To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2000

Mr. Voinovich (for himself, Mr. Smith of New Hampshire, and Mr. Baucus) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the “Water Resources Development Act of 2000”.

6 (b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Boydsville, Arkansas.
Sec. 302. White River Basin, Arkansas and Missouri.
Sec. 303. Gasparilla and Estero Islands, Florida.
Sec. 304. Fort Hall Indian Reservation, Idaho.
Sec. 305. Upper Des Plaines River and tributaries, Illinois.
Sec. 306. Morganza, Louisiana.
Sec. 307. Red River Waterway, Louisiana.
Sec. 308. William Jennings Randolph Lake, Maryland.
Sec. 309. New Madrid County, Missouri.
Sec. 310. Pemiscot County Harbor, Missouri.
Sec. 311. Pike County, Missouri.
Sec. 312. Fort Peck fish hatchery, Montana.
Sec. 313. Mines Falls Park, New Hampshire.
Sec. 314. Sagamore Creek, New Hampshire.
Sec. 315. Passaic River Basin flood management, New Jersey.
Sec. 316. Rockaway Inlet to Norton Point, New York.
Sec. 318. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 319. Joe Pool Lake, Trinity River Basin, Texas.
Sec. 320. Lake Champlain watershed, Vermont and New York.
Sec. 322. Puget Sound and adjacent waters restoration, Washington.
Sec. 323. Fox River System, Wisconsin.
Sec. 324. Chesapeake Bay oyster restoration.
Sec. 325. Great Lakes dredging levels adjustment.
Sec. 326. Great Lakes fishery and ecosystem restoration.
Sec. 327. Great Lakes remedial action plans and sediment remediation.
Sec. 328. Great Lakes tributary model.
Sec. 329. Treatment of dredged material from Long Island Sound.
Sec. 330. New England water resources and ecosystem restoration.
Sec. 331. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 411. Boise River, Idaho.
Sec. 412. Wood River, Idaho.
Sec. 413. Chicago, Illinois.
Sec. 414. Boeuf and Black, Louisiana.
Sec. 415. Port of Iberia, Louisiana.
Sec. 416. South Louisiana.
Sec. 417. St. John the Baptist Parish, Louisiana.
Sec. 418. Narragansett River, Milbridge, Maine.
Sec. 419. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 420. Merrimack River Basin, Massachusetts and New Hampshire.
Sec. 421. Port of Gulfport, Mississippi.
Sec. 422. Upland disposal sites in New Hampshire.
Sec. 423. Missouri River basin, North Dakota, South Dakota, and Nebraska.
Sec. 424. Cuyahoga River, Ohio.
Sec. 425. Fremont, Ohio.
Sec. 426. Grand Lake, Oklahoma.
Sec. 427. Dredged material disposal site, Rhode Island.
Sec. 428. Chickamauga Lock and Dam, Tennessee.
Sec. 429. Germantown, Tennessee.
Sec. 430. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 431. Cedar Bayou, Texas.
Sec. 432. Houston Ship Channel, Texas.
Sec. 433. San Antonio Channel, Texas.
Sec. 434. White River watershed below Mud Mountain Dam, Washington.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Army.

TITLE I—WATER RESOURCES

PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF’S REPORTS.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the designated report: The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—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, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:
(1) False Pass Harbor, Alaska.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,000,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,000,000.

(2) Unalaska Harbor, Alaska.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) Rio de Flag, Arizona.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $26,400,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,300,000.

(4) Tres Rios, Arizona.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $90,000,000, with an estimated Federal cost of $58,000,000 and an estimated non-Federal cost of $32,000,000.

(5) Los Angeles Harbor, California.—The project for navigation, Los Angeles Harbor, California, at a total cost of $168,900,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $124,900,000.
(6) **Murrieta Creek, California.**—The project for flood control, Murrieta Creek, California, at a total cost of $43,100,000, with an estimated Federal cost of $27,800,000 and an estimated non-Federal cost of $15,300,000.

(7) **Pine Flat Dam, California.**—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) **Ranchos Palos Verdes, California.**—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) **Santa Barbara Streams, California.**—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $17,100,000, with an estimated Federal cost of $8,600,000 and an estimated non-Federal cost of $8,500,000.

(10) **Upper Newport Bay Harbor, California.**—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total
cost of $28,280,000, with an estimated Federal cost of $18,390,000 and an estimated non-Federal cost of $9,890,000.

(11) Whitewater River basin, California.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $26,000,000, with an estimated Federal cost of $16,900,000 and an estimated non-Federal cost of $9,100,000.

(12) Tampa Harbor, Florida.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $7,245,000, with an estimated Federal cost of $4,709,000 and an estimated non-Federal cost of $2,536,000.

(13) Barbers Point Harbor, Oahu, Hawaii.—The project for navigation, Barbers Point Harbor, Oahu, Hawaii, at a total cost of $51,000,000, with an estimated Federal cost of $21,000,000 and an estimated non-Federal cost of $30,000,000.

(14) John T. Myers Lock and Dam, Indiana and Kentucky.—The project for navigation, John
T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) Greenup Lock and Dam, Kentucky.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $183,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) Morganza, Louisiana, to Gulf of Mexico.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(17) Barnegat Inlet to Little Egg Inlet, New Jersey.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Fed-
eral cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(18) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(19) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $30,081,000, with an estimated Federal cost of $19,553,000 and an estimated non-Federal cost of $10,528,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual
Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(20) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(21) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $100,000,000, with an estimated Federal cost of $65,000,000 and an estimated non-Federal cost of $35,000,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for
the project, if the Secretary finds that the work is integral to the project.

(22) OHIO RIVER.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $160,000,000 and an estimated non-Federal cost of $40,000,000.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under sec-

(1) **Houma Navigation Canal, Louisiana.**—
Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) **Vidalia Port, Louisiana.**—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) **Bayou Manchac, Louisiana.**—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) **Black Bayou and Hippolyte Coulee, Louisiana.**—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.
SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.
(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OOURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.
(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.
(16) Pochitolawa Creek, Louisiana.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) Rosethorn Basin, Louisiana.—Project for flood control, Rosethorn Basin, Louisiana.

(18) Shreveport, Louisiana.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) Stephensville, Louisiana.—Project for flood control, Stephensville, Louisiana.

(20) St. John the Baptist Parish, Louisiana.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) Magby Creek and Vernon Branch, Mississippi.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) Fritz Landing, Tennessee.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)):

•S 2796 IS
(1) **Bayou Sauvage National Wildlife Refuge**, Louisiana.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) **Gulf Intracoastal Waterway, Bayou Plaquemine**, Louisiana.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) **Gulf Intracoastal Waterway, miles 220 to 222.5**, Louisiana.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.


(5) **Lake Fausse Point**, Louisiana.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) **Lake Providence**, Louisiana.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.
(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon’s Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Muskingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—

Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.
(3) Mississippi River Gulf Outlet, Mile 11 to Mile 4, Louisiana.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) Plaquemines Parish, Louisiana.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) Ottawa County, Ohio.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) Braud Bayou, Louisiana.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(3) Comite River, Louisiana.—Project for aquatic ecosystem restoration, Comite River at Hoo-per Road, Louisiana.

(4) Department of Energy 21-inch Pipeline Canal, Louisiana.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) Lake Borgne, Louisiana.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) Lake Martin, Louisiana.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) Luling, Louisiana.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) Mandeville, Louisiana.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) St. James, Louisiana.—Project for aquatic ecosystem restoration, St. James, Louisiana.
(10) NORTH HAMPTON, NEW HAMPSHIRE.—
Project for aquatic ecosystem restoration, Little
River Salt Marsh, North Hampton, New Hampshire.

(11) HIGHLAND COUNTY, OHIO.—Project for
aquatic ecosystem restoration, Rocky Fork Lake,
Clear Creek floodplain, Highland County, Ohio.

(12) HOCKING COUNTY, OHIO.—Project for
aquatic ecosystem restoration, Long Hollow Mine,
Hocking County, Ohio.

(13) TUSCARAWAS COUNTY, OHIO.—Project for
aquatic ecosystem restoration, Huff Run,
Tuscarawas County, Ohio.

(14) CENTRAL AMAZON CREEK, OREGON.—
Project for aquatic ecosystem restoration, Central
Amazon Creek, Oregon.

(15) DELTA PONDS, OREGON.—Project for
aquatic ecosystem restoration, Delta Ponds, Oregon.

(16) EUGENE MILLRACE, OREGON.—Project for
aquatic ecosystem restoration, Eugene Millrace, Or-
egon.

(17) ROSLYN LAKE, OREGON.—Project for
aquatic ecosystem restoration, Roslyn Lake, Oregon.
SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(24) Perry Creek, Iowa.”.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

“(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).”.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking “State legislative”; and
(2) by inserting before the period at the end the following: “of the State or a body politic of the State”.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

“(a) In general.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

“(1) ecosystem protection and restoration;
“(2) flood damage reduction;
“(3) navigation and ports;
“(4) watershed protection;
“(5) water supply; and
“(6) drought preparedness.

“(b) Cooperation.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

“(1) the Secretary of the Interior;
“(2) the Secretary of Agriculture;
“(3) the Secretary of Commerce;
“(4) the Administrator of the Environmental Protection Agency; and
“(5) the heads of other appropriate agencies.
“(c) Consultation.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

“(d) Priority River Basins and Watersheds.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to the Delaware River basin.

“(e) Acceptance of Contributions.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

“(f) Cost-Sharing Requirements.—

“(1) Non-Federal Share.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

“(2) Credit.—

“(A) In General.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.
“(B) MAXIMUM AMOUNT OF CREDIT.—

Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.”.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.
(2) Matters to be studied.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) Consultation and Coordination with Secretary of the Interior.—

(1) In general.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) Integration of activities.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and
(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—

(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and

(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—
(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for
construction of an environmental protection and restoration project, a flood control project, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

“(2) CRITERIA AND PROCEDURES.—

“(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

“(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

“(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

“(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures
governing the ability of a non-Federal interest
to pay.”; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding
“and” at the end; and

(B) by striking subparagraphs (B) and (C)
and inserting the following:

“(B) may consider additional criteria relat-
ing to—

“(i) the financial ability of the non-
Federal interest to carry out its cost-shar-
ing responsibilities; or

“(ii) additional assistance that may be
available from other Federal or State
sources.”.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a
program to reduce vandalism and destruction of property
at water resources development projects under the juris-
diction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the
program, the Secretary may provide rewards (including
cash rewards) to individuals who provide information or
evidence leading to the arrest and prosecution of individ-
uals causing damage to Federal property.
(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army’s share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDRO-ELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: “in cases in which the activities require specialized training relating to hydroelectric power generation”.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking “$1,000,000” and inserting “$2,000,000”; and
(2) in the second sentence, by inserting “out” after “carry”.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) Definition of Indian Tribe.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Reburial.—

(1) Reburial Areas.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land;

and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) Reburial.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) Conveyance Authority.—
(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting “(a) IN GENERAL.—” before “It shall”; 

(2) by striking “However, such structures” and inserting the following:

“(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)”;

(3) by striking “When plans” and inserting the following:
“(c) MODIFICATION OF PLANS.—When plans”;

(4) by striking “The approval” and inserting the following:

“(d) APPLICABILITY.—

“(1) BRIDGES AND CAUSEWAYS.—The approval”;

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

“(2) DAMS AND DIKES.—

“(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

“(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

“(i) shall be subject to section 10; and
“(ii) shall not be subject to the approval requirements of this section.”.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

“SEC. 1001. PROJECT DEAUTHORIZATIONS.

“(a) DEFINITIONS.—In this section:

“(1) CONSTRUCTION.—The term ‘construction’, with respect to a project or separable element, means—

“(A) in the case of—

“(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

“(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

“(B) in the case of an environmental protection and restoration project—

“(i) the acquisition of land, an easement, or a right-of-way primarily to facili-
tate the restoration of wetland or a similar habitat; or

“(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

“(C) in the case of any other water resources project, the performance of physical work under a construction contract.

“(2) Physical work under a construction contract.—The term ‘physical work under a construction contract’ does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

“(b) Projects never under construction.—

“(1) List of projects.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

“(A) are authorized for construction; and

“(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.
“(2) Deauthorization.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for construction of the project or separable element by the end of that period.

“(c) Projects for Which Construction Has Been Suspended.—

“(1) List of projects.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

“(A) that are authorized for construction;

“(B) for which Federal funds have been obligated for construction of the project or separable element; and

“(C) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

“(2) Deauthorization.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated
for construction shall be deauthorized effective at
the end of any 5-fiscal year period during which
Federal funds specifically identified for construction
of the project or separable element (in an Act of
Congress or in the accompanying legislative report
language) have not been obligated for construction.

“(d) CONGRESSIONAL NOTIFICATIONS.—Upon sub-
mission of the lists under subsections (b)(1) and (c)(1),
the Secretary shall notify each Senator in whose State,
and each Member of the House of Representatives in
whose district, the affected project or separable element
is or would be located.

“(e) FINAL DEAUTHORIZATION LIST.—The Sec-
retary shall publish annually in the Federal Register a list
of all projects and separable elements deauthorized under
subsection (b)(2) or (c)(2).

“(f) EFFECTIVE DATE.—Subsections (b)(2) and
(c)(2) take effect 3 years after the date of enactment of
this subsection.”.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Re-
sources Development Act of 1986 (33 U.S.C. 701b–12(c))
is amended—

(1) in the first sentence of paragraph (1), by
striking “Within 6 months after the date of the en-
actment of this subsection, the” and inserting “The”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking “Such guidelines shall address” and inserting the following:

“(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

“(A) address”; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting “that non-Federal interests shall adopt and enforce” after “policies”; 

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project coopera-
tion agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

(2) in the first sentence, by striking “flood plain” and inserting “floodplain”.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.”.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. BOYDsvILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of
the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) in subsection (a), by striking “the following” and all that follows and inserting “the amounts of project storage that are recommended by the report required under subsection (b).”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: “and does not significantly impact other authorized project purposes”;

(B) in paragraph (2), by striking “2000” and inserting “2002”; and

(C) in paragraph (3)—

(i) by inserting “and to what extent” after “whether”; 

(ii) in subparagraph (A), by striking “and” at the end;
(iii) in subparagraph (B), by striking the period at the end and inserting “; and (iv) by adding at the end the following:

“(C) project storage should be reallocated to sustain the tail water trout fisheries.”.

SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

(a) In General.—The Secretary shall carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion
protection project along the upper Snake River within and
adjacent to the Fort Hall Indian Reservation, Idaho.

(b) Project Justification.—Notwithstanding any
other provision of law or requirement for economic jus-
tification, the Secretary may construct and adaptively
manage for 10 years, at full Federal expense, a project
under this section if the Secretary determines that the
project—

(1) is a cost-effective means of providing eco-
system restoration, flood damage reduction, and ero-
sion protection;

(2) is environmentally acceptable and tech-
ically feasible; and

(3) will improve the economic and social condi-
tions of the Shoshone-Bannock Indian Tribe.

(e) Land, Easements, and Rights-of-Way.—As a
condition of the project described in subsection (a), the
Shoshone-Bannock Indian Tribe shall provide land, eas-
ements, and rights-of-way necessary for implementation of
the project.

SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES,
ILLINOIS.

The Secretary shall credit toward the non-Federal
share of the costs of the study to determine the feasibility
of improvements to the upper Des Plaines River and tribu-
taries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

1. the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and
2. the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 306. MORGANZA, LOUISIANA.

The Secretary shall credit toward the non-Federal share of the project costs of the Mississippi River and tributaries, Morganza, Louisiana, to the Gulf of Mexico, project, authorized under section 101(b)(16), the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

SEC. 307. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the
Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—
(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and
(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 309. NEW MADRID COUNTY, MISSOURI.
(a) In General.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act
of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.
(b) **MAXIMUM AMOUNT OF CREDIT.**—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 311. PIKE COUNTY, MISSOURI.

(a) **IN GENERAL.**—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) **LAND DESCRIPTION.**—The parcels of land referred to in subsection (a) are the following:

1. **NON-FEDERAL LAND.**—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

2. **FEDERAL LAND.**—8.99 acres located in Pike County, Missouri, known as “Government Tract Numbers FM–46 and FM–47”, administered by the Corps of Engineers.

(c) **CONDITIONS.**—The land exchange under subsection (a) shall be subject to the following conditions:

1. **DEEDS.**—
(A) **NON-FEDERAL LAND.**—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) **FEDERAL LAND.**—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) **REMOVAL OF IMPROVEMENTS.**—

(A) **IN GENERAL.**—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) **NO LIABILITY.**—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and
(ii) the United States shall not incur
or be liable for any cost associated with the
removal or relocation of the improvement.

(3) **TIME LIMIT FOR LAND EXCHANGE.**—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) **LEGAL DESCRIPTION.**—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) **ADMINISTRATIVE COSTS.**—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) **VALUE OF PROPERTIES.**—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.
SEC. 312. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of En-
gineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term “Fort Peck Lake” means the reservoir created by the damming of the upper Missouri River in northeastern Montana.
(2) Hatchery project.—The term “hatchery project” means the project authorized by subsection (d).

(d) Authorization.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) Cost Sharing.—

(1) Design and construction.—

(A) Federal share.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) Form of non-federal share.—

(i) In general.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) Required crediting.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake dur-
ing the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having juris-
diction over land surrounding Fort Peck Lake of construction of local ac-
cess roads to the lake.

(2) Operation, maintenance, repair, and replacement.—

(A) In general.—Except as provided in subparagraphs (B) and (C), the operation,
maintenance, repair, and replacement of the hatchery project shall be a non-Federal respon-
sibility.

(B) Costs associated with threatened and endangered species.—The costs
of operation and maintenance associated with raising threatened or endangered species shall
be a Federal responsibility.

(C) Power.—The Secretary shall offer to the hatchery project low-cost project power for
all hatchery operations.

(f) Authorization of appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section—
(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may carry out dredging of Mines Falls Park, New Hampshire.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize non-structural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent
projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

c) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

d) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the
(2) **PURCHASE.**—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) **STREAMBANK EROSION CONTROL STUDY.**—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) **PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.**—

(1) **ESTABLISHMENT.**—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the “Passaic River Flood Management Task Force”, to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) **MEMBERSHIP.**—The task force shall be composed of 20 members, appointed as follows:

(A) **APPOINTMENT BY SECRETARY.**—The Secretary shall appoint 1 member to represent
the Corps of Engineers and to provide technical
advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey
shall appoint 18 members to the task force, as
follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;
(II) the Passaic River Coalition;
and
(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall ap-
point 1 representative of the State of New York
to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force
shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of
the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall
submit annually to the Secretary and to the non-
Federal interest a report describing the achieve-
ments of the Passaic River flood management
project in preventing flooding and any impediments
to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary
may use funds made available to carry out the Pas-
saic River Basin flood management project to pay
the administrative expenses of the task force.

(6) TERMINATION.—The task force shall termi-
nate on the date on which the Passaic River flood
management project is completed.
(g) Acquisition of Lands in the Floodway.—
Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

“(e) Consistency with New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.”.

(h) Study of Highlands Land Conservation.—
The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) Conforming Amendment.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by strik-
ing “MAIN STEM,” and inserting “FLOOD MANAGEMENT PROJECT,”.

SEC. 316. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In general.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled “Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention”, at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 317. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the land described in each deed specified in subsection (b)—
(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors’ file numbers:

(1) Auditor’s File Numbers 101244 and 1234170 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor’s File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:
(A) Commencing at the point of intersec-

tion of the centerlines of Plymouth Street and
Third Avenue in the First Addition to the Town
of Plymouth (according to the duly recorded
plat thereof).

(B) Thence west along the centerline of
Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10’ west, to a point
on the west line of Tract 18 of that Addition
and the true point of beginning.

(D) Thence north, parallel with the west
line of that sec. 7, to a point on the north line
of that sec. 7.

(E) Thence west along the north line
thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of
that sec. 7 to a point on the ordinary high
water line of the Columbia River.

(G) Thence northeast along that high
water line to a point on the north and south co-
ordinate line of the Oregon Coordinate System,
North Zone, that coordinate line being east
2,291,000 feet.
(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ``(a) IN GENERAL.—'' before “The”; and

(2) by adding at the end the following:

“(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.”.

SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under
which the city agrees to assume all responsibilities of the
Trinity River Authority of the State of Texas under Con-
tract No. DACW63–76–C–0166, other than financial re-
sponsibilities, except the responsibility described in sub-
section (d).

(b) Responsibilities of Trinity River Author-
ity.—The Trinity River Authority shall be relieved of all
financial responsibilities under the contract described in
subsection (a) as of the date on which the Secretary enters
into the agreement with the city under that subsection.

(c) Payments by City.—In consideration of the
agreement entered into under subsection (a), the city shall
pay the Federal Government $4,290,000 in 2
instalments—

(1) 1 installment in the amount of $2,150,000,
which shall be due and payable not later than De-
cember 1, 2000; and

(2) 1 installment in the amount of $2,140,000,
which shall be due and payable not later than De-
cember 1, 2003.

(d) Operation and Maintenance Costs.—The
agreement entered into under subsection (a) shall include
a provision requiring the city to assume responsibility for
all costs associated with operation and maintenance of the
recreation facilities included in the contract described in that subsection.

SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term “Lake Champlain watershed” means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).
(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) Types of projects.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;
(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality;

or

(E) any other activity determined by the Secretary to be appropriate.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) Project Selection.—

(1) In general.—In consultation with the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—
(A) identify critical restoration projects in
the Lake Champlain watershed; and

(B) carry out the critical restoration
projects after entering into an agreement with
an appropriate non-Federal interest in accord-
ance with section 221 of the Flood Control Act
of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration
project shall be eligible for financial assistance
under this section only if the State director for
the critical restoration project certifies to the
Secretary that the critical restoration project
will contribute to the protection and enhance-
ment of the quality or quantity of the water re-
sources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certi-
ifying critical restoration projects to the Sec-
retary, State directors shall give special consid-
eration to projects that implement plans, agree-
ments, and measures that preserve and enhance
the economic and social character of the com-
munities in the Lake Champlain watershed.

(c) COST SHARING.—
(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by
the non-Federal interest before the date of execution of a project cooperation agreement for
the critical restoration project, if the Secretary finds that the design work is integral to the
critical restoration project.

(B) Credit for Land, Easements, and Rights-of-Way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.
SEC. 321. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading “TRANSFER OF FEDERAL TOWNSITES” in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled “Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)”, published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) Definition of Critical Restoration Project.—In this section, the term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) Critical Restoration Projects.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—
(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the eastern portion of the Strait of Juan de Fuca.

(c) PROJECT SELECTION.—In consultation with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal, tribal, State, and local agencies, the Secretary may—

(1) identify critical restoration projects in the area described in subsection (b); and

(2) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(d) PRIORITIZATION OF PROJECTS.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(1) the Salmon Recovery Funding Board;
(2) the Northwest Straits Commission;
(3) the Hood Canal Coordinating Council;
(4) county watershed planning councils; and
(5) salmon enhancement groups.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from
the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the
State of Wisconsin to assist the State in paying the
costs of repair and rehabilitation of the transferred
locks and appurtenant features.”.

SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development
Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking
“$7,000,000” and inserting “$20,000,000”; and

(2) by striking paragraph (4) and inserting the
following:

“(4) the construction of reefs and related clean
shell substrate for fish habitat, including manmade
3-dimensional oyster reefs, in the Chesapeake Bay
and its tributaries in Maryland and Virginia—

“(A) which reefs shall be preserved as per-
manent sanctuaries by the non-Federal inter-
est, consistent with the recommendations of
the scientific consensus document on Chesa-
peake Bay oyster restoration dated June 1999;
and

“(B) for assistance in the construction of
which reefs the Chief of Engineers shall solicit
participation by and the services of commercial
watermen.”.
SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:
(1) Great Lake.—

   (A) In general.—The term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

   (B) Inclusions.—The term “Great Lake” includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) Great Lakes Commission.—The term “Great Lakes Commission” means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).


(4) Great Lakes State.—The term “Great Lakes State” means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(5) Secretary.—The term “Secretary” means the Secretary of the Army.
(c) Great Lakes Fishery and Ecosystem Restoration.—

(1) Support plan.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) Use of existing documents.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) Cooperation.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.
(3) Evaluation Program.—

(A) In General.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) Cooperative Agreements.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) Relationship to Other Great Lakes Activities.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) Cost Sharing.—

(1) Development of Plan.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.
(2) Project planning, design, construction, and evaluation.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) Non-federal share.—

(A) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) Non-federal interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried
out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) Authorization of Appropriations.—

(1) Development of Plan.—There is authorized to be appropriated for development of the plan under subsection (e)(1) $300,000.

(2) Other Activities.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (e) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.


(1) in subsection (a)(2)(A), by striking “50 percent” and inserting “35 percent”;

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking “50 percent” and inserting “35 percent”; and

(C) by redesignating paragraph (4) as paragraph (3); and
(3) in subsection (e), by striking “$5,000,000 for each of fiscal years 1998 through 2000.” and inserting “$10,000,000 for each of fiscal years 2001 through 2010.”.

SEC. 328. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

“(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.”; and

(2) in subsection (g)—

(A) by striking “There is authorized” and inserting the following:

“(1) IN GENERAL.—There is authorized”; and

(B) by adding at the end the following:

“(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.”.
SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) In General.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) Project Considerations.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration
project is rendered acceptable for unrestricted open
water disposal or beneficial reuse; and
(4) ensure that the demonstration project is
consistent with the findings and requirements of any
draft environmental impact statement on the des-
ignation of 1 or more dredged material disposal sites
in Long Island Sound that is scheduled for comple-
(c) Authorization of Appropriations.—There is
authorized to be appropriated to carry out this section
$20,000,000.

SEC. 330. NEW ENGLAND WATER RESOURCES AND ECO-
SYSTEM RESTORATION.

(a) Definitions.—In this section:
(1) Critical restoration project.—The
term “critical restoration project” means a project
that will produce, consistent with Federal programs,
projects, and activities, immediate and substantial
ecosystem restoration, preservation, and protection
benefits.
(2) New England.—The term “New England”
means all watersheds, estuaries, and related coastal
areas in the States of Connecticut, Maine, Massa-
chusetts, New Hampshire, Rhode Island, and
Vermont.
(b) **Assessment.**—

(1) **In General.**—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) **Matters to be Addressed.**—The assessment shall include—

   (A) development of criteria for identifying and prioritizing the most critical problems and needs; and

   (B) a framework for development of watershed or regional restoration plans.

(3) **Use of Existing Information.**—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

   (A) information that is available on the date of enactment of this Act; and

   (B) ongoing efforts of all participating agencies.

(4) **Criteria; Framework.**—

   (A) **In General.**—Not later than 1 year after the date of enactment of this Act, the Sec-
Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.
(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—
(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) Time limitation.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) Cost limitation.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) Cost Sharing.—

(1) Assessment.—

(A) In general.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) In-kind contributions.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) Restoration plans.—

(A) In general.—The non-Federal share of the cost of developing the restoration plans under subsection (e) shall be determined in ac-

(B) **IN-KIND CONTRIBUTIONS.**—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) **CRITICAL RESTORATION PROJECTS.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) **IN-KIND CONTRIBUTIONS.**—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) **REQUIRED NON-FEDERAL CONTRIBUTION.**—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and
(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) Authorization of Appropriations.—

(1) Assessment and Restoration Plans.—
There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) Critical Restoration Projects.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 331. Project Deauthorizations.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) Kennebunk River, Kennebunk and Kennebunkport, Maine.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after
the date of enactment of this Act: the portion of the
northernmost 6-foot deep anchorage the boundaries
of which begin at a point with coordinates
N1904693.6500, E418084.2700, thence running
south 01 degree 04 minutes 50.3 seconds 35 feet to
a point with coordinates N190434.6562,
E418084.9301, thence running south 15 degrees 53
minutes 45.5 seconds 416.962 feet to a point with
coordinates N190033.6386, E418199.1325, thence
running north 03 degrees 11 minutes 30.4 seconds
70 feet to a point with coordinates N190103.5300,
E418203.0300, thence running north 17 degrees 58
minutes 18.3 seconds west 384.900 feet to the point
of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW
YORK.—

(A) IN GENERAL.—The northeastern por-
tion of the project for navigation, Wallabout
Channel, Brooklyn, New York, authorized by
the Act of March 3, 1899 (30 Stat. 1124, chap-
ter 425), beginning at a point N682,307.40,
E638,918.10, thence running along the courses
and distances described in subparagraph (B).
(B) COURSES AND DISTANCES.—The
courses and distances referred to in subpara-
graph (A) are the following:

(i) South 85 degrees, 44 minutes, 13
seconds East 87.94 feet (coordinate:
N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30
seconds East 271.54 feet (coordinate:
N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02
seconds West 170.95 feet (coordinate:
N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02
seconds West 239.97 feet (coordinate:
N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26
seconds West 305.48 feet (coordinate:
N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25
seconds East 145.04 feet (coordinate:
N682,300.86, E639,005.80).

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary may conduct a study to determine the
feasibility of carrying out beach erosion control, storm
damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary may conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;
(2) a low-flow cross-channel across the Yolo By-
pass, including all appurtenant features, that is suf-
ficient to route storm flows of 1,600 cubic feet per
second between the old and new south levees of the
Cache Creek Settling Basin, across the Yolo Bypass,
and into the Tule Canal; and

(3) such other features as the Secretary deter-
mines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the
feasibility of constructing flood control measures in the
Estudillo Canal watershed, San Leandro, California.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the
feasibility of constructing flood control measures in the
Laguna Creek watershed, Fremont, California, to provide
a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment
of this Act, the Secretary may conduct a special study,
at full Federal expense, of plans—

(1) to mitigate for the erosion and other im-
pacts resulting from the construction of Camp Pen-
dleton Harbor, Oceanside, California, as a wartime
measure; and
(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.
(a) IN GENERAL.—The Secretary may conduct a watershed study for the San Jacinto watershed, California.
(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.
The Secretary may conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.
The Secretary may conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.
(a) IN GENERAL.—The Secretary may conduct a re-study of flooding and water quality issues in—
(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) **REQUIRED ELEMENTS.**—In carrying out sub-section (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in sub-section (a).

**SEC. 411. BOISE RIVER, IDAHO.**

The Secretary may conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

**SEC. 412. WOOD RIVER, IDAHO.**

The Secretary may conduct a reconnaissance study to determine the Federal interest in carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.
SEC. 413. CHICAGO, ILLINOIS.

(a) In General.—The Secretary may conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) Sites.—Under subsection (a), the Secretary may study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) Use of Information; Consultation.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 414. BOEUF AND BLACK, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 415. PORT OF IBERIA, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana,
and the Gulf of Mexico, including channel widening and deepening.

SEC. 416. SOUTH LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) Study of Redesignation as Anchorage.—The Secretary may conduct a study to determine the feasibility of redesignating as anchorage a portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(b) Study of Reauthorization.—The Secretary may conduct a study to determine the feasibility of reauthorizing for the purpose of maintenance as anchorage a portion of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent
SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) In General.—The Secretary may conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) Consideration of Other Studies.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.
SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary may conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH DAKOTA, AND NEBRASKA.

(a) Definition of Indian Tribe.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Study.—In cooperation with the Secretary of the Interior, the State of South Dakota, the State of North Dakota, the State of Nebraska, county officials, ranchers,
sportsmen, other affected parties, and the Indian tribes referred to in subsection (c)(2), the Secretary may conduct a study to determine the feasibility of the conveyance to the Secretary of the Interior of the land described in subsection (c), to be held in trust for the benefit of the Indian tribes referred to in subsection (c)(2).

(e) LAND TO BE STUDIED.—The land authorized to be studied for conveyance is the land that—

(1) was acquired by the Secretary to carry out the Pick-Sloan Missouri River Basin Program, authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665); and

(2) is located within the external boundaries of the reservations of—

(A) the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota;

(B) the Standing Rock Sioux Tribe of North Dakota and South Dakota;

(C) the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

(D) the Yankton Sioux Tribe of South Dakota; and

(E) the Santee Sioux Tribe of Nebraska.
SEC. 424. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

“SEC. 438. CUYAHOGA RIVER, OHIO.

“(a) In General.—The Secretary may—

“(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

“(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

“(b) Cost Sharing.—The non-Federal share of the cost of the study shall be 35 percent.

“(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.”.

SEC. 425. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary may conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 426. GRAND LAKE, OKLAHOMA.

(a) Evaluation.—The Secretary may—
(1) evaluate the backwater effects specifically
due to flood control operations on land around
Grand Lake, Oklahoma; and
(2) not later than 180 days after the date of
enactment of this Act, submit to Congress a report
on whether Federal actions have been a significant
cause of the backwater effects.

(b) Feasibility Study.—

(1) In General.—The Secretary may conduct
a study to determine the feasibility of—
(A) addressing the backwater effects of the
operation of the Pensacola Dam, Grand/Neosho
River basin; and
(B) purchasing easements for any land
that has been adversely affected by backwater
flooding in the Grand/Neosho River basin.

(2) Cost Sharing.—If the Secretary deter-
mines under subsection (a)(2) that Federal actions
have been a significant cause of the backwater ef-
fects, the Federal share of the costs of the feasibility
study under paragraph (1) shall be 100 percent.

SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE IS-
LAND.

In consultation with the Administrator of the Envi-
ronmental Protection Agency, the Secretary may conduct
a study to determine the feasibility of designating a per-
manent site in the State of Rhode Island for the disposal
of dredged material.

SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000,
from funds transferred from the Tennessee Valley Author-
ity, to prepare a report of the Chief of Engineers for a
replacement lock at Chickamauga Lock and Dam, Ten-
nessee.

(b) FUNDING.—As soon as practicable after the date
of enactment of this Act, the Tennessee Valley Authority
shall transfer the funds described in subsection (a) to the
Secretary.

SEC. 429. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary may conduct a
study to determine the feasibility of carrying out a project
for flood control and related purposes along Miller Farms
Ditch, Howard Road Drainage, and Wolf River Lateral
D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall
include environmental and water quality benefits in the
justification analysis for the project.

(e) COST SHARING.—
(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a)—

(A) shall not exceed 25 percent; and

(B) shall be provided in the form of in-kind contributions.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Ten-
nessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 431. CEDAR BAYOU, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.
SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary may review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;
(8) recreational and socioeconomic interests;

and

(9) other issues determined by the Secretary.

SEC. 435. WILLAPA BAY, WASHINGTON.

(a) Study.—The Secretary may conduct a study to
determine the feasibility of providing coastal erosion pro-
tection for the Tribal Reservation of the Shoalwater Bay
Indian Tribe on Willapa Bay, Washington.

(b) Project.—

(1) In general.—Notwithstanding any other
provision of law (including any requirement for eco-

nomic justification), the Secretary may construct
and maintain a project to provide coastal erosion
protection for the Tribal Reservation of the
Shoalwater Bay Indian Tribe on Willapa Bay,
Washington, at full Federal expense, if the Secretary
determines that the project—

(A) is a cost-effective means of providing
erosion protection;

(B) is environmentally acceptable and tech-

nically feasible; and

(C) will improve the economic and social

conditions of the Shoalwater Bay Indian Tribe.

(2) Land, Easements, and Rights-of-Way.—

As a condition of the project described in paragraph
(1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking “Arkansas River, Arkansas.” and inserting “at Fort Smith, Arkansas, on land provided by the city of Fort Smith.”.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-FRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(e)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking “in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.” and inserting “between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.”.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—
(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.
(c) Area Covered by Program.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the “Bay-Delta Estuary”), as identified in the Framework Agreement Between the Governor’s Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) In General.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) Map.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and
(B) the exact acreage and legal description
of the land to be conveyed under this section;
and
(2) prepare a map that clearly identifies any
land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-
of-way; and

(2) impose such terms, conditions, reservations,
and restrictions on the conveyance;
as the Secretary determines to be necessary to protect the
public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent re-
quired under any applicable law, the Secretary shall be
responsible for any necessary environmental response re-
quired as a result of the prior Federal use or ownership
of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After
the conveyance of land under this section, the Ontonagon
County Historical Society shall be responsible for any ad-
ditional operation, maintenance, repair, rehabilitation, or
replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.
(f) **Applicability of Environmental Law.**—

Nothing in this section affects the potential liability of any person under any applicable environmental law.