In the Senate of the United States,

Resolved, That the bill from the House of Representa-
tives (H.R. 2864) entitled “An Act to provide for the con-
servation 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the

3 “Water Resources Development Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

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

**TITLE I—WATER RESOURCES PROJECTS**

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
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Sec. 1006. Small projects for aquatic ecosystem restoration.

**TITLE II—GENERAL PROVISIONS**

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Sec. 2002. Interagency and international support authority.
Sec. 2006. Water Resources Planning Coordinating Committee.
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Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
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Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. National Dam Safety Program reauthorization.
Sec. 2027. Extension of shore protection projects.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
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Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Rio de Flag, Flagstaff, Arizona.
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Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
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Sec. 3012. Hamilton Airfield, California.
Sec. 3013. LA-3 dredged material ocean disposal site designation, California.
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Sec. 3015. Llagas Creek, California.
Sec. 3016. Maupie Creek, California.
Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
Sec. 3018. Redwood City navigation project, California.
Sec. 3019. Sacramento and American Rivers flood control, California.
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Sec. 3021. Salton Sea restoration, California.
Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3023. Upper Guadalupe River, California.
Sec. 3024. Yuba River Basin project, California.
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Sec. 3029. Christina River, Wilmington, Delaware.
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Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
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Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, part II, installation of fender protection for bridges, Delaware and Maryland.

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Sec. 6053. Lake of the Pines, Texas.

Sec. 6054. Tennessee Colony Lake, Texas.
SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) Projects With Chief’s Reports.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) Haines Harbor, Alaska.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) Rillito River (El Rio Antiguo), Pima County, Arizona.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with
an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.
(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.
(8) Matilija Dam, Ventura County, California.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) Middle Creek, Lake County, California.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) Napa River Salt Marsh, California.—

(A) In general.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.
(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado:
Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZED.—As of the date of enactment of this Act, the following projects are not authorized:

Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000.
and an estimated non-Federal cost of $21,994,000.

(13) Miami Harbor, Miami, Florida.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) Picayune Strand, Florida.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) East St. Louis and Vicinity, Illinois.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) Peoria Riverfront, Illinois.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an esti-
mated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) Des Moines and Raccoon Rivers, Des Moines, Iowa.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) Bayou Sorrel Lock, Louisiana.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(19) Morganza to the Gulf of Mexico, Louisiana.—

(A) In general.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an
estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPULAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Re-
port of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy
Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) South River, New Jersey.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) Southwest Valley, Albuquerque, New Mexico.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) Montauk Point, New York.—The project for hurricane and storm damage reduction, Montauk
Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility,
the removal or relocation of any facility obstructing the project.

(30) Gulf Intracoastal Waterway, Brazos River to Port O’Connor, Matagorda Bay Re-Route, Texas.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O’Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid 1⁄2 from amounts appropriated from the general fund of the Treasury and 1⁄2 from amounts appropriated from the Inland Waterways Trust Fund.

(31) Gulf Intracoastal Waterway, High Island to Brazos River, Texas.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid 1⁄2 from amounts appropriated from the general fund of the Treasury and 1⁄2 from amounts appropriated from the Inland Waterways Trust Fund.

(32) Riverside Oxbow, Fort Worth, Texas.—The project for ecosystem restoration, Riverside
Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) **Deep Creek, Chesapeake, Virginia.**—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) **Chehalis River, Centralia, Washington.**—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.
(b) Projects Subject to Final Report.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) Wood River Levee System, Illinois.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) Licking River, Cynthiana, Kentucky.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) Port of Iberia, Louisiana.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consulta-
tion with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) Hudson-Raritan Estuary, Liberty State Park, New Jersey.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) Jamaica Bay, Marine Park and Plumb Beach, Queens and Brooklyn, New York.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) Hocking River Basin, Monday Creek, Ohio.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.
(7) Pawley’s Island, South Carolina.—The project for hurricane and storm damage reduction, Pawley’s Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) Cranny Island Eastward Expansion, Virginia.—The project for navigation, Cranny Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) Definitions.—In this section:

(1) Plan.—The term “Plan” means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway Sys-

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term “Upper Mississippi River and Illinois Waterway System” means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O’Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;
(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid 1⁄2 from amounts appropriated from the general fund of the Treasury and 1⁄2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).
(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mis-
sissippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) Ecosystem Restoration Projects.—

(A) In general.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) Projects included.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;
(ii) construction of fish passages;
(iii) floodplain restoration;
(iv) water level management (including water drawdown);
(v) backwater restoration;
(vi) side channel restoration;
(vii) wing dam and dike restoration and modification;
(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) Cost Sharing.—

(i) In General.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) Exception for Certain Restoration Projects.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;
(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

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

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) Ecosystem Restoration Preconstruction Engineering and Design.—
(A) **Restoration Design.**—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) **Outcomes.**—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) **Restoration Design.**—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the perform-
ance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.
(5) Implementation Reports.—

(A) In General.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) Advisory Panel.—

(i) In General.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) Panel Members.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each
of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel
or any working group established by the Advisory Panel.

(6) Ranking system.—

(A) In general.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) Priority.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) Comparable Progress.—

(1) In general.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) No comparable rate.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.
SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) In General.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) Priorities.—

(1) In General.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.
(c) **MODIFICATIONS.—**

(1) **IN GENERAL.—** In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) **INTEGRATION.—** The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) **CONSTRUCTION.—**

(A) **IN GENERAL.—** The Secretary is authorized to construct the projects modified under this subsection.

(B) **REPORTS.—**

(i) **IN GENERAL.—** Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by sub-
section (n)(1) (referred to in this section as
the “Council”) for approval.

(ii) Submission to Congress.—On
approval of a report under clause (i), the
Council shall submit the report to the Com-
mittee on Environment and Public Works of
the Senate and the Committee on Transpor-
tation and Infrastructure of the House of
Representatives.

(4) Applicability of other provisions.—Sec-
tion 902 of the Water Resources Development Act of
1986 (33 U.S.C. 2280) shall not apply to the 5 near-
term projects authorized by this section.

(d) Demonstration Program.—

(1) In General.—In carrying out the program
under subsection (a), the Secretary is authorized to
conduct a demonstration program within the applica-
ble project area to evaluate new technologies and the
applicability of the technologies to the program.

(2) Cost Limitation.—The cost of an indi-
vidual project under this subsection shall be not more
than $25,000,000.

(e) Beneficial Use of Dredged Material.—

(1) In General.—In carrying out the program
under subsection (a), the Secretary is authorized to
use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.
(g) **NONGOVERNMENTAL ORGANIZATIONS.**—A non-
governmental organization shall be eligible to contribute all
or a portion of the non-Federal share of the cost of a project
under this section.

(h) **COMPREHENSIVE PLAN.**—

(1) **IN GENERAL.**—The Secretary, in coordina-
tion with the Governor of the State of Louisiana,
shall—

(A) develop a plan for protecting, pre-
serving, and restoring the coastal Louisiana eco-
system;

(B) not later than 1 year after the date of
enactment of this Act, and every 5 years there-
after, submit to Congress the plan, or an update
of the plan; and

(C) ensure that the plan is fully integrated
with the analysis and design of comprehensive
hurricane protection authorized by title I of the
Energy and Water Development Appropriations
2247).

(2) **INCLUSIONS.**—The comprehensive plan shall
include a description of—

(A) the framework of a long-term program
that provides for the comprehensive protection,
conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;
(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled “Coast 2050: Toward a Sustainable Coastal Louisiana”.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the “Coastal Louisiana Ecosystem Protection and Restoration Task Force” (referred to in this subsection as the “Task Force”).

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.
(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).
(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary deter-
mines to be necessary to assist the Secretary in carrying out this subsection.

(4) **Contracts and Cooperative Agreements.**—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) **Analysis of Benefits.**—

(1) **In General.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) **Determination of Cost-Effectiveness.**—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) **Studies.**—
(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coast-
al Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relat-
ing to the timeline and cost of a modification as
the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out
this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—

(1) ESTABLISHMENT.—There is established within
the Mississippi River Commission, a subgroup to
be known as the “Louisiana Water Resources Coun-
cil”.

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of
the implementation of a system-wide, comprehen-
sive plan for projects of the Corps of Engineers
(including the study, planning, engineering, de-
sign, and construction of the projects or compo-

dents of projects and the functions or activities
of the Corps of Engineers relating to other

projects) that addresses hurricane protection,

flood control, ecosystem restoration, storm surge
damage reduction, or navigation in the Hurri-
canes Katrina and Rita disaster areas in the
State of Louisiana; and
(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individuals with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.
(4) **DUTIES.**—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

(B) on approval, submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) **TERMINATION.**—

(A) **IN GENERAL.**—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) **EFFECT.**—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) **OTHER PROJECTS.**—

(1) **IN GENERAL.**—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act,
2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and
(C) the benefits and environmental impacts of the projects.

(3) **EXTERNAL REVIEW.**—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.**

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

**SEC. 1005. SMALL PROJECTS FOR NAVIGATION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):
(1) Little Rock Port, Arkansas.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) Au Sable River, Michigan.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) Middle Bass Island State Park, Middle Bass Island, Ohio.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) San Diego River, California.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.
† HR 2864 EAS

(2) Suisun Marsh, San Pablo Bay, California.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) Johnson Creek, Gresham, Oregon.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(4) Blackstone River, Rhode Island.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(5) College Lake, Lynchburg, Virginia.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS
Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

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

(1) by striking “Sec. 221” and inserting the following:

“Sec. 221. Written Agreement Requirement for Water Resources Projects.”;

and

(2) by striking subsection (a) and inserting the following:

“(a) Cooperation of Non-Federal Interest.—
“(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

“(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

“(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a
State, or a body politic of the State which derives its
powers from the State constitution, or a governmental
entity created by the State legislature, the agreement
may reflect that it does not obligate future appropri-
tions for such performance and payment when obli-
gating future appropriations would be inconsistent
with constitutional or statutory limitations of the
State or a political subdivision of the State.

“(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

“(A) IN GENERAL.—An agreement under
paragraph (1) shall provide that the Secretary
shall credit toward the non-Federal share of the
cost of the project, including a project imple-
mented under general continuing authority, the
value of in-kind contributions made by the non-
Federal interest, including—

“(i) the costs of planning (including
data collection), design, management, miti-
gation, construction, and construction serv-
ces that are provided by the non-Federal
interest for implementation of the project;
and

“(ii) the value of materials or services
provided before execution of an agreement
for the project, including—
“(I) efforts on constructed elements incorporated into the project; and

“(II) materials and services provided after an agreement is executed.

“(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

“(C) LIMITATIONS.—Credit authorized for a project—

“(i) shall not exceed the non-Federal share of the cost of the project;

“(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

“(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.”.
SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT

AUTHORITY.

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

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.”;

(2) in subsection (b), by striking “Secretary of State” and inserting “Department of State”; and

(3) in subsection (d)—

(A) by striking “$250,000 for fiscal year 2001” and inserting “$1,000,000 for fiscal year 2007 and each fiscal year thereafter”; and

(B) by striking “or international organizations” and inserting “, international organizations, or foreign governments”.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines
that it is in the best interest of the Federal Government
to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-
Federal interest attending a training class or course
described in subsection (a) shall pay the full cost of
the training provided to the individual.

(2) PAYMENTS.—Payments made by an indi-
vidual for training received under subsection (a), up
to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or
account used for paying training costs; and

(C) shall be available for use by the Sec-
retary, without further appropriation, for train-
ing purposes.

(3) EXCESS AMOUNTS.—Any payments received
under paragraph (2) that are in excess of the actual
cost of training provided shall be credited as miscella-
neous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January
of each year beginning January 2008, the Chief of Engi-
neers shall submit to the Committee on Environment and
Public Works of the Senate and the Committee on Transpor-
(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.
(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.
(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.
SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

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

“(a) IN GENERAL.—Enhancing”; and

(2) by adding at the end the following:

“(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

“(1) the water resource project and each separable element is cost-effective; and

“(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.”.

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;
(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and


(c) Calculation of Benefits and Costs for Flood Damage Reduction Projects.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.
(d) Centers of Specialized Planning Expertise.—

(1) Establishment.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) Duties.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) Completion of Corps of Engineers Reports.—
(1) Alternatives.—

(A) In General.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) Scope and Purposes.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) Reports of Chief of Engineers.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) Report Completion.—The completion of a report of the Chief of Engineers for a project—
(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Con-
gress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the “Coordinating Committee”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.— The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in flood prone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.
(e) Modernizing Water Resources Planning Guidelines.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) Proposed revisions.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities,
including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and
expert comments regarding any revision proposed under paragraph (2).

(4) Revision of Planning Guidance.—

(A) In General.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circuliars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) Effect.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) Report.—
(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term “construction activities” means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term “project study” means a feasibility report, reevaluation report, or en-
vimental impact statement prepared by the Corps
of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Sec-
retary shall appoint in the Office of the Secretary a Direc-
tor of Independent Review. The Director shall be selected
from among individuals who are distinguished experts in
engineering, hydrology, biology, economics, or another dis-
cipline related to water resources management. The Sec-
retary shall ensure, to the maximum extent practicable, that
the Director does not have a financial, professional, or other
conflict of interest with projects subject to review. The Di-
rector of Independent Review shall carry out the duties set
forth in this section and such other duties as the Secretary
deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—
The Secretary shall ensure that each project study for
a water resources project shall be reviewed by an
independent panel of experts established under this
subsection if—

(A) the project has an estimated total cost
of more than $40,000,000, including mitigation
costs;

(B) the Governor of a State in which the
water resources project is located in whole or in
part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or
(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science’s policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.
(B) Duties of Project Planning Review Panels.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel’s conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) Project Planning Review Record.—
(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the
Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection
does not submit to the Secretary a report by
the deadline established by clause (ii), the
Chief of Engineers may continue project
planning without delay.

(iv) DURATION OF PANELS.—An inde-
pendent panel of experts established under
this subsection shall terminate on the date
of submission of the report by the panel.
Panels may be established as early in the
planning process as deemed appropriate by
the Director of Independent Review, but
shall be appointed no later than 90 days be-
fore the release for public comment of a
draft study subject to review under sub-
section (c)(1)(A), and not later than 30
days after a determination that review is
necessary under subsection (c)(1)(B),
(c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The
project planning review required by this sub-
section shall be deemed to satisfy any external
review required by Engineering Circular 1105–
2–408 (31 May 2005) on Peer Review of Deci-
sion Documents.

(d) SAFETY ASSURANCE.—
(1) Projects subject to safety assurance review.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) Safety assurance review panels.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall es-
establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science’s policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) Deadlines for safety assurance reviews.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these re-
views be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000;
(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

“(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as
expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.”.

(b) Use of Consolidated Mitigation.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

“(3) Use of Consolidated Mitigation.—

“(A) In general.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

“(B) Service area.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

“(C) Responsibility relieved.—Purchase of credits from a mitigation bank or con-
reservation bank for a water resources project re-
lieves the Secretary and the non-Federal interest
from responsibility for monitoring or demon-
strating mitigation success.”.

(c) Mitigation Requirements.—Section 906(d) of
the Water Resources Development Act of 1986 (33 U.S.C.
2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “to the
Congress unless such report contains” and in-
serting “to Congress, and shall not select a
project alternative in any final record of deci-
sion, environmental impact statement, or envi-
ronmental assessment, unless the proposal, record
of decision, environmental impact statement, or
environmental assessment contains”; and

(B) in the second sentence, by inserting “,
and other habitat types are mitigated to not less
than in-kind conditions” after “mitigated in-
kind”; and

(2) by adding at the end the following:

“(3) Mitigation Requirements.—

“(A) In general.—To mitigate losses to
flood damage reduction capabilities and fish and
wildlife resulting from a water resources project,
the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

“(B) Inclusions.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

“(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

“(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

“(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

“(iv) a description of—

“(I) the types and amount of restoration activities to be conducted; and
“(II) the resource functions and values that will result from the mitigation plan; and
“(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

“(4) **DETERMINATION OF SUCCESS.**—

“(A) **IN GENERAL.**—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

“(B) **CONSULTATION.**—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

“(i) The ecological success of the mitigation as of the date on which the report is submitted.
“(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

“(iii) The projected timeline for achieving that success.

“(iv) Any recommendations for improving the likelihood of success.

“(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

“(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

“(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.”.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the
President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act of 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) **Projects Included.**—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) **Mitigation Tracking System.**—

(1) **In General.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary
and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.
(3) Availability of Information.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.
Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking “Sec. 22. (a) The Secretary” and inserting the following:

“Sec. 22. Planning Assistance to States.

“(a) Federal-State Cooperation.—

“(1) Comprehensive Plans.—The Secretary”;

(2) in subsection (a), by adding at the end the following:

“(2) Technical Assistance.—

“(A) In general.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

“(B) Types of Assistance.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.”;
(3) in subsection (b)(1), by striking “this section” each place it appears and inserting “subsection (a)(1)”;

(4) in subsection (b)(2), by striking “up to 1⁄2 of the” and inserting “the”;

(5) in subsection (c)—

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

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FEDERAL AND STATE COOPERATION.—There is”;

(B) in paragraph (1) (as designated by sub-

paragraph (A)), by striking “the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.” and inserting “subsection (a)(1).”; and

(C) by adding at the end the following:

“(2) TECHNICAL ASSISTANCE.—There is author-

ized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.”; and
(6) by adding at the end the following:

“(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.”.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.
(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) In General.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

“(E) Budget priority.—

“(i) In general.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

“(ii) Completed project.—A completed project shall have the same priority as a project with a contractor on site.”.

(b) Construction of Flood Control Projects by Non-Federal Interests.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

“(9) Thornton Reservoir, Cook County, Illinois.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

“(10) St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.—The project for flood
damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

“(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the ‘River and Harbor Act of 1938’) and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the ‘Flood Control Act of 1939’), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

“(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

“(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.”.
SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) In General.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

“SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

“(a) In General.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

“(1) the protection of property;

“(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

“(3) the transport and placement of suitable sediment

“(b) Secretarial Findings.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—
“(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

“(2) the project would not result in environmental degradation.

“(c) Determination of Planning and Project Costs.—

“(1) In general.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

“(2) Costs of Construction.—

“(A) In general.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective
way, consistent with economic, engineering, and environmental criteria.

“(B) Cost sharing.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

“(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

“(3) Operation, maintenance, replacement, and rehabilitation costs.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

“(d) Selection of sediment disposal method for environmental purposes.—

“(1) In general.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Sec-
retary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

“(2) Federal share.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

“(e) State and regional plans.—The Secretary, acting through the Chief of Engineers, may—

“(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

“(2) encourage State participation in the implementation of the plan; and

“(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

“(f) Priority areas.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

“(1) Fire Island Inlet, Suffolk County, New York;

“(2) Fletcher Cove, California;
“(3) Delaware River Estuary, New Jersey and Pennsylvania; and

“(4) Toledo Harbor, Lucas County, Ohio.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

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

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.
SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) In General.—Section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

“SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

“(a) Construction of Small Shore and Beach Restoration and Protection Projects.—

“(1) In General.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

“(2) Local Cooperation.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

“(3) Completeness.—A project under this section—

“(A) shall be complete; and

“(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for par-
participation in periodic beach nourishment in ac-
cordance with—

“(i) the first section of this Act; and
“(ii) the procedure for projects author-
ized after submission of a survey report.

“(b) NATIONAL SHORELINE EROSION CONTROL DE-
VELOPMENT AND DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting
through the Chief of Engineers, shall conduct a na-
tional shoreline erosion control development and dem-
onstration program (referred to in this section as the
‘program’).

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—The program shall in-
clude provisions for—

“(i) projects consisting of planning, de-
sign, construction, and adequate monitoring
of prototype engineered and native and nat-
uralized vegetative shoreline erosion control
devices and methods;

“(ii) detailed engineering and environ-
mental reports on the results of each project
carried out under the program; and

“(iii) technology transfers, as appro-
priate, to private property owners, State
and local entities, nonprofit educational institutions, and nongovernmental organizations.

“(B) Determination of Feasibility.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

“(C) Emphasis.—A project carried out under the program shall emphasize, to the maximum extent practicable—

“(i) the development and demonstration of innovative technologies;

“(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

“(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

“(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;
“(v) the avoidance of negative impacts to adjacent shorefront communities;
“(vi) the potential for long-term protection afforded by the technology; and
“(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—
“(I) adequate consideration of the subgrade;
“(II) proper filtration;
“(III) durable components;
“(IV) adequate connection between units; and
“(V) consideration of additional relevant information.
“(D) Sites.—
“(i) In general.—Each project under the program shall be carried out at—
“(I) a privately owned site with substantial public access; or
“(II) a publicly owned site on open coast or in tidal waters.
“(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

“(I) a variety of geographic and climatic conditions;

“(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

“(III) the rate of erosion;

“(IV) significant natural resources or habitats and environmentally sensitive areas; and

“(V) significant threatened historic structures or landmarks.

“(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

“(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

“(B) Federal, State, and local agencies;
“(C) private organizations;

“(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

“(E) applicable university research facilities.

“(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

“(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

“(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.
“(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

“(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

“(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

“(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

“(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

“(A) the activities carried out and accomplishments made under the program during the preceding year; and
“(B) any recommendations of the Secretary relating to the program.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

“(2) LIMITATION.—The total amount expended for a project under this section shall—

“(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary;

and

“(B) be not more than $3,000,000.”.

(b) REPEAL.—Section 5 the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.
SEC. 2014. SHORE PROTECTION PROJECTS.

(a) In General.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administra-
tive actions, it is the policy of the United States to promote
shore protection projects and related research that encour-
age the protection, restoration, and enhancement of sandy
beaches, including beach restoration and periodic beach re-
nourishment for a period of 50 years, on a comprehensive
and coordinated basis by the Federal Government, States,
localities, and private enterprises.

(b) Preference.—In carrying out the policy, pref-
ERENCE shall be given to—

(1) areas in which there has been a Federal in-
vestment of funds; and

(2) areas with respect to which the need for pre-
vention or mitigation of damage to shores and beaches
is attributable to Federal navigation projects or other
Federal activities.

(c) Applicability.—The Secretary shall apply the
policy to each shore protection and beach renourishment
project (including shore protection and beach renourish-
ment projects in existence on the date of enactment of this
Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) In General.—Costs incurred for monitoring for
an ecosystem restoration project shall be cost-shared—
(1) in accordance with the formula relating to
the applicable original construction project; and
(2) for a maximum period of 10 years.
(b) AGGREGATE LIMITATION.—Monitoring costs for an
ecosystem restoration project—
(1) shall not exceed in the aggregate, for a 10-
year period, an amount equal to 5 percent of the cost
of the applicable original construction project; and
(2) after the 10-year period, shall be 100 percent
non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.
For each of the following projects, the Corps of Engi-
neers shall include ecosystem restoration benefits in the cal-
culation of benefits for the project:
(1) Grayson’s Creek, California.
(2) Seven Oaks, California.
(3) Oxford, California.
(4) Walnut Creek, California.
(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND
PROCESSING OF PERMITS.
Section 214(a) of the Water Resources Development
Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is
amended by striking “In fiscal years 2001 through 2003,
the” and inserting “The”.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) Limitations.—This section does not preclude the submission of a hard copy, as required.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) In General.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) Cooperation.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.
(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.
(2) **REALLOCATION.**—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) **CREDIT FOR AFFECTED PROJECT PURPOSES.**—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

### SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: “This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.”.

### SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting “the Secretary of the Army,” after “the Secretary of Energy,”.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

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

(1) by striking “A non-Federal interest shall be” and inserting the following:

“(1) IN GENERAL.—In this section, the term ‘non-Federal interest’ means”; and

(2) by adding at the end the following:

“(2) INCLUSIONS.—The term ‘non-Federal interest’ includes a nonprofit organization acting with the consent of the affected unit of government.”.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasi-
bility study, final environmental impact statement,
final reevaluation report, record of decision, and re-
port to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described
in paragraph (1) shall be made available to the
public for review, and an electronic copy of each
document shall be made permanently available
to the public through the Internet website of the
Corps of Engineers.

(B) COST.—The Secretary shall charge the
requestor for the cost of duplication of the re-
quested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water
Development Appropriations Act, 2006 (Public Law 109–
103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHOR-
IZATION.

(a) SHORT TITLE.—This section may be cited as the
“National Dam Safety Program Act of 2006”.

(b) REAUTHORIZATION.—Section 13 of the National
Dam Safety Program Act (33 U.S.C. 467j) is amended—
(1) in subsection (a)(1), by adding “, and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended” after “expended”;

(2) in subsection (b), by striking “$500,000” and inserting “$1,000,000”;

(3) in subsection (c), by inserting before the period at the end the following: “, and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended”;

(4) in subsection (d), by inserting before the period at the end the following: “, and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended”; and

(5) in subsection (e), by inserting before the period at the end the following: “, and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended”.

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.
(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking “Sec. 107. (a) That the Secretary of the Army is hereby authorized to” and inserting the following:

“Sec. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

“(a) IN GENERAL.—The Secretary of the Army may”;

(2) in subsection (b)—

(A) by striking “(b) Not more” and inserting the following:

“(b) ALLOTMENT.—Not more”;

(B) by striking “$4,000,000” and inserting “$7,000,000”; and

(3) in subsection (c), by striking “(c) Local” and inserting the following:

“(c) LOCAL CONTRIBUTIONS.—Local”;

† HR 2864 EAS
(4) in subsection (d), by striking “(d) Non-Federal” and inserting the following:
“(d) NON-FEDERAL SHARE.—Non-Federal”;
(5) in subsection (e), by striking “(e) Each” and inserting the following:
“(e) COMPLETION.—Each”; and
(6) in subsection (f), by striking “(f) This” and inserting the following:
“(f) APPLICABILITY.—This”.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—
(1) by striking “$15,000,000” and inserting “$20,000,000”; and
(2) by striking “$1,000,000” and inserting “$1,500,000”.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECO- SYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—
(1) by striking the section heading and inserting the following:
SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.;

(2) in subsection (a), by striking “an aquatic” and inserting “a freshwater aquatic”; and

(3) in subsection (e), by striking “$25,000,000” and inserting “$75,000,000”.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

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

(1) by striking the section heading and inserting the following:

“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.”;

and

(2) in subsection (h), by striking “25,000,000” and inserting “$50,000,000”.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—
(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section
$25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.


(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

“(a) Definition of Non-Federal Interest.—In this section, the term ‘non-Federal interest’ includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).”;

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting “; and construction” before “assistance”; and

(B) by inserting “; including, with the consent of the affected local government, nonprofit entities,” after “non-Federal interests”;

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—
(A) by inserting “physical hazards and” after “adverse”; and
(B) by striking “drainage from”;
(6) in subsection (d) (as redesignated by paragraph (2)), by striking “50” and inserting “25”; and
(7) by adding at the end the following:
“(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.
“(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.
“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.”.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.
(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.
(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and
(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

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

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:
“(e) Public Health and Safety.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

“(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

“(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

“(f) Limitation.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.”.

(b) Local Cooperation.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking “shall” and inserting “may”; and

(B) by striking the second sentence; and
(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking “injunction, for” and inserting “injunction and payment of liquidated damages, for”; and

(ii) by striking “to collect a civil penalty imposed under this section,”; and

(B) in the second sentence, by striking “any civil penalty imposed under this section,” and inserting “any liquidated damages,”.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.
(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking “Sec. 205. That the” and inserting the following:

“Sec. 205. Projects to enhance reduction of flooding and obtain risk minimization.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the “National Levee Safety Program Act of 2006”.
SEC. 2052. DEFINITIONS.

In this subtitle:

(1) **Assessment.**—The term “assessment” means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) **Committee.**—The term “Committee” means the National Levee Safety Committee established by section 2053(a).

(3) **Inspection.**—The term “inspection” means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) **Levee.**—The term “levee” means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and
(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term “State levee safety agency” means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) Establishment.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—
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(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and
(iii) 2 of whom shall represent local
governments, based on recommendations of
Governors of the States.

(B) REQUIREMENT.—In appointing mem-
ers under subparagraph (A), the Secretary shall
ensure broad geographic representation, to the
maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as
Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in con-
sultation with the Committee, may invite to partici-
pate in meetings of the Committee, as appropriate, 1
or more of the following:

(A) Representatives of the National Labora-
tories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the
Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing
the national levee safety program under section
2054;
(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.
(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in
advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.
SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) In General.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) Purposes.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and
(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any
activity carried out by a Federal agency as of the
date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The
program under this section shall incorporate, to the max-
imum extent practicable—

(1) any activity carried out by a State or local
government, or a private entity, relating to the con-
struction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency
to support an effort by a State levee safety agency to
develop and implement an effective levee safety pro-
gram.

(f) INVENTORY OF LEVEES.—The Secretary shall de-
velop, maintain, and periodically publish an inventory of
levees in the United States, including the results of any
levee assessment conducted under this section and inspec-
tion.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in para-
graph (2), as soon as practicable after the date of en-
actment of this Act, the Secretary shall conduct an as-
essment of each levee in the United States that pro-
tects human life or the public safety to determine the
potential for a failure or overtopping of the levee that
would pose a risk of loss of human life or a risk to
the public safety.

(2) EXCEPTION.—The Secretary may exclude
from assessment under paragraph (1) any non-Fed-
eral levee the failure or overtopping of which would
not pose a risk of loss of human life or a risk to the
public safety.

(3) PRIORITIZATION.—In determining the order
in which to assess levees under paragraph (1), the
Secretary shall give priority to levees the failure or
overtopping of which would constitute the highest risk
of loss of human life or a risk to the public safety,
as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under
paragraph (1), the Secretary shall take into consider-
ation the potential of a levee to fail or overtop because
of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design defi-
ciencies; or

(F) other conditions that exist or may occur
in the vicinity of the levee.
(5) **STATE PARTICIPATION.**—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) **REPORT.**—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) **SUBSEQUENT ASSESSMENTS.**—
(A) In general.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) State assessment of non-federal levees.—

(i) In general.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) Availability of information.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) Non-federal levees.—

(I) In general.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) Cost.—The State shall pay 100 percent of the cost of an assessment under subclause (I).
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(III) **FUNDING.**—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) **STATE LEVEE SAFETY PROGRAMS.**—

(1) **ASSISTANCE TO STATES.**—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) **APPLICATION.**—

(A) **IN GENERAL.**—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) **INCLUSION.**—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—
(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve se-
curity, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and
(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.
(4) Review of state levee safety programs.—

(A) In general.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) Inadequate programs.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) Reporting.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;
(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and
(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);
(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

**TITLE III—PROJECT-RELATED PROVISIONS**

**SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.**

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

**SEC. 3002. SITKA, ALASKA.**

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act
of 1992 (106 Stat. 4801), is modified to direct the Secretary
to take such action as is necessary to correct design defi-
ciencies in the Sitka Harbor Breakwater, at full Federal
expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) In General.—The Secretary shall construct a new
project management office located in the city of Tuscaloosa,
Alabama, at a location within the vicinity of the city, at
full Federal expense.

(b) Transfer of Land and Structures.—The Sec-
cretary shall sell, convey, or otherwise transfer to the city
of Tuscaloosa, Alabama, at fair market value, the land and
structures associated with the existing project management
office, if the city agrees to assume full responsibility for
demolition of the existing project management office.

(c) Authorization of Appropriations.—There is
authorized to be appropriated to carry out subsection (a)
$32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag,
Flagstaff, Arizona, authorized by section 101(b)(3) of the
Water Resources Development Act of 2000 (114 Stat. 2576),
is modified to authorize the Secretary to construct the
project at a total cost of $54,100,000, with an estimated
Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) In General.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading “RED-OUACHITA RIVER BASIN” by striking “at Calion, Arkansas” and inserting “improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)”.

(b) Modification.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading “LOWER MISSISSIPPI RIVER” by inserting before the period at the end the following: “Provided, That the Ouachita River Levees, Louisiana, authorized by the first
section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) In General.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) No Separable Element.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) In General.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate
and maintain the navigation channel to the authorized
depth of the channel, in accordance with section 136 of the
Energy and Water Development Appropriations Act, 2004

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low-water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled “Arkansas River Corridor Master Plan Planning Assistance to States”.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112),
is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) Objectives.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.
SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as “Bel Marin Keys Unit V” at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.


SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.
(b) Authorization of Project.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) In General.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing flood-water storage.
(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled “Kings River Fisheries Management Program Framework Agreement” and dated May 29, 1999, between the California Department of Fish
and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.
(c) No Authorization of Certain Dam-Related Projects.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) Use of Existing Studies.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled “Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration” and dated July 19, 2002.

(e) Cost Sharing.—

(1) Project Planning, Design, and Construction.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) Non-Federal Share.—

(A) Credit for Land, Easements, and Rights-of-Way.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by
the non-Federal interest for use in carrying out
the project.

(B) Form.—The non-Federal interest may
provide not more than 50 percent of the non-
Federal share required under this clause in the
form of services, materials, supplies, or other in-
kind contributions.

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

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

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALI-
FORNIA.

The Secretary may dredge the Redwood City Naviga-
tion Channel, California, on an annual basis, to maintain
the authorized depth of –30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD
CONTROL, CALIFORNIA.

(a) Credit for Non-Federal Work.—

(1) In general.—The Secretary shall credit to-
ward that portion of the non-Federal share of the cost
of any flood damage reduction project authorized be-
fore the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:
“(1) In general.—The Secretary”;

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

“(2) Technical reviews.—The Secretaries”;

(3) in the third sentence, by striking “In developing” and inserting the following:

“(3) Improvements.—

“(A) In general.—In developing”;

(4) in the fourth sentence, by striking “In conducting” and inserting the following:

“(B) Use of funds.—In conducting”; and

(5) by adding at the end the following:

“(4) Project alternative solutions study.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the ‘Project Alternative Solutions Study’, as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

“(5) Consolidation of technical reviews and design activities.—The Secretary of the Army
shall consolidate technical reviews and design activities for—

“(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

“(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

“(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

“(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in para-
SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) Conditional Declaration of Nonnavigability.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) Portions of Waterfront.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along
said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) Requirement That Area Be Improved.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit,
including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term “Salton Sea Authority” means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term “Salton Sea Science Office” means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the
Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) **LOCAL PARTICIPATION.**—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) **COST SHARING.**—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an esti-
mated Federal cost of $130,600,000 and an estimated non-
Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.
The project for flood damage reduction, Yuba River
Basin, California, authorized by section 101(a)(10) of the
Water Resources Development Act of 1999 (113 Stat. 275),
is modified to authorize the Secretary to construct the
project at a total cost of $107,700,000, with an estimated
Federal cost of $70,000,000 and an estimated non-Federal
cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER,
NEW HAVEN HARBOR, CONNECTICUT.
The western breakwater for the project for navigation,
New Haven Harbor, Connecticut, authorized by the first
section of the Act of September 19, 1890 (26 Stat. 426),
shall be known and designated as the “Charles Hervey
Townshend Breakwater”.

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CON-
NECTICUT.
(a) IN GENERAL.—The portion of the project for navig-
gation, New London Harbor, Connecticut, authorized by the
Act of June 13, 1902 (32 Stat. 333), that consists of a 23-
foot waterfront channel described in subsection (b), is redes-
ignated as an anchorage area.
(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwest- erly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not au- thorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a
point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417,628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E.
417,815.29, thence running S. 17°05′15″ east 118.09 feet
to a point N. 103,855.48, E. 417,849.99, thence running
N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E.
417,829.90, thence running N. 10°05′26″ west 83.37 feet to
the point of origin.

SEC. 3028. ST. GEORGE’S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act
of 1990 (104 Stat. 4612) is amended by adding at the end
the following: “The Secretary shall assume ownership re-
sponsibility for the replacement bridge not later than the
date on which the construction of the bridge is completed
and the contractors are released of their responsibility by
the State. In addition, the Secretary may not carry out any
action to close or remove the St. George’s Bridge, Delaware,
without specific congressional authorization.”.

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) In General.—The Secretary shall remove the
shipwrecked vessel known as the “State of Pennsylvania”,
and any debris associated with that vessel, from the Chris-
tina River at Wilmington, Delaware, in accordance with
section 202(b) of the Water Resources Development Act of
1976 (33 U.S.C. 426m(b)).

(b) No Recovery of Funds.—Notwithstanding any
other provision of law, in carrying out this section, the Sec-

† HR 2864 EAS
retary shall not be required to recover funds from the owner
of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH,
JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the
Chesapeake and Delaware Canal in the State of Delaware
is designated as the “Senator William V. Roth, Jr. Bridge”.

(b) REFERENCES.—Any reference in a law (including
regulations), map, document, paper, or other record of the
United States to the bridge described in subsection (a) shall
be considered to be a reference to the Senator William V.
Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COM-
PREHENSIVE EVERGLADES RESTORATION,
FLORIDA.

Section 601(c)(3) of the Water Resources Development
Act of 2000 (114 Stat. 2684) is amended by adding at the
end the following:

“(C) MAXIMUM COST OF PROGRAM AUTHOR-
ITY.—Section 902 of the Water Resources Devel-
opment Act of 1986 (33 U.S.C. 2280) shall apply
to the individual project funding limits in sub-
paragraph (A) and the aggregate cost limits in subparagraph (B)”.

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking “7.1-mile reach” and inserting “7.6-mile reach”.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking “$75,000,000” and all that follows and inserting “$95,000,000.”; and

(2) by striking clause (ii) and inserting the following:

“(ii) FEDERAL SHARE.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a
project under subparagraph (A) shall not exceed $25,000,000.

“(II) Seminole Water Conservation Plan.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.”.

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

“(v) Hillsboro and Okeechobee AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.”.

† HR 2864 EAS
SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.
SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—
(A) **WILLING SELLERS.**—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) **BASIS.**—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) **SHARING OF COSTS.**—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) **OTHER CONDITIONS.**—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) **REPEAL.**—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

**SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

(a) **IN GENERAL.**—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.
(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and
(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;
(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;
(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

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

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

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor’s Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor’s Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).
SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting “Lake Michigan and” before “the Chicago River”.

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking “$5,000,000” and inserting “$20,000,000”.

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:
(1) **In general.**—The term “reconstruction” means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) **Inclusions.**—The term “reconstruction” includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) **Participation by Secretary.**—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) **Cost sharing.**—

(1) **In general.**—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same per-
centages as the costs of construction of the original project were shared.

(2) **Operation, Maintenance, and Repair Costs.**—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) **Critical Projects.**—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) **Economic Justification.**—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.
SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) In General.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) Modifications.—

(1) In General.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) Federal Share.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) Post-construction Monitoring and Management.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in
carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner
of the NE ¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) Consideration.—

(1) In general.—The conveyance under this section shall be at fair market value.

(2) Costs.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) Other terms and conditions.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) In general.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) Survey to obtain legal description.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.
(c) Reversion.—If the Secretary determines that the
property conveyed under subsection (a) ceases to be held in
public ownership or to be used for any purpose other than
a fire station, all right, title, and interest in and to the
property shall revert to the United States, at the option of
the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,
OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development
Act of 2000 (114 Stat. 2578) is amended—

(1) by striking “(A) IN GENERAL.—Projects for
ecosystem restoration, Ohio River Mainstem” and in-
serting the following:

“(A) AUTHORIZATION.—

“(i) IN GENERAL.—Projects for eco-
system restoration, Ohio River Basin (ex-
cluding the Tennessee and Cumberland
River Basins)”; and

(2) in subparagraph (A), by adding at the end
the following:

“(ii) NONPROFIT ENTITY.—For any
ecosystem restoration project carried out
under this paragraph, with the consent of
the affected local government, a nonprofit
entity may be considered to be a non-Federal interest.

“(iii) Program Implementation Plan.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

“(iv) Pilot Program.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.”.

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking “$219,600,000” each place it appears and inserting “$430,000,000”.

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) In General.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional
20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) Modification.—

(1) In general.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) First Cost.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) Technical Amendment.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: “and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites”.
SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) Project for Flood Control.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) Visitors Center.—

(1) In general.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) Cost sharing.—

(A) In general.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) Cost of upgrading.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.
(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

   (i) the State of Louisiana (including agencies and political subdivisions of the State); or

   (ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commis-
tion may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) Port Facilities Relocation.—

(1) Authorization of appropriations.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) Administration.—

(A) In general.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) Requirement.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vi-
(b) Revolving Loan Fund Grants.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) Coordination With Secretary.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is...
consistent with the analysis and design of comprehensive
hurricane protection authorized by title I of the Energy and
Water Development Appropriations Act, 2006 (Public Law

(d) ADMINISTRATIVE EXPENSES.—The Assistant Sec-
retary may use up to 2 percent of the amounts made avail-
able under subsections (a) and (b) for administrative ex-
penses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,
LOUISIANA.

The project for mitigation of fish and wildlife losses,
Red River Waterway, Louisiana, authorized by section
601(a) of the Water Resources Development Act of 1986
(100 Stat. 4142) and modified by section 4(h) of the Water
Resources Development Act of 1988 (102 Stat. 4016), sec-
tion 102(p) of the Water Resources Development Act of 1990
(104 Stat. 4613), section 301(b)(7) of the Water Resources
Development Act of 1996 (110 Stat. 3710), and section 316
2604), is further modified—

(1) to authorize the Secretary to carry out the
project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland
for reforestation (in addition to the purchase of bot-
tomland hardwood); and
(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.
SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking “$10,000,000” and inserting “$30,000,000”.

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking “$15,000,000” and inserting “$25,750,000”;

(2) by striking “$9,750,000” and inserting “$16,738,000”; and

(3) by striking “$5,250,000” and inserting “$9,012,000”.

SEC. 3062. AUNT LYDIA’S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia’s Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the “River and Harbor Act of 1960”), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit
of the existing project, N. 254332.00, E. 1023103.96, thence
running northwesterly about 761.60 feet to a point along
the western limit of the existing project N. 255076.84, E.
1022945.07, thence running southwesterly about 38.11 feet
to a point N. 255038.99, E. 1022940.60, thence running
due westerly about 267.07 feet to a point N. 254772.00, E.
1022947.00, thence running southeasterly about 462.41 feet
to a point N. 254320.06, E. 1023044.84, thence running
northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND
RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2)
579a(b)(2)), the project for navigation, Fall River Harbor,
Massachusetts and Rhode Island, authorized by section 101
of the River and Harbor Act of 1968 (82 Stat. 731), shall
remain authorized to be carried out by the Secretary, except
that the authorized depth of that portion of the project ex-
tending riverward of the Charles M. Braga, Jr. Memorial
Bridge, Fall River and Somerset, Massachusetts, shall not
exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study
to determine the feasibility of deepening that portion of the
navigation channel of the navigation project for Fall River
Harbor, Massachusetts and Rhode Island, authorized by sec-

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

“(a) DEFINITIONS.—In this section:

“(1) MANAGEMENT PLAN.—The term ‘management plan’ means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the partnership established by the Secretary under subsection (b)(1).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agen-
cies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

“(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

“(B) develop and implement projects consistent with the management plan.

“(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

“(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

“(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

“(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

“(1) IN GENERAL.—The Secretary shall—
“(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

“(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

“(C) plan, design, and implement projects consistent with the management plan; and

“(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

“(2) Specific measures.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

“(d) Supplements to management plan and strategic implementation plan.—In consultation with
the Partnership and after providing an opportunity for
public review and comment, the Secretary shall develop in-
formation to supplement—

“(1) the management plan; and

“(2) the strategic implementation plan developed
under subsection (c)(1)(A).

“(e) COST SHARING.—

“(1) NON-FEDERAL SHARE.—The non-Federal
share of the cost of technical assistance, or the cost of
planning, design, construction, and evaluation of a
project under subsection (c), and the cost of develop-
ment of supplementary information under subsection
(d)—

“(A) shall be 25 percent of the total cost of
the project or development; and

“(B) may be provided through the provision
of in-kind services.

“(2) CREDIT FOR LAND, EASEMENTS, AND
RIGHTS-OF-WAY.—The Secretary shall credit the non-
Federal sponsor for the value of any land, easements,
rights-of-way, dredged material disposal areas, or re-
locations provided for use in carrying out a project
under subsection (c).

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

“(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.”.

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting “, and to provide public access and recreational facilities” after “including any required bridge construction”.

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of
the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) In General.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the “Bonnet Carre Freshwater Diversion Project”, in accordance with this section.

(b) Non-Federal Financing Requirements.—

(1) Mississippi and Louisiana.—

(A) In General.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during that fiscal year by making depos-
its of the necessary funds into an escrow account
or into such other account as the Secretary deter-
mines to be acceptable.

(B) **DEADLINE.**—Any deposits required
under this paragraph shall be made by the af-
fected State by not later than 30 days after re-
ceipt of notification from the Secretary that the
amounts are due.

(2) **FAILURE TO PAY.**—

(A) **LOUISIANA.**—In the case of deposits re-
quired to be made by the State of Louisiana, the
Secretary may not award any new contract or
proceed to the next phase of any feature being
carried out in the State of Louisiana under sec-
tion 1003 if the State of Louisiana is not in
compliance with paragraph (1).

(B) **MISSISSIPPI.**—In the case of deposits
required to be made by the State of Mississippi,
the Secretary may not award any new contract
or proceed to the next phase of any feature being
carried out as a part of the Bonnet Carre Fresh-
water Diversion Project if the State of Mis-
issippi is not in compliance with paragraph
(1).
(3) ALLOCATION.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and
(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island
in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) Non-Federal Land.—The term “non-Federal land” means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) Land Exchange.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) Conditions.—

(1) Deeds.—

(A) Non-Federal Land.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) Federal Land.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United
States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

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

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.
(4) Cash Equalization Payment.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) Deadline.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 Levee, Missouri.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. Union Lake, Missouri.

(a) In General.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of
the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) **LAND DESCRIPTION.**—The land referred to in subsection (a) is described as follows:

(1) **TRACT 500.**—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) **TRACT 605.**—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) **CONVEYANCE.**—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

**SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.**

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking “$20,000,000” and inserting “$25,000,000”.

† HR 2864 EAS
SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) Definition of Restoration Project.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) Projects.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) Local Participation.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

† HR 2864 EAS
(D) the Yellowstone River Conservation District; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restora-
tion project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) Non-Federal Interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) Restoration Projects.—

(1) Definition.—The term “restoration project” means a project that will produce, consistent with other Federal programs, projects, and activities, im-
mediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs
incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “$5,200,000” and inserting “$18,200,000”.

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

“(c) DREDGED MATERIAL FACILITY.—

“(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant re-
duction technologies) using funds provided in whole
or in part by the Federal Government.

“(2) PERFORMANCE.—One or more of the parties
to the agreement may perform the acquisition, design,
construction, management, or operation of a dredged
material processing, treatment, contaminant reduc-
tion, or disposal facility.

“(3) MULTIPLE FEDERAL PROJECTS.—If appro-
priate, the Secretary may combine portions of sepa-
rate Federal projects with appropriate combined cost-
sharing between the various projects, if the facility
serves to manage dredged material from multiple Fed-
eral projects located in the geographic region of the
facility.

“(4) PUBLIC FINANCING.—

“(A) AGREEMENTS.—

“(i) SPECIFIED FEDERAL FUNDING
sources and cost sharing.—The cost-
sharing agreement used shall clearly
specify—

“(I) the Federal funding sources
and combined cost-sharing when appli-
cable to multiple Federal navigation
projects; and
“(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

“(ii) MANAGEMENT OF SEDIMENTS.—

“(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

“(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

“(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment
or capacity for the project to be credited according to existing cost-sharing rules.

“(B) Credit.—

“(i) Effect on existing agreements.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

“(ii) Credit for funds.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.
“(iii) Non-Federal interest responsibilities.—The non-Federal interest shall—

“(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

“(II) receive credit for those items.”; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting “and maintenance” after “operation” each place it appears; and

(B) by inserting “processing, treatment, or” after “dredged material” the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking “$5,000,000” and all that follows through “2005” and inserting “$25,000,000”.

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—
(1) by striking “$2,500,000” and inserting “$5,500,000”; and

(2) by adding before the period at the end the following: “(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)”.

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available
storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the “River and Harbor Act of 1946”) (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.
(4) Composition.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) Reallocation Study.—

(1) In general.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) Factors for consideration.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) Pool Management Plan.—

(1) In general.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake
Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) Release of Retained Rights, Interests, and Reservations.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled “An Act to authorize the sale of certain lands to the State of Oklahoma” (67 Stat. 62, chapter 118) is terminated.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).
SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Gov-
ernment in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) In General.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) Description of Property.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet;
thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection
(b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.
(d) Cost Sharing Requirements.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under sub-
section (a) may be satisfied by the provision of
in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Fed-
eral interests shall be responsible for all costs associ-
ated with operating, maintaining, replacing, repair-
ing, and rehabilitating all projects carried out under
this section.

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

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the
Tioga Township, Pennsylvania, at fair market value, all
right, title, and interest in and to the parcel of real property
located on the northeast end of Tract No. 226, a portion
of the Tioga-Hammond Lakes Floods Control Project, Tioga
County, Pennsylvania, consisting of approximately 8 acres,
together with any improvements on that property, in as-
is condition, for public ownership and use as the site of
the administrative offices and road maintenance complex
for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
exact acreage and the legal description of the real property
described in subsection (a) shall be determined by a survey
that is satisfactory to the Secretary.
(c) Reservation of Interests.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) Reversion.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) Cooperation Agreements.—

“(1) In general.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or non-
profit, nongovernmental organizations with expertise in wetland restoration.

“(2) **FINANCIAL ASSISTANCE.**—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.”;

and

(2) by striking subsection (d) and inserting the following:

“(d) **IMPLEMENTATION OF STRATEGY.**—

“(1) **IN GENERAL.**—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

“(2) **GOALS OF PROJECTS.**—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or non-profit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.”.
SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) In General.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) Land Description.—
(1) IN GENERAL.—Subject to paragraphs (2) and
(3), the parcels of land referred to in subsection (a)
are the parcels contained in the portion of land de-
scribed in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United
States shall retain—

(A) ownership of all land included in the
lease referred to in paragraph (1) that would
have been acquired for operational purposes in
accordance with the 1971 implementation of the
1962 Army/Interior Joint Acquisition Policy;
and

(B) such other land as is determined by the
Secretary to be required for authorized project
purposes, including easement rights-of-way to re-
main Federal land.

(3) SURVEY.—The exact acreage and legal de-
scription of the land described in paragraph (1) shall
be determined by a survey satisfactory to the Sec-
retary, with the cost of the survey to be paid by the
State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING
PROVISIONS.—Section 2696 of title 10, United States
Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the convey-
(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair mar-
ket value consideration, as determined by the United
States, for any land included in the conveyance under
this section.

(2) NO EFFECT ON SHORE MANAGEMENT POL-
ICY.—The Shoreline Management Policy (ER–1130–
2–406) of the Corps of Engineers shall not be changed
or altered for any proposed development of land con-
veyed under this section.

(3) FEDERAL STATUTES.—The conveyance under
this section shall be subject to the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
(including public review under that Act) and other
Federal statutes.

(4) COST SHARING.—In carrying out the convey-
ance under this section, the Secretary and the State
shall comply with all obligations of any cost sharing
agreement between the Secretary and the State in ef-
fect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall con-
tinue to manage the land not conveyed under this sec-
tion in accordance with the terms and conditions of
Army Lease Number DACW21–1–92–0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water
Resources Development Act of 2000 (114 Stat. 2708) is
amended—

(1) in clause (vii), by striking “and” at the end;

(2) by redesignating clause (viii) as clause (ix);

and

(3) by inserting after clause (vii) the following:

“(viii) rural water systems; and”.

(b) REAUTHORIZATION.—Section 907(a) of the Water
Resources Development Act of 2000 (114 Stat. 2712) is
amended in the first sentence by striking “2005” and in-
serting “2010”.

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-
HANCEMENT PROJECT.

Section 514 of the Water Resources Development Act
of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as
subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by para-
graph (1)), by striking paragraph (1) and inserting
the following:

“(1) NON-FEDERAL SHARE.—
“(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

“(i) in cash;

“(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

“(iii) by in-kind services to implement the project; or

“(iv) by any combination of the foregoing.

“(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

“(i) satisfactory to the Secretary; and

“(ii) necessary to assure achievement of the project purposes.”;

(3) in subsection (i) (as redesignated by paragraph (1)), by striking “for the period of fiscal years 2000 and 2001.” and inserting “per year, and that authority shall extend until Federal fiscal year 2015.”; and

(4) by inserting after subsection (e) the following:

“(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d—
5b(b)), for any project undertaken under this section, a non-
Federal interest may include a regional or national non-
profit entity with the consent of the affected local govern-
ment.

“(g) COST LIMITATION.—Not more than $5,000,000 in
Federal funds may be allotted under this section for a
project at any single locality.”

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON
COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a
project for flood damage reduction under section 205 of the
Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson
Creek, Jackson and Madison Counties, Tennessee, if the Sec-
retary determines that the project is technically sound, envi-
rionmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBU-
TARIES PROJECT, TENNESSEE.—Consistent with the report
of the Chief of Engineers dated March 24, 1948, on the West
Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be
an authorized channel of the West Tennessee Tribu-
taries Project; and

(2) the Anderson Creek flood damage reduction
project shall not be considered to be part of the West
Tennessee Tributaries Project.
SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Sec-
retary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as “Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) No Effect on Other Rights.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) In General.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) Relationship to West Tennessee Tributaries Project, Tennessee.—Consistent with the report
of the Chief of Engineers dated March 24, 1948, on the West
Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an
authorized channel of the West Tennessee Tributaries
Project; and

(2) the Sandy Creek flood damage reduction
project shall not be considered to be part of the West
Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development
Act of 2000 (114 Stat. 2632) is amended by striking “except
that the project is authorized only for construction of a
navigation channel 12 feet deep by 125 feet wide” and in-
serting “except that the project is authorized for construc-
tion of a navigation channel that is 10 feet deep by 100
feet wide”.

SEC. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may offer to convey
at fair market value to the city of Denison, Texas (or a
designee of the city), all right, title, and interest of the
United States in and to the approximately 900 acres of
land located in Grayson County, Texas, which is currently
subject to an Application for Lease for Public Park and
Recreational Purposes made by the city of Denison, dated
August 17, 2005.
(b) Survey to Obtain Legal Description.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) Conveyance.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) In General.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.
(b) Cost Sharing.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding the following:

“(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).”.

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).”; and

(2) in subsection (b), by adding at the end the following:

“(11) Camp Wapanacki, Hardwick.

“(12) Star Lake Dam, Mt. Holly.

“(13) Curtis Pond, Calais.

“(14) Weathersfield Reservoir, Springfield.

“(15) Burr Pond, Sudbury.

“(16) Maidstone Lake, Guildhall.

“(17) Upper and Lower Hurricane Dam.

“(18) Lake Fairlee.

“(19) West Charleston Dam.”.
SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the

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strategy may be provided through the contribution of
in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organiza-
tion with wetland restoration experience may serve as the
non-Federal interest for the study and development of the
strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the
study and developing the strategy under this section, the
Secretary may enter into 1 or more cooperative agreements
to provide technical assistance to appropriate Federal,
State, and local agencies and nonprofit organizations with
wetland restoration experience, including assistance for the
implementation of wetland restoration projects and soil and
water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out
development and implementation of the strategy under this
section in cooperation with local landowners and local gov-
ernment officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM
RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—
(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;
(B) streambank stabilization;
(C) restoration of stream stability;
(D) water quality improvement;
(E) invasive species control;
(F) wetland restoration;
(G) fish passage; and
(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).
(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;
(ix) wetland restoration and migratory bird habitat restoration;
(x) improvements in fish migration;
and
(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) **COST SHARING.**—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) **NON-FEDERAL INTEREST.**—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) **CREDITING.**—

(1) **FOR WORK.**—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) **FOR OTHER CONTRIBUTIONS.**—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.
(f) Cooperative Agreements.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

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

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking “or” at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

“(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

“(F) geographic mapping conducted by the Secretary using existing technical capacity to
produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or”;

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking “The non-Federal” and inserting the following:

“(i) IN GENERAL.—The non-Federal”;

and

(ii) by adding at the end the following:

“(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.”; and

(B) in subparagraph (C), by striking “up to 50 percent of”; and

(3) in subsection (g), by striking “$20,000,000” and inserting “$32,000,000”.

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

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

(1) by redesignating paragraph (2) as paragraph (4); and

(2) in paragraph (1)—
(A) in the second sentence, by striking
“$20,000,000” and inserting “$50,000,000”; and

(B) in the third sentence, by striking “Such
projects” and inserting the following:
“(2) INCLUSIONS.—Such projects”;

(3) by striking paragraph (2)(D) (as redesig-
nated by paragraph (2)(B)) and inserting the fol-
lowing:
“(D) the restoration and rehabilitation of
habitat for fish, including native oysters, in the
Chesapeake Bay and its tributaries in Virginia
and Maryland, including—
“(i) the construction of oyster bars and
reefs;
“(ii) the rehabilitation of existing mar-
ginal habitat;
“(iii) the use of appropriate alter-
native substrate material in oyster bar and
reef construction;
“(iv) the construction and upgrading
of oyster hatcheries; and
“(v) activities relating to increasing
the output of native oyster broodstock for
seeding and monitoring of restored sites to
ensure ecological success.
“(3) Restoration and Rehabilitation Activities.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

“(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

“(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.”; and

(4) by adding at the end the following:

“(5) Definition of Ecological Success.—In this subsection, the term ‘ecological success’ means—

“(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

“(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.”.

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking “at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.” and inserting “at a total cost of $3,000,000,
with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.”.

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) In General.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) Coordination and Cost-Sharing Requirements.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.
(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

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

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

(b) Deeds.—The deeds referred to in subsection (a) are as follows:

(1) Auditor’s File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.
(2) Auditor’s File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) No Effect on Other Rights.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) Transfer of Administrative Jurisdiction.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) Easements.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) Rights of Secretary.—

(1) In General.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which
administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act,
any island included in the land described in subsection (a).

(3) Coordination.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) Management.—

(1) In General.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) Cummins Property.—

(A) Retention of Credits.—Habitat unit credits described in the memorandum entitled “Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU” provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the “Cummins property” shall be retained by the Secretary despite any
changes in management of the parcel on or after
the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United
States Fish and Wildlife Service shall obtain
prior approval of the Washington State Depart-
ment of Fish and Wildlife for any change to the
previously approved site development plan for
the parcel of land formerly known as the
“Cummins property”.

(3) MADAME DORIAN RECREATION AREA.—The
United States Fish and Wildlife Service shall con-
tinue operation of the Madame Dorian Recreation
Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish
and Wildlife Service shall be responsible for all survey, envi-
ronmental compliance, and other administrative costs re-
quired to implement the transfer of administrative jurisdic-
tion under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND
IDAHO.

The Fish and Wildlife Compensation Plan for the
Lower Snake River, Washington and Idaho, as authorized
by section 101 of the Water Resources Development Act of
1976 (90 Stat. 2921), is amended to authorize the Secretary
to conduct studies and implement aquatic and riparian eco-
system restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the “River and Harbor Act of 1910”) and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.
SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County non-structural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 5, 1884 (commonly known as the
“River and Harbor Act of 1884”) (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

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

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

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

(3) by adding at the end the following:

“(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.”.

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the “River and Harbor Act of 1910”), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—
(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking “1276.42” and inserting “1278.42”;

(B) by striking “1218.31” and inserting “1221.31”; and

(C) by striking “1234.82” and inserting “1235.30”; and

(2) by striking subsection (b) and inserting the following:

“(b) EXCEPTION.—
“(1) IN GENERAL.—The Secretary may operate
the headwaters reservoirs below the minimum or
above the maximum water levels established under
subsection (a) in accordance with water control regu-
lation manuals (or revisions to those manuals) devel-
oped by the Secretary, after consultation with the
Governor of Minnesota and affected tribal govern-
ments, landowners, and commercial and recreational
users.

“(2) EFFECTIVE DATE OF MANUALS.—The water
control regulation manuals referred to in paragraph
(1) (and any revisions to those manuals) shall be ef-
fective as of the date on which the Secretary submits
the manuals (or revisions) to Congress.

“(3) NOTIFICATION.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), not less than 14 days before
operating any headwaters reservoir below the
minimum or above the maximum water level
limits specified in subsection (a), the Secretary
shall submit to Congress a notice of intent to op-
erate the headwaters reservoir.

“(B) EXCEPTION.—Notice under subpara-
graph (A) shall not be required in any case in
which—
“(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

“(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.”.

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking “property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge” and inserting “riverfront property”.

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) In General.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the “River and Harbor Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the “River and Harbor Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.
(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the “River
and Harbor Act of 1910’’), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the “River and Harbor Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: “, including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies”.

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law
1 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA” of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: “The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 897).”.

† HR 2864 EAS
SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

“(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

“(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

“(B) to determine whether planning of a project under paragraph (3) should proceed.”;

and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—
(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

“(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.”;

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking “(2) or (3)” and inserting “(3) or (4)”;

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking “subsection (c)(2)” and inserting “subsection (c)(3)”.

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking “through 2006” and inserting “through 2011”.

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking “through 2006” and inserting “through 2011”.

† HR 2864 EAS
SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) Definition of Upper Ohio River and Tributaries Navigation System.—In this section, the term “Upper Ohio River and Tributaries Navigation System” means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) Establishment.—

(1) In general.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) Inclusions.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) Purposes.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—
(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;
(B) to decrease system operational risks; and
(C) to improve—
   (i) vessel traffic management;
   (ii) access; and
   (iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—
   (1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.
   (2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:
      (A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement
project, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) Cost sharing.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) Expenditures.—

(A) In general.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) Exclusions.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.
(e) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—
(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) In General.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the “MKARN”), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) Species Study.—
(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.
SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) In General.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) Use of Existing Information and Measures.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) Demonstration Projects.—

(1) In General.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).
(2) **Federal share.**—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this subsection $12,000,000.

**SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

**SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.**

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking “32 months” and inserting “44 months”.

**SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.**

(a) **Flood Protection Project.**—

(1) **Review.**—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the
city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).
SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—
† HR 2864 EAS

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District;

and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.
SEC. 4012. SELENIUM STUDY, COLORADO.

(a) In General.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) Review.—

(1) In General.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) Joint Review.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) Standards.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for imple-
mentation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protec-
tion, and other related purposes, including the rehabilita-
tion the harbor basin (including entrance breakwaters), in-
terior shoreline protection, dredging, and the development
of a public launch ramp facility, for Middle Bass Island
State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH
CAROLINA.

(a) IN GENERAL.—The Secretary may determine the
feasibility of providing improvements to the Savannah
River for navigation and related purposes that may be nec-
essary to support the location of container cargo and other
port facilities to be located in Jasper County, South Caro-
lina, near the vicinity of mile 6 of the Savannah Harbor
Entrance Channel.

(b) CONSIDERATION.—In making a determination
under subsection (a), the Secretary shall take into
consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged ma-
terial disposal area for maintenance of the ongoing
Savannah Harbor Navigation project; and

(3) the results of a consultation with the Gov-
ernor of the State of Georgia and the Governor of the
State of South Carolina.
SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.  

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled “Johnson Creek: A Vision of Conservation, Arlington, Texas”, dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.  

(a) Dispersal Barrier Project.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.  

(b) Construction, Maintenance, and Operation.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.  

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—  

(1) in paragraph (18), by striking “and” at the end;
(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

“(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.”.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: “by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring
standards and a common system for tracking restoration acreage’’;

(2) in paragraph (2), by inserting “and implement” after “to develop”; and

(3) in paragraph (3), by inserting “through cooperative agreements” after “restoration projects”.

(b) Definition of Estuary Habitat Restoration Plan.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking “Federal or State” and inserting “Federal, State, or regional”.

(c) Estuary Habitat Restoration Program.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting “through the award of contracts and cooperative agreements” after “assistance”; 

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting “or State” after “Federal”; and 

(B) in paragraph (4)(B), by inserting “or approach” after “technology”; 

(3) in subsection (d)—

(A) in paragraph (1)—
(i) by striking “Except” and inserting the following:

“(i) IN GENERAL.—Except”; and

(ii) by adding at the end the following:

“(ii) MONITORING.—

“(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

“(II) GOALS.—The goals of the monitoring are—

“(aa) to measure the effectiveness of the restoration project;

and

“(bb) to allow adaptive management to ensure project success.”;

(B) in paragraph (2), by inserting “or approach” after “technology”; and

(C) in paragraph (3), by inserting “(including monitoring)” after “services”;

(4) in subsection (f)(1)(B), by inserting “long-term” before “maintenance”; and

(5) in subsection (g)—
(A) by striking “In carrying” and inserting the following:

“(1) IN GENERAL.—In carrying”; and

(B) by adding at the end the following:

“(2) SMALL PROJECTS.—

“(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

“(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

“(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

“(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

“(iii) the Administrator of the Environmental Protection Agency; or

“(iv) the Secretary of Agriculture.

“(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or ap-
propriations of the agency authorized by section 109(a)(1).

“(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.”.

(d) Establishment of Estuary Habitat Restoration Council.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) cooperating in the implementation of the strategy developed under section 106;

“(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and
“(8) otherwise using the respective agency authorities of the Council members to carry out this title.”.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking “compile” and inserting “have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of”.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking “third and fifth” and inserting “sixth, eighth, and tenth”.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

“(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

“(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;
“(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

“(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

“(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.”; and

(2) in the first sentence of paragraph (2)—

(A) by inserting “and other information compiled under section 107” after “this title”; and

(B) by striking “2005” and inserting “2010”.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting “or contracts” after “agreements”; and

(B) by inserting “, nongovernmental organizations,” after “agencies”; and

(2) by striking subsections (d) and (e).
SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) Assistance.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) Coordination and Integration.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) Ex Officio Member.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in
fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation;

and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Com-
mission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—
(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George’s County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.
(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;
(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) Use of Credit.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) Nonindigenous Aquatic Nuisance Prevention and Control.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking “, to carry out this paragraph, $750,000” and inserting “such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph”.

(2) Barrier II Authorization.—Section 345 of the District of Columbia Appropriations Act, 2005
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(Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERsal BARRIER, ILLINOIS.

“There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).”.

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the “Rio Grande Environmental Management Act of 2006”.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term “Rio Grande Compact” means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term “Rio Grande Basin” means the Rio Grande (including all tributaries and their headwaters) located—
(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term “States” means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with
the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—
(1) IN GENERAL.—The non-Federal share of the
cost of a project carried out under subsection
(c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind serv-
ices or direct cash contributions; and

(C) shall include provision of necessary
land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of
operation and maintenance of a project located on
Federal land, or land owned or operated by a State
or local government, shall be borne by the Federal,
State, or local agency that has jurisdiction over fish
and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section
5b), with the consent of the affected local government, a non-
profit entity may be included as a non-Federal interest for
any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section pre-
empts any State water law.

(2) COMPACTS AND DECREES.—In carrying out
this section, the Secretary shall comply with the Río
Grande Compact, and any applicable court decrees or
Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) Study.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) Missouri River Recovery Implementation Committee.—
(1) **Establishment.**—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the “Missouri River Recovery Implementation Committee” (referred to in this section as the “Committee”).

(2) **Membership.**—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) **Duties.**—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enact-
ment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;
(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts
in the State of Nebraska to serve as local sponsors with re-
spect to—

(1) conducting comprehensive watershed plan-
ning in the natural resource districts;

(2) assessing water resources in the natural re-
source districts; and

(3) providing project feasibility planning, de-
sign, and construction assistance for water resource
and watershed management in the natural resource
districts, including projects for environmental restora-
tion and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the
cost of carrying out an activity described in sub-
section (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal
share of the cost of carrying out an activity described
in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to the Secretary to carry out
this section $12,000,000.
SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) Disbursement Provisions of the State of South Dakota and the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “and the Secretary of the Treasury” after “Secretary”; and

(B) by striking clause (ii) and inserting the following:

“(ii) Availability of Funds.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in ac-
cordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.”;

and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

“(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.”.
(b) **Investment Provisions of the State of South Dakota Terrestrial Wildlife Restoration Trust Fund.**—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

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(c) Investments.—

(1) Eligible Obligations.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(2) Investment Requirements.—

(A) In general.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

(B) Separate Investments of Principal and Interest.—

(i) Principal Account.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the ‘principal account’) and invested as provided in subparagraph (C).
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“(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the ‘interest account’) and invested as provided in subparagraph (D).

“(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

“(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

“(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.
“(ii) Subsequent Investment.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturi

ging eligible obligation shall also be in

vested initially in the shortest-maturity eli

gible obligation then available until the

principal is reinvested substantially equally

in the eligible obligations that are identical

(except for transferability) to the next-issued

publicly issued Treasury obligations having

2-year, 5-year, and 10-year maturities.

“(iii) Discontinuance of Issuance

of Obligations.—If the Department of the

Treasury discontinues issuing to the public

obligations having 2-year, 5-year, or 10-

year maturities, the principal of any ma-

turing eligible obligation shall be reinvested

substantially equally in eligible obligations

that are identical (except for transfer-

ability) to the next-issued publicly issued

Treasury obligations of the maturities

longer than 1 year then available.

“(D) Investment of Interest Ac-

count.—
“(i) BEFORE FULL CAPITALIZATION.—

Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

“(ii) AFTER FULL CAPITALIZATION.—

On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

“(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.
“(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

“(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

“(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

“(4) AUDITS.—

“(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the ‘State’) in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).
“(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

“(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

“(ii) include the determination under clause (i) in the written findings of the audit.

“(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

“(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.”;
(2) in subsection (d)(2), by inserting “of the Treasury” after Secretary”; and

(3) by striking subsection (f) and inserting the following:

“(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

“(1) up to $500,000 for each of fiscal years 2006 and 2007; and

“(2) such sums as are necessary for each subsequent fiscal year.”.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) INVESTMENTS.—

“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts
only in interest-bearing obligations of the United States issued directly to the Funds.

“(2) INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

“(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

“(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the ‘principal account’) and invested as provided in subparagraph (C).

“(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the ‘interest account’) and invested as provided in subparagraph (D).

“(iii) CREDITING.—The interest earned from investing amounts in the interest ac-
count of each Fund shall be credited to the interest account.

“(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

“(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

“(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical
(except for transferability) to the next-issued
publicly issued Treasury obligations having
2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUATION OF ISSUANCE
OF OBLIGATIONS.—If the Department of the
Treasury discontinues issuing to the public
obligations having 2-year, 5-year, or 10-
year maturities, the principal of any ma-
turing eligible obligation shall be reinvested
substantially equally in eligible obligations
that are identical (except for transfer-
ability) to the next-issued publicly issued
Treasury obligations of the maturities
longer than 1 year then available.

“(D) INVESTMENT OF THE INTEREST AC-
COUNT.—

“(i) BEFORE FULL CAPITALIZATION.—
Until the date on which each Fund is fully
capitalized, amounts in the interest account
of the Fund shall be invested in eligible obli-
gations that are identical (except for trans-
ferability) to publicly issued Treasury obli-
gations that have maturities that coincide,
to the maximum extent practicable, with the
date on which the Fund is expected to be fully capitalized.

“(ii) AFTER FULL CAPITALIZATION.—

On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

“(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

“(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

“(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.
“(3) Annual review of investment activities.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the ‘Tribes’) the results of the investment activities and financial status of the Funds during the preceding 12-month period.

“(4) Audits.—

“(A) In general.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

“(B) Determination by auditors.—An auditor that conducts an audit under subparagraph (A) shall—

“(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and
“(ii) include the determination under clause (i) in the written findings of the audit.

“(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

“(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.”;

(2) by striking subsection (f) and inserting the following:

“(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—
“(1) up to $500,000 for each of fiscal years 2006 and 2007; and

“(2) such sums as are necessary for each subsequent fiscal year.”.

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) In General.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.
SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

SEC. 6005. HARTFORD, CONNECTICUT.


SEC. 6006. NEW HAVEN, CONNECTICUT.


SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.
SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.


SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.
SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.


SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.
SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the “Flood
Control Act of 1946’’) (33 U.S.C. 426e et seq.), is not au-

thorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE
AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties
at Lake Borgne and Chef Menteur, Louisiana, as part of
the Gulf Intercoastal Waterway authorized by the first sec-
tion of the River and Harbor Act of 1946 (60 Stat. 635),
is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOU-
ISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport,
Louisiana to Daingerfield, Texas, authorized by section 101
of the River and Harbor Act of 1968 (82 Stat. 731), is not
authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco
Bay in the Vicinity of Portland, Maine, authorized by sec-
tion 307 of the Water Resources Development Act of 1992
(106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine,
authorized by section 2 of the Act of March 2, 1945 (59
Stat. 12, chapter 19), is not authorized.
SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.


SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.
SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.
SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLcott HARBOR, LAKE ONTARIO, new YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.


SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA and SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.
SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, au-
The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the
Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of
May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Attest:

Secretary.