

110TH CONGRESS
1ST SESSION

H. R. 3574

To continue the work to enhance access to the Willamette River that has been initiated by the Willamette River Basin communities, State, regional, local, and Indian tribal governments and non-government partnerships, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2007

Ms. HOOLEY (for herself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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 continue the work to enhance access to the Willamette River that has been initiated by the Willamette River Basin communities, State, regional, local, and Indian tribal governments and non-government partnerships, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Willamette River United Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Grant authorization.
- Sec. 6. Private property protection and lack of regulatory effect.
- Sec. 7. Tribal Rights and Interests.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Agency partnership authorization.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The Willamette River basin has been inhab-
6 ited by humans for at least 12,000 years, providing
7 natural resources for the cultural life-ways for the
8 Native American tribes of the Willamette Valley,
9 Euro-Americans, pioneers, and other citizens. The
10 area has sustained a cultural history that predates
11 the Ice Age Floods of Missoula, Montana.

12 (2) The Willamette River Basin comprises al-
13 most 12,000 square miles, is home to almost 70 per-
14 cent of Oregon’s population, and generates approxi-
15 mately 75 percent of the economic activity of the
16 State.

17 (3) By 2050, an additional 1,700,000 people
18 are expected to inhabit the Willamette River Basin,
19 bringing the total population to approximately
20 4,000,000.

1 (4) The Willamette River is the 13th largest
2 river, based on stream flow and produces the most
3 runoff for its land area of any river in the Conti-
4 nental United States. Thirteen major tributaries
5 feed into the mainstem Willamette.

6 (5) The river and surrounding tributaries are
7 home to a wide variety of fish and wildlife. In par-
8 ticular, the river is part of a migratory route for a
9 variety of anadromous fish and provides spawning
10 grounds for coho salmon, lamprey, sturgeon, spring
11 and fall run chinook, and steelhead and cutthroat
12 trout.

13 (6) The Willamette River is one of 14 rivers
14 designated an American Heritage River in 1998.
15 The American Heritage Rivers initiative is an inno-
16 vative response to help river communities that seek
17 Federal assistance and other resources to meet
18 tough challenges, without imposing new regulations
19 on private property owners and businesses.

20 (7) State, local, and tribal governments and
21 local private for-profit and non-profit organizations
22 have provided significant resources and technical as-
23 sistance to address natural resource and environ-
24 mental protection, economic revitalization, archae-
25 ological resource protection, and historic and cul-

1 tural preservation through collaborative partner-
2 ships.

3 (8) None of the accomplishments realized by
4 the Willamette River through the American Heritage
5 Rivers initiative could have occurred without the
6 strong commitment of the Federal Government
7 agencies to facilitate cooperative conservation actions
8 that relate to use, enhancement, and enjoyment of
9 natural resources, protection of the environment, or
10 both, and that involve collaborative activity among
11 Federal, State, local, and tribal governments, private
12 for-profit and nonprofit institutions, other non-gov-
13 ernmental entities and individuals.

14 (9) The natural resource federal agencies pro-
15 vide critical studies, analysis, technical assistance
16 and expertise such that the scope of work that can
17 be accomplished by local river communities is limited
18 when these agencies are not adequately funded.

19 (10) Despite continued population growth, on-
20 going cleanup efforts have resulted in improvement
21 toward several measures of watershed health, but
22 more must be done to restore the river's long-term
23 health.

24 (11) Nature observation and sightseeing are
25 among the fastest growing recreation activities in

1 the Willamette Basin, increasing by 254 percent and
2 69 percent respectively, in the last 15 years.

3 (12) The Willamette River is experiencing re-
4 newed investments of State, regional, and non-gov-
5 ernment funding to capitalize on this increasing in-
6 terest in the river from visitors and residents.

7 (13) Such investments include a \$227,400,000
8 bond measure voters approved in 2006 to protect
9 natural areas and lands near rivers and streams
10 throughout the Portland metro region, safeguarding
11 the quality of water while managing the impacts of
12 growth and maintaining the area's quality of life for
13 future generations.

14 **SEC. 3. PURPOSES.**

15 The purposes of this Act are:

16 (1) To continue the work to enhance access to
17 the Willamette River that has been initiated by the
18 Willamette River Basin communities, State, re-
19 gional, local, and Indian tribal governments and
20 non-government partnerships, and for other pur-
21 poses.

22 (2) To assist the State of Oregon and the com-
23 munities of the Willamette River Basin in restoring,
24 preserving, protecting, promoting, and interpreting

1 these historic, recreational, and natural resources for
2 the benefit of the Nation.

3 (3) To authorize partnerships among Federal
4 agencies, State, local, and Indian tribal govern-
5 ments, local communities, conservation organiza-
6 tions, and other non-Federal entities to carry-out the
7 above-mentioned purposes.

8 **SEC. 4. DEFINITIONS.**

9 For the purposes of this Act:

10 (1) INDIAN TRIBAL GOVERNMENTS.—The term
11 “Indian tribal governments” means the governing
12 body of one or more of the following federally recog-
13 nized Indian tribes:

14 (A) The Confederated Tribes of the Grand
15 Ronde Community of Oregon.

16 (B) The Confederated Tribes of the Siletz
17 Indians.

18 (C) The Confederated Tribes of the
19 Umatilla Indian Reservation.

20 (D) The Confederated Tribes of the Warm
21 Springs Reservation of Oregon.

22 (E) The Nez Perce Tribe.

23 (F) The Yakama Indian Nation.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (3) WILLAMETTE RIVER.—The term “Willam-
2 ette River” means the approximately 187 miles from
3 the headwaters at three separate forks, (Middle,
4 North and Coast Forks in the mountains south and
5 southeast of Eugene) at the southern end of the Wil-
6 lamette Valley to the confluence with the Columbia
7 River at St. Helens (north of Portland).

8 (4) WILLAMETTE RIVER TRIBUTARIES.—The
9 term “Willamette River Tributaries” includes
10 Calapooia, Clackamas, Coast Fork Willamette, Long
11 Tom, Luckiamute, McKenzie, Marys, Middle Fork
12 Willamette, Molalla, Pudding, Santiam, Tualatin,
13 and Yamhill rivers.

14 (5) WILLAMETTE RIVER BASIN.—The term
15 “Willamette River Basin” means the area in which
16 all surface water, approximately 11,000 miles of
17 wetlands, creeks, streams, and rivers feed the Wil-
18 lamette River mainstem flows from its headwaters in
19 the Cascades and Coast Range.

20 (6) CONSERVATION PROJECTS.—The term
21 “conservation projects” includes—

22 (A) projects to restore and protect the nat-
23 ural hydrologic functions of the Willamette
24 River Basin;

1 (B) projects to restore and protect habitat
2 for aquatic, riparian, wetland, and upland flora
3 and fauna;

4 (C) acquisition from willing sellers of con-
5 servation easements or title to land; and

6 (D) projects to restore and protect water
7 quality.

8 **SEC. 5. GRANT AUTHORIZATION.**

9 (a) AUTHORIZATION; COOPERATIVE AGREEMENT.—
10 The Secretary shall enter into cooperative agreements
11 with the Oregon Parks and Recreation Department and
12 the Oregon Watershed Enhancement Board to provide for
13 those entities to administer the grant program authorized
14 by this section.

15 (b) ELIGIBLE PROJECTS.—Grants under this section
16 may be made for recreation, historic, archaeological, and
17 cultural preservation or conservation projects that—

18 (1) provide restroom, dock, and trash facilities
19 along the river;

20 (2) provide safety education;

21 (3) provide bicycle, pedestrian, and water trail
22 signs on Willamette River and signs to commercial
23 districts off the river;

24 (4) provide non-motorized craft acquisition for
25 State agency enforcement and river education;

1 (5) design, plan, create, or complete bicycle, pe-
2 destrian, and water trails and bridges, recreation
3 areas, parks, and conservation and wildlife reserves
4 on and along the Willamette River and its tribu-
5 taries and enrich their experiences;

6 (6) enhance recreation, conservation, interpreta-
7 tion, and tourism to draw people to the Willamette
8 River;

9 (7) employ improved technologies, innovative
10 partnerships, wetlands creation, and other creative
11 devices to reduce pollution;

12 (8) restore, enhance, and protect water quality
13 and watershed health and function through restora-
14 tion and improvements by watershed councils, con-
15 servation districts, special districts, private land
16 owners, tribal governments, local governments, and
17 non-profit and non-governmental organizations, in-
18 cluding research activities to better understand the
19 ecosystem needs to restore fish and wildlife;

20 (9) provide outreach and education to promote
21 and foster resource stewardship and to build social
22 capacity to sustain and support environmental im-
23 provements;

24 (10) acquire, under priorities and eligibility con-
25 ditions of the Statewide Comprehensive Outdoor

1 Recreation Plan or of the Oregon Watershed En-
2 hancement Board's Acquisitions program, interests
3 in land, including easements, for the purposes of
4 bike, pedestrian trails, parks, fish and wildlife habi-
5 tat, conservation projects, and ecological restoration,
6 including aquatic ecological restoration along the
7 Willamette River and its tributaries;

8 (11) design of park and recreation and con-
9 servation projects, including the mapping, data col-
10 lection, engineering, analysis of biology, hydrology
11 and soils, and other technical evaluation;

12 (12) outreach to demonstrate the value of co-
13 ordination and collaboration among communities
14 pursuing common objectives along the length of the
15 Willamette River; and

16 (13) outreach to interested and affected com-
17 munities to solicit involvement in and to explain the
18 projects authorized by this Act.

19 (c) SPECIFIC ELIGIBLE GRANT PROJECTS.—Exam-
20 ples of grants that may be considered for these purposes
21 include the following:

22 (1) South Waterfront Greenway in Portland.

23 (2) Salem Downtown Parks Connections Con-
24 version.

1 (3) Willamette River national heritage area
2 study to be conducted by National Park Service.

3 (4) Wilsonville Park to Boat Works Park pedes-
4 trian-bike bridge.

5 (d) LIMITATIONS.—Funds made available through
6 grants made under this Act may not be used—

7 (1) to support regulatory actions or mitigation
8 thereof; or

9 (2) for operations and maintenance costs.

10 (e) MATCHING REQUIREMENTS.—Projects funded
11 with grants made under this Act shall have Federal, State,
12 Tribal, regional, local, or private funding commitment
13 based on grant authorization matching requirements of
14 the Oregon Parks and Recreation Department or the Or-
15 egon Watershed Enhancement Board. Grants made under
16 this Act for implementation shall require at least a 35 per-
17 cent match from grantees. In-kind service may qualify as
18 fulfillment of the 35 percent matching requirement and
19 special consideration may be given to communities that
20 can demonstrate local capacity building. The Oregon
21 Parks and Recreation Department or Oregon Watershed
22 Enhancement Board may issue a rule by which the re-
23 quirement under this subsection may be waived in whole
24 or in part for land acquisition.

1 (f) COOPERATIVE AGREEMENT.—Oregon Parks and
2 Recreation Department and Oregon Watershed Enhance-
3 ment Board shall enter into a cooperative agreement to
4 eliminate redundancy and enhance coordination to admin-
5 ister the grant program authorized by this section.

6 **SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF**
7 **REGULATORY EFFECT.**

8 (a) RECOGNITION OF AUTHORITY TO CONTROL
9 LAND USE.—Nothing in this Act modifies any authority
10 of Federal, State, or local governments to regulate land
11 use.

12 (b) VOLUNTARY PARTICIPATION OF PRIVATE PROP-
13 erty OWNERS ONLY.—Nothing in this Act requires the
14 owner of any private property located in the Willamette
15 Basin to participate in the land conservation, financial, or
16 technical assistance or any other programs established
17 under this Act.

18 (c) PURCHASE OF LAND OR INTERESTS IN LAND
19 FROM WILLING SELLERS ONLY.—Funds appropriated to
20 carry out this Act may be used to purchase land or inter-
21 ests in land only from willing sellers.

22 (d) ACCESS TO PRIVATE PROPERTY OF PARTICI-
23 PATING LANDOWNERS.—Private property landowners vol-
24 untarily participating in this Act shall permit access (in-
25 cluding Federal, State, or local government access) to

1 their property, at times agreeable to the landowner, to im-
2 plement, inspect, monitor, or perform repairs or mainte-
3 nance to projects funded under this Act.

4 (e) LIABILITY.—Nothing in this Act creates any li-
5 ability, or has any effect on liability under any other law,
6 of a private property owner voluntarily participating in
7 this Act with respect to any persons injured on the private
8 property.

9 **SEC. 7. TRIBAL RIGHTS AND INTERESTS.**

10 Nothing in this Act creates, alters, adjusts, or dimin-
11 ishes any treaty right or other right or interest of any
12 Indian tribal government.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to the Sec-
15 retary \$10,000,000 for each of fiscal years 2009 through
16 2018, to remain available until expended. Of this amount
17 \$100,000 shall be available in each fiscal year to Oregon’s
18 Department of Environmental Quality for reducing
19 sources of pollution in the Willamette River. Of the re-
20 mainder, the Secretary shall distribute 50 percent to the
21 Oregon Parks and Recreation Department and 50 percent
22 to the Oregon Watershed Enhancement Board to carry
23 out this Act.

24 (b) ADMINISTRATIVE COSTS.—In addition to
25 amounts authorized under subsection (a), there is author-

1 ized to be appropriated such funds as may be necessary
2 for the Oregon Parks and Recreation Department and the
3 Oregon Watershed Enhancement Board to administer the
4 grant program.

5 **SEC. 9. AGENCY PARTNERSHIP AUTHORIZATION.**

6 Federal agencies with administrative jurisdiction over
7 natural resources or parks of the United States, such as
8 the National Marine Fisheries Service, the Department of
9 the Interior, the Forest Service, United States Fish and
10 Wildlife Service, United States Geologic Service, Natural
11 Resources Conservation Service, Environmental Protec-
12 tion Agency, and the Army Corps of Engineers may—

13 (1) use funds not otherwise obligated to pro-
14 vide—

15 (A) technical and financial assistance, en-
16 gineering and hydrology studies, and other as-
17 sistance to the grant programs of the Oregon
18 Watershed Enhancement Board and the Oregon
19 Parks and Recreation Department when a pri-
20 vate investment has been identified and private
21 funds committed to that project; and

22 (B) financial assistance to Willamette
23 River restoration, recreation, heritage and tour-
24 ism efforts if the private or public partner can

1 demonstrate strong support in the community;
2 and
3 (2) enter into an agreement with Oregon Wa-
4 tershed Enhancement Board or Oregon Parks and
5 Recreation Department to administer the Federal
6 assistance but does not obligate the State agencies
7 to any unfunded Federal authorization.

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