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**Congress of the United States**  
**House of Representatives**

June 26, 2013

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The Honorable Bill Shuster  
Chairman  
House Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Shuster:

As you develop the Water Resources Development Act of 2013, I respectfully request that you include language to modify a portion of an existing flowage easement held by the U.S. Army Corps of Engineers (Corps) on Port of Hood River (Port) property in Hood River, Oregon.

Currently, any time a potential upland recreation or habitat restoration project is proposed by the Port, it is subject to slow and expensive project reviews by the Corps. These reviews delay projects, unnecessarily divert staff time from other projects, and sometimes stop projects entirely. Adjusting the flowage easement back to the ordinary high water mark would help streamline the process for Port's enhancement efforts which allows proposed projects to advance without additional delay.

The Portland District of the Corps provided technical assistance in drafting easement adjustment language and has no concerns with this approach. This language would absolve the United States of any liabilities that may arise as a consequence of the easement adjustment, and further clarifies that no cultural, environmental, or federal government regulatory action are required.

Please include the following language to help streamline the Port's recreation and habitation restoration efforts.

*Port of Hood River, Oregon*

*(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E-6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.*

*(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:*

*(A) Instrument Number 2010–1235*

*(B) Instrument Number 2010–02366.*

*(C) Instrument Number 2010–02367.*

*(D) Parcel 2 of Partition Plat #2011–12P.*

*(E) Parcel 1 of Partition Plat 2005–26P.*

*(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—*

*(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.*

*(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).*

*(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).*

Thank you for your consideration of my request and please feel free to contact me or have your staff contact Riley Bushue on my staff at 541-624-2400 with any questions.

Best regards,



Greg Walden  
Member of Congress