

## Calendar No. 367

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SENATE

{ REPORT  
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### TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

APRIL 16, 1996.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public  
Works, submitted the following

### REPORT

[To accompany H.R. 2243]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 2243), to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

#### GENERAL STATEMENT

The primary purposes of the bill are to amend Public Law 98-541, an Act to provide for the restoration of fish and wildlife in the Trinity River Basin, to extend the availability of moneys for restoration programs for 3 more years, and to increase the task force by five members.

#### BACKGROUND

The Trinity River is located in northwest California and joins the Klamath River which continues to the Pacific Ocean just south of the Oregon border. Historically, the Trinity River Basin has produced major chinook and coho salmon and steelhead trout populations.

In 1963, the Bureau of Reclamation completed construction on the Trinity River and Lewiston Dams and began to divert up to 90 percent of the river's flow at Lewiston to the Central Valley of California for agricultural, municipal and industrial uses and hydro-power production. The legislation authorizing dam construction re-

quired the Secretary of the Interior to take appropriate actions to ensure the preservation and propagation of fish and wildlife. Despite construction of a fish hatchery and establishment of a minimum flow on the lower Trinity River, salmon and trout populations decreased to record lows, and riparian habitat continued to degrade, causing cultural and economic hardship to tribal groups and commercial and recreational fishermen.

In the early 1970s, Federal and State agencies formed the Trinity River Basin Fish and Wildlife Task Force (Task Force) to develop an action plan for restoring fish and wildlife habitat on the lower Trinity River. The Task Force identified a tributary watershed to the Trinity River, Grass Valley Creek, as responsible for the bulk of the sediment that was destroying habitat in the most productive stretches of the lower river. In response, Congress authorized \$3.5 million in 1980 for the construction of the debris dam and several sediment collection pools on Grass Valley Creek to control sedimentation in the lower river.

In 1981, the Secretary of the Interior authorized an incremental increase in flows in the Trinity River from 120,000 acre-feet to 340,000 acre-feet annually. This amount was to be reduced to 220,000 acre-feet in dry years and to 140,000 acre-feet in critically-dry years. In addition, the Secretary directed the U.S. Fish and Wildlife Service to conduct a 12-year study to ascertain the effectiveness of the increased flows and other restoration programs. This evaluation began in 1985 and is expected to be completed in 1996. During the first 6 years of the Trinity River Flow Evaluation, a major drought occurred in California, resulting in flows of less than 340,000 acre-feet for four of the 6 years. In May 1991, the Secretary of the Interior amended the flow levels so that at least 340,000 acre-feet would be released to the Trinity River annually, even in critically-dry years, if at all possible. A minimum flow requirement of 340,000 acre-feet remains in effect today.

In March 1982, the Task Force completed the Trinity River Basin Fish and Wildlife Management Program which identified eleven actions for restoring fish and wildlife habitat. The 1984 Act (Public Law 98-541) directed the Secretary of the Interior to formulate and implement a fish and wildlife management program for the basin based on the program developed by the Task Force and created a 14-member Trinity River Basin Fish and Wildlife Task Force to assist and advise the Secretary. The Act authorized \$33 million for design and construction under the management program, to remain available until the end of fiscal year 1995. This account was increased in October 1992 by \$15 million for a total of \$48 million (Public Law 102-377). In addition, the Act authorized \$2.4 million per year for operation, maintenance and monitoring costs, for 10 years, beginning on October 1, 1985. Federal funds were required to be matched by the State of California and the affected counties at the rate of 15 percent and by direct purchasers of water and power from the Trinity River Dams at the rate of 50 percent.

To date, restoration efforts in the Trinity River Basin include the modernization of the Lewiston Hatchery, the construction of the Buckhorn Debris Dam and sediment collection pools in the Grass Valley Creek, and the purchase of 17,000 acres of highly erodible land in the Grass Valley Watershed. Other habitat restoration ef-

forts are underway to encourage natural fish spawning and rearing, including replacement of spawning gravel below the Lewiston Dam, reestablishment of meander channels, dredging of pools in the Trinity River, and feather-tapering the river's edges.

Reauthorization of Public Law 98-514 will continue the restoration of the Grass Valley Creek Watershed, control sediment on tributary watersheds, restore the South Forks Trinity River fish habitat, and implement a wildlife management program. These efforts will contribute to rebuilding the populations of salmon and trout which are important to commercial, recreational, and Tribal fishing interests.

#### COMMITTEE ACTION

H.R. 2243 was referred to the Senate Committee on Environment and Public Works on December 13, 1995. The committee held no hearings on H.R. 2243, and on March 28, 1996, reported the bill favorably by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1. SHORT TITLE

Section 1 provides the short title for the bill as the "Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995."

##### SECTION 2. CLARIFICATION OF FINDINGS

Section 2 finds that restoration is to be measured not only by the number of returning adult fish but by the ability of dependent Tribal, commercial, and sport fisheries to participate fully in the benefits of restoration. The long-term goals of the management program are to restore fish and wildlife populations in the Trinity River Basin. Section 2 also states that, to the extent restored fish populations in the Trinity River Basin will contribute to ocean populations, the management program will aid the resumption of commercial, including ocean harvest, and recreational fishing activities.

##### SECTION 3. CHANGES TO MANAGEMENT PROGRAM

Section 3 states that to the extent restored populations contribute to ocean populations, the management program is intended to aid in the resumption of commercial, including ocean harvests, and recreational fishing activities. In formulating and implementing a management plan, the Secretary of the Interior shall consult with the Secretary of Commerce, where appropriate. This section authorizes restoration activity in the Klamath River below its confluence with the Trinity River and clarifies that the purpose of the Trinity River Fish Hatchery is mitigation of fish habitat loss above the Lewiston Dam, while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the Basin.

##### SECTION 4. ADDITIONS TO TASK FORCE

Section 4 adds five members to the Trinity River Basin Fish and Wildlife Task Force, including representatives of the Yurok and Karuk Tribes, commercial and recreational fishing interests, and

the timber industry. It directs that Task Force actions on the Klamath River from Weitchpec (at the confluence of the Klamath and Trinity Rivers) downstream to the Pacific Ocean be coordinated with the Klamath Fishery Management Council and the Klamath River Basin Fisheries Task Force. In addition, it authorizes certain appointees to be reimbursed for expenses incurred in connection with Task Force service.

#### SECTION 5. APPROPRIATIONS

Section 5 extends the authorization of appropriations for 3 years. It authorizes the Secretary to accept in-kind services as payment for obligations incurred under the Act and limits overhead and indirect costs to 20 percent of amounts appropriated. This section also requires the Secretary to prepare annual financial reports and to periodically audit in-river fishery monitoring and enforcement programs. The bill also authorizes the Secretary to seek annual appropriations for future monitoring, maintenance and evaluation after the restoration effort is completed.

#### SECTION 6. NO RIGHTS AFFECTED

Section 6 states that nothing in this bill shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe, or any other individual or entity.

#### SECTION 7. SHORT TITLE OF 1984 ACT

Section 7 designates Public Law 98-541 as the "Trinity River Basin Fish and Wildlife Management Act of 1984."

#### ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report on that legislation.

At the business meeting of the Committee on Environment and Public Works on March 28, 1996, the bill H.R. 2243 was ordered to be reported favorably by voice vote. No rollcall vote was taken.

#### REGULATORY IMPACT

In compliance with Section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the bill.

The bill does not create any additional regulatory burdens.

#### COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 15, 1996.*

Hon. JOHN H. CHAFEE,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.

Enacting H.R. 2243 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2243.
2. Bill title: Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works on March 28, 1996.
4. Bill purpose: H.R. 2243 would amend the 1984 Trinity River Basin, California, Fish and Wildlife Act (Public Law 98-541), as amended, to extend the authorization of appropriations for the Trinity River Basin Fish and Wildlife Management Program through fiscal year 1998. The original authorization expired at the end of fiscal year 1995. The bill also would authorize the Secretary of the Interior to accept in-kind services as payment for obligations incurred by certain non-Federal entities under the Act.
5. Estimated cost to the Federal Government: CBO estimates that enacting H.R. 2243 would result in new discretionary spending of about \$15 million between 1997 and 1999, assuming appropriation of the authorized amounts. We also estimate that the bill would affect direct spending but that the changes would be less than \$500,000 per year over in 1997 and 1998. There would be no impact on direct spending in 1999 or 2000. The following table summarizes the estimated budgetary impact of the bill.

[by fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
SPENDING SUBJECT TO APPROPRIATIONS ACTION					
Spending Under Current Law:					
Budget authority <sup>1</sup> .....	7	0	0	0	0
Estimated outlays .....	7	1	0	0	0
Proposed changes:					
Estimated Authorization Level .....	0	7	7	0	0
Estimated Outlays .....	0	6	7	1	0
Spending under H.R. 2243:					
Estimated Authorization Level <sup>1</sup> .....	7	7	7	0	0
Estimated Outlays .....	7	7	7	1	0
Additional direct spending:					
Estimated Budget Authority .....	0	(?)	(?)	0	0

[by fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated Outlays .....	0	( <sup>2</sup> )	( <sup>2</sup> )	0	0

<sup>1</sup> The 1995 and 1996 levels are the amounts appropriated for those years.<sup>2</sup> Less than \$500,000.

The costs of this bill fall within budget function 300.

#### 6. Basis of estimate:

##### *Spending subject to appropriation*

Assuming appropriation of the amounts authorized, CBO estimates that enactment of the bill would result in new discretionary spending totaling slightly less than \$15 million over the 1997–1999 period. Roughly \$10 million of this total would be for design and construction activities and about \$5 million would be for operations and maintenance.

*Authorization for Design and Construction.*—H.R. 2243 would extend the period over which funds authorized under the 1984 act for design and construction could be expended through fiscal year 1998. The original authority expired in fiscal year 1995 and was extended to 1996 by the fiscal year 1996 appropriations for energy and water (Public Law 104–46). Based on information provided by the Bureau of Reclamation, and accounting for expected inflation over the next few years, CBO estimates that extending the authorization for design and construction activities through 1998 would cost about \$10 million, assuming appropriation of the authorized amounts. That total reflects the balance of previously authorized but unappropriated amounts from the ceiling on design and construction spending, as established in Public Law 98–541, as amended. (Public Law 98–541, as amended, establishes a ceiling of \$48 million, but allows for increases to account for inflation. To date, \$61 million has been appropriated. CBO estimates that the total authorization, after accounting for inflation over the 1996–1998 period, is about \$71 million.)

The Bureau of Reclamation has indicated that the amounts authorized under the 1984 Act, as amended, are not sufficient to complete the design and construction of the management program. The Bureau estimates that \$26 million (in 1995 dollars) would be required to complete the program in addition to the \$10 million discussed above. H.R. 2243 does not change the current spending ceiling, however, and these potential costs are therefore not included in this estimate.

*Authorization for Operations and Maintenance.*—H.R. 2243 also would authorize appropriations of \$2.4 million per year for operation and maintenance of the management program through fiscal year 1998. The original authority of \$2.4 million per year expired in fiscal year 1995 and was extended to fiscal year 1996 by this year's appropriation bill (Public Law 104–46).

##### *Direct spending*

CBO estimates that enacting H.R. 2243 would result in direct spending of less than \$500,000 per year in 1997 and 1998. This amount is CBO's estimate of the receipts that would be lost by al-

lowing the Secretary of the Interior to accept in-kind contributions instead of cash from certain nonFederal entities that are required by the 1984 Act to share project costs. CBO assumes that the bill would be enacted too late in the current fiscal year to affect the 1996 payments.

CBO estimates that the provision would affect roughly \$1 million of the annual payments due from cost-sharing partners. Payments by contributors that would qualify for this provision, however, have been less than \$500,000 per year in recent years. Based on this recent payment history, CBO estimates that the provision would result in a loss of offsetting receipts of less than \$500,000 per year. Based on information provided by the Bureau of Reclamation and the State of California (the primary cost-sharing partner that would qualify for the provision), CBO assumes that in-kind payments could not be made against unpaid cost-sharing obligations incurred prior to 1996, which total slightly more than \$3 million.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 2243 would affect direct spending by allowing the Secretary of the Interior to accept in-kind contributions instead of financial payments from nonFederal entities that are required by the 1984 Act to share project costs. A loss of offsetting receipts would increase direct spending and pay-as-you-go procedures would apply to the bill. CBO estimates that the loss of offsetting receipts would be less than \$500,000 per year.

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays .....	0	0	0
Change in receipts .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Not applicable.

8. Estimated cost to State and local governments: H.R. 2243 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no direct costs on State, local, or tribal governments.

The 1984 Trinity River Basin Fish and Wildlife Act requires that Federal expenditures for this project be matched by the State of California and the counties of Humboldt and Trinity, California, and by purchasers of water and power from the Trinity River division of the Central Valley Project. These purchasers include public utilities and water districts. The combined State and county match is 15 percent of Federal spending and the required match by purchasers is 50 percent. Given CBO's estimate that Federal expenditures under the bill would be \$7 million per year in fiscal years 1997 and 1998, the required State and county contribution would be about \$1 million in each year, and the required contribution from water and power purchasers would be about \$3.5 million annually. These expenditures would be voluntary, however, and not the result of an enforceable duty imposed by the Federal Government.

H.R. 2243 would benefit the state of California and the counties of Humboldt and Trinity, California, by amending the 1984 act to allow these contributions to take the form of in-kind services. Based on information provided by State officials, we estimate that the State and counties combined would save less than \$500,000 per year in the next 3 years as a result of this change. Total spending would decline because amounts that would have been spent in any case on state and county programs would be counted as part of the match, allowing the state and counties to forgo additional payments to the Federal Government.

9. Estimate impact on the private sector: This bill would impose no new private sector mandates, as defined in Public Law 104-4.

10. Previous CBO estimate: On December 8, 1995, CBO provided an estimate for H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995, as ordered reported by the House Committee on Resources. That version of the bill is identical to the version for which the estimate is provided here. However, CBO now assumes a later enactment date. As a result, we estimate that enacting the bill would have no effect on spending in the current fiscal year.

11. Estimate prepared by: Federal cost estimate: Gary Brown; State and local cost estimate: Marjorie Miller; private sector impact: Amy Downs.

12. Estimate approved by: Robert R. Sunshine (for Paul N. Van de Water, Assistant Director for Budget Analysis).

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: existing law as proposed to be omitted is printed inside of [bold brackets]; new matter proposed to be added to existing law is printed in italic; and existing law in which no change is proposed is shown in roman.

**ACT OF OCTOBER 24, 1984**

AN ACT To provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes

FINDINGS

SECTION 1. The Congress finds that—

(1) \* \* \*

\* \* \* \* \*

*(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;*

**[(5)]** *(6) a fish and wildlife management program has been developed by an existing interagency advisory group called the Trinity River Basin Fish and Wildlife Task Force; and*

**[(6)]** *the Secretary requires additional authority to implement a basin-wide fish and wildlife management program in order to achieve the long-term goal of restoring fish and wildlife popu-*

lations in the Trinity River Basin to a level approximately that which existed immediately before the start of the construction of the Trinity River division.】

*(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.*

TRINITY RIVER BASIN AND WILDLIFE MANAGEMENT PROGRAM

SEC. 2. (a) Subject to subsection (b), the Secretary, *in consultation with the Secretary of Commerce where appropriate*, shall formulate and implement a fish and wildlife management program for the Trinity River Basin designed to restore the fish and wildlife populations in such basin to the levels approximating those which existed immediately before the start of the construction referred to in section 1(1) and to maintain such levels. *To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.* The program shall include the following activities:

(1) The design, construction, operation, and maintenance of facilities to—

(A) rehabilitate fish habitats in the Trinity River between Lewiston Dam and 【Weitchpec;】 *Weitchpec and in the Klamath River downstream of the confluence with the Trinity River;*

(B) rehabilitate fish habitats in tributaries of such river below Lewiston Dam and in the south fork of such river; and

(C) modernize and otherwise increase the effectiveness of the Trinity River Fish Hatchery, *so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin.*

(b)(1) The Secretary shall use the program described in section 1(5) of this Act as a basis for the management program to be formulated under subsection (a) of this section. In formulating and implementing such management program, the Secretary shall be assisted by an advisory group called the Trinity River Basin Fish and Wildlife Task Force established under section 3.

(2) In order to facilitate the implementation of those activities under the management program over which the Secretary does not have jurisdiction, the Secretary shall undertake to enter into a memorandum of agreement with those Federal, State, and local agencies, and the Indian 【tribe】 *tribes*, represented on the Task Force established under section 3. The memorandum of agreement should specify those management program activities for which the

respective signatories to the agreement are primarily responsible and should contain such commitments and arrangements between and among the signatories as may be necessary or appropriate to ensure the coordinated implementation of the program.

\* \* \* \* \*

TRINITY RIVER BASIN FISH AND WILDLIFE TASK FORCE

SEC. 3. (a) There is established the Trinity River Basin Fish and Wildlife Task Force (hereinafter in this Act referred to as the "Task Force") which shall be composed of ~~fourteen~~ *nineteen* members as follows:

(1) \* \* \*

\* \* \* \* \*

(10) One officer or employee of the ~~United States Soil Conservation Service~~ *Natural Resources Soil and Conservation Service* to be appointed by the Secretary of Agriculture.

\* \* \* \* \*

(15) *One individual to be appointed by the Yurok Tribe.*

(16) *One individual to be appointed by the Karuk Tribe.*

(17) *One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations.*

(18) *One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California advisory Committee on Salmon and Steelhead Trout.*

(19) *One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry.*

\* \* \* \* \*

(c)(1) Members of the Task Force who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Task Force.

(2) No moneys authorized to be appropriated under this Act may be used to pay any member of the Task Force for service on the Task Force or to reimburse any agency or governmental unit for the pay of any such member for such service. *Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof), or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.*

(d) *Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99-552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities.*

## AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Subject to subsection (b), there are authorized to be appropriated—

(1) after fiscal year 1985, and to remain available until October 1, ~~1995~~ 1998, for design and construction under the management program formulated under section 2(a), \$33,000,000, adjusted appropriately to reflect any increase or decrease in the engineering cost indexes applicable to the types of construction involved between (A) the month of May 1982, and (B) the date of enactment of any appropriation for such construction; and

(2) for the cost of operations, maintenance, and monitoring under that management program, \$2,400,000 for each of the fiscal years in the ~~ten~~ 13-year period beginning on October 1, 1985.

\* \* \* \* \*

*(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).*

*(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term "overhead and indirect costs" means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.*

*(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.*

*(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.*

**[(d)]** *(h) For purposes of this section, the term "Grass Valley Creek activities" means the following activities authorized by the Act of September 4, 1980 (94 Stat. 1062):*

- (1) The construction of the Grass Valley Creek debris dam.*
- (2) The construction, operation, and maintenance of the sand dredging system in Grass Valley Creek.*

*(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.*

*PRESERVATION OF RIGHTS*

*SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of an Indian or Indian tribe or any other individual or entity.*

*SHORT TITLE*

*SEC. 6. This Act may be cited as the "Trinity River Basin Fish and Wildlife Management Act of 1984".*

