



**REPRESENTATIVE CATHY MCMORRIS RODGERS (WA-05)**

**Water Resource Development Act of 2010 Project Request Application**

**I. GENERAL INFORMATION**

**Organization making request:** Pacific Northwest Waterways Association

**Date of Request:** November 19, 2009

**Address:** 9115 SW Oleson Road, Suite 101

**City:** Portland

**State:** OR

**ZIP Code:** 97223

**Point of Contact:** Kristin Meira, Government Relations Director

**Phone: W:** 503-234-8556

**C:** 503-757-8716

**Email:** kristin.meira@pnwa.net

**Address:**

**City:**

**State:**

**ZIP Code:**

**Head of Organization (if different from above):** Glenn Vanselow, Executive Director

**DC Representation (if any):**

**Phone:**

**Email:**

**Address:**

**City:**

**State:**

**ZIP Code:**

**II. PROJECT INFORMATION**

**PROJECT TITLE:** Harbor Maintenance Trust Fund Spending Guarantee

**ARE YOU REQUESTING FEDERAL FUNDS FOR MORE THAN ONE PROJECT IN THIS BILL?** No

**IF YES, THIS PROJECT IS PRIORITY OF TOTAL REQUESTS FOR YOUR ORGANIZATION.**

**PROJECT PURPOSE:** To enact legislation that ties Harbor Maintenance Trust Fund (HMTF) annual appropriations levels to annual HMTF revenues.

**PROJECT DESCRIPTION:** Proposed legislative language is attached. The proposed legislation is comparable to that enacted by previous Congresses to address similar problems with Highway Trust Fund and Airport and Airways Trust Fund appropriations levels. The proposed legislation is not expected to be scored by CBO as subject to "pay go".

**PROJECT AMOUNT:** Zero.

<p><b>IS THERE A NON-FEDERAL PROJECT SPONSOR?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes</p>
<p><b>IF YES, WHO?</b>  <small>Since this request proposes legislation to address annual funding of harbor maintenance as a whole and not a specific project, no nonfederal sponsorship or funding is required. However, the Pacific Northwest Waterways Association (PNWA) is pleased to join many other entities nationwide (listed at <a href="http://www.rampmmt.org/members.html">http://www.rampmmt.org/members.html</a>) in making this request.</small></p>
<p><b>DO YOU HAVE A LETTER OF SUPPORT FROM A NON-FEDERAL SPONSOR CONFIRMING MATCHING FUNDS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>HAS THE PROJECT BEEN APPROVED BY THE US ARMY CORPS OF ENGINEERS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>IF SO, WHAT IS THE CORPS DISTRICT NAME?</b> Corps HQ</p>
<p><b>WHO IS THE CORPS POINT OF CONTACT AND THEIR PHONE NUMBER?</b> Gary Low, 202 761-0925, Gary.Low@usace.army.mil</p>
<p><b>IN WHICH CITY WILL THE PROJECT BE CARRIED OUT (ALL)?</b> Applies nationwide.</p>
<p><b>IN WHICH COMMUNITY WILL THE PROJECT BE CARRIED OUT (ALL)?</b> Applies nationwide.</p>
<p><b>IS THE PROJECT CURRENTLY AUTHORIZED?</b> <input type="checkbox"/> Choose One</p>



November 19, 2009

The Honorable Cathy McMorris Rodgers  
U.S. House of Representatives  
1323 Longworth House Office Building  
Washington, DC 20515

Dear Rep. McMorris Rodgers,

As Congress considers projects and policies for inclusion in a future Water Resources Development Act (WRDA), the membership of the Pacific Northwest Waterways Association respectfully requests inclusion of language to enable the Harbor Maintenance Tax to more fully fund navigation infrastructure.

In 1986, Congress established a user fee for deep draft coastal ports and harbors - the Harbor Maintenance Tax (HMT). The HMT was designed to provide 100% of the cost of operations and maintenance, primarily dredging, of the nation's deep draft and coastal ports and harbors.

Harbor Maintenance Tax revenue is not being fully spent. Since 2003, HMT collections have far exceeded funds appropriated for harbor maintenance, resulting in a large and growing surplus in the trust fund (GAO, 2008). In 2008 alone, over \$1.6 billion was collected and symbolically placed in the Harbor Maintenance Trust Fund (HMTF), but only \$766 million was expended. Currently, the surplus of collections over expenditures is over \$4.7 billion. The GAO reports that the surplus is expected to grow to \$8 billion by 2011. Rather than being used for their intended purpose, these user fees are instead used to balance the federal budget each year.

Critical navigation infrastructure maintenance needs are going unfunded. Despite collections far exceeding expenditures, the former and current Administration have not proposed sufficient funding to maintain the existing navigation systems or to meet future needs. For example, PNWA requested nearly \$8 million in additional FY2010 funding for Northwest deep draft and shallow draft navigation projects. PNWA's membership supports fully spending annual HMT revenue on navigation infrastructure operations and maintenance.

Thank you for your consideration regarding this authority. We urge you to include this request as you submit projects and policy items to the House Transportation & Infrastructure Committee for inclusion in the next Water Resources Development Act.

Sincerely,

Kristin Meira  
Government Relations Director



**PACIFIC  
NORTHWEST  
WATERWAYS  
ASSOCIATION**

Alaska Assoc. of Port Managers & Harbormasters  
Anderson-Perry & Associates, Inc.  
Ball Janik LLP  
Bell Buoy Crab Co.  
Benton County PUD #1  
BergerABAM  
Bernert Barge Lines  
BST Associates  
Central Washington Grain Growers, Inc.  
CH2M Hill  
Clark Public Utilities  
Clearwater Paper  
Columbia Basin Development League  
Columbia River Bar Pilots  
Columbia River Pilots  
Columbia River Steamship Operators Assoc.  
Cooperative Agricultural Producers  
Cowlitz County Board of Commissioners  
Dutra Group  
East Columbia Basin Irrigation District  
Foss Maritime Company  
Franklin PUD  
Office of Peter Friedmann  
Gordon Thomas Honeywell Gov't. Affairs  
Great Lakes Dredge & Dock  
Wally Hickerson  
ID Wheat Commission  
International Longshore and Warehouse Union  
Jan T. Fancher, CPA, PLLC  
Jefferson Government Relations  
Kalama Export Company  
Kennedy Jenks Consultants  
Kleinfelder, Inc.  
Lampson International, LLC  
Lewis-Clark Terminal Association  
Longview Fibre Company  
Manson Construction  
Maul Foster & Alongi, Inc.  
McGregor Company  
Moffatt & Nichol  
Northwest Grain Growers, Inc.  
Northern Star Natural Gas  
Oregon Business Development Department  
Oregon Int'l Port of Coos Bay  
OR Wheat Growers League  
Pacific Northwest Farmers Cooperative  
Parametrix  
PB Ports & Marine, Inc.  
PNGC Power  
Pomeroy Grain Growers  
Port of Anacortes  
Port of Astoria  
Port of Benton  
Port of Camas-Washougal

Port of Cascade Locks  
Port of Chelan County  
Port of Chinook  
Port of Clarkston  
Port of Columbia County  
Port of Garibaldi  
Port of Hood River  
Port of Humboldt Bay  
Port of Ilwaco  
Port of Kalama  
Port of Kennewick  
Port of Klickitat  
Port of Lewiston  
Port of Longview  
Port of Mattawa  
Port of Morrow  
Port of Newport  
Port of Pasco  
Port of Port Angeles  
Port of Portland  
Port of Ridgefield  
Port of Royal Slope  
Port of Seattle  
Port of Siuslaw  
Port of Skagit County  
Port of St. Helens  
Port of Sunnyside  
Port of Tacoma  
Port of Toledo  
Port of Umatilla  
Port of Umpqua  
Port of Vancouver  
Port of Walla Walla  
Port of Whitman County  
Port of Woodland  
Schwabe, Williamson & Wyatt  
Seattle Public Utilities  
Shaver Transportation Company  
Stoel Rives LLP  
Strategies 360  
Teevin Brothers  
Tidewater Barge Lines  
USA Dry Pea & Lentil Council  
WA Association of Wheat Growers  
WA Public Ports Association  
WA State Department of Commerce  
WA State Potato Commission  
WA Wheat Commission  
Weyerhaeuser Company  
Wildlands, Inc.

## Member Directory

Legislative Proposal for Water Resources Development Act of 2010

Harbor Maintenance Trust Fund Spending Guarantee

SEC. --FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs listed in subsection (b)(1).

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs listed in subsection (b)(1) unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.-- The term “total budget resources” means the total amount made available from the Harbor Maintenance Trust Fund for a fiscal year for budget accounts for which appropriations are provided pursuant to section 210 (a) of the Water Resources Development Act of 1986 (Public Law 99-662), as amended, and section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term “level of receipts plus interest” means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President’s budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for that fiscal year.

November 5, 2009

## **WRDA Request Form**

**Project title:**

Permanence for Section 214 of WRDA 2000.

**Requested language:**

FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 State. 3197) is amended by striking subsection (c).

**Description and purpose of the project:**

Section 214 is currently authorized through December 31, 2009.

Section 214 of the Water Resources Development Act of 2000 (P.L. 106-541) allows the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

**Organization (project sponsor) name, address, office phone, fax, e-mail:**

Pacific Northwest Waterways Association  
Attention: Kristin Meira, Government Relations Director  
9115 SW Oleson Road, Suite 101  
Portland, OR 97223  
503-234-8556 phone  
503-234-8555 fax  
[kristin.meira@pnwa.net](mailto:kristin.meira@pnwa.net)

**Local Army Corps of Engineers District:**

This authority is used nationwide.

**Local Army Corps of Engineers contact name and phone number:**

This authority is used nationwide. Appropriate contact at Corps HQ is:

Meg Gaffney-Smith  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
441 G Street, NW  
Washington, DC 20314  
[Meg.E.Gaffney-Smith@usace.army.mil](mailto:Meg.E.Gaffney-Smith@usace.army.mil)  
(202) 761-8560

**City in which project will be carried out:**

This authority is used nationwide.

**County in which project will be carried out:**

**This authority is used nationwide.**

**Attachment:**

**Letter of support from the non-federal sponsor: Pacific Northwest Waterways Association**



November 6, 2009

The Honorable Cathy McMorris Rodgers  
U.S. House of Representatives  
1323 Longworth House Office Building  
Washington, DC 20515

Dear Rep. McMorris Rodgers,

As Congress considers projects and policies for inclusion in a future Water Resources Development Act (WRDA), the membership of the Pacific Northwest Waterways Association respectfully requests inclusion of language to make Section 214 of WRDA 2000 permanent.

Section 214 of the Water Resources Development Act of 2000 (P.L. 106-541) allows the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits. Section 214 has allowed local governments to move forward with vital infrastructure and ecosystem restoration projects. Section 214 is currently being used by over 41 public agencies in 20 Corps districts.

By funding additional staff to work on specific, time-intensive permits, existing Corps staffers are able to process significant permit backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times not only for the funding entity, but for any individual or organization that makes an application with that District of the Corps. Rapidly growing cargo volumes require infrastructure investment from the nation's ports. Permit backlogs impact the timeliness and cost of these investments - costs eventually borne by U.S. consumers and shippers.

Section 214 is currently authorized through December 31, 2009, and a one-year extension for the authority will be sought in autumn 2009. This will mark the sixth extension that has been sought for this authority. Following is the history of the authorization, extensions, and lapses of this authority:

- WRDA 2000 set the original sunset date for Section 214 at September 2003
- There was a two month lapse from Sep. 2003 to Dec. 2003
- S.1424 extended Section 214 to 9/30/05 (P.L.108-137) (FY2004 energy & water appropriations bill)
- There was a one month lapse from Oct. 2005 to Nov. 2005
- H.R.3765 extended Section 214 to 3/31/06 (P.L.109-99) (stand alone bill)
- H.R.4826 extended Section 214 to 12/31/06 (P.L.109-209) (stand alone bill)
- H.R.6316 extended Section 214 to 12/31/08 (P.L.109-434) (stand alone bill)
- H.R.1495 extended Section 214 to 12/31/09 (P.L.110-114) (WRDA 2007)

Page 1 of 3

[www.pnwa.net](http://www.pnwa.net)

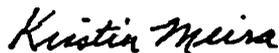
ph. 503-234-8550 • f. 503-234-8555 • 9115 SW Oleson Road • Suite 101 • Portland, OR 97223

Lapses and short term extensions of the authority are detrimental to the planning and predictability necessary for productive contracts. Each time the authority approaches sunset, Corps districts are unable to enter into new Section 214 contracts. When the future of the authority is uncertain, districts make term appointments rather than full-time hires for Section 214 agreements. The shorter the term appointment, the fewer qualified job candidates apply.

Section 214 agreements between Corps districts and non-federal entities are subject to public review and comment, and Corps decisions on these permit applications are subject to increased scrutiny to assure impartiality and transparency. The Corps updated their guidelines for Section 214 in October 2008 and distributed this guidance to all Districts nationwide. This update represented an improvement in oversight and reporting with regard to the authority.

Thank you for your consideration regarding this authority. We urge you to include this request as you submit projects and policy items to the House Transportation & Infrastructure Committee for inclusion in the next Water Resources Development Act.

Sincerely,



Kristin Melra  
Government Relations Director



Alaska Assoc. of Port Managers & Harbormasters  
Anderson-Perry & Associates, Inc.  
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Clearwater Paper  
Columbia Basin Development League  
Columbia River Bar Pilots  
Columbia River Pilots  
Columbia River Steamship Operators Assoc.  
Cooperative Agricultural Producers  
Cowlitz County Board of Commissioners  
Dutra Group  
East Columbia Basin Irrigation District  
Foss Maritime Company  
Franklin PUD  
Office of Peter Friedmann  
Gordon Thomas Honeywell Gov't. Affairs  
Great Lakes Dredge & Dock  
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OR Wheat Growers League  
Pacific Northwest Farmers Cooperative  
Parametrix  
PB Ports & Marine, Inc.  
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Pomeroy Grain Growers  
Port of Anacortes  
Port of Astoria  
Port of Benton  
Port of Camas-Washougal

Port of Cascade Locks  
Port of Chelan County  
Port of Chinook  
Port of Clarkston  
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Port of Ilwaco  
Port of Kalama  
Port of Kennewick  
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Port of Lewiston  
Port of Longview  
Port of Mattawa  
Port of Morrow  
Port of Newport  
Port of Pasco  
Port of Port Angeles  
Port of Portland  
Port of Ridgefield  
Port of Royal Slope  
Port of Seattle  
Port of Siuslaw  
Port of Skagit County  
Port of St. Helens  
Port of Sunnyside  
Port of Tacoma  
Port of Toledo  
Port of Umatilla  
Port of Umpqua  
Port of Vancouver  
Port of Walla Walla  
Port of Whitman County  
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Tidewater Barge Lines  
USA Dry Pea & Lentil Council  
WA Association of Wheat Growers  
WA Public Ports Association  
WA State Department of Commerce  
WA State Potato Commission  
WA Wheat Commission  
Weyerhaeuser Company  
Wildlands, Inc.

## Member Directory



**CITY MANAGER**  
CITY HALL - 15 N. 3rd Ave.  
P.O. Box 478  
Walla Walla, WA 99362-0216

Antone Minthorn  
Chairman, Board of Trustees  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, Oregon 97801

Dear Chairman Minthorn:

On behalf of the City of Walla Walla, I am writing to express our support of the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the "preferred alternative" for completion of the Feasibility Report, Environmental Impact Statement and ultimately congressional authorization and implementation of this instream flow restoration project in the Walla Walla Basin. Our support of the Tribes' decision was solidified by passage of Resolution 2009- by the Walla Walla City Council on August 12, 2009.

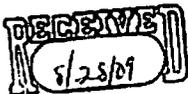
The Walla Walla City Council agrees with the Tribes that the Exchange provides the best opportunity to restore instream flows necessary to reintroduce a native salmon population and reduce the factors that lead to the Endangered Species Act listing of steelhead and bull trout in the Basin while keeping intact our strong agricultural community. We also believe that the selection of the Exchange will help ensure that the Basin's water supply can meet future water demands for community growth and development and Basin efforts to reverse the decline of shallow and deep basalt aquifers. In addition, it is important to note that the City of Walla Walla is not in a position to contribute financially to this project now or in the future due to continuing regulatory and system infrastructure requirements and rate pressures.

As you know, the unanimity with which the efforts of the Walla Walla Basin Feasibility Study are supported in the Walla Walla Basin is truly unique. In the spirit of collaboration, we join the Tribes' efforts to restore and enhance the culture, ecology and economy of this basin that we now all call home and endorse the Tribes' decision that the Columbia River Exchange will best meet those efforts.

Sincerely,

Dan Johnson, Mayor

CC: Rick George





June 11, 2009

Mr. Antone Minthorn, Board of Trustees Chairman  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, Oregon 97801

*Walla Walla Watershed Alliance  
Board of Directors*

**Ron Brown, Board President**  
CEO, Brown & Sons Orchards

**Pat McConnell, Board Vice President**  
McGregor Company

**Megan Clubb, Board Treasurer/Secretary**  
CEO/President, Baker Boyer Bank

**Bob Rugar**  
Vice-Pres., Nelson Irrigation Corporation

**N. Kathryn Brigham**  
Board of Trustees, Confederated  
Tribes of the Umatilla Indian  
Reservation (CTUIR)

**Greg Tompkins**  
Chairman, Walla Walla County Commission

**Jim Timmons**  
Board, Washington Environmental Council

Dear Chairman Minthorn:

On behalf of the Walla Walla Watershed Alliance, I am writing to express our support of the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the "preferred alternative" for completion of the Feasibility Report, Environmental Impact Statement and ultimately congressional authorization and implementation of this instream flow restoration project in the Walla Walla Basin. Our support of the Tribes' decision was solidified by action taken by the Alliance Board on June 11, 2009.

The Walla Walla Watershed Alliance agrees with the Tribes that the Exchange provides the best opportunity to restore instream flows necessary to reintroduce a native salmon population and reduce the factors that lead to the Endangered Species Act listing of steelhead and bull trout in the Basin while keeping intact our strong agricultural community. We also believe the selection of the Exchange will help ensure that the Basin's water supply can meet future water demands for community growth and development and Basin efforts to reverse the decline of shallow and deep basalt aquifers.

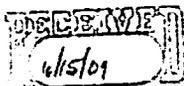
As you know, the unanimity with which the efforts of the Walla Walla Basin Feasibility Study are supported in the Walla Walla Basin is truly unique. In the spirit of collaboration, we join the Tribes' efforts to restore and enhance the culture, ecology and economy of this basin that we now all call home and endorse the Tribes' decision that the Columbia River Exchange will best meet those efforts. If you have any questions, please contact our staff at 509.524.5216.

Best Regards,

A handwritten signature in black ink that reads "Ron Brown". The signature is written in a cursive, flowing style.

**Ron Brown, Board President**  
Walla Walla Watershed Alliance

cc: Rick George



500 Tausick Way, Walla Walla, WA 99362  
Telephone: 509.524.5216 • Website: [www.wallalliance.org](http://www.wallalliance.org)



CITY OF  
**MILTON-FREEWATER**

P.O. Box 6 • 722 S. Main • Milton-Freewater, OR 97862

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August 26, 2009

Antone Minthorn  
Chairman, Board of Trustees  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, Oregon 97801

RE: Letter of Support For Columbia River Exchange Project

The Milton-Freewater City Council would like to express support for the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the preferred alternative for completion of the Walla Walla River Flow Enhancement Feasibility Report's Environmental Impact Statement.

At their August 24, 2009 regular session meeting, the Council motioned to express their support, with a few concerns and conditions.

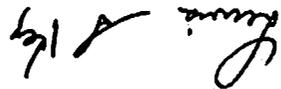
The conditions attached by Council include:

- 1) That any and all future maintenance and operation costs of the Columbia River Exchange project not be borne by the City or any of the irrigators
- 2) That the irrigators and water right holders not lose any of their existing Walla Walla River Water or other involved or affected water rights
- 3) That a solution and plan for preventing and eliminating any and all threats of Columbia River spillage into spring water branches be in place prior to the advent of the project

The City of Milton-Freewater applauds the Confederated Tribes for their careful study and consideration of this important project.

We are honored by the ability to comment and appreciate the Tribes' willingness to share information and work together with all stakeholders in the project.  
We look forward to continuing to work with the Confederated Tribes toward a successful outcome for all parties involved.

Sincerely,



Lewis S. Key, Mayor

Representing the City Council of the City of Milton-Freewater

CC: Chris Marks, Water Rights Policy Analyst  
Rick George

**Walla Walla River Irrigation District**  
**323 Evans Street, P.O. Box 248**  
**Milton-Freewater, OR 97862**  
**541-938-0144**  
**wwrid@qwestoffice.net**

**Antone Minthorn**  
**Chairman, Board of Trustees**  
**Confederated Tribes of the Umatilla Indian Reservation**  
**PO Box 638**  
**Pendleton, OR 97801**

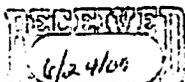
Dear Mr. Minthorn,

June 17, 2009

The Board of Director's of the Walla Walla River Irrigation District support the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the "preferred alternative" for the completion of the Feasibility Study, Environmental Impact Statement and ultimately congressional authorization and implementation of this instream flow restoration project in the Walla Walla Basin. We would like to take this opportunity to identify some critical issues that we feel will need to be addressed as this Basin moves forward in the planning process for this project.

To begin with, the operation and maintenance costs associated with the Columbia River Exchange project are very high. As you may know, the Walla Walla River Irrigation District patrons hold some of the oldest water rights in the state of Oregon, some dating back to the late 1860's. Our District is comprised of 3,400 irrigated acres of some of the most valuable cropland in the state of Oregon. Since 2000, the District and its Patrons have spent millions of dollars to make our delivery systems and application methods more efficient in order to provide instream flow to the mainstem Walla Walla River. Our assessments have more than doubled since 2000. Securing outside funding to cover the operation and maintenance costs associated with the Columbia River Exchange project is critical to our growers. Our limited assessment base prohibits raising assessments beyond the \$76.00 per acre that our growers are currently paying.

Secondly, we believe that legislation will have to be passed by the state of Washington that would allow an exchange. Currently, the state of Oregon has laws governing exchange within the state, Washington does not. If legislation is not passed, our growers would essentially be trading their senior Oregon water right for a junior Washington water right. Under the current laws, if the District was unable to get water from the Columbia River we would be unable to utilize our original Oregon source.



Lastly, the Board of Directors of the Walla Walla River Irrigation District are concerned about the threat of Clean Water Act violations associated with spilling Columbia River water into the spring branches at the end of our delivery system. As you know, the Little Walla Walla River is the delivery system for the majority of the acreage in our District. The Little Walla Walla River feeds spring branches that are connected to the Little Walla Walla River in Washington, which is a salmon bearing stream. Columbia River water from our delivery system could potentially be considered point source pollution under the federal Clean Water Act. Providing a piped delivery system to use during the times that we are utilizing Columbia River water would eliminate this threat.

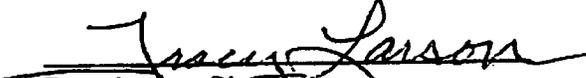
The Board of Directors appreciates the mutual support and cooperation between the Confederated Tribes of the Umatilla Indian Reservation and the Walla Walla River Irrigation district. We look forward to continued collaboration during the planning process for the Columbia River Exchange project. Together, we can work through these issues and others as they arise, and ultimately restore the instream flows necessary to reintroduce a native salmon population while protecting our agricultural economy.

Sincerely,

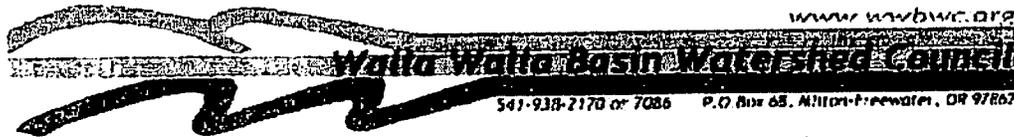
  
\_\_\_\_\_  
Ron Brown, Board President  
Walla Walla River Irrigation District

  
\_\_\_\_\_  
Alan Davis, Board Secretary  
Walla Walla River Irrigation District

  
\_\_\_\_\_  
Dennis Burks, Board Treasurer  
Walla Walla River Irrigation District

  
\_\_\_\_\_  
Tracy Larson, Director  
Walla Walla River Irrigation District

  
\_\_\_\_\_  
Sean Roloff, Director  
Walla Walla River Irrigation District



June 30<sup>th</sup>, 2009

Antone Minthorn  
Chairman, Board of Trustees  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, Oregon 97801

The Walla Walla Basin Watershed Council (WWBWC) would like to express support for the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the "preferred alternative" for completion of the Walla Walla River Flow Enhancement Feasibility Report's Environmental Impact Statement. With further analysis, some remaining questions can be answered and we anticipate supporting a request for congressional authorization to implement this instream flow restoration project. The WWBWC passed a Motion supporting the Tribes' decision to prioritize the Exchange option during the completion of the Feasibility Report.

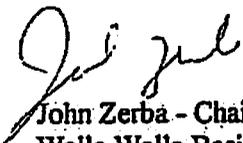
The WWBWC agrees with the Tribes that the Exchange option currently appears to be the best opportunity to restore instream flows necessary to reintroduce a salmon population and reduce impacts to the Endangered Species Act protected steelhead and bull trout while keeping intact our strong agricultural community. We also believe prioritizing the study of the Exchange option is the most prudent option. It is the most likely alternative to help ensure that the Basin's water supply can meet future water demands for community growth and development, aid the Basin efforts to reverse the decline of the shallow aquifer, and provide river flows for fish.

We anticipate working with the Tribes and the Corps to help resolve some ongoing issues during the next few years of the study. Once acceptable information and agreements have been reached, we anticipate supporting a request for Congressional Authorization of final designs, construction, and operations of this beneficial water management and fish recovery project.

As you know, the unanimity with which the efforts of the Walla Walla Basin Feasibility Study are supported by diverse interests in the Walla Walla Basin is truly unique. In the spirit of collaboration, we join the Tribes' efforts to aid us in restoring and enhancing the culture, ecology and economy of this basin that we now all call home and endorse the Tribes' decision that the Columbia River Exchange appears to be the most likely option to best meet those efforts.

7/6/09  
LEONARD

Sincerely,

A handwritten signature in cursive script, appearing to read "John Zerba".

**John Zerba - Chairman  
Walla Walla Basin Watershed Council**

**CC: Rick George**



CONFEDERATED TRIBES  
of the  
*Umatilla Indian Reservation*

P.O. BOX 638  
PENDLETON, OREGON 97801  
Area Code 541 Phone: 276-3165 Fax: 276-3095

VIA FACSIMILE

October 13, 2009

The Honorable Greg Walden  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers  
U.S. House of Representatives  
Washington, D.C. 20515

Re: Request for Walla Walla Basin Ecosystem Restoration Project in the 2010  
Water Resources Development Act Reauthorization

Dear Representatives Walden and McMorris Rodgers:

On behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I am writing to express our support for the Walla Walla Basin Ecosystem Restoration Project (Project) and to respectfully request your leadership to promote this Project for inclusion by the Transportation and Infrastructure Committee in the 2010 Water Resources Development Act.

The CTUIR has spent over \$3 million and eight years working with the U.S. Army Corps of Engineers, Walla Walla District, on a Feasibility Study to determine potential alternatives to restore the ecosystem of the Walla Walla Basin. The CTUIR selected the Columbia River Water Exchange as the "preferred alternative" to support for Water Resources Development Act authorization and implementation. Authorization of this Project will validate the time and money spent on developing a strategy to restore the ecosystem and will provide a huge advancement in the CTUIR vision of exercising their 1855 treaty reserved right to fish in the Walla Walla Basin.

The Walla Walla River Basin, located in Oregon and Washington, once had a thriving native fishery. For nearly a century, segments of the Walla Walla River have run dry due to over-appropriation of the water supply. Salmon were extirpated and bull trout and steelhead were listed as threatened in the late 1990s. There is simply not enough water for fish, irrigation, and other water uses in the Basin.

The Project provides the best opportunity to restore instream flows necessary to reintroduce a native Chinook salmon population and reduce the factors that led to the Endangered Species Act listing of bull trout and steelhead in the Walla Walla River. The Project provides those

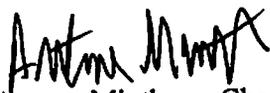
opportunities while keeping intact the water supply needs of the strong agricultural community. The project will not jeopardize the Basin's ability to meet future water demands for community growth and development and efforts to reverse the decline of the shallow and deep basalt aquifers.

This project also provides significant benefits to citizens of Oregon, Washington, and the greater Pacific Northwest. Reestablishing healthy salmon fisheries in Columbia River tributaries is a priority to improve the Columbia River fishery. The project will help achieve the goal of 5,000 Spring Chinook reaching the Walla Walla Basin. These fish will traverse the Columbia River from the Pacific Ocean on their way back to the Walla Walla Basin and therefore will provide broad harvest benefits. The project also has the potential to increase steelhead populations using the Columbia River corridor. In addition to the fish benefits, this project will provide economic certainty to the citizens of the Walla Walla Basin and the region that rely on this agricultural sector.

The Project is the only major water enhancement project in the Walla Walla Basin and as such, will represent completion of a comprehensive Walla Walla Basin water and fish restoration program. This Project will compound benefits from numerous ongoing "cost-share" project investments such as, fish passage improvements, stream habitat enhancement and hatchery actions.

The unanimity with which the efforts of the Project are supported in the Walla Walla Basin is truly unique as it comes before you after countless hours of collaboration between interests that do not often work together. Oregon, Washington, and the diverse stakeholders of the Walla Walla Basin have helped shape this Project and continue to look forward to its construction and implementation. The CTUIR, as the non-federal sponsor, supports this Project and asks that you support inclusion of the Project in the Water Resources Development Act in 2010.

Sincerely,



Antone Minthorn, Chairman  
Board of Trustees

cc: Governor Ted Kulongoski  
Senator Ron Wyden  
Senator Jeff Merkley  
Representative David Wu  
Representative Earl Blumenauer  
Representative Peter DeFazio  
Representative Kurt Schrader

Governor Christine Gregoire  
Senator Patty Murray  
Senator Maria Cantwell

**GARDENA FARMS IRRIGATION DISTRICT NO. 13**  
**539 WHITE ROAD – TOUCHET, WA 99360-9740**  
**(509) 394-2331**

May 14, 2009

Rick George  
Environmental Planning  
Confederated Tribes of the Umatilla Indian Reservation  
PO Box 638  
Pendleton, OR 97801

Dear Rick:

Enclosed please find a copy of a resolution, adopted by Gardena Farms Irrigation District No. 13, that supports the Confederated Tribes efforts to move the Columbia River Exchange proposal forward.

The district would like to emphasize that our support is conditioned upon any future maintenance and operating costs of the Columbia River Exchange not being borne by irrigators. Your explanation of how these maintenance and operating costs have been paid for on other projects has gone a long way in satisfying this condition.

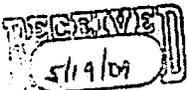
That being said, it is our pleasure to lend support to this effort. We are quite willing to do whatever we can to see this project through to fruition

Please do not hesitate to ask us for any help that we might provide.

Sincerely,



Philip Cummins  
Chairman, Board of Directors



**GARDENA FARMS IRRIGATION DISTRICT NO. 13**  
**539 WHITE ROAD – TOUCHET, WA 99360-9740**  
**(509) 394-2331**

**Resolution 2009-06**

**Whereas,** Gardena Farms Irrigation District No. 13 is an organization committed to the well being of the environment,

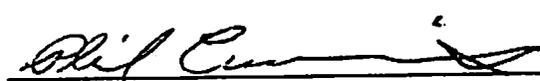
**Whereas,** Gardena Farms Irrigation District No. 13 has made and will continue to make efforts to maintain and to increase in-stream flows in the Walla Walla River system,

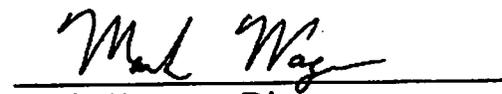
**Whereas,** Gardena Farms Irrigation District No. 13 enjoys and appreciates its working relationship with the Confederated Tribes of the Umatilla Indian Reservation and desires that relationship continue to grow and prosper,

**Whereas,** Gardena Farms Irrigation District No. 13 is committed to ensuring a viable economic future for its irrigating patrons,

**Now Therefore Be It Resolved,** that Gardena Farms Irrigation District No. 13 endorses and supports the Confederated Tribes of the Umatilla Indian Reservation's Columbia River Exchange Proposal as a means to protect and enhance the Walla Walla River system for all of its uses.

Voted and Adopted this 14<sup>th</sup> Day of May, 2009 at a regular meeting of the Board of Directors, Gardena Farms Irrigation District No. 13.

  
Phillip Cummins, Chairman

  
Mark Wagoner, Director

  
Michael S. Ingham, Director

**HUDSON BAY DISTRICT IMPROVEMENT CO. INC.**  
**P.O. BOX 110**  
**MILTON FREEWATER, OR 97862**  
541-938-5989  
FAX 541-938-6639

June 10, 2009

Antone Minthorn  
Chairman, Board of Trustees  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, OR 97801

On behalf of the Hudson Bay District Improvement Co., I am writing to express our support of the Confederated Tribes of the Umatilla Indian Reservation's decision to select the Columbia River Exchange as the "preferred alternative" for completion of the Feasibility Report, Environmental Impact Statement and ultimately congressional authorization and implementation of this instream flow restoration project in the Walla Walla Basin. Our support of the Tribes' decision was solidified by passage of Motion by our Board on June 9, 2009.

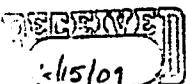
The Board agrees with the Tribes that the Exchange provides the best opportunity to restore instream flows necessary to reintroduce a native salmon population and reduce the factors that lead to the Endangered Species Act listing of steelhead and bull trout in the Basin while keeping intact our strong agricultural community. We also believe the selection of the Exchange will help ensure that the Basin's water supply can meet future water demands for community growth and development and Basin efforts to reverse the decline of shallow and deep basalt aquifers.

As you know, the unanimity with which the efforts of the Walla Walla Basin Feasibility Study are supported in the Walla Walla Basin is truly unique. In the spirit of collaboration, we join the Tribes' efforts to restore and enhance the culture, ecology and economy of this basin that we now all call home and endorse the Tribes' decision that the Columbia River Exchange will best meet those efforts.

Sincerely,



Tim DeRuwe  
Chairman  
Cc: Rick George



Walla Walla  
WRDA

THEODORE R. KULONGOSKI  
Governor

October 27, 2009

The Honorable Greg Walden  
US House of Representatives  
2352 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Walden:

For a number of years, the State of Oregon has been working with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), local irrigation districts and others to restore streamflows for fish species listed under the Endangered Species Act in the Walla Walla Basin. Even with these efforts, streamflows continue to fall short of meeting the needs of fish, irrigation and other uses in the basin.

Working over the past eight years, CTUIR and the US Army Corps of Engineers have identified a Columbia River exchange project as the most feasible means of achieving streamflows necessary for fish. This project, called the Walla Walla Basin Ecosystem Restoration Project (Walla Walla Project), presents an excellent opportunity to restore streamflows for fish species while maintaining the rich and diverse agricultural economy of the basin.

I encourage you to work to include this project in the 2010 Water Resources Development Act. My staff is available to brief you on the Walla Walla Project and related issues. Please do not hesitate to contact my Natural Resources Policy Director, Michael Carrier, at (503) 986-6524.

Sincerely,

A handwritten signature in black ink that reads "Theodore R. Kulongoski".

THEODORE R. KULONGOSKI  
Governor

MC:jb  
c: Phil Ward, Director, Oregon Water Resources Department



## REPRESENTATIVE CATHY MCMORRIS RODGERS (WA-05)

### Water Resource Development Act of 2010 Project Request Application

#### I. GENERAL INFORMATION

**Organization making request:** Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

**Date of Request:** November 10, 2009

**Address:** PO Box 638

**City:** Pendleton

**State:** Oregon

**ZIP Code:** 97801

**Point of Contact:** Rick George

**Phone:**

W: (541) 276-3165 C: (541) 215-0195

**Email:**

rickgeorge@ctuir.com

**Address:** PO Box 638

**City:** Pendleton

**State:** Oregon

**ZIP Code:** 97801

**Head of Organization (if different from above):** Antone Minthorn, Chairman of the Board of Trustees

**DC Representation (if any):** Mark Phillips, Edwards Associates, Inc.

**Phone:** (202) 546-1516

**Email:** MarkPEAI@aol.com

**Address:** 316 Pennsylvania Ave SE

**City:** Washington

**State:** DC

**ZIP Code:** 20003

#### II. PROJECT INFORMATION

**PROJECT TITLE:**

Walla Walla River Basin Ecosystem Restoration Project

**ARE YOU REQUESTING FEDERAL FUNDS FOR MORE THAN ONE PROJECT IN THIS BILL?** No

**IF YES, THIS PROJECT IS PRIORITY OF TOTAL REQUESTS FOR YOUR ORGANIZATION.**

**PROJECT PURPOSE:**

The Project is designed to restore instream flows to allow for the successful re-introduction of a healthy salmon population and to benefit other native fish species while preserving the water supplies currently used by irrigation districts, individual farmers and municipalities within the Walla Walla Basin. The Project will benefit:

- a. The CTUIR by restoring the salmon fishery that they reserved by Treaty;
  - b. The residents of the Walla Walla Basin by preserving their water rights and their agricultural economy;
- and

- c. The greater Pacific Northwest region by increasing the number of salmon returning up the Columbia River to spawn in the Walla Walla River.

The Walla Walla Basin's water supply is heavily over-appropriated. For nearly a century, the Walla Walla River near Milton-Freewater, Oregon, and at lower stretches in Washington, ran dry due to agricultural diversions, destroying a thriving native fishery. Those same conditions prevent the restoration of salmon in what is considered pristine headwaters of the Walla Walla River and tributaries. Water use in the river became a political concern once bull trout were listed in 1998 and steelhead in 1999 as threatened species in the Walla Walla River under the Endangered Species Act (ESA). ESA enforcement action has been considered by federal agencies and conservation groups that could seriously disrupt the agricultural economy in the Walla Walla Basin.

According to the United States Department of Agriculture 2007 census, farms in Walla Walla County, Washington and Umatilla County, Oregon, hired 13,356 farm laborers. Even more jobs are created by the agricultural sector in processing, packaging, and shipment of agricultural products. Total gross income from farm related sources in the two counties was \$40,268,000 in 2007. The 2007 market value of agricultural products sold from the two counties was \$665,168,000. The water rights from the Walla Walla River Basin produce a significant portion of the above jobs and monetary value.

Beginning in 2000, three irrigation districts in the Walla Walla Basin pledged to keep a minimum water flow in the river and signed an agreement to this effect with the U.S. Fish and Wildlife Service. This agreement prevented the Walla Walla River from running dry in the summer and early fall months which required biologists to rescue stranded fish. However, substantially greater instream flows are necessary to recreate natural conditions, provide adequate passage and restore rearing habitat for native fish species.

This project is designed to build upon the irrigation district's bypassed flows to restore naturally occurring instream flows. At the same time, we will maintain the water supply required for the diverse and successful agricultural community and to accommodate future community growth. The project is designed to leave 150 cubic feet per second (cfs) instream during the spring for passage of adult and juvenile fish and 50 - 100 cfs instream during the summer and fall to increase quality rearing habitat.

This is the only major water enhancement project in the Walla Walla Basin and as such, will represent completion of a comprehensive Walla Walla Basin water and fish restoration program. This project will compound benefits from numerous ongoing "cost-share" project investments such as, fish passage improvements, stream habitat enhancement and hatchery actions.

**PROJECT DESCRIPTION:**

The Project will deliver Columbia River water to Walla Walla River Irrigation District and Hudson Bay District Improvement Company in Oregon and Gardena Farms Irrigation District #13 in Washington via 39 miles of pipe, water storage tanks and booster stations. The Columbia River water will provide the three districts water necessary for their irrigated agricultural needs in exchange for those districts leaving the same amount of their Walla Walla River water diversions instream. The project will exchange enough water with the three irrigation districts to provide instream flows required to reintroduce and sustain a salmon fishery – 150 cfs in spring and 50-100 cfs in summer and fall.

**PROJECT AMOUNT:**

Estimated Project construction cost is \$292 Million. Operation and Maintenance Costs is estimated at \$2.9 Million per year.

**IS THERE A NON-FEDERAL PROJECT SPONSOR?**

Yes. The Confederated Tribes of the Umatilla Indian Reservation is the sponsor of the Feasibility Study. The identification of the non-Federal sponsor for the next phase, the Pre-Construction, Engineering, and Design (PED) phase is not yet ready to be determined as the Corps has not yet completed the Study. Non-federal

sponsor(s) will be determined closer to May 2010 when the Feasibility Study is completed. Non-Federal sponsor(s) for the Construction and Operations and Maintenance phase will be determined during the PED phase. CTUIR is currently discussing co-sponsorship options with Oregon and Washington and other Basin entities.

**IF YES, WHO?**

**DO YOU HAVE A LETTER OF SUPPORT FROM A NON-FEDERAL SPONSOR CONFIRMING MATCHING FUNDS?**

Not yet. The CTUIR, as the non-Federal sponsor for the Feasibility Study, has included with this submittal, a letter of support for the project. We also include letters of support from Oregon and Washington local governments, irrigations districts and others. However, the CTUIR takes the position that the Federal Government, not CTUIR, should be responsible to finance efforts to restore Treaty reserved fishing rights in the Walla Walla Basin. That said, the CTUIR will work closely with the United States, the states of Oregon and Washington, and the private sector in the Walla Walla Basin to meet the non-federal sponsor's required matching funds.

**HAS THE PROJECT BEEN APPROVED BY THE US ARMY CORPS OF ENGINEERS?**

Not yet. The project is currently in the Feasibility Study phase. However, the US Army Corps of Engineers, Walla Walla District, is confident that the Feasibility Study is currently scheduled to be completed in time for Corps approval, issuance of a Chief's Report, and inclusion in the 2010 Water Resources Development Act, and has coordinated closely with its headquarters staff to assure this timing can be met.

**IF SO, WHAT IS THE CORPS DISTRICT NAME?**

**WHO IS THE CORPS POINT OF CONTACT AND THEIR PHONE NUMBER?**

Margie McGill, Project Manager, Walla Walla District  
(509) 527-7615

**IN WHICH CITY WILL THE PROJECT BE CARRIED OUT (ALL)?**

The project involves a pipeline that extends from the McNary Pool of the Columbia River through rural land to the city of Milton-Freewater, Oregon. Milton-Freewater, Oregon is the only city where a portion of the project infrastructure will be carried out.

**IN WHICH COMMUNITY WILL THE PROJECT BE CARRIED OUT (ALL)?**

Communities that the project will be carried out include: Lowden, WA; Gardena, WA; Touchet, WA, and Umapine, OR. The project will also indirectly impact Walla Walla, WA, College Place, WA, and Walla Walla County, WA and Umatilla County, OR due to the ties the irrigators that will be receiving water from this project have with those areas.

**IS THE PROJECT CURRENTLY AUTHORIZED? No**

**Receipt for Request 111-WA-5th-001**

**General Information**

Member: Cathy McMorris Rodgers  
Party: R  
District: 5th  
State: WA

**Congressional Office Staff Information**

Staff Contact: Kim Betz, Legislative Director  
Staff Phone: 202-225-2006  
Staff Email: kimberly.betz@mail.house.gov

**U.S. Army Corps of Engineers Contact Information**

Army Corps District: Walla Walla District  
Army Corps Contact: Margie McGill, Project Manager  
Army Corps Phone: 509-527-7615

**Project Location**

City: Walla Walla  
County: Wall Walla  
State: Washington

**Non-federal Sponsor**

Non-federal Sponsor: Confederated Tribes of the Umatilla Indian Reservation  
Non-federal Sponsor Contact: Rick George, Manager Environmental Planning/Rights Protection Program  
Non-federal Sponsor Phone: 541-966-2351  
Non-federal Sponsor Address: Confederated Tribes of the Umatilla Indian Reservation PO Box 638 Pendleton, OR 97801

**Project Details**

Project Purpose: Water Supply  
Project Description: Implement a bucket for bucket replacement of Walla Walla River water currently diverted by the Basin's irrigators with Columbia River water.  
Authorization Amount Requested: 292000000

**Miscellaneous Information**

Multiple Members Requesting this Project? Yes

WATER RESOURCES DEVELOPMENT ACT 2010

TITLE I—WATER RESOURCES PROJECTS  
SEC. 1001, PROJECT AUTHORIZATIONS

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(#) WALLA WALLA BASIN, WALLA WALLA RIVER, OREGON AND WASHINGTON

(A) IN GENERAL – The Project for ecosystem restoration, Walla Walla Basin, Walla Walla River, Oregon and Washington: Subject to the conditions in (B), Report of the Chief of Engineers estimated date of September 15, 2010 at a total cost of \$292,000,000, with an estimated Federal cost of \$189,800,000 and an estimated non-Federal cost of \$102,200,000. The annual operations, maintenance and repair for the Project is estimated at \$2.9 million.

(B) PROTECTION OF PROJECT WALLA WALLA RIVER STREAM FLOWS – Post-authorization implementation of the Project is contingent upon the States of Oregon and Washington each demonstrating that it has existing law to protect Project derived bypass/exchange water as a new water supply to which existing or future State-issued consumptive use water rights have no legal basis to use or divert and that such water rights holders must leave Project derived bypass/exchange water in the stream channel. Oregon and Washington must demonstrate such legal authority and the State's commitment to enforce such authority in perpetuity, to the extent available resources and authority allows, to protect Project derived bypass/exchange water by written reports to be submitted to the Committee on Transportation and Infrastructure, U.S. House of Representatives, and the Committee on Environment and Public Works, U.S. Senate, either of which Committees shall have 90 calendar days following receipt of the State reports to decline such reports in writing to the States and the U.S. Army.

-end-