

106TH CONGRESS
2D SESSION

S. 2796

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 Representa-*
2 *tives 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
5 “Water Resources Development Act of 2000”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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. 210. Approval of construction of dams and dikes.
- 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. Pemisot 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. 317. John Day Pool, Oregon and Washington.
- 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. 321. Mount St. Helens, Washington.
- 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 Oeklawaha 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. Narraguagus 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.
- Sec. 435. Willapa Bay, Washington.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Visitors centers.

Sec. 502. CALFED Bay-Delta Program assistance, California.

Sec. 503. Conveyance of lighthouse, Ontonagon, Michigan.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **TITLE I—WATER RESOURCES**
5 **PROJECTS**

6 **SEC. 101. PROJECT AUTHORIZATIONS.**

7 (a) **PROJECTS WITH CHIEF’S REPORTS.**—The fol-
8 lowing project for water resources development and con-
9 servation and other purposes is authorized to be carried
10 out by the Secretary substantially in accordance with the
11 plans, and subject to the conditions, described in the des-
12 ignated report: The project for navigation, New York-New
13 Jersey Harbor: Report of the Chief of Engineers dated
14 May 2, 2000, at a total cost of \$1,781,235,000, with an
15 estimated Federal cost of \$738,631,000 and an estimated
16 non-Federal cost of \$1,042,604,000.

17 (b) **PROJECTS SUBJECT TO A FINAL REPORT.**—The
18 following projects for water resources development and
19 conservation and other purposes are authorized to be car-
20 ried out by the Secretary substantially in accordance with
21 the plans, and subject to the conditions, recommended in
22 a final report of the Chief of Engineers if a favorable re-
23 port of the Chief is completed not later than December
24 31, 2000:

1 (1) FALSE PASS HARBOR, ALASKA.—The
2 project for navigation, False Pass Harbor, Alaska,
3 at a total cost of \$15,000,000, with an estimated
4 Federal cost of \$10,000,000 and an estimated non-
5 Federal cost of \$5,000,000.

6 (2) UNALASKA HARBOR, ALASKA.—The project
7 for navigation, Unalaska Harbor, Alaska, at a total
8 cost of \$20,000,000, with an estimated Federal cost
9 of \$12,000,000 and an estimated non-Federal cost
10 of \$8,000,000.

11 (3) RIO DE FLAG, ARIZONA.—The project for
12 flood damage reduction, Rio de Flag, Arizona, at a
13 total cost of \$26,400,000, with an estimated Federal
14 cost of \$17,100,000 and an estimated non-Federal
15 cost of \$9,300,000.

16 (4) TRES RIOS, ARIZONA.—The project for envi-
17 ronmental restoration, Tres Rios, Arizona, at a total
18 cost of \$90,000,000, with an estimated Federal cost
19 of \$58,000,000 and an estimated non-Federal cost
20 of \$32,000,000.

21 (5) LOS ANGELES HARBOR, CALIFORNIA.—The
22 project for navigation, Los Angeles Harbor, Cali-
23 fornia, at a total cost of \$168,900,000, with an esti-
24 mated Federal cost of \$44,000,000 and an esti-
25 mated non-Federal cost of \$124,900,000.

1 (6) MURRIETA CREEK, CALIFORNIA.—The
2 project for flood control, Murrieta Creek, California,
3 at a total cost of \$43,100,000, with an estimated
4 Federal cost of \$27,800,000 and an estimated non-
5 Federal cost of \$15,300,000.

6 (7) PINE FLAT DAM, CALIFORNIA.—The project
7 for fish and wildlife restoration, Pine Flat Dam,
8 California, at a total cost of \$34,000,000, with an
9 estimated Federal cost of \$22,000,000 and an esti-
10 mated non-Federal cost of \$12,000,000.

11 (8) RANCHOS PALOS VERDES, CALIFORNIA.—
12 The project for environmental restoration, Ranchos
13 Palos Verdes, California, at a total cost of
14 \$18,100,000, with an estimated Federal cost of
15 \$11,800,000 and an estimated non-Federal cost of
16 \$6,300,000.

17 (9) SANTA BARBARA STREAMS, CALIFORNIA.—
18 The project for flood damage reduction, Santa Bar-
19 bara Streams, Lower Mission Creek, California, at a
20 total cost of \$17,100,000, with an estimated Federal
21 cost of \$8,600,000 and an estimated non-Federal
22 cost of \$8,500,000.

23 (10) UPPER NEWPORT BAY HARBOR, CALI-
24 FORNIA.—The project for environmental restoration,
25 Upper Newport Bay Harbor, California, at a total

1 cost of \$28,280,000, with an estimated Federal cost
2 of \$18,390,000 and an estimated non-Federal cost
3 of \$9,890,000.

4 (11) WHITEWATER RIVER BASIN, CALI-
5 FORNIA.—The project for flood damage reduction,
6 Whitewater River basin, California, at a total cost of
7 \$26,000,000, with an estimated Federal cost of
8 \$16,900,000 and an estimated non-Federal cost of
9 \$9,100,000.

10 (12) TAMPA HARBOR, FLORIDA.—Modification
11 of the project for navigation, Tampa Harbor, Flor-
12 ida, authorized by section 4 of the Act of September
13 22, 1922 (42 Stat. 1042, chapter 427), to deepen
14 the Port Sutton Channel, at a total cost of
15 \$7,245,000, with an estimated Federal cost of
16 \$4,709,000 and an estimated non-Federal cost of
17 \$2,536,000.

18 (13) BARBERS POINT HARBOR, OAHU, HA-
19 WAI.—The project for navigation, Barbers Point
20 Harbor, Oahu, Hawaii, at a total cost of
21 \$51,000,000, with an estimated Federal cost of
22 \$21,000,000 and an estimated non-Federal cost of
23 \$30,000,000.

24 (14) JOHN T. MYERS LOCK AND DAM, INDIANA
25 AND KENTUCKY.—The project for navigation, John

1 T. Myers Lock and Dam, Ohio River, Indiana and
2 Kentucky, at a total cost of \$182,000,000. The costs
3 of construction of the project shall be paid $\frac{1}{2}$ from
4 amounts appropriated from the general fund of the
5 Treasury and $\frac{1}{2}$ from amounts appropriated from
6 the Inland Waterways Trust Fund.

7 (15) GREENUP LOCK AND DAM, KENTUCKY.—
8 The project for navigation, Greenup Lock and Dam,
9 Ohio River, Kentucky, at a total cost of
10 \$183,000,000. The costs of construction of the
11 project shall be paid $\frac{1}{2}$ from amounts appropriated
12 from the general fund of the Treasury and $\frac{1}{2}$ from
13 amounts appropriated from the Inland Waterways
14 Trust Fund.

15 (16) MORGANZA, LOUISIANA, TO GULF OF MEX-
16 ICO.—The project for hurricane protection,
17 Morganza, Louisiana, to the Gulf of Mexico, at a
18 total cost of \$550,000,000, with an estimated Fed-
19 eral cost of \$358,000,000 and an estimated non-
20 Federal cost of \$192,000,000.

21 (17) BARNEGAT INLET TO LITTLE EGG INLET,
22 NEW JERSEY.—The project for shore protection,
23 Barnegat Inlet to Little Egg Inlet, New Jersey, at
24 a total cost of \$51,203,000, with an estimated Fed-
25 eral cost of \$33,282,000 and an estimated non-Fed-

1 eral cost of \$17,921,000, and at an estimated aver-
2 age annual cost of \$1,751,000 for periodic nourish-
3 ment over the 50-year life of the project, with an es-
4 timated annual Federal cost of \$1,138,000 and an
5 estimated annual non-Federal cost of \$613,000.

6 (18) RARITAN BAY AND SANDY HOOK BAY,
7 CLIFFWOOD BEACH, NEW JERSEY.—The project for
8 shore protection, Raritan Bay and Sandy Hook Bay,
9 Cliffwood Beach, New Jersey, at a total cost of
10 \$5,219,000, with an estimated Federal cost of
11 \$3,392,000 and an estimated non-Federal cost of
12 \$1,827,000, and at an estimated average annual
13 cost of \$110,000 for periodic nourishment over the
14 50-year life of the project, with an estimated annual
15 Federal cost of \$55,000 and an estimated annual
16 non-Federal cost of \$55,000.

17 (19) RARITAN BAY AND SANDY HOOK BAY,
18 PORT MONMOUTH, NEW JERSEY.—The project for
19 shore protection, Raritan Bay and Sandy Hook Bay,
20 Port Monmouth, New Jersey, at a total cost of
21 \$30,081,000, with an estimated Federal cost of
22 \$19,553,000 and an estimated non-Federal cost of
23 \$10,528,000, and at an estimated average annual
24 cost of \$2,468,000 for periodic nourishment over the
25 50-year life of the project, with an estimated annual

1 Federal cost of \$1,234,000 and an estimated annual
2 non-Federal cost of \$1,234,000.

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

8 (21) JACKSON HOLE, WYOMING.—

9 (A) IN GENERAL.—The project for envi-
10 ronmental restoration, Jackson Hole, Wyoming,
11 at a total cost of \$100,000,000, with an esti-
12 mated Federal cost of \$65,000,000 and an esti-
13 mated non-Federal cost of \$35,000,000.

14 (B) NON-FEDERAL SHARE.—

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

19 (ii) CREDIT.—The non-Federal inter-
20 est shall receive credit toward the non-Fed-
21 eral share of project costs for design and
22 construction work carried out by the non-
23 Federal interest before the date of execu-
24 tion of a project cooperation agreement for

1 the project, if the Secretary finds that the
2 work is integral to the project.

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

10 **SEC. 102. SMALL SHORE PROTECTION PROJECTS.**

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

15 (1) LAKE PALOURDE, LOUISIANA.—Project for
16 beach restoration and protection, Highway 70, Lake
17 Palourde, St. Mary and St. Martin Parishes, Lou-
18 isiana.

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

22 **SEC. 103. SMALL NAVIGATION PROJECTS.**

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

1 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
2 577):

3 (1) HOUMA NAVIGATION CANAL, LOUISIANA.—
4 Project for navigation, Houma Navigation Canal,
5 Terrebonne Parish, Louisiana.

6 (2) VIDALIA PORT, LOUISIANA.—Project for
7 navigation, Vidalia Port, Louisiana.

8 **SEC. 104. REMOVAL OF SNAGS AND CLEARING AND**
9 **STRAIGHTENING OF CHANNELS IN NAVI-**
10 **GABLE WATERS.**

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

15 (1) BAYOU MANCHAC, LOUISIANA.—Project for
16 removal of snags and clearing and straightening of
17 channels for flood control, Bayou Manchac, Ascen-
18 sion Parish, Louisiana.

19 (2) BLACK BAYOU AND HIPPOLYTE COULEE,
20 LOUISIANA.—Project for removal of snags and clear-
21 ing and straightening of channels for flood control,
22 Black Bayou and Hippolyte Coulee, Calcasieu Par-
23 ish, Louisiana.

1 **SEC. 105. SMALL BANK STABILIZATION PROJECTS.**

2 The Secretary shall conduct a study for each of the
3 following projects and, if the Secretary determines that
4 a project is feasible, may carry out the project under sec-
5 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
6 701r):

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

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

14 (3) HAMMOND, LOUISIANA.—Project for emer-
15 gency streambank protection, Fagan Drive Bridge,
16 Hammond, Louisiana.

17 (4) IBERVILLE PARISH, LOUISIANA.—Project
18 for emergency streambank protection, Iberville Par-
19 ish, Louisiana.

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

23 (6) LAKE CHARLES, LOUISIANA.—Project for
24 emergency streambank protection, Pithon Coulee,
25 Lake Charles, Calcasieu Parish, Louisiana.

1 (7) LOGGY BAYOU, LOUISIANA.—Project for
2 emergency streambank protection, Loggy Bayou,
3 Bienville Parish, Louisiana.

4 (8) SCOTLANDVILLE BLUFF, LOUISIANA.—
5 Project for emergency streambank protection,
6 Scotlandville Bluff, East Baton Rouge Parish, Lou-
7 isiana.

8 **SEC. 106. SMALL FLOOD CONTROL PROJECTS.**

9 The Secretary shall conduct a study for each of the
10 following projects and, if the Secretary determines that
11 a project is feasible, may carry out the project under sec-
12 tion 205 of the Flood Control Act of 1948 (33 U.S.C.
13 701s):

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

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

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

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

23 (5) CANE BEND SUBDIVISION, LOUISIANA.—
24 Project for flood control, Cane Bend Subdivision,
25 Bossier Parish, Louisiana.

1 (6) CROWN POINT, LOUISIANA.—Project for
2 flood control, Crown Point, Louisiana.

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

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

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

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

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

14 (12) LOCKPORT TO LAROSE, LOUISIANA.—
15 Project for flood control, Lockport to Larose, Lou-
16 isiana.

17 (13) LOWER LAFITTE BASIN, LOUISIANA.—
18 Project for flood control, Lower Lafitte Basin, Lou-
19 isiana.

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

23 (15) PAILET BASIN, LOUISIANA.—Project for
24 flood control, Pailet Basin, Louisiana.

1 (16) POCHITOLAWA CREEK, LOUISIANA.—
2 Project for flood control, Pochitolawa Creek, Lou-
3 isiana.

4 (17) ROSETHORN BASIN, LOUISIANA.—Project
5 for flood control, Rosethorn Basin, Louisiana.

6 (18) SHREVEPORT, LOUISIANA.—Project for
7 flood control, Twelve Mile Bayou, Shreveport, Lou-
8 isiana.

9 (19) STEPHENSVILLE, LOUISIANA.—Project for
10 flood control, Stephenville, Louisiana.

11 (20) ST. JOHN THE BAPTIST PARISH, LOU-
12 ISIANA.—Project for flood control, St. John the
13 Baptist Parish, Louisiana.

14 (21) MAGBY CREEK AND VERNON BRANCH, MIS-
15 SISSIPPI.—Project for flood control, Magby Creek
16 and Vernon Branch, Lowndes County, Mississippi.

17 (22) FRITZ LANDING, TENNESSEE.—Project for
18 flood control, Fritz Landing, Tennessee.

19 **SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE**
20 **QUALITY OF THE ENVIRONMENT.**

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

1 (1) BAYOU SAUVAGE NATIONAL WILDLIFE REF-
2 UGE, LOUISIANA.—Project for improvement of the
3 quality of the environment, Bayou Sauvage National
4 Wildlife Refuge, Orleans Parish, Louisiana.

5 (2) GULF INTRACOASTAL WATERWAY, BAYOU
6 PLAQUEMINE, LOUISIANA.—Project for improvement
7 of the quality of the environment, Gulf Intracoastal
8 Waterway, Bayou Plaquemine, Iberville Parish, Lou-
9 isiana.

10 (3) GULF INTRACOASTAL WATERWAY, MILES
11 220 TO 222.5, LOUISIANA.—Project for improvement
12 of the quality of the environment, Gulf Intracoastal
13 Waterway, miles 220 to 222.5, Vermilion Parish,
14 Louisiana.

15 (4) GULF INTRACOASTAL WATERWAY, WEEKS
16 BAY, LOUISIANA.—Project for improvement of the
17 quality of the environment, Gulf Intracoastal Water-
18 way, Weeks Bay, Iberia Parish, Louisiana.

19 (5) LAKE FAUSSE POINT, LOUISIANA.—Project
20 for improvement of the quality of the environment,
21 Lake Fausse Point, Louisiana.

22 (6) LAKE PROVIDENCE, LOUISIANA.—Project
23 for improvement of the quality of the environment,
24 Old River, Lake Providence, Louisiana.

1 (7) NEW RIVER, LOUISIANA.—Project for im-
2 provement of the quality of the environment, New
3 River, Ascension Parish, Louisiana.

4 (8) ERIE COUNTY, OHIO.—Project for improve-
5 ment of the quality of the environment, Sheldon’s
6 Marsh State Nature Preserve, Erie County, Ohio.

7 (9) MUSHINGUM COUNTY, OHIO.—Project for
8 improvement of the quality of the environment, Dil-
9 lon Reservoir watershed, Licking River, Mushingum
10 County, Ohio.

11 **SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.**

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

15 (1) HOUMA NAVIGATION CANAL, LOUISIANA.—
16 Project to make beneficial use of dredged material
17 from a Federal navigation project that includes bar-
18 rier island restoration at the Houma Navigation
19 Canal, Terrebonne Parish, Louisiana.

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

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

7 (4) PLAQUEMINES PARISH, LOUISIANA.—
8 Project to make beneficial use of dredged material
9 from a Federal navigation project that includes
10 marsh creation at the contained submarine mainte-
11 nance dredge sediment trap, Plaquemines Parish,
12 Louisiana.

13 (5) OTTAWA COUNTY, OHIO.—Project to pro-
14 tect, restore, and create aquatic and related habitat
15 using dredged material, East Harbor State Park,
16 Ottawa County, Ohio.

17 **SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION**
18 **PROJECTS.**

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

22 (1) BRAUD BAYOU, LOUISIANA.—Project for
23 aquatic ecosystem restoration, Braud Bayou, Span-
24 ish Lake, Ascension Parish, Louisiana.

1 (2) BURAS MARINA, LOUISIANA.—Project for
2 aquatic ecosystem restoration, Buras Marina, Buras,
3 Plaquemines Parish, Louisiana.

4 (3) COMITE RIVER, LOUISIANA.—Project for
5 aquatic ecosystem restoration, Comite River at Hoo-
6 per Road, Louisiana.

7 (4) DEPARTMENT OF ENERGY 21-INCH PIPE-
8 LINE CANAL, LOUISIANA.—Project for aquatic eco-
9 system restoration, Department of Energy 21-inch
10 Pipeline Canal, St. Martin Parish, Louisiana.

11 (5) LAKE BORGNE, LOUISIANA.—Project for
12 aquatic ecosystem restoration, southern shores of
13 Lake Borgne, Louisiana.

14 (6) LAKE MARTIN, LOUISIANA.—Project for
15 aquatic ecosystem restoration, Lake Martin, Lou-
16 isiana.

17 (7) LULING, LOUISIANA.—Project for aquatic
18 ecosystem restoration, Luling Oxidation Pond, St.
19 Charles Parish, Louisiana.

20 (8) MANDEVILLE, LOUISIANA.—Project for
21 aquatic ecosystem restoration, Mandeville, St. Tam-
22 many Parish, Louisiana.

23 (9) ST. JAMES, LOUISIANA.—Project for aquatic
24 ecosystem restoration, St. James, Louisiana.

1 (10) NORTH HAMPTON, NEW HAMPSHIRE.—
2 Project for aquatic ecosystem restoration, Little
3 River Salt Marsh, North Hampton, New Hampshire.

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

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

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

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

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

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

21 (17) ROSLYN LAKE, OREGON.—Project for
22 aquatic ecosystem restoration, Roslyn Lake, Oregon.

1 **SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORA-**
 2 **TION.**

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

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

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

9 (3) by adding at the end the following:

10 “(24) Perry Creek, Iowa.”.

11 **SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

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

15 “(f) FORT CANBY STATE PARK, BENSON BEACH,
 16 WASHINGTON.—The Secretary may design and construct
 17 a shore protection project at Fort Canby State Park, Ben-
 18 son Beach, Washington, including beneficial use of
 19 dredged material from Federal navigation projects as pro-
 20 vided under section 145 of the Water Resources Develop-
 21 ment Act of 1976 (33 U.S.C. 426j).”.

22 **TITLE II—GENERAL PROVISIONS**

23 **SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.**

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

26 (1) by striking “State legislative”; and

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

4 **SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.**

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

7 **“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

8 “(a) IN GENERAL.—The Secretary may assess the
9 water resources needs of river basins and watersheds of
10 the United States, including needs relating to—

11 “(1) ecosystem protection and restoration;

12 “(2) flood damage reduction;

13 “(3) navigation and ports;

14 “(4) watershed protection;

15 “(5) water supply; and

16 “(6) drought preparedness.

17 “(b) COOPERATION.—An assessment under sub-
18 section (a) shall be carried out in cooperation and coordi-
19 nation with—

20 “(1) the Secretary of the Interior;

21 “(2) the Secretary of Agriculture;

22 “(3) the Secretary of Commerce;

23 “(4) the Administrator of the Environmental
24 Protection Agency; and

25 “(5) the heads of other appropriate agencies.

1 “(c) CONSULTATION.—In carrying out an assessment
2 under subsection (a), the Secretary shall consult with Fed-
3 eral, tribal, State, interstate, and local governmental enti-
4 ties.

5 “(d) PRIORITY RIVER BASINS AND WATERSHEDS.—
6 In selecting river basins and watersheds for assessment
7 under this section, the Secretary shall give priority to the
8 Delaware River basin.

9 “(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
10 out an assessment under subsection (a), the Secretary
11 may accept contributions, in cash or in kind, from Fed-
12 eral, tribal, State, interstate, and local governmental enti-
13 ties to the extent that the Secretary determines that the
14 contributions will facilitate completion of the assessment.

15 “(f) COST-SHARING REQUIREMENTS.—

16 “(1) NON-FEDERAL SHARE.—The non-Federal
17 share of the costs of an assessment carried out
18 under this section shall be 50 percent.

19 “(2) CREDIT.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the non-Federal interests may re-
22 ceive credit toward the non-Federal share re-
23 quired under paragraph (1) for the provision of
24 services, materials, supplies, or other in-kind
25 contributions.

1 “(B) MAXIMUM AMOUNT OF CREDIT.—
2 Credit under subparagraph (A) shall not exceed
3 an amount equal to 25 percent of the costs of
4 the assessment.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section
7 \$15,000,000.”.

8 **SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

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

13 (b) PROGRAM.—

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

19 (A) will substantially benefit Indian tribes;
20 and

21 (B) are located primarily within Indian
22 country (as defined in section 1151 of title 18,
23 United States Code) or in proximity to Alaska
24 Native villages.

1 (2) MATTERS TO BE STUDIED.—A study con-
2 ducted under paragraph (1) may address—

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

7 (B) such other projects as the Secretary,
8 in cooperation with Indian tribes and the heads
9 of other Federal agencies, determines to be ap-
10 propriate.

11 (c) CONSULTATION AND COORDINATION WITH SEC-
12 RETARY OF THE INTERIOR.—

13 (1) IN GENERAL.—In recognition of the unique
14 role of the Secretary of the Interior concerning trust
15 responsibilities with Indian tribes, and in recognition
16 of mutual trust responsibilities, the Secretary shall
17 consult with the Secretary of the Interior concerning
18 studies conducted under subsection (b).

19 (2) INTEGRATION OF ACTIVITIES.—The Sec-
20 retary shall—

21 (A) integrate civil works activities of the
22 Department of the Army with activities of the
23 Department of the Interior to avoid conflicts,
24 duplications of effort, or unanticipated adverse
25 effects on Indian tribes; and

1 (B) consider the authorities and programs
2 of the Department of the Interior and other
3 Federal agencies in any recommendations con-
4 cerning carrying out projects studied under
5 subsection (b).

6 (d) PRIORITY PROJECTS.—In selecting water re-
7 sources development projects for study under this section,
8 the Secretary shall give priority to—

9 (1) the project along the upper Snake River
10 within and adjacent to the Fort Hall Indian Res-
11 ervation, Idaho, authorized by section 304; and

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

15 (e) COST SHARING.—

16 (1) ABILITY TO PAY.—

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

21 (B) USE OF PROCEDURES.—The ability of
22 a non-Federal interest to pay shall be deter-
23 mined by the Secretary in accordance with pro-
24 cedures established by the Secretary.

25 (2) CREDIT.—

1 (A) IN GENERAL.—Subject to subpara-
 2 graph (B), in conducting studies of projects
 3 under subsection (b), the Secretary may provide
 4 credit to the non-Federal interest for the provi-
 5 sion of services, studies, supplies, or other in-
 6 kind contributions to the extent that the Sec-
 7 retary determines that the services, studies,
 8 supplies, and other in-kind contributions will fa-
 9 cilitate completion of the project.

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

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 15 authorized to be appropriated to carry out subsection (b)
 16 \$5,000,000 for each of fiscal years 2002 through 2006,
 17 of which not more than \$1,000,000 may be used with re-
 18 spect to any 1 Indian tribe.

19 **SEC. 204. ABILITY TO PAY.**

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

22 (1) by striking paragraphs (1) and (2) and in-
 23 serting the following:

24 “(1) IN GENERAL.—Any cost-sharing agree-
 25 ment under this section for a feasibility study, or for

1 construction of an environmental protection and res-
2 toration project, a flood control project, or an agri-
3 cultural water supply project, shall be subject to the
4 ability of the non-Federal interest to pay.

5 “(2) CRITERIA AND PROCEDURES.—

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

9 “(i) during the period ending on the
10 date on which revised criteria and proce-
11 dures are promulgated under subpara-
12 graph (B), criteria and procedures in effect
13 on the day before the date of enactment of
14 this subparagraph; and

15 “(ii) after the date on which revised
16 criteria and procedures are promulgated
17 under subparagraph (B), the revised cri-
18 teria and procedures promulgated under
19 subparagraph (B).

20 “(B) REVISED CRITERIA AND PROCE-
21 DURES.—Not later than 18 months after the
22 date of enactment of this subparagraph, in ac-
23 cordance with paragraph (3), the Secretary
24 shall promulgate revised criteria and procedures

1 governing the ability of a non-Federal interest
2 to pay.”; and

3 (2) in paragraph (3)—

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

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

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

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

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

16 **SEC. 205. PROPERTY PROTECTION PROGRAM.**

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

21 (b) **PROVISION OF REWARDS.**—In carrying out the
22 program, the Secretary may provide rewards (including
23 cash rewards) to individuals who provide information or
24 evidence leading to the arrest and prosecution of individ-
25 uals causing damage to Federal property.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$500,000 for each fiscal year.

4 **SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.**

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

8 (1) participate in the National Recreation Res-
9 ervation Service on an interagency basis; and

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

13 **SEC. 207. OPERATION AND MAINTENANCE OF HYDRO-**
14 **ELECTRIC FACILITIES.**

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

20 **SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.**

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

23 (1) in the first sentence, by striking
24 “\$1,000,000” and inserting “\$2,000,000”; and

1 (2) in the second sentence, by inserting “out”
2 after “carry”.

3 **SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.**

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

8 (b) REBURIAL.—

9 (1) REBURIAL AREAS.—In consultation with af-
10 fected Indian tribes, the Secretary may identify and
11 set aside areas at civil works projects of the Depart-
12 ment of the Army that may be used to rebury Na-
13 tive American remains that—

14 (A) have been discovered on project land;
15 and

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

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

24 (c) CONVEYANCE AUTHORITY.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 notwithstanding any other provision of law, the Sec-
3 retary may convey to an Indian tribe for use as a
4 cemetery an area at a civil works project that is
5 identified and set aside by the Secretary under sub-
6 section (b)(1).

7 (2) RETENTION OF NECESSARY PROPERTY IN-
8 TERESTS.—In carrying out paragraph (1), the Sec-
9 retary shall retain any necessary right-of-way, ease-
10 ment, or other property interest that the Secretary
11 determines to be necessary to carry out the author-
12 ized purposes of the project.

13 **SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND**
14 **DIKES.**

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

17 (1) by inserting “(a) IN GENERAL.—” before
18 “it shall”;

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

21 “(b) WATERWAYS WITHIN A SINGLE STATE.—Not-
22 withstanding subsection (a), structures described in sub-
23 section (a)”;

24 (3) by striking “When plans” and inserting the
25 following:

1 “(c) MODIFICATION OF PLANS.—When plans”;

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

4 “(d) APPLICABILITY.—

5 “(1) BRIDGES AND CAUSEWAYS.—The ap-
6 proval”; and

7 (5) in subsection (d) (as designated by para-
8 graph (4)), by adding at the end the following:

9 “(2) DAMS AND DIKES.—

10 “(A) IN GENERAL.—The approval required
11 by this section of the location and plans, or any
12 modification of plans, of any dam or dike, ap-
13 plies only to a dam or dike that, if constructed,
14 would completely span a waterway used to
15 transport interstate or foreign commerce, in
16 such a manner that actual, existing interstate
17 or foreign commerce could be adversely af-
18 fected.

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

24 “(i) shall be subject to section 10; and

1 “(ii) shall not be subject to the ap-
2 proval requirements of this section.”.

3 **SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.**

4 Section 1001 of the Water Resources Development
5 Act of 1986 (33 U.S.C. 579a) is amended to read as fol-
6 lows:

7 **“SEC. 1001. PROJECT DEAUTHORIZATIONS.**

8 “(a) DEFINITIONS.—In this section:

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

12 “(A) in the case of—

13 “(i) a nonstructural flood control
14 project, the acquisition of land, an ease-
15 ment, or a right-of-way primarily to relo-
16 cate a structure; and

17 “(ii) in the case of any other non-
18 structural measure, the performance of
19 physical work under a construction con-
20 tract;

21 “(B) in the case of an environmental pro-
22 tection and restoration project—

23 “(i) the acquisition of land, an ease-
24 ment, or a right-of-way primarily to facili-

1 tate the restoration of wetland or a similar
2 habitat; or

3 “(ii) the performance of physical work
4 under a construction contract to modify an
5 existing project facility or to construct a
6 new environmental protection and restora-
7 tion measure; and

8 “(C) in the case of any other water re-
9 sources project, the performance of physical
10 work under a construction contract.

11 “(2) PHYSICAL WORK UNDER A CONSTRUCTION
12 CONTRACT.—The term ‘physical work under a con-
13 struction contract’ does not include any activity re-
14 lated to project planning, engineering and design, re-
15 location, or the acquisition of land, an easement, or
16 a right-of-way.

17 “(b) PROJECTS NEVER UNDER CONSTRUCTION.—

18 “(1) LIST OF PROJECTS.—The Secretary shall
19 annually submit to Congress a list of projects and
20 separable elements of projects that—

21 “(A) are authorized for construction; and

22 “(B) for which no Federal funds were obli-
23 gated for construction during the 4 full fiscal
24 years preceding the date of submission of the
25 list.

1 “(2) DEAUTHORIZATION.—Any water resources
2 project, or separable element of a water resources
3 project, authorized for construction shall be de-
4 authorized effective at the end of the 7-year period
5 beginning on the date of the most recent authoriza-
6 tion or reauthorization of the project or separable
7 element unless Federal funds have been obligated for
8 construction of the project or separable element by
9 the end of that period.

10 “(c) PROJECTS FOR WHICH CONSTRUCTION HAS
11 BEEN SUSPENDED.—

12 “(1) LIST OF PROJECTS.—The Secretary shall
13 annually submit to Congress a list of projects and
14 separable elements of projects—

15 “(A) that are authorized for construction;

16 “(B) for which Federal funds have been
17 obligated for construction of the project or sep-
18 arable element; and

19 “(C) for which no Federal funds have been
20 obligated for construction of the project or sep-
21 arable element during the 2 full fiscal years
22 preceding the date of submission of the list.

23 “(2) DEAUTHORIZATION.—Any water resources
24 project, or separable element of a water resources
25 project, for which Federal funds have been obligated

1 for construction shall be deauthorized effective at
2 the end of any 5-fiscal year period during which
3 Federal funds specifically identified for construction
4 of the project or separable element (in an Act of
5 Congress or in the accompanying legislative report
6 language) have not been obligated for construction.

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

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

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

20 **SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.**

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

24 (1) in the first sentence of paragraph (1), by
25 striking “Within 6 months after the date of the en-

1 actment of this subsection, the” and inserting
2 “The”;

3 (2) by redesignating paragraph (2) as para-
4 graph (3);

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

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

9 “(A) address”; and

10 (4) in paragraph (2) (as designated by para-
11 graph (3))—

12 (A) by inserting “that non-Federal inter-
13 ests shall adopt and enforce” after “policies”;

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

16 (C) by adding at the end the following:

17 “(B) require non-Federal interests to take
18 measures to preserve the level of flood protec-
19 tion provided by a project to which subsection
20 (a) applies.”.

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall apply to any project or separable element
23 of a project with respect to which the Secretary and the
24 non-Federal interest have not entered a project coopera-

1 tion agreement on or before the date of enactment of this
2 Act.

3 (c) TECHNICAL AMENDMENTS.—Section 402(b) of
4 the Water Resources Development Act of 1986 (33 U.S.C.
5 701b–12(b)) is amended—

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

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

10 **SEC. 213. ENVIRONMENTAL DREDGING.**

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

14 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
15 tion 221 of the Flood Control Act of 1970 (42 U.S.C.
16 1962d–5b), for any project carried out under this section,
17 a non-Federal sponsor may include a nonprofit entity,
18 with the consent of the affected local government.”.

19 **TITLE III—PROJECT-RELATED**
20 **PROVISIONS**

21 **SEC. 301. BOYDSVILLE, ARKANSAS.**

22 The Secretary shall credit toward the non-Federal
23 share of the costs of the study to determine the feasibility
24 of the reservoir and associated improvements in the vicin-
25 ity of Boydsville, Arkansas, authorized by section 402 of

1 the Water Resources Development Act of 1999 (113 Stat.
2 322), not more than \$250,000 of the costs of the relevant
3 planning and engineering investigations carried out by
4 State and local agencies, if the Secretary finds that the
5 investigations are integral to the scope of the feasibility
6 study.

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

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

10 (1) in subsection (a), by striking “the fol-
11 lowing” and all that follows and inserting “the
12 amounts of project storage that are recommended by
13 the report required under subsection (b).”; and

14 (2) in subsection (b)—

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

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

21 (C) in paragraph (3)—

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

24 (ii) in subparagraph (A), by striking
25 “and” at the end;

1 (iii) in subparagraph (B), by striking
2 the period at the end and inserting “;
3 and”; and

4 (iv) by adding at the end the fol-
5 lowing:

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

8 **SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

9 The project for shore protection, Gasparilla and
10 Estero Island segments, Lee County, Florida, authorized
11 under section 201 of the Flood Control Act of 1965 (79
12 Stat. 1073), by Senate Resolution dated December 17,
13 1970, and by House Resolution dated December 15, 1970,
14 is modified to authorize the Secretary to enter into an
15 agreement with the non-Federal interest to carry out the
16 project in accordance with section 206 of the Water Re-
17 sources Development Act of 1992 (33 U.S.C. 426i-1), if
18 the Secretary determines that the project is technically
19 sound, environmentally acceptable, and economically justi-
20 fied.

21 **SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.**

22 (a) IN GENERAL.—The Secretary shall carry out
23 planning, engineering, and design of an adaptive eco-
24 system restoration, flood damage reduction, and erosion

1 protection project along the upper Snake River within and
2 adjacent to the Fort Hall Indian Reservation, Idaho.

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

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

12 (2) is environmentally acceptable and tech-
13 nically feasible; and

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

16 (c) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a
17 condition of the project described in subsection (a), the
18 Shoshone-Bannock Indian Tribe shall provide land, ease-
19 ments, and rights-of-way necessary for implementation of
20 the project.

21 **SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES,**
22 **ILLINOIS.**

23 The Secretary shall credit toward the non-Federal
24 share of the costs of the study to determine the feasibility
25 of improvements to the upper Des Plaines River and tribu-

1 taries, phase 2, Illinois and Wisconsin, authorized by sec-
2 tion 419 of the Water Resources Development Act of 1999
3 (113 Stat. 324), the costs of work carried out by the non-
4 Federal interests in Lake County, Illinois, before the date
5 of execution of the feasibility study cost-sharing agree-
6 ment, if—

7 (1) the Secretary and the non-Federal interests
8 enter into a feasibility study cost-sharing agreement;
9 and

10 (2) the Secretary finds that the work is integral
11 to the scope of the feasibility study.

12 **SEC. 306. MORGANZA, LOUISIANA.**

13 The Secretary shall credit toward the non-Federal
14 share of the project costs of the Mississippi River and trib-
15 utaries, Morganza, Louisiana, to the Gulf of Mexico,
16 project, authorized under section 101(b)(16), the costs of
17 any work carried out by the non-Federal interests for in-
18 terim flood protection after March 31, 1989, if the Sec-
19 retary finds that the work is compatible with, and integral
20 to, the project.

21 **SEC. 307. RED RIVER WATERWAY, LOUISIANA.**

22 The project for mitigation of fish and wildlife losses,
23 Red River Waterway, Louisiana, authorized by section
24 601(a) of the Water Resources Development Act of 1986
25 (100 Stat. 4142) and modified by section 4(h) of the

1 Water Resources Development Act of 1988 (102 Stat.
 2 4016), section 102(p) of the Water Resources Develop-
 3 ment Act of 1990 (104 Stat. 4613), and section 301(b)(7)
 4 of the Water Resources Development Act of 1996 (110
 5 Stat. 3710), is further modified to authorize the purchase
 6 of mitigation land from willing sellers in any of the par-
 7 ishes that comprise the Red River Waterway District, con-
 8 sisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches,
 9 Rapides, and Red River Parishes.

10 **SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARY-**
 11 **LAND.**

12 The Secretary—

13 (1) may provide design and construction assist-
 14 ance for recreational facilities in the State of Mary-
 15 land at the William Jennings Randolph Lake
 16 (Bloomington Dam), Maryland and West Virginia,
 17 project authorized by section 203 of the Flood Con-
 18 trol Act of 1962 (76 Stat. 1182); and

19 (2) shall require the non-Federal interest to
 20 provide 50 percent of the costs of designing and con-
 21 structing the recreational facilities.

22 **SEC. 309. NEW MADRID COUNTY, MISSOURI.**

23 (a) IN GENERAL.—The project for navigation, New
 24 Madrid County Harbor, New Madrid County, Missouri,
 25 authorized under section 107 of the River and Harbor Act

1 of 1960 (33 U.S.C. 577), is authorized as described in
2 the feasibility report for the project, including both phase
3 1 and phase 2 of the project.

4 (b) CREDIT.—

5 (1) IN GENERAL.—The Secretary shall provide
6 credit to the non-Federal interests for the costs in-
7 curred by the non-Federal interests in carrying out
8 construction work for phase 1 of the project, if the
9 Secretary finds that the construction work is inte-
10 gral to phase 2 of the project.

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

15 **SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.**

16 (a) CREDIT.—With respect to the project for naviga-
17 tion, Pemiscot County Harbor, Missouri, authorized under
18 section 107 of the River and Harbor Act of 1960 (33
19 U.S.C. 577), the Secretary shall provide credit to the
20 Pemiscot County Port Authority, or an agent of the au-
21 thority, for the costs incurred by the Authority or agent
22 in carrying out construction work for the project after De-
23 cember 31, 1997, if the Secretary finds that the construc-
24 tion work is integral to the project.

1 (b) MAXIMUM AMOUNT OF CREDIT.—The amount of
2 the credit under subsection (a) shall not exceed the re-
3 quired non-Federal share for the project, estimated as of
4 the date of enactment of this Act to be \$222,000.

5 **SEC. 311. PIKE COUNTY, MISSOURI.**

6 (a) IN GENERAL.—Subject to subsections (c) and (d),
7 at such time as S.S.S., Inc. conveys all right, title, and
8 interest in and to the parcel of land described in sub-
9 section (b)(1) to the United States, the Secretary shall
10 convey all right, title, and interest of the United States
11 in and to the parcel of land described in subsection (b)(2)
12 to S.S.S., Inc.

13 (b) LAND DESCRIPTION.—The parcels of land re-
14 ferred to in subsection (a) are the following:

15 (1) NON-FEDERAL LAND.—8.99 acres with ex-
16 isting flowage easements, located in Pike County,
17 Missouri, adjacent to land being acquired from
18 Holnam, Inc. by the Corps of Engineers.

19 (2) FEDERAL LAND.—8.99 acres located in
20 Pike County, Missouri, known as “Government
21 Tract Numbers FM-46 and FM-47”, administered
22 by the Corps of Engineers.

23 (c) CONDITIONS.—The land exchange under sub-
24 section (a) shall be subject to the following conditions:

25 (1) DEEDS.—

1 (A) NON-FEDERAL LAND.—The convey-
2 ance of the parcel of land described in sub-
3 section (b)(1) to the Secretary shall be by a
4 warranty deed acceptable to the Secretary.

5 (B) FEDERAL LAND.—The instrument of
6 conveyance used to convey the parcel of land
7 described in subsection (b)(2) to S.S.S., Inc.
8 shall contain such reservations, terms, and con-
9 ditions as the Secretary considers necessary to
10 allow the United States to operate and main-
11 tain the Mississippi River 9-Foot Navigation
12 Project.

13 (2) REMOVAL OF IMPROVEMENTS.—

14 (A) IN GENERAL.—S.S.S., Inc. may re-
15 move, and the Secretary may require S.S.S.,
16 Inc. to remove, any improvements on the parcel
17 of land described in subsection (b)(1).

18 (B) NO LIABILITY.—If S.S.S., Inc., volun-
19 tarily or under direction from the Secretary, re-
20 moves an improvement on the parcel of land de-
21 scribed in subsection (b)(1)—

22 (i) S.S.S., Inc. shall have no claim
23 against the United States for liability; and

1 (ii) the United States shall not incur
2 or be liable for any cost associated with the
3 removal or relocation of the improvement.

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

8 (4) LEGAL DESCRIPTION.—The Secretary shall
9 provide legal descriptions of the parcels of land de-
10 scribed in subsection (b), which shall be used in the
11 instruments of conveyance of the parcels.

12 (5) ADMINISTRATIVE COSTS.—The Secretary
13 shall require S.S.S., Inc. to pay reasonable adminis-
14 trative costs associated with the land exchange
15 under subsection (a).

16 (d) VALUE OF PROPERTIES.—If the appraised fair
17 market value, as determined by the Secretary, of the par-
18 cel of land conveyed to S.S.S., Inc. by the Secretary under
19 subsection (a) exceeds the appraised fair market value, as
20 determined by the Secretary, of the parcel of land con-
21 veyed to the United States by S.S.S., Inc. under that sub-
22 section, S.S.S., Inc. shall pay to the United States, in cash
23 or a cash equivalent, an amount equal to the difference
24 between the 2 values.

1 **SEC. 312. FORT PECK FISH HATCHERY, MONTANA.**

2 (a) FINDINGS.—Congress finds that—

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

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

10 (3)(A) as of the date of enactment of this Act,
11 eastern Montana has only 1 warm water fish hatch-
12 ery, which is inadequate to meet the demands of the
13 region; and

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

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

25 (5) the process of developing an environmental
26 impact statement for the update of the Corps of En-

1 gineers Master Manual for the operation of the Mis-
2 souri River recognized the need for greater support
3 of recreation activities and other authorized pur-
4 poses of the Fort Peck project;

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

9 (B) the obligation to fund the stocking con-
10 stitutes an undue burden on the State; and

11 (7) a viable multispecies fishery would spur eco-
12 nomic development in the region.

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

14 (1) to authorize and provide funding for the de-
15 sign and construction of a multispecies fish hatchery
16 at Fort Peck Lake, Montana; and

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

19 (c) DEFINITIONS.—In this section:

20 (1) FORT PECK LAKE.—The term “Fort Peck
21 Lake” means the reservoir created by the damming
22 of the upper Missouri River in northeastern Mon-
23 tana.

1 (2) HATCHERY PROJECT.—The term “hatchery
2 project” means the project authorized by subsection
3 (d).

4 (d) AUTHORIZATION.—The Secretary shall carry out
5 a project at Fort Peck Lake, Montana, for the design and
6 construction of a fish hatchery and such associated facili-
7 ties as are necessary to sustain a multispecies fishery.

8 (e) COST SHARING.—

9 (1) DESIGN AND CONSTRUCTION.—

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

13 (B) FORM OF NON-FEDERAL SHARE.—

14 (i) IN GENERAL.—The non-Federal
15 share of the costs of the hatchery project
16 may be provided in the form of cash or in
17 the form of land, easements, rights-of-way,
18 services, roads, or any other form of in-
19 kind contribution determined by the Sec-
20 retary to be appropriate.

21 (ii) REQUIRED CREDITING.—The Sec-
22 retary shall credit toward the non-Federal
23 share of the costs of the hatchery project—

24 (I) the costs to the State of Mon-
25 tana of stocking Fort Peck Lake dur-

1 ing the period beginning January 1,
2 1947; and

3 (II) the costs to the State of
4 Montana and the counties having ju-
5 risdiction over land surrounding Fort
6 Peck Lake of construction of local ac-
7 cess roads to the lake.

8 (2) OPERATION, MAINTENANCE, REPAIR, AND
9 REPLACEMENT.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraphs (B) and (C), the operation,
12 maintenance, repair, and replacement of the
13 hatchery project shall be a non-Federal respon-
14 sibility.

15 (B) COSTS ASSOCIATED WITH THREAT-
16 ENED AND ENDANGERED SPECIES.—The costs
17 of operation and maintenance associated with
18 raising threatened or endangered species shall
19 be a Federal responsibility.

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

23 (f) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to carry out this section—

1 (A) \$20,000,000; and

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

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

7 **SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.**

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

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$1,000,000.

13 **SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.**

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

16 **SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
17 **NEW JERSEY.**

18 (a) IN GENERAL.—The project for flood control, Pas-
19 saic River, New Jersey and New York, authorized by sec-
20 tion 101(a)(18) of the Water Resources Development Act
21 of 1990 (104 Stat. 4607), is modified to emphasize non-
22 structural approaches for flood control as alternatives to
23 the construction of the Passaic River tunnel element, while
24 maintaining the integrity of other separable mainstream
25 project elements, wetland banks, and other independent

1 projects that were authorized to be carried out in the Pas-
2 saic River Basin before the date of enactment of this Act.

3 (b) REEVALUATION OF FLOODWAY STUDY.—The
4 Secretary shall review the Passaic River Floodway Buyout
5 Study, dated October 1995, to calculate the benefits of
6 a buyout and environmental restoration using the method
7 used to calculate the benefits of structural projects under
8 section 308(b) of the Water Resources Development Act
9 of 1990 (33 U.S.C. 2318(b)).

10 (c) REEVALUATION OF 10-YEAR FLOODPLAIN
11 STUDY.—The Secretary shall review the Passaic River
12 Buyout Study of the 10-year floodplain beyond the
13 floodway of the Central Passaic River Basin, dated Sep-
14 tember 1995, to calculate the benefits of a buyout and
15 environmental restoration using the method used to cal-
16 culate the benefits of structural projects under section
17 308(b) of the Water Resources Development Act of 1990
18 (33 U.S.C. 2318(b)).

19 (d) PRESERVATION OF NATURAL STORAGE AREAS.—

20 (1) IN GENERAL.—The Secretary shall reevalu-
21 ate the acquisition, from willing sellers, for flood
22 protection purposes, of wetlands in the Central Pas-
23 saic River Basin to supplement the wetland acquisi-
24 tion authorized by section 101(a)(18)(C)(vi) of the

1 Water Resources Development Act of 1990 (104
2 Stat. 4609).

3 (2) PURCHASE.—If the Secretary determines
4 that the acquisition of wetlands evaluated under
5 paragraph (1) is cost-effective, the Secretary shall
6 purchase the wetlands, with the goal of purchasing
7 not more than 8,200 acres.

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

14 (f) PASSAIC RIVER FLOOD MANAGEMENT TASK
15 FORCE.—

16 (1) ESTABLISHMENT.—The Secretary, in co-
17 operation with the non-Federal interest, shall estab-
18 lish a task force, to be known as the “Passaic River
19 Flood Management Task Force”, to provide advice
20 to the Secretary concerning all aspects of the Pas-
21 saic River flood management project.

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

24 (A) APPOINTMENT BY SECRETARY.—The
25 Secretary shall appoint 1 member to represent

1 the Corps of Engineers and to provide technical
2 advice to the task force.

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

7 (i) 2 representatives of the New Jer-
8 sey legislature who are members of dif-
9 ferent political parties.

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

12 (iii) 1 representative of each of Ber-
13 gen, Essex, Morris, and Passaic Counties,
14 New Jersey.

15 (iv) 6 representatives of governments
16 of municipalities affected by flooding with-
17 in the Passaic River Basin.

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

20 (vi) 1 representative of the North Jer-
21 sey District Water Supply Commission.

22 (vii) 1 representative of each of—

23 (I) the Association of New Jersey
24 Environmental Commissions;

1 (II) the Passaic River Coalition;
2 and
3 (III) the Sierra Club.

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

8 (3) MEETINGS.—

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

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

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

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

23 (6) TERMINATION.—The task force shall termi-
24 nate on the date on which the Passaic River flood
25 management project is completed.

1 (g) ACQUISITION OF LANDS IN THE FLOODWAY.—
2 Section 1148 of the Water Resources Development Act of
3 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by
4 adding at the end the following:

5 “(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES
6 PROGRAM.—The Secretary shall carry out this section in
7 a manner that is consistent with the Blue Acres Program
8 of the State of New Jersey.”.

9 (h) STUDY OF HIGHLANDS LAND CONSERVATION.—
10 The Secretary, in cooperation with the Secretary of Agri-
11 culture and the State of New Jersey, may study the feasi-
12 bility of conserving land in the Highlands region of New
13 Jersey and New York to provide additional flood protec-
14 tion for residents of the Passaic River Basin in accordance
15 with section 212 of the Water Resources Development Act
16 of 1999 (33 U.S.C. 2332).

17 (i) RESTRICTION ON USE OF FUNDS.—The Secretary
18 shall not obligate any funds to carry out design or con-
19 struction of the tunnel element of the Passaic River flood
20 control project, as authorized by section 101(a)(18)(A) of
21 the Water Resources Development Act of 1990 (104 Stat.
22 4607).

23 (j) CONFORMING AMENDMENT.—Section 101(a)(18)
24 of the Water Resources Development Act of 1990 (104
25 Stat. 4607) is amended in the paragraph heading by strik-

1 ing “MAIN STEM,” and inserting “FLOOD MANAGEMENT
2 PROJECT,”.

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

4 (a) IN GENERAL.—The project for shoreline protec-
5 tion, Atlantic Coast of New York City from Rockaway
6 Inlet to Norton Point (Coney Island Area), New York, au-
7 thorized by section 501(a) of the Water Resources Devel-
8 opment Act of 1986 (100 Stat. 4135) is modified to au-
9 thorize the Secretary to construct T-groins to improve
10 sand retention down drift of the West 37th Street groin,
11 in the Sea Gate area of Coney Island, New York, as identi-
12 fied in the March 1998 report prepared for the Corps of
13 Engineers, entitled “Field Data Gathering Project Per-
14 formance Analysis and Design Alternative Solutions to
15 Improve Sandfill Retention”, at a total cost of \$9,000,000,
16 with an estimated Federal cost of \$5,850,000 and an esti-
17 mated non-Federal cost of \$3,150,000.

18 (b) COST SHARING.—The non-Federal share of the
19 costs of constructing the T-groins under subsection (a)
20 shall be 35 percent.

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

22 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
23 ESTS AND USE RESTRICTIONS.—With respect to the land
24 described in each deed specified in subsection (b)—

1 (1) the reversionary interests and the use re-
2 strictions relating to port or industrial purposes are
3 extinguished;

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

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

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

16 (1) Auditor's File Numbers 101244 and
17 1234170 of Morrow County, Oregon, executed by
18 the United States.

19 (2) The portion of the land conveyed in a deed
20 executed by the United States and bearing Benton
21 County, Washington, Auditor's File Number
22 601766, described as a tract of land lying in sec. 7,
23 T. 5 N., R. 28 E., Willamette meridian, Benton
24 County, Washington, being more particularly de-
25 scribed by the following boundaries:

1 (A) Commencing at the point of intersec-
2 tion of the centerlines of Plymouth Street and
3 Third Avenue in the First Addition to the Town
4 of Plymouth (according to the duly recorded
5 plat thereof).

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

8 (C) Thence south $54^{\circ} 10'$ west, to a point
9 on the west line of Tract 18 of that Addition
10 and the true point of beginning.

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

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

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

19 (G) Thence northeast along that high
20 water line to a point on the north and south co-
21 ordinate line of the Oregon Coordinate System,
22 North Zone, that coordinate line being east
23 2,291,000 feet.

1 (H) Thence north along that line to a
2 point on the south line of First Avenue of that
3 Addition.

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

7 (J) Thence north along that west line of T.
8 18 to the point of beginning.

9 **SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE,**
10 **RHODE ISLAND.**

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

13 (1) by inserting “(a) IN GENERAL.—” before
14 “the”; and

15 (2) by adding at the end the following:

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

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

24 (a) IN GENERAL.—The Secretary shall enter into an
25 agreement with the city of Grand Prairie, Texas, under

1 which the city agrees to assume all responsibilities of the
2 Trinity River Authority of the State of Texas under Con-
3 tract No. DACW63-76-C-0166, other than financial re-
4 sponsibilities, except the responsibility described in sub-
5 section (d).

6 (b) RESPONSIBILITIES OF TRINITY RIVER AUTHOR-
7 ITY.—The Trinity River Authority shall be relieved of all
8 financial responsibilities under the contract described in
9 subsection (a) as of the date on which the Secretary enters
10 into the agreement with the city under that subsection.

11 (c) PAYMENTS BY CITY.—In consideration of the
12 agreement entered into under subsection (a), the city shall
13 pay the Federal Government \$4,290,000 in 2
14 installments—

15 (1) 1 installment in the amount of \$2,150,000,
16 which shall be due and payable not later than De-
17 cember 1, 2000; and

18 (2) 1 installment in the amount of \$2,140,000,
19 which shall be due and payable not later than De-
20 cember 1, 2003.

21 (d) OPERATION AND MAINTENANCE COSTS.—The
22 agreement entered into under subsection (a) shall include
23 a provision requiring the city to assume responsibility for
24 all costs associated with operation and maintenance of the

1 recreation facilities included in the contract described in
2 that subsection.

3 **SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
4 **NEW YORK.**

5 (a) DEFINITIONS.—In this section:

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

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

14 (A) the land areas within Addison,
15 Bennington, Caledonia, Chittenden, Franklin,
16 Grand Isle, Lamoille, Orange, Orleans, Rut-
17 land, and Washington Counties in the State of
18 Vermont; and

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

23 (ii) the near-shore areas of Lake Cham-
24 plain within the counties referred to in clause
25 (i).

1 (b) CRITICAL RESTORATION PROJECTS.—

2 (1) IN GENERAL.—The Secretary may partici-
3 pate in critical restoration projects in the Lake
4 Champlain watershed.

5 (2) TYPES OF PROJECTS.—A critical restora-
6 tion project shall be eligible for assistance under this
7 section if the critical restoration project consists
8 of—

9 (A) implementation of an intergovern-
10 mental agreement for coordinating regulatory
11 and management responsibilities with respect to
12 the Lake Champlain watershed;

13 (B) acceleration of whole farm planning to
14 implement best management practices to main-
15 tain or enhance water quality and to promote
16 agricultural land use in the Lake Champlain
17 watershed;

18 (C) acceleration of whole community plan-
19 ning to promote intergovernmental cooperation
20 in the regulation and management of activities
21 consistent with the goal of maintaining or en-
22 hancing water quality in the Lake Champlain
23 watershed;

1 (D) natural resource stewardship activities
2 on public or private land to promote land uses
3 that—

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

7 (ii) protect and enhance water quality;

8 or

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

11 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
12 retary may provide assistance for a critical restoration
13 project under this section only if—

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

16 (2) the non-Federal interest with respect to the
17 critical restoration project demonstrates that the
18 critical restoration project will provide a substantial
19 public benefit in the form of water quality improve-
20 ment.

21 (d) PROJECT SELECTION.—

22 (1) IN GENERAL.—In consultation with the
23 heads of other appropriate Federal, State, tribal,
24 and local agencies, the Secretary may—

1 (A) identify critical restoration projects in
2 the Lake Champlain watershed; and

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

8 (2) CERTIFICATION.—

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

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

24 (e) COST SHARING.—

1 (1) IN GENERAL.—Before providing assistance
2 under this section with respect to a critical restora-
3 tion project, the Secretary shall enter into a project
4 cooperation agreement that shall require the non-
5 Federal interest—

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

8 (B) to acquire any land, easements, rights-
9 of-way, relocations, and dredged material dis-
10 posal areas necessary to carry out the critical
11 restoration project;

12 (C) to pay 100 percent of the operation,
13 maintenance, repair, replacement, and rehabili-
14 tation costs associated with the critical restora-
15 tion project; and

16 (D) to hold the United States harmless
17 from any claim or damage that may arise from
18 carrying out the critical restoration project, ex-
19 cept any claim or damage that may arise from
20 the negligence of the Federal Government or a
21 contractor of the Federal Government.

22 (2) NON-FEDERAL SHARE.—

23 (A) CREDIT FOR DESIGN WORK.—The
24 non-Federal interest shall receive credit for the
25 reasonable costs of design work carried out by

1 the non-Federal interest before the date of exe-
2 cution of a project cooperation agreement for
3 the critical restoration project, if the Secretary
4 finds that the design work is integral to the
5 critical restoration project.

6 (B) CREDIT FOR LAND, EASEMENTS, AND
7 RIGHTS-OF-WAY.—The non-Federal interest
8 shall receive credit for the value of any land,
9 easement, right-of-way, relocation, or dredged
10 material disposal area provided for carrying out
11 the critical restoration project.

12 (C) FORM.—The non-Federal interest may
13 provide up to 50 percent of the non-Federal
14 share in the form of services, materials, sup-
15 plies, or other in-kind contributions.

16 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
17 LAWS.—Nothing in this section waives, limits, or other-
18 wise affects the applicability of Federal or State law with
19 respect to a critical restoration project carried out with
20 assistance provided under this section.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$20,000,000, to remain available until expended.

1 **SEC. 321. MOUNT ST. HELENS, WASHINGTON.**

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

15 **SEC. 322. PUGET SOUND AND ADJACENT WATERS RES-**
16 **TORATION, WASHINGTON.**

17 (a) DEFINITION OF CRITICAL RESTORATION
18 PROJECT.—In this section, the term “critical restoration
19 project” means a project that will produce, consistent with
20 Federal programs, projects, and activities, immediate and
21 substantial ecosystem restoration, preservation, and pro-
22 tection benefits.

23 (b) CRITICAL RESTORATION PROJECTS.—The Sec-
24 retary may participate in critical restoration projects in
25 the area of Puget Sound, Washington, and adjacent wa-
26 ters, including—

1 (1) the watersheds that drain directly into
2 Puget Sound;

3 (2) Admiralty Inlet;

4 (3) Hood Canal;

5 (4) Rosario Strait; and

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

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

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

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

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

25 (1) the Salmon Recovery Funding Board;

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

5 (e) COST SHARING.—

6 (1) IN GENERAL.—Before carrying out any critical
7 restoration project under this section, the Secretary shall enter into a binding agreement with the
8 non-Federal interest that shall require the non-Federal
9 interest—
10

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

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

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

17 (D) to hold the United States harmless
18 from any claim or damage that may arise from
19 carrying out the critical restoration project, except any claim or damage that may arise from
20
21
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24

1 the negligence of the Federal Government or a
 2 contractor of the Federal Government.

3 (2) CREDIT.—

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

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

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 14 authorized to be appropriated to carry out this section
 15 \$20,000,000, of which not more than \$5,000,000 may be
 16 used to carry out any 1 critical restoration project.

17 **SEC. 323. FOX RIVER SYSTEM, WISCONSIN.**

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

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

22 “(1) IN GENERAL.—The Secretary”; and

23 (2) by adding at the end the following:

24 “(2) PAYMENTS TO STATE.—The terms and
 25 conditions may include 1 or more payments to the

1 State of Wisconsin to assist the State in paying the
2 costs of repair and rehabilitation of the transferred
3 locks and appurtenant features.”.

4 **SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.**

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

7 (1) in the second sentence, by striking
8 “\$7,000,000” and inserting “\$20,000,000”; and

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

11 “(4) the construction of reefs and related clean
12 shell substrate for fish habitat, including manmade
13 3-dimensional oyster reefs, in the Chesapeake Bay
14 and its tributaries in Maryland and Virginia—

15 “(A) which reefs shall be preserved as per-
16 manent sanctuaries by the non-Federal inter-
17 ests, consistent with the recommendations of
18 the scientific consensus document on Ches-
19 apeake Bay oyster restoration dated June 1999;
20 and

21 “(B) for assistance in the construction of
22 which reefs the Chief of Engineers shall solicit
23 participation by and the services of commercial
24 watermen.”.

1 **SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

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

7 (b) DREDGING LEVELS.—In operating and maintain-
8 ing Federal channels and harbors of, and the connecting
9 channels between, the Great Lakes, the Secretary shall
10 conduct such dredging as is necessary to ensure minimal
11 operation depths consistent with the original authorized
12 depths of the channels and harbors when water levels in
13 the Great Lakes are, or are forecast to be, below the Inter-
14 national Great Lakes Datum of 1985.

15 **SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
16 **TORATION.**

17 (a) FINDINGS.—Congress finds that—

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

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

23 (3) the Great Lakes fishery and ecosystem pro-
24 vides a diversity of opportunities, experiences, and
25 beneficial uses.

26 (b) DEFINITIONS.—In this section:

1 (1) GREAT LAKE.—

2 (A) IN GENERAL.—The term “Great
3 Lake” means Lake Superior, Lake Michigan,
4 Lake Huron (including Lake St. Clair), Lake
5 Erie, and Lake Ontario (including the St. Law-
6 rence River to the 45th parallel of latitude).

7 (B) INCLUSIONS.—The term “Great Lake”
8 includes any connecting channel, historically
9 connected tributary, and basin of a lake speci-
10 fied in subparagraph (A).

11 (2) GREAT LAKES COMMISSION.—The term
12 “Great Lakes Commission” means The Great Lakes
13 Commission established by the Great Lakes Basin
14 Compact (82 Stat. 414).

15 (3) GREAT LAKES FISHERY COMMISSION.—The
16 term “Great Lakes Fishery Commission” has the
17 meaning given the term “Commission” in section 2
18 of the Great Lakes Fishery Act of 1956 (16 U.S.C.
19 931).

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

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Army.

1 (c) GREAT LAKES FISHERY AND ECOSYSTEM RES-
2 TORATION.—

3 (1) SUPPORT PLAN.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, the Sec-
6 retary shall develop a plan for activities of the
7 Corps of Engineers that support the manage-
8 ment of Great Lakes fisheries.

9 (B) USE OF EXISTING DOCUMENTS.—To
10 the maximum extent practicable, the plan shall
11 make use of and incorporate documents that re-
12 late to the Great Lakes and are in existence on
13 the date of enactment of this Act, such as
14 lakewide management plans and remedial ac-
15 tion plans.

16 (C) COOPERATION.—The Secretary shall
17 develop the plan in cooperation with—

18 (i) the signatories to the Joint Stra-
19 tegic Plan for Management of the Great
20 Lakes Fisheries; and

21 (ii) other affected interests.

22 (2) PROJECTS.—The Secretary shall plan, de-
23 sign, and construct projects to support the restora-
24 tion of the fishery, ecosystem, and beneficial uses of
25 the Great Lakes.

1 (3) EVALUATION PROGRAM.—

2 (A) IN GENERAL.—The Secretary shall de-
3 velop a program to evaluate the success of the
4 projects carried out under paragraph (2) in
5 meeting fishery and ecosystem restoration
6 goals.

7 (B) STUDIES.—Evaluations under sub-
8 paragraph (A) shall be conducted in consulta-
9 tion with the Great Lakes Fishery Commission
10 and appropriate Federal, State, and local agen-
11 cies.

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

17 (e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVI-
18 TIES.—No activity under this section shall affect the date
19 of completion of any other activity relating to the Great
20 Lakes that is authorized under other law.

21 (f) COST SHARING.—

22 (1) DEVELOPMENT OF PLAN.—The Federal
23 share of the cost of development of the plan under
24 subsection (c)(1) shall be 65 percent.

1 (2) PROJECT PLANNING, DESIGN, CONSTRUCTION,
2 TION, AND EVALUATION.—The Federal share of the
3 cost of planning, design, construction, and evaluation
4 of a project under paragraph (2) or (3) of subsection
5 (c) shall be 65 percent.

6 (3) NON-FEDERAL SHARE.—

7 (A) CREDIT FOR LAND, EASEMENTS, AND
8 RIGHTS-OF-WAY.—The non-Federal interest
9 shall receive credit for the value of any land,
10 easement, right-of-way, relocation, or dredged
11 material disposal area provided for carrying out
12 a project under subsection (c)(2).

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

18 (4) OPERATION AND MAINTENANCE.—The operation,
19 maintenance, repair, rehabilitation, and replacement
20 of projects carried out under this section
21 shall be a non-Federal responsibility.

22 (5) NON-FEDERAL INTERESTS.—Notwithstanding
23 section 221 of the Flood Control Act of
24 1970 (42 U.S.C. 1962d–5b), for any project carried

1 out under this section, a non-Federal interest may
2 include a private interest and a nonprofit entity.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) DEVELOPMENT OF PLAN.—There is author-
5 ized to be appropriated for development of the plan
6 under subsection (c)(1) \$300,000.

7 (2) OTHER ACTIVITIES.—There is authorized to
8 be appropriated to carry out paragraphs (2) and (3)
9 of subsection (c) \$8,000,000 for each of fiscal years
10 2002 through 2006.

11 **SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND**
12 **SEDIMENT REMEDIATION.**

13 Section 401 of the Water Resources Development Act
14 of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat.
15 3763; 113 Stat. 338) is amended—

16 (1) in subsection (a)(2)(A), by striking “50 per-
17 cent” and inserting “35 percent”;

18 (2) in subsection (b)—

19 (A) by striking paragraph (3);

20 (B) in the first sentence of paragraph (4),
21 by striking “50 percent” and inserting “35 per-
22 cent”; and

23 (C) by redesignating paragraph (4) as
24 paragraph (3); and

1 (3) in subsection (e), by striking “\$5,000,000
2 for each of fiscal years 1998 through 2000.” and in-
3 serting “\$10,000,000 for each of fiscal years 2001
4 through 2010.”.

5 **SEC. 328. GREAT LAKES TRIBUTARY MODEL.**

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

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

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

14 (2) in subsection (g)—

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

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

18 (B) by adding at the end the following:

19 “(2) GREAT LAKES TRIBUTARY MODEL.—In ad-
20 dition to amounts made available under paragraph
21 (1), there is authorized to be appropriated to carry
22 out subsection (e) \$5,000,000 for each of fiscal
23 years 2001 through 2008.”.

1 **SEC. 329. TREATMENT OF DREDGED MATERIAL FROM**
2 **LONG ISLAND SOUND.**

3 (a) IN GENERAL.—Not later than December 31,
4 2002, the Secretary shall carry out a demonstration
5 project for the use of innovative sediment treatment tech-
6 nologies for the treatment of dredged material from Long
7 Island Sound.

8 (b) PROJECT CONSIDERATIONS.—In carrying out
9 subsection (a), the Secretary shall, to the maximum extent
10 practicable—

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

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

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

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

24 (3) ensure that dredged material from Long Is-
25 land Sound that is treated under the demonstration

1 project is rendered acceptable for unrestricted open
2 water disposal or beneficial reuse; and

3 (4) ensure that the demonstration project is
4 consistent with the findings and requirements of any
5 draft environmental impact statement on the des-
6 ignation of 1 or more dredged material disposal sites
7 in Long Island Sound that is scheduled for comple-
8 tion in 2001.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$20,000,000.

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

14 (a) DEFINITIONS.—In this section:

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

21 (2) NEW ENGLAND.—The term “New England”
22 means all watersheds, estuaries, and related coastal
23 areas in the States of Connecticut, Maine, Massa-
24 chusetts, New Hampshire, Rhode Island, and
25 Vermont.

1 (b) ASSESSMENT.—

2 (1) IN GENERAL.—The Secretary, in coordina-
3 tion with appropriate Federal, State, tribal, regional,
4 and local agencies, shall perform an assessment of
5 the condition of water resources and related eco-
6 systems in New England to identify problems and
7 needs for restoring, preserving, and protecting water
8 resources, ecosystems, wildlife, and fisheries.

9 (2) MATTERS TO BE ADDRESSED.—The assess-
10 ment shall include—

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

14 (B) a framework for development of water-
15 shed or regional restoration plans.

16 (3) USE OF EXISTING INFORMATION.—In per-
17 forming the assessment, the Secretary shall, to the
18 maximum extent practicable, use—

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

21 (B) ongoing efforts of all participating
22 agencies.

23 (4) CRITERIA; FRAMEWORK.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this Act, the Sec-

1 retary shall develop and make available for pub-
2 lic review and comment—

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

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

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

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

15 (c) RESTORATION PLANS.—

16 (1) IN GENERAL.—After the report is submitted
17 under subsection (b)(5), the Secretary, in coordina-
18 tion with appropriate Federal, State, tribal, regional,
19 and local agencies, shall—

20 (A) develop a comprehensive plan for re-
21 storing, preserving, and protecting the water re-
22 sources and ecosystem in each watershed and
23 region in New England; and

24 (B) submit the plan to Congress.

1 (2) CONTENTS.—Each restoration plan shall
2 include—

3 (A) a feasibility report; and

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

6 (d) CRITICAL RESTORATION PROJECTS.—

7 (1) IN GENERAL.—After the restoration plans
8 are submitted under subsection (c)(1)(B), the Sec-
9 retary, in coordination with appropriate Federal,
10 State, tribal, regional, and local agencies, shall iden-
11 tify critical restoration projects that will produce
12 independent, immediate, and substantial restoration,
13 preservation, and protection benefits.

14 (2) AGREEMENTS.—The Secretary may carry
15 out a critical restoration project after entering into
16 an agreement with an appropriate non-Federal inter-
17 est in accordance with section 221 of the Flood Con-
18 trol Act of 1970 (42 U.S.C. 1962d–5b) and this sec-
19 tion.

20 (3) PROJECT JUSTIFICATION.—Notwith-
21 standing section 209 of the Flood Control Act of
22 1970 (42 U.S.C. 1962–2) or any other provision of
23 law, in carrying out a critical restoration project
24 under this subsection, the Secretary may determine
25 that the project—

1 (A) is justified by the environmental bene-
2 fits derived from the ecosystem; and

3 (B) shall not need further economic jus-
4 tification if the Secretary determines that the
5 project is cost effective.

6 (4) TIME LIMITATION.—No critical restoration
7 project may be initiated under this subsection after
8 September 30, 2005.

9 (5) COST LIMITATION.—Not more than
10 \$5,000,000 in Federal funds may be used to carry
11 out a critical restoration project under this sub-
12 section.

13 (e) COST SHARING.—

14 (1) ASSESSMENT.—

15 (A) IN GENERAL.—The non-Federal share
16 of the cost of the assessment under subsection
17 (b) shall be 25 percent.

18 (B) IN-KIND CONTRIBUTIONS.—The non-
19 Federal share may be provided in the form of
20 services, materials, or other in-kind contribu-
21 tions.

22 (2) RESTORATION PLANS.—

23 (A) IN GENERAL.—The non-Federal share
24 of the cost of developing the restoration plans
25 under subsection (c) shall be determined in ac-

1 cordance with section 105 of the Water Re-
2 sources Development Act of 1986 (33 U.S.C.
3 2215).

4 (B) IN-KIND CONTRIBUTIONS.—Up to 50
5 percent of the non-Federal share may be pro-
6 vided in the form of services, materials, or other
7 in-kind contributions.

8 (3) CRITICAL RESTORATION PROJECTS.—

9 (A) IN GENERAL.—The non-Federal share
10 of the cost of carrying out a critical restoration
11 project under subsection (d) shall be 35 per-
12 cent.

13 (B) IN-KIND CONTRIBUTIONS.—Up to 50
14 percent of the non-Federal share may be pro-
15 vided in the form of services, materials, or other
16 in-kind contributions.

17 (C) REQUIRED NON-FEDERAL CONTRIBU-
18 TION.—For any critical restoration project, the
19 non-Federal interest shall—

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

23 (ii) pay all operation, maintenance, re-
24 placement, repair, and rehabilitation costs;
25 and

1 (iii) hold the United States harmless
2 from all claims arising from the construc-
3 tion, operation, and maintenance of the
4 project.

5 (D) CREDIT.—The non-Federal interest
6 shall receive credit for the value of the land,
7 easements, rights-of-way, dredged material dis-
8 posal areas, and relocations provided under sub-
9 paragraph (C).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) ASSESSMENT AND RESTORATION PLANS.—
12 There is authorized to be appropriated to carry out
13 subsections (b) and (c) \$2,000,000 for each of fiscal
14 years 2001 through 2005.

15 (2) CRITICAL RESTORATION PROJECTS.—There
16 is authorized to be appropriated to carry out sub-
17 section (d) \$30,000,000.

18 **SEC. 331. PROJECT DEAUTHORIZATIONS.**

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

21 (1) KENNEBUNK RIVER, KENNEBUNK AND
22 KENNEBUNKPORT, MAINE.—The following portion of
23 the project for navigation, Kennebunk River, Maine,
24 authorized by section 101 of the River and Harbor
25 Act of 1962 (76 Stat. 1173), is not authorized after

1 the date of enactment of this Act: the portion of the
2 northernmost 6-foot deep anchorage the boundaries
3 of which begin at a point with coordinates
4 N1904693.6500, E418084.2700, thence running
5 south 01 degree 04 minutes 50.3 seconds 35 feet to
6 a point with coordinates N190434.6562,
7 E418084.9301, thence running south 15 degrees 53
8 minutes 45.5 seconds 416.962 feet to a point with
9 coordinates N190033.6386, E418199.1325, thence
10 running north 03 degrees 11 minutes 30.4 seconds
11 70 feet to a point with coordinates N190103.5300,
12 E418203.0300, thence running north 17 degrees 58
13 minutes 18.3 seconds west 384.900 feet to the point
14 of origin.

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

17 (A) IN GENERAL.—The northeastern por-
18 tion of the project for navigation, Wallabout
19 Channel, Brooklyn, New York, authorized by
20 the Act of March 3, 1899 (30 Stat. 1124, chap-
21 ter 425), beginning at a point N682,307.40,
22 E638,918.10, thence running along the courses
23 and distances described in subparagraph (B).

1 (B) COURSES AND DISTANCES.—The
2 courses and distances referred to in subpara-
3 graph (A) are the following:

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

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

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

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

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

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

22 **TITLE IV—STUDIES**

23 **SEC. 401. BALDWIN COUNTY, ALABAMA.**

24 The Secretary may conduct a study to determine the
25 feasibility of carrying out beach erosion control, storm

1 damage reduction, and other measures along the shores
2 of Baldwin County, Alabama.

3 **SEC. 402. BONO, ARKANSAS.**

4 The Secretary may conduct a study to determine the
5 feasibility of, and need for, a reservoir and associated im-
6 provements to provide for flood control, recreation, water
7 quality, and fish and wildlife in the vicinity of Bono, Ar-
8 kansas.

9 **SEC. 403. CACHE CREEK BASIN, CALIFORNIA.**

10 (a) IN GENERAL.—The Secretary may conduct a
11 study to determine the feasibility of modifying the project
12 for flood control, Cache Creek Basin, California, author-
13 ized by section 401(a) of the Water Resources Develop-
14 ment Act of 1986 (100 Stat. 4112), to authorize construc-
15 tion of features to mitigate impacts of the project on the
16 storm drainage system of the city of Woodland, California,
17 that have been caused by construction of a new south levee
18 of the Cache Creek Settling Basin.

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

21 (1) an outlet works through the Yolo Bypass
22 capable of receiving up to 1,600 cubic feet per sec-
23 ond of storm drainage from the city of Woodland
24 and Yolo County;

1 (2) a low-flow cross-channel across the Yolo By-
2 pass, including all appurtenant features, that is suf-
3 ficient to route storm flows of 1,600 cubic feet per
4 second between the old and new south levees of the
5 Cache Creek Settling Basin, across the Yolo Bypass,
6 and into the Tule Canal; and

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

9 **SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.**

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

13 **SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.**

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

18 **SEC. 406. OCEANSIDE, CALIFORNIA.**

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

22 (1) to mitigate for the erosion and other im-
23 pacts resulting from the construction of Camp Pen-
24 dleton Harbor, Oceanside, California, as a wartime
25 measure; and

1 (2) to restore beach conditions along the af-
2 fected public and private shores to the conditions
3 that existed before the construction of Camp Pen-
4 dleton Harbor.

5 **SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.**

6 (a) IN GENERAL.—The Secretary may conduct a wa-
7 tershed study for the San Jacinto watershed, California.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$250,000.

11 **SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.**

12 The Secretary may conduct a reconnaissance study
13 to determine the Federal interest in dredging the mouth
14 of the Choctawhatchee River, Florida, to remove the sand
15 plug.

16 **SEC. 409. EGMONT KEY, FLORIDA.**

17 The Secretary may conduct a study to determine the
18 feasibility of stabilizing the historic fortifications and
19 beach areas of Egmont Key, Florida, that are threatened
20 by erosion.

21 **SEC. 410. UPPER OCKLAWAHA RIVER AND AOPKA/
22 PALATLAKAHA RIVER BASINS, FLORIDA.**

23 (a) IN GENERAL.—The Secretary may conduct a re-
24 study of flooding and water quality issues in—

1 (1) the upper Ocklawaha River basin, south of
2 the Silver River; and

3 (2) the Apopka River and Palatlakaha River
4 basins.

5 (b) **REQUIRED ELEMENTS.**—In carrying out sub-
6 section (a), the Secretary shall review the report of the
7 Chief of Engineers on the Four River Basins, Florida,
8 project, published as House Document No. 585, 87th Con-
9 gress, and other pertinent reports to determine the feasi-
10 bility of measures relating to comprehensive watershed
11 planning for water conservation, flood control, environ-
12 mental restoration and protection, and other issues relat-
13 ing to water resources in the river basins described in sub-
14 section (a).

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

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

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

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

1 **SEC. 413. CHICAGO, ILLINOIS.**

2 (a) IN GENERAL.—The Secretary may conduct a
3 study to determine the feasibility of carrying out projects
4 for water-related urban improvements, including infra-
5 structure development and improvements, in Chicago, Illi-
6 nois.

7 (b) SITES.—Under subsection (a), the Secretary may
8 study—

- 9 (1) the USX/Southworks site;
- 10 (2) Calumet Lake and River;
- 11 (3) the Canal Origins Heritage Corridor; and
- 12 (4) Ping Tom Park.

13 (c) USE OF INFORMATION; CONSULTATION.—In car-
14 rying out this section, the Secretary shall use available in-
15 formation from, and consult with, appropriate Federal,
16 State, and local agencies.

17 **SEC. 414. BOEUF AND BLACK, LOUISIANA.**

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

22 **SEC. 415. PORT OF IBERIA, LOUISIANA.**

23 The Secretary may conduct a study to determine the
24 feasibility of constructing navigation improvements for in-
25 gress and egress between the Port of Iberia, Louisiana,

1 and the Gulf of Mexico, including channel widening and
2 deepening.

3 **SEC. 416. SOUTH LOUISIANA.**

4 The Secretary may conduct a study to determine the
5 feasibility of constructing projects for hurricane protection
6 in the coastal area of the State of Louisiana between Mor-
7 gan City and the Pearl River.

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

9 The Secretary may conduct a study to determine the
10 feasibility of constructing urban flood control measures on
11 the east bank of the Mississippi River in St. John the Bap-
12 tist Parish, Louisiana.

13 **SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**

14 (a) **STUDY OF REDESIGNATION AS ANCHORAGE.—**

15 The Secretary may conduct a study to determine the feasi-
16 bility of redesignating as anchorage a portion of the 11-
17 foot channel of the project for navigation, Narraguagus
18 River, Milbridge, Maine, authorized by section 101 of the
19 River and Harbor Act of 1962 (76 Stat. 1173).

20 (b) **STUDY OF REAUTHORIZATION.—**The Secretary

21 may conduct a study to determine the feasibility of reau-
22 thorizing for the purpose of maintenance as anchorage a
23 portion of the project for navigation, Narraguagus River,
24 Milbridge, Maine, authorized by section 2 of the Act of
25 June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent

1 to and outside the limits of the 11-foot channel and the
2 9-foot channel.

3 **SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER,**
4 **MAINE AND NEW HAMPSHIRE.**

5 The Secretary may conduct a study to determine the
6 feasibility of modifying the project for navigation, Ports-
7 mouth Harbor and Piscataqua River, Maine and New
8 Hampshire, authorized by section 101 of the River and
9 Harbor Act of 1962 (76 Stat. 1173) and modified by sec-
10 tion 202(a) of the Water Resources Development Act of
11 1986 (100 Stat. 4095), to increase the authorized width
12 of turning basins in the Piscataqua River to 1000 feet.

13 **SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND**
14 **NEW HAMPSHIRE.**

15 (a) IN GENERAL.—The Secretary may conduct a
16 comprehensive study of the water resources needs of the
17 Merrimack River basin, Massachusetts and New Hamp-
18 shire, in the manner described in section 729 of the Water
19 Resources Development Act of 1986 (100 Stat. 4164).

20 (b) CONSIDERATION OF OTHER STUDIES.—In car-
21 rying out this section, the Secretary may take into consid-
22 eration any studies conducted by the University of New
23 Hampshire on environmental restoration of the Merrimack
24 River System.

1 **SEC. 421. PORT OF GULFPORT, MISSISSIPPI.**

2 The Secretary may conduct a study to determine the
3 feasibility of modifying the project for navigation, Gulfport
4 Harbor, Mississippi, authorized by section 202(a) of the
5 Water Resources Development Act of 1986 (100 Stat.
6 4094) and modified by section 4(n) of the Water Re-
7 sources Development Act of 1988 (102 Stat. 4017)—

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

10 (2) to deepen the South Harbor channel from
11 36 feet to 42 feet and the North Harbor channel
12 from 32 feet to 36 feet.

13 **SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.**

14 In conjunction with the State of New Hampshire, the
15 Secretary may conduct a study to identify and evaluate
16 potential upland disposal sites for dredged material origi-
17 nating from harbor areas located within the State.

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

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

24 (b) STUDY.—In cooperation with the Secretary of the
25 Interior, the State of South Dakota, the State of North
26 Dakota, the State of Nebraska, county officials, ranchers,

1 sportsmen, other affected parties, and the Indian tribes
2 referred to in subsection (c)(2), the Secretary may conduct
3 a study to determine the feasibility of the conveyance to
4 the Secretary of the Interior of the land described in sub-
5 section (c), to be held in trust for the benefit of the Indian
6 tribes referred to in subsection (c)(2).

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

9 (1) was acquired by the Secretary to carry out
10 the Pick-Sloan Missouri River Basin Program, au-
11 thorized by section 9 of the Act of December 22,
12 1944 (58 Stat. 891, chapter 665); and

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

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

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

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

21 (D) the Yankton Sioux Tribe of South Da-
22 kota; and

23 (E) the Santee Sioux Tribe of Nebraska.

1 **SEC. 424. CUYAHOGA RIVER, OHIO.**

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

4 **“SEC. 438. CUYAHOGA RIVER, OHIO.**

5 “(a) IN GENERAL.—The Secretary may—

6 “(1) conduct a study to evaluate the structural
7 integrity of the bulkhead system located on the Fed-
8 eral navigation channel along the Cuyahoga River
9 near Cleveland, Ohio; and

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

13 “(b) COST SHARING.—The non-Federal share of the
14 cost of the study shall be 35 percent.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 \$500,000.”.

18 **SEC. 425. FREMONT, OHIO.**

19 In consultation with appropriate Federal, State, and
20 local agencies, the Secretary may conduct a study to deter-
21 mine the feasibility of carrying out projects for water sup-
22 ply and environmental restoration at the Ballville Dam,
23 on the Sandusky River at Fremont, Ohio.

24 **SEC. 426. GRAND LAKE, OKLAHOMA.**

25 (a) EVALUATION.—The Secretary may—

1 (1) evaluate the backwater effects specifically
2 due to flood control operations on land around
3 Grand Lake, Oklahoma; and

4 (2) not later than 180 days after the date of
5 enactment of this Act, submit to Congress a report
6 on whether Federal actions have been a significant
7 cause of the backwater effects.

8 (b) FEASIBILITY STUDY.—

9 (1) IN GENERAL.—The Secretary may conduct
10 a study to determine the feasibility of—

11 (A) addressing the backwater effects of the
12 operation of the Pensacola Dam, Grand/Neosho
13 River basin; and

14 (B) purchasing easements for any land
15 that has been adversely affected by backwater
16 flooding in the Grand/Neosho River basin.

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

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

24 In consultation with the Administrator of the Envi-
25 ronmental Protection Agency, the Secretary may conduct

1 a study to determine the feasibility of designating a per-
2 manent site in the State of Rhode Island for the disposal
3 of dredged material.

4 **SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.**

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

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

14 **SEC. 429. GERMANTOWN, TENNESSEE.**

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

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

23 (c) COST SHARING.—

1 (1) FEDERAL SHARE.—The Federal share of
2 the costs of the feasibility study under subsection
3 (a)—

4 (A) shall not exceed 25 percent; and

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

7 (2) NON-FEDERAL SHARE.—The Secretary—

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

15 (B) for the purposes of subparagraph (A),
16 shall consider the feasibility study to be con-
17 ducted as part of the Memphis Metro Ten-
18 nessee and Mississippi study authorized by res-
19 olution of the Committee on Transportation
20 and Infrastructure, dated March 7, 1996.

21 **SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TEN-**
22 **NESSEE AND MISSISSIPPI.**

23 (a) IN GENERAL.—The Secretary may conduct a
24 study to determine the feasibility of modifying the project
25 for flood control, Horn Lake Creek and Tributaries, Ten-

1 nessee and Mississippi, authorized by section 401(a) of the
2 Water Resources Development Act of 1986 (100 Stat.
3 4124), to provide a high level of urban flood protection
4 to development along Horn Lake Creek.

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

8 **SEC. 431. CEDAR BAYOU, TEXAS.**

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

13 **SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.**

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

18 **SEC. 433. SAN ANTONIO CHANNEL, TEXAS.**

19 The Secretary may conduct a study to determine the
20 feasibility of modifying the project for San Antonio Chan-
21 nel improvement, Texas, authorized by section 203 of the
22 Flood Control Act of 1954 (68 Stat. 1259), and modified
23 by section 103 of the Water Resources Development Act
24 of 1976 (90 Stat. 2921), to add environmental restoration
25 and recreation as project purposes.

1 **SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUN-**
2 **TAIN DAM, WASHINGTON.**

3 (a) REVIEW.—The Secretary may review the report
4 of the Chief of Engineers on the Upper Puyallup River,
5 Washington, dated 1936, authorized by section 5 of the
6 Act of June 22, 1936 (49 Stat. 1591, chapter 688), the
7 Puget Sound and adjacent waters report authorized by
8 section 209 of the Flood Control Act of 1962 (76 Stat.
9 1197), and other pertinent reports, to determine whether
10 modifications to the recommendations contained in the re-
11 ports are advisable to provide improvements to the water
12 resources and watershed of the White River watershed
13 downstream of Mud Mountain Dam, Washington.

14 (b) ISSUES.—In conducting the review under sub-
15 section (a), the Secretary shall review, with respect to the
16 Lake Tapps community and other parts of the
17 watershed—

- 18 (1) constructed and natural environs;
- 19 (2) capital improvements;
- 20 (3) water resource infrastructure;
- 21 (4) ecosystem restoration;
- 22 (5) flood control;
- 23 (6) fish passage;
- 24 (7) collaboration by, and the interests of, re-
25 gional stakeholders;

- 1 (8) recreational and socioeconomic interests;
2 and
3 (9) other issues determined by the Secretary.

4 **SEC. 435. WILLAPA BAY, WASHINGTON.**

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

9 (b) **PROJECT.**—

10 (1) **IN GENERAL.**—Notwithstanding any other
11 provision of law (including any requirement for eco-
12 nomic justification), the Secretary may construct
13 and maintain a project to provide coastal erosion
14 protection for the Tribal Reservation of the
15 Shoalwater Bay Indian Tribe on Willapa Bay,
16 Washington, at full Federal expense, if the Secretary
17 determines that the project—

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

20 (B) is environmentally acceptable and tech-
21 nically feasible; and

22 (C) will improve the economic and social
23 conditions of the Shoalwater Bay Indian Tribe.

24 (2) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—

25 As a condition of the project described in paragraph

1 (1), the Shoalwater Bay Indian Tribe shall provide
 2 land, easements, rights-of-way, and dredged material
 3 disposal areas necessary for the implementation of
 4 the project.

5 **TITLE V—MISCELLANEOUS**
 6 **PROVISIONS**

7 **SEC. 501. VISITORS CENTERS.**

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

14 (b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-
 15 FRONT INTERPRETIVE SITE, MISSISSIPPI.—Section
 16 103(c)(2) of the Water Resources Development Act of
 17 1992 (106 Stat. 4811) is amended in the first sentence
 18 by striking “in the vicinity of the Mississippi River Bridge
 19 in Vicksburg, Mississippi.” and inserting “between the
 20 Mississippi River Bridge and the waterfront in downtown
 21 Vicksburg, Mississippi.”.

22 **SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALI-**
 23 **FORNIA.**

24 (a) IN GENERAL.—The Secretary—

1 (1) may participate with the appropriate Fed-
2 eral and State agencies in the planning and manage-
3 ment activities associated with the CALFED Bay-
4 Delta Program referred to in the California Bay-
5 Delta Environmental Enhancement and Water Secu-
6 rity Act (division E of Public Law 104–208; 110
7 Stat. 3009–748); and

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

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

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

21 (2) in carrying out the projects and activities,
22 enter into contracts, cooperative research and devel-
23 opment agreements, and cooperative agreements
24 with Federal and non-Federal private, public, and
25 nonprofit entities.

1 (c) AREA COVERED BY PROGRAM.—For the purposes
2 of this section, the area covered by the CALFED Bay-
3 Delta Program shall be the San Francisco Bay/Sac-
4 ramento-San Joaquin Delta Estuary and its watershed
5 (known as the “Bay-Delta Estuary”), as identified in the
6 Framework Agreement Between the Governor’s Water
7 Policy Council of the State of California and the Federal
8 Ecosystem Directorate.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000 for each of fiscal years 2002 through 2005.

12 **SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON,**
13 **MICHIGAN.**

14 (a) IN GENERAL.—The Secretary may convey to the
15 Ontonagon County Historical Society, at full Federal
16 expense—

- 17 (1) the lighthouse at Ontonagon, Michigan; and
18 (2) the land underlying and adjacent to the
19 lighthouse (including any improvements on the land)
20 that is under the jurisdiction of the Secretary.

21 (b) MAP.—The Secretary shall—

22 (1) determine—

- 23 (A) the extent of the land conveyance
24 under this section; and

1 (B) the exact acreage and legal description
2 of the land to be conveyed under this section;
3 and

4 (2) prepare a map that clearly identifies any
5 land to be conveyed.

6 (c) CONDITIONS.—The Secretary may—

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

9 (2) impose such terms, conditions, reservations,
10 and restrictions on the conveyance;

11 as the Secretary determines to be necessary to protect the
12 public interest.

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

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

23 (1) the lighthouse; or

24 (2) the conveyed land and improvements.

1 (f) APPLICABILITY OF ENVIRONMENTAL LAW.—

2 Nothing in this section affects the potential liability of any

3 person under any applicable environmental law.

○