

108TH CONGRESS  
2D SESSION

# S. 2169

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 2004

Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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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-

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

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

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

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

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

24 (A) develop a comprehensive plan to re-  
 25 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) OPERATION OF LOCKS AND DAMS.—Nothing in  
14      this section affects the authority under which locks and  
15      dams on the Apalachicola, Chattahoochee, and Flint Riv-  
16      ers, Georgia, Florida, and Alabama, are operated as of the  
17      date of enactment of this Act.

18      (f) EFFECT ON OTHER LAW.—Nothing in this sec-  
19      tion limits the authority of any agency under any other  
20      provision of law to require compliance with any applicable  
21      statutory or regulatory requirement.

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