower Columbia Es-  
21 tuary Partnership;

22 “(B) in the case of projects for the lower  
23 Columbia River mainstem tributaries in Wash-  
24 ington, to the Lower Columbia Fish Recovery  
25 Board; and

1           “(C) in the case of projects for the  
2 Tillamook Bay estuary, to the Tillamook Estu-  
3 aries Partnership.”.

4           (2) In subsection (b)—

5           (A) by amending paragraph (1)(A) to read  
6 as follows:

7           “(A) IN GENERAL.—In carrying out, or  
8 providing grants for, ecosystem restoration  
9 projects for the lower Columbia River estuary  
10 under this section, the Secretary shall use as a  
11 guide, or ensure such use of—

12           “(i) the comprehensive conservation  
13 and management plan developed by the  
14 Lower Columbia Estuary Partnership  
15 under section 320 of the Federal Water  
16 Pollution Control Act (33 U.S.C. 1330);  
17 and

18           “(ii) except in the case of projects for  
19 the lower Columbia River mainstem tribu-  
20 taries, the lower Columbia River recovery  
21 plans developed under, and the Columbia  
22 River estuary recovery plan module devel-  
23 oped pursuant to, section 4 of the Endan-  
24 gered Species Act (16 U.S.C. 1533).”;

25           (B) in paragraph (1)(B)—

1 (i) by striking “The Secretary” and  
2 inserting the following:

3 “(i) LARGE PROJECTS.—The Sec-  
4 retary”;

5 (ii) by striking “and the Forest Serv-  
6 ice” and inserting “the Forest Service, the  
7 Lower Columbia Estuary Partnership, and,  
8 as applicable, the Lower Columbia Fish  
9 Recovery Board”; and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(ii) SMALL PROJECTS.—The Sec-  
13 retary shall ensure that ecosystem restora-  
14 tion projects for the lower Columbia River  
15 estuary carried out by the Lower Columbia  
16 Estuary Partnership or the Lower Colum-  
17 bia Fish Recovery Board using grants pro-  
18 vided under this section are carried out in  
19 consultation with the Governors of the  
20 States of Oregon and Washington, as ap-  
21 plicable, and the heads of appropriate In-  
22 dian tribes, the Environmental Protection  
23 Agency, the United States Fish and Wild-  
24 life Service, the National Marine Fisheries  
25 Service, and the Forest Service.”;

1 (C) by amending paragraph (2)(A) to read  
2 as follows:

3 “(A) IN GENERAL.—In carrying out, or  
4 providing grants for, ecosystem restoration  
5 projects for the Tillamook Bay estuary under  
6 this section, the Secretary shall use as a guide,  
7 or ensure such use of, the comprehensive con-  
8 servation and management plan developed by  
9 the Tillamook Estuaries Partnership under sec-  
10 tion 320 of the Federal Water Pollution Control  
11 Act (33 U.S.C. 1330).”; and

12 (D) in paragraph (2)(B)—

13 (i) by striking “The Secretary” and  
14 inserting the following:

15 “(i) LARGE PROJECTS.—The Sec-  
16 retary”;

17 (ii) by striking “and the Forest Serv-  
18 ice” and inserting “the Forest Service, and  
19 the Tillamook Estuaries Partnership”; and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(ii) SMALL PROJECTS.—The Sec-  
23 retary shall ensure that ecosystem restora-  
24 tion projects for the Tillamook Bay estuary  
25 carried out by the Tillamook Estuaries

1 Partnership using grants provided under  
2 this section are carried out in consultation  
3 with the Governor of the State of Oregon  
4 and the heads of appropriate Indian tribes,  
5 the Environmental Protection Agency, the  
6 United States Fish and Wildlife Service,  
7 the National Marine Fisheries Service, and  
8 the Forest Service.”.

9 (3) In subsection (c)—

10 (A) in paragraph (1)—

11 (i) by striking “In carrying out” and  
12 inserting the following:

13 “(A) LARGE PROJECTS.—In carrying out”;

14 and

15 (ii) by adding at the end the fol-  
16 lowing:

17 “(B) SMALL PROJECTS.—In providing  
18 grants to carry out ecosystem restoration  
19 projects under this section, the Secretary shall  
20 provide funding and technical assistance to each  
21 lead entity for activities necessary to protect,  
22 monitor, and restore fish and wildlife habitat.”;

23 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “, or provide  
3 grants for,” after “carry out”;

4 (ii) in subparagraph (A)—

5 (I) by inserting “fish and wildlife  
6 habitat,” before “navigation”; and

7 (II) by striking “; or” and insert-  
8 ing a semicolon;

9 (iii) in subparagraph (B), by striking  
10 the period at the end and inserting “; or”;  
11 and

12 (iv) by adding at the end the fol-  
13 lowing:

14 “(C) drinking water.”; and

15 (C) by adding at the end the following:

16 “(3) EASEMENTS.—A project carried out, or for  
17 which a grant is provided, under this section may be  
18 carried out on private property through the use of  
19 an easement.”.

20 (4) By amending subsection (d) to read as fol-  
21 lows:

22 “(d) PRIORITY.—In determining the priority of  
23 projects to be carried out under this section—

24 “(1) for projects carried out by the Secretary,  
25 the Secretary shall consult with the applicable lead

1 entities, and shall consider the recommendations of  
2 such entities; and

3 “(2) the lead entities shall follow priorities set  
4 in the comprehensive conservation and management  
5 plans and the recovery plans and module described  
6 in subsection (b), as applicable.”.

7 (5) In subsection (e)—

8 (A) in paragraph (2)(A)—

9 (i) by striking “Non-Federal inter-  
10 ests” and inserting the following:

11 “(i) LARGE PROJECTS.—Non-Federal  
12 interests”;

13 (ii) by inserting “by the Secretary”  
14 after “carried out”; and

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(ii) SMALL PROJECTS.—The Federal  
18 share of the cost of any project carried out  
19 using funds from a grant provided to a  
20 lead entity under this section—

21 “(I) shall not exceed 75 percent  
22 of the total cost of the project; and

23 “(II) shall be made on condition  
24 that the non-Federal share of that



1 total cost shall be provided from non-  
2 Federal sources.”; and

3 (B) in paragraphs (3) and (4), by inserting  
4 “by the Secretary, or using funds provided,”  
5 after “carried out” each place it appears.

6 (6) By redesignating subsections (f) and (g) as  
7 subsections (g) and (h), respectively, and inserting  
8 after subsection (e) the following:

9 “(f) ANNUAL ALLOCATIONS.—

10 “(1) ALLOCATION PLANS.—For each fiscal  
11 year, the lead entities shall jointly submit to the Sec-  
12 retary a plan to allocate among the lead entities  
13 funding available for the fiscal year under subsection  
14 (h)(2)(B).

15 “(2) REPORTS.—Each lead entity shall report  
16 annually to the Secretary on the use of funds pro-  
17 vided to the entity by a grant under this section.”.

18 (7) In subsection (g) (as redesignated by para-  
19 graph (6))—

20 (A) by redesignating paragraphs (1) and  
21 (2) as paragraphs (2) and (4), respectively;

22 (B) by inserting before paragraph (2) (as  
23 so redesignated) the following:

24 “(1) LEAD ENTITY.—The term ‘lead entity’  
25 means the Lower Columbia Estuary Partnership,

1 the Tillamook Estuaries Partnership, or the Lower  
2 Columbia Fish Recovery Board.”; and

3 (C) by inserting after paragraph (2) (as so  
4 redesignated) the following:

5 “(3) LOWER COLUMBIA RIVER MAINSTEM TRIB-  
6 UTARIES.—The term ‘lower Columbia River  
7 mainstem tributaries’ means those mainstem tribu-  
8 taries, exclusive of sub-tributaries, of the Columbia  
9 River west of Bonneville Dam.”.

10 (8) In subsection (h) (as redesignated by para-  
11 graph (6))—

12 (A) by striking “There is authorized” and  
13 inserting the following:

14 “(1) IN GENERAL.—There is authorized”; and

15 (B) by adding at the end the following:

16 “(2) PROJECT FUNDING RATIO.—Of the funds  
17 appropriated under this subsection for each fiscal  
18 year, beginning on the date of enactment of this  
19 paragraph, the Secretary shall use—

20 “(A) 75 percent for activities described in  
21 subsection (a)(1); and

22 “(B) 25 percent for activities described in  
23 subsection (a)(2).”.

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