

106TH CONGRESS
1ST SESSION

S. 507

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

MARCH 2, 1999

Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BENNETT, and Mrs. BOXER) 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 1999”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. Project modifications.
 Sec. 103. Project deauthorizations.
 Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

- Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.
 Sec. 202. Shore protection.
 Sec. 203. Small flood control authority.
 Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
 Sec. 205. Everglades and south Florida ecosystem restoration.
 Sec. 206. Aquatic ecosystem restoration.
 Sec. 207. Beneficial uses of dredged material.
 Sec. 208. Voluntary contributions by States and political subdivisions.
 Sec. 209. Recreation user fees.
 Sec. 210. Water resources development studies for the Pacific region.
 Sec. 211. Missouri and Middle Mississippi Rivers enhancement project.
 Sec. 212. Outer Continental Shelf.
 Sec. 213. Environmental dredging.
 Sec. 214. Benefit of primary flood damages avoided included in benefit-cost analysis.
 Sec. 215. Control of aquatic plant growth.
 Sec. 216. Environmental infrastructure.
 Sec. 217. Watershed management, restoration, and development.
 Sec. 218. Lakes program.
 Sec. 219. Sediments decontamination policy.
 Sec. 220. Disposal of dredged material on beaches.
 Sec. 221. Fish and wildlife mitigation.
 Sec. 222. Reimbursement of non-Federal interest.
 Sec. 223. National Contaminated Sediment Task Force.
 Sec. 224. Great Lakes basin program.
 Sec. 225. Projects for improvement of the environment.
 Sec. 226. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
 Sec. 227. Irrigation diversion protection and fisheries enhancement assistance.
 Sec. 228. Small storm damage reduction projects.
 Sec. 229. Shore damage prevention or mitigation.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Dredging of salt ponds in the State of Rhode Island.
 Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
 Sec. 303. Small flood control projects.
 Sec. 304. Small navigation projects.
 Sec. 305. Streambank protection projects.

- Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
 Sec. 307. Guilford and New Haven, Connecticut.
 Sec. 308. Francis Bland Floodway Ditch.
 Sec. 309. Caloosahatchee River basin, Florida.
 Sec. 310. Cumberland, Maryland, flood project mitigation.
 Sec. 311. City of Miami Beach, Florida.
 Sec. 312. Sardis Reservoir, Oklahoma.
 Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
 Sec. 314. Upper Mississippi River management.
 Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
 Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
 Sec. 317. Larkspur Ferry Channel, California.
 Sec. 318. Comprehensive Flood Impact-Response Modeling System.
 Sec. 319. Study regarding innovative financing for small and medium-sized ports.
 Sec. 320. Candy Lake project, Osage County, Oklahoma.
 Sec. 321. Saleha River and Piledriver Slough, Fairbanks, Alaska.
 Sec. 322. Eyak River, Cordova, Alaska.
 Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
 Sec. 324. Kanopolis Lake, Kansas.
 Sec. 325. New York City watershed.
 Sec. 326. City of Charlevoix reimbursement, Michigan.
 Sec. 327. Hamilton Dam flood control project, Michigan.
 Sec. 328. Holes Creek flood control project, Ohio.
 Sec. 329. Overflow management facility, Rhode Island.

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 projects for water resources development and con-
 9 servation and other purposes are authorized to be carried
 10 out by the Secretary substantially in accordance with the
 11 plans, and subject to the conditions, described in the re-
 12 spective reports designated in this section:

1 (1) SAND POINT HARBOR, ALASKA.—The
2 project for navigation, Sand Point Harbor, Alaska:
3 Report of the Chief of Engineers dated October 13,
4 1998, at a total cost of \$11,760,000, with an esti-
5 mated Federal cost of \$6,964,000 and an estimated
6 non-Federal cost of \$4,796,000.

7 (2) RIO SALADO (SALT RIVER), ARIZONA.—The
8 project for environmental restoration, Rio Salado
9 (Salt River), Arizona: Report of the Chief of Engi-
10 neers dated August 20, 1998, at a total cost of
11 \$88,048,000, with an estimated Federal cost of
12 \$56,355,000 and an estimated non-Federal cost of
13 \$31,693,000.

14 (3) TUCSON DRAINAGE AREA, ARIZONA.—The
15 project for flood damage reduction, environmental
16 restoration, and recreation, Tucson drainage area,
17 Arizona: Report of the Chief of Engineers dated
18 May 20, 1998, at a total cost of \$29,900,000, with
19 an estimated Federal cost of \$16,768,000 and an es-
20 timated non-Federal cost of \$13,132,000.

21 (4) AMERICAN RIVER WATERSHED, CALIFOR-
22 NIA.—

23 (A) IN GENERAL.—The project for flood
24 damage reduction described as the Folsom
25 Stepped Release Plan in the Corps of Engineers

1 Supplemental Information Report for the Amer-
2 ican River Watershed Project, California, dated
3 March 1996, at a total cost of \$505,400,000,
4 with an estimated Federal cost of \$329,300,000
5 and an estimated non-Federal cost of
6 \$176,100,000.

7 (B) IMPLEMENTATION.—

8 (i) IN GENERAL.—Implementation of
9 the measures by the Secretary pursuant to
10 subparagraph (A) shall be undertaken
11 after completion of the levee stabilization
12 and strengthening and flood warning fea-
13 tures authorized by section 101(a)(1) of
14 the Water Resources Development Act of
15 1996 (110 Stat. 3662).

16 (ii) FOLSOM DAM AND RESERVOIR.—
17 The Secretary may undertake measures at
18 the Folsom Dam and Reservoir authorized
19 under subparagraph (A) only after review-
20 ing the design of such measures to deter-
21 mine if modifications are necessary to ac-
22 count for changed hydrologic conditions
23 and any other changed conditions in the
24 project area, including operational and
25 construction impacts that have occurred

1 since completion of the report referred to
2 in subparagraph (A). The Secretary shall
3 conduct the review and develop the modi-
4 fications to the Folsom Dam and Reservoir
5 with the full participation of the Secretary
6 of the Interior.

7 (iii) REMAINING DOWNSTREAM ELE-
8 MENTS.—

9 (I) IN GENERAL.—Implementa-
10 tion of the remaining downstream ele-
11 ments authorized pursuant to sub-
12 paragraph (A) may be undertaken
13 only after the Secretary, in consulta-
14 tion with affected Federal, State, re-
15 gional, and local entities, has reviewed
16 the elements to determine if modifica-
17 tions are necessary to address changes
18 in the hydrologic conditions, any other
19 changed conditions in the project area
20 that have occurred since completion of
21 the report referred to in subparagraph
22 (A) and any design modifications for
23 the Folsom Dam and Reservoir made
24 by the Secretary in implementing the

1 measures referred to in clause (ii),
2 and has issued a report on the review.

3 (II) PRINCIPLES AND GUIDE-
4 LINES.—The review shall be prepared
5 in accordance with the economic and
6 environmental principles and guide-
7 lines for water and related land re-
8 sources implementation studies, and
9 no construction may be initiated un-
10 less the Secretary determines that the
11 remaining downstream elements are
12 technically sound, environmentally ac-
13 ceptable, and economically justified.

14 (5) LLAGAS CREEK, CALIFORNIA.—The project
15 for completion of the remaining reaches of the Natu-
16 ral Resources Conservation Service flood control
17 project at Llagas Creek, California, undertaken pur-
18 suant to section 5 of the Watershed Protection and
19 Flood Prevention Act (16 U.S.C. 1005), substan-
20 tially in accordance with the requirements of local
21 cooperation as specified in section 4 of that Act (16
22 U.S.C. 1004) at a total cost of \$45,000,000, with an
23 estimated Federal cost of \$21,800,000 and an esti-
24 mated non-Federal share of \$23,200,000.

1 (6) SOUTH SACRAMENTO COUNTY STREAMS,
2 CALIFORNIA.—The project for flood control, environ-
3 mental restoration, and recreation, South Sac-
4 ramento County streams, California: Report of the
5 Chief of Engineers dated October 6, 1998, at a total
6 cost of \$65,500,000, with an estimated Federal cost
7 of \$41,200,000 and an estimated non-Federal cost
8 of \$24,300,000.

9 (7) UPPER GUADALUPE RIVER, CALIFORNIA.—
10 Construction of the locally preferred plan for flood
11 damage reduction and recreation, Upper Guadalupe
12 River, California, described as the Bypass Channel
13 Plan of the Chief of Engineers dated August 19,
14 1998, at a total cost of \$137,600,000, with an esti-
15 mated Federal cost of \$44,000,000 and an esti-
16 mated non-Federal cost of \$93,600,000.

17 (8) YUBA RIVER BASIN, CALIFORNIA.—The
18 project for flood damage reduction, Yuba River
19 Basin, California: Report of the Chief of Engineers
20 dated November 25, 1998, at a total cost of
21 \$26,600,000, with an estimated Federal cost of
22 \$17,350,000 and an estimated non-Federal cost of
23 \$9,250,000.

24 (9) DELAWARE BAY COASTLINE: DELAWARE
25 AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

1 (A) IN GENERAL.—The project for hurri-
2 cane and storm damage reduction and shore
3 protection, Delaware Bay coastline: Delaware
4 and New Jersey-Broadkill Beach, Delaware,
5 Report of the Chief of Engineers dated August
6 17, 1998, at a total cost of \$9,049,000, with an
7 estimated Federal cost of \$5,674,000 and an
8 estimated non-Federal cost of \$3,375,000.

9 (B) PERIODIC NOURISHMENT.—Periodic
10 nourishment is authorized for a 50-year period
11 at an estimated average annual cost of
12 \$538,200, with an estimated annual Federal
13 cost of \$349,800 and an estimated annual non-
14 Federal cost of \$188,400.

15 (10) DELAWARE BAY COASTLINE: DELAWARE
16 AND NEW JERSEY-PORT MAHON, DELAWARE.—

17 (A) IN GENERAL.—The project for eco-
18 system restoration and shore protection, Dela-
19 ware Bay coastline: Delaware and New Jersey-
20 Port Mahon, Delaware: Report of the Chief of
21 Engineers dated September 28, 1998, at a total
22 cost of \$7,644,000, with an estimated Federal
23 cost of \$4,969,000 and an estimated non-Fed-
24 eral cost of \$2,675,000.

1 (B) PERIODIC NOURISHMENT.—Periodic
2 nourishment is authorized for a 50-year period
3 at an estimated average annual cost of
4 \$234,000, with an estimated annual Federal
5 cost of \$152,000 and an estimated annual non-
6 Federal cost of \$82,000.

7 (11) HILLSBORO AND OKEECHOBEE AQUIFER
8 STORAGE AND RECOVERY PROJECT, FLORIDA.—The
9 project for aquifer storage and recovery described in
10 the Corps of Engineers Central and Southern Flor-
11 ida Water Supply Study, Florida, dated April 1989,
12 and in House Document 369, dated July 30, 1968,
13 at a total cost of \$27,000,000, with an estimated
14 Federal cost of \$13,500,000 and an estimated non-
15 Federal cost of \$13,500,000.

16 (12) INDIAN RIVER COUNTY, FLORIDA.—Not-
17 withstanding section 1001(a) of the Water Re-
18 sources Development Act of 1986 (33 U.S.C.
19 579a(a)), the project for shoreline protection, Indian
20 River County, Florida, authorized by section 501(a)
21 of that Act (100 Stat. 4134), shall remain author-
22 ized for construction through December 31, 2002.

23 (13) LIDO KEY BEACH, SARASOTA, FLORIDA.—

24 (A) IN GENERAL.—The project for shore
25 protection at Lido Key Beach, Sarasota, Flor-

1 ida, authorized by section 101 of the River and
2 Harbor Act of 1970 (84 Stat. 1819) and de-
3 authorized by operation of section 1001(b) of
4 the Water Resources Development Act of 1986
5 (33 U.S.C. 579a(b)), is authorized to be carried
6 out by the Secretary at a total cost of
7 \$5,200,000, with an estimated Federal cost of
8 \$3,380,000 and an estimated non-Federal cost
9 of \$1,820,000.

10 (B) PERIODIC NOURISHMENT.—Periodic
11 nourishment is authorized for a 50-year period
12 at an estimated average annual cost of
13 \$602,000, with an estimated annual Federal
14 cost of \$391,000 and an estimated annual non-
15 Federal cost of \$211,000.

16 (14) TAMPA HARBOR-BIG BEND CHANNEL,
17 FLORIDA.—The project for navigation, Tampa Har-
18 bor-Big Bend Channel, Florida: Report of the Chief
19 of Engineers dated October 13, 1998, at a total cost
20 of \$12,356,000, with an estimated Federal cost of
21 \$6,235,000 and an estimated non-Federal cost of
22 \$6,121,000.

23 (15) BRUNSWICK HARBOR, GEORGIA.—The
24 project for navigation, Brunswick Harbor, Georgia:
25 Report of the Chief of Engineers dated October 6,

1 1998, at a total cost of \$50,717,000, with an esti-
2 mated Federal cost of \$32,966,000 and an esti-
3 mated non-Federal cost of \$17,751,000.

4 (16) BEARGRASS CREEK, KENTUCKY.—The
5 project for flood damage reduction, Beargrass Creek,
6 Kentucky: Report of the Chief of Engineers dated
7 May 12, 1998, at a total cost of \$11,172,000, with
8 an estimated Federal cost of \$7,262,000 and an es-
9 timated non-Federal cost of \$3,910,000.

10 (17) AMITE RIVER AND TRIBUTARIES, LOUISI-
11 ANA, EAST BATON ROUGE PARISH WATERSHED.—
12 The project for flood damage reduction and recre-
13 ation, Amite River and Tributaries, Louisiana, East
14 Baton Rouge Parish Watershed: Report of the Chief
15 of Engineers, dated December 23, 1996, at a total
16 cost of \$112,900,000, with an estimated Federal
17 cost of \$73,400,000 and an estimated non-Federal
18 cost of \$39,500,000.

19 (18) BALTIMORE HARBOR ANCHORAGES AND
20 CHANNELS, MARYLAND AND VIRGINIA.—The project
21 for navigation, Baltimore Harbor Anchorages and
22 Channels, Maryland and Virginia: Report of the
23 Chief of Engineers, dated June 8, 1998, at a total
24 cost of \$28,430,000, with an estimated Federal cost

1 of \$19,000,000 and an estimated non-Federal cost
2 of \$9,430,000.

3 (19) RED LAKE RIVER AT CROOKSTON, MIN-
4 NESOTA.—The project for flood damage reduction,
5 Red Lake River at Crookston, Minnesota: Report of
6 the Chief of Engineers, dated April 20, 1998, at a
7 total cost of \$8,950,000, with an estimated Federal
8 cost of \$5,720,000 and an estimated non-Federal
9 cost of \$3,230,000.

10 (20) NEW JERSEY SHORE PROTECTION, TOWN-
11 SENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

12 (A) IN GENERAL.—The project for hurri-
13 cane and storm damage reduction, ecosystem
14 restoration, and shore protection, New Jersey
15 coastline, Townsends Inlet to Cape May Inlet,
16 New Jersey: Report of the Chief of Engineers
17 dated September 28, 1998, at a total cost of
18 \$56,503,000, with an estimated Federal cost of
19 \$36,727,000 and an estimated non-Federal cost
20 of \$19,776,000.

21 (B) PERIODIC NOURISHMENT.—Periodic
22 nourishment is authorized for a 50-year period
23 at an estimated average annual cost of
24 \$2,000,000, with an estimated annual Federal

1 cost of \$1,300,000 and an estimated annual
2 non-Federal cost of \$700,000.

3 (21) PARK RIVER, NORTH DAKOTA.—

4 (A) IN GENERAL.—Subject to the condi-
5 tion stated in subparagraph (B), the project for
6 flood control, Park River, Grafton, North Da-
7 kota, authorized by section 401(a) of the Water
8 Resources Development Act of 1986 (100 Stat.
9 4121) and deauthorized under section 1001(a)
10 of the Water Resources Development Act of
11 1986 (33 U.S.C. 579a), at a total cost of
12 \$28,100,000, with an estimated Federal cost of
13 \$18,265,000 and an estimated non-Federal cost
14 of \$9,835,000.

15 (B) CONDITION.—No construction may be
16 initiated unless the Secretary determines
17 through a general reevaluation report using
18 current data, that the project is technically
19 sound, environmentally acceptable, and eco-
20 nomically justified.

21 (22) SALT CREEK, GRAHAM, TEXAS.—The
22 project for flood control, environmental restoration,
23 and recreation, Salt Creek, Graham, Texas: Report
24 of the Chief of Engineers dated October 6, 1998, at
25 a total cost of \$10,080,000, with an estimated Fed-

1 eral cost of \$6,560,000 and an estimated non-Fed-
2 eral cost of \$3,520,000.

3 (b) PROJECTS SUBJECT TO A FINAL REPORT.—The
4 following projects for water resources development and
5 conservation and other purposes are authorized to be car-
6 ried out by the Secretary substantially in accordance with
7 the plans, and subject to the conditions recommended in
8 a final report of the Chief of Engineers as approved by
9 the Secretary, if the report of the Chief is completed not
10 later than December 31, 1999:

11 (1) NOME HARBOR IMPROVEMENTS, ALASKA.—
12 The project for navigation, Nome Harbor Improve-
13 ments, Alaska, at a total cost of \$24,608,000, with
14 an estimated first Federal cost of \$19,660,000 and
15 an estimated first non-Federal cost of \$4,948,000.

16 (2) SEWARD HARBOR, ALASKA.—The project
17 for navigation, Seward Harbor, Alaska, at a total
18 cost of \$12,240,000, with an estimated first Federal
19 cost of \$4,364,000 and an estimated first non-Fed-
20 eral cost of \$7,876,000.

21 (3) HAMILTON AIRFIELD WETLAND RESTORA-
22 TION, CALIFORNIA.—The project for environmental
23 restoration at Hamilton Airfield, California, at a
24 total cost of \$55,200,000, with an estimated Federal

1 cost of \$41,400,000 and an estimated non-Federal
2 cost of \$13,800,000.

3 (4) OAKLAND, CALIFORNIA.—

4 (A) IN GENERAL.—The project for naviga-
5 tion and environmental restoration, Oakland,
6 California, at a total cost of \$214,340,000, with
7 an estimated Federal cost of \$143,450,000 and
8 an estimated non-Federal cost of \$70,890,000.

9 (B) BERTHING AREAS AND OTHER LOCAL
10 SERVICE FACILITIES.—The non-Federal inter-
11 ests shall provide berthing areas and other local
12 service facilities necessary for the project at an
13 estimated cost of \$42,310,000.

14 (5) DELAWARE BAY COASTLINE: DELAWARE
15 AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH,
16 DELAWARE.—

17 (A) IN GENERAL.—The project for naviga-
18 tion mitigation, shore protection, and hurricane
19 and storm damage reduction, Delaware Bay
20 coastline: Delaware and New Jersey-Roosevelt
21 Inlet-Lewes Beach, Delaware, at a total cost of
22 \$3,393,000, with an estimated Federal cost of
23 \$2,620,000 and an estimated non-Federal cost
24 of \$773,000.

1 (B) PERIODIC NOURISHMENT.—Periodic
2 nourishment is authorized for a 50-year period
3 at an estimated average annual cost of
4 \$196,000, with an estimated annual Federal
5 cost of \$152,000 and an estimated annual non-
6 Federal cost of \$44,000.

7 (6) DELAWARE COAST FROM CAPE HENELOPEN
8 TO FENWICK ISLAND, BETHANY BEACH/SOUTH
9 BETHANY BEACH, DELAWARE.—

10 (A) IN GENERAL.—The project for hurri-
11 cane and storm damage reduction and shore
12 protection, Delaware Coast from Cape
13 Henelopen to Fenwick Island, Bethany Beach/
14 South Bethany Beach, Delaware, at a total cost
15 of \$22,205,000, with an estimated Federal cost
16 of \$14,433,000 and an estimated non-Federal
17 cost of \$7,772,000.

18 (B) PERIODIC NOURISHMENT.—Periodic
19 nourishment is authorized for a 50-year period
20 at an estimated average annual cost of
21 \$1,584,000, with an estimated annual Federal
22 cost of \$1,030,000 and an estimated annual
23 non-Federal cost of \$554,000.

24 (7) JACKSONVILLE HARBOR, FLORIDA.—The
25 project for navigation, Jacksonville Harbor, Florida,

1 at a total cost of \$26,116,000, with an estimated
2 Federal cost of \$9,129,000 and an estimated non-
3 Federal cost of \$16,987,000.

4 (8) LITTLE TALBOT ISLAND, DUVAL COUNTY,
5 FLORIDA.—The project for hurricane and storm
6 damage prevention and shore protection, Little Tal-
7 bot Island, Duval County, Florida, at a total cost of
8 \$5,915,000, with an estimated Federal cost of
9 \$3,839,000 and an estimated non-Federal cost of
10 \$2,076,000.

11 (9) PONCE DE LEON INLET, VOLUSIA COUNTY,
12 FLORIDA.—The project for navigation and recre-
13 ation, Ponce de Leon Inlet, Volusia County, Florida,
14 at a total cost of \$5,454,000, with an estimated
15 Federal cost of \$2,988,000 and an estimated non-
16 Federal cost of \$2,466,000.

17 (10) SAVANNAH HARBOR EXPANSION, GEOR-
18 GIA.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the Secretary may carry out the
21 project for navigation, Savannah Harbor expan-
22 sion, Georgia, substantially in accordance with
23 the plans, and subject to the conditions, rec-
24 ommended in a final report of the Chief of En-
25 gineers, with such modifications as the Sec-

1 retary deems appropriate, at a total cost of
2 \$230,174,000 (of which amount a portion is au-
3 thorized for implementation of the mitigation
4 plan), with an estimated Federal cost of
5 \$145,160,000 and an estimated non-Federal
6 cost of \$85,014,000.

7 (B) CONDITIONS.—The project authorized
8 by subparagraph (A) may be carried out only
9 after—

10 (i) the Secretary, in consultation with
11 affected Federal, State, regional, and local
12 entities, has reviewed and approved an En-
13 vironmental Impact Statement that
14 includes—

15 (I) an analysis of the impacts of
16 project depth alternatives ranging
17 from 42 feet through 48 feet; and

18 (II) a selected plan for navigation
19 and associated mitigation plan as re-
20 quired by section 906(a) of the Water
21 Resources Development Act of 1986
22 (33 U.S.C. 2283); and

23 (ii) the Secretary of the Interior, the
24 Secretary of Commerce, and the Adminis-
25 trator of the Environmental Protection

1 Agency, with the Secretary, have approved
2 the selected plan and have determined that
3 the mitigation plan adequately addresses
4 the potential environmental impacts of the
5 project.

6 (C) MITIGATION REQUIREMENTS.—The
7 mitigation plan shall be implemented in advance
8 of or concurrently with construction of the
9 project.

10 (11) TURKEY CREEK BASIN, KANSAS CITY, MIS-
11 SOURI AND KANSAS CITY, KANSAS.—The project for
12 flood damage reduction, Turkey Creek Basin, Kan-
13 sas City, Missouri, and Kansas City, Kansas, at a
14 total cost of \$42,875,000 with an estimated Federal
15 cost of \$25,596,000 and an estimated non-Federal
16 cost of \$17,279,000.

17 (12) LOWER CAPE MAY MEADOWS, CAPE MAY
18 POINT, NEW JERSEY.—

19 (A) IN GENERAL.—The project for naviga-
20 tion mitigation, ecosystem restoration, shore
21 protection, and hurricane and storm damage re-
22 duction, Lower Cape May Meadows, Cape May
23 Point, New Jersey, at a total cost of
24 \$15,952,000, with an estimated Federal cost of

1 \$12,118,000 and an estimated non-Federal cost
2 of \$3,834,000.

3 (B) PERIODIC NOURISHMENT.—Periodic
4 nourishment is authorized for a 50-year period
5 at an estimated average annual cost of
6 \$1,114,000, with an estimated annual Federal
7 cost of \$897,000 and an estimated annual non-
8 Federal cost of \$217,000.

9 (13) NEW JERSEY SHORE PROTECTION, BRIG-
10 ANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE
11 ISLAND, NEW JERSEY.—

12 (A) IN GENERAL.—The project for hurri-
13 cane and storm damage reduction and shore
14 protection, New Jersey Shore protection, Brig-
15 antine Inlet to Great Egg Harbor, Brigantine
16 Island, New Jersey, at a total cost of
17 \$4,970,000, with an estimated Federal cost of
18 \$3,230,000 and an estimated non-Federal cost
19 of \$1,740,000.

20 (B) PERIODIC NOURISHMENT.—Periodic
21 nourishment is authorized for a 50-year period
22 at an estimated average annual cost of
23 \$465,000, with an estimated annual Federal
24 cost of \$302,000 and an estimated annual non-
25 Federal cost of \$163,000.

1 (14) MEMPHIS HARBOR, MEMPHIS, TEN-
2 NESSEE.—

3 (A) IN GENERAL.—Subject to subpara-
4 graph (B), the project for navigation, Memphis
5 Harbor, Memphis, Tennessee, authorized by
6 section 601(a) of the Water Resources Develop-
7 ment Act of 1986 (100 Stat. 4145) and de-
8 authorized under section 1001(a) of that Act
9 (33 U.S.C. 579a(a)) is authorized to be carried
10 out by the Secretary.

11 (B) CONDITION.—No construction may be
12 initiated unless the Secretary determines
13 through a general reevaluation report using
14 current data, that the project is technically
15 sound, environmentally acceptable, and eco-
16 nomically justified.

17 (15) HOWARD HANSON DAM, WASHINGTON.—
18 The project for water supply and ecosystem restora-
19 tion, Howard Hanson Dam, Washington, at a total
20 cost of \$75,600,000, with an estimated Federal cost
21 of \$36,900,000 and an estimated non-Federal cost
22 of \$38,700,000.

23 **SEC. 102. PROJECT MODIFICATIONS.**

24 (a) PROJECTS WITH REPORTS.—

1 (1) SAN LORENZO RIVER, CALIFORNIA.—The
2 project for flood control, San Lorenzo River, Califor-
3 nia, authorized by section 101(a)(5) of the Water
4 Resources Development Act of 1996 (110 Stat.
5 3663), is modified to authorize the Secretary to in-
6 clude as a part of the project streambank erosion
7 control measures to be undertaken substantially in
8 accordance with the report entitled “Bank Stabiliza-
9 tion Concept, Laurel Street Extension”, dated April
10 23, 1998, at a total cost of \$4,000,000, with an esti-
11 mated Federal cost of \$2,600,000 and an estimated
12 non-Federal cost of \$1,400,000.

13 (2) WOOD RIVER, GRAND ISLAND, NEBRASKA.—
14 The project for flood control, Wood River, Grand Is-
15 land, Nebraska, authorized by section 101(a)(19) of
16 the Water Resources Development Act of 1996 (110
17 Stat. 3665) is modified to authorize the Secretary to
18 construct the project in accordance with the Corps
19 of Engineers report dated June 29, 1998, at a total
20 cost of \$17,039,000, with an estimated Federal cost
21 of \$9,730,000 and an estimated non-Federal cost of
22 \$7,309,000.

23 (3) ABSECON ISLAND, NEW JERSEY.—The
24 project for Absecon Island, New Jersey, authorized
25 by section 101(b)(13) of the Water Resources Devel-

1 opment Act of 1996 (110 Stat. 3668) is amended to
2 authorize the Secretary to reimburse the non-Fed-
3 eral interests for all work performed, consistent with
4 the authorized project.

5 (4) ARTHUR KILL, NEW YORK AND NEW JER-
6 SEY.—

7 (A) IN GENERAL.—The project for naviga-
8 tion, Arthur Kill, New York and New Jersey,
9 authorized by section 202(b) of the Water Re-
10 sources Development Act of 1986 (100 Stat.
11 4098) and modified by section 301(b)(11) of
12 the Water Resources Development Act of 1996
13 (110 Stat. 3711), is further modified to author-
14 ize the Secretary to construct the project at a
15 total cost of \$276,800,000, with an estimated
16 Federal cost of \$183,200,000 and an estimated
17 non-Federal cost of \$93,600,000.

18 (B) BERTHING AREAS AND OTHER LOCAL
19 SERVICE FACILITIES.—The non-Federal inter-
20 ests shall provide berthing areas and other local
21 service facilities necessary for the project at an
22 estimated cost of \$38,900,000.

23 (5) WAURIKA LAKE, OKLAHOMA, WATER CON-
24 VEYANCE FACILITIES.—The requirement for the
25 Waurika Project Master Conservancy District to

1 repay the \$2,900,000 in costs (including interest)
2 resulting from the October 1991 settlement of the
3 claim of the Travelers Insurance Company before
4 the United States Claims Court related to construc-
5 tion of the water conveyance facilities authorized by
6 the first section of Public Law 88-253 (77 Stat.
7 841) is waived.

8 (b) PROJECTS SUBJECT TO REPORTS.—The follow-
9 ing projects are modified as follows, except that no funds
10 may be obligated to carry out work under such modifica-
11 tions until completion of a final report by the Chief of
12 Engineers, as approved by the Secretary, finding that such
13 work is technically sound, environmentally acceptable, and
14 economically justified, as applicable:

15 (1) THORNTON RESERVOIR, COOK COUNTY, IL-
16 LINOIS.—

17 (A) IN GENERAL.—The Thornton Res-
18 ervoir project, an element of the project for
19 flood control, Chicagoland Underflow Plan, Illi-
20 nois, authorized by section 3(a)(5) of the Water
21 Resources Development Act of 1988 (102 Stat.
22 4013), is modified to authorize the Secretary to
23 include additional permanent flood control stor-
24 age attributable to the Thorn Creek Reservoir
25 project, Little Calumet River Watershed, Illi-

1 nois, approved under the Watershed Protection
2 and Flood Prevention Act (16 U.S.C. 1001 et
3 seq.).

4 (B) COST SHARING.—Costs for the Thorn-
5 ton Reservoir project shall be shared in accord-
6 ance with section 103 of the Water Resources
7 Development Act of 1986 (33 U.S.C. 2213).

8 (C) TRANSITIONAL STORAGE.—The Sec-
9 retary of Agriculture may cooperate with non-
10 Federal interests to provide, on a transitional
11 basis, flood control storage for the Thorn Creek
12 Reservoir project in the west lobe of the Thorn-
13 ton quarry.

14 (D) CREDITING.—The Secretary may cred-
15 it against the non-Federal share of the Thorn-
16 ton Reservoir project all design and construc-
17 tion costs incurred by the non-Federal interests
18 before the date of enactment of this Act.

19 (E) REEVALUATION REPORT.—The Sec-
20 retary shall determine the credits authorized by
21 subparagraph (D) that are integral to the
22 Thornton Reservoir project and the current
23 total project costs based on a limited reevalua-
24 tion report.

25 (2) WELLS HARBOR, WELLS, MAINE.—

1 (A) IN GENERAL.—The project for naviga-
2 tion, Wells Harbor, Maine, authorized by sec-
3 tion 101 of the River and Harbor Act of 1960
4 (74 Stat. 480), is modified to authorize the
5 Secretary to realign the channel and anchorage
6 areas based on a harbor design capacity of 150
7 craft.

8 (B) DEAUTHORIZATION OF CERTAIN POR-
9 TIONS.—The following portions of the project
10 are not authorized after the date of enactment
11 of this Act:

12 (i) The portion of the 6-foot channel
13 the boundaries of which begin at a point
14 with coordinates N177,992.00,
15 E394,831.00, thence running south 83 de-
16 grees 58 minutes 14.8 seconds west 10.38
17 feet to a point N177,990.91, E394,820.68,
18 thence running south 11 degrees 46 min-
19 utes 47.7 seconds west 991.76 feet to a
20 point N177,020.04, E394,618.21, thence
21 running south 78 degrees 13 minutes 45.7
22 seconds east 10.00 feet to a point
23 N177,018.00, E394,628.00, thence run-
24 ning north 11 degrees 46 minutes 22.8

1 seconds east 994.93 feet to the point of or-
2 igin.

3 (ii) The portion of the 6-foot anchor-
4 age the boundaries of which begin at a
5 point with coordinates N177,778.07,
6 E394,336.96, thence running south 51 de-
7 grees 58 minutes 32.7 seconds west 15.49
8 feet to a point N177,768.53, E394,324.76,
9 thence running south 11 degrees 46 min-
10 utes 26.5 seconds west 672.87 feet to a
11 point N177,109.82, E394,187.46, thence
12 running south 78 degrees 13 minutes 45.7
13 seconds east 10.00 feet to a point
14 N177,107.78, E394,197.25, thence run-
15 ning north 11 degrees 46 minutes 25.4
16 seconds east 684.70 feet to the point of or-
17 igin.

18 (iii) The portion of the 10-foot set-
19 tling basin the boundaries of which begin
20 at a point with coordinates N177,107.78,
21 E394,197.25, thence running north 78 de-
22 grees 13 minutes 45.7 seconds west 10.00
23 feet to a point N177,109.82, E394,187.46,
24 thence running south 11 degrees 46 min-
25 utes 15.7 seconds west 300.00 feet to a

1 point N176,816.13, E394,126.26, thence
2 running south 78 degrees 12 minutes 21.4
3 seconds east 9.98 feet to a point
4 N176,814.09, E394,136.03, thence run-
5 ning north 11 degrees 46 minutes 29.1
6 seconds east 300.00 feet to the point of or-
7 igin.

8 (iv) The portion of the 10-foot settling
9 basin the boundaries of which begin at a
10 point with coordinates N177,018.00,
11 E394,628.00, thence running north 78 de-
12 grees 13 minutes 45.7 seconds west 10.00
13 feet to a point N177,020.04, E394,618.21,
14 thence running south 11 degrees 46 min-
15 utes 44.0 seconds west 300.00 feet to a
16 point N176,726.36, E394,556.97, thence
17 running south 78 degrees 12 minutes 30.3
18 seconds east 10.03 feet to a point
19 N176,724.31, E394,566.79, thence run-
20 ning north 11 degrees 46 minutes 22.4
21 seconds east 300.00 feet to the point of or-
22 igin.

23 (C) REDESIGNATIONS.—The following por-
24 tions of the project shall be redesignated as
25 part of the 6-foot anchorage:

1 (i) The portion of the 6-foot channel
2 the boundaries of which begin at a point
3 with coordinates N177,990.91,
4 E394,820.68, thence running south 83 de-
5 grees 58 minutes 40.8 seconds west 94.65
6 feet to a point N177,980.98, E394,726.55,
7 thence running south 11 degrees 46 min-
8 utes 22.4 seconds west 962.83 feet to a
9 point N177,038.40, E394,530.10, thence
10 running south 78 degrees 13 minutes 45.7
11 seconds east 90.00 feet to a point
12 N177,020.04, E394,618.21, thence run-
13 ning north 11 degrees 46 minutes 47.7
14 seconds east 991.76 feet to the point of or-
15 igin.

16 (ii) The portion of the 10-foot inner
17 harbor settling basin the boundaries of
18 which begin at a point with coordinates
19 N177,020.04, E394,618.21, thence run-
20 ning north 78 degrees 13 minutes 30.5
21 seconds west 160.00 feet to a point
22 N177,052.69, E394,461.58, thence run-
23 ning south 11 degrees 46 minutes 45.4
24 seconds west 299.99 feet to a point
25 N176,759.02, E394,400.34, thence run-

1 ning south 78 degrees 13 minutes 17.9
2 seconds east 160 feet to a point
3 N176,726.36, E394,556.97, thence run-
4 ning north 11 degrees 46 minutes 44.0
5 seconds east 300.00 feet to the point of or-
6 igin.

7 (iii) The portion of the 6-foot anchor-
8 age the boundaries of which begin at a
9 point with coordinates N178,102.26,
10 E394,751.83, thence running south 51 de-
11 grees 59 minutes 42.1 seconds west 526.51
12 feet to a point N177,778.07, E394,336.96,
13 thence running south 11 degrees 46 min-
14 utes 26.6 seconds west 511.83 feet to a
15 point N177,277.01, E394,232.52, thence
16 running south 78 degrees 13 minutes 17.9
17 seconds east 80.00 feet to a point
18 N177,260.68, E394,310.84, thence run-
19 ning north 11 degrees 46 minutes 24.8
20 seconds east 482.54 feet to a point
21 N177,733.07, E394,409.30, thence run-
22 ning north 51 degrees 59 minutes 41.0
23 seconds east 402.63 feet to a point
24 N177,980.98, E394,726.55, thence run-
25 ning north 11 degrees 46 minutes 27.6

1 seconds east 123.89 feet to the point of or-
2 igin.

3 (D) REALIGNMENT.—The 6-foot anchorage
4 area described in subparagraph (C)(iii) shall be
5 realigned to include the area located south of
6 the inner harbor settling basin in existence on
7 the date of enactment of this Act beginning at
8 a point with coordinates N176,726.36,
9 E394,556.97, thence running north 78 degrees
10 13 minutes 17.9 seconds west 160.00 feet to a
11 point N176,759.02, E394,400.34, thence run-
12 ning south 11 degrees 47 minutes 03.8 seconds
13 west 45 feet to a point N176,714.97,
14 E394,391.15, thence running south 78 degrees
15 13 minutes 17.9 seconds 160.00 feet to a point
16 N176,682.31, E394,547.78, thence running
17 north 11 degrees 47 minutes 03.8 seconds east
18 45 feet to the point of origin.

19 (E) RELOCATION.—The Secretary may re-
20 locate the settling basin feature of the project
21 to the outer harbor between the jetties.

22 (3) NEW YORK HARBOR AND ADJACENT CHAN-
23 NELS, PORT JERSEY, NEW JERSEY.—The project for
24 navigation, New York Harbor and Adjacent Chan-
25 nels, Port Jersey, New Jersey, authorized by section

1 202(b) of the Water Resources Development Act of
2 1986 (100 Stat. 4098), is modified to authorize the
3 Secretary to construct the project at a total cost of
4 \$103,267,000, with an estimated Federal cost of
5 \$76,909,000 and an estimated non-Federal cost of
6 \$26,358,000.

7 (c) BEAVER LAKE, ARKANSAS, WATER SUPPLY
8 STORAGE REALLOCATION.—The Secretary shall reallocate
9 approximately 31,000 additional acre-feet at Beaver Lake,
10 Arkansas, to water supply storage at no cost to the Beaver
11 Water District or the Carroll-Boone Water District, except
12 that at no time shall the bottom of the conservation pool
13 be at an elevation that is less than 1,076 feet, NGVD.

14 (d) TOLCHESTER CHANNEL S-TURN, BALTIMORE,
15 MARYLAND.—The project for navigation, Baltimore Har-
16 bor and Channels, Maryland, authorized by section 101
17 of the River and Harbor Act of 1958 (72 Stat. 297), is
18 modified to direct the Secretary to straighten the
19 Tolchester Channel S-turn as part of project maintenance.

20 (e) TROPICANA WASH AND FLAMINGO WASH, NE-
21 VADA.—Any Federal costs associated with the Tropicana
22 and Flamingo Washes, Nevada, authorized by section
23 101(13) of the Water Resources Development Act of 1992
24 (106 Stat. 4803), incurred by the non-Federal interest to
25 accelerate or modify construction of the project, in co-

1 operation with the Corps of Engineers, shall be considered
2 to be eligible for reimbursement by the Secretary.

3 (f) REDIVERSION PROJECT, COOPER RIVER,
4 CHARLESTON HARBOR, SOUTH CAROLINA.—

5 (1) IN GENERAL.—The rediversion project,
6 Cooper River, Charleston Harbor, South Carolina,
7 authorized by section 101 of the River and Harbor
8 Act of 1968 (82 Stat. 731) and modified by title I
9 of the Energy and Water Development Appropria-
10 tions Act, 1992 (105 Stat. 517), is modified to au-
11 thorize the Secretary to pay the State of South
12 Carolina not more than \$3,750,000, if the State en-
13 ters into an agreement with the Secretary providing
14 that the State shall perform all future operation of
15 the St. Stephen, South Carolina, fish lift (including
16 associated studies to assess the efficacy of the fish
17 lift).

18 (2) CONTENTS.—The agreement shall specify
19 the terms and conditions under which payment will
20 be made and the rights of, and remedies available to,
21 the Secretary to recover all or a portion of the pay-
22 ment if the State suspends or terminates operation
23 of the fish lift or fails to perform the operation in
24 a manner satisfactory to the Secretary.

1 (3) MAINTENANCE.—Maintenance of the fish
2 lift shall remain a Federal responsibility.

3 (g) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The
4 project for flood control and navigation, Trinity River and
5 tributaries, Texas, authorized by section 301 of the River
6 and Harbor Act of 1965 (79 Stat. 1091), is modified to
7 add environmental restoration as a project purpose.

8 (h) BEACH EROSION CONTROL AND HURRICANE
9 PROTECTION, VIRGINIA BEACH, VIRGINIA.—

10 (1) ACCEPTANCE OF FUNDS.—In any fiscal
11 year that the Corps of Engineers does not receive
12 appropriations sufficient to meet expected project ex-
13 penditures for that year, the Secretary shall accept
14 from the city of Virginia Beach, Virginia, for pur-
15 poses of the project for beach erosion control and
16 hurricane protection, Virginia Beach, Virginia, au-
17 thorized by section 501(a) of the Water Resources
18 Development Act of 1986 (100 Stat. 4136), such
19 funds as the city may advance for the project.

20 (2) REPAYMENT.—Subject to the availability of
21 appropriations, the Secretary shall repay, without in-
22 terest, the amount of any advance made under para-
23 graph (1), from appropriations that may be provided
24 by Congress for river and harbor, flood control,
25 shore protection, and related projects.

1 (i) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—
 2 Notwithstanding any other provision of law, after the date
 3 of enactment of this Act, the city of Chesapeake, Virginia,
 4 shall not be obligated to make the annual cash contribu-
 5 tion required under paragraph 1(9) of the Local Coopera-
 6 tion Agreement dated December 12, 1978, between the
 7 Government and the city for the project for navigation,
 8 southern branch of Elizabeth River, Chesapeake, Virginia.

9 (j) PAYMENT OPTION, MOOREFIELD, WEST VIR-
 10 GINIA.—The Secretary may permit the non-Federal inter-
 11 ests for the project for flood control, Moorefield, West Vir-
 12 ginia, to pay without interest the remaining non-Federal
 13 cost over a period not to exceed 30 years, to be determined
 14 by the Secretary.

15 (k) MIAMI DADE AGRICULTURAL AND RURAL LAND
 16 RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—
 17 Section 528(b)(3) of the Water Resources Development
 18 Act of 1996 (110 Stat. 3768) is amended by adding at
 19 the end the following:

20 (D) CREDIT AND REIMBURSEMENT OF
 21 PAST AND FUTURE ACTIVITIES.—The Secretary
 22 may afford credit to or reimburse the non-Fed-
 23 eral sponsors (using funds authorized by sub-
 24 paragraph (C)) for the reasonable costs of any
 25 work that has been performed or will be per-

1 formed in connection with a study or activity
 2 meeting the requirements of subparagraph (A)
 3 if—

4 “(i) the Secretary determines that—

5 “(I) the work performed by the
 6 non-Federal sponsors will substan-
 7 tially expedite completion of a critical
 8 restoration project; and

9 “(II) the work is necessary for a
 10 critical restoration project; and

11 “(ii) the credit or reimbursement is
 12 granted pursuant to a project-specific
 13 agreement that prescribes the terms and
 14 conditions of the credit or reimburse-
 15 ment.”.

16 (l) LAKE MICHIGAN, ILLINOIS.—

17 (1) IN GENERAL.—The project for storm dam-
 18 age reduction and shoreline protection, Lake Michi-
 19 gan, Illinois, from Wilmette, Illinois, to the Illinois-
 20 Indiana State line, authorized by section 101(a)(12)
 21 of the Water Resources Development Act of 1996
 22 (110 Stat. 3664), is modified to provide for reim-
 23 bursement for additional project work undertaken by
 24 the non-Federal interest.

1 (2) CREDIT OR REIMBURSEMENT.—The Sec-
2 retary shall credit or reimburse the non-Federal in-
3 terest for the Federal share of project costs incurred
4 by the non-Federal interest in designing, construct-
5 ing, or reconstructing reach 2F (700 feet south of
6 Fullerton Avenue and 500 feet north of Fullerton
7 Avenue), reach 3M (Meigs Field), and segments 7
8 and 8 of reach 4 (43rd Street to 57th Street), if the
9 non-Federal interest carries out the work in accord-
10 ance with plans approved by the Secretary, at an es-
11 timated total cost of \$83,300,000.

12 (3) REIMBURSEMENT.—The Secretary shall re-
13 imburse the non-Federal interest for the Federal
14 share of project costs incurred by the non-Federal
15 interest in reconstructing the revetment structures
16 protecting Solidarity Drive in Chicago, Illinois, be-
17 fore the signing of the project cooperation agree-
18 ment, at an estimated total cost of \$7,600,000.

19 (m) MEASUREMENTS OF LAKE MICHIGAN DIVER-
20 SIONS, ILLINOIS.—Section 1142(b) of the Water Re-
21 sources Development Act of 1986 (100 Stat. 4253) is
22 amended by striking “\$250,000 per fiscal year for each
23 fiscal year beginning after September 30, 1986” and in-
24 serting “a total of \$1,250,000 for each of fiscal years
25 1999 through 2003”.

1 (n) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—

2 The project for navigation at Dubuque, Iowa, authorized
3 by section 101 of the River and Harbor Act of 1960 (74
4 Stat. 482), is modified to authorize the development of
5 a wetland demonstration area of approximately 1.5 acres
6 to be developed and operated by the Dubuque County His-
7 torical Society or a successor nonprofit organization.

8 (o) LOUISIANA STATE PENITENTIARY LEVEE.—The
9 Secretary may credit against the non-Federal share work
10 performed in the project area of the Louisiana State Peni-
11 tentiary Levee, Mississippi River, Louisiana, authorized by
12 section 401(a) of the Water Resources Development Act
13 of 1986 (100 Stat. 4117).

14 (p) JACKSON COUNTY, MISSISSIPPI.—The project for
15 environmental infrastructure, Jackson County, Mis-
16 sissippi, authorized by section 219(c)(5) of the Water Re-
17 sources Development Act of 1992 (106 Stat. 4835) and
18 modified by section 504 of the Water Resources Develop-
19 ment Act of 1996 (110 Stat. 3757), is modified to direct
20 the Secretary to provide a credit, not to exceed
21 \$5,000,000, against the non-Federal share of the cost of
22 the project for the costs incurred by the Jackson County
23 Board of Supervisors since February 8, 1994, in con-
24 structing the project, if the Secretary determines that such

1 costs are for work that the Secretary determines was com-
2 patible with and integral to the project.

3 (q) RICHARD B. RUSSELL DAM AND LAKE, SOUTH
4 CAROLINA.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this paragraph, the Secretary shall convey
7 to the State of South Carolina all right, title, and
8 interest of the United States in the parcels of land
9 described in subparagraph (B) that are currently
10 being managed by the South Carolina Department
11 of Natural Resources for fish and wildlife mitigation
12 purposes for the Richard B. Russell Dam and Lake,
13 South Carolina, project authorized by the Flood
14 Control Act of 1966 and modified by the Water Re-
15 sources Development Act of 1986.

16 (2) LAND DESCRIPTION.—

17 (A) IN GENERAL.—The parcels of land to
18 be conveyed are described in Exhibits A, F, and
19 H of Army Lease No. DACW21-1-93-0910
20 and associated supplemental agreements or are
21 designated in red in Exhibit A of Army License
22 No. DACW21-3-85-1904, excluding all des-
23 ignated parcels in the license that are below ele-
24 vation 346 feet mean sea level or that are less

1 than 300 feet measured horizontally from the
2 top of the power pool.

3 (B) MANAGEMENT OF EXCLUDED PAR-
4 CELS.—Management of the excluded parcels
5 shall continue in accordance with the terms of
6 Army License No. DACW21–3–85–1904 until
7 the Secretary and the State enter into an agree-
8 ment under subparagraph (F).

9 (C) SURVEY.—The exact acreage and legal
10 description of the land shall be determined by
11 a survey satisfactory to the Secretary, with the
12 cost of the survey borne by the State.

13 (3) COSTS OF CONVEYANCE.—The State shall
14 be responsible for all costs, including real estate
15 transaction and environmental compliance costs, as-
16 sociated with the conveyance.

17 (4) PERPETUAL STATUS.—

18 (A) IN GENERAL.—All land conveyed
19 under this paragraph shall be retained in public
20 ownership and shall be managed in perpetuity
21 for fish and wildlife mitigation purposes in ac-
22 cordance with a plan approved by the Secretary.

23 (B) REVERSION.—If any parcel of land is
24 not managed for fish and wildlife mitigation

1 purposes in accordance with the plan, title to
2 the parcel shall revert to the United States.

3 (5) ADDITIONAL TERMS AND CONDITIONS.—

4 The Secretary may require such additional terms
5 and conditions in connection with the conveyance as
6 the Secretary considers appropriate to protect the
7 interests of the United States.

8 (6) FISH AND WILDLIFE MITIGATION AGREE-
9 MENT.—

10 (A) IN GENERAL.—The Secretary may pay
11 the State of South Carolina not more than
12 \$4,850,000 subject to the Secretary and the
13 State entering into a binding agreement for the
14 State to manage for fish and wildlife mitigation
15 purposes in perpetuity the lands conveyed under
16 this paragraph and excluded parcels designated
17 in Exhibit A of Army License No. DACW21-
18 3-85-1904.

19 (B) FAILURE OF PERFORMANCE.—The
20 agreement shall specify the terms and condi-
21 tions under which payment will be made and
22 the rights of, and remedies available to, the
23 Federal Government to recover all or a portion
24 of the payment if the State fails to manage any

1 parcel in a manner satisfactory to the Sec-
2 retary.

3 (F) LAND CONVEYANCE, CLARKSTON, WASHING-
4 TON.—

5 (1) IN GENERAL.—The Secretary shall convey
6 to the Port of Clarkston, Washington, all right, title,
7 and interest of the United States in and to a portion
8 of the land described in the Department of the Army
9 lease No. DACW68-1-97-22, consisting of approxi-
10 mately 31 acres, the exact boundaries of which shall
11 be determined by the Secretary and the Port of
12 Clarkston.

13 (2) ADDITIONAL LAND.—The Secretary may
14 convey to the Port of Clarkston, Washington, at fair
15 market value as determined by the Secretary, such
16 additional land located in the vicinity of Clarkston,
17 Washington, as the Secretary determines to be ex-
18 cess to the needs of the Columbia River Project and
19 appropriate for conveyance.

20 (3) TERMS AND CONDITIONS.—The conveyances
21 made under subsections (a) and (b) shall be subject
22 to such terms and conditions as the Secretary deter-
23 mines to be necessary to protect the interests of the
24 United States, including a requirement that the Port
25 of Clarkston pay all administrative costs associated

1 with the conveyances, including the cost of land sur-
2 veys and appraisals and costs associated with com-
3 pliance with applicable environmental laws (includ-
4 ing regulations).

5 (4) USE OF LAND.—The Port of Clarkston
6 shall be required to pay the fair market value, as de-
7 termined by the Secretary, of any land conveyed
8 pursuant to subsection (a) that is not retained in
9 public ownership or is used for other than public
10 park or recreation purposes, except that the Sec-
11 retary shall have a right of reverter to reclaim pos-
12 session and title to any such land.

13 (s) WHITE RIVER, INDIANA.—The project for flood
14 control, Indianapolis on West Fork of the White River,
15 Indiana, authorized by section 5 of the Act entitled “An
16 Act authorizing the construction of certain public works
17 on rivers and harbors for flood control, and other pur-
18 poses”, approved June 22, 1936 (49 Stat. 1586, chapter
19 688), as modified by section 323 of the Water Resources
20 Development Act of 1996 (110 Stat. 3716), is modified
21 to authorize the Secretary to undertake the riverfront al-
22 terations described in the Central Indianapolis Waterfront
23 Concept Plan, dated February 1994, for the Canal Devel-
24 opment (Upper Canal feature) and the Beveridge Paper
25 feature, at a total cost not to exceed \$25,000,000, of

1 which \$12,500,000 is the estimated Federal cost and
2 \$12,500,000 is the estimated non-Federal cost, except
3 that no such alterations may be undertaken unless the
4 Secretary determines that the alterations authorized by
5 this subsection, in combination with the alterations under-
6 taken under section 323 of the Water Resources Develop-
7 ment Act of 1996 (110 Stat. 3716), are economically justi-
8 fied.

9 (t) FOX POINT HURRICANE BARRIER, PROVIDENCE,
10 RHODE ISLAND.—The project for hurricane-flood protec-
11 tion, Fox Point, Providence, Rhode Island, authorized by
12 section 203 of the Flood Control Act of 1958 (72 Stat.
13 306) is modified to direct the Secretary to undertake the
14 necessary repairs to the barrier, as identified in the Condi-
15 tion Survey and Technical Assessment dated April 1998
16 with Supplement dated August 1998, at a total cost of
17 \$3,000,000, with an estimated Federal cost of \$1,950,000
18 and an estimated non-Federal cost of \$1,050,000.

19 **SEC. 103. PROJECT DEAUTHORIZATIONS.**

20 (a) BRIDGEPORT HARBOR, CONNECTICUT.—The por-
21 tion of the project for navigation, Bridgeport Harbor,
22 Connecticut, authorized by section 101 of the River and
23 Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-
24 acre anchorage area 9 feet deep and an adjacent 0.60-
25 acre anchorage area 6 feet deep, located on the west side

1 of Johnsons River, Connecticut, is not authorized after the
2 date of enactment of this Act.

3 (b) BASS HARBOR, MAINE.—

4 (1) DEAUTHORIZATION.—The portions of the
5 project for navigation, Bass Harbor, Maine, author-
6 ized on May 7, 1962, under section 107 of the River
7 and Harbor Act of 1960 (33 U.S.C. 577) described
8 in paragraph (2) are not authorized after the date
9 of enactment of this Act.

10 (2) DESCRIPTION.—The portions of the project
11 referred to in paragraph (1) are described as follows:

12 (A) Beginning at a bend in the project,
13 N149040.00, E538505.00, thence running eas-
14 terly about 50.00 feet along the northern limit
15 of the project to a point, N149061.55,
16 E538550.11, thence running southerly about
17 642.08 feet to a point, N148477.64,
18 E538817.18, thence running southwesterly
19 about 156.27 feet to a point on the westerly
20 limit of the project, N148348.50, E538737.02,
21 thence running northerly about 149.00 feet
22 along the westerly limit of the project to a bend
23 in the project, N148489.22, E538768.09,
24 thence running northwesterly about 610.39 feet

1 along the westerly limit of the project to the
2 point of origin.

3 (B) Beginning at a point on the westerly
4 limit of the project, N148118.55, E538689.05,
5 thence running southeasterly about 91.92 feet
6 to a point, N148041.43, E538739.07, thence
7 running southerly about 65.00 feet to a point,
8 N147977.86, E538725.51, thence running
9 southwesterly about 91.92 feet to a point on the
10 westerly limit of the project, N147927.84,
11 E538648.39, thence running northerly about
12 195.00 feet along the westerly limit of the
13 project to the point of origin.

14 (c) BOOTHBAY HARBOR, MAINE.—The project for
15 navigation, Boothbay Harbor, Maine, authorized by the
16 Act of July 25, 1912 (37 Stat. 201, chapter 253), is not
17 authorized after the date of enactment of this Act.

18 (d) EAST BOOTHBAY HARBOR, MAINE.—Section 364
19 of the Water Resources Development Act of 1996 (110
20 Stat. 3731) is amended by striking paragraph (9) and in-
21 serting the following:

22 “(9) EAST BOOTHBAY HARBOR, MAINE.—The
23 project for navigation, East Boothbay Harbor,
24 Maine, authorized by the first section of the Act en-
25 titled ‘An Act making appropriations for the con-

1 construction, repair, and preservation of certain public
2 works on rivers and harbors, and for other pur-
3 poses', approved June 25, 1910 (36 Stat. 657).”.

4 **SEC. 104. STUDIES.**

5 (a) CADDO LEVEE, RED RIVER BELOW DENISON
6 DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—
7 The Secretary shall conduct a study to determine the fea-
8 sibility of undertaking a project for flood control, Caddo
9 Levee, Red River Below Denison Dam, Arizona, Louisi-
10 ana, Oklahoma, and Texas, including incorporating the ex-
11 isting levee, along Twelve Mile Bayou from its juncture
12 with the existing Red River Below Denison Dam Levee
13 approximately 26 miles upstream to its terminus at high
14 ground in the vicinity of Black Bayou, Louisiana.

15 (b) FIELDS LANDING CHANNEL, HUMBOLDT HAR-
16 BOR, CALIFORNIA.—The Secretary—

17 (1) shall conduct a study for the project for
18 navigation, Fields Landing Channel, Humboldt Har-
19 bor and Bay, California, to a depth of minus 35 feet
20 (MLLW), and for that purpose may use any feasibil-
21 ity report prepared by the non-Federal sponsor
22 under section 203 of the Water Resources Develop-
23 ment Act of 1986 (33 U.S.C. 2231) for which reim-
24 bursement of the Federal share of the study is au-

1 thorized subject to the availability of appropriations;
2 and

3 (2) may carry out the project under section 107
4 of the River and Harbor Act of 1960 (33 U.S.C.
5 577), if the Secretary determines that the project is
6 feasible.

7 (c) STRAWBERRY CREEK, BERKELEY, CALIFOR-
8 NIA.—The Secretary shall conduct a study to determine
9 the feasibility of restoring Strawberry Creek, Berkeley,
10 California, and the Federal interest in environmental res-
11 toration, conservation of fish and wildlife resources, recre-
12 ation, and water quality.

13 (d) WEST SIDE STORM WATER RETENTION FACIL-
14 ITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary
15 shall conduct a study to determine the feasibility of under-
16 taking measures to construct the West Side Storm Water
17 Retention Facility in the city of Lancaster, California.

18 (e) APALACHICOLA RIVER, FLORIDA.—The Secretary
19 shall conduct a study for the purpose of identifying—

20 (1) alternatives for the management of material
21 dredged in connection with operation and mainte-
22 nance of the Apalachicola River Navigation Project;
23 and

24 (2) alternatives that reduce the requirements
25 for such dredging.

1 (f) BROWARD COUNTY, SAND BYPASSING AT PORT
2 EVERGLADES, FLORIDA.—The Secretary shall conduct a
3 study to determine the feasibility of constructing a sand
4 bypassing project at the Port Everglades Inlet, Florida.

5 (g) CITY OF DESTIN-NORIEGA POINT BREAKWATER,
6 FLORIDA.—The Secretary shall conduct a study to deter-
7 mine the feasibility of—

8 (1) restoring Noriega Point, Florida, to serve as
9 a breakwater for Destin Harbor; and

10 (2) including Noriega Point as part of the East
11 Pass, Florida, navigation project.

12 (h) GATEWAY TRIANGLE REDEVELOPMENT AREA,
13 FLORIDA.—

14 (1) IN GENERAL.—The Secretary shall conduct
15 a study to determine the feasibility of undertaking
16 measures to reduce the flooding problems in the vi-
17 cinity of Gateway Triangle Redevelopment Area,
18 Florida.

19 (2) STUDIES AND REPORTS.—The study shall
20 include a review and consideration of studies and re-
21 ports completed by the non-Federal interests.

22 (i) CITY OF PLANT CITY, FLORIDA.—

23 (1) IN GENERAL.—The Secretary shall conduct
24 a study to determine the feasibility of a flood control
25 project in the city of Plant City, Florida.

1 (2) STUDIES AND REPORTS.—In conducting the
2 study, the Secretary shall review and consider stud-
3 ies and reports completed by the non-Federal inter-
4 ests.

5 (j) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—
6 The Secretary shall conduct a study to determine the fea-
7 sibility of undertaking flood damage reduction, water con-
8 servation, ground water recharge, ecosystem restoration,
9 and related purposes along the Goose Creek watershed
10 near Oakley, Idaho.

11 (k) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—
12 The Secretary shall conduct a study to determine the fea-
13 sibility of assuming operations and maintenance for the
14 Acadiana Navigation Channel located in Iberia and Ver-
15 million Parishes, Louisiana.

16 (l) CAMERON PARISH WEST OF CALCASIEU RIVER,
17 LOUISIANA.—The Secretary shall conduct a study to de-
18 termine the feasibility of a storm damage reduction and
19 ecosystem restoration project for Cameron Parish west of
20 Calcasieu River, Louisiana.

21 (m) BENEFICIAL USE OF DREDGED MATERIAL,
22 COASTAL LOUISIANA.—The Secretary shall conduct a
23 study to determine the feasibility of using dredged mate-
24 rial from maintenance activities at Federal navigation

1 projects in coastal Louisiana to benefit coastal areas in
2 the State.

3 (n) CONTRABAND BAYOU NAVIGATION CHANNEL,
4 LOUISIANA.—The Secretary shall conduct a study to de-
5 termine the feasibility of assuming the maintenance at
6 Contraband Bayou, Calcasieu River Ship Canal, Louisi-
7 ana.

8 (o) GOLDEN MEADOW LOCK, LOUISIANA.—The Sec-
9 retary shall conduct a study to determine the feasibility
10 of converting the Golden Meadow floodgate into a naviga-
11 tion lock to be included in the Larose to Golden Meadow
12 Hurricane Protection Project, Louisiana.

13 (p) GULF INTRACOASTAL WATERWAY ECOSYSTEM
14 PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOU-
15 ISIANA.—

16 (1) IN GENERAL.—The Secretary shall conduct
17 a study to determine the feasibility of undertaking
18 ecosystem restoration and protection measures along
19 the Gulf Intracoastal Waterway from Chef Menteur
20 to Sabine River, Louisiana.

21 (2) MATTERS TO BE ADDRESSED.—The study
22 shall address saltwater intrusion, tidal scour, ero-
23 sion, and other water resources related problems in
24 that area.

1 (q) LAKE PONTCHARTRAIN, LOUISIANA, AND VICIN-
2 ITY, ST. CHARLES PARISH PUMPS.—The Secretary shall
3 conduct a study to determine the feasibility of modifying
4 the Lake Pontchartrain Hurricane Protection Project to
5 include the St. Charles Parish Pumps and the modifica-
6 tion of the seawall fronting protection along Lake Pont-
7 chartrain in Orleans Parish, from New Basin Canal on
8 the west to the Inner Harbor Navigation Canal on the
9 east.

10 (r) LAKE PONTCHARTRAIN AND VICINITY SEAWALL
11 RESTORATION, LOUISIANA.—The Secretary shall conduct
12 a study to determine the feasibility of undertaking struc-
13 tural modifications of that portion of the seawall fronting
14 protection along the south shore of Lake Pontchartrain
15 in Orleans Parish, Louisiana, extending approximately 5
16 miles from the new basin Canal on the west to the Inner
17 Harbor Navigation Canal on the east as a part of the Lake
18 Pontchartrain and Vicinity Hurricane Protection Project,
19 authorized by section 204 of the Flood Control Act of
20 1965 (79 Stat. 1077).

21 (s) DETROIT RIVER, MICHIGAN, GREENWAY COR-
22 RIDOR STUDY.—

23 (1) IN GENERAL.—The Secretary shall conduct
24 a study to determine the feasibility of a project for
25 shoreline protection, frontal erosion, and associated

1 purposes in the Detroit River shoreline area from
2 the Belle Isle Bridge to the Ambassador Bridge in
3 Detroit, Michigan.

4 (2) POTENTIAL MODIFICATIONS.—As a part of
5 the study, the Secretary shall review potential
6 project modifications to any existing Corps projects
7 within the same area.

8 (t) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—
9 The Secretary shall conduct a study to determine
10 the feasibility of constructing a flood control project at St.
11 Clair Shores, Michigan.

12 (u) WOODTICK PENINSULA, MICHIGAN, AND TOLEDO
13 HARBOR, OHIO.—The Secretary shall conduct a study to
14 determine the feasibility of utilizing dredged material from
15 Toledo Harbor, Ohio, to provide erosion reduction, naviga-
16 tion, and ecosystem restoration at Woodtick Peninsula,
17 Michigan.

18 (v) TUNICA LAKE WEIR, MISSISSIPPI.—

19 (1) IN GENERAL.—The Secretary shall conduct
20 a study to determine the feasibility of constructing
21 an outlet weir at Tunica Lake, Tunica County, Mis-
22 sissippi, and Lee County, Arkansas, for the purpose
23 of stabilizing water levels in the Lake.

24 (2) ECONOMIC ANALYSIS.—In carrying out the
25 study, the Secretary shall include as a part of the

1 economic analysis the benefits derived from recre-
2 ation uses at the Lake and economic benefits associ-
3 ated with restoration of fish and wildlife habitat.

4 (w) PROTECTIVE FACILITIES FOR THE ST. LOUIS,
5 MISSOURI, RIVERFRONT AREA.—

6 (1) STUDY.—The Secretary shall conduct a
7 study to determine the optimal plan to protect facili-
8 ties that are located on the Mississippi River river-
9 front within the boundaries of St. Louis, Missouri.

10 (2) REQUIREMENTS.—In conducting the study,
11 the Secretary shall—

12 (A) evaluate alternatives to offer safety
13 and security to facilities; and

14 (B) use state-of-the-art techniques to best
15 evaluate the current situation, probable solu-
16 tions, and estimated costs.

17 (3) REPORT.—Not later than April 15, 1999,
18 the Secretary shall submit to Congress a report on
19 the results of the study.

20 (x) YELLOWSTONE RIVER, MONTANA.—

21 (1) STUDY.—The Secretary shall conduct a
22 comprehensive study of the Yellowstone River from
23 Gardiner, Montana to the confluence of the Missouri
24 River to determine the hydrologic, biological, and so-
25 cioeconomic cumulative impacts on the river.

1 (2) CONSULTATION AND COORDINATION.—The
2 Secretary shall conduct the study in consultation
3 with the United States Fish and Wildlife Service,
4 the United States Geological Survey, and the Natu-
5 ral Resources Conservation Service and with the full
6 participation of the State of Montana and tribal and
7 local entities, and provide for public participation.

8 (3) REPORT.—Not later than 5 years after the
9 date of enactment of this Act, the Secretary shall
10 submit a report to Congress on the results of the
11 study.

12 (y) LAS VEGAS VALLEY, NEVADA.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 a comprehensive study of water resources located in
15 the Las Vegas Valley, Nevada.

16 (2) OBJECTIVES.—The study shall identify
17 problems and opportunities related to ecosystem res-
18 toration, water quality, particularly the quality of
19 surface runoff, water supply, and flood control.

20 (z) OSWEGO RIVER BASIN, NEW YORK.—The Sec-
21 retary shall conduct a study to determine the feasibility
22 of establishing a flood forecasting system within the
23 Oswego River basin, New York.

24 (aa) PORT OF NEW YORK-NEW JERSEY NAVIGATION
25 STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

1 (1) NAVIGATION STUDY.—The Secretary shall
2 conduct a comprehensive study of navigation needs
3 at the Port of New York-New Jersey (including the
4 South Brooklyn Marine and Red Hook Container
5 Terminals, Staten Island, and adjacent areas) to ad-
6 dress improvements, including deepening of existing
7 channels to depths of 50 feet or greater, that are re-
8 quired to provide economically efficient and environ-
9 mentally sound navigation to meet current and fu-
10 ture requirements.

11 (2) ENVIRONMENTAL RESTORATION STUDY.—
12 The Secretary, acting through the Chief of Engi-
13 neers, shall review the report of the Chief of Engi-
14 neers on the New York Harbor, printed in the
15 House Management Plan of the Harbor Estuary
16 Program, and other pertinent reports concerning the
17 New York Harbor Region and the Port of New
18 York-New Jersey, to determine the Federal interest
19 in advancing harbor environmental restoration.

20 (3) REPORT.—The Secretary may use funds
21 from the ongoing navigation study for New York
22 and New Jersey Harbor to complete a reconnais-
23 sance report for environmental restoration by De-
24 cember 31, 1999. The navigation study to deepen

1 New York and New Jersey Harbor shall consider
2 beneficial use of dredged material.

3 (bb) BANK STABILIZATION, MISSOURI RIVER,
4 NORTH DAKOTA.—

5 (1) STUDY.—

6 (A) IN GENERAL.—The Secretary shall
7 conduct a study to determine the feasibility of
8 bank stabilization on the Missouri River be-
9 tween the Garrison Dam and Lake Oahe in
10 North Dakota.

11 (B) ELEMENTS.—In conducting the study,
12 the Secretary shall study—

13 (i) options for stabilizing the erosion
14 sites on the banks of the Missouri River
15 between the Garrison Dam and Lake Oahe
16 identified in the report developed by the
17 North Dakota State Water Commission,
18 dated December 1997, including stabiliza-
19 tion through nontraditional measures;

20 (ii) the cumulative impact of bank
21 stabilization measures between the Garri-
22 son Dam and Lake Oahe on fish and wild-
23 life habitat and the potential impact of ad-
24 ditional stabilization measures, including

1 the impact of nontraditional stabilization
2 measures;

3 (iii) the current and future effects, in-
4 cluding economic and fish and wildlife
5 habitat effects, that bank erosion is having
6 on creating the delta at the beginning of
7 Lake Oahe; and

8 (iv) the impact of taking no additional
9 measures to stabilize the banks of the Mis-
10 souri River between the Garrison Dam and
11 Lake Oahe.

12 (C) INTERESTED PARTIES.—In conducting
13 the study, the Secretary shall, to the maximum
14 extent practicable, seek the participation and
15 views of interested Federal, State, and local
16 agencies, landowners, conservation organiza-
17 tions, and other persons.

18 (D) REPORT.—

19 (i) IN GENERAL.—The Secretary shall
20 report to Congress on the results of the
21 study not later than 1 year after the date
22 of enactment of this Act.

23 (ii) STATUS.—If the Secretary cannot
24 complete the study and report to Congress
25 by the day that is 1 year after the date of

1 enactment of this Act, the Secretary shall,
2 by that day, report to Congress on the sta-
3 tus of the study and report, including an
4 estimate of the date of completion.

5 (2) EFFECT ON EXISTING PROJECTS.—This
6 subsection does not preclude the Secretary from es-
7 tablishing or carrying out a stabilization project that
8 is authorized by law.

9 (cc) CLEVELAND HARBOR, CLEVELAND, OHIO.—The
10 Secretary shall conduct a study to determine the feasibility
11 of undertaking repairs and related navigation improve-
12 ments at Dike 14, Cleveland, Ohio.

13 (dd) EAST LAKE, VERMILLION AND CHAGRIN,
14 OHIO.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 a study to determine the feasibility of undertaking
17 flood damage reduction at East Lake, Vermillion
18 and Chagrin, Ohio.

19 (2) ICE RETENTION STRUCTURE.—In conduct-
20 ing the study, the Secretary may consider construc-
21 tion of an ice retention structure as a potential
22 means of providing flood damage reduction.

23 (ee) TOUSSAINT RIVER, CARROLL TOWNSHIP,
24 OHIO.—The Secretary shall conduct a study to determine

1 the feasibility of undertaking navigation improvements at
2 Toussaint River, Carroll Township, Ohio.

3 (ff) SANTEE DELTA WETLAND HABITAT, SOUTH
4 CAROLINA.—Not later than 18 months after the date of
5 enactment of this Act, the Secretary shall complete a com-
6 prehensive study of the ecosystem in the Santee Delta
7 focus area of South Carolina to determine the feasibility
8 of undertaking measures to enhance the wetland habitat
9 in the area.

10 (gg) WACCAMAW RIVER, SOUTH CAROLINA.—The
11 Secretary shall conduct a study to determine the feasibility
12 of a flood control project for the Waccamaw River in
13 Horry County, South Carolina.

14 (hh) UPPER SUSQUEHANNA-LACKAWANNA, PENN-
15 SYLVANIA, WATERSHED MANAGEMENT AND RESTORA-
16 TION STUDY.—

17 (1) IN GENERAL.—The Secretary shall conduct
18 a study to determine the feasibility of a comprehen-
19 sive flood plain management and watershed restora-
20 tion project for the Upper Susquehanna-Lacka-
21 wanna Watershed, Pennsylvania.

22 (2) GEOGRAPHIC INFORMATION SYSTEM.—In
23 conducting the study, the Secretary shall use a geo-
24 graphic information system.

1 (3) PLANS.—The study shall formulate plans
2 for comprehensive flood plain management and envi-
3 ronmental restoration.

4 (4) CREDITING.—Non-Federal interests may re-
5 ceive credit for in-kind services and materials that
6 contribute to the study. The Secretary may credit
7 non-Corps Federal assistance provided to the non-
8 Federal interest toward the non-Federal share of
9 study costs to the maximum extent authorized by
10 law.

11 (ii) NIOBRARA RIVER AND MISSOURI RIVER SEDI-
12 MENTATION STUDY, SOUTH DAKOTA.—The Secretary
13 shall conduct a study of the Niobrara River watershed and
14 the operations of Fort Randall Dam and Gavins Point
15 Dam on the Missouri River to determine the feasibility
16 of alleviating the bank erosion, sedimentation, and related
17 problems in the lower Niobrara River and the Missouri
18 River below Fort Randall Dam.

19 (jj) SANTA CLARA RIVER, UTAH.—

20 (1) IN GENERAL.—The Secretary shall conduct
21 a study to determine the feasibility of undertaking
22 measures to alleviate damage caused by flooding,
23 bank erosion, and sedimentation along the watershed
24 of the Santa Clara River, Utah, above the Gunlock
25 Reservoir.

1 (2) CONTENTS.—The study shall include an
2 analysis of watershed conditions and water quality,
3 as related to flooding and bank erosion, along the
4 Santa Clara River in the vicinity of the town of
5 Gunlock, Utah.

6 (kk) AGAT SMALL BOAT HARBOR, GUAM.—The Sec-
7 retary shall conduct a study to determine the feasibility
8 of undertaking the repair and reconstruction of Agat
9 Small Boat Harbor, Guam, including the repair of existing
10 shore protection measures and construction or a revetment
11 of the breakwater seawall.

12 (ll) APRA HARBOR SEAWALL, GUAM.—The Secretary
13 shall conduct a study to determine the feasibility of under-
14 taking measures to repair, upgrade, and extend the sea-
15 wall protecting Apra Harbor, Guam, and to ensure contin-
16 ued access to the harbor via Route 11B.

17 (mm) APRA HARBOR FUEL PIERS, GUAM.—The Sec-
18 retary shall conduct a study to determine the feasibility
19 of undertaking measures to upgrade the piers and fuel
20 transmission lines at the fuel piers in the Apra Harbor,
21 Guam, and measures to provide for erosion control and
22 protection against storm damage.

23 (nn) MAINTENANCE DREDGING OF HARBOR PIERS,
24 GUAM.—The Secretary shall conduct a study to determine
25 the feasibility of Federal maintenance of areas adjacent

1 to piers at harbors in Guam, including Apra Harbor, Agat
2 Harbor, and Agana Marina.

3 (00) ALTERNATIVE WATER SOURCES STUDY.—

4 (1) IN GENERAL.—The Administrator of the
5 Environmental Protection Agency shall conduct a
6 study of the water supply needs of States that are
7 not currently eligible for assistance under title XVI
8 of the Reclamation Projects Authorization and Ad-
9 justment Act of 1992 (43 U.S.C. 390h et seq.).

10 (2) REQUIREMENTS.—The study shall—

11 (A) identify the water supply needs (in-
12 cluding potable, commercial, industrial, rec-
13 reational and agricultural needs) of each State
14 described in paragraph (1) through 2020, mak-
15 ing use of such State, regional, and local plans,
16 studies, and reports as are available;

17 (B) evaluate the feasibility of various alter-
18 native water source technologies such as reuse
19 and reclamation of wastewater and stormwater
20 (including indirect potable reuse), aquifer stor-
21 age and recovery, and desalination to meet the
22 anticipated water supply needs of the States;
23 and

1 (C) assess how alternative water sources
2 technologies can be utilized to meet the identi-
3 fied needs.

4 (3) REPORT.—The Administrator shall report
5 to Congress on the results of the study not more
6 than 180 days after the date of enactment of this
7 Act.

8 **TITLE II—GENERAL PROVISIONS**

9 **SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECO- 10 SYSTEM RESTORATION PROGRAM.**

11 (a) IN GENERAL.—

12 (1) AUTHORIZATION.—The Secretary may carry
13 out a program to reduce flood hazards and restore
14 the natural functions and values of riverine eco-
15 systems throughout the United States.

16 (2) STUDIES.—In carrying out the program,
17 the Secretary shall conduct studies to identify appro-
18 priate flood damage reduction, conservation, and
19 restoration measures and may design and implement
20 watershed management and restoration projects.

21 (3) PARTICIPATION.—The studies and projects
22 carried out under the program shall be conducted, to
23 the extent practicable, with the full participation of
24 the appropriate Federal agencies, including the De-
25 partment of Agriculture, the Federal Emergency

1 Management Agency, the Department of the Inte-
2 rior, the Environmental Protection Agency, and the
3 Department of Commerce.

4 (4) NONSTRUCTURAL APPROACHES.—The stud-
5 ies and projects shall, to the extent practicable, em-
6 phasize nonstructural approaches to preventing or
7 reducing flood damages.

8 (b) COST-SHARING REQUIREMENTS.—

9 (1) STUDIES.—The cost of studies conducted
10 under subsection (a) shall be shared in accordance
11 with section 105 of the Water Resources Develop-
12 ment Act of 1986 (33 Stat. 2215).

13 (2) PROJECTS.—The non-Federal interests
14 shall pay 35 percent of the cost of any project car-
15 ried out under this section.

16 (3) IN-KIND CONTRIBUTIONS.—The non-Fed-
17 eral interests shall provide all land, easements,
18 rights-of-way, dredged material disposal areas, and
19 relocations necessary for the projects. The value of
20 the land, easements, rights-of-way, dredged material
21 disposal areas, and relocations shall be credited to-
22 ward the payment required under this subsection.

23 (4) RESPONSIBILITIES OF THE NON-FEDERAL
24 INTERESTS.—The non-Federal interests shall be re-
25 sponsible for all costs associated with operating,

1 maintaining, replacing, repairing, and rehabilitating
2 all projects carried out under this section.

3 (c) PROJECT JUSTIFICATION.—

4 (1) IN GENERAL.—The Secretary may imple-
5 ment a project under this section if the Secretary
6 determines that the project—

7 (A) will significantly reduce potential flood
8 damages;

9 (B) will improve the quality of the environ-
10 ment; and

11 (C) is justified considering all costs and
12 beneficial outputs of the project.

13 (2) SELECTION CRITERIA; POLICIES AND PRO-
14 CEDURES.—Not later than 180 days after the date
15 of enactment of this Act, the Secretary shall—

16 (A) develop criteria for selecting and rating
17 the projects to be carried out as part of the
18 program authorized by this section; and

19 (B) establish policies and procedures for
20 carrying out the studies and projects under-
21 taken under this section.

22 (d) REPORTING REQUIREMENT.—The Secretary may
23 not implement a project under this section until—

24 (1) the Secretary provides to the Committee on
25 Environment and Public Works of the Senate and

1 the Committee on Transportation and Infrastructure
2 of the House of Representatives a written notifica-
3 tion describing the project and the determinations
4 made under subsection (c); and

5 (2) a period of 21 calendar days has expired
6 following the date on which the notification was re-
7 ceived by the Committees.

8 (e) PRIORITY AREAS.—In carrying out this section,
9 the Secretary shall examine the potential for flood damage
10 reductions at appropriate locations, including—

- 11 (1) Le May, Missouri;
- 12 (2) the upper Delaware River basin, New York;
- 13 (3) Tillamook County, Oregon;
- 14 (4) Providence County, Rhode Island; and
- 15 (5) Willamette River basin, Oregon.

16 (f) PER-PROJECT LIMITATION.—Not more than
17 \$25,000,000 in Army Civil Works appropriations may be
18 expended on any single project undertaken under this sec-
19 tion.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section \$75,000,000
23 for the period of fiscal years 2000 and 2001.

24 (2) PROGRAM FUNDING LEVELS.—All studies
25 and projects undertaken under this authority from

1 Army Civil Works appropriations shall be fully fund-
2 ed within the program funding levels provided in this
3 subsection.

4 **SEC. 202. SHORE PROTECTION.**

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

7 (1) by striking “Costs of constructing” and in-
8 serting the following:

9 “(1) CONSTRUCTION.—Costs of constructing”;
10 and

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

12 “(2) PERIODIC NOURISHMENT.—In the case of
13 a project authorized for construction after December
14 31, 1999, or for which a feasibility study is com-
15 pleted after that date, the non-Federal cost of the
16 periodic nourishment of projects or measures for
17 shore protection or beach erosion control shall be 50
18 percent, except that—

19 “(A) all costs assigned to benefits to pri-
20 vately owned shores (where use of such shores
21 is limited to private interests) or to prevention
22 of losses of private land shall be borne by non-
23 Federal interests; and

1 Stat. 3769) are amended by striking “1999” and inserting
2 “2000”.

3 **SEC. 206. AQUATIC ECOSYSTEM RESTORATION.**

4 Section 206(c) of the Water Resources Development
5 Act of 1996 (33 U.S.C. 2330(c)) is amended—

6 (1) by striking “Construction” and inserting
7 the following:

8 “(1) IN GENERAL.—Construction”; and

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

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

16 **SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.**

17 Section 204 of the Water Resources Development Act
18 of 1992 (33 U.S.C. 2326) is amended by adding at the
19 end the following:

20 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
21 tion 221 of the Flood Control Act of 1970 (42 U.S.C.
22 1962d–5b), for any project carried out under this section,
23 a non-Federal interest may include a nonprofit entity, with
24 the consent of the affected local government.”.

1 **SEC. 208. VOLUNTARY CONTRIBUTIONS BY STATES AND PO-**
2 **LITICAL SUBDIVISIONS.**

3 Section 5 of the Act of June 22, 1936 (33 U.S.C.
4 701h), is amended by inserting “or environmental restora-
5 tion” after “flood control”.

6 **SEC. 209. RECREATION USER FEES.**

7 (a) WITHHOLDING OF AMOUNTS.—

8 (1) IN GENERAL.—During fiscal years 1999
9 through 2002, the Secretary may withhold from the
10 special account established under section 4(i)(1)(A)
11 of the Land and Water Conservation Fund Act of
12 1965 (16 U.S.C. 4601–6a(i)(1)(A)) 100 percent of
13 the amount of receipts above a baseline of
14 \$34,000,000 per each fiscal year received from fees
15 imposed at recreation sites under the administrative
16 jurisdiction of the Department of the Army under
17 section 4(b) of that Act (16 U.S.C. 4601–6a(b)).

18 (2) USE.—The amounts withheld shall be re-
19 tained by the Secretary and shall be available, with-
20 out further Act of appropriation, for expenditure by
21 the Secretary in accordance with subsection (b).

22 (3) AVAILABILITY.—The amounts withheld
23 shall remain available until September 30, 2005.

24 (b) USE OF AMOUNTS WITHHELD.—In order to in-
25 crease the quality of the visitor experience at public rec-
26 reational areas and to enhance the protection of resources,

1 the amounts withheld under subsection (a) may be used
2 only for—

3 (1) repair and maintenance projects (including
4 projects relating to health and safety);

5 (2) interpretation;

6 (3) signage;

7 (4) habitat or facility enhancement;

8 (5) resource preservation;

9 (6) annual operation (including fee collection);

10 (7) maintenance; and

11 (8) law enforcement related to public use.

12 (c) AVAILABILITY.—Each amount withheld by the
13 Secretary shall be available for expenditure, without fur-
14 ther Act of appropriation, at the specific project from
15 which the amount, above baseline, is collected.

16 **SEC. 210. WATER RESOURCES DEVELOPMENT STUDIES FOR**
17 **THE PACIFIC REGION.**

18 Section 444 of the Water Resources Development Act
19 of 1996 (110 Stat. 3747) is amended by striking “interest
20 of navigation” and inserting “interests of water resources
21 development (including navigation, flood damage reduc-
22 tion, and environmental restoration)”.

23 **SEC. 211. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
24 **HANCEMENT PROJECT.**

25 (a) DEFINITIONS.—In this section:

1 (1) MIDDLE MISSISSIPPI RIVER.—The term
2 “middle Mississippi River” means the reach of the
3 Mississippi River from the mouth of the Ohio River
4 (river mile 0, upper Mississippi River) to the mouth
5 of the Missouri River (river mile 195).

6 (2) MISSOURI RIVER.—The term “Missouri
7 River” means the main stem and floodplain of the
8 Missouri River (including reservoirs) from its con-
9 fluence with the Mississippi River at St. Louis, Mis-
10 souri, to its headwaters near Three Forks, Montana.

11 (3) PROJECT.—The term “project” means the
12 project authorized by this section.

13 (b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

14 (1) PLAN.—

15 (A) DEVELOPMENT.—Not later than 180
16 days after the date of enactment of this Act,
17 the Secretary shall develop a plan for a project
18 to protect and enhance fish and wildlife habitat
19 of the Missouri River and the middle Mis-
20 sissippi River.

21 (B) ACTIVITIES.—

22 (i) IN GENERAL.—The plan shall pro-
23 vide for such activities as are necessary to
24 protect and enhance fish and wildlife habi-
25 tat without adversely affecting—

1 (I) the water-related needs of the
2 region surrounding the Missouri River
3 and the middle Mississippi River, in-
4 cluding flood control, navigation,
5 recreation, and enhancement of water
6 supply; and

7 (II) private property rights.

8 (ii) REQUIRED ACTIVITIES.—The plan
9 shall include—

10 (I) modification and improvement
11 of navigation training structures to
12 protect and enhance fish and wildlife
13 habitat;

14 (II) modification and creation of
15 side channels to protect and enhance
16 fish and wildlife habitat;

17 (III) restoration and creation of
18 island fish and wildlife habitat;

19 (IV) creation of riverine fish and
20 wildlife habitat;

21 (V) establishment of criteria for
22 prioritizing the type and sequencing of
23 activities based on cost-effectiveness
24 and likelihood of success; and

1 (VI) physical and biological mon-
2 itoring for evaluating the success of
3 the project, to be performed by the
4 River Studies Center of the United
5 States Geological Survey in Columbia,
6 Missouri.

7 (2) IMPLEMENTATION OF ACTIVITIES.—

8 (A) IN GENERAL.—Using funds made
9 available to carry out this section, the Secretary
10 shall carry out the activities described in the
11 plan.

12 (B) USE OF EXISTING AUTHORITY FOR
13 UNCONSTRUCTED FEATURES OF THE
14 PROJECT.—Using funds made available to the
15 Secretary under other law, the Secretary shall
16 design and construct any feature of the project
17 that may be carried out using the authority of
18 the Secretary to modify an authorized project,
19 if the Secretary determines that the design and
20 construction will—

21 (i) accelerate the completion of activi-
22 ties to protect and enhance fish and wild-
23 life habitat of the Missouri River or the
24 middle Mississippi River; and

1 (ii) be compatible with the project
2 purposes described in this section.

3 (c) INTEGRATION OF OTHER ACTIVITIES.—

4 (1) IN GENERAL.—In carrying out the activities
5 described in subsection (b), the Secretary shall inte-
6 grate the activities with other Federal, State, and
7 tribal activities.

8 (2) NEW AUTHORITY.—Nothing in this section
9 confers any new regulatory authority on any Federal
10 or non-Federal entity that carries out any activity
11 authorized by this section.

12 (d) PUBLIC PARTICIPATION.—In developing and car-
13 rying out the plan and the activities described in sub-
14 section (b), the Secretary shall provide for public review
15 and comment in accordance with applicable Federal law,
16 including—

17 (1) providing advance notice of meetings;

18 (2) providing adequate opportunity for public
19 input and comment;

20 (3) maintaining appropriate records; and

21 (4) compiling a record of the proceedings of
22 meetings.

23 (e) COMPLIANCE WITH APPLICABLE LAW.—In carry-
24 ing out the activities described in subsections (b) and (c),
25 the Secretary shall comply with any applicable Federal

1 law, including the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

3 (f) COST SHARING.—

4 (1) NON-FEDERAL SHARE.—The non-Federal
5 share of the cost of the project shall be 35 percent.

6 (2) FEDERAL SHARE.—The Federal share of
7 the cost of any 1 activity described in subsection (b)
8 shall not exceed \$5,000,000.

9 (3) OPERATION AND MAINTENANCE.—The op-
10 eration and maintenance of the project shall be a
11 non-Federal responsibility.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to pay the Federal share
14 of the cost of carrying out activities under this section
15 \$30,000,000 for the period of fiscal years 2000 and 2001.

16 **SEC. 212. OUTER CONTINENTAL SHELF.**

17 (a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B)
18 of the Outer Continental Shelf Lands Act (43 U.S.C.
19 1337(k)(2)(B)) is amended in the second sentence by in-
20 serting before the period at the end the following: “or any
21 other non-Federal interest subject to an agreement en-
22 tered into under section 221 of the Flood Control Act of
23 1970 (42 U.S.C. 1962d–5b)”.

24 (b) REIMBURSEMENT FOR LOCAL INTERESTS.—Any
25 amounts paid by non-Federal interests for beach erosion

1 control, hurricane protection, shore protection, or storm
 2 damage reduction projects as a result of an assessment
 3 under section 8(k) of the Outer Continental Shelf Lands
 4 Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

5 **SEC. 213. ENVIRONMENTAL DREDGING.**

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

9 “(6) Snake Creek, Bixby, Oklahoma.”.

10 **SEC. 214. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED**
 11 **INCLUDED IN BENEFIT-COST ANALYSIS.**

12 Section 308 of the Water Resources Development Act
 13 of 1990 (33 U.S.C. 2318) is amended—

14 (1) in the heading of subsection (a), by striking
 15 “BENEFIT-COST ANALYSIS” and inserting “ELE-
 16 MENTS EXCLUDED FROM COST-BENEFIT ANALY-
 17 SIS”;

18 (2) by redesignating subsections (b) through (e)
 19 as subsections (c) through (f), respectively;

20 (3) by inserting after subsection (a) the follow-
 21 ing:

22 “(b) ELEMENTS INCLUDED IN COST-BENEFIT ANAL-
 23 YSIS.—The Secretary shall include primary flood damages
 24 avoided in the benefit base for justifying Federal non-
 25 structural flood damage reduction projects.”; and

1 (4) in the first sentence of subsection (e) (as re-
2 designated by paragraph (2)), by striking “(b)” and
3 inserting “(d)”.

4 **SEC. 215. CONTROL OF AQUATIC PLANT GROWTH.**

5 Section 104(a) of the River and Harbor Act of 1958
6 (33 U.S.C. 610(a)) is amended—

7 (1) by inserting “Arundo dona,” after “water-
8 hyacinth,”; and

9 (2) by inserting “tarmarix” after “melaleuca”.

10 **SEC. 216. ENVIRONMENTAL INFRASTRUCTURE.**

11 Section 219(c) of the Water Resources Development
12 Act of 1992 (106 Stat. 4835) is amended by adding at
13 the end the following:

14 “(19) LAKE TAHOE, CALIFORNIA AND NE-
15 VADA.—Regional water system for Lake Tahoe,
16 California and Nevada.

17 “(20) LANCASTER, CALIFORNIA.—Fox Field In-
18 dustrial Corridor water facilities, Lancaster, Califor-
19 nia.

20 “(21) SAN RAMON, CALIFORNIA.—San Ramon
21 Valley recycled water project, San Ramon, Califor-
22 nia.”.

1 **SEC. 217. WATERSHED MANAGEMENT, RESTORATION, AND**
2 **DEVELOPMENT.**

3 Section 503 of the Water Resources Development Act
4 of 1996 (110 Stat. 3756) is amended—

5 (1) in subsection (d)—

6 (A) by striking paragraph (10) and insert-
7 ing the following:

8 “(10) Regional Atlanta Watershed, Atlanta,
9 Georgia, and Lake Lanier of Forsyth and Hall
10 Counties, Georgia.”; and

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

12 “(14) Clear Lake watershed, California.

13 “(15) Fresno Slough watershed, California.

14 “(16) Hayward Marsh, Southern San Francisco
15 Bay watershed, California.

16 “(17) Kaweah River watershed, California.

17 “(18) Lake Tahoe watershed, California and
18 Nevada.

19 “(19) Malibu Creek watershed, California.

20 “(20) Truckee River basin, Nevada.

21 “(21) Walker River basin, Nevada.

22 “(22) Bronx River watershed, New York.

23 “(23) Catawba River watershed, North Caro-
24 lina.”;

25 (2) by redesignating subsection (e) as sub-
26 section (f); and

1 (3) by inserting after subsection (d) the follow-
2 ing:

3 “(e) NONPROFIT ENTITIES.—Notwithstanding sec-
4 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
5 1962d–5b(b)), for any project undertaken under this sec-
6 tion, with the consent of the affected local government,
7 a non-Federal interest may include a nonprofit entity.”.

8 **SEC. 218. LAKES PROGRAM.**

9 Section 602(a) of the Water Resources Development
10 Act of 1986 (100 Stat. 4148) is amended—

11 (1) in paragraph (15), by striking “and” at the
12 end;

13 (2) in paragraph (16), by striking the period at
14 the end; and

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

16 “(17) Clear Lake, Lake County, California, re-
17 moval of silt and aquatic growth and development of
18 a sustainable weed and algae management program;

19 “(18) Flints Pond, Hollis, New Hampshire, re-
20 moval of excessive aquatic vegetation; and

21 “(19) Osgood Pond, Milford, New Hampshire,
22 removal of excessive aquatic vegetation.”.

1 **SEC. 219. SEDIMENTS DECONTAMINATION POLICY.**

2 Section 405 of the Water Resources Development Act
3 of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is
4 amended—

5 (1) in subsection (a), by adding at the end the
6 following:

7 “(4) PRACTICAL END-USE PRODUCTS.—Tech-
8 nologies selected for demonstration at the pilot scale
9 shall result in practical end-use products.

10 “(5) ASSISTANCE BY THE SECRETARY.—The
11 Secretary shall assist the project to ensure expedi-
12 tious completion by providing sufficient quantities of
13 contaminated dredged material to conduct the full-
14 scale demonstrations to stated capacity.”; and

15 (2) in subsection (c), by striking the first sen-
16 tence and inserting the following: “There is author-
17 ized to be appropriated to carry out this section a
18 total of \$22,000,000 to complete technology testing,
19 technology commercialization, and the development
20 of full scale processing facilities within the New
21 York/New Jersey Harbor.”.

22 **SEC. 220. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

23 (a) IN GENERAL.—Section 145 of the Water Re-
24 sources Development Act of 1976 (33 U.S.C. 426j) is
25 amended in the first sentence by striking “50” and insert-
26 ing “35”.

1 (b) GREAT LAKES BASIN.—The Secretary shall work
2 with the State of Ohio, other Great Lakes States, and po-
3 litical subdivisions of the States to fully implement and
4 maximize beneficial reuse of dredged material as provided
5 under section 145 of the Water Resources Development
6 Act of 1976 (33 U.S.C. 426j).

7 **SEC. 221. FISH AND WILDLIFE MITIGATION.**

8 Section 906(e) of the Water Resources Development
9 Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting
10 after the second sentence the following: “Not more than
11 80 percent of the non-Federal share of such first costs
12 may be in kind, including a facility, supply, or service that
13 is necessary to carry out the enhancement project.”.

14 **SEC. 222. REIMBURSEMENT OF NON-FEDERAL INTEREST.**

15 Section 211(e)(2)(A) of the Water Resources Devel-
16 opment Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is
17 amended by striking “subject to amounts being made
18 available in advance in appropriations Acts” and inserting
19 “subject to the availability of appropriations”.

20 **SEC. 223. NATIONAL CONTAMINATED SEDIMENT TASK**
21 **FORCE.**

22 (a) DEFINITION OF TASK FORCE.—In this section,
23 the term “Task Force” means the National Contaminated
24 Sediment Task Force established by section 502 of the

1 National Contaminated Sediment Assessment and Man-
2 agement Act (33 U.S.C. 1271 note; Public Law 102–580).

3 (b) CONVENING.—The Secretary and the Adminis-
4 trator shall convene the Task Force not later than 90 days
5 after the date of enactment of this Act.

6 (c) REPORTING ON REMEDIAL ACTION.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Task Force
9 shall submit to Congress a report on the status of
10 remedial actions at aquatic sites in the areas de-
11 scribed in paragraph (2).

12 (2) AREAS.—The report under paragraph (1)
13 shall address remedial actions in—

14 (A) areas of probable concern identified in
15 the survey of data regarding aquatic sediment
16 quality required by section 503(a) of the Na-
17 tional Contaminated Sediment Assessment and
18 Management Act (33 U.S.C. 1271);

19 (B) areas of concern within the Great
20 Lakes, as identified under section 118(f) of the
21 Federal Water Pollution Control Act (33 U.S.C.
22 1268(f));

23 (C) estuaries of national significance iden-
24 tified under section 320 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1330);

1 (D) areas for which remedial action has
2 been authorized under any of the Water Re-
3 sources Development Acts; and

4 (E) as appropriate, any other areas where
5 sediment contamination is identified by the
6 Task Force.

7 (3) ACTIVITIES.—Remedial actions subject to
8 reporting under this subsection include remedial ac-
9 tions under—

10 (A) the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9601 et seq.) or other Federal
13 or State law containing environmental remedi-
14 ation authority;

15 (B) any of the Water Resources Develop-
16 ment Acts;

17 (C) section 404 of the Federal Water Pol-
18 lution Control Act (33 U.S.C. 1344); or

19 (D) section 10 of the Act of March 3,
20 1899 (30 Stat. 1151, chapter 425).

21 (4) CONTENTS.—The report under paragraph
22 (1) shall provide, with respect to each remedial ac-
23 tion described in the report, a description of—

24 (A) the authorities and sources of funding
25 for conducting the remedial action;

1 (B) the nature and sources of the sediment
2 contamination, including volume and concentra-
3 tion, where appropriate;

4 (C) the testing conducted to determine the
5 nature and extent of sediment contamination
6 and to determine whether the remedial action is
7 necessary;

8 (D) the action levels or other factors used
9 to determine that the remedial action is nec-
10 essary;

11 (E) the nature of the remedial action
12 planned or undertaken, including the levels of
13 protection of public health and the environment
14 to be achieved by the remedial action;

15 (F) the ultimate disposition of any mate-
16 rial dredged as part of the remedial action;

17 (G) the status of projects and the obstacles
18 or barriers to prompt conduct of the remedial
19 action; and

20 (H) contacts and sources of further infor-
21 mation concerning the remedial action.

22 **SEC. 224. GREAT LAKES BASIN PROGRAM.**

23 (a) STRATEGIC PLANS.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this Act, and every

1 2 years thereafter, the Secretary shall report to Con-
2 gress on a plan for programs of the Corps of Engi-
3 neers in the Great Lakes basin.

4 (2) CONTENTS.—The plan shall include details
5 of the projected environmental and navigational
6 projects in the Great Lakes basin, including—

7 (A) navigational maintenance and oper-
8 ations for commercial and recreational vessels;

9 (B) environmental restoration activities;

10 (C) water level maintenance activities;

11 (D) technical and planning assistance to
12 States and remedial action planning commit-
13 tees;

14 (E) sediment transport analysis, sediment
15 management planning, and activities to support
16 prevention of excess sediment loadings;

17 (F) flood damage reduction and shoreline
18 erosion prevention;

19 (G) all other activities of the Corps of En-
20 gineers; and

21 (H) an analysis of factors limiting use of
22 programs and authorities of the Corps of Engi-
23 neers in existence on the date of enactment of
24 this Act in the Great Lakes basin, including the
25 need for new or modified authorities.

1 (b) GREAT LAKES BIOHYDROLOGICAL INFORMA-
2 TION.—

3 (1) INVENTORY.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this Act, the Sec-
6 retary shall request each Federal agency that
7 may possess information relevant to the Great
8 Lakes biohydrological system to provide an in-
9 ventory of all such information in the posses-
10 sion of the agency.

11 (B) RELEVANT INFORMATION.—For the
12 purpose of subparagraph (A), relevant informa-
13 tion includes information on—

14 (i) ground and surface water hydrol-
15 ogy;

16 (ii) natural and altered tributary dy-
17 namics;

18 (iii) biological aspects of the system
19 influenced by and influencing water quan-
20 tity and water movement;

21 (iv) meteorological projections and
22 weather impacts on Great Lakes water lev-
23 els; and

1 (v) other Great Lakes biohydrological
2 system data relevant to sustainable water
3 use management.

4 (2) REPORT.—

5 (A) IN GENERAL.—Not later than 18
6 months after the date of enactment of this Act,
7 the Secretary, in consultation with the States,
8 Indian tribes, and Federal agencies, and after
9 requesting information from the provinces and
10 the federal government of Canada, shall—

11 (i) compile the inventories of informa-
12 tion;

13 (ii) analyze the information for con-
14 sistency and gaps; and

15 (iii) submit to Congress, the Inter-
16 national Joint Commission, and the Great
17 Lakes States a report that includes rec-
18 ommendations on ways to improve the in-
19 formation base on the biohydrological dy-
20 namics of the Great Lakes ecosystem as a
21 whole, so as to support environmentally
22 sound decisions regarding diversions and
23 consumptive uses of Great Lakes water.

24 (B) RECOMMENDATIONS.—The rec-
25 ommendations in the report under subpara-

1 graph (A) shall include recommendations relat-
2 ing to the resources and funds necessary for
3 implementing improvement of the information
4 base.

5 (C) CONSIDERATIONS.—In developing the
6 report under subparagraph (A), the Secretary,
7 in cooperation with the Secretary of State, the
8 Secretary of Transportation, and other relevant
9 agencies as appropriate, shall consider and re-
10 port on the status of the issues described and
11 recommendations made in—

12 (i) the Report of the International
13 Joint Commission to the Governments of
14 the United States and Canada under the
15 1977 reference issued in 1985; and

16 (ii) the 1993 Report of the Inter-
17 national Joint Commission to the Govern-
18 ments of Canada and the United States on
19 Methods of Alleviating Adverse Con-
20 sequences of Fluctuating Water Levels in
21 the Great Lakes St. Lawrence Basin.

22 (c) GREAT LAKES RECREATIONAL BOATING.—Not
23 later than 18 months after the date of enactment of this
24 Act, the Secretary shall, using information and studies in
25 existence on the date of enactment of this Act to the maxi-

1 mum extent practicable, and in cooperation with the Great
2 Lakes States, submit to Congress a report detailing the
3 economic benefits of recreational boating in the Great
4 Lakes basin, particularly at harbors benefiting from oper-
5 ation and maintenance projects of the Corps of Engineers.

6 (d) COOPERATION.—In undertaking activities under
7 this section, the Secretary shall—

8 (1) encourage public participation; and

9 (2) cooperate, and, as appropriate, collaborate,
10 with Great Lakes States, tribal governments, and
11 Canadian federal, provincial, tribal governments.

12 (e) WATER USE ACTIVITIES AND POLICIES.—The
13 Secretary may provide technical assistance to the Great
14 Lakes States to develop interstate guidelines to improve
15 the consistency and efficiency of State-level water use ac-
16 tivities and policies in the Great Lakes basin.

17 (f) COST SHARING.—The Secretary may seek and ac-
18 cept funds from non-Federal entities to be used to pay
19 up to 25 percent of the cost of carrying out subsections
20 (b), (c), (d), and (e).

21 **SEC. 225. PROJECTS FOR IMPROVEMENT OF THE ENVIRON-**
22 **MENT.**

23 Section 1135(c) of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2309a(c)) is amended—

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

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

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

5 “(2) CONTROL OF SEA LAMPREY.—Congress
6 finds that—

7 “(A) the Great Lakes navigation system
8 has been instrumental in the spread of sea lam-
9 prey and the associated impacts to its fishery;
10 and

11 “(B) the use of the authority under this
12 subsection for control of sea lamprey at any
13 Great Lakes basin location is appropriate.”.

14 **SEC. 226. WATER QUALITY, ENVIRONMENTAL QUALITY,**
15 **RECREATION, FISH AND WILDLIFE, FLOOD**
16 **CONTROL, AND NAVIGATION.**

17 (a) IN GENERAL.—The Secretary may investigate,
18 study, evaluate, and report on—

19 (1) water quality, environmental quality, recre-
20 ation, fish and wildlife, flood control, and navigation
21 in the western Lake Erie watershed, including the
22 watersheds of the Maumee River, Ottawa River, and
23 Portage River in the States of Indiana, Ohio, and
24 Michigan; and

1 (2) measures to improve water quality, environ-
2 mental quality, recreation, fish and wildlife, flood
3 control, and navigation in the western Lake Erie
4 basin.

5 (b) COOPERATION.—In carrying out studies and in-
6 vestigations under subsection (a), the Secretary shall co-
7 operate with Federal, State, and local agencies and non-
8 governmental organizations to ensure full consideration of
9 all views and requirements of all interrelated programs
10 that those agencies may develop independently or in co-
11 ordination with the Corps of Engineers.

12 **SEC. 227. IRRIGATION DIVERSION PROTECTION AND FISH-**
13 **ERIES ENHANCEMENT ASSISTANCE.**

14 The Secretary may provide technical planning and
15 design assistance to non-Federal interests and may con-
16 duct other site-specific studies to formulate and evaluate
17 fish screens, fish passages devices, and other measures to
18 decrease the incidence of juvenile and adult fish inadvert-
19 ently entering into irrigation systems. Measures shall be
20 developed in cooperation with Federal and State resource
21 agencies and not impair the continued withdrawal of water
22 for irrigation purposes. In providing such assistance prior-
23 ity shall be given based on the objectives of the Endan-
24 gered Species Act, cost-effectiveness, and the potential for
25 reducing fish mortality. Non-Federal interests shall agree

1 by contract to contribute 50 percent of the cost of such
2 assistance. Not more than one-half of such non-Federal
3 contribution may be made by the provision of services, ma-
4 terials, supplies, or other in-kind services. No construction
5 activities are authorized by this section. Not later than
6 2 years after the date of enactment of this section, the
7 Secretary shall report to Congress on fish mortality caused
8 by irrigation water intake devices, appropriate measures
9 to reduce mortality, the extent to which such measures
10 are currently being employed in the arid States, the con-
11 struction costs associated with such measures, and the ap-
12 propriate Federal role, if any, to encourage the use of such
13 measures.

14 **SEC. 228. SMALL STORM DAMAGE REDUCTION PROJECTS.**

15 Section 3 of the Act of August 13, 1946 (33 U.S.C.
16 426g), is amended by striking “\$2,000,000” and inserting
17 “\$3,000,000”.

18 **SEC. 229. SHORE DAMAGE PREVENTION OR MITIGATION.**

19 Section 111 of the River and Harbor Act of 1968
20 (33 U.S.C. 426(i)) is amended—

21 (1) in the first sentence, by striking “The Sec-
22 retary” and inserting “(a) IN GENERAL.—The Sec-
23 retary”;

24 (2) in the second sentence, by striking “The
25 costs” and inserting the following:

1 “(b) COST SHARING.—The costs”;

2 (3) in the third sentence—

3 (A) by striking “No such” and inserting
4 the following:

5 “(c) REQUIREMENT FOR SPECIFIC AUTHORIZA-
6 TION.—No such”; and

7 (B) by striking “\$2,000,000” and insert-
8 ing “\$5,000,000”; and

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

10 “(d) COORDINATION.—The Secretary shall—

11 “(1) coordinate the implementation of the
12 measures under this section with other Federal and
13 non-Federal shore protection projects in the same
14 geographic area; and

15 “(2) to the extent practicable, combine mitiga-
16 tion projects with other shore protection projects in
17 the same area into a comprehensive regional
18 project.”.

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

21 **SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF**
22 **RHODE ISLAND.**

23 The Secretary may acquire for the State of Rhode
24 Island a dredge and associated equipment with the capac-

1 ity to dredge approximately 100 cubic yards per hour for
 2 use by the State in dredging salt ponds in the State.

3 **SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 4 **VANIA AND NEW YORK.**

5 Section 567(a) of the Water Resources Development
 6 Act of 1996 (110 Stat. 3787) is amended by adding at
 7 the end the following:

8 “(3) The Chemung River watershed, New York,
 9 at an estimated Federal cost of \$5,000,000.”.

10 **SEC. 303. SMALL FLOOD CONTROL PROJECTS.**

11 Section 102 of the Water Resources Development Act
 12 of 1996 (110 Stat. 3668) is amended—

13 (1) by redesignating paragraphs (15) through
 14 (22) as paragraphs (16) through (23), respectively;

15 (2) by inserting after paragraph (14) the fol-
 16 lowing:

17 “(15) REPAUPO CREEK AND DELAWARE RIVER,
 18 GLOUCESTER COUNTY, NEW JERSEY.—Project for
 19 tidegate and levee improvements for Repaupo Creek
 20 and the Delaware River, Gloucester County, New
 21 Jersey.”; and

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

23 “(24) IRONDEQUOIT CREEK, NEW YORK.—
 24 Project for flood control, Irondequoit Creek water-
 25 shed, New York.

1 “(25) TIOGA COUNTY, PENNSYLVANIA.—Project
2 for flood control, Tioga River and Cowanesque River
3 and their tributaries, Tioga County, Pennsylvania.”.

4 **SEC. 304. SMALL NAVIGATION PROJECTS.**

5 Section 104 of the Water Resources Development Act
6 of 1996 (110 Stat. 3669) is amended—

7 (1) by redesignating paragraphs (9) through
8 (12) as paragraphs (10) through (13), respectively;
9 and

10 (2) by inserting after paragraph (8) the follow-
11 ing:

12 “(9) FORTESCUE INLET, DELAWARE BAY, NEW
13 JERSEY.—Project for navigation for Fortescue Inlet,
14 Delaware Bay, New Jersey.”.

15 **SEC. 305. STREAMBANK PROTECTION PROJECTS.**

16 (a) ARCTIC OCEAN, BARROW, ALASKA.—The Sec-
17 retary shall evaluate and, if justified under section 14 of
18 the Flood Control Act of 1946 (33 U.S.C. 701r), carry
19 out storm damage reduction and coastal erosion measures
20 at the town of Barrow, Alaska.

21 (b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The
22 Secretary may construct appropriate control structures in
23 areas along the Saginaw River in the city of Bay City,
24 Michigan, under authority of section 14 of the Flood Con-
25 trol Act of 1946 (33 Stat. 701r).

1 (c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—
2 The streambank protection project at Coulson Park, along
3 the Yellowstone River, Billings, Montana, shall be eligible
4 for assistance under section 14 of the Flood Control Act
5 of 1946 (33 U.S.C. 701r).

6 (d) MONONGAHELA RIVER, POINT MARION, PENN-
7 SYLVANIA.—The Secretary shall evaluate and, if justified
8 under section 14 of the Flood Control Act of 1946 (33
9 U.S.C. 701r), carry out streambank erosion control meas-
10 ures along the Monongahela River at the borough of Point
11 Marion, Pennsylvania.

12 **SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRING-**
13 **FIELD, OREGON.**

14 (a) IN GENERAL.—Under section 1135 of the Water
15 Resources Development Act of 1990 (33 Stat. 2309a) or
16 other applicable authority, the Secretary shall conduct
17 measures to address water quality, water flows and fish
18 habitat restoration in the historic Springfield, Oregon,
19 millrace through the reconfiguration of the existing
20 millpond, if the Secretary determines that harmful im-
21 pacts have occurred as the result of a previously con-
22 structed flood control project by the Corps of Engineers.

23 (b) NON-FEDERAL SHARE.—The non-Federal share,
24 excluding lands, easements, rights-of-way, dredged mate-
25 rial disposal areas, and relocations, shall be 25 percent.

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

4 **SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.**

5 The Secretary shall expeditiously complete the activi-
6 ties authorized under section 346 of the Water Resources
7 Development Act of 1992 (106 Stat. 4858), including ac-
8 tivities associated with Sluice Creek in Guilford, Connecti-
9 cut, and Lighthouse Point Park in New Haven, Connecti-
10 cut.

11 **SEC. 308. FRANCIS BLAND FLOODWAY DITCH.**

12 (a) REDESIGNATION.—The project for flood control,
13 Eight Mile Creek, Paragould, Arkansas, authorized by sec-
14 tion 401(a) of the Water Resources Development Act of
15 1986 (100 Stat. 4112) and known as “Eight Mile Creek,
16 Paragould, Arkansas”, shall be known and designated as
17 the “Francis Bland Floodway Ditch”.

18 (b) LEGAL REFERENCES.—Any reference in any law,
19 map, regulation, document, paper, or other record of the
20 United States to the project and creek referred to in sub-
21 section (a) shall be deemed to be a reference to the
22 Francis Bland Floodway Ditch.

23 **SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.**

24 Section 528(e)(4) of the Water Resources Develop-
25 ment Act of 1996 (110 Stat. 3770) is amended in the first

1 sentence by inserting before the period at the end the fol-
2 lowing: “, including potential land acquisition in the
3 Caloosahatchee River basin or other areas”.

4 **SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT**
5 **MITIGATION.**

6 (a) **IN GENERAL.**—The project for flood control and
7 other purposes, Cumberland, Maryland, authorized by sec-
8 tion 5 of the Act of June 22, 1936 (commonly known as
9 the “Flood Control Act of 1936”) (49 Stat. 1574, chapter
10 688), is modified to authorize the Secretary to undertake,
11 as a separate part of the project, restoration of the historic
12 Chesapeake and Ohio Canal substantially in accordance
13 with the Chesapeake and Ohio Canal National Historic
14 Park, Cumberland, Maryland, Rewatering Design Analy-
15 sis, dated February 1998, at a total cost of \$15,000,000,
16 with an estimated Federal cost of \$9,750,000 and an esti-
17 mated non-Federal cost of \$5,250,000.

18 (b) **IN-KIND SERVICES.**—The non-Federal interest
19 for the restoration project under subsection (a)—

20 (1) may provide all or a portion of the non-Fed-
21 eral share of project costs in the form of in-kind
22 services; and

23 (2) shall receive credit toward the non-Federal
24 share of project costs for design and construction
25 work performed by the non-Federal interest before

1 execution of a project cooperation agreement and for
2 land, easements, and rights-of-way required for the
3 restoration and acquired by the non-Federal interest
4 before execution of such an agreement.

5 (c) OPERATION AND MAINTENANCE.—The operation
6 and maintenance of the restoration project under sub-
7 section (a) shall be the full responsibility of the National
8 Park Service.

9 **SEC. 311. CITY OF MIAMI BEACH, FLORIDA.**

10 Section 5(b)(3)(C)(i) of the Act of August 13, 1946
11 (33 U.S.C. 426h), is amended by inserting before the
12 semicolon the following: “, including the city of Miami
13 Beach, Florida”.

14 **SEC. 312. SARDIS RESERVOIR, OKLAHOMA.**

15 (a) IN GENERAL.—The Secretary shall accept from
16 the State of Oklahoma or an agent of the State an
17 amount, as determined under subsection (b), as prepay-
18 ment of 100 percent of the water supply cost obligation
19 of the State under Contract No. DACW56–74–JC–0314
20 for water supply storage at Sardis Reservoir, Oklahoma.

21 (b) DETERMINATION OF AMOUNT.—The amount to
22 be paid by the State of Oklahoma under subsection (a)
23 shall be subject to adjustment in accordance with accepted
24 discount purchase methods for Government properties as

1 determined by an independent accounting firm designated
2 by the Director of the Office of Management and Budget.

3 (c) EFFECT.—Nothing in this section shall otherwise
4 affect any of the rights or obligations of the parties to
5 the contract referred to in subsection (a).

6 **SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
7 **WAY SYSTEM NAVIGATION MODERNIZATION.**

8 (a) FINDINGS.—Congress finds that—

9 (1) exports are necessary to ensure job creation
10 and an improved standard of living for the people of
11 the United States;

12 (2) the ability of producers of goods in the
13 United States to compete in the international mar-
14 ketplace depends on a modern and efficient trans-
15 portation network;

16 (3) a modern and efficient waterway system is
17 a transportation option necessary to provide United
18 States shippers a safe, reliable, and competitive
19 means to win foreign markets in an increasingly
20 competitive international marketplace;

21 (4) the need to modernize is heightened because
22 the United States is at risk of losing its competitive
23 edge as a result of the priority that foreign competi-
24 tors are placing on modernizing their own waterway
25 systems;

1 (5) growing export demand projected over the
2 coming decades will force greater demands on the
3 waterway system of the United States and increase
4 the cost to the economy if the system proves inad-
5 equate to satisfy growing export opportunities;

6 (6) the locks and dams on the upper Mississippi
7 River and Illinois River waterway system were built
8 in the 1930s and have some of the highest average
9 delays to commercial tows in the country;

10 (7) inland barges carry freight at the lowest
11 unit cost while offering an alternative to truck and
12 rail transportation that is environmentally sound, is
13 energy efficient, is safe, causes little congestion, pro-
14 duces little air or noise pollution, and has minimal
15 social impact; and

16 (8) it should be the policy of the Corps of Engi-
17 neers to pursue aggressively modernization of the
18 waterway system authorized by Congress to promote
19 the relative competitive position of the United States
20 in the international marketplace.

21 (b) PRECONSTRUCTION ENGINEERING AND DE-
22 SIGN.—In accordance with the Upper Mississippi River-
23 Illinois Waterway System Navigation Study, the Secretary
24 shall proceed immediately to prepare engineering design,
25 plans, and specifications for extension of locks 20, 21, 22,

1 24, 25 on the Mississippi River and the LaGrange and
2 Peoria Locks on the Illinois River, to provide lock cham-
3 bers 110 feet in width and 1,200 feet in length, so that
4 construction can proceed immediately upon completion of
5 studies and authorization of projects by Congress.

6 **SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.**

7 Section 1103 of the Water Resources Development
8 Act of 1986 (33 U.S.C. 652) is amended—

9 (1) in subsection (e)—

10 (A) by striking “(e)” and all that follows
11 through the end of paragraph (2) and inserting
12 the following:

13 “(e) UNDERTAKINGS.—

14 “(1) IN GENERAL.—

15 “(A) AUTHORITY.—The Secretary, in con-
16 sultation with the Secretary of the Interior and
17 the States of Illinois, Iowa, Minnesota, Mis-
18 souri, and Wisconsin, is authorized to
19 undertake—

20 “(i) a program for the planning, con-
21 struction, and evaluation of measures for
22 fish and wildlife habitat rehabilitation and
23 enhancement; and

24 “(ii) implementation of a program of
25 long-term resource monitoring, computer-

1 ized data inventory and analysis, and ap-
2 plied research.

3 “(B) REQUIREMENTS FOR PROJECTS.—

4 Each project carried out under subparagraph
5 (A)(i) shall—

6 “(i) to the maximum extent prac-
7 ticable, simulate natural river processes;

8 “(ii) include an outreach and edu-
9 cation component; and

10 “(iii) on completion of the assessment
11 under subparagraph (D), address identified
12 habitat and natural resource needs.

13 “(C) ADVISORY COMMITTEE.—In carrying
14 out subparagraph (A), the Secretary shall cre-
15 ate an independent technical advisory commit-
16 tee to review projects, monitoring plans, and
17 habitat and natural resource needs assessments.

18 “(D) HABITAT AND NATURAL RESOURCE
19 NEEDS ASSESSMENT.—

20 “(i) AUTHORITY.—The Secretary is
21 authorized to undertake a systemic, river
22 reach, and pool scale assessment of habitat
23 and natural resource needs to serve as a
24 blueprint to guide habitat rehabilitation
25 and long-term resource monitoring.

1 “(ii) DATA.—The habitat and natural
2 resource needs assessment shall, to the
3 maximum extent practicable, use data in
4 existence at the time of the assessment.

5 “(iii) TIMING.—The Secretary shall
6 complete a habitat and natural resource
7 needs assessment not later than 3 years
8 after the date of enactment of this sub-
9 paragraph.

10 “(2) REPORTS.—On December 31, 2005, in
11 consultation with the Secretary of the Interior and
12 the States of Illinois, Iowa, Minnesota, Missouri, and
13 Wisconsin, the Secretary shall prepare and submit to
14 Congress a report that—

15 “(A) contains an evaluation of the pro-
16 grams described in paragraph (1);

17 “(B) describes the accomplishments of
18 each program;

19 “(C) includes results of a habitat and nat-
20 ural resource needs assessment; and

21 “(D) identifies any needed adjustments in
22 the authorization under paragraph (1) or the
23 authorized appropriations under paragraphs
24 (3), (4), and (5).”;

25 (B) in paragraph (3)—

1 (i) by striking “paragraph (1)(A)”
2 and inserting “paragraph (1)(A)(i)”; and

3 (ii) by striking “Secretary not to ex-
4 ceed” and all that follows and inserting
5 “Secretary not to exceed \$22,750,000 for
6 each of fiscal years 1999 through 2009.”;
7 (C) in paragraph (4)—

8 (i) by striking “paragraph (1)(B)”
9 and inserting “paragraph (1)(A)(ii)”; and

10 (ii) by striking “\$7,680,000” and all
11 that follows and inserting “\$10,420,000
12 for each of fiscal years 1999 through
13 2009.”;

14 (D) by striking paragraphs (5) and (6)
15 and inserting the following:

16 “(5) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 paragraph (1)(C) not to exceed \$350,000 for each of
19 fiscal years 1999 through 2009.

20 “(6) TRANSFER OF AMOUNTS.—

21 “(A) IN GENERAL.—For each fiscal year
22 beginning after September 30, 1992, the Sec-
23 retary, in consultation with the Secretary of the
24 Interior and the States of Illinois, Iowa, Min-
25 nesota, Missouri, and Wisconsin, may transfer

1 appropriated amounts between the programs
2 under clauses (i) and (ii) of paragraph (1)(A)
3 and paragraph (1)(C).

4 “(B) APPORTIONMENT OF COSTS.—In car-
5 rying out paragraph (1)(D), the Secretary may
6 apportion the costs equally between the pro-
7 grams authorized by paragraph (1)(A).”; and

8 (E) in paragraph (7)—

9 (i) in subparagraph (A)—

10 (I) by inserting “(i)” after “para-

11 graph (1)(A)”; and

12 (II) by inserting before the pe-

13 riod at the end the following: “and, in

14 the case of any project requiring non-

15 Federal cost sharing, the non-Federal

16 share of the cost of the project shall

17 be 35 percent”; and

18 (ii) in subparagraph (B), by striking

19 “paragraphs (1)(B) and (1)(C) of this sub-

20 section” and inserting “paragraph

21 (1)(A)(ii)”; and

22 (2) in subsection (f)(2)—

23 (A) in subparagraph (A), by striking

24 “(A)”; and

25 (B) by striking subparagraph (B); and

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

2 “(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—
3 The Secretary shall investigate and, if appropriate, carry
4 out restoration of urban wildlife habitat, with a special
5 emphasis on the establishment of greenways in the St.
6 Louis, Missouri, area and surrounding communities.”.

7 **SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR**
8 **COLUMBIA AND SNAKE RIVERS SALMON SUR-**
9 **VIVAL.**

10 Section 511 of the Water Resources Development Act
11 of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is
12 amended by striking subsection (a) and all that follows
13 and inserting the following:

14 “(a) SALMON SURVIVAL ACTIVITIES.—

15 “(1) IN GENERAL.—In conjunction with the
16 Secretary of Commerce and Secretary of the Inte-
17 rior, the Secretary shall accelerate ongoing research
18 and development activities, and may carry out or
19 participate in additional research and development
20 activities, for the purpose of developing innovative
21 methods and technologies for improving the survival
22 of salmon, especially salmon in the Columbia/Snake
23 River Basin.

24 “(2) ACCELERATED ACTIVITIES.—Accelerated
25 research and development activities referred to in

1 paragraph (1) may include research and develop-
2 ment related to—

3 “(A) impacts from water resources projects
4 and other impacts on salmon life cycles;

5 “(B) juvenile and adult salmon passage;

6 “(C) light and sound guidance systems;

7 “(D) surface-oriented collector systems;

8 “(E) transportation mechanisms; and

9 “(F) dissolved gas monitoring and abate-
10 ment.

11 “(3) ADDITIONAL ACTIVITIES.—Additional re-
12 search and development activities referred to in
13 paragraph (1) may include research and develop-
14 ment related to—

15 “(A) studies of juvenile salmon survival in
16 spawning and rearing areas;

17 “(B) estuary and near-ocean juvenile and
18 adult salmon survival;

19 “(C) impacts on salmon life cycles from
20 sources other than water resources projects;

21 “(D) cryopreservation of fish gametes and
22 formation of a germ plasm repository for
23 threatened and endangered populations of na-
24 tive fish; and

1 “(E) other innovative technologies and ac-
2 tions intended to improve fish survival, includ-
3 ing the survival of resident fish.

4 “(4) COORDINATION.—The Secretary shall co-
5 ordinate any activities carried out under this sub-
6 section with appropriate Federal, State, and local
7 agencies, affected Indian tribes, and the Northwest
8 Power Planning Council.

9 “(5) REPORT.—Not later than 3 years after the
10 date of enactment of this section, the Secretary shall
11 submit to Congress a report on the research and de-
12 velopment activities carried out under this sub-
13 section, including any recommendations of the Sec-
14 retary concerning the research and development ac-
15 tivities.

16 “(6) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated \$10,000,000
18 to carry out research and development activities
19 under paragraph (3).

20 “(b) ADVANCED TURBINE DEVELOPMENT.—

21 “(1) IN GENERAL.—In conjunction with the
22 Secretary of Energy, the Secretary shall accelerate
23 efforts toward developing and installing in Corps of
24 Engineers-operated dams innovative, efficient, and
25 environmentally safe hydropower turbines, including

1 design of fish-friendly turbines, for use on the Co-
2 lumbia/Snake River hydrosystem.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated \$35,000,000
5 to carry out this subsection.

6 “(c) MANAGEMENT OF PREDATION ON COLUMBIA/
7 SNAKE RIVER SYSTEM NATIVE FISHES.—

8 “(1) NESTING AVIAN PREDATORS.—In conjunc-
9 tion with the Secretary of Commerce and the Sec-
10 retary of the Interior, and consistent with a manage-
11 ment plan to be developed by the United States Fish
12 and Wildlife Service, the Secretary shall carry out
13 methods to reduce nesting populations of avian pred-
14 ators on dredge spoil islands in the Columbia River
15 under the jurisdiction of the Secretary.

16 “(2) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated \$1,000,000
18 to carry out research and development activities
19 under this subsection.

20 “(d) IMPLEMENTATION.—Nothing in this section af-
21 fects the authority of the Secretary to implement the re-
22 sults of the research and development carried out under
23 this section or any other law.”.

1 **SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENN-**
2 **SYLVANIA.**

3 The Secretary may credit against the non-Federal
4 share such costs as are incurred by the non-Federal inter-
5 ests in preparing environmental and other preconstruction
6 documentation for the habitat restoration project, Nine
7 Mile Run, Pennsylvania, if the Secretary determines that
8 the documentation is integral to the project.

9 **SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

10 The Secretary shall work with the Secretary of
11 Transportation on a proposed solution to carry out the
12 project to maintain the Larkspur Ferry Channel, Lark-
13 spur, California, authorized by section 601(d) of the
14 Water Resources Development Act of 1986 (100 Stat.
15 4148).

16 **SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE**
17 **MODELING SYSTEM.**

18 (a) IN GENERAL.—The Secretary may study and im-
19 plement a Comprehensive Flood Impact-Response Model-
20 ing System for the Coralville Reservoir and the Iowa River
21 watershed, Iowa.

22 (b) STUDY.—The study shall include—

23 (1) an evaluation of the combined hydrologic,
24 geomorphic, environmental, economic, social, and
25 recreational impacts of operating strategies within
26 the watershed;

1 (2) creation of an integrated, dynamic flood im-
2 pact model; and

3 (3) the development of a rapid response system
4 to be used during flood and emergency situations.

5 (c) REPORT TO CONGRESS.—Not later than 5 years
6 after the date of enactment of this Act, the Secretary shall
7 transmit a report to Congress on the results of the study
8 and modeling system and such recommendations as the
9 Secretary determines to be appropriate.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated a total of \$2,250,000 to
12 carry out this section.

13 **SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR**
14 **SMALL AND MEDIUM-SIZED PORTS.**

15 (a) STUDY.—The Comptroller General of the United
16 States shall conduct a study and analysis of various alter-
17 natives for innovative financing of future construction, op-
18 eration, and maintenance of projects in small and me-
19 dium-sized ports.

20 (b) REPORT.—Not later than 270 days after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to the Committee on Environment and Public
23 Works of the Senate and Committee on Transportation
24 and Infrastructure of the House of Representatives and

1 the results of the study and any related legislative rec-
2 ommendations for consideration by Congress.

3 **SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLA-**
4 **HOMA.**

5 (a) DEFINITIONS.—In this section:

6 (1) FAIR MARKET VALUE.—The term “fair
7 market value” means the amount for which a willing
8 buyer would purchase and a willing seller would sell
9 a parcel of land, as determined by a qualified, inde-
10 pendent land appraiser.

11 (2) PREVIOUS OWNER OF LAND.—The term
12 “previous owner of land” means a person (including
13 a corporation) that conveyed, or a descendant of a
14 deceased individual who conveyed, land to the Corps
15 of Engineers for use in the Candy Lake project in
16 Osage County, Oklahoma.

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Army.

19 (b) LAND CONVEYANCES.—

20 (1) IN GENERAL.—The Secretary shall convey,
21 in accordance with this section, all right, title, and
22 interest of the United States in and to the land ac-
23 quired by the United States for the Candy Lake
24 project in Osage County, Oklahoma.

25 (2) PREVIOUS OWNERS OF LAND.—

1 (A) IN GENERAL.—The Secretary shall
2 give a previous owner of land first option to
3 purchase the land described in paragraph (1).

4 (B) APPLICATION.—

5 (i) IN GENERAL.—A previous owner
6 of land that desires to purchase the land
7 described in paragraph (1) that was owned
8 by the previous owner of land, or by the in-
9 dividual from whom the previous owner of
10 land is descended, shall file an application
11 to purchase the land with the Secretary
12 not later than 180 days after the official
13 date of notice to the previous owner of
14 land under subsection (c).

15 (ii) FIRST TO FILE HAS FIRST OP-
16 TION.—If more than 1 application is filed
17 for a parcel of land described in paragraph
18 (1), first options to purchase the parcel of
19 land shall be allotted in the order in which
20 applications for the parcel of land were
21 filed.

22 (C) IDENTIFICATION OF PREVIOUS OWN-
23 ERS OF LAND.—As soon as practicable after the
24 date of enactment of this Act, the Secretary

1 shall, to the extent practicable, identify each
2 previous owner of land.

3 (D) CONSIDERATION.—Consideration for
4 land conveyed under this subsection shall be the
5 fair market value of the land.

6 (3) DISPOSAL.—Any land described in para-
7 graph (1) for which an application has not been filed
8 under paragraph (2)(B) within the applicable time
9 period shall be disposed of in accordance with law.

10 (4) EXTINGUISHMENT OF EASEMENTS.—All
11 flowage easements acquired by the United States for
12 use in the Candy Lake project in Osage County,
13 Oklahoma, are extinguished.

14 (c) NOTICE.—

15 (1) IN GENERAL.—The Secretary shall notify—

16 (A) each person identified as a previous
17 owner of land under subsection (b)(2)(C), not
18 later than 90 days after identification, by
19 United States mail; and

20 (B) the general public, not later than 90
21 days after the date of enactment of this Act, by
22 publication in the Federal Register.

23 (2) CONTENTS OF NOTICE.—Notice under this
24 subsection shall include—

25 (A) a copy of this section;

1 (B) information sufficient to separately
2 identify each parcel of land subject to this sec-
3 tion; and

4 (C) specification of the fair market value
5 of each parcel of land subject to this section.

6 (3) OFFICIAL DATE OF NOTICE.—The official
7 date of notice under this subsection shall be the
8 later of—

9 (A) the date on which actual notice is
10 mailed; or

11 (B) the date of publication of the notice in
12 the Federal Register.

13 **SEC. 321. SALCHA RIVER AND PILEDRIIVER SLOUGH, FAIR-**
14 **BANKS, ALASKA.**

15 The Secretary shall evaluate and, if justified under
16 section 205 of the Flood Control Act of 1948 (33 U.S.C.
17 701s), carry out flood damage reduction measures along
18 the lower Salcha River and on Piledriver Slough, from its
19 headwaters at the mouth of the Salcha River to the Chena
20 Lakes Flood Control Project, in the vicinity of Fairbanks,
21 Alaska, to protect against surface water flooding.

22 **SEC. 322. EYAK RIVER, CORDOVA, ALASKA.**

23 The Secretary shall evaluate and, if justified under
24 section 205 of the Flood Control Act of 1948 (33 U.S.C.

1 701s), carry out flood damage reduction measures along
2 the Eyak River at the town of Cordova, Alaska.

3 **SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUC-**
4 **TION AND ENVIRONMENTAL RESTORATION**
5 **PROJECT.**

6 The Secretary shall carry out a project for ecosystem
7 restoration and storm damage reduction at North Padre
8 Island, Corpus Christi Bay, Texas, at a total estimated
9 cost of \$30,000,000, with an estimated Federal cost of
10 \$19,500,000 and an estimated non-Federal cost of
11 \$10,500,000, if the Secretary finds that the work is tech-
12 nically sound, environmentally acceptable, and economi-
13 cally justified.

14 **SEC. 324. KANOPOLIS LAKE, KANSAS.**

15 (a) WATER SUPPLY.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary, in
18 cooperation with the State of Kansas or another
19 non-Federal interest, shall complete a water supply
20 reallocation study at the project for flood control,
21 Kanopolis Lake, Kansas, as a basis on which the
22 Secretary shall enter into negotiations with the State
23 of Kansas or another non-Federal interest for the
24 terms and conditions of a reallocation of the water
25 supply.

1 (2) OPTIONS.—The negotiations for storage re-
2 allocation shall include the following options for eval-
3 uation by all parties:

4 (A) Financial terms of storage reallocation.

5 (B) Protection of future Federal water re-
6 leases from Kanopolis Dam, consistent with
7 State water law, to ensure that the benefits ex-
8 pected from releases are provided.

9 (C) Potential establishment of a water as-
10 surance district consistent with other such dis-
11 tricts established by the State of Kansas.

12 (D) Protection of existing project purposes
13 at Kanopolis Dam to include flood control,
14 recreation, and fish and wildlife.

15 (b) IN-KIND CREDIT.—

16 (1) IN GENERAL.—The Secretary may negotiate
17 a credit for a portion of the financial repayment to
18 the Federal Government for work performed by the
19 State of Kansas, or another non-Federal interest, on
20 land adjacent or in close proximity to the project, if
21 the work provides a benefit to the project.

22 (2) WORK INCLUDED.—The work for which
23 credit may be granted may include watershed protec-
24 tion and enhancement, including wetland construc-
25 tion and ecosystem restoration.

1 **SEC. 325. NEW YORK CITY WATERSHED.**

2 Section 552(d) of the Water Resources Development
 3 Act of 1996 (110 Stat. 3780) is amended by striking “for
 4 the project to be carried out with such assistance” and
 5 inserting “, or a public entity designated by the State di-
 6 rector, to carry out the project with such assistance, sub-
 7 ject to the project’s meeting the certification requirement
 8 of subsection (c)(1)”.

9 **SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.**
 10

11 The Secretary shall review and, if consistent with au-
 12 thorized project purposes, reimburse the city of
 13 Charlevoix, Michigan, for the Federal share of costs asso-
 14 ciated with construction of the new revetment connection
 15 to the Federal navigation project at Charlevoix Harbor,
 16 Michigan.

17 **SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT,**
 18 **MICHIGAN.**

19 The Secretary may construct the Hamilton Dam
 20 flood control project, Michigan, under authority of section
 21 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

22 **SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
 24 sion of law, the non-Federal share of project costs for the
 25 project for flood control, Holes Creek, Ohio, shall not ex-
 26 ceed the sum of—

1 (1) the total amount projected as the non-Fed-
2 eral share as of September 30, 1996, in the Project
3 Cooperation Agreement executed on that date; and

4 (2) 100 percent of the amount of any increases
5 in the cost of the locally preferred plan over the cost
6 estimated in the Project Cooperation Agreement.

7 (b) REIMBURSEMENT.—The Secretary shall reim-
8 burse the non-Federal interest any amount paid by the
9 non-Federal interest in excess of the non-Federal share.

10 **SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE IS-**
11 **LAND.**

12 Section 585(a) of the Water Resources Development
13 Act of 1996 (110 Stat. 3791) is amended by striking
14 “river” and inserting “sewer”.

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