

In the Senate of the United States,

July 19, 2006.

Resolved, That the bill from the House of Representatives (H.R. 2864) entitled “An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.”, 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”.*

1 **(b) TABLE OF CONTENTS.**—*The table of contents of this*
 2 *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.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

- Sec. 2001. Credit for in-kind contributions.*
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent peer review.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
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. 2020. Federal hopper dredges.
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 waterborne 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.*
- Sec. 2035. Projects to enhance estuaries and coastal habitats.*
- Sec. 2036. Remediation of abandoned mine sites.*
- Sec. 2037. Small projects for the rehabilitation and removal of dams.*
- Sec. 2038. Remote, maritime-dependent communities.*
- Sec. 2039. Agreements for water resource projects.*
- Sec. 2040. Program names.*

Subtitle C—National Levee Safety Program

- Sec. 2051. Short title.*
- Sec. 2052. Definitions.*
- Sec. 2053. National Levee Safety Committee.*
- Sec. 2054. National Levee Safety Program.*
- Sec. 2055. Authorization of appropriations.*

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.*
- Sec. 3002. Sitka, Alaska.*
- Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.*
- Sec. 3004. Rio de Flag, Flagstaff, Arizona.*
- Sec. 3005. Augusta and Clarendon, Arkansas.*
- Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.*
- Sec. 3007. St. Francis Basin, Arkansas and Missouri.*
- Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.*
- Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.*
- Sec. 3010. Cache Creek Basin, California.*
- Sec. 3011. CALFED Levee stability program, California.*
- Sec. 3012. Hamilton Airfield, California.*
- Sec. 3013. LA-3 dredged material ocean disposal site designation, California.*
- Sec. 3014. Larkspur Ferry Channel, California.*
- Sec. 3015. Llagas Creek, California.*
- Sec. 3016. Magpie 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.*
- Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.*
- 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.*
- Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.*
- Sec. 3026. Anchorage area, New London Harbor, Connecticut.*
- Sec. 3027. Norwalk Harbor, Connecticut.*
- Sec. 3028. St. George's Bridge, Delaware.*
- Sec. 3029. Christina River, Wilmington, Delaware.*
- Sec. 3030. Designation of Senator William V. Roth, Jr. Bridge, Delaware.*
- Sec. 3031. Additional program authority, comprehensive Everglades restoration, Florida.*

- Sec. 3032. *Brevard County, Florida.*
- Sec. 3033. *Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.*
- Sec. 3034. *Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.*
- Sec. 3035. *Lido Key, Sarasota County, Florida.*
- Sec. 3036. *Port Sutton Channel, Tampa Harbor, Florida.*
- Sec. 3037. *Tampa Harbor, Cut B, Tampa, Florida.*
- Sec. 3038. *Allatoona Lake, Georgia.*
- Sec. 3039. *Dworshak Reservoir improvements, Idaho.*
- Sec. 3040. *Little Wood River, Gooding, Idaho.*
- Sec. 3041. *Port of Lewiston, Idaho.*
- Sec. 3042. *Cache River Levee, Illinois.*
- Sec. 3043. *Chicago, Illinois.*
- Sec. 3044. *Chicago River, Illinois.*
- Sec. 3045. *Illinois River Basin restoration.*
- Sec. 3046. *Missouri and Illinois flood protection projects reconstruction pilot program.*
- Sec. 3047. *Spunky Bottom, Illinois.*
- Sec. 3048. *Strawn Cemetery, John Redmond Lake, Kansas.*
- Sec. 3049. *Milford Lake, Milford, Kansas.*
- Sec. 3050. *Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.*
- Sec. 3051. *McAlpine Lock and Dam, Kentucky and Indiana.*
- Sec. 3052. *Public access, Atchafalaya Basin Floodway System, Louisiana.*
- Sec. 3053. *Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.*
- Sec. 3054. *Calcasieu River and Pass, Louisiana.*
- Sec. 3055. *East Baton Rouge Parish, Louisiana.*
- Sec. 3056. *Mississippi River Gulf Outlet relocation assistance, Louisiana.*
- Sec. 3057. *Red River (J. Bennett Johnston) Waterway, Louisiana.*
- Sec. 3058. *Camp Ellis, Saco, Maine.*
- Sec. 3059. *Union River, Maine.*
- Sec. 3060. *Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.*
- Sec. 3061. *Cumberland, Maryland.*
- Sec. 3062. *Aunt Lydia's Cove, Massachusetts.*
- Sec. 3063. *Fall River Harbor, Massachusetts and Rhode Island.*
- Sec. 3064. *St. Clair River and Lake St. Clair, Michigan.*
- Sec. 3065. *Duluth Harbor, Minnesota.*
- Sec. 3066. *Red Lake River, Minnesota.*
- Sec. 3067. *Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.*
- Sec. 3068. *Land exchange, Pike County, Missouri.*
- Sec. 3069. *L-15 levee, Missouri.*
- Sec. 3070. *Union Lake, Missouri.*
- Sec. 3071. *Fort Peck Fish Hatchery, Montana.*
- Sec. 3072. *Lower Yellowstone project, Montana.*
- Sec. 3073. *Yellowstone River and tributaries, Montana and North Dakota.*
- Sec. 3074. *Lower Truckee River, McCarran Ranch, Nevada.*
- Sec. 3075. *Middle Rio Grande restoration, New Mexico.*
- Sec. 3076. *Long Island Sound oyster restoration, New York and Connecticut.*
- Sec. 3077. *Orchard Beach, Bronx, New York.*
- Sec. 3078. *New York Harbor, New York, New York.*
- Sec. 3079. *Missouri River restoration, North Dakota.*

- Sec. 3080. *Lower Girard Lake Dam, Girard, Ohio.*
- Sec. 3081. *Toussaint River Navigation Project, Carroll Township, Ohio.*
- Sec. 3082. *Arcadia Lake, Oklahoma.*
- Sec. 3083. *Lake Eufaula, Oklahoma.*
- Sec. 3084. *Release of retained rights, interests, and reservations, Oklahoma.*
- Sec. 3085. *Oklahoma lakes demonstration program, Oklahoma.*
- Sec. 3086. *Waurika Lake, Oklahoma.*
- Sec. 3087. *Lookout Point project, Lowell, Oregon.*
- Sec. 3088. *Upper Willamette River Watershed ecosystem restoration.*
- Sec. 3089. *Tioga Township, Pennsylvania.*
- Sec. 3090. *Upper Susquehanna River Basin, Pennsylvania and New York.*
- Sec. 3091. *Narragansett Bay, Rhode Island.*
- Sec. 3092. *South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.*
- Sec. 3093. *Missouri River restoration, South Dakota.*
- Sec. 3094. *Missouri and Middle Mississippi Rivers enhancement project.*
- Sec. 3095. *Anderson Creek, Jackson and Madison Counties, Tennessee.*
- Sec. 3096. *Harris Fork Creek, Tennessee and Kentucky.*
- Sec. 3097. *Nonconnah Weir, Memphis, Tennessee.*
- Sec. 3098. *Old Hickory Lock and Dam, Cumberland River, Tennessee.*
- Sec. 3099. *Sandy Creek, Jackson County, Tennessee.*
- Sec. 3100. *Cedar Bayou, Texas.*
- Sec. 3101. *Denison, Texas.*
- Sec. 3102. *Freeport Harbor, Texas.*
- Sec. 3103. *Harris County, Texas.*
- Sec. 3104. *Connecticut River restoration, Vermont.*
- Sec. 3105. *Dam remediation, Vermont.*
- Sec. 3106. *Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.*
- Sec. 3107. *Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.*
- Sec. 3108. *Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.*
- Sec. 3109. *Lake Champlain watershed, Vermont and New York.*
- Sec. 3110. *Chesapeake Bay oyster restoration, Virginia and Maryland.*
- Sec. 3111. *Tangier Island Seawall, Virginia.*
- Sec. 3112. *Erosion control, Puget Island, Wahkiakum County, Washington.*
- Sec. 3113. *Lower Granite Pool, Washington.*
- Sec. 3114. *McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.*
- Sec. 3115. *Snake River project, Washington and Idaho.*
- Sec. 3116. *Whatcom Creek Waterway, Bellingham, Washington.*
- Sec. 3117. *Lower Mud River, Milton, West Virginia.*
- Sec. 3118. *McDowell County, West Virginia.*
- Sec. 3119. *Green Bay Harbor project, Green Bay, Wisconsin.*
- Sec. 3120. *Underwood Creek Diversion Facility Project, Milwaukee County, Wisconsin.*
- Sec. 3121. *Oconto Harbor, Wisconsin.*
- Sec. 3122. *Mississippi River headwaters reservoirs.*
- Sec. 3123. *Lower Mississippi River Museum and Riverfront Interpretive Site.*
- Sec. 3124. *Pilot program, Middle Mississippi River.*
- Sec. 3125. *Upper Mississippi River system environmental management program.*
- Sec. 3126. *Upper basin of Missouri River.*
- Sec. 3127. *Great Lakes fishery and ecosystem restoration program.*
- Sec. 3128. *Great Lakes remedial action plans and sediment remediation.*

- Sec. 3129. *Great Lakes tributary models.*
 Sec. 3130. *Upper Ohio River and Tributaries Navigation System new technology pilot program.*

TITLE IV—STUDIES

- Sec. 4001. *Eurasian milfoil.*
 Sec. 4002. *National port study.*
 Sec. 4003. *McClellan-Kerr Arkansas River Navigation Channel.*
 Sec. 4004. *Los Angeles River revitalization study, California.*
 Sec. 4005. *Nicholas Canyon, Los Angeles, California.*
 Sec. 4006. *Oceanside, California, shoreline special study.*
 Sec. 4007. *Comprehensive flood protection project, St. Helena, California.*
 Sec. 4008. *San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.*
 Sec. 4009. *South San Francisco Bay shoreline study, California.*
 Sec. 4010. *San Pablo Bay Watershed restoration, California.*
 Sec. 4011. *Fountain Creek, North of Pueblo, Colorado.*
 Sec. 4012. *Selenium study, Colorado.*
 Sec. 4013. *Promontory Point third-party review, Chicago Shoreline, Chicago, Illinois.*
 Sec. 4014. *Vidalia Port, Louisiana.*
 Sec. 4015. *Lake Erie at Luna Pier, Michigan.*
 Sec. 4016. *Middle Bass Island State Park, Middle Bass Island, Ohio.*
 Sec. 4017. *Jasper County port facility study, South Carolina.*
 Sec. 4018. *Johnson Creek, Arlington, Texas.*
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TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. *Lakes program.*
 Sec. 5002. *Estuary restoration.*
 Sec. 5003. *Delmarva conservation corridor, Delaware and Maryland.*
 Sec. 5004. *Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.*
 Sec. 5005. *Anacostia River, District of Columbia and Maryland.*
 Sec. 5006. *Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.*
 Sec. 5007. *Rio Grande environmental management program, Colorado, New Mexico, and Texas.*
 Sec. 5008. *Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.*
 Sec. 5009. *Lower Platte River watershed restoration, Nebraska.*
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 Sec. 5011. *Connecticut River dams, Vermont.*

TITLE VI—PROJECT DEAUTHORIZATIONS

- Sec. 6001. *Little Cove Creek, Glencoe, Alabama.*
 Sec. 6002. *Goleta and vicinity, California.*
 Sec. 6003. *Bridgeport Harbor, Connecticut.*
 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.*
- Sec. 6008. Shingle Creek Basin, Florida.*
- Sec. 6009. Brevoort, Indiana.*
- Sec. 6010. Middle Wabash, Greenfield Bayou, Indiana.*
- Sec. 6011. Lake George, Hobart, Indiana.*
- Sec. 6012. Green Bay Levee and Drainage District No. 2, Iowa.*
- Sec. 6013. Muscatine Harbor, Iowa.*
- Sec. 6014. Big South Fork National River and recreational area, Kentucky and Tennessee.*
- Sec. 6015. Eagle Creek Lake, Kentucky.*
- Sec. 6016. Hazard, Kentucky.*
- Sec. 6017. West Kentucky tributaries, Kentucky.*
- Sec. 6018. Bayou Cocodrie and tributaries, Louisiana.*
- Sec. 6019. Bayou LaFourche and LaFourche Jump, Louisiana.*
- Sec. 6020. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.*
- Sec. 6021. Fort Livingston, Grand Terre Island, Louisiana.*
- Sec. 6022. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.*
- Sec. 6023. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.*
- Sec. 6024. Casco Bay, Portland, Maine.*
- Sec. 6025. Northeast Harbor, Maine.*
- Sec. 6026. Penobscot River, Bangor, Maine.*
- Sec. 6027. Saint John River Basin, Maine.*
- Sec. 6028. Tenants Harbor, Maine.*
- Sec. 6029. Grand Haven Harbor, Michigan.*
- Sec. 6030. Greenville Harbor, Mississippi.*
- Sec. 6031. Platte River flood and related streambank erosion control, Nebraska.*
- Sec. 6032. Epping, New Hampshire.*
- Sec. 6033. Manchester, New Hampshire.*
- Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.*
- Sec. 6035. Eisenhower and Snell Locks, New York.*
- Sec. 6036. Olcott Harbor, Lake Ontario, New York.*
- Sec. 6037. Outer Harbor, Buffalo, New York.*
- Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.*
- Sec. 6039. Cleveland Harbor 1958 Act, Ohio.*
- Sec. 6040. Cleveland Harbor 1960 Act, Ohio.*
- Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.*
- Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.*
- Sec. 6043. Schuylkill River, Pennsylvania.*
- Sec. 6044. Tioga-Hammond Lakes, Pennsylvania.*
- Sec. 6045. Tamaqua, Pennsylvania.*
- Sec. 6046. Narragansett Town Beach, Narragansett, Rhode Island.*
- Sec. 6047. Quonset Point-Davisville, Rhode Island.*
- Sec. 6048. Arroyo Colorado, Texas.*
- Sec. 6049. Cypress Creek-Structural, Texas.*
- Sec. 6050. East Fork channel improvement, Increment 2, east fork of the Trinity River, Texas.*
- Sec. 6051. Falfurrias, Texas.*
- Sec. 6052. Pecan Bayou Lake, Texas.*
- Sec. 6053. Lake of the Pines, Texas.*
- Sec. 6054. Tennessee Colony Lake, Texas.*

Sec. 6055. City Waterway, Tacoma, Washington.

Sec. 6056. Kanawha River, Charleston, West Virginia.

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

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

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

6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7 *(a) PROJECTS WITH CHIEF’S REPORTS.—Except as*
 8 *otherwise provided in this section, the following projects for*
 9 *water resources development and conservation and other*
 10 *purposes are authorized to be carried out by the Secretary*
 11 *substantially in accordance with the plans, and subject to*
 12 *the conditions, described in the respective reports designated*
 13 *in this section:*

14 *(1) HAINES HARBOR, ALASKA.—The project for*
 15 *navigation, Haines Harbor, Alaska: Report of the*
 16 *Chief of Engineers dated December 20, 2004, at a*
 17 *total estimated cost of \$13,700,000, with an estimated*
 18 *Federal cost of \$10,960,000 and an estimated non-*
 19 *Federal cost of \$2,740,000.*

20 *(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA*
 21 *COUNTY, ARIZONA.—The project for ecosystem restora-*
 22 *tion, Rillito River (El Rio Antiguo), Pima County,*
 23 *Arizona: Report of the Chief of Engineers dated De-*
 24 *cember 22, 2004, at a total cost of \$75,200,000, with*

1 *an estimated Federal cost of \$48,400,000 and an esti-*
2 *mated non-Federal cost of \$26,800,000.*

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

10 (4) *TANQUE VERDE CREEK, ARIZONA.—The*
11 *project for ecosystem restoration, Tanque Verde Creek,*
12 *Arizona: Report of the Chief of Engineers dated July*
13 *22, 2003, at a total cost of \$5,706,000, with an esti-*
14 *mated Federal cost of \$3,706,000 and an estimated*
15 *non-Federal cost of \$2,000,000.*

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

18 (A) *IN GENERAL.—The project for ecosystem*
19 *restoration, Salt River (Va Shlyay Akimel), Ari-*
20 *zona: Report of the Chief of Engineers dated*
21 *January 3, 2005, at a total cost of \$156,700,000,*
22 *with an estimated Federal cost of \$101,600,000*
23 *and an estimated non-Federal cost of*
24 *\$55,100,000.*

1 (B) *COORDINATION WITH FEDERAL REC-*
2 *LAMATION PROJECTS.*—*The Secretary, to the*
3 *maximum extent practicable, shall coordinate the*
4 *development and construction of the project de-*
5 *scribed in subparagraph (A) with each Federal*
6 *reclamation project located in the Salt River*
7 *Basin to address statutory requirements and the*
8 *operations of those projects.*

9 (6) *HAMILTON CITY, CALIFORNIA.*—*The project*
10 *for flood damage reduction and ecosystem restoration,*
11 *Hamilton City, California: Report of the Chief of En-*
12 *gineers dated December 22, 2004, at a total cost of*
13 *\$50,600,000, with an estimated Federal cost of*
14 *\$33,000,000 and estimated non-Federal cost of*
15 *\$17,600,000.*

16 (7) *IMPERIAL BEACH, CALIFORNIA.*—*The project*
17 *for storm damage reduction, Imperial Beach, Cali-*
18 *formia: Report of the Chief of Engineers dated Decem-*
19 *ber 30, 2003, at a total cost of \$13,300,000, with an*
20 *estimated Federal cost of \$8,500,000 and an estimated*
21 *non-Federal cost of \$4,800,000, and at an estimated*
22 *total cost of \$41,100,000 for periodic beach nourish-*
23 *ment over the 50-year life of the project, with an esti-*
24 *mated Federal cost of \$20,550,000 and an estimated*
25 *non-Federal cost of \$20,550,000.*

1 (8) *MATILIJA DAM, VENTURA COUNTY, CALI-*
2 *FORNIA.—The project for ecosystem restoration,*
3 *Matilija Dam and Ventura River Watershed, Ventura*
4 *County, California: Report of the Chief of Engineers*
5 *dated December 20, 2004, at a total cost of*
6 *\$139,600,000, with an estimated Federal cost of*
7 *\$86,700,000 and an estimated non-Federal cost of*
8 *\$52,900,000.*

9 (9) *MIDDLE CREEK, LAKE COUNTY, CALI-*
10 *FORNIA.—The project for flood damage reduction and*
11 *ecosystem restoration, Middle Creek, Lake County,*
12 *California: Report of the Chief of Engineers dated No-*
13 *vember 29, 2004, at a total cost of \$43,630,000, with*
14 *an estimated Federal cost of \$28,460,000 and an esti-*
15 *mated non-Federal cost of \$15,170,000.*

16 (10) *NAPA RIVER SALT MARSH, CALIFORNIA.—*

17 (A) *IN GENERAL.—The project for ecosystem*
18 *restoration, Napa River Salt Marsh, California,*
19 *at a total cost of \$103,012,000, with an esti-*
20 *mated Federal cost of \$65,600,000 and an esti-*
21 *mated non-Federal cost of \$37,412,000, to be car-*
22 *ried out by the Secretary substantially in ac-*
23 *cordance with the plans and subject to the condi-*
24 *tions recommended in the final report signed by*
25 *the Chief of Engineers on December 22, 2004.*

1 (B) *ADMINISTRATION.*—*In carrying out the*
2 *project authorized by this paragraph, the Sec-*
3 *retary shall—*

4 (i) *construct a recycled water pipeline*
5 *extending from the Sonoma Valley County*
6 *Sanitation District Waste Water Treatment*
7 *Plant and the Napa Sanitation District*
8 *Waste Water Treatment Plant to the*
9 *project; and*

10 (ii) *restore or enhance Salt Ponds 1,*
11 *1A, 2, and 3.*

12 (C) *TRANSFER OF OWNERSHIP.*—*On com-*
13 *pletion of salinity reduction in the project area,*
14 *the Secretary shall transfer ownership of the*
15 *pipeline to the non-Federal interest at the fully*
16 *depreciated value of the pipeline, less—*

17 (i) *the non-Federal cost-share contrib-*
18 *uted under subparagraph (A); and*

19 (ii) *the estimated value of the water to*
20 *be provided as needed for maintenance of*
21 *habitat values in the project area through-*
22 *out the life of the project.*

23 (11) *SOUTH PLATTE RIVER, DENVER, COLO-*
24 *RADO.*—*The project for ecosystem restoration, Denver*
25 *County Reach, South Platte River, Denver, Colorado:*

1 *Report of the Chief of Engineers dated May 16, 2003,*
2 *at a total cost of \$21,050,000, with an estimated Fed-*
3 *eral cost of \$13,680,000 and an estimated non-Fed-*
4 *eral cost of \$7,370,000.*

5 (12) *INDIAN RIVER LAGOON, SOUTH FLORIDA.—*

6 (A) *IN GENERAL.—The Secretary may*
7 *carry out the project for ecosystem restoration,*
8 *water supply, flood control, and protection of*
9 *water quality, Indian River Lagoon, south Flor-*
10 *ida, at a total cost of \$1,365,000,000, with an es-*
11 *timated first Federal cost of \$682,500,000 and*
12 *an estimated first non-Federal cost of*
13 *\$682,500,000, in accordance with section 601 of*
14 *the Water Resources Development Act of 2000*
15 *(114 Stat. 2680) and the recommendations of the*
16 *report of the Chief of Engineers dated August 6,*
17 *2004.*

18 (B) *DEAUTHORIZATIONS.—As of the date of*
19 *enactment of this Act, the following projects are*
20 *not authorized:*

21 (i) *The uncompleted portions of the*
22 *project authorized by section 601(b)(2)(C)(i)*
23 *of the Water Resources Development Act of*
24 *2000 (114 Stat. 2682), C-44 Basin Storage*
25 *Reservoir of the Comprehensive Everglades*

1 *Restoration Plan, at a total cost of*
2 *\$147,800,000, with an estimated Federal*
3 *cost of \$73,900,000 and an estimated non-*
4 *Federal cost of \$73,900,000.*

5 *(ii) The uncompleted portions of the*
6 *project authorized by section 203 of the*
7 *Flood Control Act of 1968 (Public Law 90-*
8 *483; 82 Stat. 740), Martin County, Florida,*
9 *modifications to Central and South Florida*
10 *Project, as contained in Senate Document*
11 *101, 90th Congress, 2d Session, at a total*
12 *cost of \$15,471,000, with an estimated Fed-*
13 *eral cost of \$8,073,000 and an estimated*
14 *non-Federal cost of \$7,398,000.*

15 *(iii) The uncompleted portions of the*
16 *project authorized by section 203 of the*
17 *Flood Control Act of 1968 (Public Law 90-*
18 *483; 82 Stat. 740), East Coast*
19 *Backpumping, St. Lucie–Martin County,*
20 *Spillway Structure S–311 of the Central*
21 *and South Florida Project, as contained in*
22 *House Document 369, 90th Congress, 2d*
23 *Session, at a total cost of \$77,118,000, with*
24 *an estimated Federal cost of \$55,124,000*

1 and an estimated non-Federal cost of
2 \$21,994,000.

3 (13) *MIAMI HARBOR, MIAMI, FLORIDA.*—The
4 project for navigation, Miami Harbor, Miami, Flor-
5 ida: Report of the Chief of Engineers dated April 25,
6 2005, at a total cost of \$125,270,000, with an esti-
7 mated Federal cost of \$75,140,000 and an estimated
8 non-Federal cost of \$50,130,000.

9 (14) *PICAYUNE STRAND, FLORIDA.*—The project
10 for ecosystem restoration, Picayune Strand, Florida:
11 Report of the Chief of Engineers dated September 15,
12 2005, at a total cost of \$362,260,000 with an esti-
13 mated Federal cost of \$181,130,000 and an estimated
14 non-Federal cost of \$181,130,000.

15 (15) *EAST ST. LOUIS AND VICINITY, ILLINOIS.*—
16 The project for ecosystem restoration and recreation,
17 East St. Louis and Vicinity, Illinois: Report of the
18 Chief of Engineers dated December 22, 2004, at a
19 total cost of \$201,600,000, with an estimated Federal
20 cost of \$130,600,000 and an estimated non-Federal
21 cost of \$71,000,000.

22 (16) *PEORIA RIVERFRONT, ILLINOIS.*—The
23 project for ecosystem restoration, Peoria Riverfront,
24 Illinois: Report of the Chief of Engineers dated July
25 28, 2003, at a total cost of \$17,760,000, with an esti-

1 *mated Federal cost of \$11,540,000 and an estimated*
2 *non-Federal cost of \$6,220,000.*

3 (17) *DES MOINES AND RACCOON RIVERS, DES*
4 *MOINES, IOWA.—The project for flood damage reduc-*
5 *tion, Des Moines and Raccoon Rivers, Des Moines,*
6 *Iowa: Report of the Chief of Engineers dated March*
7 *28, 2006, at a total cost of \$10,500,000, with an esti-*
8 *mated Federal cost of \$6,800,000 and an estimated*
9 *non-Federal cost of \$3,700,000.*

10 (18) *BAYOU SORREL LOCK, LOUISIANA.—The*
11 *project for navigation, Bayou Sorrel Lock, Louisiana:*
12 *Report of the Chief of Engineers dated January 3,*
13 *2005, at a total cost of \$9,500,000. The costs of con-*
14 *struction of the project are to be paid $\frac{1}{2}$ from*
15 *amounts appropriated from the general fund of the*
16 *Treasury and $\frac{1}{2}$ from amounts appropriated from*
17 *the Inland Waterways Trust Fund.*

18 (19) *MORGANZA TO THE GULF OF MEXICO, LOU-*
19 *ISIANA.—*

20 (A) *IN GENERAL.—The project for hurricane*
21 *and storm damage reduction, Morganza to the*
22 *Gulf of Mexico, Louisiana: Reports of the Chief*
23 *of Engineers dated August 23, 2002, and July*
24 *22, 2003, at a total cost of \$841,100,000 with an*

1 *estimated Federal cost of \$546,300,000 and an*
2 *estimated non-Federal cost of \$294,800,000.*

3 (B) OPERATION AND MAINTENANCE.—*The*
4 *operation, maintenance, repair, rehabilitation,*
5 *and replacement of the Houma Navigation*
6 *Canal lock complex and the Gulf Intracoastal*
7 *Waterway floodgate features that provide for in-*
8 *land waterway transportation shall be a Federal*
9 *responsibility, in accordance with section 102 of*
10 *the Water Resources Development Act of 1986*
11 *(33 U.S.C. 2212; Public Law 99–662).*

12 (20) POPLAR ISLAND EXPANSION, MARYLAND.—
13 *The project for the beneficial use of dredged material*
14 *at Poplar Island, Maryland, authorized by section*
15 *537 of the Water Resources Development Act of 1996*
16 *(110 Stat. 3776), and modified by section 318 of the*
17 *Water Resources Development Act of 2000 (114 Stat.*
18 *2678), is further modified to authorize the Secretary*
19 *to construct the project in accordance with the Report*
20 *of the Chief of Engineers dated March 31, 2006, at a*
21 *total cost of \$256,100,000, with an estimated Federal*
22 *cost of \$192,100,000 and an estimated non-Federal*
23 *cost of \$64,000,000.*

24 (21) SMITH ISLAND, MARYLAND.—*The project for*
25 *ecosystem restoration, Smith Island, Maryland: Re-*

1 *port of the Chief of Engineers dated October 29, 2001,*
2 *at a total cost of \$14,500,000, with an estimated Fed-*
3 *eral cost of \$9,425,000 and an estimated non-Federal*
4 *cost of \$5,075,000.*

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

12 (23) *MANASQUAN TO BARNEGAT INLETS, NEW*
13 *JERSEY.—The project for hurricane and storm dam-*
14 *age reduction, Manasquan to Barnegat Inlets, New*
15 *Jersey: Report of the Chief of Engineers dated Decem-*
16 *ber 30, 2003, at a total cost of \$70,340,000, with an*
17 *estimated Federal cost of \$45,720,000 and an esti-*
18 *mated non-Federal cost of \$24,620,000, and at an es-*
19 *timated total cost of \$117,100,000 for periodic beach*
20 *nourishment over the 50-year life of the project, with*
21 *an estimated Federal cost of \$58,550,000 and an esti-*
22 *mated non-Federal cost of \$58,550,000.*

23 (24) *RARITAN BAY AND SANDY HOOK BAY, UNION*
24 *BEACH, NEW JERSEY.—The project for hurricane and*
25 *storm damage reduction, Raritan Bay and Sandy*

1 *Hook Bay, Union Beach, New Jersey: Report of the*
2 *Chief of Engineers dated January 4, 2006, at a total*
3 *cost of \$112,640,000, with an estimated Federal cost*
4 *of \$73,220,600 and an estimated non-Federal cost of*
5 *\$39,420,000, and at an estimated total cost of*
6 *\$6,400,000 for periodic nourishment over the 50-year*
7 *life of the project, with an estimated Federal cost of*
8 *\$2,300,000 and an estimated non-Federal cost of*
9 *\$4,100,000.*

10 (25) *SOUTH RIVER, NEW JERSEY.—The project*
11 *for hurricane and storm damage reduction and eco-*
12 *system restoration, South River, New Jersey: Report*
13 *of the Chief of Engineers dated July 22, 2003, at a*
14 *total cost of \$120,810,000, with an estimated Federal*
15 *cost of \$78,530,000 and an estimated non-Federal cost*
16 *of \$42,280,000.*

17 (26) *SOUTHWEST VALLEY, ALBUQUERQUE, NEW*
18 *MEXICO.—The project for flood damage reduction,*
19 *Southwest Valley, Albuquerque, New Mexico: Report*
20 *of the Chief of Engineers dated November 29, 2004, at*
21 *a total cost of \$24,000,000, with an estimated Federal*
22 *cost of \$15,600,000 and an estimated non-Federal cost*
23 *of \$8,400,000.*

24 (27) *MONTAUK POINT, NEW YORK.—The project*
25 *for hurricane and storm damage reduction, Montauk*

1 *Point, New York: Report of the Chief of Engineers*
2 *dated March 31, 2006, at a total cost of \$14,070,000,*
3 *with an estimated Federal cost of \$7,035,000 and an*
4 *estimated non-Federal cost of \$7,035,000.*

5 (28) *BLOOMSBURG, PENNSYLVANIA.—The project*
6 *for flood damage reduction, Bloomsburg, Pennsyl-*
7 *vania: Report of the Chief of Engineers dated Janu-*
8 *ary 25, 2006, at a total cost of \$43,300,000, with an*
9 *estimated Federal cost of \$28,150,000 and an esti-*
10 *mated non-Federal cost of \$15,150,000.*

11 (29) *CORPUS CHRISTI SHIP CHANNEL, CORPUS*
12 *CHRISTI, TEXAS.—*

13 (A) *IN GENERAL.—The project for naviga-*
14 *tion and ecosystem restoration, Corpus Christi*
15 *Ship Channel, Texas, Channel Improvement*
16 *Project: Report of the Chief of Engineers dated*
17 *June 2, 2003, at a total cost of \$188,110,000,*
18 *with an estimated Federal cost of \$87,810,000*
19 *and an estimated non-Federal cost of*
20 *\$100,300,000.*

21 (B) *NAVIGATIONAL SERVITUDE.—In car-*
22 *rying out the project under subparagraph (A),*
23 *the Secretary shall enforce navigational servitude*
24 *in the Corpus Christi Ship Channel, including,*
25 *at the sole expense of the owner of the facility,*

1 *the removal or relocation of any facility obstruct-*
2 *ing the project.*

3 (30) *GULF INTRACOASTAL WATERWAY, BRAZOS*
4 *RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-*
5 *ROUTE, TEXAS.—The project for navigation, Gulf In-*
6 *tracoastal Waterway, Brazos River to Port O'Connor,*
7 *Matagorda Bay Re-Route, Texas: Report of the Chief*
8 *of Engineers dated December 24, 2002, at a total cost*
9 *of \$17,280,000. The costs of construction of the project*
10 *are to be paid ½ from amounts appropriated from*
11 *the general fund of the Treasury and ½ from*
12 *amounts appropriated from the Inland Waterways*
13 *Trust Fund.*

14 (31) *GULF INTRACOASTAL WATERWAY, HIGH IS-*
15 *LAND TO BRAZOS RIVER, TEXAS.—The project for*
16 *navigation, Gulf Intracoastal Waterway, Sabine*
17 *River to Corpus Christi, Texas: Report of the Chief of*
18 *Engineers dated April 16, 2004, at a total cost of*
19 *\$14,450,000. The costs of construction of the project*
20 *are to be paid ½ from amounts appropriated from*
21 *the general fund of the Treasury and ½ from*
22 *amounts appropriated from the Inland Waterways*
23 *Trust Fund.*

24 (32) *RIVERSIDE OXBOW, FORT WORTH, TEXAS.—*
25 *The project for ecosystem restoration, Riverside*

1 *Oxbow, Fort Worth, Texas: Report of the Chief of En-*
2 *gineers dated May 29, 2003, at a total cost of*
3 *\$27,330,000, with an estimated Federal cost of*
4 *\$11,320,000 and an estimated non-Federal cost of*
5 *\$16,010,000.*

6 (33) *DEEP CREEK, CHESAPEAKE, VIRGINIA.—The*
7 *project for the Atlantic Intracoastal Waterway Bridge*
8 *Replacement, Deep Creek, Chesapeake, Virginia: Re-*
9 *port of the Chief of Engineers dated March 3, 2003,*
10 *at a total cost of \$37,200,000.*

11 (34) *CHEHALIS RIVER, CENTRALIA, WASH-*
12 *INGTON.—The project for flood damage reduction,*
13 *Centralia, Washington, authorized by section 401(a)*
14 *of the Water Resources Development Act of 1986*
15 *(Public Law 99–662; 100 Stat. 4126)—*

16 (A) *is modified to be carried out at a total*
17 *cost of \$121,100,000, with a Federal cost of*
18 *\$73,220,000, and a non-Federal cost of*
19 *\$47,880,000; and*

20 (B) *shall be carried out by the Secretary*
21 *substantially in accordance with the plans, and*
22 *subject to the conditions, recommended in the*
23 *final report of the Chief of Engineers dated Sep-*
24 *tember 27, 2004.*

1 **(b) PROJECTS SUBJECT TO FINAL REPORT.**—*The fol-*
2 *lowing projects for water resources development and con-*
3 *servation and other purposes are authorized to be carried*
4 *out by the Secretary substantially in accordance with the*
5 *plans, and subject to the conditions, recommended in a final*
6 *report of the Chief of Engineers if a favorable report of the*
7 *Chief is completed not later than December 31, 2006:*

8 **(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.**—*The*
9 *project for flood damage reduction, Wood River, Illi-*
10 *nois, authorized by the Act of June 28, 1938 (52 Stat.*
11 *1215, chapter 795), is modified to authorize construc-*
12 *tion of the project at a total cost of \$16,730,000, with*
13 *an estimated Federal cost of \$10,900,000 and an esti-*
14 *mated non-Federal cost of \$5,830,000.*

15 **(2) LICKING RIVER, CYNTHIANA, KENTUCKY.**—
16 *The project for flood damage reduction, Licking*
17 *River, Cynthiana, Kentucky, at a total cost of*
18 *\$17,800,000, with an estimated Federal cost of*
19 *\$11,570,000 and an estimated non-Federal cost of*
20 *\$6,230,000.*

21 **(3) PORT OF IBERIA, LOUISIANA.**—*The project*
22 *for navigation, Port of Iberia, Louisiana, at a total*
23 *cost of \$204,600,000, with an estimated Federal cost*
24 *of \$129,700,000 and an estimated non-Federal cost of*
25 *\$74,900,000, except that the Secretary, in consulta-*

1 *tion with Vermillion and Iberia Parishes, Louisiana,*
2 *is directed to use available dredged material and rock*
3 *placement on the south bank of the Gulf Intracoastal*
4 *Waterway and the west bank of the Freshwater Bayou*
5 *Channel to provide incidental storm surge protection.*

6 (4) *HUDSON-RARITAN ESTUARY, LIBERTY STATE*
7 *PARK, NEW JERSEY.—The project for ecosystem res-*
8 *toration, Hudson-Raritan Estuary, Liberty State*
9 *Park, New Jersey, at a total cost of \$33,050,000, with*
10 *an estimated Federal cost of \$21,480,000 and an esti-*
11 *mated non-Federal cost of \$11,570,000.*

12 (5) *JAMAICA BAY, MARINE PARK AND PLUMB*
13 *BEACH, QUEENS AND BROOKLYN, NEW YORK.—The*
14 *project for ecosystem restoration, Jamaica Bay,*
15 *Queens and Brooklyn, New York, at a total estimated*
16 *cost of \$204,159,000, with an estimated Federal cost*
17 *of \$132,703,000 and an estimated non-Federal cost of*
18 *\$71,456,000.*

19 (6) *HOCKING RIVER BASIN, MONDAY CREEK,*
20 *OHIO.—The project for ecosystem restoration, Hocking*
21 *River Basin, Monday Creek, Ohio, at a total cost of*
22 *\$18,730,000, with an estimated Federal cost of*
23 *\$12,170,000 and an estimated non-Federal cost of*
24 *\$6,560,000.*

1 (7) *PAWLEY’S ISLAND, SOUTH CAROLINA.*—The
2 *project for hurricane and storm damage reduction,*
3 *Pawley’s Island, South Carolina, at a total cost of*
4 *\$8,980,000, with an estimated Federal cost of*
5 *\$4,040,000 and an estimated non-Federal cost of*
6 *\$4,940,000, and at an estimated total cost of*
7 *\$21,200,000 for periodic nourishment over the 50-year*
8 *life of the project, with an estimated Federal cost of*
9 *\$7,632,000 and an estimated non-Federal cost of*
10 *\$13,568,000.*

11 (8) *CRANEY ISLAND EASTWARD EXPANSION, VIR-*
12 *GINIA.*—The project for navigation, Craney Island
13 *Eastward Expansion, Virginia, at a total cost of*
14 *\$671,340,000, with an estimated Federal cost of*
15 *\$26,220,000 and an estimated non-Federal cost of*
16 *\$645,120,000.*

17 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**
18 **MENTS AND ECOSYSTEM RESTORATION PLAN**
19 **FOR THE UPPER MISSISSIPPI RIVER AND IL-**
20 **LINOIS WATERWAY SYSTEM.**

21 (a) *DEFINITIONS.*—In this section:

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

1 *tem: Report of the Chief of Engineers dated December*
 2 *15, 2004.*

3 (2) *UPPER MISSISSIPPI RIVER AND ILLINOIS WA-*
 4 *TERWAY SYSTEM.—The term “Upper Mississippi*
 5 *River and Illinois Waterway System” means the*
 6 *projects for navigation and ecosystem restoration au-*
 7 *thorized by Congress for—*

8 (A) *the segment of the Mississippi River*
 9 *from the confluence with the Ohio River, River*
 10 *Mile 0.0, to Upper St. Anthony Falls Lock in*
 11 *Minneapolis-St. Paul, Minnesota, River Mile*
 12 *854.0; and*

13 (B) *the Illinois Waterway from its con-*
 14 *fluence with the Mississippi River at Grafton, Il-*
 15 *linois, River Mile 0.0, to T.J. O’Brien Lock in*
 16 *Chicago, Illinois, River Mile 327.0.*

17 (b) *AUTHORIZATION OF CONSTRUCTION OF NAVIGA-*
 18 *TION IMPROVEMENTS.—*

19 (1) *SMALL SCALE AND NONSTRUCTURAL MEAS-*
 20 *URES.—*

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

23 (i) *construct mooring facilities at*
 24 *Locks 12, 14, 18, 20, 22, 24, and LaGrange*
 25 *Lock;*

1 (ii) provide switchboats at Locks 20
2 through 25; and

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

5 (B) AUTHORIZATION OF APPROPRIA-
6 TIONS.—The total cost of the projects authorized
7 under this paragraph shall be \$246,000,000. The
8 costs of construction of the projects shall be paid
9 $\frac{1}{2}$ from amounts appropriated from the general
10 fund of the Treasury and $\frac{1}{2}$ from amounts ap-
11 propriated from the Inland Waterways Trust
12 Fund. Such sums shall remain available until
13 expended.

14 (2) NEW LOCKS.—

15 (A) IN GENERAL.—The Secretary shall, in
16 general conformance with the Plan, construct
17 new 1,200-foot locks at Locks 20, 21, 22, 24, and
18 25 on the Upper Mississippi River and at La-
19 Grange Lock and Peoria Lock on the Illinois
20 Waterway.

21 (B) MITIGATION.—The Secretary shall con-
22 duct mitigation for the new locks and small scale
23 and nonstructural measures authorized under
24 paragraphs (1) and (2).

1 (C) *CONCURRENCE.*—*The mitigation re-*
2 *quired under subparagraph (B) for the projects*
3 *authorized under paragraphs (1) and (2), in-*
4 *cluding any acquisition of lands or interests in*
5 *lands, shall be undertaken or acquired concur-*
6 *rently with lands and interests for the projects*
7 *authorized under paragraphs (1) and (2), and*
8 *physical construction required for the purposes of*
9 *mitigation shall be undertaken concurrently with*
10 *the physical construction of such projects.*

11 (D) *AUTHORIZATION OF APPROPRIA-*
12 *TIONS.*—*The total cost of the projects authorized*
13 *under this paragraph shall be \$1,870,000,000.*
14 *The costs of construction on the projects shall be*
15 *paid 1/2 from amounts appropriated from the*
16 *general fund of the Treasury and 1/2 from*
17 *amounts appropriated from the Inland Water-*
18 *ways Trust Fund. Such sums shall remain*
19 *available until expended.*

20 (c) *ECOSYSTEM RESTORATION AUTHORIZATION.*—

21 (1) *OPERATION.*—*To ensure the environmental*
22 *sustainability of the existing Upper Mississippi River*
23 *and Illinois Waterway System, the Secretary shall*
24 *modify, consistent with requirements to avoid adverse*
25 *effects on navigation, the operation of the Upper Mis-*

1 *Mississippi River and Illinois Waterway System to ad-*
2 *dress the cumulative environmental impacts of oper-*
3 *ation of the system and improve the ecological integ-*
4 *erty of the Upper Mississippi River and Illinois*
5 *River.*

6 (2) *ECOSYSTEM RESTORATION PROJECTS.—*

7 (A) *IN GENERAL.—The Secretary shall*
8 *carry out, consistent with requirements to avoid*
9 *adverse effects on navigation, ecosystem restora-*
10 *tion projects to attain and maintain the sustain-*
11 *ability of the ecosystem of the Upper Mississippi*
12 *River and Illinois River in accordance with the*
13 *general framework outlined in the Plan.*

14 (B) *PROJECTS INCLUDED.—Ecosystem res-*
15 *toration projects may include, but are not lim-*
16 *ited to—*

17 (i) *island building;*

18 (ii) *construction of fish passages;*

19 (iii) *floodplain restoration;*

20 (iv) *water level management (includ-*
21 *ing water drawdown);*

22 (v) *backwater restoration;*

23 (vi) *side channel restoration;*

24 (vii) *wing dam and dike restoration*
25 *and modification;*

- 1 (viii) island and shoreline protection;
- 2 (ix) topographical diversity;
- 3 (x) dam point control;
- 4 (xi) use of dredged material for envi-
- 5 ronmental purposes;
- 6 (xii) tributary confluence restoration;
- 7 (xiii) spillway, dam, and levee modi-
- 8 fication to benefit the environment;
- 9 (xiv) land easement authority; and
- 10 (xv) land acquisition.

11 (C) COST SHARING.—

12 (i) IN GENERAL.—*Except as provided*

13 *in clauses (ii) and (iii), the Federal share*

14 *of the cost of carrying out an ecosystem res-*

15 *toration project under this paragraph shall*

16 *be 65 percent.*

17 (ii) EXCEPTION FOR CERTAIN RES-

18 TORATION PROJECTS.—*In the case of a*

19 *project under this subparagraph for eco-*

20 *system restoration, the Federal share of the*

21 *cost of carrying out the project shall be 100*

22 *percent if the project—*

23 (I) *is located below the ordinary*

24 *high water mark or in a connected*

25 *backwater;*

1 (II) *modifies the operation or*
 2 *structures for navigation; or*

3 (III) *is located on federally owned*
 4 *land.*

5 (iii) *SAVINGS CLAUSE.—Nothing in*
 6 *this paragraph affects the applicability of*
 7 *section 906(e) of the Water Resources Devel-*
 8 *opment Act of 1986 (33 U.S.C. 2283).*

9 (iv) *NONGOVERNMENTAL ORGANIZA-*
 10 *TIONS.—Notwithstanding section 221(b) of*
 11 *the Flood Control Act of 1970 (42 U.S.C.*
 12 *1962d–5(b)), for any project carried out*
 13 *under this section, a non-Federal sponsor*
 14 *may include a nonprofit entity, with the*
 15 *consent of the affected local government.*

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

20 (i) *fee title to the land; or*

21 (ii) *a flood plain conservation ease-*
 22 *ment.*

23 (3) *ECOSYSTEM RESTORATION*

24 *PRECONSTRUCTION ENGINEERING AND DESIGN.—*

1 (A) *RESTORATION DESIGN.*—*Before initi-*
2 *ating the construction of any individual eco-*
3 *system restoration project, the Secretary shall—*

4 (i) *establish ecosystem restoration goals*
5 *and identify specific performance measures*
6 *designed to demonstrate ecosystem restora-*
7 *tion;*

8 (ii) *establish the without-project condi-*
9 *tion or baseline for each performance indi-*
10 *cator; and*

11 (iii) *for each separable element of the*
12 *ecosystem restoration, identify specific tar-*
13 *get goals for each performance indicator.*

14 (B) *OUTCOMES.*—*Performance measures*
15 *identified under subparagraph (A)(i) should*
16 *comprise specific measurable environmental out-*
17 *comes, such as changes in water quality, hydrol-*
18 *ogy, or the well-being of indicator species the*
19 *population and distribution of which are rep-*
20 *resentative of the abundance and diversity of eco-*
21 *system-dependent aquatic and terrestrial species.*

22 (C) *RESTORATION DESIGN.*—*Restoration de-*
23 *sign carried out as part of ecosystem restoration*
24 *shall include a monitoring plan for the perform-*

1 *ance measures identified under subparagraph*
2 *(A)(i), including—*

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

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

7 *(4) SPECIFIC PROJECTS AUTHORIZATION.—*

8 *(A) IN GENERAL.—There is authorized to be*
9 *appropriated to carry out this subsection*
10 *\$1,650,000,000, of which not more than*
11 *\$226,000,000 shall be available for projects de-*
12 *scribed in paragraph (2)(B)(ii) and not more*
13 *than \$43,000,000 shall be available for projects*
14 *described in paragraph (2)(B)(x). Such sums*
15 *shall remain available until expended.*

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

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

1 (5) *IMPLEMENTATION REPORTS.*—

2 (A) *IN GENERAL.*—*Not later than June 30,*
3 *2008, and every 5 years thereafter, the Secretary*
4 *shall submit to the Committee on Environment*
5 *and Public Works of the Senate and the Com-*
6 *mittee on Transportation and Infrastructure of*
7 *the House of Representatives an implementation*
8 *report that—*

9 (i) *includes baselines, milestones, goals,*
10 *and priorities for ecosystem restoration*
11 *projects; and*

12 (ii) *measures the progress in meeting*
13 *the goals.*

14 (B) *ADVISORY PANEL.*—

15 (i) *IN GENERAL.*—*The Secretary shall*
16 *appoint and convene an advisory panel to*
17 *provide independent guidance in the devel-*
18 *opment of each implementation report*
19 *under subparagraph (A).*

20 (ii) *PANEL MEMBERS.*—*Panel members*
21 *shall include—*

22 (I) *1 representative of each of the*
23 *State resource agencies (or a designee*
24 *of the Governor of the State) from each*

1 of the States of Illinois, Iowa, Min-
2 nesota, Missouri, and Wisconsin;

3 (II) 1 representative of the De-
4 partment of Agriculture;

5 (III) 1 representative of the De-
6 partment of Transportation;

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

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

11 (VI) 1 representative of the Envi-
12 ronmental Protection Agency;

13 (VII) 1 representative of affected
14 landowners;

15 (VIII) 2 representatives of con-
16 servation and environmental advocacy
17 groups; and

18 (IX) 2 representatives of agri-
19 culture and industry advocacy groups.

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

23 (iv) NONAPPLICABILITY OF FACa.—The
24 Federal Advisory Committee Act (5 U.S.C.
25 App.) shall not apply to the Advisory Panel

1 *or any working group established by the*
2 *Advisory Panel.*

3 (6) *RANKING SYSTEM.*—

4 (A) *IN GENERAL.*—*The Secretary, in con-*
5 *sultation with the Advisory Panel, shall develop*
6 *a system to rank proposed projects.*

7 (B) *PRIORITY.*—*The ranking system shall*
8 *give greater weight to projects that restore nat-*
9 *ural river processes, including those projects list-*
10 *ed in paragraph (2)(B).*

11 (d) *COMPARABLE PROGRESS.*—

12 (1) *IN GENERAL.*—*As the Secretary conducts*
13 *pre-engineering, design, and construction for projects*
14 *authorized under this section, the Secretary shall—*

15 (A) *select appropriate milestones; and*

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

19 (2) *NO COMPARABLE RATE.*—*If the Secretary de-*
20 *termines under paragraph (1)(B) that projects au-*
21 *thorized under this subsection are not moving toward*
22 *completion at a comparable rate, annual funding re-*
23 *quests for the projects will be adjusted to ensure that*
24 *the projects move toward completion at a comparable*
25 *rate in the future.*

1 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**
2 **TORATION, LOUISIANA.**

3 (a) *IN GENERAL.*—*The Secretary may carry out a*
4 *program for ecosystem restoration, Louisiana Coastal Area,*
5 *Louisiana, substantially in accordance with the report of*
6 *the Chief of Engineers, dated January 31, 2005.*

7 (b) *PRIORITIES.*—

8 (1) *IN GENERAL.*—*In carrying out the program*
9 *under subsection (a), the Secretary shall give priority*
10 *to—*

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

14 (B) *any Mississippi River diversion project*
15 *that—*

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

19 (ii) *produces an environmental benefit*
20 *to the coastal area of the State of Lou-*
21 *isiana; and*

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

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

26 (ii) *protects a major population area.*

1 (c) *MODIFICATIONS.*—

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

9 (2) *INTEGRATION.*—*The Secretary shall ensure*
10 *that the modifications under paragraph (1) are fully*
11 *integrated with the analysis and design of comprehen-*
12 *sive hurricane protection authorized by title I of the*
13 *Energy and Water Development Appropriations Act,*
14 *2006 (Public Law 109–103; 119 Stat. 2247).*

15 (3) *CONSTRUCTION.*—

16 (A) *IN GENERAL.*—*The Secretary is author-*
17 *ized to construct the projects modified under this*
18 *subsection.*

19 (B) *REPORTS.*—

20 (i) *IN GENERAL.*—*Before beginning*
21 *construction of the projects, the Secretary*
22 *shall submit a report documenting any*
23 *modifications to the 5 near-term projects,*
24 *including cost changes, to the Louisiana*
25 *Water Resources Council established by sub-*

1 *section (n)(1) (referred to in this section as*
2 *the “Council”) for approval.*

3 *(ii) SUBMISSION TO CONGRESS.—On*
4 *approval of a report under clause (i), the*
5 *Council shall submit the report to the Com-*
6 *mittee on Environment and Public Works of*
7 *the Senate and the Committee on Transpor-*
8 *tation and Infrastructure of the House of*
9 *Representatives.*

10 *(4) APPLICABILITY OF OTHER PROVISIONS.—Sec-*
11 *tion 902 of the Water Resources Development Act of*
12 *1986 (33 U.S.C. 2280) shall not apply to the 5 near-*
13 *term projects authorized by this section.*

14 *(d) DEMONSTRATION PROGRAM.—*

15 *(1) IN GENERAL.—In carrying out the program*
16 *under subsection (a), the Secretary is authorized to*
17 *conduct a demonstration program within the applica-*
18 *ble project area to evaluate new technologies and the*
19 *applicability of the technologies to the program.*

20 *(2) COST LIMITATION.—The cost of an indi-*
21 *vidual project under this subsection shall be not more*
22 *than \$25,000,000.*

23 *(e) BENEFICIAL USE OF DREDGED MATERIAL.—*

24 *(1) IN GENERAL.—In carrying out the program*
25 *under subsection (a), the Secretary is authorized to*

1 *use such sums as are necessary to conduct a program*
2 *for the beneficial use of dredged material.*

3 (2) *CONSIDERATION.*—*In carrying out the pro-*
4 *gram under subsection (a), the Secretary shall con-*
5 *sider the beneficial use of sediment from the Illinois*
6 *River System for wetlands restoration in wetlands-de-*
7 *pleted watersheds.*

8 (f) *REPORTS.*—

9 (1) *IN GENERAL.*—*Not later than December 31,*
10 *2008, the Secretary shall submit to Congress feasi-*
11 *bility reports on the features included in table 3 of the*
12 *report referred to in subsection (a).*

13 (2) *PROJECTS IDENTIFIED IN REPORTS.*—

14 (A) *IN GENERAL.*—*The Secretary shall sub-*
15 *mit the reports described in paragraph (1) to the*
16 *Committee on Environment and Public Works of*
17 *the Senate and the Committee on Transportation*
18 *and Infrastructure of the House of Representa-*
19 *tives.*

20 (B) *CONSTRUCTION.*—*The Secretary shall*
21 *be authorized to construct the projects identified*
22 *in the reports at the time the Committees re-*
23 *ferred to in subparagraph (A) each adopt a reso-*
24 *lution approving the project.*

1 (g) *NONGOVERNMENTAL ORGANIZATIONS.*—A non-
2 governmental organization shall be eligible to contribute all
3 or a portion of the non-Federal share of the cost of a project
4 under this section.

5 (h) *COMPREHENSIVE PLAN.*—

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

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

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

16 (C) ensure that the plan is fully integrated
17 with the analysis and design of comprehensive
18 hurricane protection authorized by title I of the
19 Energy and Water Development Appropriations
20 Act, 2006 (Public Law 109–103; 119 Stat.
21 2247).

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

24 (A) the framework of a long-term program
25 that provides for the comprehensive protection,

1 *conservation, and restoration of the wetlands, es-*
2 *tuaries (including the Barataria-Terrebonne es-*
3 *tuary), barrier islands, shorelines, and related*
4 *land and features of the coastal Louisiana eco-*
5 *system, including protection of a critical re-*
6 *source, habitat, or infrastructure from the effects*
7 *of a coastal storm, a hurricane, erosion, or sub-*
8 *sidence;*

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

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

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

18 (3) *CONSIDERATION.*—*In developing the com-*
19 *prehensive plan, the Secretary shall consider the ad-*
20 *visability of integrating into the program under sub-*
21 *section (a)—*

22 *(A) a related Federal or State project car-*
23 *ried out on the date on which the plan is devel-*
24 *oped;*

1 (B) *an activity in the Louisiana Coastal*
2 *Area; or*

3 (C) *any other project or activity identified*
4 *in—*

5 (i) *the Mississippi River and Tribu-*
6 *taries program;*

7 (ii) *the Louisiana Coastal Wetlands*
8 *Conservation Plan;*

9 (iii) *the Louisiana Coastal Zone Man-*
10 *agement Plan; or*

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

14 (i) *TASK FORCE.—*

15 (1) *ESTABLISHMENT.—There is established a*
16 *task force to be known as the “Coastal Louisiana Eco-*
17 *system Protection and Restoration Task Force” (re-*
18 *ferred to in this subsection as the “Task Force”).*

19 (2) *MEMBERSHIP.—The Task Force shall consist*
20 *of the following members (or, in the case of the head*
21 *of a Federal agency, a designee at the level of Assist-*
22 *ant Secretary or an equivalent level):*

23 (A) *The Secretary.*

24 (B) *The Secretary of the Interior.*

25 (C) *The Secretary of Commerce.*

1 (D) *The Administrator of the Environ-*
2 *mental Protection Agency.*

3 (E) *The Secretary of Agriculture.*

4 (F) *The Secretary of Transportation.*

5 (G) *The Secretary of Energy.*

6 (H) *The Secretary of Homeland Security.*

7 (I) *3 representatives of the State of Lou-*
8 *isiana appointed by the Governor of that State.*

9 (3) *DUTIES.—The Task Force shall make rec-*
10 *ommendations to the Secretary regarding—*

11 (A) *policies, strategies, plans, programs,*
12 *projects, and activities for addressing conserva-*
13 *tion, protection, restoration, and maintenance of*
14 *the coastal Louisiana ecosystem;*

15 (B) *financial participation by each agency*
16 *represented on the Task Force in conserving, pro-*
17 *tecting, restoring, and maintaining the coastal*
18 *Louisiana ecosystem, including*
19 *recommendations—*

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

22 (ii) *for coordinating individual agency*
23 *budget requests; and*

24 (C) *the comprehensive plan under sub-*
25 *section (h).*

1 (4) *WORKING GROUPS.*—*The Task Force may es-*
2 *tablish such working groups as the Task Force deter-*
3 *mines to be necessary to assist the Task Force in car-*
4 *rying out this subsection.*

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

9 (j) *SCIENCE AND TECHNOLOGY.*—

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

13 (2) *PURPOSES.*—*The purposes of the program es-*
14 *tablished by paragraph (1) shall be—*

15 (A) *to identify any uncertainty relating to*
16 *the physical, chemical, geological, biological, and*
17 *cultural baseline conditions in coastal Lou-*
18 *isiana;*

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

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

24 (3) *WORKING GROUPS.*—*The Secretary may es-*
25 *tablish such working groups as the Secretary deter-*

1 *mines to be necessary to assist the Secretary in car-*
2 *rying out this subsection.*

3 (4) *CONTRACTS AND COOPERATIVE AGREE-*
4 *MENTS.—In carrying out this subsection, the Sec-*
5 *retary may enter into a contract or cooperative agree-*
6 *ment with an individual or entity (including a con-*
7 *sortium of academic institutions in Louisiana) with*
8 *scientific or engineering expertise in the restoration of*
9 *aquatic and marine ecosystems for coastal restoration*
10 *and enhancement through science and technology.*

11 *(k) ANALYSIS OF BENEFITS.—*

12 (1) *IN GENERAL.—Notwithstanding section 209*
13 *of the Flood Control Act of 1970 (42 U.S.C. 1962–2)*
14 *or any other provision of law, in carrying out an ac-*
15 *tivity to conserve, protect, restore, or maintain the*
16 *coastal Louisiana ecosystem, the Secretary may deter-*
17 *mine that the environmental benefits provided by the*
18 *program under this section outweigh the disadvantage*
19 *of an activity under this section.*

20 (2) *DETERMINATION OF COST-EFFECTIVENESS.—*
21 *If the Secretary determines that an activity under*
22 *this section is cost-effective, no further economic jus-*
23 *tification for the activity shall be required.*

24 *(l) STUDIES.—*

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

7 (A) the cause of any degradation of the
8 Louisiana Coastal Area ecosystem that occurred
9 as a result of an activity approved by the Sec-
10 retary; and

11 (B) the sources of the degradation.

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

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

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

22 (m) *PROJECT MODIFICATIONS.*—

23 (1) *REVIEW.*—The Secretary, in cooperation
24 with any non-Federal interest, shall review each fed-
25 erally-authorized water resources project in the coast-

1 *al Louisiana area in existence on the date of enact-*
2 *ment of this Act to determine whether—*

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

5 *(B) the project could contribute to ecosystem*
6 *restoration under subsection (a) through modi-*
7 *fication of the operations or features of the*
8 *project.*

9 *(2) MODIFICATIONS.—Subject to paragraphs (3)*
10 *and (4), the Secretary may carry out the modifica-*
11 *tions described in paragraph (1)(B).*

12 *(3) PUBLIC NOTICE AND COMMENT.—Before com-*
13 *pleting the report required under paragraph (4), the*
14 *Secretary shall provide an opportunity for public no-*
15 *tice and comment.*

16 *(4) REPORT.—*

17 *(A) IN GENERAL.—Before modifying an op-*
18 *eration or feature of a project under paragraph*
19 *(1)(B), the Secretary shall submit to the Com-*
20 *mittee on Environment and Public Works of the*
21 *Senate and the Committee on Transportation*
22 *and Infrastructure of the House of Representa-*
23 *tives a report describing the modification.*

24 *(B) INCLUSION.—A report under subpara-*
25 *graph (A) shall include such information relat-*

1 *ing to the timeline and cost of a modification as*
2 *the Secretary determines to be relevant.*

3 (5) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There is authorized to be appropriated to carry out*
5 *this subsection \$10,000,000.*

6 (n) *LOUISIANA WATER RESOURCES COUNCIL.—*

7 (1) *ESTABLISHMENT.—There is established with-*
8 *in the Mississippi River Commission, a subgroup to*
9 *be known as the “Louisiana Water Resources Coun-*
10 *cil”.*

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

13 (A) *to manage and oversee each aspect of*
14 *the implementation of a system-wide, comprehen-*
15 *sive plan for projects of the Corps of Engineers*
16 *(including the study, planning, engineering, de-*
17 *sign, and construction of the projects or compo-*
18 *nents of projects and the functions or activities*
19 *of the Corps of Engineers relating to other*
20 *projects) that addresses hurricane protection,*
21 *flood control, ecosystem restoration, storm surge*
22 *damage reduction, or navigation in the Hurri-*
23 *canes Katrina and Rita disaster areas in the*
24 *State of Louisiana; and*

1 (B) to demonstrate and evaluate a stream-
2 lined approach to authorization of water re-
3 sources projects to be studied, designed, and con-
4 structed by the Corps of Engineers.

5 (3) MEMBERSHIP.—

6 (A) IN GENERAL.—The president of the Mis-
7 sissippi River Commission shall appoint mem-
8 bers of the Council, after considering rec-
9 ommendations of the Governor of Louisiana.

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

12 (i) 2 individuals with expertise in
13 coastal ecosystem restoration, including the
14 interaction of saltwater and freshwater estu-
15 aries; and

16 (ii) 2 individual with expertise in geol-
17 ogy or civil engineering relating to hurri-
18 cane and flood damage reduction and navi-
19 gation.

20 (C) CHAIRPERSON.—In addition to the
21 members appointed under subparagraph (B), the
22 Council shall be chaired by 1 of the 3 officers of
23 the Corps of Engineers of the Mississippi River
24 Commission.

1 (4) *DUTIES.*—*With respect to modifications*
2 *under subsection (c), the Council shall—*

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

5 (B) *on approval, submit the reports to the*
6 *Committee on Environment and Public Works of*
7 *the Senate and the Committee on Transportation*
8 *and Infrastructure of the House of Representa-*
9 *tives.*

10 (5) *TERMINATION.*—

11 (A) *IN GENERAL.*—*The Council shall termi-*
12 *nate on the date that is 6 years after the date*
13 *of enactment of this Act.*

14 (B) *EFFECT.*—*Any project modification*
15 *under subsection (c) that has not been approved*
16 *by the Council and submitted to Congress by the*
17 *date described in subparagraph (A) shall not*
18 *proceed to construction before the date on which*
19 *the modification is statutorily approved by Con-*
20 *gress.*

21 (o) *OTHER PROJECTS.*—

22 (1) *IN GENERAL.*—*With respect to the projects*
23 *identified in the analysis and design of comprehensive*
24 *hurricane protection authorized by title I of the En-*
25 *ergy and Water Development Appropriations Act,*

1 2006 (Public Law 109–103; 119 Stat. 2247), the Sec-
2 retary shall submit a report describing the projects to
3 the Committee on Environment and Public Works of
4 the Senate and the Committee on Transportation and
5 Infrastructure of the House of Representatives.

6 (2) CONSTRUCTION.—The Secretary shall be au-
7 thorized to construct the projects at the time the Com-
8 mittees referred to in paragraph (1) each adopt a res-
9 olution approving the project.

10 (p) REPORT.—

11 (1) IN GENERAL.—Not later than 6 years after
12 the date of enactment of this Act, the Secretary shall
13 submit to the Committee on Environment and Public
14 Works of the Senate and the Committee on Transpor-
15 tation and Infrastructure of the House of Representa-
16 tives a report evaluating the alternative means of au-
17 thorizing Corps of Engineers water resources projects
18 under subsections (c)(3), (f)(2), and (o)(2).

19 (2) INCLUSIONS.—The report shall include a de-
20 scription of—

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

23 (B) the construction status of the projects;

24 and

1 (2) *SUISON MARSH, SAN PABLO BAY, CALI-*
 2 *FORNIA.—Project for aquatic ecosystem restoration,*
 3 *San Pablo Bay, California.*

4 (3) *JOHNSON CREEK, GRESHAM, OREGON.—*
 5 *Project for aquatic ecosystem restoration, Johnson*
 6 *Creek, Gresham, Oregon.*

7 (4) *BLACKSTONE RIVER, RHODE ISLAND.—*
 8 *Project for aquatic ecosystem restoration, Blackstone*
 9 *River, Rhode Island.*

10 (5) *COLLEGE LAKE, LYNCHBURG, VIRGINIA.—*
 11 *Project for aquatic ecosystem restoration, College*
 12 *Lake, Lynchburg, Virginia.*

13 **TITLE II—GENERAL PROVISIONS**

14 **Subtitle A—Provisions**

15 **SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.**

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

18 (1) *by striking “SEC. 221” and inserting the fol-*
 19 *lowing:*

20 **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**
 21 **WATER RESOURCES PROJECTS.”;**

22 *and*

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

25 **“(a) COOPERATION OF NON-FEDERAL INTEREST.—**

1 “(1) *IN GENERAL.*—*After December 31, 1970, the*
2 *construction of any water resources project, or an ac-*
3 *ceptable separable element thereof, by the Secretary of*
4 *the Army, acting through the Chief of Engineers, or*
5 *by a non-Federal interest where such interest will be*
6 *reimbursed for such construction under any provision*
7 *of law, shall not be commenced until each non-Federal*
8 *interest has entered into a written partnership agree-*
9 *ment with the district engineer for the district in*
10 *which the project will be carried out under which each*
11 *party agrees to carry out its responsibilities and re-*
12 *quirements for implementation or construction of the*
13 *project or the appropriate element of the project, as*
14 *the case may be; except that no such agreement shall*
15 *be required if the Secretary determines that the ad-*
16 *ministrative costs associated with negotiating, exe-*
17 *cuting, or administering the agreement would exceed*
18 *the amount of the contribution required from the non-*
19 *Federal interest and are less than \$25,000.*

20 “(2) *LIQUIDATED DAMAGES.*—*An agreement de-*
21 *scribed in paragraph (1) may include a provision for*
22 *liquidated damages in the event of a failure of 1 or*
23 *more parties to perform.*

24 “(3) *OBLIGATION OF FUTURE APPROPRIA-*
25 *TIONS.*—*In any such agreement entered into by a*

1 *State, or a body politic of the State which derives its*
2 *powers from the State constitution, or a governmental*
3 *entity created by the State legislature, the agreement*
4 *may reflect that it does not obligate future appropria-*
5 *tions for such performance and payment when obli-*
6 *gating future appropriations would be inconsistent*
7 *with constitutional or statutory limitations of the*
8 *State or a political subdivision of the State.*

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

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

17 “(i) *the costs of planning (including*
18 *data collection), design, management, miti-*
19 *gation, construction, and construction serv-*
20 *ices that are provided by the non-Federal*
21 *interest for implementation of the project;*
22 *and*

23 “(ii) *the value of materials or services*
24 *provided before execution of an agreement*
25 *for the project, including—*

1 “(I) efforts on constructed ele-
2 ments incorporated into the project;
3 and

4 “(II) materials and services pro-
5 vided after an agreement is executed.

6 “(B) *CONDITION.*—The Secretary shall cred-
7 it an in-kind contribution under subparagraph
8 (A) if the Secretary determines that the property
9 or service provided as an in-kind contribution is
10 integral to the project.

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

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

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

20 “(iii) shall not exceed the actual and
21 reasonable costs of the materials, services, or
22 other things provided by the non-Federal in-
23 terest, as determined by the Secretary.”.

1 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**
2 **AUTHORITY.**

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

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

7 *“(a) IN GENERAL.—The Secretary may engage in ac-*
8 *tivities (including contracting) in support of other Federal*
9 *agencies, international organizations, or foreign govern-*
10 *ments to address problems of national significance to the*
11 *United States.”;*

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

14 *(3) in subsection (d)—*

15 *(A) by striking “\$250,000 for fiscal year*
16 *2001” and inserting “\$1,000,000 for fiscal year*
17 *2007 and each fiscal year thereafter”; and*

18 *(B) by striking “or international organiza-*
19 *tions” and inserting “, international organiza-*
20 *tions, or foreign governments”.*

21 **SEC. 2003. TRAINING FUNDS.**

22 *(a) IN GENERAL.—The Secretary may include indi-*
23 *viduals from the non-Federal interest, including the private*
24 *sector, in training classes and courses offered by the Corps*
25 *of Engineers in any case in which the Secretary determines*

1 *that it is in the best interest of the Federal Government*
2 *to include those individuals as participants.*

3 (b) *EXPENSES.*—

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

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

11 (A) *may be retained by the Secretary;*

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

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

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

21 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

22 (a) *IN GENERAL.*—*On the third Tuesday of January*
23 *of each year beginning January 2008, the Chief of Engi-*
24 *neers shall submit to the Committee on Environment and*
25 *Public Works of the Senate and the Committee on Transpor-*

1 *tation and Infrastructure of the House of Representatives*
2 *a report on the expenditures for the preceding fiscal year*
3 *and estimated expenditures for the current fiscal year.*

4 (b) *CONTENTS.*—*In addition to the information de-*
5 *scribed in subsection (a), the report shall contain a detailed*
6 *accounting of the following information:*

7 (1) *With respect to general construction, infor-*
8 *mation on—*

9 (A) *projects currently under construction,*
10 *including—*

11 (i) *allocations to date;*

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

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

16 (iv) *a list of projects the Corps of En-*
17 *gineers expects to complete during the cur-*
18 *rent fiscal year; and*

19 (B) *projects for which there is a signed cost-*
20 *sharing agreement and completed planning, en-*
21 *gineering, and design, including—*

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

24 (ii) *estimated annual Federal cost to*
25 *maintain that construction schedule.*

1 (2) *With respect to operation and maintenance*
2 *of the inland and intracoastal waterways under sec-*
3 *tion 206 of Public Law 95–502 (33 U.S.C. 1804)—*

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

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

10 (3) *With respect to general investigations and re-*
11 *connaissance and feasibility studies—*

12 (A) *the number of active studies;*

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

15 (C) *the number of initiated studies; and*

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

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

22 (5) *Recreation fees and lease payments.*

23 (6) *Hydropower and water storage fees.*

24 (7) *Deposits into the Inland Waterway Trust*
25 *Fund and the Harbor Maintenance Trust Fund.*

1 (8) *Other revenues and fees collected.*

2 (9) *With respect to permit applications and no-*
3 *tifications, a list of individual permit applications*
4 *and nationwide permit notifications, including—*

5 (A) *the date on which each permit applica-*
6 *tion is filed;*

7 (B) *the date on which each permit applica-*
8 *tion is determined to be complete; and*

9 (C) *the date on which the Corps of Engi-*
10 *neers grants, withdraws, or denies each permit.*

11 (10) *With respect to the project backlog, a list of*
12 *authorized projects for which no funds have been allo-*
13 *cated for the 5 preceding fiscal years, including, for*
14 *each project—*

15 (A) *the authorization date;*

16 (B) *the last allocation date;*

17 (C) *the percentage of construction com-*
18 *pleted;*

19 (D) *the estimated cost remaining until com-*
20 *pletion of the project; and*

21 (E) *a brief explanation of the reasons for*
22 *the delay.*

1 **SEC. 2005. PLANNING.**

2 (a) *MATTERS TO BE ADDRESSED IN PLANNING.*—Sec-
3 *tion 904 of the Water Resources Development Act of 1986*
4 *(33 U.S.C. 2281) is amended—*

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

7 “*(a) IN GENERAL.—Enhancing*”; and

8 (2) *by adding at the end the following:*

9 “*(b) ASSESSMENTS.—For all feasibility reports com-*
10 *pleted after December 31, 2005, the Secretary shall assess*
11 *whether—*

12 “*(1) the water resource project and each sepa-*
13 *rable element is cost-effective; and*

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

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

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

23 (A) *complete the feasibility study for the*
24 *project; and*

25 (B) *sign the report of the Chief of Engineers*
26 *for the project;*

1 (2) *may, with the approval of the Secretary, ex-*
2 *tend the deadline established under paragraph (1) for*
3 *not to exceed 4 years, for a complex or controversial*
4 *study; and*

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

7 (B) *not later than 1 year after the date of enact-*
8 *ment of this Act, shall—*

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

11 (ii) *submit to Congress a report that in-*
12 *cludes suggested amendments to section 902 of*
13 *the Water Resources Development Act of 1986*
14 *(33 U.S.C. 2280).*

15 (c) *CALCULATION OF BENEFITS AND COSTS FOR*
16 *FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility*
17 *study for a project for flood damage reduction shall include,*
18 *as part of the calculation of benefits and costs—*

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

21 (2) *a calculation of the residual risk of loss of*
22 *human life and residual risk to human safety fol-*
23 *lowing completion of the proposed project; and*

24 (3) *a calculation of any upstream or down-*
25 *stream impacts of the proposed project.*

1 (d) *CENTERS OF SPECIALIZED PLANNING EXPER-*
2 *TISE.—*

3 (1) *ESTABLISHMENT.—The Secretary may estab-*
4 *lish centers of expertise to provide specialized plan-*
5 *ning expertise for water resource projects to be carried*
6 *out by the Secretary in order to enhance and supple-*
7 *ment the capabilities of the districts of the Corps of*
8 *Engineers.*

9 (2) *DUTIES.—A center of expertise established*
10 *under this subsection shall—*

11 (A) *provide technical and managerial as-*
12 *sistance to district commanders of the Corps of*
13 *Engineers for project planning, development, and*
14 *implementation;*

15 (B) *provide peer reviews of new major sci-*
16 *entific, engineering, or economic methods, mod-*
17 *els, or analyses that will be used to support deci-*
18 *sions of the Secretary with respect to feasibility*
19 *studies;*

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

22 (D) *carry out such other duties as are pre-*
23 *scribed by the Secretary.*

24 (e) *COMPLETION OF CORPS OF ENGINEERS RE-*
25 *PORTS.—*

1 (1) *ALTERNATIVES.*—

2 (A) *IN GENERAL.*—*Feasibility and other*
3 *studies and assessments of water resource prob-*
4 *lems and projects shall include recommendations*
5 *for alternatives—*

6 (i) *that, as determined by the non-Fed-*
7 *eral interests for the projects, promote inte-*
8 *grated water resources management; and*

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

12 (B) *SCOPE AND PURPOSES.*—*The scope and*
13 *purposes of studies and assessments described in*
14 *subparagraph (A) shall not be constrained by*
15 *budgetary or other policy as a result of the inclu-*
16 *sion of alternatives described in that subpara-*
17 *graph.*

18 (C) *REPORTS OF CHIEF OF ENGINEERS.*—
19 *The reports of the Chief of Engineers shall be*
20 *based solely on the best technical solutions to*
21 *water resource needs and problems.*

22 (2) *REPORT COMPLETION.*—*The completion of a*
23 *report of the Chief of Engineers for a project—*

1 (A) shall not be delayed while consideration
2 is being given to potential changes in policy or
3 priority for project consideration; and

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

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

7 (ii) the Committee on Transportation
8 and Infrastructure of the House of Rep-
9 resentatives.

10 (f) COMPLETION REVIEW.—

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

16 (A) review the report; and

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

20 (2) PRIOR REPORTS.—Not later than 90 days
21 after the date of enactment of this Act, with respect
22 to any report of the Chief of Engineers recommending
23 a water resource project that is complete prior to the
24 date of enactment of this Act, the Secretary shall com-
25 plete review of, and provide recommendations to Con-

1 gress for, the report in accordance with paragraph
2 (1).

3 **SEC. 2006. WATER RESOURCES PLANNING COORDINATING**
4 **COMMITTEE.**

5 (a) *ESTABLISHMENT.*—*The President shall establish a*
6 *Water Resources Planning Coordinating Committee (re-*
7 *ferred to in this subsection as the “Coordinating Com-*
8 *mittee”).*

9 (b) *MEMBERSHIP.*—

10 (1) *IN GENERAL.*—*The Coordinating Committee*
11 *shall be composed of the following members (or a des-*
12 *ignee of the member):*

13 (A) *The Secretary of the Interior.*

14 (B) *The Secretary of Agriculture.*

15 (C) *The Secretary of Health and Human*
16 *Services.*

17 (D) *The Secretary of Housing and Urban*
18 *Development.*

19 (E) *The Secretary of Transportation.*

20 (F) *The Secretary of Energy.*

21 (G) *The Secretary of Homeland Security.*

22 (H) *The Secretary of Commerce.*

23 (I) *The Administrator of the Environmental*
24 *Protection Agency.*

1 *(J) The Chairperson of the Council on En-*
 2 *vironmental Quality.*

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

5 *(A) 1 member of the Coordinating Com-*
 6 *mittee to serve as Chairperson of the Coordi-*
 7 *nating Committee for a term of 2 years; and*

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

10 *(3) FUNCTION.—The function of the Coordi-*
 11 *nating Committee shall be to carry out the duties and*
 12 *responsibilities set forth under this section.*

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

17 *(1) reflect national priorities;*

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

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

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

23 *(5) mitigate any unavoidable damage to natural*
 24 *systems.*

25 *(d) WATER RESOURCE PRIORITIES REPORT.—*

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, the Coordinating
3 Committee, in collaboration with the Secretary, shall
4 submit to the President and Congress a report de-
5 scribing the vulnerability of the United States to
6 damage from flooding and related storm damage,
7 including—

8 (A) the risk to human life;

9 (B) the risk to property; and

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

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

14 (A) an assessment of the extent to which
15 programs in the United States relating to flood-
16 ing address flood risk reduction priorities;

17 (B) the extent to which those programs may
18 be unintentionally encouraging development and
19 economic activity in floodprone areas;

20 (C) recommendations for improving those
21 programs with respect to reducing and respond-
22 ing to flood risks; and

23 (D) proposals for implementing the rec-
24 ommendations.

1 (e) *MODERNIZING WATER RESOURCES PLANNING*
2 *GUIDELINES.*—

3 (1) *IN GENERAL.*—Not later than 2 years after
4 the date of enactment of this Act, and every 5 years
5 thereafter, the Secretary and the Coordinating Com-
6 mittee shall, in collaboration with each other, review
7 and propose updates and revisions to modernize the
8 planning principles and guidelines, regulations, and
9 circulars by which the Corps of Engineers analyzes
10 and evaluates water projects. In carrying out the re-
11 view, the Coordinating Committee and the Secretary
12 shall consult with the National Academy of Sciences
13 for recommendations regarding updating planning
14 documents.

15 (2) *PROPOSED REVISIONS.*—In conducting a re-
16 view under paragraph (1), the Coordinating Com-
17 mittee and the Secretary shall consider revisions to
18 improve water resources project planning through,
19 among other things—

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

24 (B) eliminating biases and disincentives to
25 providing projects to low-income communities,

1 *including fully accounting for the prevention of*
2 *loss of life under section 904 of the Water Re-*
3 *sources Development Act of 1986 (33 U.S.C.*
4 *2281);*

5 *(C) eliminating biases and disincentives*
6 *that discourage the use of nonstructural ap-*
7 *proaches to water resources development and*
8 *management, and fully accounting for the flood*
9 *protection and other values of healthy natural*
10 *systems;*

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

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

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

20 *(G) encouraging wetlands conservation; and*

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

23 *(3) PUBLIC PARTICIPATION.—The Coordinating*
24 *Committee and the Secretary shall solicit public and*

1 *expert comments regarding any revision proposed*
2 *under paragraph (2).*

3 (4) *REVISION OF PLANNING GUIDANCE.—*

4 (A) *IN GENERAL.—Not later than 180 days*
5 *after the date on which a review under para-*
6 *graph (1) is completed, the Secretary, after pro-*
7 *viding notice and an opportunity for public*
8 *comment in accordance with subchapter II of*
9 *chapter 5, and chapter 7, of title 5, United*
10 *States Code (commonly known as the “Adminis-*
11 *trative Procedure Act”), shall implement such*
12 *proposed updates and revisions to the planning*
13 *principles and guidelines, regulations, and circu-*
14 *lar of the Corps of Engineers under paragraph*
15 *(2) as the Secretary determines to be appro-*
16 *priate.*

17 (B) *EFFECT.—Effective beginning on the*
18 *date on which the Secretary implements the first*
19 *update or revision under paragraph (1), sub-*
20 *sections (a) and (b) of section 80 of the Water*
21 *Resources Development Act of 1974 (42 U.S.C.*
22 *1962d–17) shall not apply to the Corps of Engi-*
23 *neers.*

24 (5) *REPORT.—*

1 (A) *IN GENERAL.*—*The Secretary shall sub-*
2 *mit to the Committees on Environment and Pub-*
3 *lic Works and Appropriations of the Senate, and*
4 *to the Committees on Transportation and Infra-*
5 *structure and Appropriations of the House of*
6 *Representatives, a report describing any revision*
7 *of planning guidance under paragraph (4).*

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

11 **SEC. 2007. INDEPENDENT PEER REVIEW.**

12 (a) *DEFINITIONS.*—*In this section:*

13 (1) *CONSTRUCTION ACTIVITIES.*—*The term “con-*
14 *struction activities” means development of detailed*
15 *engineering and design specifications during the*
16 *preconstruction engineering and design phase and the*
17 *engineering and design phase of a water resources*
18 *project carried out by the Corps of Engineers, and*
19 *other activities carried out on a water resources*
20 *project prior to completion of the construction and to*
21 *turning the project over to the local cost-share part-*
22 *ner.*

23 (2) *PROJECT STUDY.*—*The term “project study”*
24 *means a feasibility report, reevaluation report, or en-*

1 *vironmental impact statement prepared by the Corps*
2 *of Engineers.*

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

15 (c) *SOUND PROJECT PLANNING.*—

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

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

24 (B) *the Governor of a State in which the*
25 *water resources project is located in whole or in*

1 *part, or the Governor of a State within the*
2 *drainage basin in which a water resources*
3 *project is located and that would be directly af-*
4 *ected economically or environmentally as a re-*
5 *sult of the project, requests in writing to the Sec-*
6 *retary the establishment of an independent panel*
7 *of experts for the project;*

8 *(C) the head of a Federal agency with au-*
9 *thority to review the project determines that the*
10 *project is likely to have a significant adverse im-*
11 *port on public safety, or on environmental, fish*
12 *and wildlife, historical, cultural, or other re-*
13 *sources under the jurisdiction of the agency, and*
14 *requests in writing to the Secretary the establish-*
15 *ment of an independent panel of experts for the*
16 *project; or*

17 *(D) the Secretary determines on his or her*
18 *own initiative, or shall determine within 30*
19 *days of receipt of a written request for a con-*
20 *troversy determination by any party, that the*
21 *project is controversial because—*

22 *(i) there is a significant dispute re-*
23 *garding the size, nature, potential safety*
24 *risks, or effects of the project; or*

1 (ii) there is a significant dispute re-
2 garding the economic, or environmental
3 costs or benefits of the project.

4 (2) *PROJECT PLANNING REVIEW PANELS.*—

5 (A) *PROJECT PLANNING REVIEW PANEL*
6 *MEMBERSHIP.*—*For each water resources project*
7 *subject to review under this subsection, the Direc-*
8 *tor of Independent Review shall establish a panel*
9 *of independent experts that shall be composed of*
10 *not less than 5 nor more than 9 independent ex-*
11 *erts (including at least 1 engineer, 1 hydrolo-*
12 *gist, 1 biologist, and 1 economist) who represent*
13 *a range of areas of expertise. The Director of*
14 *Independent Review shall apply the National*
15 *Academy of Science’s policy for selecting com-*
16 *mittee members to ensure that members have no*
17 *conflict with the project being reviewed, and*
18 *shall consult with the National Academy of*
19 *Sciences in developing lists of individuals to*
20 *serve on panels of experts under this subsection.*
21 *An individual serving on a panel under this sub-*
22 *section shall be compensated at a rate of pay to*
23 *be determined by the Secretary, and shall be al-*
24 *lowed travel expenses.*

1 (B) *DUTIES OF PROJECT PLANNING REVIEW*

2 *PANELS.—An independent panel of experts estab-*
3 *lished under this subsection shall review the*
4 *project study, receive from the public written*
5 *and oral comments concerning the project study,*
6 *and submit a written report to the Secretary*
7 *that shall contain the panel’s conclusions and*
8 *recommendations regarding project study issues*
9 *identified as significant by the panel, including*
10 *issues such as—*

11 (i) *economic and environmental as-*
12 *sumptions and projections;*

13 (ii) *project evaluation data;*

14 (iii) *economic or environmental anal-*
15 *yses;*

16 (iv) *engineering analyses;*

17 (v) *formulation of alternative plans;*

18 (vi) *methods for integrating risk and*
19 *uncertainty;*

20 (vii) *models used in evaluation of eco-*
21 *nomical or environmental impacts of pro-*
22 *posed projects; and*

23 (viii) *any related biological opinions.*

24 (C) *PROJECT PLANNING REVIEW RECORD.—*

1 (i) *IN GENERAL.*—After receiving a re-
2 port from an independent panel of experts
3 established under this subsection, the Sec-
4 retary shall take into consideration any rec-
5 ommendations contained in the report and
6 shall immediately make the report available
7 to the public on the internet.

8 (ii) *RECOMMENDATIONS.*—The Sec-
9 retary shall prepare a written explanation
10 of any recommendations of the independent
11 panel of experts established under this sub-
12 section not adopted by the Secretary. Rec-
13 ommendations and findings of the inde-
14 pendent panel of experts rejected without
15 good cause shown, as determined by judicial
16 review, shall be given equal deference as the
17 recommendations and findings of the Sec-
18 retary during a judicial proceeding relating
19 to the water resources project.

20 (iii) *SUBMISSION TO CONGRESS AND*
21 *PUBLIC AVAILABILITY.*—The report of the
22 independent panel of experts established
23 under this subsection and the written expla-
24 nation of the Secretary required by clause
25 (ii) shall be included with the report of the

1 *Chief of Engineers to Congress, shall be*
2 *published in the Federal Register, and shall*
3 *be made available to the public on the*
4 *Internet.*

5 (D) *DEADLINES FOR PROJECT PLANNING*
6 *REVIEWS.—*

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

11 (ii) *DEADLINE FOR PROJECT PLANNING*
12 *REVIEW PANEL STUDIES.—An independent*
13 *panel of experts established under this sub-*
14 *section shall complete its review of the*
15 *project study and submit to the Secretary a*
16 *report not later than 180 days after the*
17 *date of establishment of the panel, or not*
18 *later than 90 days after the close of the pub-*
19 *lic comment period on a draft project study*
20 *that includes a preferred alternative, which-*
21 *ever is later. The Secretary may extend*
22 *these deadlines for good cause.*

23 (iii) *FAILURE TO COMPLETE REVIEW*
24 *AND REPORT.—If an independent panel of*
25 *experts established under this subsection*

1 *does not submit to the Secretary a report by*
2 *the deadline established by clause (ii), the*
3 *Chief of Engineers may continue project*
4 *planning without delay.*

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

19 *(E) EFFECT ON EXISTING GUIDANCE.—The*
20 *project planning review required by this sub-*
21 *section shall be deemed to satisfy any external*
22 *review required by Engineering Circular 1105–*
23 *2–408 (31 May 2005) on Peer Review of Deci-*
24 *sion Documents.*

25 *(d) SAFETY ASSURANCE.—*

1 (1) *PROJECTS SUBJECT TO SAFETY ASSURANCE*
2 *REVIEW.*—*The Secretary shall ensure that the con-*
3 *struction activities for any flood damage reduction*
4 *project shall be reviewed by an independent panel of*
5 *experts established under this subsection if the Direc-*
6 *tor of Independent Review makes a determination*
7 *that an independent review is necessary to ensure*
8 *public health, safety, and welfare on any project—*

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

11 (B) *that uses innovative materials or tech-*
12 *niques;*

13 (C) *for which the project design is lacking*
14 *in redundancy, or that has a unique construc-*
15 *tion sequencing or a short or overlapping design*
16 *construction schedule; or*

17 (D) *other than a project described in sub-*
18 *paragraphs (A) through (C), as the Director of*
19 *Independent Review determines to be appro-*
20 *priate.*

21 (2) *SAFETY ASSURANCE REVIEW PANELS.*—*At*
22 *the appropriate point in the development of detailed*
23 *engineering and design specifications for each water*
24 *resources project subject to review under this sub-*
25 *section, the Director of Independent Review shall es-*

1 *tablish an independent panel of experts to review and*
2 *report to the Secretary on the adequacy of construc-*
3 *tion activities for the project. An independent panel*
4 *of experts under this subsection shall be composed of*
5 *not less than 5 nor more than 9 independent experts*
6 *selected from among individuals who are distin-*
7 *guished experts in engineering, hydrology, or other*
8 *pertinent disciplines. The Director of Independent Re-*
9 *view shall apply the National Academy of Science's*
10 *policy for selecting committee members to ensure that*
11 *panel members have no conflict with the project being*
12 *reviewed. An individual serving on a panel of experts*
13 *under this subsection shall be compensated at a rate*
14 *of pay to be determined by the Secretary, and shall*
15 *be allowed travel expenses.*

16 *(3) DEADLINES FOR SAFETY ASSURANCE RE-*
17 *VIEWS.—An independent panel of experts established*
18 *under this subsection shall submit a written report to*
19 *the Secretary on the adequacy of the construction ac-*
20 *tivities prior to the initiation of physical construction*
21 *and periodically thereafter until construction activi-*
22 *ties are completed on a publicly available schedule de-*
23 *termined by the Director of Independent Review for*
24 *the purposes of assuring the public safety. The Direc-*
25 *tor of Independent Review shall ensure that these re-*

1 *views be carried out in a way to protect the public*
2 *health, safety, and welfare, while not causing unneces-*
3 *sary delays in construction activities.*

4 (4) *SAFETY ASSURANCE REVIEW RECORD.*—*After*
5 *receiving a written report from an independent panel*
6 *of experts established under this subsection, the Sec-*
7 *retary shall—*

8 (A) *take into consideration recommenda-*
9 *tions contained in the report, provide a written*
10 *explanation of recommendations not adopted,*
11 *and immediately make the report and expla-*
12 *nation available to the public on the Internet;*
13 *and*

14 (B) *submit the report to the Committee on*
15 *Environment and Public Works of the Senate*
16 *and the Committee on Transportation and Infra-*
17 *structure of the House of Representatives.*

18 (e) *EXPENSES.*—

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

22 (A) *\$250,000, if the total cost of the project*
23 *in current year dollars is less than \$50,000,000;*
24 *and*

1 (B) 0.5 percent of the total cost of the
2 project in current year dollars, if the total cost
3 is \$50,000,000 or more.

4 (2) WAIVER.—The Secretary, at the written re-
5 quest of the Director of Independent Review, may
6 waive the cost limitations under paragraph (1) if the
7 Secretary determines appropriate.

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

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

16 **SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

17 (a) COMPLETION OF MITIGATION.—Section 906(a) of
18 the Water Resources Development Act of 1986 (33 U.S.C.
19 2283(a)) is amended by adding at the following:

20 “(3) COMPLETION OF MITIGATION.—In any case
21 in which it is not technically practicable to complete
22 mitigation by the last day of construction of the
23 project or separable element of the project because of
24 the nature of the mitigation to be undertaken, the
25 Secretary shall complete the required mitigation as

1 *expeditiously as practicable, but in no case later than*
2 *the last day of the first fiscal year beginning after the*
3 *last day of construction of the project or separable ele-*
4 *ment of the project.”.*

5 **(b) USE OF CONSOLIDATED MITIGATION.**—*Section*
6 *906(b) of the Water Resources Development Act of 1986 (33*
7 *U.S.C. 2283(b)) is amended by adding at the end the fol-*
8 *lowing:*

9 **“(3) USE OF CONSOLIDATED MITIGATION.**—

10 **“(A) IN GENERAL.**—*If the Secretary deter-*
11 *mines that other forms of compensatory mitiga-*
12 *tion are not practicable or are less environ-*
13 *mentally desirable, the Secretary may purchase*
14 *available credits from a mitigation bank or con-*
15 *servation bank that is approved in accordance*
16 *with the Federal Guidance for the Establishment,*
17 *Use and Operation of Mitigations Banks (60*
18 *Fed. Reg. 58605) or other applicable Federal*
19 *laws (including regulations).*

20 **“(B) SERVICE AREA.**—*To the maximum ex-*
21 *tent practicable, the service area of the mitiga-*
22 *tion bank or conservation bank shall be in the*
23 *same watershed as the affected habitat.*

24 **“(C) RESPONSIBILITY RELIEVED.**—*Pur-*
25 *chase of credits from a mitigation bank or con-*

1 *ervation bank for a water resources project re-*
2 *lieves the Secretary and the non-Federal interest*
3 *from responsibility for monitoring or dem-*
4 *onstrating mitigation success.”.*

5 *(c) MITIGATION REQUIREMENTS.—Section 906(d) of*
6 *the Water Resources Development Act of 1986 (33 U.S.C.*
7 *2283(d)) is amended—*

8 *(1) in paragraph (1)—*

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

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

21 *(2) by adding at the end the following:*

22 *“(3) MITIGATION REQUIREMENTS.—*

23 *“(A) IN GENERAL.—To mitigate losses to*
24 *flood damage reduction capabilities and fish and*
25 *wildlife resulting from a water resources project,*

1 *the Secretary shall ensure that the mitigation*
2 *plan for each water resources project complies*
3 *fully with the mitigation standards and policies*
4 *established pursuant to section 404 of the Fed-*
5 *eral Water Pollution Control Act (33 U.S.C.*
6 *1344).*

7 “(B) *INCLUSIONS.*—*A specific mitigation*
8 *plan for a water resources project under para-*
9 *graph (1) shall include, at a minimum—*

10 “(i) *a plan for monitoring the imple-*
11 *mentation and ecological success of each*
12 *mitigation measure, including a designa-*
13 *tion of the entities that will be responsible*
14 *for the monitoring;*

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

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

22 “(iv) *a description of—*

23 “(I) *the types and amount of res-*
24 *toration activities to be conducted; and*

1 “(II) the resource functions and
2 values that will result from the mitiga-
3 tion plan; and

4 “(v) a contingency plan for taking cor-
5 rective actions in cases in which monitoring
6 demonstrates that mitigation measures are
7 not achieving ecological success in accord-
8 ance with criteria under clause (ii).

9 “(4) DETERMINATION OF SUCCESS.—

10 “(A) IN GENERAL.—A mitigation plan
11 under this subsection shall be considered to be
12 successful at the time at which the criteria under
13 paragraph (3)(B)(ii) are achieved under the
14 plan, as determined by monitoring under para-
15 graph (3)(B)(i).

16 “(B) CONSULTATION.—In determining
17 whether a mitigation plan is successful under
18 subparagraph (A), the Secretary shall consult
19 annually with appropriate Federal agencies and
20 each State in which the applicable project is lo-
21 cated on at least the following:

22 “(i) The ecological success of the miti-
23 gation as of the date on which the report is
24 submitted.

1 “(ii) *The likelihood that the mitigation*
2 *will achieve ecological success, as defined in*
3 *the mitigation plan.*

4 “(iii) *The projected timeline for achiev-*
5 *ing that success.*

6 “(iv) *Any recommendations for im-*
7 *proving the likelihood of success.*

8 “(C) *REPORTING.*—*Not later than 60 days*
9 *after the date of completion of the annual con-*
10 *sultation, the Federal agencies consulted shall,*
11 *and each State in which the project is located*
12 *may, submit to the Secretary a report that de-*
13 *scribes the results of the consultation described in*
14 *(B).*

15 “(D) *ACTION BY SECRETARY.*—*The Sec-*
16 *retary shall respond in writing to the substance*
17 *and recommendations contained in each report*
18 *under subparagraph (C) by not later than 30*
19 *days after the date of receipt of the report.*

20 “(5) *MONITORING.*—*Mitigation monitoring shall*
21 *continue until it has been demonstrated that the miti-*
22 *gation has met the ecological success criteria.”.*

23 (d) *STATUS REPORT.*—

24 (1) *IN GENERAL.*—*Concurrent with the submis-*
25 *sion of the President to Congress of the request of the*

1 *President for appropriations for the Civil Works Pro-*
2 *gram for a fiscal year, the Secretary shall submit to*
3 *the Committee on the Environment and Public Works*
4 *of the Senate and the Committee on Transportation*
5 *and Infrastructure of the House of Representatives a*
6 *report describing the status of construction of projects*
7 *that require mitigation under section 906 of Water*
8 *Resources Development Act 1986 (33 U.S.C. 2283)*
9 *and the status of that mitigation.*

10 (2) *PROJECTS INCLUDED.—The status report*
11 *shall include the status of—*

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

14 (B) *all projects for which the President re-*
15 *quests funding for the next fiscal year; and*

16 (C) *all projects that have completed con-*
17 *struction, but have not completed the mitigation*
18 *required under section 906 of the Water Re-*
19 *sources Development Act of 1986 (33 U.S.C.*
20 *2283).*

21 (e) *MITIGATION TRACKING SYSTEM.—*

22 (1) *IN GENERAL.—Not later than 1 year after*
23 *the date of enactment of this Act, the Secretary shall*
24 *establish a recordkeeping system to track, for each*
25 *water resources project undertaken by the Secretary*

1 *and for each permit issued under section 404 of the*
2 *Federal Water Pollution Control Act (33 U.S.C.*
3 *1344)—*

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

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

10 *(C) the quantity and type of mitigation*
11 *measures that have been completed with respect*
12 *to the project, project operation, or permitted ac-*
13 *tivity; and*

14 *(D) the status of monitoring of the mitiga-*
15 *tion measures carried out with respect to the*
16 *project, project operation, or permitted activity.*

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

19 *(A) include information relating to the im-*
20 *pacts and mitigation measures relating to*
21 *projects described in paragraph (1) that occur*
22 *after November 17, 1986; and*

23 *(B) be organized by watershed, project, per-*
24 *mit application, and zip code.*

1 (3) *AVAILABILITY OF INFORMATION.*—*The Sec-*
2 *retary shall make information contained in the rec-*
3 *ordkeeping system available to the public on the*
4 *Internet.*

5 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

6 *Section 22 of the Water Resources Development Act of*
7 *1974 (42 U.S.C. 1962d–16) is amended—*

8 (1) *by striking “SEC. 22. (a) The Secretary” and*
9 *inserting the following:*

10 **“SEC. 22. PLANNING ASSISTANCE TO STATES.**

11 *“(a) FEDERAL-STATE COOPERATION.—*

12 *“(1) COMPREHENSIVE PLANS.—The Secretary”;*

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

15 *“(2) TECHNICAL ASSISTANCE.—*

16 *“(A) IN GENERAL.—At the request of a gov-*
17 *ernmental agency or non-Federal interest, the*
18 *Secretary may provide, at Federal expense, tech-*
19 *anical assistance to the agency or non-Federal in-*
20 *terest in managing water resources.*

21 *“(B) TYPES OF ASSISTANCE.—Technical as-*
22 *sistance under this paragraph may include pro-*
23 *vision and integration of hydrologic, economic,*
24 *and environmental data and analyses.”;*

1 (3) in subsection (b)(1), by striking “this sec-
2 tion” each place it appears and inserting “subsection
3 (a)(1)”;

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

6 (5) in subsection (c)—

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

9 “(c) *AUTHORIZATION OF APPROPRIATIONS.—*

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

12 (B) in paragraph (1) (as designated by sub-
13 paragraph (A)), by striking “the provisions of
14 this section except that not more than \$500,000
15 shall be expended in any one year in any one
16 State.” and inserting “subsection (a)(1).”; and

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

18 “(2) *TECHNICAL ASSISTANCE.—There is author-*
19 *ized to be appropriated to carry out subsection (a)(2)*
20 *\$10,000,000 for each fiscal year, of which not more*
21 *than \$2,000,000 for each fiscal year may be used by*
22 *the Secretary to enter into cooperative agreements*
23 *with nonprofit organizations and State agencies to*
24 *provide assistance to rural and small communities.”;*
25 and

1 (6) *by adding at the end the following:*

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

7 **SEC. 2010. ACCESS TO WATER RESOURCE DATA.**

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

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

13 (1) *include, at a minimum, access to data gen-*
14 *erated in water resource project development and reg-*
15 *ulation under section 404 of the Federal Water Pollu-*
16 *tion Control Act (33 U.S.C. 1344); and*

17 (2) *appropriately employ geographic informa-*
18 *tion system technology and linkages to water resource*
19 *models and analytical techniques.*

20 (c) *PARTNERSHIPS.—To the maximum extent prac-*
21 *ticable, in carrying out activities under this section, the*
22 *Secretary shall develop partnerships, including cooperative*
23 *agreements with State, tribal, and local governments and*
24 *other Federal agencies.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$5,000,000 for each fiscal year.*

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

6 (a) *IN GENERAL.*—*Section 211(e)(6) of the Water Re-*
 7 *sources Development Act of 1996 (33 U.S.C. 701b–13(e)(6))*
 8 *is amended by adding at the end following:*

9 “(E) *BUDGET PRIORITY.*—

10 “(i) *IN GENERAL.*—*Budget priority for*
 11 *projects under this section shall be propor-*
 12 *tionate to the percentage of project comple-*
 13 *tion.*”

14 “(ii) *COMPLETED PROJECT.*—*A com-*
 15 *pleted project shall have the same priority*
 16 *as a project with a contractor on site.”.*

17 (b) *CONSTRUCTION OF FLOOD CONTROL PROJECTS BY*
 18 *NON-FEDERAL INTERESTS.*—*Section 211(f) of the Water*
 19 *Resources Development Act of 1996 (33 U.S.C. 701b–13)*
 20 *is amended by adding at the end the following:*

21 “(9) *THORNTON RESERVOIR, COOK COUNTY, ILLI-*
 22 *NOIS.*—*An element of the project for flood control,*
 23 *Chicagoland Underflow Plan, Illinois.*

24 “(10) *ST. PAUL DOWNTOWN AIRPORT (HOLMAN*
 25 *FIELD), ST. PAUL, MINNESOTA.*—*The project for flood*

1 *damage reduction, St. Paul Downtown Holman*
2 *Field), St. Paul, Minnesota.*

3 “(11) *BUFFALO BAYOU, TEXAS.*—*The project for*
4 *flood control, Buffalo Bayou, Texas, authorized by the*
5 *first section of the Act of June 20, 1938 (52 Stat. 804,*
6 *chapter 535) (commonly known as the ‘River and*
7 *Harbor Act of 1938’)* and modified by section 3a of
8 *the Act of August 11, 1939 (53 Stat. 1414, chapter*
9 *699) (commonly known as the ‘Flood Control Act of*
10 *1939’), except that, subject to the approval of the Sec-*
11 *retary as provided by this section, the non-Federal in-*
12 *terest may design and construct an alternative to*
13 *such project.*

14 “(12) *HALLS BAYOU, TEXAS.*—*The Halls Bayou*
15 *element of the project for flood control, Buffalo Bayou*
16 *and tributaries, Texas, authorized by section*
17 *101(a)(21) of the Water Resources Development Act of*
18 *1990 (33 U.S.C. 2201 note), except that, subject to the*
19 *approval of the Secretary as provided by this section,*
20 *the non-Federal interest may design and construct an*
21 *alternative to such project.*

22 “(13) *MENOMONEE RIVER WATERSHED, WIS-*
23 *CONSIN.*—*The project for the Menominee River Water-*
24 *shed, Wisconsin.”.*

1 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

2 (a) *IN GENERAL.*—Section 204 of the Water Resources
3 Development Act of 1992 (33 U.S.C. 2326) is amended to
4 read as follows:

5 **“SEC. 204. REGIONAL SEDIMENT MANAGEMENT.**

6 “(a) *IN GENERAL.*—In connection with sediment ob-
7 tained through the construction, operation, or maintenance
8 of an authorized Federal water resources project, the Sec-
9 retary, acting through the Chief of Engineers, shall develop
10 Regional Sediment Management plans and carry out
11 projects at locations identified in the plan prepared under
12 subsection (e), or identified jointly by the non-Federal inter-
13 est and the Secretary, for use in the construction, repair,
14 modification, or rehabilitation of projects associated with
15 Federal water resources projects, for—

16 “(1) the protection of property;

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

20 “(3) the transport and placement of suitable
21 sediment

22 “(b) *SECRETARIAL FINDINGS.*—Subject to subsection
23 (c), projects carried out under subsection (a) may be carried
24 out in any case in which the Secretary finds that—

1 “(1) *the environmental, economic, and social*
2 *benefits of the project, both monetary and nonmone-*
3 *tary, justify the cost of the project; and*

4 “(2) *the project would not result in environ-*
5 *mental degradation.*

6 “(c) *DETERMINATION OF PLANNING AND PROJECT*
7 *COSTS.—*

8 “(1) *IN GENERAL.—In consultation and coopera-*
9 *tion with the appropriate Federal, State, regional,*
10 *and local agencies, the Secretary, acting through the*
11 *Chief of Engineers, shall develop at Federal expense*
12 *plans and projects for regional management of sedi-*
13 *ment obtained in conjunction with construction, oper-*
14 *ation, and maintenance of Federal water resources*
15 *projects.*

16 “(2) *COSTS OF CONSTRUCTION.—*

17 “(A) *IN GENERAL.—Costs associated with*
18 *construction of a project under this section or*
19 *identified in a Regional Sediment Management*
20 *plan shall be limited solely to construction costs*
21 *that are in excess of those costs necessary to*
22 *carry out the dredging for construction, oper-*
23 *ation, or maintenance of an authorized Federal*
24 *water resources project in the most cost-effective*

1 way, consistent with economic, engineering, and
2 environmental criteria.

3 “(B) *COST SHARING.*—The determination of
4 any non-Federal share of the construction cost
5 shall be based on the cost sharing as specified in
6 subsections (a) through (d) of section 103 of the
7 Water Resources Development Act of 1986 (33
8 U.S.C. 2213), for the type of Federal water re-
9 source project using the dredged resource.

10 “(C) *TOTAL COST.*—Total Federal costs as-
11 sociated with construction of a project under this
12 section shall not exceed \$5,000,000 without Con-
13 gressional approval.

14 “(3) *OPERATION, MAINTENANCE, REPLACEMENT,*
15 *AND REHABILITATION COSTS.*—Operation, mainte-
16 nance, replacement, and rehabilitation costs associ-
17 ated with a project are a non-Federal sponsor respon-
18 sibility.

19 “(d) *SELECTION OF SEDIMENT DISPOSAL METHOD*
20 *FOR ENVIRONMENTAL PURPOSES.*—

21 “(1) *IN GENERAL.*—In developing and carrying
22 out a Federal water resources project involving the
23 disposal of material, the Secretary may select, with
24 the consent of the non-Federal interest, a disposal
25 method that is not the least-cost option if the Sec-

1 *retary determines that the incremental costs of the*
2 *disposal method are reasonable in relation to the en-*
3 *vironmental benefits, including the benefits to the*
4 *aquatic environment to be derived from the creation*
5 *of wetlands and control of shoreline erosion.*

6 “(2) *FEDERAL SHARE.*—*The Federal share of*
7 *such incremental costs shall be determined in accord-*
8 *ance with subsection (c).*

9 “(e) *STATE AND REGIONAL PLANS.*—*The Secretary,*
10 *acting through the Chief of Engineers, may—*

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

14 “(2) *encourage State participation in the imple-*
15 *mentation of the plan; and*

16 “(3) *submit to Congress reports and rec-*
17 *ommendations with respect to appropriate Federal*
18 *participation in carrying out the plan.*

19 “(f) *PRIORITY AREAS.*—*In carrying out this section,*
20 *the Secretary shall give priority to regional sediment man-*
21 *agement projects in the vicinity of—*

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

24 “(2) *Fletcher Cove, California;*

1 “(3) *Delaware River Estuary, New Jersey and*
2 *Pennsylvania; and*

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

4 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to carry out this section*
6 *\$30,000,000 during each fiscal year, to remain available*
7 *until expended, for the Federal costs identified under sub-*
8 *section (c), of which up to \$5,000,000 shall be used for the*
9 *development of regional sediment management plans as*
10 *provided in subsection (e).*

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

16 “(b) *REPEAL.—*

17 “(1) *IN GENERAL.—Section 145 of the Water Re-*
18 *sources Development Act of 1976 (33 U.S.C. 426j) is*
19 *repealed.*

20 “(2) *EXISTING PROJECTS.—The Secretary, acting*
21 *through the Chief of Engineers, may complete any*
22 *project being carried out under section 145 on the day*
23 *before the date of enactment of this Act.*

1 **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**
 2 **VELOPMENT PROGRAM.**

3 (a) *IN GENERAL.*—Section 3 of the Act entitled “An
 4 Act authorizing Federal participation in the cost of pro-
 5 tecting the shores of publicly owned property”, approved
 6 August 13, 1946 (33 U.S.C. 426g), is amended to read as
 7 follows:

8 **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**
 9 **PACT MINIMIZATION PROGRAM.**

10 *“(a) CONSTRUCTION OF SMALL SHORE AND BEACH*
 11 *RESTORATION AND PROTECTION PROJECTS.—*

12 *“(1) IN GENERAL.—The Secretary may carry out*
 13 *construction of small shore and beach restoration and*
 14 *protection projects not specifically authorized by Con-*
 15 *gress that otherwise comply with the first section of*
 16 *this Act if the Secretary determines that such con-*
 17 *struction is advisable.*

18 *“(2) LOCAL COOPERATION.—The local coopera-*
 19 *tion requirement under the first section of this Act*
 20 *shall apply to a project under this section.*

21 *“(3) COMPLETENESS.—A project under this*
 22 *section—*

23 *“(A) shall be complete; and*

24 *“(B) shall not commit the United States to*
 25 *any additional improvement to ensure the suc-*
 26 *cessful operation of the project, except for par-*

1 *icipation in periodic beach nourishment in ac-*
2 *cordance with—*

3 *“(i) the first section of this Act; and*

4 *“(ii) the procedure for projects author-*
5 *ized after submission of a survey report.*

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

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

13 *“(2) REQUIREMENTS.—*

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

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

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

24 *“(iii) technology transfers, as appro-*
25 *priate, to private property owners, State*

1 *and local entities, nonprofit educational in-*
2 *stitutions, and nongovernmental organiza-*
3 *tions.*

4 “(B) *DETERMINATION OF FEASIBILITY.*—A
5 *project under this section shall not be carried out*
6 *until the Secretary, acting through the Chief of*
7 *Engineers, determines that the project is feasible.*

8 “(C) *EMPHASIS.*—A project carried out
9 *under the program shall emphasize, to the max-*
10 *imum extent practicable—*

11 “(i) *the development and demonstra-*
12 *tion of innovative technologies;*

13 “(ii) *efficient designs to prevent ero-*
14 *sion at a shoreline site, taking into account*
15 *the lifecycle cost of the design, including*
16 *cleanup, maintenance, and amortization;*

17 “(iii) *new and enhanced shore protec-*
18 *tion project design and project formulation*
19 *tools the purposes of which are to improve*
20 *the physical performance, and lower the*
21 *lifecycle costs, of the projects;*

22 “(iv) *natural designs, including the use*
23 *of native and naturalized vegetation or tem-*
24 *porary structures that minimize permanent*
25 *structural alterations to the shoreline;*

1 “(v) the avoidance of negative impacts
2 to adjacent shorefront communities;

3 “(vi) the potential for long-term protec-
4 tion afforded by the technology; and

5 “(vii) recommendations developed from
6 evaluations of the program established
7 under the Shoreline Erosion Control Dem-
8 onstration Act of 1974 (42 U.S.C. 1962–5
9 note; 88 Stat. 26), including—

10 “(I) adequate consideration of the
11 subgrade;

12 “(II) proper filtration;

13 “(III) durable components;

14 “(IV) adequate connection between
15 units; and

16 “(V) consideration of additional
17 relevant information.

18 “(D) SITES.—

19 “(i) IN GENERAL.—Each project under
20 the program shall be carried out at—

21 “(I) a privately owned site with
22 substantial public access; or

23 “(II) a publicly owned site on
24 open coast or in tidal waters.

1 “(ii) *SELECTION.*—*The Secretary, act-*
2 *ing through the Chief of Engineers, shall de-*
3 *velop criteria for the selection of sites for*
4 *projects under the program, including cri-*
5 *teria based on—*

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

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

12 “(III) *the rate of erosion;*

13 “(IV) *significant natural re-*
14 *sources or habitats and environ-*
15 *mentally sensitive areas; and*

16 “(V) *significant threatened his-*
17 *toric structures or landmarks.*

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

21 “(A) *the Secretary of Agriculture, particu-*
22 *larly with respect to native and naturalized veg-*
23 *etative means of preventing and controlling*
24 *shoreline erosion;*

25 “(B) *Federal, State, and local agencies;*

1 “(C) private organizations;

2 “(D) the Coastal Engineering Research Cen-
3 ter established by the first section of Public Law
4 88-172 (33 U.S.C. 426-1); and

5 “(E) applicable university research facili-
6 ties.

7 “(4) COMPLETION OF DEMONSTRATION.—After
8 carrying out the initial construction and evaluation
9 of the performance and lifecycle cost of a demonstra-
10 tion project under this section, the Secretary, acting
11 through the Chief of Engineers, may—

12 “(A) at the request of a non-Federal interest
13 of the project, amend the agreement for a feder-
14 ally-authorized shore protection project in exist-
15 ence on the date on which initial construction of
16 the demonstration project is complete to incor-
17 porate the demonstration project as a feature of
18 the shore protection project, with the future cost
19 of the demonstration project to be determined by
20 the cost-sharing ratio of the shore protection
21 project; or

22 “(B) transfer all interest in and responsi-
23 bility for the completed demonstration project to
24 the non-Federal or other Federal agency interest
25 of the project.

1 “(5) *AGREEMENTS.*—*The Secretary, acting*
2 *through the Chief of Engineers, may enter into an*
3 *agreement with the non-Federal or other Federal*
4 *agency interest of a project under this section—*

5 “(A) *to share the costs of construction, oper-*
6 *ation, maintenance, and monitoring of a project*
7 *under the program;*

8 “(B) *to share the costs of removing a project*
9 *or project element constructed under the pro-*
10 *gram, if the Secretary determines that the project*
11 *or project element is detrimental to private prop-*
12 *erty, public infrastructure, or public safety; or*

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

16 “(6) *REPORT.*—*Not later than December 31 of*
17 *each year beginning after the date of enactment of*
18 *this paragraph, the Secretary shall prepare and sub-*
19 *mit to the Committee on Environment and Public*
20 *works of the Senate and the Committee on Transpor-*
21 *tation and Infrastructure of the House of Representa-*
22 *tives a report describing—*

23 “(A) *the activities carried out and accom-*
24 *plishments made under the program during the*
25 *preceding year; and*

1 “(B) any recommendations of the Secretary
2 relating to the program.

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

4 “(1) *IN GENERAL.*—Subject to paragraph (2), the
5 Secretary may expend, from any appropriations
6 made available to the Secretary for the purpose of
7 carrying out civil works, not more than \$30,000,000
8 during any fiscal year to pay the Federal share of the
9 costs of construction of small shore and beach restora-
10 tion and protection projects or small projects under
11 the program.

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

14 “(A) be sufficient to pay the cost of Federal
15 participation in the project (including periodic
16 nourishment as provided for under the first sec-
17 tion of this Act), as determined by the Secretary;
18 and

19 “(B) be not more than \$3,000,000.”.

20 “(b) *REPEAL.*—Section 5 the Act entitled “An Act au-
21 thorizing Federal participation in the cost of protecting the
22 shores of publicly owned property”, approved August 13,
23 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

1 **SEC. 2014. SHORE PROTECTION PROJECTS.**

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

11 (b) *PREFERENCE.*—*In carrying out the policy, pref-*
12 *erence shall be given to—*

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

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

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

24 **SEC. 2015. COST SHARING FOR MONITORING.**

25 (a) *IN GENERAL.*—*Costs incurred for monitoring for*
26 *an ecosystem restoration project shall be cost-shared—*

1 (1) *in accordance with the formula relating to*
2 *the applicable original construction project; and*

3 (2) *for a maximum period of 10 years.*

4 (b) *AGGREGATE LIMITATION.—Monitoring costs for an*
5 *ecosystem restoration project—*

6 (1) *shall not exceed in the aggregate, for a 10-*
7 *year period, an amount equal to 5 percent of the cost*
8 *of the applicable original construction project; and*

9 (2) *after the 10-year period, shall be 100 percent*
10 *non-Federal.*

11 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

12 *For each of the following projects, the Corps of Engi-*
13 *neers shall include ecosystem restoration benefits in the cal-*
14 *ulation of benefits for the project:*

15 (1) *Grayson’s Creek, California.*

16 (2) *Seven Oaks, California.*

17 (3) *Oxford, California.*

18 (4) *Walnut Creek, California.*

19 (5) *Wildcat Phase II, California.*

20 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**
21 **PROCESSING OF PERMITS.**

22 *Section 214(a) of the Water Resources Development*
23 *Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is*
24 *amended by striking “In fiscal years 2001 through 2003,*
25 *the” and inserting “The”.*

1 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**
2 **TIONS.**

3 (a) *IN GENERAL.*—Not later than 2 years after the
4 date of enactment of this Act, the Secretary shall implement
5 a program to allow electronic submission of permit applica-
6 tions for permits under the jurisdiction of the Corps of En-
7 gineers.

8 (b) *LIMITATIONS.*—This section does not preclude the
9 submission of a hard copy, as required.

10 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
11 authorized to be appropriated to carry out this section
12 \$3,000,000.

13 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**
14 **CORPS OF ENGINEERS RESERVOIRS.**

15 (a) *IN GENERAL.*—As part of the operation and main-
16 tenance, by the Corps of Engineers, of reservoirs in oper-
17 ation as of the date of enactment of this Act, the Secretary
18 shall carry out the measures described in subsection (c) to
19 support the water resource needs of project sponsors and
20 any affected State, local, or tribal government for author-
21 ized project purposes.

22 (b) *COOPERATION.*—The Secretary shall carry out the
23 measures described in subsection (c) in cooperation and co-
24 ordination with project sponsors and any affected State,
25 local, or tribal government.

1 (c) *MEASURES.—In carrying out this section, the Sec-*
2 *retary may—*

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

6 (2) *review an operational plan and identify any*
7 *change to maximize an authorized project purpose to*
8 *improve water storage capacity and enhance effi-*
9 *ciency of releases and withdrawal of water;*

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

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

16 (d) *REVENUES FOR SPECIAL CASES.—*

17 (1) *COSTS OF WATER SUPPLY STORAGE.—In the*
18 *case of a reservoir operated or maintained by the*
19 *Corps of Engineers on the date of enactment of this*
20 *Act, the storage charge for a future contract or con-*
21 *tract renewal for the first cost of water supply storage*
22 *at the reservoir shall be the lesser of the estimated cost*
23 *of purposes foregone, replacement costs, or the up-*
24 *dated cost of storage.*

1 (2) *REALLOCATION.*—*In the case of a water sup-*
 2 *ply that is reallocated from another project purpose*
 3 *to municipal or industrial water supply, the joint use*
 4 *costs for the reservoir shall be adjusted to reflect the*
 5 *reallocation of project purposes.*

6 (3) *CREDIT FOR AFFECTED PROJECT PUR-*
 7 *POSES.*—*In the case of a reallocation that adversely*
 8 *affects hydropower generation, the Secretary shall*
 9 *defer to the Administrator of the respective Power*
 10 *Marketing Administration to calculate the impact of*
 11 *such a reallocation on the rates for hydroelectric*
 12 *power.*

13 **SEC. 2020. FEDERAL HOPPER DREDGES.**

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

19 **SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.**

20 *In the State of Louisiana, extraordinary rainfall*
 21 *events such as Hurricanes Katrina and Rita, which oc-*
 22 *curred during calendar year 2005, and Hurricane Andrew,*
 23 *which occurred during calendar year 1992, shall not be con-*
 24 *sidered in making a determination with respect to the ordi-*
 25 *nary high water mark for purposes of carrying out section*

1 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly
2 known as the “Rivers and Harbors Act”).

3 **SEC. 2022. WILDFIRE FIREFIGHTING.**

4 Section 309 of Public Law 102–154 (42 U.S.C. 1856a–
5 1; 105 Stat. 1034) is amended by inserting “the Secretary
6 of the Army,” after “the Secretary of Energy,”.

7 **SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.**

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

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

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

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

15 “(2) *INCLUSIONS.*—The term ‘non-Federal inter-
16 est’ includes a nonprofit organization acting with the
17 consent of the affected unit of government.”.

18 **SEC. 2024. PROJECT ADMINISTRATION.**

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

23 (b) *REPORT REPOSITORY.*—

24 (1) *IN GENERAL.*—The Secretary shall maintain
25 at the Library of Congress a copy of each final feasi-

1 (1) in subsection (a)(1), by adding “, and
2 \$8,000,000 for each of fiscal years 2007 through 2011,
3 to remain available until expended” after “expended”;

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

6 (3) in subsection (c), by inserting before the pe-
7 riod at the end the following: “, and \$2,000,000 for
8 each of fiscal years 2007 through 2011, to remain
9 available until expended”;

10 (4) in subsection (d), by inserting before the pe-
11 riod at the end the following: “, and \$700,000 for
12 each of fiscal years 2007 through 2011, to remain
13 available until expended”; and

14 (5) in subsection (e), by inserting before the pe-
15 riod at the end the following: “, and \$1,000,000 for
16 each of fiscal years 2007 through 2011, to remain
17 available until expended”.

18 **SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.**

19 (a) *IN GENERAL.*—Before the date on which the appli-
20 cable period for Federal financial participation in a shore
21 protection project terminates, the Secretary, acting through
22 the Chief of Engineers, is authorized to review the shore pro-
23 tection project to determine whether it would be feasible to
24 extend the period of Federal financial participation relat-
25 ing to the project.

1 (4) *in subsection (d), by striking “(d) Non-Federal” and inserting the following:*

2 “*(d) NON-FEDERAL SHARE.—Non-Federal*”;

3 (5) *in subsection (e), by striking “(e) Each” and inserting the following:*

4 “*(e) COMPLETION.—Each*”; and

5 (6) *in subsection (f), by striking “(f) This” and inserting the following:*

6 “*(f) APPLICABILITY.—This*”.

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

8 *Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—*

9 (1) *by striking “\$15,000,000” and inserting “\$20,000,000”; and*

10 (2) *by striking “\$1,000,000” and inserting “\$1,500,000”.*

11 **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.**

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

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

1 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**
2 **TECTION OF AQUATIC AND RIPARIAN ECO-**
3 **SYSTEMS PROGRAM.”;**

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

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

8 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**
9 **FOR IMPROVEMENT AND RESTORATION OF**
10 **ECOSYSTEMS PROGRAM.**

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

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

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

18 *and*

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

21 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**
22 **AL HABITATS.**

23 (a) *IN GENERAL.—The Secretary may carry out an*
24 *estuary habitat restoration project if the Secretary deter-*
25 *mines that the project—*

1 (1) *will improve the elements and features of an*
2 *estuary (as defined in section 103 of the Estuaries*
3 *and Clean Waters Act of 2000 (33 U.S.C. 2902));*

4 (2) *is in the public interest; and*

5 (3) *is cost-effective.*

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

8 (1) *shall be 35 percent; and*

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

11 (c) *AGREEMENTS.—Construction of a project under*
12 *this section shall commence only after a non-Federal inter-*
13 *est has entered into a binding agreement with the Secretary*
14 *to pay—*

15 (1) *the non-Federal share of the costs of construc-*
16 *tion required under subsection (b); and*

17 (2) *in accordance with regulations promulgated*
18 *by the Secretary, 100 percent of the costs of any oper-*
19 *ation, maintenance, replacement, or rehabilitation of*
20 *the project.*

21 (d) *LIMITATION.—Not more than \$5,000,000 in Fed-*
22 *eral funds may be allocated under this section for a project*
23 *at any 1 location.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
25 *authorized to be appropriated to carry out this section*

1 \$25,000,000 for each fiscal year beginning after the date
2 of enactment of this Act.

3 **SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.**

4 Section 560 of the Water Resources Development Act
5 of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

6 (1) by striking subsection (f);

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

9 (3) by inserting before subsection (b) (as redesign-
10 nated by paragraph (2)) the following:

11 “(a) *DEFINITION OF NON-FEDERAL INTEREST.*—In
12 this section, the term ‘non-Federal interest’ includes, with
13 the consent of the affected local government, nonprofit enti-
14 ties, notwithstanding section 221 of the Flood Control Act
15 of 1970 (42 U.S.C. 1962d–5b).”;

16 (4) in subsection (b) (as redesignated by para-
17 graph (2))—

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

20 (B) by inserting “, including, with the con-
21 sent of the affected local government, nonprofit
22 entities,” after “non-Federal interests”;

23 (5) in paragraph (3) of subsection (c) (as red-
24 igned by paragraph (2))—

1 (A) by inserting “physical hazards and”
2 after “adverse”; and

3 (B) by striking “drainage from”;

4 (6) in subsection (d) (as redesignated by para-
5 graph (2)), by striking “50” and inserting “25”; and

6 (7) by adding at the end the following:

7 “(g) OPERATION AND MAINTENANCE.—The non-Fed-
8 eral share of the costs of operation and maintenance for
9 a project carried out under this section shall be 100 percent.

10 “(h) NO EFFECT ON LIABILITY.—The provision of as-
11 sistance under this section shall not relieve from liability
12 any person that would otherwise be liable under Federal
13 or State law for damages, response costs, natural resource
14 damages, restitution, equitable relief, or any other relief.

15 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section for
17 each fiscal year \$45,000,000, to remain available until ex-
18 pended.”.

19 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**
20 **AND REMOVAL OF DAMS.**

21 (a) IN GENERAL.—The Secretary may carry out a
22 small dam removal or rehabilitation project if the Secretary
23 determines that the project will improve the quality of the
24 environment or is in the public interest.

1 (b) *COST SHARING.*—A non-Federal interest shall pro-
2 vide 35 percent of the cost of the removal or remediation
3 of any project carried out under this section, including pro-
4 vision of all land, easements, rights-of-way, and necessary
5 relocations.

6 (c) *AGREEMENTS.*—Construction of a project under
7 this section shall be commenced only after a non-Federal
8 interest has entered into a binding agreement with the Sec-
9 retary to pay—

10 (1) the non-Federal share of the costs of construc-
11 tion required by this section; and

12 (2) 100 percent of any operation and mainte-
13 nance cost.

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

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

19 **SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.**

20 (a) *IN GENERAL.*—The Secretary shall develop eligi-
21 bility criteria for Federal participation in navigation
22 projects located in economically disadvantaged commu-
23 nities that are—

24 (1) dependent on water transportation for sub-
25 sistence; and

1 (2) *located in—*

2 (A) *remote areas of the United States;*

3 (B) *American Samoa;*

4 (C) *Guam;*

5 (D) *the Commonwealth of the Northern*
6 *Mariana Islands;*

7 (E) *the Commonwealth of Puerto Rico; or*

8 (F) *the United States Virgin Islands.*

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

11 (1) *shall—*

12 (A) *provide for economic expansion; and*

13 (B) *identify opportunities for promoting*
14 *economic growth; and*

15 (2) *shall not require project justification solely*
16 *on the basis of National Economic Development bene-*
17 *fits received.*

18 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.**

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

22 (1) *by redesignating subsection (e) as subsection*
23 *(g); and*

24 (2) *by inserting after subsection (d) the fol-*
25 *lowing:*

1 “(e) *PUBLIC HEALTH AND SAFETY.*—If the Secretary
2 determines that a project needs to be continued for the pur-
3 pose of public health and safety—

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

9 “(2) notwithstanding the statutorily-determined
10 Federal share, the Secretary shall pay all increased
11 costs remaining after payment of 20 percent of the in-
12 creased costs by the non-Federal interest under para-
13 graph (1).

14 “(f) *LIMITATION.*—Nothing in subsection (a) limits the
15 authority of the Secretary to ensure that a partnership
16 agreement meets the requirements of law and policies of the
17 Secretary in effect on the date of execution of the partner-
18 ship agreement.”.

19 (b) *LOCAL COOPERATION.*—Section 912(b) of the
20 Water Resources Development Act of 1986 (100 Stat. 4190)
21 is amended—

22 (1) in paragraph (2)—

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

25 (B) by striking the second sentence; and

1 (2) *in paragraph (4)—*

2 (A) *in the first sentence—*

3 (i) *by striking “injunction, for” and*
4 *inserting “injunction and payment of liq-*
5 *uidated damages, for”;* and

6 (ii) *by striking “to collect a civil pen-*
7 *alty imposed under this section,”;* and

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

11 (c) *APPLICABILITY.—*

12 (1) *IN GENERAL.—Except as provided in para-*
13 *graph (2), the amendments made by subsections (a)*
14 *and (b) shall apply only to partnership agreements*
15 *entered into after the date of enactment of this Act.*

16 (2) *EXCEPTION.—Notwithstanding paragraph*
17 *(1), the district engineer for the district in which a*
18 *project is located may amend the partnership agree-*
19 *ment for the project entered into on or before the date*
20 *of enactment of this Act—*

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

23 (B) *if construction on the project has not*
24 *been initiated as of the date of enactment of this*
25 *Act.*

1 (d) *REFERENCES.*—

2 (1) *COOPERATION AGREEMENTS.*—*Any reference*
 3 *in a law, regulation, document, or other paper of the*
 4 *United States to a cooperation agreement or project*
 5 *cooperation agreement shall be considered to be a ref-*
 6 *erence to a partnership agreement or a project part-*
 7 *nership agreement, respectively.*

8 (2) *PARTNERSHIP AGREEMENTS.*—*Any reference*
 9 *to a partnership agreement or project partnership*
 10 *agreement in this Act (other than in this section)*
 11 *shall be considered to be a reference to a cooperation*
 12 *agreement or a project cooperation agreement, respec-*
 13 *tively.*

14 **SEC. 2040. PROGRAM NAMES.**

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

18 **“SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOOD-**

19 **ING AND OBTAIN RISK MINIMIZATION.**

20 *“The”.*

21 ***Subtitle C—National Levee Safety***
 22 ***Program***

23 **SEC. 2051. SHORT TITLE.**

24 *This subtitle may be cited as the “National Levee Safe-*
 25 *ty Program Act of 2006”.*

1 **SEC. 2052. DEFINITIONS.**

2 *In this subtitle:*

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

6 (A) *review the engineering features of the*
7 *levee; and*

8 (B) *develop a risk-based performance eval-*
9 *uation of the levee, taking into consideration po-*
10 *tential consequences of failure or overtopping of*
11 *the levee.*

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

15 (3) *INSPECTION.*—*The term “inspection” means*
16 *an annual review of a levee to verify whether the*
17 *owner or operator of the levee is conducting required*
18 *operation and maintenance in accordance with estab-*
19 *lished levee maintenance standards.*

20 (4) *LEVEE.*—*The term “levee” means an em-*
21 *bankment (including a floodwall) that—*

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

24 (B) *reduces the risk of loss of human life or*
25 *risk to the public safety; and*

1 (C) is not otherwise defined as a dam by the
2 *Federal Guidelines for Dam Safety.*

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

6 (6) *STATE.*—*The term “State” means—*

7 (A) *a State;*

8 (B) *the District of Columbia;*

9 (C) *the Commonwealth of Puerto Rico; and*

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

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

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

19 **SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.**

20 (a) *ESTABLISHMENT.*—

21 (1) *IN GENERAL.*—*The Secretary shall establish*
22 *a National Levee Safety Committee, consisting of rep-*
23 *resentatives of Federal agencies and State, tribal, and*
24 *local governments, in accordance with this subsection.*

25 (2) *FEDERAL AGENCIES.*—

1 (A) *IN GENERAL.*—*The head of each Federal*
2 *agency and the head of the International Bound-*
3 *ary Waters Commission may designate a rep-*
4 *resentative to serve on the Committee.*

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

8 (i) *each Federal agency that designs,*
9 *owns, operates, or maintains a levee is rep-*
10 *resented on the Committee; and*

11 (ii) *each Federal agency that has re-*
12 *sponsibility for emergency preparedness or*
13 *response activities is represented on the*
14 *Committee.*

15 (3) *TRIBAL, STATE, AND LOCAL GOVERN-*
16 *MENTS.*—

17 (A) *IN GENERAL.*—*The Secretary shall ap-*
18 *point 8 members to the Committee—*

19 (i) *3 of whom shall represent tribal*
20 *governments affected by levees, based on rec-*
21 *ommendations of tribal governments;*

22 (ii) *3 of whom shall represent State*
23 *levee safety agencies, based on recommenda-*
24 *tions of Governors of the States; and*

1 (iii) 2 of whom shall represent local
2 governments, based on recommendations of
3 Governors of the States.

4 (B) *REQUIREMENT.*—In appointing mem-
5 bers under subparagraph (A), the Secretary shall
6 ensure broad geographic representation, to the
7 maximum extent practicable.

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

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

14 (A) *Representatives of the National Labora-*
15 *tories.*

16 (B) *Levee safety experts.*

17 (C) *Environmental organizations.*

18 (D) *Members of private industry.*

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

21 (b) *DUTIES.*—

22 (1) *IN GENERAL.*—The Committee shall—

23 (A) *advise the Secretary in implementing*
24 *the national levee safety program under section*
25 *2054;*

1 (B) support the establishment and mainte-
2 nance of effective programs, policies, and guide-
3 lines to enhance levee safety for the protection of
4 human life and property throughout the United
5 States; and

6 (C) support coordination and information
7 exchange between Federal agencies and State
8 levee safety agencies that share common problems
9 and responsibilities relating to levee safety, in-
10 cluding planning, design, construction, oper-
11 ation, emergency action planning, inspections,
12 maintenance, regulation or licensing, technical
13 or financial assistance, research, and data man-
14 agement.

15 (c) *POWERS.*—

16 (1) *INFORMATION FROM FEDERAL AGENCIES.*—

17 (A) *IN GENERAL.*—The Committee may se-
18 cure directly from a Federal agency such infor-
19 mation as the Committee considers to be nec-
20 essary to carry out this section.

21 (B) *PROVISION OF INFORMATION.*—On re-
22 quest of the Committee, the head of a Federal
23 agency shall provide the information to the Com-
24 mittee.

1 (2) *CONTRACTS.*—*The Committee may enter into*
2 *any contract the Committee determines to be nec-*
3 *essary to carry out a duty of the Committee.*

4 (d) *WORKING GROUPS.*—

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

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

10 (A) *members of the Committee; and*

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

13 (e) *COMPENSATION OF MEMBERS.*—

14 (1) *FEDERAL EMPLOYEES.*—*A member of the*
15 *Committee who is an officer or employee of the*
16 *United States shall serve without compensation in ad-*
17 *dition to compensation received for the services of the*
18 *member as an officer or employee of the United*
19 *States.*

20 (2) *OTHER MEMBERS.*—*A member of the Com-*
21 *mittee who is not an officer or employee of the United*
22 *States shall serve without compensation.*

23 (f) *TRAVEL EXPENSES.*—

24 (1) *REPRESENTATIVES OF FEDERAL AGEN-*
25 *CIES.*—*To the extent amounts are made available in*

1 *advance in appropriations Acts, a member of the*
2 *Committee who represents a Federal agency shall be*
3 *reimbursed with appropriations for travel expenses by*
4 *the agency of the member, including per diem in lieu*
5 *of subsistence, at rates authorized for an employee of*
6 *an agency under subchapter I of chapter 57 of title*
7 *5, United States Code, while away from home or reg-*
8 *ular place of business of the member in the perform-*
9 *ance of services for the Committee.*

10 (2) *OTHER INDIVIDUALS.—To the extent*
11 *amounts are made available in advance in appro-*
12 *priations Acts, a member of the Committee who rep-*
13 *resents a State levee safety agency, a member of the*
14 *Committee who represents the private sector, and a*
15 *member of a working group created under subsection*
16 *(d) shall be reimbursed for travel expenses by the Sec-*
17 *retary, including per diem in lieu of subsistence, at*
18 *rates authorized for an employee of an agency under*
19 *subchapter 1 of chapter 57 of title 5, United States*
20 *Code, while away from home or regular place of busi-*
21 *ness of the member in performance of services for the*
22 *Committee.*

23 (g) *NONAPPLICABILITY OF FACA.—The Federal Advi-*
24 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
25 *Committee.*

1 **SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.**

2 (a) *IN GENERAL.*—*The Secretary, in consultation with*
3 *the Committee and State levee safety agencies, shall estab-*
4 *lish and maintain a national levee safety program.*

5 (b) *PURPOSES.*—*The purposes of the program under*
6 *this section are—*

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

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

15 (3) *to encourage the establishment and imple-*
16 *mentation of effective levee safety programs in each*
17 *State;*

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

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

23 (6) *to develop methods of providing technical as-*
24 *sistance relating to levee safety to non-Federal enti-*
25 *ties; and*

1 (7) *to develop technical assistance materials,*
2 *seminars, and guidelines to improve the security of*
3 *levees in the United States.*

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

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

9 (2) *to cooperate and coordinate with, and pro-*
10 *vide assistance to, State levee safety agencies, to the*
11 *maximum extent practicable;*

12 (3) *to share information among Federal agencies,*
13 *State and local governments, and private entities re-*
14 *lating to levee safety; and*

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

17 (d) *FEDERAL GUIDELINES.—*

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

22 (2) *INCORPORATION OF FEDERAL ACTIVITIES.—*
23 *The Federal guidelines under paragraph (1) shall in-*
24 *corporate, to the maximum extent practicable, any*

1 *activity carried out by a Federal agency as of the*
2 *date on which the guidelines are established.*

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

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

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

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

18 *(g) ASSESSMENTS OF LEVEES.—*

19 *(1) IN GENERAL.—Except as provided in para-*
20 *graph (2), as soon as practicable after the date of en-*
21 *actment of this Act, the Secretary shall conduct an as-*
22 *essment of each levee in the United States that pro-*
23 *TECTS human life or the public safety to determine the*
24 *POTENTIAL for a failure or overtopping of the levee that*

1 *would pose a risk of loss of human life or a risk to*
2 *the public safety.*

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

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

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

18 (A) *hydrologic or hydraulic conditions;*

19 (B) *storm surges;*

20 (C) *geotechnical conditions;*

21 (D) *inadequate operating procedures;*

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

24 (F) *other conditions that exist or may occur*
25 *in the vicinity of the levee.*

1 (5) *STATE PARTICIPATION.*—*On request of a*
2 *State levee safety agency, with respect to any levee the*
3 *failure of which would affect the State, the Secretary*
4 *shall—*

5 (A) *provide information to the State levee*
6 *safety agency relating to the construction, oper-*
7 *ation, and maintenance of the levee; and*

8 (B) *allow an official of the State levee safe-*
9 *ty agency to participate in the assessment of the*
10 *levee.*

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

16 (A) *a description of the results of the assess-*
17 *ment under this subsection;*

18 (B) *a description of any hazardous condi-*
19 *tion discovered during the assessment; and*

20 (C) *on request of the Governor, information*
21 *relating to any remedial measure necessary to*
22 *mitigate or avoid any hazardous condition dis-*
23 *covered during the assessment.*

24 (7) *SUBSEQUENT ASSESSMENTS.*—

1 (A) *IN GENERAL.*—*After the date on which*
2 *a levee is initially assessed under this subsection,*
3 *the Secretary shall conduct a subsequent assess-*
4 *ment of the levee not less frequently than once*
5 *every 5 years.*

6 (B) *STATE ASSESSMENT OF NON-FEDERAL*
7 *LEVEES.*—

8 (i) *IN GENERAL.*—*Each State shall*
9 *conduct assessments of non-Federal levees*
10 *located within the State in accordance with*
11 *the applicable State levee safety program.*

12 (ii) *AVAILABILITY OF INFORMATION.*—
13 *Each State shall make the results of the as-*
14 *sessments under clause (i) available for in-*
15 *clusion in the national inventory under*
16 *subsection (f).*

17 (iii) *NON-FEDERAL LEVEES.*—

18 (I) *IN GENERAL.*—*On request of*
19 *the Governor of a State, the Secretary*
20 *may assess a non-Federal levee in the*
21 *State.*

22 (II) *COST.*—*The State shall pay*
23 *100 percent of the cost of an assessment*
24 *under subclause (I).*

1 (III) *FUNDING.*—*The Secretary*
2 *may accept funds from any levee*
3 *owner for the purposes of conducting*
4 *engineering assessments to determine*
5 *the performance and structural integ-*
6 *riety of a levee.*

7 (h) *STATE LEVEE SAFETY PROGRAMS.*—

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

14 (2) *APPLICATION.*—

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

20 (B) *INCLUSION.*—*An application under sub-*
21 *paragraph (A) shall include an agreement be-*
22 *tween the State levee safety agency and the Sec-*
23 *retary under which the State levee safety agency*
24 *shall, in accordance with State law—*

- 1 (i) review and approve plans and spec-
2 ifications to construct, enlarge, modify, re-
3 move, or abandon a levee in the State;
- 4 (ii) perform periodic evaluations dur-
5 ing levee construction to ensure compliance
6 with the approved plans and specifications;
- 7 (iii) approve the construction of a levee
8 in the State before the date on which the
9 levee becomes operational;
- 10 (iv) assess, at least once every 5 years,
11 all levees and reservoirs in the State the
12 failure of which would cause a significant
13 risk of loss of human life or risk to the pub-
14 lic safety to determine whether the levees
15 and reservoirs are safe;
- 16 (v) establish a procedure for more de-
17 tailed and frequent safety evaluations;
- 18 (vi) ensure that assessments are led by
19 a State-registered professional engineer with
20 related experience in levee design and con-
21 struction;
- 22 (vii) issue notices, if necessary, to re-
23 quire owners of levees to perform necessary
24 maintenance or remedial work, improve se-

1 *curity, revise operating procedures, or take*
2 *other actions, including breaching levees;*

3 *(viii) contribute funds to—*

4 *(I) ensure timely repairs or other*
5 *changes to, or removal of, a levee in*
6 *order to reduce the risk of loss of*
7 *human life and the risk to public safe-*
8 *ty; and*

9 *(II) if the owner of a levee does*
10 *not take an action described in sub-*
11 *clause (I), take appropriate action as*
12 *expeditiously as practicable;*

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

17 *(x) identify—*

18 *(I) each levee the failure of which*
19 *could be reasonably expected to endan-*
20 *ger human life;*

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

23 *(III) necessary public facilities*
24 *that would be affected by the flooding;*
25 *and*

1 *(xi) for the period during which the*
2 *funds are provided, maintain or exceed the*
3 *aggregate expenditures of the State during*
4 *the 2 fiscal years preceding the fiscal year*
5 *during which the funds are provided to en-*
6 *sure levee safety.*

7 (3) *DETERMINATION OF SECRETARY.—*

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

12 (B) *NOTICE OF DISAPPROVAL.—If the Sec-*
13 *retary disapproves an application under sub-*
14 *paragraph (A), the Secretary shall immediately*
15 *provide to the State levee safety agency a written*
16 *notice of the disapproval, including a description*
17 *of—*

18 (i) *the reasons for the disapproval; and*

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

21 (C) *FAILURE TO DETERMINE.—If the Sec-*
22 *retary fails to make a determination by the*
23 *deadline under subparagraph (A), the applica-*
24 *tion shall be considered to be approved.*

1 (4) *REVIEW OF STATE LEVEE SAFETY PRO-*
2 *GRAMS.—*

3 (A) *IN GENERAL.—The Secretary, in con-*
4 *junction with the Committee, may periodically*
5 *review any program carried out using funds*
6 *under this subsection.*

7 (B) *INADEQUATE PROGRAMS.—If the Sec-*
8 *retary determines under a review under subpara-*
9 *graph (A) that a program is inadequate to rea-*
10 *sonably protect human life and property, the*
11 *Secretary shall, until the Secretary determines*
12 *the program to be adequate—*

13 (i) *revoke the approval of the program;*

14 *and*

15 (ii) *withhold assistance under this sub-*
16 *section.*

17 (i) *REPORTING.—Not later than 90 days after the end*
18 *of each odd-numbered fiscal year, the Secretary, in con-*
19 *sultation with the Committee, shall submit to Congress a*
20 *report describing—*

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

22 (2) *the progress made by Federal agencies during*
23 *the 2 preceding fiscal years in implementing Federal*
24 *guidelines for levee safety;*

1 (3) *the progress made by State levee safety agen-*
2 *cies participating in the program; and*

3 (4) *recommendations for legislative or other ac-*
4 *tion that the Secretary considers to be necessary, if*
5 *any.*

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

9 (1) *improved techniques, historical experience,*
10 *and equipment for rapid and effective levee construc-*
11 *tion, rehabilitation, and assessment or inspection;*

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

14 (3) *the development and maintenance of infor-*
15 *mation resources systems required to manage levee*
16 *safety projects; and*

17 (4) *public policy initiatives and other improve-*
18 *ments relating to levee safety engineering, security,*
19 *and management.*

20 (k) *PARTICIPATION BY STATE LEVEE SAFETY AGEN-*
21 *CIES.—In carrying out the levee safety program under this*
22 *section, the Secretary shall—*

23 (1) *solicit participation from State levee safety*
24 *agencies; and*

1 (2) *periodically update State levee safety agen-*
2 *cies and Congress on the status of the program.*

3 (l) *LEVEE SAFETY TRAINING.*—*The Secretary, in con-*
4 *sultation with the Committee, shall establish a program*
5 *under which the Secretary shall provide training for State*
6 *levee safety agency staff and inspectors to a State that has,*
7 *or intends to develop, a State levee safety program, on re-*
8 *quest of the State.*

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

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

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

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

20 **SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

21 *There are authorized to be appropriated to the*
22 *Secretary—*

23 (1) *\$50,000,000 to establish and maintain the*
24 *inventory under section 2054(f);*

1 (2) \$424,000,000 to carry out levee safety assess-
2 ments under section 2054(g);

3 (3) to provide funds for State levee safety pro-
4 grams under section 2054(h)—

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

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

8 (4) \$2,000,000 to carry out research under sec-
9 tion 2054(j);

10 (5) \$1,000,000 to carry out levee safety training
11 under section 2054(l); and

12 (6) \$150,000 to provide travel expenses to mem-
13 bers of the Committee under section 2053(f).

14 **TITLE III—PROJECT-RELATED**
15 **PROVISIONS**

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

18 *The Secretary shall carry out, on an emergency basis,*
19 *necessary removal of rubble, sediment, and rock impeding*
20 *the entrance to the St. Herman and St. Paul Harbors, Ko-*
21 *diak, Alaska, at a Federal cost of \$2,000,000.*

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

23 *The Sitka, Alaska, element of the project for naviga-*
24 *tion, Southeast Alaska Harbors of Refuge, Alaska, author-*
25 *ized by section 101 of the Water Resources Development Act*

1 of 1992 (106 Stat. 4801), is modified to direct the Secretary
2 to take such action as is necessary to correct design defi-
3 ciencies in the Sitka Harbor Breakwater, at full Federal
4 expense. The estimated cost is \$6,300,000.

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

6 (a) *IN GENERAL.*—The Secretary shall construct a new
7 project management office located in the city of Tuscaloosa,
8 Alabama, at a location within the vicinity of the city, at
9 full Federal expense.

10 (b) *TRANSFER OF LAND AND STRUCTURES.*—The Sec-
11 retary shall sell, convey, or otherwise transfer to the city
12 of Tuscaloosa, Alabama, at fair market value, the land and
13 structures associated with the existing project management
14 office, if the city agrees to assume full responsibility for
15 demolition of the existing project management office.

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to carry out subsection (a)
18 \$32,000,000.

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

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

1 *Federal cost of \$35,000,000 and a non-Federal cost of*
 2 *\$19,100,000.*

3 **SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.**

4 *The Secretary may carry out rehabilitation of author-*
 5 *ized and completed levees on the White River between Au-*
 6 *gusta and Clarendon, Arkansas, at a total estimated cost*
 7 *of \$8,000,000, with an estimated Federal cost of \$5,200,000*
 8 *and an estimated non-Federal cost of \$2,800,000.*

9 **SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS**

10 **AND LOUISIANA.**

11 *(a) IN GENERAL.—Section 204 of the Flood Control*
 12 *Act of 1950 (64 Stat. 170) is amended in the matter under*
 13 *the heading “RED-OUACHITA RIVER BASIN” by strik-*
 14 *ing “at Calion, Arkansas” and inserting “improvements at*
 15 *Calion, Arkansas (including authorization for the com-*
 16 *prehensive flood-control project for Ouachita River and*
 17 *tributaries, incorporating in the project all flood control,*
 18 *drainage, and power improvements in the basin above the*
 19 *lower end of the left bank Ouachita River levee)”.*

20 *(b) MODIFICATION.—Section 3 of the Act of August 18,*
 21 *1941 (55 Stat. 642, chapter 377), is amended in the second*
 22 *sentence of subsection (a) in the matter under the heading*
 23 *“LOWER MISSISSIPPI RIVER” by inserting before the*
 24 *period at the end the following: “Provided, That the*
 25 *Ouachita River Levees, Louisiana, authorized by the first*

1 *section of the Act of May 15, 1928 (45 Stat. 534, chapter*
2 *569), shall remain as a component of the Mississippi River*
3 *and Tributaries Project and afforded operation and mainte-*
4 *nance responsibilities as directed in section 3 of that Act*
5 *(45 Stat. 535)''.*

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

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

14 (b) *NO SEPARABLE ELEMENT.*—*The measures under-*
15 *taken under subsection (a) shall not be considered to be a*
16 *separable element of the project.*

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

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

1 *Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly*
2 *known as the “Flood Control Act of 1928”).*

3 (b) *TERMS AND CONDITIONS.—*

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

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

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

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

21 **SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
22 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

23 (a) *NAVIGATION CHANNEL.—The Secretary shall con-*
24 *tinue construction of the McClellan-Kerr Arkansas River*
25 *Navigation System, Arkansas and Oklahoma, to operate*

1 *and maintain the navigation channel to the authorized*
2 *depth of the channel, in accordance with section 136 of the*
3 *Energy and Water Development Appropriations Act, 2004*
4 *(Public Law 108–137; 117 Stat. 1842).*

5 (b) *MITIGATION.*—

6 (1) *IN GENERAL.*—*As mitigation for any inci-*
7 *dental taking relating to the McClellan-Kerr Naviga-*
8 *tion System, the Secretary shall determine the need*
9 *for, and construct modifications in, the structures and*
10 *operations of the Arkansas River in the area of Tulsa*
11 *County, Oklahoma, including the construction of low*
12 *water dams and islands to provide nesting and for-*
13 *aging habitat for the interior least tern, in accordance*
14 *with the study entitled “Arkansas River Corridor*
15 *Master Plan Planning Assistance to States”.*

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

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

22 **SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.**

23 (a) *IN GENERAL.*—*The project for flood control, Cache*
24 *Creek Basin, California, authorized by section 401(a) of the*
25 *Water Resources Development Act of 1986 (100 Stat. 4112),*

1 *is modified to direct the Secretary to mitigate the impacts*
 2 *of the new south levee of the Cache Creek settling basin on*
 3 *the storm drainage system of the city of Woodland, includ-*
 4 *ing all appurtenant features, erosion control measures, and*
 5 *environmental protection features.*

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

10 (1) *channel improvements;*

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

13 (3) *a new low flow cross channel to handle city*
 14 *and county storm drainage and settling basin flows*
 15 *(1,760 cubic feet per second) when the Yolo Bypass is*
 16 *in a low flow condition.*

17 **SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALI-**
 18 **FORNIA.**

19 *In addition to funds made available pursuant to the*
 20 *Water Supply, Reliability, and Environmental Improve-*
 21 *ment Act (Public Law 108–361) to carry out section*
 22 *103(f)(3)(D) of that Act (118 Stat. 1696), there is author-*
 23 *ized to be appropriated to carry out projects described in*
 24 *that section \$106,000,000, to remain available until ex-*
 25 *pended.*

1 **SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

2 *The project for environmental restoration, Hamilton*
3 *Airfield, California, authorized by section 101(b)(3) of the*
4 *Water Resources Development Act of 1999 (113 Stat. 279),*
5 *is modified to include the diked bayland parcel known as*
6 *“Bel Marin Keys Unit V” at an estimated total cost of*
7 *\$221,700,000, with an estimated Federal cost of*
8 *\$166,200,000 and an estimated non-Federal cost of*
9 *\$55,500,000, as part of the project to be carried out by the*
10 *Secretary substantially in accordance with the plans, and*
11 *subject to the conditions, recommended in the final report*
12 *of the Chief of Engineers dated July 19, 2004.*

13 **SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE**
14 **DESIGNATION, CALIFORNIA.**

15 *Section 102(c)(4) of the Marine Protection, Research,*
16 *and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is*
17 *amended in the third sentence by striking “January 1,*
18 *2003” and inserting “January 1, 2007”.*

19 **SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

20 *(a) REPORT.—The project for navigation, Larkspur*
21 *Ferry Channel, Larkspur, California, authorized by section*
22 *601(d) of the Water Resources Development Act of 1986*
23 *(100 Stat. 4148), is modified to direct the Secretary to pre-*
24 *pare a limited reevaluation report to determine whether*
25 *maintenance of the project is feasible.*

1 (b) *AUTHORIZATION OF PROJECT.*—If the Secretary
2 determines that maintenance of the project is feasible, the
3 Secretary shall carry out the maintenance.

4 **SEC. 3015. LLAGAS CREEK, CALIFORNIA.**

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

15 **SEC. 3016. MAGPIE CREEK, CALIFORNIA.**

16 (a) *IN GENERAL.*—Subject to subsection (b), the project
17 for Magpie Creek, California, authorized by section 205 of
18 the Flood Control Act of 1948 (33 U.S.C. 701s), is modified
19 to direct the Secretary to apply the cost-sharing require-
20 ments applicable to nonstructural flood control under sec-
21 tion 103(b) of the Water Resources Development Act of 1986
22 (100 Stat. 4085) for the portion of the project consisting
23 of land acquisition to preserve and enhance existing flood-
24 water storage.

1 (b) *CREDITING.*—*The crediting allowed under sub-*
2 *section (a) shall not exceed the non-Federal share of the cost*
3 *of the project.*

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

6 (a) *COOPERATIVE PROGRAM.*—

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

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

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

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

21 (A) *substantially in accordance with the*
22 *goals and principles of the document entitled*
23 *“Kings River Fisheries Management Program*
24 *Framework Agreement” and dated May 29,*
25 *1999, between the California Department of Fish*

1 *and Game and the Kings River Water Associa-*
2 *tion and the Kings River Conservation District;*
3 *and*

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

6 ***(b) PARTICIPATION BY SECRETARY.—***

7 ***(1) IN GENERAL.—****In furtherance of the goals of*
8 *the agreement described in subsection (a)(2), the Sec-*
9 *retary shall participate in the planning, design, and*
10 *construction of projects and pilot projects on the*
11 *Kings River and its tributaries to enhance aquatic*
12 *habitat and water availability for fisheries purposes*
13 *(including maintenance of a trout fishery) in accord-*
14 *ance with flood control operations, water rights, and*
15 *beneficial uses in existence as of the date of enactment*
16 *of this Act.*

17 ***(2) PROJECTS.—****Projects referred to in para-*
18 *graph (1) may include—*

19 ***(A)*** *projects to construct or improve pump-*
20 *ing, conveyance, and storage facilities to enhance*
21 *water transfers; and*

22 ***(B)*** *projects to carry out water exchanges*
23 *and create opportunities to use floodwater within*
24 *and downstream of Pine Flat Reservoir.*

1 (c) *NO AUTHORIZATION OF CERTAIN DAM-RELATED*
2 *PROJECTS.*—*Nothing in this section authorizes any project*
3 *for the raising of Pine Flat Dam or the construction of a*
4 *multilevel intake structure at Pine Flat Dam.*

5 (d) *USE OF EXISTING STUDIES.*—*In carrying out this*
6 *section, the Secretary shall use, to the maximum extent*
7 *practicable, studies in existence on the date of enactment*
8 *of this Act, including data and environmental documenta-*
9 *tion in the document entitled “Final Feasibility Report and*
10 *Report of the Chief of Engineers for Pine Flat Dam Fish*
11 *and Wildlife Habitat Restoration” and dated July 19,*
12 *2002.*

13 (e) *COST SHARING.*—

14 (1) *PROJECT PLANNING, DESIGN, AND CONSTRU-*
15 *CTION.*—*The Federal share of the cost of planning, de-*
16 *sign, and construction of a project under subsection*
17 *(b) shall be 65 percent.*

18 (2) *NON-FEDERAL SHARE.*—

19 (A) *CREDIT FOR LAND, EASEMENTS, AND*
20 *RIGHTS-OF-WAY.*—*The Secretary shall credit to-*
21 *ward the non-Federal share of the cost of con-*
22 *struction of any project under subsection (b) the*
23 *value, regardless of the date of acquisition, of*
24 *any land, easements, rights-of-way, dredged ma-*
25 *terial disposal areas, or relocations provided by*

1 *the non-Federal interest for use in carrying out*
 2 *the project.*

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

8 (f) *OPERATION AND MAINTENANCE.*—*The operation,*
 9 *maintenance, repair, rehabilitation, and replacement of*
 10 *projects carried out under this section shall be a non-Fed-*
 11 *eral responsibility.*

12 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 13 *authorized to be appropriated to carry out this section*
 14 *\$20,000,000, to remain available until expended.*

15 **SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALI-**
 16 **FORNIA.**

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

20 **SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD**
 21 **CONTROL, CALIFORNIA.**

22 (a) *CREDIT FOR NON-FEDERAL WORK.*—

23 (1) *IN GENERAL.*—*The Secretary shall credit to-*
 24 *ward that portion of the non-Federal share of the cost*
 25 *of any flood damage reduction project authorized be-*

1 *fore the date of enactment of this Act that is to be*
2 *paid by the Sacramento Area Flood Control Agency*
3 *an amount equal to the Federal share of the flood con-*
4 *trol project authorized by section 9159 of the Depart-*
5 *ment of Defense Appropriations Act, 1993 (106 Stat.*
6 *1944).*

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

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

21 (b) *FOLSOM DAM.*—*Section 128(a) of the Energy and*
22 *Water Development Appropriations Act, 2006 (Public Law*
23 *109–103; 119 Stat. 2259), is amended—*

24 (1) *in the first sentence, by striking “The Sec-*
25 *retary” and inserting the following:*

1 “(1) *IN GENERAL.—The Secretary*”;

2 (2) *in the second sentence, by striking “The Sec-*
3 *retaries” and inserting the following:*

4 “(2) *TECHNICAL REVIEWS.—The Secretaries*”;

5 (3) *in the third sentence, by striking “In devel-*
6 *oping” and inserting the following:*

7 “(3) *IMPROVEMENTS.—*

8 “(A) *IN GENERAL.—In developing*”;

9 (4) *in the fourth sentence, by striking “In con-*
10 *ducting” and inserting the following:*

11 “(B) *USE OF FUNDS.—In conducting*”; and

12 (5) *by adding at the end the following:*

13 “(4) *PROJECT ALTERNATIVE SOLUTIONS*
14 *STUDY.—The Secretaries, in cooperation with non-*
15 *Federal agencies, are directed to expedite their respec-*
16 *tive activities, including the formulation of all nec-*
17 *essary studies and decision documents, in furtherance*
18 *of the collaborative effort known as the ‘Project Alter-*
19 *native Solutions Study’, as well as planning, engi-*
20 *neering, and design, including preparation of plans*
21 *and specifications, of any features recommended for*
22 *authorization by the Secretary of the Army under*
23 *paragraph (6).*

24 “(5) *CONSOLIDATION OF TECHNICAL REVIEWS*
25 *AND DESIGN ACTIVITIES.—The Secretary of the Army*

1 shall consolidate technical reviews and design activi-
2 ties for—

3 “(A) the project for flood damage reduction
4 authorized by section 101(a)(6) of the Water Re-
5 sources Development Act of 1999 (113 Stat. 274);
6 and

7 “(B) the project for flood damage reduction,
8 dam safety, and environmental restoration au-
9 thorized by sections 128 and 134 of the Energy
10 and Water Development Appropriations Act,
11 2004 (117 Stat. 1838, 1842).

12 “(6) REPORT.—The recommendations of the Sec-
13 retary of the Army, along with the views of the Sec-
14 retary of the Interior and relevant non-Federal agen-
15 cies resulting from the activities directed in para-
16 graphs (4) and (5), shall be forwarded to the Com-
17 mittee on Environment and Public Works of the Sen-
18 ate and the Committee on Transportation and Infra-
19 structure of the House of Representatives by not later
20 than June 30, 2007, and shall provide status reports
21 by not later than September 30, 2006, and quarterly
22 thereafter.

23 “(7) EFFECT.—Nothing in this section shall be
24 deemed as deauthorizing the full range of project fea-
25 tures and parameters of the projects listed in para-

1 *graph (5), nor shall it limit any previous authoriza-*
 2 *tions granted by Congress.”.*

3 **SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGA-**
 4 **BILITY, PORT OF SAN FRANCISCO, CALI-**
 5 **FORNIA.**

6 (a) *CONDITIONAL DECLARATION OF NONNAVIGA-*
 7 *BILITY.—If the Secretary determines, in consultation with*
 8 *appropriate Federal and non-Federal entities, that projects*
 9 *proposed to be carried out by non-Federal entities within*
 10 *the portions of the San Francisco, California, waterfront*
 11 *described in subsection (b) are not in the public interest,*
 12 *the portions shall be declared not to be navigable water of*
 13 *the United States for the purposes of section 9 of the Act*
 14 *of March 3, 1899 (33 U.S.C. 401), and the General Bridge*
 15 *Act of 1946 (33 U.S.C. 525 et seq.).*

16 (b) *PORTIONS OF WATERFRONT.—The portions of the*
 17 *San Francisco, California, waterfront referred to in sub-*
 18 *section (a) are those that are, or will be, bulkheaded, filled,*
 19 *or otherwise occupied by permanent structures and that are*
 20 *located as follows: beginning at the intersection of the north-*
 21 *easterly prolongation of the portion of the northwesterly line*
 22 *of Bryant Street lying between Beale Street and Main*
 23 *Street with the southwesterly line of Spear Street, which*
 24 *intersection lies on the line of jurisdiction of the San Fran-*
 25 *cisco Port Commission; following thence southerly along*

1 *said line of jurisdiction as described in the State of Cali-*
2 *foria Harbor and Navigation Code Section 1770, as*
3 *amended in 1961, to its intersection with the easterly line*
4 *of Townsend Street along a line that is parallel and distant*
5 *10 feet from the existing southern boundary of Pier 40 to*
6 *its point of intersection with the United States Government*
7 *pier-head line; thence northerly along said pier-head line*
8 *to its intersection with a line parallel with, and distant*
9 *10 feet easterly from, the existing easterly boundary line*
10 *of Pier 30–32; thence northerly along said parallel line and*
11 *its northerly prolongation, to a point of intersection with*
12 *a line parallel with, and distant 10 feet northerly from,*
13 *the existing northerly boundary of Pier 30–32, thence west-*
14 *erly along last said parallel line to its intersection with*
15 *the United States Government pier-head line; to the north-*
16 *westerly line of Bryan Street northwesterly; thence south-*
17 *westerly along said northwesterly line of Bryant Street to*
18 *the point of beginning.*

19 (c) *REQUIREMENT THAT AREA BE IMPROVED.*—*If, by*
20 *the date that is 20 years after the date of enactment of this*
21 *Act, any portion of the San Francisco, California, water-*
22 *front described in subsection (b) has not been bulkheaded,*
23 *filled, or otherwise occupied by 1 or more permanent struc-*
24 *tures, or if work in connection with any activity carried*
25 *out pursuant to applicable Federal law requiring a permit,*

1 *including sections 9 and 10 of the Act of March 3, 1899*
2 *(33 U.S.C. 401), is not commenced by the date that is 5*
3 *years after the date of issuance of such a permit, the dec-*
4 *laration of nonnavigability for the portion under this sec-*
5 *tion shall cease to be effective.*

6 **SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.**

7 *(a) DEFINITIONS.—In this section:*

8 *(1) SALTON SEA AUTHORITY.—The term “Salton*
9 *Sea Authority” means the Joint Powers Authority es-*
10 *tablished under the laws of the State of California by*
11 *a joint power agreement signed on June 2, 1993.*

12 *(2) SALTON SEA SCIENCE OFFICE.—The term*
13 *“Salton Sea Science Office” means the Office estab-*
14 *lished by the United States Geological Survey and*
15 *currently located in La Quinta, California.*

16 *(b) PILOT PROJECTS.—*

17 *(1) IN GENERAL.—The Secretary shall review the*
18 *preferred restoration concept plan approved by the*
19 *Salton Sea Authority to determine that the pilot*
20 *projects are economically justified, technically sound,*
21 *environmentally acceptable, and meet the objectives of*
22 *the Salton Sea Reclamation Act (Public Law 105–*
23 *372). If the Secretary makes a positive determination,*
24 *the Secretary may enter into an agreement with the*
25 *Salton Sea Authority and, in consultation with the*

1 *Salton Sea Science Office, carry out the pilot project*
2 *for improvement of the environment in the Salton*
3 *Sea, except that the Secretary shall be a party to each*
4 *contract for construction under this subsection.*

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

7 (A) *consult with the Salton Sea Authority*
8 *and the Salton Sea Science Office; and*

9 (B) *consider the priorities of the Salton Sea*
10 *Authority.*

11 (3) *COST SHARING.*—*Before carrying out a pilot*
12 *project under this section, the Secretary shall enter*
13 *into a written agreement with the Salton Sea Author-*
14 *ity that requires the non-Federal interest to—*

15 (A) *pay 35 percent of the total costs of the*
16 *pilot project;*

17 (B) *acquire any land, easements, rights-of-*
18 *way, relocations, and dredged material disposal*
19 *areas necessary to carry out the pilot project;*
20 *and*

21 (C) *hold the United States harmless from*
22 *any claim or damage that may arise from car-*
23 *rying out the pilot project, except any claim or*
24 *damage that may arise from the negligence of the*

1 *Federal Government or a contractor of the Fed-*
2 *eral Government.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out subsection (b)*
5 *\$26,000,000, of which not more than \$5,000,000 may be*
6 *used for any 1 pilot project under this section.*

7 **SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION**
8 **CREEK, CALIFORNIA.**

9 *The project for flood damage reduction, Santa Barbara*
10 *Streams, Lower Mission Creek, California, authorized by*
11 *section 101(b)(8) of the Water Resources Development Act*
12 *of 2000 (114 Stat. 2577), is modified to authorize the Sec-*
13 *retary to construct the project at a total cost of \$30,000,000,*
14 *with an estimated Federal cost of \$15,000,000 and an esti-*
15 *mated non-Federal cost of \$15,000,000.*

16 **SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.**

17 *The project for flood damage reduction and recreation,*
18 *Upper Guadalupe River, California, authorized by section*
19 *101(a)(9) of the Water Resources Development Act of 1999*
20 *(113 Stat. 275), is modified to authorize the Secretary to*
21 *construct the project generally in accordance with the*
22 *Upper Guadalupe River Flood Damage Reduction, San*
23 *Jose, California, Limited Reevaluation Report, dated*
24 *March, 2004, at a total cost of \$244,500,000, with an esti-*

1 mated Federal cost of \$130,600,000 and an estimated non-
2 Federal cost of \$113,900,000.

3 **SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

4 *The project for flood damage reduction, Yuba River*
5 *Basin, California, authorized by section 101(a)(10) of the*
6 *Water Resources Development Act of 1999 (113 Stat. 275),*
7 *is modified to authorize the Secretary to construct the*
8 *project at a total cost of \$107,700,000, with an estimated*
9 *Federal cost of \$70,000,000 and an estimated non-Federal*
10 *cost of \$37,700,000.*

11 **SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER,**
12 **NEW HAVEN HARBOR, CONNECTICUT.**

13 *The western breakwater for the project for navigation,*
14 *New Haven Harbor, Connecticut, authorized by the first*
15 *section of the Act of September 19, 1890 (26 Stat. 426),*
16 *shall be known and designated as the “Charles Hervey*
17 *Townshend Breakwater”.*

18 **SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**
19 **NECTICUT.**

20 *(a) IN GENERAL.—The portion of the project for navi-*
21 *gation, New London Harbor, Connecticut, authorized by the*
22 *Act of June 13, 1902 (32 Stat. 333), that consists of a 23-*
23 *foot waterfront channel described in subsection (b), is reded-*
24 *ignated as an anchorage area.*

1 (b) *DESCRIPTION OF CHANNEL.*—*The channel referred*
 2 *to in subsection (a) may be described as beginning at a*
 3 *point along the western limit of the existing project, N. 188,*
 4 *802.75, E. 779, 462.81, thence running northeasterly about*
 5 *1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53,*
 6 *thence running southeasterly about 439.54 feet to a point*
 7 *N. 189, 319.88, E. 780, 983.98, thence running southwest-*
 8 *erly about 831.58 feet to a point N. 188, 864.63, E. 780,*
 9 *288.08, thence running southeasterly about 567.39 feet to*
 10 *a point N. 188, 301.88, E. 780, 360.49, thence running*
 11 *northwesterly about 1,027.96 feet to the point of origin.*

12 **SEC. 3027. NORWALK HARBOR, CONNECTICUT.**

13 (a) *IN GENERAL.*—*The portions of a 10-foot channel*
 14 *of the project for navigation, Norwalk Harbor, Connecticut,*
 15 *authorized by the first section of the Act of March 2, 1919*
 16 *(40 Stat. 1276) and described in subsection (b), are not au-*
 17 *thorized.*

18 (b) *DESCRIPTION OF PORTIONS.*—*The portions of the*
 19 *channel referred to in subsection (a) are as follows:*

20 (1) *RECTANGULAR PORTION.*—*An approximately*
 21 *rectangular-shaped section along the northwesterly*
 22 *terminus of the channel. The section is 35-feet wide*
 23 *and about 460-feet long and is further described as*
 24 *commencing at a point N. 104,165.85, E. 417,662.71,*
 25 *thence running south 24°06'55" E. 395.00 feet to a*

1 point N. 103,805.32, E. 417,824.10, thence running
 2 south $00^{\circ}38'06''$ E. 87.84 feet to a point N.
 3 103,717.49, E. 417,825.07, thence running north
 4 $24^{\circ}06'55''$ W. 480.00 feet, to a point N. 104,155.59,
 5 E. 417.628.96, thence running north $73^{\circ}05'25''$ E.
 6 35.28 feet to the point of origin.

7 (2) PARALLELOGRAM-SHAPED PORTION.—An
 8 area having the approximate shape of a parallelo-
 9 gram along the northeasterly portion of the channel,
 10 southeast of the area described in paragraph (1), ap-
 11 proximately 20 feet wide and 260 feet long, and fur-
 12 ther described as commencing at a point N.
 13 103,855.48, E. 417,849.99, thence running south
 14 $33^{\circ}07'30''$ E. 133.40 feet to a point N. 103,743.76, E.
 15 417,922.89, thence running south $24^{\circ}07'04''$ E. 127.75
 16 feet to a point N. 103,627.16, E. 417,975.09, thence
 17 running north $33^{\circ}07'30''$ W. 190.00 feet to a point N.
 18 103,786.28, E. 417,871.26, thence running north
 19 $17^{\circ}05'15''$ W. 72.39 feet to the point of origin.

20 (c) MODIFICATION.—The 10-foot channel portion of the
 21 Norwalk Harbor, Connecticut navigation project described
 22 in subsection (a) is modified to authorize the Secretary to
 23 realign the channel to include, immediately north of the
 24 area described in subsection (b)(2), a triangular section de-
 25 scribed as commencing at a point N. 103,968.35, E.

1 417,815.29, thence running S. 17°05'15" east 118.09 feet
2 to a point N. 103,855.48, E. 417,849.99, thence running
3 N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E.
4 417,829.90, thence running N. 10°05'26" west 83.37 feet to
5 the point of origin.

6 **SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.**

7 Section 102(g) of the Water Resources Development Act
8 of 1990 (104 Stat. 4612) is amended by adding at the end
9 the following: "The Secretary shall assume ownership re-
10 sponsibility for the replacement bridge not later than the
11 date on which the construction of the bridge is completed
12 and the contractors are released of their responsibility by
13 the State. In addition, the Secretary may not carry out any
14 action to close or remove the St. George's Bridge, Delaware,
15 without specific congressional authorization."

16 **SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.**

17 (a) *IN GENERAL.*—The Secretary shall remove the
18 shipwrecked vessel known as the "State of Pennsylvania",
19 and any debris associated with that vessel, from the Chris-
20 tina River at Wilmington, Delaware, in accordance with
21 section 202(b) of the Water Resources Development Act of
22 1976 (33 U.S.C. 426m(b)).

23 (b) *NO RECOVERY OF FUNDS.*—Notwithstanding any
24 other provision of law, in carrying out this section, the Sec-

1 *retary shall not be required to recover funds from the owner*
2 *of the vessel described in subsection (a) or any other vessel.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$425,000, to remain available until expended.*

6 **SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH,**
7 **JR. BRIDGE, DELAWARE.**

8 (a) *DESIGNATION.—The State Route 1 Bridge over the*
9 *Chesapeake and Delaware Canal in the State of Delaware*
10 *is designated as the “Senator William V. Roth, Jr. Bridge”.*

11 (b) *REFERENCES.—Any reference in a law (including*
12 *regulations), map, document, paper, or other record of the*
13 *United States to the bridge described in subsection (a) shall*
14 *be considered to be a reference to the Senator William V.*
15 *Roth, Jr. Bridge.*

16 **SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COM-**
17 **PREHENSIVE EVERGLADES RESTORATION,**
18 **FLORIDA.**

19 *Section 601(c)(3) of the Water Resources Development*
20 *Act of 2000 (114 Stat. 2684) is amended by adding at the*
21 *end the following:*

22 (C) *MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Devel-*
23 *opment Act of 1986 (33 U.S.C. 2280) shall apply*
24 *to the individual project funding limits in sub-*
25

1 paragraph (A) and the aggregate cost limits in
2 subparagraph (B).”.

3 **SEC. 3032. BREVARD COUNTY, FLORIDA.**

4 (a) *IN GENERAL.*—The project for shoreline protection,
5 Brevard County, Florida, authorized by section 418 of the
6 Water Resources Development Act of 2000 (114 Stat. 2637),
7 is amended by striking “7.1-mile reach” and inserting “7.6-
8 mile reach”.

9 (b) *REFERENCES.*—Any reference to a 7.1-mile reach
10 with respect to the project described in subsection (a) shall
11 be considered to be a reference to a 7.6-mile reach with re-
12 spect to that project.

13 **SEC. 3033. CRITICAL RESTORATION PROJECTS, EVER-**
14 **GLADES AND SOUTH FLORIDA ECOSYSTEM**
15 **RESTORATION, FLORIDA.**

16 Section 528(b)(3)(C) of the Water Resources Develop-
17 ment Act of 1996 (110 Stat. 3769) is amended—

18 (1) in clause (i), by striking “\$75,000,000” and
19 all that follows and inserting “\$95,000,000.”; and

20 (2) by striking clause (ii) and inserting the fol-
21 lowing:

22 “(ii) *FEDERAL SHARE.*—

23 “(I) *IN GENERAL.*—Except as pro-
24 vided in subclause (II), the Federal
25 share of the cost of carrying out a

1 *project under subparagraph (A) shall*
2 *not exceed \$25,000,000.*

3 “(II) SEMINOLE WATER CON-
4 SERVATION PLAN.—*The Federal share*
5 *of the cost of carrying out the Seminole*
6 *Water Conservation Plan shall not ex-*
7 *ceed \$30,000,000.”.*

8 **SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**
9 **PILOT PROJECTS, COMPREHENSIVE EVER-**
10 **GLADES RESTORATION, FLORIDA.**

11 *Section 601(b)(2)(B) of the Water Resources Develop-*
12 *ment Act of 2000 (114 Stat. 2681) is amended by adding*
13 *at the end the following:*

14 “(v) HILLSBORO AND OKEECHOBEE
15 AQUIFER, FLORIDA.—*The pilot projects for*
16 *aquifer storage and recovery, Hillsboro and*
17 *Okeechobee Aquifer, Florida, authorized by*
18 *section 101(a)(16) of the Water Resources*
19 *Development Act of 1999 (113 Stat. 276),*
20 *shall be treated for the purposes of this sec-*
21 *tion as being in the Plan and carried out*
22 *in accordance with this section, except that*
23 *costs of operation and maintenance of those*
24 *projects shall remain 100 percent non-Fed-*
25 *eral.”.*

1 **SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

2 *The Secretary shall carry out the project for hurricane*
3 *and storm damage reduction in Lido Key, Sarasota Coun-*
4 *ty, Florida, based on the report of the Chief of Engineers*
5 *dated December 22, 2004, at a total cost of \$14,809,000,*
6 *with an estimated Federal cost of \$9,088,000 and an esti-*
7 *mated non-Federal cost of \$5,721,000, and at an estimated*
8 *total cost \$63,606,000 for periodic beach nourishment over*
9 *the 50-year life of the project, with an estimated Federal*
10 *cost of \$31,803,000 and an estimated non-Federal cost of*
11 *\$31,803,000.*

12 **SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**

13 **IDA.**

14 *The project for navigation, Port Sutton Channel,*
15 *Tampa Harbor, Florida, authorized by section 101(b)(12)*
16 *of the Water Resources Development Act of 2000 (114 Stat.*
17 *2577), is modified to authorize the Secretary to carry out*
18 *the project at a total cost of \$12,900,000.*

19 **SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

20 *The project for navigation, Tampa Harbor, Florida,*
21 *authorized by section 101 of the River and Harbor Act of*
22 *1970 (84 Stat. 1818), is modified to authorize the Secretary*
23 *to construct passing lanes in an area approximately 3.5*
24 *miles long and centered on Tampa Bay Cut B, if the Sec-*
25 *retary determines that the improvements are necessary for*
26 *navigation safety.*

1 **SEC. 3038. ALLATOONA LAKE, GEORGIA.**

2 (a) *LAND EXCHANGE.*—

3 (1) *IN GENERAL.*—*The Secretary may exchange*
4 *land above 863 feet in elevation at Allatoona Lake,*
5 *Georgia, identified in the Real Estate Design Memo-*
6 *randum prepared by the Mobile district engineer,*
7 *April 5, 1996, and approved October 8, 1996, for land*
8 *on the north side of Allatoona Lake that is required*
9 *for wildlife management and protection of the water*
10 *quality and overall environment of Allatoona Lake.*

11 (2) *TERMS AND CONDITIONS.*—*The basis for all*
12 *land exchanges under this subsection shall be a fair*
13 *market appraisal to ensure that land exchanged is of*
14 *equal value.*

15 (b) *DISPOSAL AND ACQUISITION OF LAND, ALLATOONA*
16 *LAKE, GEORGIA.*—

17 (1) *IN GENERAL.*—*The Secretary may—*

18 (A) *sell land above 863 feet in elevation at*
19 *Allatoona Lake, Georgia, identified in the memo-*
20 *randum referred to in subsection (a)(1); and*

21 (B) *use the proceeds of the sale, without fur-*
22 *ther appropriation, to pay costs associated with*
23 *the purchase of land required for wildlife man-*
24 *agement and protection of the water quality and*
25 *overall environment of Allatoona Lake.*

26 (2) *TERMS AND CONDITIONS.*—

1 (A) *WILLING SELLERS.*—*Land acquired*
2 *under this subsection shall be by negotiated pur-*
3 *chase from willing sellers only.*

4 (B) *BASIS.*—*The basis for all transactions*
5 *under this subsection shall be a fair market*
6 *value appraisal acceptable to the Secretary.*

7 (C) *SHARING OF COSTS.*—*Each purchaser*
8 *of land under this subsection shall share in the*
9 *associated environmental and real estate costs of*
10 *the purchase, including surveys and associated*
11 *fees in accordance with the memorandum re-*
12 *ferred to in subsection (a)(1).*

13 (D) *OTHER CONDITIONS.*—*The Secretary*
14 *may impose on the sale and purchase of land*
15 *under this subsection such other conditions as the*
16 *Secretary determines to be appropriate.*

17 (c) *REPEAL.*—*Section 325 of the Water Resources De-*
18 *velopment Act of 1992 (106 Stat. 4849) is repealed.*

19 **SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

20 (a) *IN GENERAL.*—*The Secretary shall carry out addi-*
21 *tional general construction measures to allow for operation*
22 *at lower pool levels to satisfy the recreation mission at*
23 *Dworshak Dam, Idaho.*

1 (b) *IMPROVEMENTS.*—*In carrying out subsection (a),*
2 *the Secretary shall provide for appropriate improvements*
3 *to—*

4 (1) *facilities that are operated by the Corps of*
5 *Engineers; and*

6 (2) *facilities that, as of the date of enactment of*
7 *this Act, are leased, permitted, or licensed for use by*
8 *others.*

9 (c) *COST SHARING.*—*The Secretary shall carry out*
10 *this section through a cost-sharing program with Idaho*
11 *State Parks and Recreation Department, with a total esti-*
12 *mated project cost of \$5,300,000, with an estimated Federal*
13 *cost of \$3,900,000 and an estimated non-Federal cost of*
14 *\$1,400,000.*

15 **SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.**

16 *The project for flood control, Gooding, Idaho, as con-*
17 *structed under the emergency conservation work program*
18 *established under the Act of March 31, 1933 (16 U.S.C. 585*
19 *et seq.), is modified—*

20 (1) *to direct the Secretary to rehabilitate the*
21 *Gooding Channel Project for the purposes of flood*
22 *control and ecosystem restoration, if the Secretary de-*
23 *termines that the rehabilitation and ecosystem res-*
24 *toration is feasible;*

1 (2) to authorize and direct the Secretary to plan,
2 design, and construct the project at a total cost of
3 \$9,000,000;

4 (3) to authorize the non-Federal interest to pro-
5 vide any portion of the non-Federal share of the cost
6 of the project in the form of services, materials, sup-
7 plies, or other in-kind contributions;

8 (4) to authorize the non-Federal interest to use
9 funds made available under any other Federal pro-
10 gram toward the non-Federal share of the cost of the
11 project if the use of the funds is permitted under the
12 other Federal program; and

13 (5) to direct the Secretary, in calculating the
14 non-Federal share of the cost of the project, to make
15 a determination under section 103(m) of the Water
16 Resources Development Act of 1986 (33 U.S.C.
17 2213(m)) on the ability to pay of the non-Federal in-
18 terest.

19 **SEC. 3041. PORT OF LEWISTON, IDAHO.**

20 (a) *EXTINGUISHMENT OF REVERSIONARY INTERESTS*
21 *AND USE RESTRICTIONS.*—With respect to property covered
22 by each deed described in subsection (b)—

23 (1) the reversionary interests and use restrictions
24 relating to port and industrial use purposes are ex-
25 tinguished;

1 (2) *the restriction that no activity shall be per-*
2 *mitted that will compete with services and facilities*
3 *offered by public marinas is extinguished;*

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

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

14 (b) *DEEDS.—The deeds referred to in subsection (a)*
15 *are as follows:*

16 (1) *Auditor’s Instrument No. 399218 of Nez*
17 *Perce County, Idaho, 2.07 acres.*

18 (2) *Auditor’s Instrument No. 487437 of Nez*
19 *Perce County, Idaho, 7.32 acres.*

20 (c) *NO EFFECT ON OTHER RIGHTS.—Nothing in this*
21 *section affects the remaining rights and interests of the*
22 *Corps of Engineers for authorized project purposes with re-*
23 *spect to property covered by deeds described in subsection*
24 *(b).*

1 **SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.**

2 *The Cache River Levee created for flood control at the*
 3 *Cache River, Illinois, and authorized by the Act of June*
 4 *28, 1938 (52 Stat. 1215, chapter 795), is modified to add*
 5 *environmental restoration as a project purpose.*

6 **SEC. 3043. CHICAGO, ILLINOIS.**

7 *Section 425(a) of the Water Resources Development*
 8 *Act of 2000 (114 Stat. 2638) is amended by inserting “Lake*
 9 *Michigan and” before “the Chicago River”.*

10 **SEC. 3044. CHICAGO RIVER, ILLINOIS.**

11 *The Federal navigation channel for the North Branch*
 12 *Channel portion of the Chicago River authorized by section*
 13 *22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425),*
 14 *extending from 100 feet downstream of the Halsted Street*
 15 *Bridge to 100 feet upstream of the Division Street Bridge,*
 16 *Chicago, Illinois, is redefined to be no wider than 66 feet.*

17 **SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.**

18 *Section 519(c)(3) of the Water Resources Development*
 19 *Act of 2000 (114 Stat. 2654) is amended by striking*
 20 *“\$5,000,000” and inserting “\$20,000,000”.*

21 **SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION**
 22 **PROJECTS RECONSTRUCTION PILOT PRO-**
 23 **GRAM.**

24 (a) *DEFINITION OF RECONSTRUCTION.*—*In this sec-*
 25 *tion:*

1 (1) *IN GENERAL.*—*The term “reconstruction”*
2 *means any action taken to address 1 or more major*
3 *deficiencies of a project caused by long-term degrada-*
4 *tion of the foundation, construction materials, or en-*
5 *gineering systems or components of the project, the re-*
6 *sults of which render the project at risk of not per-*
7 *forming in compliance with the authorized purposes*
8 *of the project.*

9 (2) *INCLUSIONS.*—*The term “reconstruction” in-*
10 *cludes the incorporation by the Secretary of current*
11 *design standards and efficiency improvements in a*
12 *project if the incorporation does not significantly*
13 *change the authorized scope, function, or purpose of*
14 *the project.*

15 (b) *PARTICIPATION BY SECRETARY.*—*The Secretary*
16 *may participate in the reconstruction of flood control*
17 *projects within Missouri and Illinois as a pilot program*
18 *if the Secretary determines that such reconstruction is not*
19 *required as a result of improper operation and maintenance*
20 *by the non-Federal interest.*

21 (c) *COST SHARING.*—

22 (1) *IN GENERAL.*—*Costs for reconstruction of a*
23 *project under this section shall be shared by the Sec-*
24 *retary and the non-Federal interest in the same per-*

1 centages as the costs of construction of the original
2 project were shared.

3 (2) *OPERATION, MAINTENANCE, AND REPAIR*
4 *COSTS.*—The costs of operation, maintenance, repair,
5 and rehabilitation of a project carried out under this
6 section shall be a non-Federal responsibility.

7 (d) *CRITICAL PROJECTS.*—In carrying out this sec-
8 tion, the Secretary shall give priority to the following
9 projects:

10 (1) *Clear Creek Drainage and Levee District, Il-*
11 *linois.*

12 (2) *Fort Chartres and Ivy Landing Drainage*
13 *District, Illinois.*

14 (3) *Wood River Drainage and Levee District, Il-*
15 *linois.*

16 (4) *City of St. Louis, Missouri.*

17 (5) *Missouri River Levee Drainage District, Mis-*
18 *souri.*

19 (e) *ECONOMIC JUSTIFICATION.*—Reconstruction efforts
20 and activities carried out under this section shall not re-
21 quire economic justification.

22 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 authorized to be appropriated to carry out this section
24 \$50,000,000, to remain available until expended.

1 **SEC. 3047. SPUNKY BOTTOM, ILLINOIS.**

2 (a) *IN GENERAL.*—*The project for flood control, Illi-*
3 *nois and Des Plaines River Basin, between Beardstown, Il-*
4 *linois, and the mouth of the Illinois River, authorized by*
5 *section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter*
6 *688), is modified to authorize ecosystem restoration as a*
7 *project purpose.*

8 (b) *MODIFICATIONS.*—

9 (1) *IN GENERAL.*—*Subject to paragraph (2), not-*
10 *withstanding the limitation on the expenditure of*
11 *Federal funds to carry out project modifications in*
12 *accordance with section 1135 of the Water Resources*
13 *Development Act of 1986 (33 U.S.C. 2309a), modi-*
14 *fications to the project referred to in subsection (a)*
15 *shall be carried out at Spunky Bottoms, Illinois, in*
16 *accordance with subsection (a).*

17 (2) *FEDERAL SHARE.*—*Not more than*
18 *\$7,500,000 in Federal funds may be expended under*
19 *this section to carry out modifications to the project*
20 *referred to in subsection (a).*

21 (3) *POST-CONSTRUCTION MONITORING AND MAN-*
22 *AGEMENT.*—*Of the Federal funds expended under*
23 *paragraph (2), not less than \$500,000 shall remain*
24 *available for a period of 5 years after the date of com-*
25 *pletion of construction of the modifications for use in*

1 *carrying out post-construction monitoring and adapt-*
 2 *ive management.*

3 (c) *EMERGENCY REPAIR ASSISTANCE.*—*Notwith-*
 4 *standing any modifications carried out under subsection*
 5 *(b), the project described in subsection (a) shall remain eli-*
 6 *gible for emergency repair assistance under section 5 of the*
 7 *Act of August 18, 1941 (33 U.S.C. 701n), without consider-*
 8 *ation of economic justification.*

9 **SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KAN-**
 10 **SAS.**

11 (a) *IN GENERAL.*—*As soon as practicable after the*
 12 *date of enactment of this Act, the Secretary, acting through*
 13 *the Tulsa District of the Corps of Engineers, shall transfer*
 14 *to Pleasant Township, Coffey County, Kansas, for use as*
 15 *the New Strawn Cemetery, all right, title, and interest of*
 16 *the United States in and to the land described in subsection*
 17 *(c).*

18 (b) *REVERSION.*—*If the land transferred under this*
 19 *section ceases at any time to be used as a nonprofit ceme-*
 20 *tery or for another public purpose, the land shall revert to*
 21 *the United States.*

22 (c) *DESCRIPTION.*—*The land to be conveyed under this*
 23 *section is a tract of land near John Redmond Lake, Kansas,*
 24 *containing approximately 3 acres and lying adjacent to the*
 25 *west line of the Strawn Cemetery located in the SE corner*

1 of the NE¹/₄ of sec. 32, T. 20 S., R. 14 E., Coffey County,
2 Kansas.

3 (d) *CONSIDERATION.*—

4 (1) *IN GENERAL.*—*The conveyance under this*
5 *section shall be at fair market value.*

6 (2) *COSTS.*—*All costs associated with the convey-*
7 *ance shall be paid by Pleasant Township, Coffey*
8 *County, Kansas.*

9 (e) *OTHER TERMS AND CONDITIONS.*—*The conveyance*
10 *under this section shall be subject to such other terms and*
11 *conditions as the Secretary considers necessary to protect*
12 *the interests of the United States.*

13 **SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.**

14 (a) *IN GENERAL.*—*Subject to subsections (b) and (c),*
15 *the Secretary shall convey at fair market value by quitclaim*
16 *deed to the Geary County Fire Department, Milford, Kan-*
17 *sas, all right, title, and interest of the United States in and*
18 *to a parcel of land consisting of approximately 7.4 acres*
19 *located in Geary County, Kansas, for construction, oper-*
20 *ation, and maintenance of a fire station.*

21 (b) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—*The*
22 *exact acreage and the description of the real property re-*
23 *ferred to in subsection (a) shall be determined by a survey*
24 *that is satisfactory to the Secretary.*

1 (c) *REVERSION.*—*If the Secretary determines that the*
 2 *property conveyed under subsection (a) ceases to be held in*
 3 *public ownership or to be used for any purpose other than*
 4 *a fire station, all right, title, and interest in and to the*
 5 *property shall revert to the United States, at the option of*
 6 *the United States.*

7 **SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**
 8 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

9 Section 101(16) of the Water Resources Development
 10 Act of 2000 (114 Stat. 2578) is amended—

11 (1) by striking “(A) **IN GENERAL.**—*Projects for*
 12 *ecosystem restoration, Ohio River Mainstem*” and in-
 13 *serting the following:*

14 “(A) **AUTHORIZATION.**—

15 “(i) **IN GENERAL.**—*Projects for eco-*
 16 *system restoration, Ohio River Basin (ex-*
 17 *cluding the Tennessee and Cumberland*
 18 *River Basins)”*; and

19 (2) in subparagraph (A), by adding at the end
 20 *the following:*

21 “(ii) **NONPROFIT ENTITY.**—*For any*
 22 *ecosystem restoration project carried out*
 23 *under this paragraph, with the consent of*
 24 *the affected local government, a nonprofit*

1 entity may be considered to be a non-Fed-
2 eral interest.

3 “(iii) *PROGRAM IMPLEMENTATION*
4 *PLAN.*—There is authorized to be developed
5 a program implementation plan of the Ohio
6 River Basin (excluding the Tennessee and
7 Cumberland River Basins) at full Federal
8 expense.

9 “(iv) *PILOT PROGRAM.*—There is au-
10 thorized to be initiated a completed pilot
11 program in Lower Scioto Basin, Ohio.”.

12 **SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDI-**
13 **ANA.**

14 Section 101(a)(10) of the Water Resources Develop-
15 ment Act of 1990 (104 Stat. 4606) is amended by striking
16 “\$219,600,000” each place it appears and inserting
17 “\$430,000,000”.

18 **SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN**
19 **FLOODWAY SYSTEM, LOUISIANA.**

20 (a) *IN GENERAL.*—The public access feature of the
21 Atchafalaya Basin Floodway System, Louisiana project,
22 authorized by section 601(a) of the Water Resources Devel-
23 opment Act of 1986 (100 Stat. 4142), is modified to author-
24 ize the Secretary to acquire from willing sellers the fee inter-
25 est (exclusive of oil, gas, and minerals) of an additional

1 20,000 acres of land in the Lower Atchafalaya Basin
2 Floodway for the public access feature of the Atchafalaya
3 Basin Floodway System, Louisiana project.

4 (b) *MODIFICATION.*—

5 (1) *IN GENERAL.*—Subject to paragraph (2), ef-
6 fective beginning November 17, 1986, the public access
7 feature of the Atchafalaya Basin Floodway System,
8 Louisiana project, is modified to remove the
9 \$32,000,000 limitation on the maximum Federal ex-
10 penditure for the first costs of the public access fea-
11 ture.

12 (2) *FIRST COST.*—The authorized first cost of
13 \$250,000,000 for the total project (as defined in sec-
14 tion 601(a) of the Water Resources Development Act
15 of 1986 (100 Stat. 4142)) shall not be exceeded, except
16 as authorized by section 902 of that Act (100 Stat.
17 4183).

18 (c) *TECHNICAL AMENDMENT.*—Section 315(a)(2) of
19 the Water Resources Development Act of 2000 (114 Stat.
20 2603) is amended by inserting before the period at the end
21 the following: “and may include Eagle Point Park,
22 Jeanerette, Louisiana, as 1 of the alternative sites”.

1 **SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA**
2 **BASIN FLOODWAY SYSTEM, LOUISIANA.**

3 (a) *PROJECT FOR FLOOD CONTROL.*—Notwithstanding
4 paragraph (3) of the report of the Chief of Engineers dated
5 February 28, 1983 (relating to recreational development in
6 the Lower Atchafalaya Basin Floodway), the Secretary
7 shall carry out the project for flood control, Atchafalaya
8 Basin Floodway System, Louisiana, authorized by chapter
9 IV of title I of the Act of August 15, 1985 (Public Law
10 99–88; 99 Stat. 313; 100 Stat. 4142).

11 (b) *VISITORS CENTER.*—

12 (1) *IN GENERAL.*—The Secretary, acting through
13 the Chief of Engineers and in consultation with the
14 State of Louisiana, shall study, design, and construct
15 a type A regional visitors center in the vicinity of
16 Morgan City, Louisiana.

17 (2) *COST SHARING.*—

18 (A) *IN GENERAL.*—The cost of construction
19 of the visitors center shall be shared in accord-
20 ance with the recreation cost-share requirement
21 under section 103(c) of the Water Resources De-
22 velopment Act of 1986 (33 U.S.C. 2213(c)).

23 (B) *COST OF UPGRADING.*—The non-Federal
24 share of the cost of upgrading the visitors center
25 from a type B to type A regional visitors center
26 shall be 100 percent.

1 (3) *AGREEMENT.*—*The project under this sub-*
2 *section shall be initiated only after the Secretary and*
3 *the non-Federal interests enter into a binding agree-*
4 *ment under which the non-Federal interests shall—*

5 (A) *provide any land, easement, right-of-*
6 *way, or dredged material disposal area required*
7 *for the project that is owned, claimed, or con-*
8 *trolled by—*

9 (i) *the State of Louisiana (including*
10 *agencies and political subdivisions of the*
11 *State); or*

12 (ii) *any other non-Federal government*
13 *entity authorized under the laws of the*
14 *State of Louisiana;*

15 (B) *pay 100 percent of the cost of the oper-*
16 *ation, maintenance, repair, replacement, and re-*
17 *habilitation of the project; and*

18 (C) *hold the United States free from liabil-*
19 *ity for the construction, operation, maintenance,*
20 *repair, replacement, and rehabilitation of the*
21 *project, except for damages due to the fault or*
22 *negligence of the United States or a contractor of*
23 *the United States.*

24 (4) *DONATIONS.*—*In carrying out the project*
25 *under this subsection, the Mississippi River Commis-*

1 *sion may accept the donation of cash or other funds,*
2 *land, materials, and services from any non-Federal*
3 *government entity or nonprofit corporation, as the*
4 *Commission determines to be appropriate.*

5 **SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.**

6 *The project for the Calcasieu River and Pass, Lou-*
7 *isiana, authorized by section 101 of the River and Harbor*
8 *Act of 1960 (74 Stat. 481), is modified to authorize the Sec-*
9 *retary to provide \$3,000,000 for each fiscal year, in a total*
10 *amount of \$15,000,000, for such rock bank protection of the*
11 *Calcasieu River from mile 5 to mile 16 as the Chief of Engi-*
12 *neers determines to be advisable to reduce maintenance*
13 *dredging needs and facilitate protection of valuable disposal*
14 *areas for the Calcasieu River and Pass, Louisiana.*

15 **SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.**

16 *The project for flood damage reduction and recreation,*
17 *East Baton Rouge Parish, Louisiana, authorized by section*
18 *101(a)(21) of the Water Resources Development Act of 1999*
19 *(113 Stat. 277), as amended by section 116 of the Consoli-*
20 *dated Appropriations Resolution, 2003 (117 Stat. 140), is*
21 *modified to authorize the Secretary to carry out the project*
22 *substantially in accordance with the Report of the Chief of*
23 *Engineers dated December 23, 1996, and the subsequent*
24 *Post Authorization Change Report dated December 2004,*
25 *at a total cost of \$178,000,000.*

1 **SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION**
2 **ASSISTANCE, LOUISIANA.**

3 (a) *PORT FACILITIES RELOCATION.*—

4 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

5 *There is authorized to be appropriated \$175,000,000,*
6 *to remain available until expended, to support the re-*
7 *location of Port of New Orleans deep draft facilities*
8 *from the Mississippi River Gulf Outlet (referred to in*
9 *this section as the “Outlet”), the Gulf Intercoastal*
10 *Waterway, and the Inner Harbor Navigation Canal*
11 *to the Mississippi River.*

12 (2) *ADMINISTRATION.*—

13 (A) *IN GENERAL.*—*Amounts appropriated*
14 *pursuant to paragraph (1) shall be administered*
15 *by the Assistant Secretary for Economic Devel-*
16 *opment (referred to in this section as the “Assist-*
17 *ant Secretary”) pursuant to sections 209(c)(2)*
18 *and 703 of the Public Works and Economic De-*
19 *velopment Act of 1965 (42 U.S.C. 3149(c)(2),*
20 *3233).*

21 (B) *REQUIREMENT.*—*The Assistant Sec-*
22 *retary shall make amounts appropriated pursu-*
23 *ant to paragraph (1) available to the Port of*
24 *New Orleans to relocate to the Mississippi River*
25 *within the State of Louisiana the port-owned fa-*
26 *cilities that are occupied by businesses in the vi-*

1 *cinity that may be impacted due to the treat-*
2 *ment of the Outlet under the analysis and design*
3 *of comprehensive hurricane protection authorized*
4 *by title I of the Energy and Water Development*
5 *Appropriations Act, 2006 (Public Law 109–103;*
6 *119 Stat. 2247).*

7 *(b) REVOLVING LOAN FUND GRANTS.—There is au-*
8 *thorized to be appropriated to the Assistant Secretary*
9 *\$185,000,000, to remain available until expended, to pro-*
10 *vide assistance pursuant to sections 209(c)(2) and 703 of*
11 *the Public Works and Economic Development Act of 1965*
12 *(42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients*
13 *to establish revolving loan funds to make loans for terms*
14 *up to 20 years at or below market interest rates (including*
15 *interest-free loans) to private businesses within the Port of*
16 *New Orleans that may need to relocate to the Mississippi*
17 *River within the State of Louisiana due to the treatment*
18 *of the Outlet under the analysis and design of comprehen-*
19 *sive hurricane protection authorized by title I of the Energy*
20 *and Water Development Appropriations Act, 2006 (Public*
21 *Law 109–103; 119 Stat. 2247).*

22 *(c) COORDINATION WITH SECRETARY.—The Assistant*
23 *Secretary shall ensure that the programs described in sub-*
24 *sections (a) and (b) are fully coordinated with the Secretary*
25 *to ensure that facilities are relocated in a manner that is*

1 *consistent with the analysis and design of comprehensive*
2 *hurricane protection authorized by title I of the Energy and*
3 *Water Development Appropriations Act, 2006 (Public Law*
4 *109–103; 119 Stat. 2247).*

5 *(d) ADMINISTRATIVE EXPENSES.—The Assistant Sec-*
6 *retary may use up to 2 percent of the amounts made avail-*
7 *able under subsections (a) and (b) for administrative ex-*
8 *penses.*

9 **SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**
10 **LOUISIANA.**

11 *The project for mitigation of fish and wildlife losses,*
12 *Red River Waterway, Louisiana, authorized by section*
13 *601(a) of the Water Resources Development Act of 1986*
14 *(100 Stat. 4142) and modified by section 4(h) of the Water*
15 *Resources Development Act of 1988 (102 Stat. 4016), sec-*
16 *tion 102(p) of the Water Resources Development Act of 1990*
17 *(104 Stat. 4613), section 301(b)(7) of the Water Resources*
18 *Development Act of 1996 (110 Stat. 3710), and section 316*
19 *of the Water Resources Development Act of 2000 (114 Stat.*
20 *2604), is further modified—*

21 *(1) to authorize the Secretary to carry out the*
22 *project at a total cost of \$33,200,000;*

23 *(2) to permit the purchase of marginal farmland*
24 *for reforestation (in addition to the purchase of bot-*
25 *tomland hardwood); and*

1 (3) to incorporate wildlife and forestry manage-
2 ment practices to improve species diversity on mitiga-
3 tion land that meets habitat goals and objectives of
4 the Corps of Engineers and the State of Louisiana.

5 **SEC. 3058. CAMP ELLIS, SACO, MAINE.**

6 The maximum amount of Federal funds that may be
7 expended for the project being carried out under section 111
8 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for
9 the mitigation of shore damages attributable to the project
10 for navigation, Camp Ellis, Saco, Maine, shall be
11 \$20,000,000.

12 **SEC. 3059. UNION RIVER, MAINE.**

13 The project for navigation, Union River, Maine, au-
14 thorized by the first section of the Act of June 3, 1896 (29
15 Stat. 215, chapter 314), is modified by redesignating as an
16 anchorage area that portion of the project consisting of a
17 6-foot turning basin and lying northerly of a line com-
18 mencing at a point N. 315,975.13, E. 1,004,424.86, thence
19 running N. 61° 27' 20.71" W. about 132.34 feet to a point
20 N. 316,038.37, E. 1,004,308.61.

1 **SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 2 **TION AND PROTECTION PROGRAM, MARY-**
 3 **LAND, PENNSYLVANIA, AND VIRGINIA.**

4 *Section 510(i) of the Water Resources Development Act*
 5 *of 1996 (110 Stat. 3761) is amended by striking*
 6 *“\$10,000,000” and inserting “\$30,000,000”.*

7 **SEC. 3061. CUMBERLAND, MARYLAND.**

8 *Section 580(a) of the Water Resources Development*
 9 *Act of 1999 (113 Stat. 375) is amended—*

10 *(1) by striking “\$15,000,000” and inserting*
 11 *“\$25,750,000”;*

12 *(2) by striking “\$9,750,000” and inserting*
 13 *“\$16,738,000”; and*

14 *(3) by striking “\$5,250,000” and inserting*
 15 *“\$9,012,000”.*

16 **SEC. 3062. AUNT LYDIA’S COVE, MASSACHUSETTS.**

17 *(a) DEAUTHORIZATION.—The portion of the project for*
 18 *navigation, Aunt Lydia’s Cove, Massachusetts, authorized*
 19 *August 31, 1994, pursuant to section 107 of the Act of July*
 20 *14, 1960 (33 U.S.C. 577) (commonly known as the “River*
 21 *and Harbor Act of 1960”), consisting of the 8-foot deep an-*
 22 *chorage in the cove described in subsection (b) is deauthor-*
 23 *ized.*

24 *(b) DESCRIPTION.—The portion of the project de-*
 25 *scribed in subsection (a) is more particularly described as*
 26 *the portion beginning at a point along the southern limit*

1 of the existing project, N. 254332.00, E. 1023103.96, thence
 2 running northwesterly about 761.60 feet to a point along
 3 the western limit of the existing project N. 255076.84, E.
 4 1022945.07, thence running southwesterly about 38.11 feet
 5 to a point N. 255038.99, E. 1022940.60, thence running
 6 southeasterly about 267.07 feet to a point N. 254772.00, E.
 7 1022947.00, thence running southeasterly about 462.41 feet
 8 to a point N. 254320.06, E. 1023044.84, thence running
 9 northeasterly about 60.31 feet to the point of origin.

10 **SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND**
 11 **RHODE ISLAND.**

12 (a) *IN GENERAL.*—Notwithstanding section 1001(b)(2)
 13 of the Water Resources Development Act of 1986 (33 U.S.C.
 14 579a(b)(2)), the project for navigation, Fall River Harbor,
 15 Massachusetts and Rhode Island, authorized by section 101
 16 of the River and Harbor Act of 1968 (82 Stat. 731), shall
 17 remain authorized to be carried out by the Secretary, except
 18 that the authorized depth of that portion of the project ex-
 19 tending riverward of the Charles M. Braga, Jr. Memorial
 20 Bridge, Fall River and Somerset, Massachusetts, shall not
 21 exceed 35 feet.

22 (b) *FEASIBILITY.*—The Secretary shall conduct a study
 23 to determine the feasibility of deepening that portion of the
 24 navigation channel of the navigation project for Fall River
 25 Harbor, Massachusetts and Rhode Island, authorized by sec-

1 *tion 101 of the River and Harbor Act of 1968 (82 Stat.*
 2 *731), seaward of the Charles M. Braga, Jr. Memorial*
 3 *Bridge Fall River and Somerset, Massachusetts.*

4 (c) *LIMITATION.*—*The project described in subsection*
 5 *(a) shall not be authorized for construction after the last*
 6 *day of the 5-year period beginning on the date of enactment*
 7 *of this Act unless, during that period, funds have been obli-*
 8 *gated for construction (including planning and design) of*
 9 *the project.*

10 **SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
 11 **GAN.**

12 Section 426 of the Water Resources Development Act
 13 of 1999 (113 Stat. 326) is amended to read as follows:

14 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

15 “(a) *DEFINITIONS.*—*In this section:*

16 “(1) *MANAGEMENT PLAN.*—*The term ‘manage-*
 17 *ment plan’ means the management plan for the St.*
 18 *Clair River and Lake St. Clair, Michigan, that is in*
 19 *effect as of the date of enactment of this section.*

20 “(2) *PARTNERSHIP.*—*The term ‘Partnership’*
 21 *means the partnership established by the Secretary*
 22 *under subsection (b)(1).*

23 “(b) *PARTNERSHIP.*—

24 “(1) *IN GENERAL.*—*The Secretary shall establish*
 25 *and lead a partnership of appropriate Federal agen-*

1 *cies (including the Environmental Protection Agency)*
2 *and the State of Michigan (including political sub-*
3 *divisions of the State)—*

4 *“(A) to promote cooperation among the Fed-*
5 *eral Government, State and local governments,*
6 *and other involved parties in the management of*
7 *the St. Clair River and Lake St. Clair water-*
8 *sheds; and*

9 *“(B) develop and implement projects con-*
10 *sistent with the management plan.*

11 *“(2) COORDINATION WITH ACTIONS UNDER*
12 *OTHER LAW.—*

13 *“(A) IN GENERAL.—Actions taken under*
14 *this section by the Partnership shall be coordi-*
15 *nated with actions to restore and conserve the St.*
16 *Clair River and Lake St. Clair and watersheds*
17 *taken under other provisions of Federal and*
18 *State law.*

19 *“(B) NO EFFECT ON OTHER LAW.—Nothing*
20 *in this section alters, modifies, or affects any*
21 *other provision of Federal or State law.*

22 *“(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE*
23 *ST. CLAIR MANAGEMENT PLAN.—*

24 *“(1) IN GENERAL.—The Secretary shall—*

1 “(A) develop a St. Clair River and Lake St.
2 Clair strategic implementation plan in accord-
3 ance with the management plan;

4 “(B) provide technical, planning, and engi-
5 neering assistance to non-Federal interests for
6 developing and implementing activities con-
7 sistent with the management plan;

8 “(C) plan, design, and implement projects
9 consistent with the management plan; and

10 “(D) provide, in coordination with the Ad-
11 ministrator of the Environmental Protection
12 Agency, financial and technical assistance, in-
13 cluding grants, to the State of Michigan (includ-
14 ing political subdivisions of the State) and inter-
15 ested nonprofit entities for the planning, design,
16 and implementation of projects to restore, con-
17 serve, manage, and sustain the St. Clair River,
18 Lake St. Clair, and associated watersheds.

19 “(2) SPECIFIC MEASURES.—Financial and tech-
20 nical assistance provided under subparagraphs (B)
21 and (C) of paragraph (1) may be used in support of
22 non-Federal activities consistent with the manage-
23 ment plan.

24 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
25 STRATEGIC IMPLEMENTATION PLAN.—In consultation with

1 *the Partnership and after providing an opportunity for*
2 *public review and comment, the Secretary shall develop in-*
3 *formation to supplement—*

4 “(1) *the management plan; and*

5 “(2) *the strategic implementation plan developed*
6 *under subsection (c)(1)(A).*

7 “(e) *COST SHARING.—*

8 “(1) *NON-FEDERAL SHARE.—The non-Federal*
9 *share of the cost of technical assistance, or the cost of*
10 *planning, design, construction, and evaluation of a*
11 *project under subsection (c), and the cost of develop-*
12 *ment of supplementary information under subsection*
13 *(d)—*

14 “(A) *shall be 25 percent of the total cost of*
15 *the project or development; and*

16 “(B) *may be provided through the provision*
17 *of in-kind services.*

18 “(2) *CREDIT FOR LAND, EASEMENTS, AND*
19 *RIGHTS-OF-WAY.—The Secretary shall credit the non-*
20 *Federal sponsor for the value of any land, easements,*
21 *rights-of-way, dredged material disposal areas, or re-*
22 *locations provided for use in carrying out a project*
23 *under subsection (c).*

24 “(3) *NONPROFIT ENTITIES.—Notwithstanding*
25 *section 221 of the Flood Control Act of 1970 (42*

1 *U.S.C. 1962d–5b), a non-Federal sponsor for any*
2 *project carried out under this section may include a*
3 *nonprofit entity.*

4 “(4) *OPERATION AND MAINTENANCE.*—*The oper-*
5 *ation, maintenance, repair, rehabilitation, and re-*
6 *placement of projects carried out under this section*
7 *shall be non-Federal responsibilities.*

8 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
9 *authorized to be appropriated to carry out this section*
10 *\$10,000,000 for each fiscal year.”.*

11 **SEC. 3065. DULUTH HARBOR, MINNESOTA.**

12 “(a) *IN GENERAL.*—*Notwithstanding the cost limita-*
13 *tion described in section 107(b) of the River and Harbor*
14 *Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry*
15 *out the project for navigation, Duluth Harbor, Minnesota,*
16 *pursuant to the authority provided under that section at*
17 *a total Federal cost of \$9,000,000.*

18 “(b) *PUBLIC ACCESS AND RECREATIONAL FACILI-*
19 *TIES.*—*Section 321 of the Water Resources Development Act*
20 *of 2000 (114 Stat. 2605) is amended by inserting “, and*
21 *to provide public access and recreational facilities” after*
22 *“including any required bridge construction”.*

23 **SEC. 3066. RED LAKE RIVER, MINNESOTA.**

24 *The project for flood control, Red Lake River,*
25 *Crookston, Minnesota, authorized by section 101(a)(23) of*

1 *the Water Resources Development Act of 1999 (113 Stat.*
 2 *278), is modified to include flood protection for the adjacent*
 3 *and interconnected areas generally known as the Sampson*
 4 *and Chase/Loring neighborhoods, in accordance with the*
 5 *feasibility report supplement, local flood protection,*
 6 *Crookston, Minnesota, at a total cost of \$25,000,000, with*
 7 *an estimated Federal cost of \$16,250,000 and an estimated*
 8 *non-Federal cost of \$8,750,000.*

9 **SEC. 3067. BONNET CARRE FRESHWATER DIVERSION**
 10 **PROJECT, MISSISSIPPI AND LOUISIANA.**

11 (a) *IN GENERAL.*—*The project for environmental en-*
 12 *hancement, Mississippi and Louisiana Estuarine Areas,*
 13 *Mississippi and Louisiana, authorized by section 3(a)(8)*
 14 *of the Water Resources Development Act of 1988 (102 Stat.*
 15 *4013) is modified to direct the Secretary to carry out that*
 16 *portion of the project identified as the “Bonnet Carre Fresh-*
 17 *water Diversion Project”, in accordance with this section.*

18 (b) *NON-FEDERAL FINANCING REQUIREMENTS.*—

19 (1) *MISSISSIPPI AND LOUISIANA.*—

20 (A) *IN GENERAL.*—*The States of Mississippi*
 21 *and Louisiana shall provide the funds needed*
 22 *during any fiscal year for meeting the respective*
 23 *non-Federal cost sharing requirements of each*
 24 *State for the Bonnet Carre Freshwater Diversion*
 25 *Project during that fiscal year by making depos-*

1 *its of the necessary funds into an escrow account*
2 *or into such other account as the Secretary deter-*
3 *mines to be acceptable.*

4 (B) *DEADLINE.*—*Any deposits required*
5 *under this paragraph shall be made by the af-*
6 *ected State by not later than 30 days after re-*
7 *ceipt of notification from the Secretary that the*
8 *amounts are due.*

9 (2) *FAILURE TO PAY.*—

10 (A) *LOUISIANA.*—*In the case of deposits re-*
11 *quired to be made by the State of Louisiana, the*
12 *Secretary may not award any new contract or*
13 *proceed to the next phase of any feature being*
14 *carried out in the State of Louisiana under sec-*
15 *tion 1003 if the State of Louisiana is not in*
16 *compliance with paragraph (1).*

17 (B) *MISSISSIPPI.*—*In the case of deposits*
18 *required to be made by the State of Mississippi,*
19 *the Secretary may not award any new contract*
20 *or proceed to the next phase of any feature being*
21 *carried out as a part of the Bonnet Carre Fresh-*
22 *water Diversion Project if the State of Mis-*
23 *issippi is not in compliance with paragraph*
24 *(1).*

1 (3) *ALLOCATION.*—*The non-Federal share of*
2 *project costs shall be allocated between the States of*
3 *Mississippi and Louisiana as described in the report*
4 *to Congress on the status and potential options and*
5 *enhancement of the Bonnet Carre Freshwater Diver-*
6 *sion Project dated December 1996.*

7 (4) *EFFECT.*—*The modification of the Bonnet*
8 *Carre Freshwater Diversion Project by this section*
9 *shall not reduce the percentage of the cost of the*
10 *project that is required to be paid by the Federal Gov-*
11 *ernment as determined on the date of enactment of*
12 *section 3(a)(8) of the Water Resources Development*
13 *Act of 1988 (102 Stat. 4013).*

14 (c) *DESIGN SCHEDULE.*—

15 (1) *IN GENERAL.*—*Subject to the availability of*
16 *appropriations, the Secretary shall complete the de-*
17 *sign of the Bonnet Carre Freshwater Diversion*
18 *Project by not later than 1 year after the date of en-*
19 *actment of this Act.*

20 (2) *MISSED DEADLINE.*—*If the Secretary does*
21 *not complete the design of the project by the date de-*
22 *scribed in paragraph (1)—*

23 (A) *the Secretary shall assign such resources*
24 *as the Secretary determines to be available and*
25 *necessary to complete the design; and*

1 (B) the authority of the Secretary to expend
2 funds for travel, official receptions, and official
3 representations shall be suspended until the de-
4 sign is complete.

5 (d) CONSTRUCTION SCHEDULE.—

6 (1) IN GENERAL.—Subject to the availability of
7 appropriations, the Secretary shall complete construc-
8 tion of the Bonnet Carre Freshwater Diversion
9 Project by not later than September 30, 2012.

10 (2) MISSED DEADLINE.—If the Secretary does
11 not complete the construction of the Bonnet Carre
12 Freshwater Diversion Project by the date described in
13 paragraph (1)—

14 (A) the Secretary shall assign such resources
15 as the Secretary determines to be available and
16 necessary to complete the construction; and

17 (B) the authority of the Secretary to expend
18 funds for travel, official receptions, and official
19 representations shall be suspended until the con-
20 struction is complete.

21 **SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

22 (a) DEFINITIONS.—In this section:

23 (1) FEDERAL LAND.—The term “Federal land”
24 means the 2 parcels of Corps of Engineers land total-
25 ing approximately 42 acres, located on Buffalo Island

1 *in Pike County, Missouri, and consisting of Govern-*
 2 *ment Tract Numbers MIS-7 and a portion of FM-*
 3 *46.*

4 (2) *NON-FEDERAL LAND.*—*The term “non-Fed-*
 5 *eral land” means the approximately 42 acres of land,*
 6 *subject to any existing flowage easements situated in*
 7 *Pike County, Missouri, upstream and northwest,*
 8 *about 200 feet from Drake Island (also known as*
 9 *Grimes Island).*

10 (b) *LAND EXCHANGE.*—*Subject to subsection (c), on*
 11 *conveyance by S.S.S., Inc., to the United States of all right,*
 12 *title, and interest in and to the non-Federal land, the Sec-*
 13 *retary shall convey to S.S.S., Inc., all right, title, and inter-*
 14 *est of the United States in and to the Federal land.*

15 (c) *CONDITIONS.*—

16 (1) *DEEDS.*—

17 (A) *NON-FEDERAL LAND.*—*The conveyance*
 18 *of the non-Federal land to the Secretary shall be*
 19 *by a warranty deed acceptable to the Secretary.*

20 (B) *FEDERAL LAND.*—*The conveyance of the*
 21 *Federal land to S.S.S., Inc., shall be—*

22 (i) *by quitclaim deed; and*

23 (ii) *subject to any reservations, terms,*
 24 *and conditions that the Secretary deter-*
 25 *mines to be necessary to allow the United*

1 *States to operate and maintain the Mis-*
2 *issippi River 9-Foot Navigation Project.*

3 (C) *LEGAL DESCRIPTIONS.*—*The Secretary*
4 *shall, subject to approval of S.S.S., Inc., provide*
5 *a legal description of the Federal land and non-*
6 *Federal land for inclusion in the deeds referred*
7 *to in subparagraphs (A) and (B).*

8 (2) *REMOVAL OF IMPROVEMENTS.*—

9 (A) *IN GENERAL.*—*The Secretary may re-*
10 *quire the removal of, or S.S.S., Inc., may volun-*
11 *tarily remove, any improvements to the non-Fed-*
12 *eral land before the completion of the exchange or*
13 *as a condition of the exchange.*

14 (B) *NO LIABILITY.*—*If S.S.S., Inc., removes*
15 *any improvements to the non-Federal land under*
16 *subparagraph (A)—*

17 (i) *S.S.S., Inc., shall have no claim*
18 *against the United States relating to the re-*
19 *moval; and*

20 (ii) *the United States shall not incur*
21 *or be liable for any cost associated with the*
22 *removal or relocation of the improvements.*

23 (3) *ADMINISTRATIVE COSTS.*—*The Secretary*
24 *shall require S.S.S., Inc. to pay reasonable adminis-*
25 *trative costs associated with the exchange.*

1 (4) *CASH EQUALIZATION PAYMENT.*—*If the ap-*
2 *praised fair market value, as determined by the Sec-*
3 *retary, of the Federal land exceeds the appraised fair*
4 *market value, as determined by the Secretary, of the*
5 *non-Federal land, S.S.S., Inc., shall make a cash*
6 *equalization payment to the United States.*

7 (5) *DEADLINE.*—*The land exchange under sub-*
8 *section (b) shall be completed not later than 2 years*
9 *after the date of enactment of this Act.*

10 **SEC. 3069. L-15 LEVEE, MISSOURI.**

11 *The portion of the L-15 levee system that is under the*
12 *jurisdiction of the Consolidated North County Levee Dis-*
13 *trict and situated along the right descending bank of the*
14 *Mississippi River from the confluence of that river with the*
15 *Missouri River and running upstream approximately 14*
16 *miles shall be considered to be a Federal levee for purposes*
17 *of cost sharing under section 5 of the Act of August 18,*
18 *1941 (33 U.S.C. 701n).*

19 **SEC. 3070. UNION LAKE, MISSOURI.**

20 (a) *IN GENERAL.*—*The Secretary shall offer to convey*
21 *to the State of Missouri, before January 31, 2006, all right,*
22 *title, and interest in and to approximately 205.50 acres of*
23 *land described in subsection (b) purchased for the Union*
24 *Lake Project that was deauthorized as of January 1, 1990*
25 *(55 Fed. Reg. 40906), in accordance with section 1001 of*

1 *the Water Resources Development Act of 1986 (33 U.S.C.*
2 *579a(a)).*

3 (b) *LAND DESCRIPTION.—The land referred to in sub-*
4 *section (a) is described as follows:*

5 (1) *TRACT 500.—A tract of land situated in*
6 *Franklin County, Missouri, being part of the SW¹/₄*
7 *of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T. 42*
8 *N., R. 2 W. of the fifth principal meridian, consisting*
9 *of approximately 112.50 acres.*

10 (2) *TRACT 605.—A tract of land situated in*
11 *Franklin County, Missouri, being part of the N¹/₂ of*
12 *the NE, and part of the SE of the NE of sec. 18, T.*
13 *42 N., R. 2 W. of the fifth principal meridian, con-*
14 *sisting of approximately 93.00 acres.*

15 (c) *CONVEYANCE.—On acceptance by the State of Mis-*
16 *souri of the offer by the Secretary under subsection (a), the*
17 *land described in subsection (b) shall immediately be con-*
18 *veyed, in its current condition, by Secretary to the State*
19 *of Missouri.*

20 **SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.**

21 *Section 325(f)(1)(A) of the Water Resources Develop-*
22 *ment Act of 2000 (114 Stat. 2607) is amended by striking*
23 *“\$20,000,000” and inserting “\$25,000,000”.*

1 **SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.**

2 *The Secretary may use funds appropriated to carry*
3 *out the Missouri River recovery and mitigation program*
4 *to assist the Bureau of Reclamation in the design and con-*
5 *struction of the Lower Yellowstone project of the Bureau,*
6 *Intake, Montana, for the purpose of ecosystem restoration.*

7 **SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**
8 **TANA AND NORTH DAKOTA.**

9 *(a) DEFINITION OF RESTORATION PROJECT.—In this*
10 *section, the term “restoration project” means a project that*
11 *will produce, in accordance with other Federal programs,*
12 *projects, and activities, substantial ecosystem restoration*
13 *and related benefits, as determined by the Secretary.*

14 *(b) PROJECTS.—The Secretary shall carry out, in ac-*
15 *cordance with other Federal programs, projects, and activi-*
16 *ties, restoration projects in the watershed of the Yellowstone*
17 *River and tributaries in Montana, and in North Dakota,*
18 *to produce immediate and substantial ecosystem restoration*
19 *and recreation benefits.*

20 *(c) LOCAL PARTICIPATION.—In carrying out sub-*
21 *section (b), the Secretary shall—*

22 *(1) consult with, and consider the activities*
23 *being carried out by—*

24 *(A) other Federal agencies;*

25 *(B) Indian tribes;*

26 *(C) conservation districts; and*

1 (D) the Yellowstone River Conservation Dis-
2 trict Council; and

3 (2) seek the full participation of the State of
4 Montana.

5 (d) *COST SHARING*.—Before carrying out any restora-
6 tion project under this section, the Secretary shall enter into
7 an agreement with the non-Federal interest for the restora-
8 tion project under which the non-Federal interest shall
9 agree—

10 (1) to provide 35 percent of the total cost of the
11 restoration project, including necessary land, ease-
12 ments, rights-of-way, relocations, and disposal sites;

13 (2) to pay the non-Federal share of the cost of
14 feasibility studies and design during construction fol-
15 lowing execution of a project cooperation agreement;

16 (3) to pay 100 percent of the operation, mainte-
17 nance, repair, replacement, and rehabilitation costs
18 incurred after the date of enactment of this Act that
19 are associated with the restoration project; and

20 (4) to hold the United States harmless for any
21 claim of damage that arises from the negligence of the
22 Federal Government or a contractor of the Federal
23 Government in carrying out the restoration project.

24 (e) *FORM OF NON-FEDERAL SHARE*.—Not more than
25 50 percent of the non-Federal share of the cost of a restora-

1 *tion project carried out under this section may be provided*
 2 *in the form of in-kind credit for work performed during*
 3 *construction of the restoration project.*

4 (f) *NON-FEDERAL INTERESTS.*—*Notwithstanding sec-*
 5 *tion 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-*
 6 *5b), with the consent of the applicable local government, a*
 7 *nonprofit entity may be a non-Federal interest for a res-*
 8 *toration project carried out under this section.*

9 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 10 *authorized to be appropriated to carry out this section*
 11 *\$30,000,000.*

12 **SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**
 13 **VADA.**

14 *The maximum amount of Federal funds that may be*
 15 *expended for the project being carried out, as of the date*
 16 *of enactment of this Act, under section 1135 of the Water*
 17 *Resources Development Act of 1986 (33 U.S.C. 2309a) for*
 18 *environmental restoration of McCarran Ranch, Nevada,*
 19 *shall be \$5,775,000.*

20 **SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**
 21 **ICO.**

22 (a) *RESTORATION PROJECTS.*—

23 (1) *DEFINITION.*—*The term “restoration project”*
 24 *means a project that will produce, consistent with*
 25 *other Federal programs, projects, and activities, im-*

1 mediate and substantial ecosystem restoration and
2 recreation benefits.

3 (2) *PROJECTS.*—The Secretary shall carry out
4 restoration projects in the Middle Rio Grande from
5 Cochiti Dam to the headwaters of Elephant Butte
6 Reservoir, in the State of New Mexico.

7 (b) *PROJECT SELECTION.*—The Secretary shall select
8 restoration projects in the Middle Rio Grande.

9 (c) *LOCAL PARTICIPATION.*—In carrying out sub-
10 section (b), the Secretary shall consult with, and consider
11 the activities being carried out by—

12 (1) the Middle Rio Grande Endangered Species
13 Act Collaborative Program; and

14 (2) the Bosque Improvement Group of the Middle
15 Rio Grande Bosque Initiative.

16 (d) *COST SHARING.*—Before carrying out any restora-
17 tion project under this section, the Secretary shall enter into
18 an agreement with non-Federal interests that requires the
19 non-Federal interests to—

20 (1) provide 35 percent of the total cost of the res-
21 toration projects including provisions for necessary
22 lands, easements, rights-of-way, relocations, and dis-
23 posal sites;

24 (2) pay 100 percent of the operation, mainte-
25 nance, repair, replacement, and rehabilitation costs

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated \$25,000,000 to carry out this*
3 *section.*

4 **SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.**

5 *Section 554 of the Water Resources Development Act*
6 *of 1996 (110 Stat. 3781) is amended by striking*
7 *“\$5,200,000” and inserting “\$18,200,000”.*

8 **SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.**

9 *Section 217 of the Water Resources Development Act*
10 *of 1996 (33 U.S.C. 2326a) is amended—*

11 (1) *by redesignating subsection (c) as subsection*
12 *(d);*

13 (2) *by inserting after subsection (b) the fol-*
14 *lowing:*

15 “(c) *DREDGED MATERIAL FACILITY.*—

16 “(1) *IN GENERAL.*—*The Secretary may enter*
17 *into cost-sharing agreements with 1 or more non-Fed-*
18 *eral public interests with respect to a project, or*
19 *group of projects within a geographic region, if ap-*
20 *propriate, for the acquisition, design, construction,*
21 *management, or operation of a dredged material*
22 *processing, treatment, contaminant reduction, or dis-*
23 *posal facility (including any facility used to dem-*
24 *onstrate potential beneficial uses of dredged material,*
25 *which may include effective sediment contaminant re-*

1 *duction technologies) using funds provided in whole*
2 *or in part by the Federal Government.*

3 “(2) *PERFORMANCE.*—*One or more of the parties*
4 *to the agreement may perform the acquisition, design,*
5 *construction, management, or operation of a dredged*
6 *material processing, treatment, contaminant reduc-*
7 *tion, or disposal facility.*

8 “(3) *MULTIPLE FEDERAL PROJECTS.*—*If appro-*
9 *priate, the Secretary may combine portions of sepa-*
10 *rate Federal projects with appropriate combined cost-*
11 *sharing between the various projects, if the facility*
12 *serves to manage dredged material from multiple Fed-*
13 *eral projects located in the geographic region of the*
14 *facility.*

15 “(4) *PUBLIC FINANCING.*—

16 “(A) *AGREEMENTS.*—

17 “(i) *SPECIFIED FEDERAL FUNDING*
18 *SOURCES AND COST SHARING.*—*The cost-*
19 *sharing agreement used shall clearly*
20 *specify—*

21 “(I) *the Federal funding sources*
22 *and combined cost-sharing when appli-*
23 *cable to multiple Federal navigation*
24 *projects; and*

1 “(II) *the responsibilities and risks*
2 *of each of the parties related to present*
3 *and future dredged material managed*
4 *by the facility.*

5 “(ii) *MANAGEMENT OF SEDIMENTS.—*

6 “(I) *IN GENERAL.—The cost-shar-*
7 *ing agreement may include the man-*
8 *agement of sediments from the mainte-*
9 *nance dredging of Federal navigation*
10 *projects that do not have partnerships*
11 *agreements.*

12 “(II) *PAYMENTS.—The cost-shar-*
13 *ing agreement may allow the non-Fed-*
14 *eral interest to receive reimbursable*
15 *payments from the Federal Govern-*
16 *ment for commitments made by the*
17 *non-Federal interest for disposal or*
18 *placement capacity at dredged mate-*
19 *rial treatment, processing, contami-*
20 *nant reduction, or disposal facilities.*

21 “(iii) *CREDIT.—The cost-sharing*
22 *agreement may allow costs incurred prior to*
23 *execution of a partnership agreement for*
24 *construction or the purchase of equipment*

1 *or capacity for the project to be credited ac-*
2 *cording to existing cost-sharing rules.*

3 “(B) CREDIT.—

4 “(i) EFFECT ON EXISTING AGREE-
5 *MENTS.—Nothing in this subsection super-*
6 *cedes or modifies an agreement in effect on*
7 *the date of enactment of this paragraph be-*
8 *tween the Federal Government and any*
9 *other non-Federal interest for the cost-shar-*
10 *ing, construction, and operation and main-*
11 *tenance of a Federal navigation project.*

12 “(ii) CREDIT FOR FUNDS.—Subject to
13 *the approval of the Secretary and in ac-*
14 *cordance with law (including regulations*
15 *and policies) in effect on the date of enact-*
16 *ment of this paragraph, a non-Federal pub-*
17 *lic interest of a Federal navigation project*
18 *may seek credit for funds provided for the*
19 *acquisition, design, construction, manage-*
20 *ment, or operation of a dredged material*
21 *processing, treatment, or disposal facility to*
22 *the extent the facility is used to manage*
23 *dredged material from the Federal naviga-*
24 *tion project.*

1 “(iii) *NON-FEDERAL INTEREST RE-*
 2 *SPONSIBILITIES.—The non-Federal interest*
 3 *shall—*

4 “(I) *be responsible for providing*
 5 *all necessary land, easement rights-of-*
 6 *way, or relocations associated with the*
 7 *facility; and*

8 “(II) *receive credit for those*
 9 *items.”; and*

10 (3) *in paragraphs (1) and (2)(A) of subsection*
 11 (4) *(as redesignated by paragraph (1))—*

12 (A) *by inserting “and maintenance” after*
 13 *“operation” each place it appears; and*

14 (B) *by inserting “processing, treatment, or”*
 15 *after “dredged material” the first place it ap-*
 16 *pears in each of those paragraphs.*

17 **SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DA-**
 18 **KOTA.**

19 Section 707(a) of the Water Resources Act of 2000 (114
 20 Stat. 2699) is amended in the first sentence by striking
 21 “\$5,000,000” and all that follows through “2005” and in-
 22 serting “\$25,000,000”.

23 **SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

24 Section 507(1) of the Water Resources Development
 25 Act of 1996 (110 Stat. 3758) is amended—

1 (1) *by striking “\$2,500,000” and inserting*
2 *“\$5,500,000”; and*

3 (2) *by adding before the period at the end the fol-*
4 *lowing: “(which repair and rehabilitation shall in-*
5 *clude lowering the crest of the Dam by not more than*
6 *12.5 feet)”.*

7 **SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**
8 **ROLL TOWNSHIP, OHIO.**

9 *Increased operation and maintenance activities for the*
10 *Toussaint River Federal Navigation Project, Carroll Town-*
11 *ship, Ohio, that are carried out in accordance with section*
12 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577)*
13 *and relate directly to the presence of unexploded ordnance,*
14 *shall be carried out at full Federal expense.*

15 **SEC. 3082. ARCADIA LAKE, OKLAHOMA.**

16 *Payments made by the city of Edmond, Oklahoma, to*
17 *the Secretary in October 1999 of all costs associated with*
18 *present and future water storage costs at Arcadia Lake,*
19 *Oklahoma, under Arcadia Lake Water Storage Contract*
20 *Number DACW56-79-C-0072 shall satisfy the obligations*
21 *of the city under that contract.*

22 **SEC. 3083. LAKE EUFAULA, OKLAHOMA.**

23 (a) *PROJECT GOAL.—*

24 (1) *IN GENERAL.—The goal for operation of Lake*
25 *Eufaula shall be to maximize the use of available*

1 *storage in a balanced approach that incorporates ad-*
2 *vice from representatives from all the project purposes*
3 *to ensure that the full value of the reservoir is realized*
4 *by the United States.*

5 (2) *RECOGNITION OF PURPOSE.*—*To achieve the*
6 *goal described in paragraph (1), recreation is recog-*
7 *nized as a project purpose at Lake Eufaula, pursuant*
8 *to the Act of December 22, 1944 (commonly known as*
9 *the “Flood Control Act of 1944”) (58 Stat. 887, chap-*
10 *ter 665).*

11 (b) *LAKE EUFAULA ADVISORY COMMITTEE.*—

12 (1) *IN GENERAL.*—*In accordance with the Fed-*
13 *eral Advisory Committee Act (5 U.S.C. App.), the*
14 *Secretary shall establish an advisory committee for*
15 *the Lake Eufaula, Canadian River, Oklahoma project*
16 *authorized by the Act of July 24, 1946 (commonly*
17 *known as the “River and Harbor Act of 1946”) (Pub-*
18 *lic Law 79–525; 60 Stat. 634).*

19 (2) *PURPOSE.*—*The purpose of the committee*
20 *shall be advisory only.*

21 (3) *DUTIES.*—*The committee shall provide infor-*
22 *mation and recommendations to the Corps of Engi-*
23 *neers regarding the operations of Lake Eufaula for*
24 *the project purposes for Lake Eufaula.*

1 (4) *COMPOSITION.*—*The Committee shall be com-*
2 *posed of members that equally represent the project*
3 *purposes for Lake Eufaula.*

4 (c) *REALLOCATION STUDY.*—

5 (1) *IN GENERAL.*—*Subject to the appropriation*
6 *of funds, the Secretary, acting through the Chief of*
7 *Engineers, shall perform a reallocation study, at full*
8 *Federal expense, to develop and present recommenda-*
9 *tions concerning the best value, while minimizing eco-*
10 *logical damages, for current and future use of the*
11 *Lake Eufaula storage capacity for the authorized*
12 *project purposes of flood control, water supply, hydro-*
13 *electric power, navigation, fish and wildlife, and*
14 *recreation.*

15 (2) *FACTORS FOR CONSIDERATION.*—*The re-*
16 *allocation study shall take into consideration the rec-*
17 *ommendations of the Lake Eufaula Advisory Com-*
18 *mittee.*

19 (d) *POOL MANAGEMENT PLAN.*—

20 (1) *IN GENERAL.*—*Not later than 360 days after*
21 *the date of enactment of this Act, to the extent feasible*
22 *within available project funds and subject to the com-*
23 *pletion and approval of the reallocation study under*
24 *subsection (c), the Tulsa District Engineer, taking*
25 *into consideration recommendations of the Lake*

1 *Eufaula Advisory Committee, shall develop an in-*
2 *terim management plan that accommodates all*
3 *project purposes for Lake Eufaula.*

4 (2) *MODIFICATIONS.*—*A modification of the plan*
5 *under paragraph (1) shall not cause significant ad-*
6 *verse impacts on any existing permit, lease, license,*
7 *contract, public law, or project purpose, including*
8 *flood control operation, relating to Lake Eufaula.*

9 **SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS,**
10 **AND RESERVATIONS, OKLAHOMA.**

11 (a) *RELEASE OF RETAINED RIGHTS, INTERESTS, AND*
12 *RESERVATIONS.*—*Each reversionary interest and use re-*
13 *striction relating to public parks and recreation on the land*
14 *conveyed by the Secretary to the State of Oklahoma at Lake*
15 *Texoma pursuant to the Act entitled “An Act to authorize*
16 *the sale of certain lands to the State of Oklahoma” (67 Stat.*
17 *62, chapter 118) is terminated.*

18 (b) *INSTRUMENT OF RELEASE.*—*As soon as prac-*
19 *ticable after the date of enactment of this Act, the Secretary*
20 *shall execute and file in the appropriate office a deed of*
21 *release, an amended deed, or another appropriate instru-*
22 *ment to release each interest and use restriction described*
23 *in subsection (a).*

1 **SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**
2 **OKLAHOMA.**

3 (a) *IMPLEMENTATION OF PROGRAM.*—Not later than
4 1 year after the date of enactment of this Act, the Secretary
5 shall implement an innovative program at the lakes located
6 primarily in the State of Oklahoma that are a part of an
7 authorized civil works project under the administrative ju-
8 risdiction of the Corps of Engineers for the purpose of dem-
9 onstrating the benefits of enhanced recreation facilities and
10 activities at those lakes.

11 (b) *REQUIREMENTS.*—In implementing the program
12 under subsection (a), the Secretary shall, consistent with
13 authorized project purposes—

14 (1) *pursue strategies that will enhance, to the*
15 *maximum extent practicable, recreation experiences*
16 *at the lakes included in the program;*

17 (2) *use creative management strategies that opti-*
18 *mize recreational activities; and*

19 (3) *ensure continued public access to recreation*
20 *areas located on or associated with the civil works*
21 *project.*

22 (c) *GUIDELINES.*—Not later than 180 days after the
23 date of enactment of this Act, the Secretary shall issue
24 guidelines for the implementation of this section, to be de-
25 veloped in coordination with the State of Oklahoma.

26 (d) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, the Secretary shall
3 submit to the Committee on Environment and Public
4 Works of the Senate and the Committee on Transpor-
5 tation and Infrastructure of the House of Representa-
6 tives a report describing the results of the program
7 under subsection (a).

8 (2) *INCLUSIONS.*—The report under paragraph
9 (1) shall include a description of the projects under-
10 taken under the program, including—

11 (A) an estimate of the change in any related
12 recreational opportunities;

13 (B) a description of any leases entered into,
14 including the parties involved; and

15 (C) the financial conditions that the Corps
16 of Engineers used to justify those leases.

17 (3) *AVAILABILITY TO PUBLIC.*—The Secretary
18 shall make the report available to the public in elec-
19 tronic and written formats.

20 (e) *TERMINATION.*—The authority provided by this
21 section shall terminate on the date that is 10 years after
22 the date of enactment of this Act.

23 **SEC. 3086. WAURIKA LAKE, OKLAHOMA.**

24 The remaining obligation of the Waurika Project Mas-
25 ter Conservancy District payable to the United States Gov-

1 ernment in the amounts, rates of interest, and payment
2 schedules—

3 (1) is set at the amounts, rates of interest, and
4 payment schedules that existed on June 3, 1986; and

5 (2) may not be adjusted, altered, or changed
6 without a specific, separate, and written agreement
7 between the District and the United States.

8 **SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

9 (a) *IN GENERAL.*—Subject to subsection (c), the Sec-
10 retary shall convey at fair market value to the Lowell
11 School District No. 71, all right, title, and interest of the
12 United States in and to a parcel consisting of approxi-
13 mately 0.98 acres of land, including 3 abandoned buildings
14 on the land, located in Lowell, Oregon, as described in sub-
15 section (b).

16 (b) *DESCRIPTION OF PROPERTY.*—The parcel of land
17 to be conveyed under subsection (a) is more particularly
18 described as follows: Commencing at the point of intersec-
19 tion of the west line of Pioneer Street with the westerly ex-
20 tension of the north line of Summit Street, in Meadows Ad-
21 dition to Lowell, as platted and recorded on page 56 of vol-
22 ume 4, Lane County Oregon Plat Records; thence north on
23 the west line of Pioneer Street a distance of 176.0 feet to
24 the true point of beginning of this description; thence north
25 on the west line of Pioneer Street a distance of 170.0 feet;

1 *thence west at right angles to the west line of Pioneer Street*
 2 *a distance of 250.0 feet; thence south and parallel to the*
 3 *west line of Pioneer Street a distance of 170.0 feet; and*
 4 *thence east 250.0 feet to the true point of beginning of this*
 5 *description in sec. 14, T. 19 S., R. 1 W. of the Willamette*
 6 *Meridian, Lane County, Oregon.*

7 *(c) CONDITION.—The Secretary shall not complete the*
 8 *conveyance under subsection (a) until such time as the For-*
 9 *est Service—*

10 *(1) completes and certifies that necessary envi-*
 11 *ronmental remediation associated with the structures*
 12 *located on the property is complete; and*

13 *(2) transfers the structures to the Corps of Engi-*
 14 *neers.*

15 *(d) EFFECT OF OTHER LAW.—*

16 *(1) APPLICABILITY OF PROPERTY SCREENING*
 17 *PROVISIONS.—Section 2696 of title 10, United States*
 18 *Code, shall not apply to any conveyance under this*
 19 *section.*

20 *(2) LIABILITY.—*

21 *(A) IN GENERAL.—Lowell School District*
 22 *No, 71 shall hold the United States harmless*
 23 *from any liability with respect to activities car-*
 24 *ried out on the property described in subsection*

1 (b) *on or after the date of the conveyance under*
2 *subsection (a).*

3 (B) *CERTAIN ACTIVITIES.*—*The United*
4 *States shall be liable with respect to any activity*
5 *carried out on the property described in sub-*
6 *section (b) before the date of conveyance under*
7 *subsection (a).*

8 **SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECO-**
9 **SYSTEM RESTORATION.**

10 (a) *IN GENERAL.*—*The Secretary shall conduct studies*
11 *and ecosystem restoration projects for the upper Willamette*
12 *River watershed from Albany, Oregon, to the headwaters*
13 *of the Willamette River and tributaries.*

14 (b) *CONSULTATION.*—*The Secretary shall carry out*
15 *ecosystem restoration projects under this section for the*
16 *Upper Willamette River watershed in consultation with the*
17 *Governor of the State of Oregon, the heads of appropriate*
18 *Indian tribes, the Environmental Protection Agency, the*
19 *United States Fish and Wildlife Service, the National Ma-*
20 *rine Fisheries Service, the Bureau of Land Management,*
21 *the Forest Service, and local entities.*

22 (c) *AUTHORIZED ACTIVITIES.*—*In carrying out eco-*
23 *system restoration projects under this section, the Secretary*
24 *shall undertake activities necessary to protect, monitor, and*
25 *restore fish and wildlife habitat.*

1 (d) *COST SHARING REQUIREMENTS.*—

2 (1) *STUDIES.*—*Studies conducted under this sec-*
3 *tion shall be subject to cost sharing in accordance*
4 *with section 206 of the Water Resources Development*
5 *Act of 1996 (33 U.S.C. 2330).*

6 (2) *ECOSYSTEM RESTORATION PROJECTS.*—

7 (A) *IN GENERAL.*—*Non-Federal interests*
8 *shall pay 35 percent of the cost of any ecosystem*
9 *restoration project carried out under this section.*

10 (B) *ITEMS PROVIDED BY NON-FEDERAL IN-*
11 *TERESTS.*—

12 (i) *IN GENERAL.*—*Non-Federal inter-*
13 *ests shall provide all land, easements,*
14 *rights-of-way, dredged material disposal*
15 *areas, and relocations necessary for eco-*
16 *system restoration projects to be carried out*
17 *under this section.*

18 (ii) *CREDIT TOWARD PAYMENT.*—*The*
19 *value of the land, easements, rights-of-way,*
20 *dredged material disposal areas, and reloca-*
21 *tions provided under paragraph (1) shall be*
22 *credited toward the payment required under*
23 *subsection (a).*

24 (C) *IN-KIND CONTRIBUTIONS.*—*100 percent*
25 *of the non-Federal share required under sub-*

1 *section (a) may be satisfied by the provision of*
2 *in-kind contributions.*

3 (3) *OPERATIONS AND MAINTENANCE.—Non-Fed-*
4 *eral interests shall be responsible for all costs associ-*
5 *ated with operating, maintaining, replacing, repair-*
6 *ing, and rehabilitating all projects carried out under*
7 *this section.*

8 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
9 *authorized to be appropriated to carry out this section*
10 *\$15,000,000.*

11 **SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.**

12 (a) *IN GENERAL.—The Secretary shall convey to the*
13 *Tioga Township, Pennsylvania, at fair market value, all*
14 *right, title, and interest in and to the parcel of real property*
15 *located on the northeast end of Tract No. 226, a portion*
16 *of the Tioga-Hammond Lakes Floods Control Project, Tioga*
17 *County, Pennsylvania, consisting of approximately 8 acres,*
18 *together with any improvements on that property, in as-*
19 *is condition, for public ownership and use as the site of*
20 *the administrative offices and road maintenance complex*
21 *for the Township.*

22 (b) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—The*
23 *exact acreage and the legal description of the real property*
24 *described in subsection (a) shall be determined by a survey*
25 *that is satisfactory to the Secretary.*

1 (c) *RESERVATION OF INTERESTS.*—*The Secretary shall*
 2 *reserve such rights and interests in and to the property to*
 3 *be conveyed as the Secretary considers necessary to preserve*
 4 *the operational integrity and security of the Tioga-Ham-*
 5 *mond Lakes Flood Control Project.*

6 (d) *REVERSION.*—*If the Secretary determines that the*
 7 *property conveyed under subsection (a) ceases to be held in*
 8 *public ownership, or to be used as a site for the Tioga Town-*
 9 *ship administrative offices and road maintenance complex*
 10 *or for related public purposes, all right, title, and interest*
 11 *in and to the property shall revert to the United States,*
 12 *at the option of the United States.*

13 **SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 14 **VANIA AND NEW YORK.**

15 *Section 567 of the Water Resources Development Act*
 16 *of 1996 (110 Stat. 3787) is amended—*

17 (1) *by striking subsection (c) and inserting the*
 18 *following:*

19 “(c) *COOPERATION AGREEMENTS.*—

20 “(1) *IN GENERAL.*—*In conducting the study and*
 21 *implementing the strategy under this section, the Sec-*
 22 *retary shall enter into cost-sharing and project co-*
 23 *operation agreements with the Federal Government,*
 24 *State and local governments (with the consent of the*
 25 *State and local governments), land trusts, or non-*

1 *profit, nongovernmental organizations with expertise*
2 *in wetland restoration.*

3 “(2) *FINANCIAL ASSISTANCE.*—*Under the co-*
4 *operation agreement, the Secretary may provide as-*
5 *sistance for implementation of wetland restoration*
6 *projects and soil and water conservation measures.”;*
7 *and*

8 (2) *by striking subsection (d) and inserting the*
9 *following:*

10 “(d) *IMPLEMENTATION OF STRATEGY.*—

11 “(1) *IN GENERAL.*—*The Secretary shall carry*
12 *out the development, demonstration, and implementa-*
13 *tion of the strategy under this section in cooperation*
14 *with local landowners, local government officials, and*
15 *land trusts.*

16 “(2) *GOALS OF PROJECTS.*—*Projects to imple-*
17 *ment the strategy under this subsection shall be de-*
18 *signed to take advantage of ongoing or planned ac-*
19 *tions by other agencies, local municipalities, or non-*
20 *profit, nongovernmental organizations with expertise*
21 *in wetland restoration that would increase the effec-*
22 *tiveness or decrease the overall cost of implementing*
23 *recommended projects.”.*

1 **SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.**

2 *The Secretary may use amounts in the Environmental*
3 *Restoration Account, Formerly Used Defense Sites, under*
4 *section 2703(a)(5) of title 10, United States Code, for the*
5 *removal of abandoned marine mammals at any Formerly Used*
6 *Defense Site under the jurisdiction of the Department of*
7 *Defense that is undergoing (or is scheduled to undergo) en-*
8 *vironmental remediation under chapter 160 of title 10,*
9 *United States Code (and other provisions of law), in Narra-*
10 *gansett Bay, Rhode Island, in accordance with the Corps*
11 *of Engineers prioritization process under the Formerly*
12 *Used Defense Sites program.*

13 **SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE**
14 **DEVELOPMENT PROPOSAL AT RICHARD B.**
15 **RUSSELL LAKE, SOUTH CAROLINA.**

16 *(a) IN GENERAL.—The Secretary shall convey to the*
17 *State of South Carolina, by quitclaim deed, all right, title,*
18 *and interest of the United States in and to the parcels of*
19 *land described in subsection (b)(1) that are managed, as*
20 *of the date of enactment of this Act, by the South Carolina*
21 *Department of Commerce for public recreation purposes for*
22 *the Richard B. Russell Dam and Lake, South Carolina,*
23 *project authorized by section 203 of the Flood Control Act*
24 *of 1966 (80 Stat. 1420).*

25 *(b) LAND DESCRIPTION.—*

1 (1) *IN GENERAL.*—Subject to paragraphs (2) and
2 (3), the parcels of land referred to in subsection (a)
3 are the parcels contained in the portion of land de-
4 scribed in Army Lease Number DACW21-1-92-0500.

5 (2) *RETENTION OF INTERESTS.*—The United
6 States shall retain—

7 (A) ownership of all land included in the
8 lease referred to in paragraph (1) that would
9 have been acquired for operational purposes in
10 accordance with the 1971 implementation of the
11 1962 Army/Interior Joint Acquisition Policy;
12 and

13 (B) such other land as is determined by the
14 Secretary to be required for authorized project
15 purposes, including easement rights-of-way to re-
16 maining Federal land.

17 (3) *SURVEY.*—The exact acreage and legal de-
18 scription of the land described in paragraph (1) shall
19 be determined by a survey satisfactory to the Sec-
20 retary, with the cost of the survey to be paid by the
21 State.

22 (c) *GENERAL PROVISIONS.*—

23 (1) *APPLICABILITY OF PROPERTY SCREENING*
24 *PROVISIONS.*—Section 2696 of title 10, United States

1 *Code, shall not apply to the conveyance under this*
2 *section.*

3 (2) *ADDITIONAL TERMS AND CONDITIONS.—The*
4 *Secretary may require that the conveyance under this*
5 *section be subject to such additional terms and condi-*
6 *tions as the Secretary considers appropriate to protect*
7 *the interests of the United States.*

8 (3) *COSTS OF CONVEYANCE.—*

9 (A) *IN GENERAL.—The State shall be re-*
10 *sponsible for all costs, including real estate*
11 *transaction and environmental compliance costs,*
12 *associated with the conveyance under this sec-*
13 *tion.*

14 (B) *FORM OF CONTRIBUTION.—As deter-*
15 *mined appropriate by the Secretary, in lieu of*
16 *payment of compensation to the United States*
17 *under subparagraph (A), the State may perform*
18 *certain environmental or real estate actions asso-*
19 *ciated with the conveyance under this section if*
20 *those actions are performed in close coordination*
21 *with, and to the satisfaction of, the United*
22 *States.*

23 (4) *LIABILITY.—The State shall hold the United*
24 *States harmless from any liability with respect to ac-*
25 *tivities carried out, on or after the date of the convey-*

1 *ance, on the real property conveyed under this sec-*
2 *tion.*

3 *(d) ADDITIONAL TERMS AND CONDITIONS.—*

4 *(1) IN GENERAL.—The State shall pay fair mar-*
5 *ket value consideration, as determined by the United*
6 *States, for any land included in the conveyance under*
7 *this section.*

8 *(2) NO EFFECT ON SHORE MANAGEMENT POL-*
9 *ICY.—The Shoreline Management Policy (ER-1130-*
10 *2-406) of the Corps of Engineers shall not be changed*
11 *or altered for any proposed development of land con-*
12 *veyed under this section.*

13 *(3) FEDERAL STATUTES.—The conveyance under*
14 *this section shall be subject to the National Environ-*
15 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
16 *(including public review under that Act) and other*
17 *Federal statutes.*

18 *(4) COST SHARING.—In carrying out the convey-*
19 *ance under this section, the Secretary and the State*
20 *shall comply with all obligations of any cost sharing*
21 *agreement between the Secretary and the State in ef-*
22 *fect as of the date of the conveyance.*

23 *(5) LAND NOT CONVEYED.—The State shall con-*
24 *tinue to manage the land not conveyed under this sec-*

1 *tion in accordance with the terms and conditions of*
 2 *Army Lease Number DACW21-1-92-0500.*

3 **SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.**

4 *(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water*
 5 *Resources Development Act of 2000 (114 Stat. 2708) is*
 6 *amended—*

7 *(1) in clause (vii), by striking “and” at the end;*

8 *(2) by redesignating clause (viii) as clause (ix);*

9 *and*

10 *(3) by inserting after clause (vii) the following:*

11 *“(viii) rural water systems; and”.*

12 *(b) REAUTHORIZATION.—Section 907(a) of the Water*
 13 *Resources Development Act of 2000 (114 Stat. 2712) is*
 14 *amended in the first sentence by striking “2005” and in-*
 15 *serting “2010”.*

16 **SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 17 **HANCEMENT PROJECT.**

18 *Section 514 of the Water Resources Development Act*
 19 *of 1999 (113 Stat. 343; 117 Stat. 142) is amended—*

20 *(1) by redesignating subsections (f) and (g) as*
 21 *subsections (h) and (i), respectively;*

22 *(2) in subsection (h) (as redesignated by para-*
 23 *graph (1)), by striking paragraph (1) and inserting*
 24 *the following:*

25 *“(1) NON-FEDERAL SHARE.—*

1 “(A) *IN GENERAL.*—*The non-Federal share*
2 *of the cost of projects may be provided—*

3 “(i) *in cash;*

4 “(ii) *by the provision of land, ease-*
5 *ments, rights-of-way, relocations, or dis-*
6 *posal areas;*

7 “(iii) *by in-kind services to implement*
8 *the project; or*

9 “(iv) *by any combination of the fore-*
10 *going.*

11 “(B) *PRIVATE OWNERSHIP.*—*Land needed*
12 *for a project under this authority may remain in*
13 *private ownership subject to easements that*
14 *are—*

15 “(i) *satisfactory to the Secretary; and*

16 “(ii) *necessary to assure achievement of*
17 *the project purposes.”;*

18 (3) *in subsection (i) (as redesignated by para-*
19 *graph (1)), by striking “for the period of fiscal years*
20 *2000 and 2001.” and inserting “per year, and that*
21 *authority shall extend until Federal fiscal year*
22 *2015.”; and*

23 (4) *by inserting after subsection (e) the following:*

24 “(f) *NONPROFIT ENTITIES.*—*Notwithstanding section*
25 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*

1 5b(b)), for any project undertaken under this section, a non-
2 Federal interest may include a regional or national non-
3 profit entity with the consent of the affected local govern-
4 ment.

5 “(g) *COST LIMITATION.*—Not more than \$5,000,000 in
6 Federal funds may be allotted under this section for a
7 project at any single locality.”

8 **SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON**
9 **COUNTIES, TENNESSEE.**

10 (a) *IN GENERAL.*—The Secretary may carry out a
11 project for flood damage reduction under section 205 of the
12 Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson
13 Creek, Jackson and Madison Counties, Tennessee, if the Sec-
14 retary determines that the project is technically sound, envi-
15 ronmentally acceptable, and economically justified.

16 (b) *RELATIONSHIP TO WEST TENNESSEE TRIBU-*
17 *TARIES PROJECT, TENNESSEE.*—Consistent with the report
18 of the Chief of Engineers dated March 24, 1948, on the West
19 Tennessee Tributaries project—

20 (1) Anderson Creek shall not be considered to be
21 an authorized channel of the West Tennessee Tribu-
22 taries Project; and

23 (2) the Anderson Creek flood damage reduction
24 project shall not be considered to be part of the West
25 Tennessee Tributaries Project.

1 **SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KEN-**
2 **TUCKY.**

3 *Notwithstanding section 1001(b)(1) of the Water Re-*
4 *sources Development Act of 1986 (33 U.S.C. 579a), the*
5 *project for flood control, Harris Fork Creek, Tennessee and*
6 *Kentucky, authorized by section 102 of the Water Resources*
7 *Development Act of 1976 (33 U.S.C. 701c note; 90 Stat.*
8 *2920) shall remain authorized to be carried out by the Sec-*
9 *retary for a period of 7 years beginning on the date of en-*
10 *actment of this Act.*

11 **SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

12 *The project for flood control, Nonconnah Creek, Ten-*
13 *nessee and Mississippi, authorized by section 401 of the*
14 *Water Resources Development Act of 1986 (100 Stat. 4124)*
15 *and modified by the section 334 of the Water Resources De-*
16 *velopment Act of 2000 (114 Stat. 2611), is modified to au-*
17 *thorize the Secretary—*

18 *(1) to reconstruct, at full Federal expense, the*
19 *weir originally constructed in the vicinity of the*
20 *mouth of Nonconnah Creek; and*

21 *(2) to make repairs and maintain the weir in*
22 *the future so that the weir functions properly.*

23 **SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND**
24 **RIVER, TENNESSEE.**

25 *(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RES-*
26 *ERVATIONS.—With respect to land conveyed by the Sec-*

1 *retary to the Tennessee Society of Crippled Children and*
2 *Adults, Incorporated (commonly known as “Easter Seals*
3 *Tennessee”)* at Old Hickory Lock and Dam, Cumberland
4 *River, Tennessee, under section 211 of the Flood Control*
5 *Act of 1965 (79 Stat. 1087), the reversionary interests and*
6 *the use restrictions relating to recreation and camping pur-*
7 *poses are extinguished.*

8 (b) *INSTRUMENT OF RELEASE.*—As soon as prac-
9 ticable after the date of enactment of this Act, the Secretary
10 shall execute and file in the appropriate office a deed of
11 release, amended deed, or other appropriate instrument ef-
12 fectuating the release of interests required by subsection (a).

13 (c) *NO EFFECT ON OTHER RIGHTS.*—Nothing in this
14 section affects any remaining right or interest of the Corps
15 of Engineers with respect to an authorized purpose of any
16 project.

17 **SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

18 (a) *IN GENERAL.*—The Secretary may carry out a
19 project for flood damage reduction under section 205 of the
20 Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek,
21 Jackson County, Tennessee, if the Secretary determines that
22 the project is technically sound, environmentally acceptable,
23 and economically justified.

24 (b) *RELATIONSHIP TO WEST TENNESSEE TRIBU-*
25 *TARIES PROJECT, TENNESSEE.*—Consistent with the report

1 *of the Chief of Engineers dated March 24, 1948, on the West*
2 *Tennessee Tributaries project—*

3 (1) *Sandy Creek shall not be considered to be an*
4 *authorized channel of the West Tennessee Tributaries*
5 *Project; and*

6 (2) *the Sandy Creek flood damage reduction*
7 *project shall not be considered to be part of the West*
8 *Tennessee Tributaries Project.*

9 **SEC. 3100. CEDAR BAYOU, TEXAS.**

10 *Section 349(a)(2) of the Water Resources Development*
11 *Act of 2000 (114 Stat. 2632) is amended by striking “except*
12 *that the project is authorized only for construction of a*
13 *navigation channel 12 feet deep by 125 feet wide” and in-*
14 *serting “except that the project is authorized for construc-*
15 *tion of a navigation channel that is 10 feet deep by 100*
16 *feet wide”.*

17 **SEC. 3101. DENISON, TEXAS.**

18 (a) *IN GENERAL.—The Secretary may offer to convey*
19 *at fair market value to the city of Denison, Texas (or a*
20 *designee of the city), all right, title, and interest of the*
21 *United States in and to the approximately 900 acres of*
22 *land located in Grayson County, Texas, which is currently*
23 *subject to an Application for Lease for Public Park and*
24 *Recreational Purposes made by the city of Denison, dated*
25 *August 17, 2005.*

1 (b) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—The
2 *exact acreage and description of the real property referred*
3 *to in subsection (a) shall be determined by a survey paid*
4 *for by the city of Denison, Texas (or a designee of the city),*
5 *that is satisfactory to the Secretary.*

6 (c) *CONVEYANCE.*—On acceptance by the city of
7 *Denison, Texas (or a designee of the city), of an offer under*
8 *subsection (a), the Secretary may immediately convey the*
9 *land surveyed under subsection (b) by quitclaim deed to the*
10 *city of Denison, Texas (or a designee of the city).*

11 **SEC. 3102. FREEPORT HARBOR, TEXAS.**

12 (a) *IN GENERAL.*—The project for navigation, Free-
13 *port Harbor, Texas, authorized by section 101 of the River*
14 *and Harbor Act of 1970 (84 Stat. 1818), is modified to*
15 *provide that—*

16 (1) *all project costs incurred as a result of the*
17 *discovery of the sunken vessel COMSTOCK of the*
18 *Corps of Engineers are a Federal responsibility; and*

19 (2) *the Secretary shall not seek further obligation*
20 *or responsibility for removal of the vessel COM-*
21 *STOCK, or costs associated with a delay due to the*
22 *discovery of the sunken vessel COMSTOCK, from the*
23 *Port of Freeport.*

1 (b) *COST SHARING.*—*This section does not affect the*
2 *authorized cost sharing for the balance of the project de-*
3 *scribed in subsection (a).*

4 **SEC. 3103. HARRIS COUNTY, TEXAS.**

5 *Section 575(b) of the Water Resources Development Act*
6 *of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—*

7 (1) *in paragraph (3), by striking “and” at the*
8 *end;*

9 (2) *in paragraph (4), by striking the period at*
10 *the end and inserting “; and”; and*

11 (3) *by adding the following:*

12 “(5) *the project for flood control, Upper White*
13 *Oak Bayou, Texas, authorized by section 401(a) of the*
14 *Water Resources Development Act of 1986 (100 Stat.*
15 *4125).”.*

16 **SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.**

17 *Notwithstanding section 221 of the Flood Control Act*
18 *of 1970 (42 U.S.C. 1962d–5b), with respect to the study*
19 *entitled “Connecticut River Restoration Authority”, dated*
20 *May 23, 2001, a nonprofit entity may act as the non-Fed-*
21 *eral interest for purposes of carrying out the activities de-*
22 *scribed in the agreement executed between The Nature Con-*
23 *servancy and the Department of the Army on August 5,*
24 *2005.*

1 **SEC. 3105. DAM REMEDIATION, VERMONT.**

2 *Section 543 of the Water Resources Development Act*
3 *of 2000 (114 Stat. 2673) is amended—*

4 *(1) in subsection (a)—*

5 *(A) in paragraph (2), by striking “and” at*
6 *the end;*

7 *(B) in paragraph (3), by striking the period*
8 *at the end and inserting “; and”; and*

9 *(C) by adding at the end the following:*

10 *“(4) may carry out measures to restore, protect,*
11 *and preserve an ecosystem affected by a dam de-*
12 *scribed in subsection (b).”;* and

13 *(2) in subsection (b), by adding at the end the*
14 *following:*

15 *“(11) Camp Wapanacki, Hardwick.*

16 *“(12) Star Lake Dam, Mt. Holly.*

17 *“(13) Curtis Pond, Calais.*

18 *“(14) Weathersfield Reservoir, Springfield.*

19 *“(15) Burr Pond, Sudbury.*

20 *“(16) Maidstone Lake, Guildhall.*

21 *“(17) Upper and Lower Hurricane Dam.*

22 *“(18) Lake Fairlee.*

23 *“(19) West Charleston Dam.”.*

1 **SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**
2 **CHESTNUT, AND OTHER NONNATIVE PLANT**
3 **CONTROL, VERMONT.**

4 *Under authority of section 104 of the River and Har-*
5 *bor Act of 1958 (33 U.S.C. 610), the Secretary shall revise*
6 *the existing General Design Memorandum to permit the use*
7 *of chemical means of control, when appropriate, of Eur-*
8 *asian milfoil, water chestnuts, and other nonnative plants*
9 *in the Lake Champlain basin, Vermont.*

10 **SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND**
11 **RESTORATION, VERMONT AND NEW HAMP-**
12 **SHIRE.**

13 *(a) IN GENERAL.—The Secretary, in cooperation with*
14 *the States of Vermont and New Hampshire, shall carry out*
15 *a study and develop a strategy for the use of wetland res-*
16 *toration, soil and water conservation practices, and non-*
17 *structural measures to reduce flood damage, improve water*
18 *quality, and create wildlife habitat in the Upper Con-*
19 *necticut River watershed.*

20 *(b) COST SHARING.—*

21 *(1) FEDERAL SHARE.—The Federal share of the*
22 *cost of the study and development of the strategy*
23 *under subsection (a) shall be 65 percent.*

24 *(2) NON-FEDERAL SHARE.—The non-Federal*
25 *share of the cost of the study and development of the*

1 (1) *IN GENERAL.*—*The Secretary, in cooperation*
2 *with the Secretary of Agriculture and in consultation*
3 *with the States of Vermont and New Hampshire and*
4 *the Connecticut River Joint Commission, shall con-*
5 *duct a study and develop a general management plan*
6 *for ecosystem restoration of the Upper Connecticut*
7 *River ecosystem for the purposes of—*

8 *(A) habitat protection and restoration;*

9 *(B) streambank stabilization;*

10 *(C) restoration of stream stability;*

11 *(D) water quality improvement;*

12 *(E) invasive species control;*

13 *(F) wetland restoration;*

14 *(G) fish passage; and*

15 *(H) natural flow restoration.*

16 (2) *EXISTING PLANS.*—*In developing the general*
17 *management plan, the Secretary shall depend heavily*
18 *on existing plans for the restoration of the Upper*
19 *Connecticut River.*

20 (b) *CRITICAL RESTORATION PROJECTS.*—

21 (1) *IN GENERAL.*—*The Secretary may partici-*
22 *pate in any critical restoration project in the Upper*
23 *Connecticut River Basin in accordance with the gen-*
24 *eral management plan developed under subsection (a).*

1 (2) *ELIGIBLE PROJECTS.*—*A critical restoration*
2 *project shall be eligible for assistance under this sec-*
3 *tion if the project—*

4 (A) *meets the purposes described in the gen-*
5 *eral management plan developed under sub-*
6 *section (a); and*

7 (B) *with respect to the Upper Connecticut*
8 *River and Upper Connecticut River watershed,*
9 *consists of—*

10 (i) *bank stabilization of the main stem,*
11 *tributaries, and streams;*

12 (ii) *wetland restoration and migratory*
13 *bird habitat restoration;*

14 (iii) *soil and water conservation;*

15 (iv) *restoration of natural flows;*

16 (v) *restoration of stream stability;*

17 (vi) *implementation of an intergovern-*
18 *mental agreement for coordinating eco-*
19 *system restoration, fish passage installation,*
20 *streambank stabilization, wetland restora-*
21 *tion, habitat protection and restoration, or*
22 *natural flow restoration;*

23 (vii) *water quality improvement;*

24 (viii) *invasive species control;*

1 *(ix) wetland restoration and migratory*
2 *bird habitat restoration;*

3 *(x) improvements in fish migration;*
4 *and*

5 *(xi) conduct of any other project or ac-*
6 *tivity determined to be appropriate by the*
7 *Secretary.*

8 *(c) COST SHARING.—The Federal share of the cost of*
9 *any project carried out under this section shall not be less*
10 *than 65 percent.*

11 *(d) NON-FEDERAL INTEREST.—A nonprofit organiza-*
12 *tion may serve as the non-Federal interest for a project car-*
13 *ried out under this section.*

14 *(e) CREDITING.—*

15 *(1) FOR WORK.—The Secretary shall provide*
16 *credit, including credit for in-kind contributions of*
17 *up to 100 percent of the non-Federal share, for work*
18 *(including design work and materials) if the Sec-*
19 *retary determines that the work performed by the*
20 *non-Federal interest is integral to the product.*

21 *(2) FOR OTHER CONTRIBUTIONS.—The non-Fed-*
22 *eral interest shall receive credit for land, easements,*
23 *rights-of-way, dredged material disposal areas, and*
24 *relocations necessary to implement the projects.*

1 (f) *COOPERATIVE AGREEMENTS.*—*In carrying out this*
2 *section, the Secretary may enter into 1 or more cooperative*
3 *agreements to provide financial assistance to appropriate*
4 *Federal, State, or local governments or nonprofit agencies,*
5 *including assistance for the implementation of projects to*
6 *be carried out under subsection (b).*

7 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
8 *authorized to be appropriated to carry out this section*
9 *\$20,000,000, to remain available until expended.*

10 **SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
11 **NEW YORK.**

12 *Section 542 of the Water Resources Development Act*
13 *of 2000 (114 Stat. 2671) is amended—*

14 (1) *in subsection (b)(2)—*

15 (A) *in subparagraph (D), by striking “or”*
16 *at the end;*

17 (B) *by redesignating subparagraph (E) as*
18 *subparagraph (G); and*

19 (C) *by inserting after subparagraph (D) the*
20 *following:*

21 “(E) *river corridor assessment, protection,*
22 *management, and restoration for the purposes of*
23 *ecosystem restoration;*

24 “(F) *geographic mapping conducted by the*
25 *Secretary using existing technical capacity to*

1 *produce a high-resolution, multispectral satellite*
 2 *imagery-based land use and cover data set; or”;*

3 (2) *in subsection (e)(2)—*

4 (A) *in subparagraph (A)—*

5 (i) *by striking “The non-Federal” and*
 6 *inserting the following:*

7 “(i) *IN GENERAL.—The non-Federal”;*

8 *and*

9 (ii) *by adding at the end the following:*

10 “(ii) *APPROVAL OF DISTRICT ENGI-*
 11 *NEER.—Approval of credit for design work*
 12 *of less than \$100,000 shall be determined by*
 13 *the appropriate district engineer.”; and*

14 (B) *in subparagraph (C), by striking “up to*
 15 *50 percent of”;* and

16 (3) *in subsection (g), by striking “\$20,000,000”*
 17 *and inserting “\$32,000,000”.*

18 **SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**

19 **GINIA AND MARYLAND.**

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

22 (1) *by redesignating paragraph (2) as para-*
 23 *graph (4);*

24 (2) *in paragraph (1)—*

1 (A) *in the second sentence, by striking*
2 “\$20,000,000” *and inserting “\$50,000,000”; and*

3 (B) *in the third sentence, by striking “Such*
4 *projects” and inserting the following:*

5 “(2) *INCLUSIONS.—Such projects*”;

6 (3) *by striking paragraph (2)(D) (as redesign-*
7 *ated by paragraph (2)(B)) and inserting the fol-*
8 *lowing:*

9 “(D) *the restoration and rehabilitation of*
10 *habitat for fish, including native oysters, in the*
11 *Chesapeake Bay and its tributaries in Virginia*
12 *and Maryland, including—*

13 “(i) *the construction of oyster bars and*
14 *reefs;*

15 “(ii) *the rehabilitation of existing mar-*
16 *ginal habitat;*

17 “(iii) *the use of appropriate alter-*
18 *native substrate material in oyster bar and*
19 *reef construction;*

20 “(iv) *the construction and upgrading*
21 *of oyster hatcheries; and*

22 “(v) *activities relating to increasing*
23 *the output of native oyster broodstock for*
24 *seeding and monitoring of restored sites to*
25 *ensure ecological success.*

1 “(3) *RESTORATION AND REHABILITATION ACTIVITIES.*—*The restoration and rehabilitation activities*
 2 *described in paragraph (2)(D) shall be—*

4 “(A) *for the purpose of establishing permanent sanctuaries and harvest management areas;*
 5 *and*

7 “(B) *consistent with plans and strategies for guiding the restoration of the Chesapeake*
 8 *Bay oyster resource and fishery.*”; and
 9 (4) *by adding at the end the following:*

11 “(5) *DEFINITION OF ECOLOGICAL SUCCESS.*—*In this subsection, the term ‘ecological success’ means—*

13 “(A) *achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994*
 14 *baseline; and*

16 “(B) *the establishment of a sustainable fishery as determined by a broad scientific and economic*
 17 *consensus.*”.

19 **SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.**

20 *Section 577(a) of the Water Resources Development*
 21 *Act of 1996 (110 Stat. 3789) is amended by striking “at*
 22 *a total cost of \$1,200,000, with an estimated Federal cost*
 23 *of \$900,000 and an estimated non-Federal cost of*
 24 *\$300,000.” and inserting “at a total cost of \$3,000,000,*

1 *with an estimated Federal cost of \$2,400,000 and an esti-*
2 *mated non-Federal cost of \$600,000.”.*

3 **SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHAKIAKUM**
4 **COUNTY, WASHINGTON.**

5 (a) *IN GENERAL.*—*The Lower Columbia River levees*
6 *and bank protection works authorized by section 204 of the*
7 *Flood Control Act of 1950 (64 Stat. 178) is modified with*
8 *regard to the Wahkiakum County diking districts No. 1 and*
9 *3, but without regard to any cost ceiling authorized before*
10 *the date of enactment of this Act, to direct the Secretary*
11 *to provide a 1-time placement of dredged material along*
12 *portions of the Columbia River shoreline of Puget Island,*
13 *Washington, between river miles 38 to 47, and the shoreline*
14 *of Westport Beach, Clatsop County, Oregon, between river*
15 *miles 43 to 45, to protect economic and environmental re-*
16 *sources in the area from further erosion.*

17 (b) *COORDINATION AND COST-SHARING REQUIRE-*
18 *MENTS.*—*The Secretary shall carry out subsection (a)—*

19 (1) *in coordination with appropriate resource*
20 *agencies;*

21 (2) *in accordance with all applicable Federal*
22 *law (including regulations); and*

23 (3) *at full Federal expense.*

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

4 **SEC. 3113. LOWER GRANITE POOL, WASHINGTON.**

5 (a) *EXTINGUISHMENT OF REVERSIONARY INTERESTS*
6 *AND USE RESTRICTIONS.*—*With respect to property covered*
7 *by each deed described in subsection (b)—*

8 (1) *the reversionary interests and use restrictions*
9 *relating to port or industrial purposes are extin-*
10 *guished;*

11 (2) *the human habitation or other building*
12 *structure use restriction is extinguished in each area*
13 *in which the elevation is above the standard project*
14 *flood elevation; and*

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

21 (b) *DEEDS.*—*The deeds referred to in subsection (a)*
22 *are as follows:*

23 (1) *Auditor's File Numbers 432576, 443411,*
24 *499988, and 579771 of Whitman County, Wash-*
25 *ington.*

1 (2) *Auditor's File Numbers 125806, 138801,*
2 *147888, 154511, 156928, and 176360 of Asotin Coun-*
3 *ty, Washington.*

4 (c) *NO EFFECT ON OTHER RIGHTS.—Nothing in this*
5 *section affects any remaining rights and interests of the*
6 *Corps of Engineers for authorized project purposes in or*
7 *to property covered by a deed described in subsection (b).*

8 **SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL**
9 **WILDLIFE REFUGE, WASHINGTON AND IDAHO.**

10 (a) *TRANSFER OF ADMINISTRATIVE JURISDICTION.—*
11 *Administrative jurisdiction over the land acquired for the*
12 *McNary Lock and Dam Project and managed by the United*
13 *States Fish and Wildlife Service under Cooperative Agree-*
14 *ment Number DACW68-4-00-13 with the Corps of Engi-*
15 *neers, Walla Walla District, is transferred from the Sec-*
16 *retary to the Secretary of the Interior.*

17 (b) *EASEMENTS.—The transfer of administrative ju-*
18 *risdiction under subsection (a) shall be subject to easements*
19 *in existence as of the date of enactment of this Act on land*
20 *subject to the transfer.*

21 (c) *RIGHTS OF SECRETARY.—*

22 (1) *IN GENERAL.—Except as provided in para-*
23 *graph (3), the Secretary shall retain rights described*
24 *in paragraph (2) with respect to the land for which*

1 *administrative jurisdiction is transferred under sub-*
2 *section (a).*

3 (2) *RIGHTS.—The rights of the Secretary re-*
4 *ferred to in paragraph (1) are the rights—*

5 (A) *to flood land described in subsection (a)*
6 *to the standard project flood elevation;*

7 (B) *to manipulate the level of the McNary*
8 *Project Pool;*

9 (C) *to access such land described in sub-*
10 *section (a) as may be required to install, main-*
11 *tain, and inspect sediment ranges and carry out*
12 *similar activities;*

13 (D) *to construct and develop wetland, ri-*
14 *parian habitat, or other environmental restora-*
15 *tion features authorized by section 1135 of the*
16 *Water Resources Development Act of 1986 (33*
17 *U.S.C. 2309a) and section 206 of the Water Re-*
18 *sources Development Act of 1996 (33 U.S.C.*
19 *2330);*

20 (E) *to dredge and deposit fill materials;*
21 *and*

22 (F) *to carry out management actions for the*
23 *purpose of reducing the take of juvenile*
24 *salmonids by avian colonies that inhabit, before,*
25 *on, or after the date of enactment of this Act,*

1 *any island included in the land described in sub-*
2 *section (a).*

3 (3) *COORDINATION.*—*Before exercising a right*
4 *described in any of subparagraphs (C) through (F) of*
5 *paragraph (2), the Secretary shall coordinate the ex-*
6 *ercise with the United States Fish and Wildlife Serv-*
7 *ice.*

8 (d) *MANAGEMENT.*—

9 (1) *IN GENERAL.*—*The land described in sub-*
10 *section (a) shall be managed by the Secretary of the*
11 *Interior as part of the McNary National Wildlife Ref-*
12 *uge.*

13 (2) *CUMMINS PROPERTY.*—

14 (A) *RETENTION OF CREDITS.*—*Habitat unit*
15 *credits described in the memorandum entitled*
16 *“Design Memorandum No. 6, LOWER SNAKE*
17 *RIVER FISH AND WILDLIFE COMPENSA-*
18 *TION PLAN, Wildlife Compensation and Fish-*
19 *ing Access Site Selection, Letter Supplement No.*
20 *15, SITE DEVELOPMENT PLAN FOR THE*
21 *WALLULA HMU” provided for the Lower*
22 *Snake River Fish and Wildlife Compensation*
23 *Plan through development of the parcel of land*
24 *formerly known as the “Cummins property”*
25 *shall be retained by the Secretary despite any*

1 *changes in management of the parcel on or after*
2 *the date of enactment of this Act.*

3 (B) *SITE DEVELOPMENT PLAN.*—*The United*
4 *States Fish and Wildlife Service shall obtain*
5 *prior approval of the Washington State Depart-*
6 *ment of Fish and Wildlife for any change to the*
7 *previously approved site development plan for*
8 *the parcel of land formerly known as the*
9 *“Cummins property”.*

10 (3) *MADAME DORIAN RECREATION AREA.*—*The*
11 *United States Fish and Wildlife Service shall con-*
12 *tinue operation of the Madame Dorian Recreation*
13 *Area for public use and boater access.*

14 (e) *ADMINISTRATIVE COSTS.*—*The United States Fish*
15 *and Wildlife Service shall be responsible for all survey, envi-*
16 *ronmental compliance, and other administrative costs re-*
17 *quired to implement the transfer of administrative jurisdic-*
18 *tion under subsection (a).*

19 **SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND**
20 **IDAHO.**

21 *The Fish and Wildlife Compensation Plan for the*
22 *Lower Snake River, Washington and Idaho, as authorized*
23 *by section 101 of the Water Resources Development Act of*
24 *1976 (90 Stat. 2921), is amended to authorize the Secretary*
25 *to conduct studies and implement aquatic and riparian eco-*

1 *system restorations and improvements specifically for fish-*
2 *eries and wildlife.*

3 **SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM,**
4 **WASHINGTON.**

5 *That portion of the project for navigation, Whatcom*
6 *Creek Waterway, Bellingham, Washington, authorized by*
7 *the Act of June 25, 1910 (36 Stat. 664, chapter 382) (com-*
8 *monly known as the “River and Harbor Act of 1910”) and*
9 *the River and Harbor Act of 1958 (72 Stat. 299), consisting*
10 *of the last 2,900 linear feet of the inner portion of the water-*
11 *way, and beginning at station 29+00 to station 0+00,*
12 *shall not be authorized as of the date of enactment of this*
13 *Act.*

14 **SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

15 *The project for flood control at Milton, West Virginia,*
16 *authorized by section 580 of the Water Resources Develop-*
17 *ment Act of 1996 (110 Stat. 3790), as modified by section*
18 *340 of the Water Resources Development Act of 2000 (114*
19 *Stat. 2612), is modified to authorize the Secretary to con-*
20 *struct the project substantially in accordance with the draft*
21 *report of the Corps of Engineers dated May 2004, at an*
22 *estimated total cost of \$45,500,000, with an estimated Fed-*
23 *eral cost of \$34,125,000 and an estimated non-Federal cost*
24 *of \$11,375,000.*

1 **SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.**

2 (a) *IN GENERAL.*—*The McDowell County non-*
 3 *structural component of the project for flood control, Levisa*
 4 *and Tug Fork of the Big Sandy and Cumberland Rivers,*
 5 *West Virginia, Virginia, and Kentucky, authorized by sec-*
 6 *tion 202(a) of the Energy and Water Development Appro-*
 7 *priation Act, 1981 (94 Stat. 1339), is modified to direct*
 8 *the Secretary to take measures to provide protection,*
 9 *throughout McDowell County, West Virginia, from the reoc-*
 10 *currence of the greater of—*

- 11 (1) *the April 1977 flood;*
 12 (2) *the July 2001 flood;*
 13 (3) *the May 2002 flood; or*
 14 (4) *the 100-year frequency event.*

15 (b) *UPDATES AND REVISIONS.*—*The measures under*
 16 *subsection (a) shall be carried out in accordance with, and*
 17 *during the development of, the updates and revisions under*
 18 *section 2006(e)(2).*

19 **SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**
 20 **CONSIN.**

21 *The portion of the inner harbor of the Federal naviga-*
 22 *tion channel of the Green Bay Harbor project, authorized*
 23 *by the first section of the Act entitled “An Act making ap-*
 24 *propriations for the construction, repair, and preservation*
 25 *of certain public works on rivers and harbors, and for other*
 26 *purposes”, approved July 5, 1884 (commonly known as the*

1 “*River and Harbor Act of 1884*”) (23 Stat. 136, chapter
2 229), from Station 190+00 to Station 378+00 is author-
3 ized to a width of 75 feet and a depth of 6 feet.

4 **SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY**
5 **PROJECT, MILWAUKEE COUNTY, WISCONSIN.**

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

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

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

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

13 “(24) *Underwood Creek Diversion Facility*
14 *Project (County Grounds), Milwaukee County, Wis-*
15 *consin.*”.

16 **SEC. 3121. OCONTO HARBOR, WISCONSIN.**

17 (a) *IN GENERAL.*—The portion of the project for navi-
18 gation, Oconto Harbor, Wisconsin, authorized by the Act
19 of August 2, 1882 (22 Stat. 196, chapter 375), and the Act
20 of June 25, 1910 (36 Stat. 664, chapter 382) (commonly
21 known as the “*River and Harbor Act of 1910*”), consisting
22 of a 15-foot-deep turning basin in the Oconto River, as de-
23 scribed in subsection (b), is no longer authorized.

24 (b) *PROJECT DESCRIPTION.*—The project referred to in
25 subsection (a) is more particularly described as—

1 (1) beginning at a point along the western limit
2 of the existing project, N. 394,086.71, E. 2,530,202.71;

3 (2) thence northeasterly about 619.93 feet to a
4 point N. 394,459.10, E. 2,530,698.33;

5 (3) thence southeasterly about 186.06 feet to a
6 point N. 394,299.20, E. 2,530,793.47;

7 (4) thence southwesterly about 355.07 feet to a
8 point N. 393,967.13, E. 2,530,667.76;

9 (5) thence southwesterly about 304.10 feet to a
10 point N. 393,826.90, E. 2,530,397.92; and

11 (6) thence northwesterly about 324.97 feet to the
12 point of origin.

13 **SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

14 Section 21 of the Water Resources Development Act of
15 1988 (102 Stat. 4027) is amended—

16 (1) in subsection (a)—

17 (A) by striking “1276.42” and inserting
18 “1278.42”;

19 (B) by striking “1218.31” and inserting
20 “1221.31”; and

21 (C) by striking “1234.82” and inserting
22 “1235.30”; and

23 (2) by striking subsection (b) and inserting the
24 following:

25 “(b) EXCEPTION.—

1 “(1) *IN GENERAL.*—*The Secretary may operate*
2 *the headwaters reservoirs below the minimum or*
3 *above the maximum water levels established under*
4 *subsection (a) in accordance with water control regu-*
5 *lation manuals (or revisions to those manuals) devel-*
6 *oped by the Secretary, after consultation with the*
7 *Governor of Minnesota and affected tribal govern-*
8 *ments, landowners, and commercial and recreational*
9 *users.*

10 “(2) *EFFECTIVE DATE OF MANUALS.*—*The water*
11 *control regulation manuals referred to in paragraph*
12 *(1) (and any revisions to those manuals) shall be ef-*
13 *fective as of the date on which the Secretary submits*
14 *the manuals (or revisions) to Congress.*

15 “(3) *NOTIFICATION.*—

16 “(A) *IN GENERAL.*—*Except as provided in*
17 *subparagraph (B), not less than 14 days before*
18 *operating any headwaters reservoir below the*
19 *minimum or above the maximum water level*
20 *limits specified in subsection (a), the Secretary*
21 *shall submit to Congress a notice of intent to op-*
22 *erate the headwaters reservoir.*

23 “(B) *EXCEPTION.*—*Notice under subpara-*
24 *graph (A) shall not be required in any case in*
25 *which—*

1 “(i) the operation of a headwaters res-
2 ervoir is necessary to prevent the loss of life
3 or to ensure the safety of a dam; or

4 “(ii) the drawdown of the water level
5 of the reservoir is in anticipation of a flood
6 control operation.”.

7 **SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**
8 **FRONT INTERPRETIVE SITE.**

9 Section 103(c)(2) of the Water Resources Development
10 Act of 1992 (106 Stat. 4811) is amended by striking “prop-
11 erty currently held by the Resolution Trust Corporation in
12 the vicinity of the Mississippi River Bridge” and inserting
13 “riverfront property”.

14 **SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.**

15 (a) *IN GENERAL.*—In accordance with the project for
16 navigation, Mississippi River between the Ohio and Mis-
17 souri Rivers (Regulating Works), Missouri and Illinois, au-
18 thorized by the Act of June 25, 1910 (36 Stat. 631, chapter
19 382) (commonly known as the “River and Harbor Act of
20 1910”), the Act of January 1, 1927 (44 Stat. 1010, chapter
21 47) (commonly known as the “River and Harbor Act of
22 1927”), and the Act of July 3, 1930 (46 Stat. 918), the
23 Secretary shall carry out over at least a 10-year period a
24 pilot program to restore and protect fish and wildlife habi-
25 tat in the middle Mississippi River.

1 **(b) AUTHORIZED ACTIVITIES.**—

2 **(1) IN GENERAL.**—*As part of the pilot program*
3 *carried out under subsection (a), the Secretary shall*
4 *conduct any activities that are necessary to improve*
5 *navigation through the project referred to in sub-*
6 *section (a) while restoring and protecting fish and*
7 *wildlife habitat in the middle Mississippi River sys-*
8 *tem.*

9 **(2) INCLUSIONS.**—*Activities authorized under*
10 *paragraph (1) shall include—*

11 **(A)** *the modification of navigation training*
12 *structures;*

13 **(B)** *the modification and creation of side*
14 *channels;*

15 **(C)** *the modification and creation of is-*
16 *lands;*

17 **(D)** *any studies and analysis necessary to*
18 *develop adaptive management principles; and*

19 **(E)** *the acquisition from willing sellers of*
20 *any land associated with a riparian corridor*
21 *needed to carry out the goals of the pilot pro-*
22 *gram.*

23 **(c) COST-SHARING REQUIREMENT.**—*The cost-sharing*
24 *requirement required under the Act of June 25, 1910 (36*
25 *Stat. 631, chapter 382) (commonly known as the “River*

1 *and Harbor Act of 1910*”), the Act of January 1, 1927 (44
 2 *Stat. 1010, chapter 47*) (commonly known as the “*River*
 3 *and Harbor Act of 1927*”), and the Act of July 3, 1930
 4 (46 *Stat. 918*), for the project referred to in subsection (a)
 5 shall apply to any activities carried out under this section.

6 **SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
 7 **MENTAL MANAGEMENT PROGRAM.**

8 (a) *IN GENERAL.*—Notwithstanding section 221 of the
 9 *Flood Control Act of 1970* (42 U.S.C. 1962d–5b), for any
 10 *Upper Mississippi River fish and wildlife habitat rehabili-*
 11 *tation and enhancement project* carried out under section
 12 1103(e) of the *Water Resources Development Act of 1986*
 13 (33 U.S.C. 652(e)), with the consent of the affected local
 14 government, a nongovernmental organization may be con-
 15 sidered to be a non-Federal interest.

16 (b) *CONFORMING AMENDMENT.*—Section
 17 1103(e)(1)(A)(ii) of the *Water Resources Development Act*
 18 of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by insert-
 19 ing before the period at the end the following: “, including
 20 research on water quality issues affecting the *Mississippi*
 21 *River, including elevated nutrient levels, and the develop-*
 22 *ment of remediation strategies*”.

23 **SEC. 3126. UPPER BASIN OF MISSOURI RIVER.**

24 (a) *USE OF FUNDS.*—Notwithstanding the *Energy and*
 25 *Water Development Appropriations Act, 2006* (Public Law

1 109–103; 119 Stat. 2247), funds made available for recov-
2 ery or mitigation activities in the lower basin of the Mis-
3 souri River may be used for recovery or mitigation activi-
4 ties in the upper basin of the Missouri River, including the
5 States of Montana, Nebraska, North Dakota, and South Da-
6 kota.

7 (b) CONFORMING AMENDMENT.—The matter under the
8 heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS,
9 IOWA, AND NEBRASKA” of section 601(a) of the Water Re-
10 sources Development Act of 1986 (100 Stat. 4143), as modi-
11 fied by section 334 of the Water Resources Development Act
12 of 1999 (113 Stat. 306), is amended by adding at the end
13 the following: “The Secretary may carry out any recovery
14 or mitigation activities in the upper basin of the Missouri
15 River, including the States of Montana, Nebraska, North
16 Dakota, and South Dakota, using funds made available
17 under this heading in accordance with the Endangered Spe-
18 cies Act of 1973 (16 U.S.C. 1531 et seq.) and consistent
19 with the project purposes of the Missouri River Mainstem
20 System as authorized by section 10 of the Act of December
21 22, 1944 (commonly known as the ‘Flood Control Act of
22 1944’) (58 Stat. 897).”.

1 **SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
2 **TORATION PROGRAM.**

3 (a) *GREAT LAKES FISHERY AND ECOSYSTEM RES-*
4 *TORATION.*—Section 506(c) of the Water Resources Develop-
5 *ment Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—*

6 (1) *by redesignating paragraphs (2) and (3) as*
7 *paragraphs (3) and (4), respectively;*

8 (2) *by inserting after paragraph (1) the fol-*
9 *lowing:*

10 “(2) *RECONNAISSANCE STUDIES.*—*Before plan-*
11 *ning, designing, or constructing a project under para-*
12 *graph (3), the Secretary shall carry out a reconnais-*
13 *sance study—*

14 (A) *to identify methods of restoring the*
15 *fishery, ecosystem, and beneficial uses of the*
16 *Great Lakes; and*

17 (B) *to determine whether planning of a*
18 *project under paragraph (3) should proceed.”;*
19 *and*

20 (3) *in paragraph (4)(A) (as redesignated by*
21 *paragraph (1)), by striking “paragraph (2)” and in-*
22 *serting “paragraph (3)”.*

23 (b) *COST SHARING.*—Section 506(f) of the Water Re-
24 *sources Development Act of 2000 (42 U.S.C. 1962d–22(f))*
25 *is amended—*

1 (1) by redesignating paragraphs (2) through (5)
2 as paragraphs (3) through (6), respectively;

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) *RECONNAISSANCE STUDIES*.—Any recon-
6 naissance study under subsection (c)(2) shall be car-
7 ried out at full Federal expense.”;

8 (3) in paragraph (3) (as redesignated by para-
9 graph (1)), by striking “(2) or (3)” and inserting
10 “(3) or (4)”; and

11 (4) in paragraph (4)(A) (as redesignated by
12 paragraph (1)), by striking “subsection (c)(2)” and
13 inserting “subsection (c)(3)”.

14 **SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND**
15 **SEDIMENT REMEDIATION.**

16 Section 401(c) of the Water Resources Development Act
17 of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended
18 by striking “through 2006” and inserting “through 2011”.

19 **SEC. 3129. GREAT LAKES TRIBUTARY MODELS.**

20 Section 516(g)(2) of the Water Resources Development
21 Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking
22 “through 2006” and inserting “through 2011”.

1 **SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGA-**
2 **TION SYSTEM NEW TECHNOLOGY PILOT PRO-**
3 **GRAM.**

4 (a) *DEFINITION OF UPPER OHIO RIVER AND TRIBU-*
5 *TARIES NAVIGATION SYSTEM.*—*In this section, the term*
6 *“Upper Ohio River and Tributaries Navigation System”*
7 *means the Allegheny, Kanawha, Monongahela, and Ohio*
8 *Rivers.*

9 (b) *ESTABLISHMENT.*—

10 (1) *IN GENERAL.*—*The Secretary shall establish*
11 *a pilot program to evaluate new technologies applica-*
12 *ble to the Upper Ohio River and Tributaries Naviga-*
13 *tion System.*

14 (2) *INCLUSIONS.*—*The program may include the*
15 *design, construction, or implementation of innovative*
16 *technologies and solutions for the Upper Ohio River*
17 *and Tributaries Navigation System, including*
18 *projects for—*

19 (A) *improved navigation;*

20 (B) *environmental stewardship;*

21 (C) *increased navigation reliability; and*

22 (D) *reduced navigation costs.*

23 (3) *PURPOSES.*—*The purposes of the program*
24 *shall be, with respect to the Upper Ohio River and*
25 *Tributaries Navigation System—*

1 (A) to increase the reliability and avail-
2 ability of federally-owned and federally-operated
3 navigation facilities;

4 (B) to decrease system operational risks;
5 and

6 (C) to improve—

7 (i) vessel traffic management;

8 (ii) access; and

9 (iii) Federal asset management.

10 (c) *FEDERAL OWNERSHIP REQUIREMENT.*—The Sec-
11 retary may provide assistance for a project under this sec-
12 tion only if the project is federally owned.

13 (d) *LOCAL COOPERATION AGREEMENTS.*—

14 (1) *IN GENERAL.*—The Secretary shall enter into
15 local cooperation agreements with non-Federal inter-
16 ests to provide for the design, construction, installa-
17 tion, and operation of the projects to be carried out
18 under the program.

19 (2) *REQUIREMENTS.*—Each local cooperation
20 agreement entered into under this subsection shall in-
21 clude the following:

22 (A) *PLAN.*—Development by the Secretary,
23 in consultation with appropriate Federal and
24 State officials, of a navigation improvement

1 *project, including appropriate engineering plans*
2 *and specifications.*

3 (B) *LEGAL AND INSTITUTIONAL STRUC-*
4 *TURES.—Establishment of such legal and insti-*
5 *tutional structures as are necessary to ensure the*
6 *effective long-term operation of the project.*

7 (3) *COST SHARING.—Total project costs under*
8 *each local cooperation agreement shall be cost-shared*
9 *in accordance with the formula relating to the appli-*
10 *cable original construction project.*

11 (4) *EXPENDITURES.—*

12 (A) *IN GENERAL.—Expenditures under the*
13 *program may include, for establishment at feder-*
14 *ally-owned property, such as locks, dams, and*
15 *bridges—*

16 (i) *transmitters;*

17 (ii) *responders;*

18 (iii) *hardware;*

19 (iv) *software; and*

20 (v) *wireless networks.*

21 (B) *EXCLUSIONS.—Transmitters, respond-*
22 *ers, hardware, software, and wireless networks or*
23 *other equipment installed on privately-owned*
24 *vessels or equipment shall not be eligible under*
25 *the program.*

1 (e) *REPORT.*—Not later than December 31, 2007, the
2 Secretary shall submit to Congress a report on the results
3 of the pilot program carried out under this section, together
4 with recommendations concerning whether the program or
5 any component of the program should be implemented on
6 a national basis.

7 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
8 authorized to be appropriated to carry out this section
9 \$3,100,000, to remain available until expended.

10 **TITLE IV—STUDIES**

11 **SEC. 4001. EURASIAN MILFOIL.**

12 Under the authority of section 104 of the River and
13 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall
14 carry out a study, at full Federal expense, to develop na-
15 tional protocols for the use of the *Euhrychiopsis lecontei*
16 weevil for biological control of Eurasian milfoil in the lakes
17 of Vermont and other northern tier States.

18 **SEC. 4002. NATIONAL PORT STUDY.**

19 (a) *IN GENERAL.*—The Secretary, in consultation with
20 the Secretary of Transportation, shall conduct a study of
21 the ability of coastal or deepwater port infrastructure to
22 meet current and projected national economic needs.

23 (b) *COMPONENTS.*—In conducting the study, the Sec-
24 retary shall—

25 (1) consider—

1 (1) *IN GENERAL.*—*The Secretary, in conjunction*
2 *with Oklahoma State University, shall convene a*
3 *panel of experts with acknowledged expertise in wild-*
4 *life biology and genetics to review the available sci-*
5 *entific information regarding the genetic variation of*
6 *various sturgeon species and possible hybrids of those*
7 *species that, as determined by the United States Fish*
8 *and Wildlife Service, may exist in any portion of the*
9 *MKARN.*

10 (2) *REPORT.*—*The Secretary shall direct the*
11 *panel to report to the Secretary, not later than 1 year*
12 *after the date of enactment of this Act and in the best*
13 *scientific judgment of the panel—*

14 (A) *the level of genetic variation between*
15 *populations of sturgeon sufficient to determine or*
16 *establish that a population is a measurably dis-*
17 *tinct species, subspecies, or population segment;*
18 *and*

19 (B) *whether any pallid sturgeons that may*
20 *be found in the MKARN (including any tribu-*
21 *tary of the MKARN) would qualify as such a*
22 *distinct species, subspecies, or population seg-*
23 *ment.*

1 **SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY,**
2 **CALIFORNIA.**

3 (a) *IN GENERAL.*—*The Secretary, in coordination*
4 *with the city of Los Angeles, shall—*

5 (1) *prepare a feasibility study for environmental*
6 *ecosystem restoration, flood control, recreation, and*
7 *other aspects of Los Angeles River revitalization that*
8 *is consistent with the goals of the Los Angeles River*
9 *Revitalization Master Plan published by the city of*
10 *Los Angeles; and*

11 (2) *consider any locally-preferred project alter-*
12 *natives developed through a full and open evaluation*
13 *process for inclusion in the study.*

14 (b) *USE OF EXISTING INFORMATION AND MEAS-*
15 *URES.*—*In preparing the study under subsection (a), the*
16 *Secretary shall use, to the maximum extent practicable—*

17 (1) *information obtained from the Los Angeles*
18 *River Revitalization Master Plan; and*

19 (2) *the development process of that plan.*

20 (c) *DEMONSTRATION PROJECTS.*—

21 (1) *IN GENERAL.*—*The Secretary is authorized to*
22 *construct demonstration projects in order to provide*
23 *information to develop the study under subsection*
24 *(a)(1).*

1 **SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
2 **CALIFORNIA.**

3 (a) *IN GENERAL.*—*The Secretary, in cooperation with*
4 *non-Federal interests, shall conduct a study of the feasi-*
5 *bility of carrying out a project for—*

6 (1) *flood protection of South San Francisco Bay*
7 *shoreline;*

8 (2) *restoration of the South San Francisco Bay*
9 *salt ponds (including on land owned by other Federal*
10 *agencies); and*

11 (3) *other related purposes, as the Secretary deter-*
12 *mines to be appropriate.*

13 (b) *INDEPENDENT REVIEW.*—*To the extent required by*
14 *applicable Federal law, a national science panel shall con-*
15 *duct an independent review of the study under subsection*
16 *(a).*

17 (c) *REPORT.*—

18 (1) *IN GENERAL.*—*Not later than 3 years after*
19 *the date of enactment of this Act, the Secretary shall*
20 *submit to Congress a report describing the results of*
21 *the study under subsection (a).*

22 (2) *INCLUSIONS.*—*The report under paragraph*
23 *(1) shall include recommendations of the Secretary*
24 *with respect to the project described in subsection (a)*
25 *based on planning, design, and land acquisition docu-*
26 *ments prepared by—*

1 (A) *the California State Coastal Conser-*
2 *vancy;*

3 (B) *the Santa Clara Valley Water District;*
4 *and*

5 (C) *other local interests.*

6 **SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION,**
7 **CALIFORNIA.**

8 (a) *IN GENERAL.*—*The Secretary shall complete work*
9 *as expeditiously as practicable on the San Pablo watershed,*
10 *California, study authorized by section 209 of the Flood*
11 *Control Act of 1962 (76 Stat. 1196) to determine the feasi-*
12 *bility of opportunities for restoring, preserving, and pro-*
13 *tecting the San Pablo Bay Watershed.*

14 (b) *REPORT.*—*Not later than March 31, 2008, the Sec-*
15 *retary shall submit to Congress a report that describes the*
16 *results of the study.*

17 **SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLO-**
18 **RADO.**

19 *Subject to the availability of appropriations, the Sec-*
20 *retary shall expedite the completion of the Fountain Creek,*
21 *North of Pueblo, Colorado, watershed study authorized by*
22 *a resolution adopted by the House of Representatives on*
23 *September 23, 1976.*

1 **SEC. 4012. SELENIUM STUDY, COLORADO.**

2 (a) *IN GENERAL.*—*The Secretary, in consultation with*
3 *State water quality and resource and conservation agencies,*
4 *shall conduct regional and watershed-wide studies to ad-*
5 *dress selenium concentrations in the State of Colorado, in-*
6 *cluding studies—*

7 (1) *to measure selenium on specific sites; and*

8 (2) *to determine whether specific selenium meas-*
9 *ures studied should be recommended for use in dem-*
10 *onstration projects.*

11 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
12 *authorized to be appropriated to carry out this section*
13 *\$5,000,000.*

14 **SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHI-**
15 **CAGO SHORELINE, CHICAGO, ILLINOIS.**

16 (a) *REVIEW.*—

17 (1) *IN GENERAL.*—*The Secretary is authorized to*
18 *conduct a third-party review of the Promontory Point*
19 *project along the Chicago Shoreline, Chicago, Illinois,*
20 *at a cost not to exceed \$450,000.*

21 (2) *JOINT REVIEW.*—*The Buffalo and Seattle*
22 *Districts of the Corps of Engineers shall jointly con-*
23 *duct the review under paragraph (1).*

24 (3) *STANDARDS.*—*The review shall be based on*
25 *the standards under part 68 of title 36, Code of Fed-*
26 *eral Regulations (or successor regulation), for imple-*

1 *mentation by the non-Federal sponsor for the Chicago*
2 *Shoreline Chicago, Illinois, project.*

3 (b) *CONTRIBUTIONS.*—*The Secretary shall accept from*
4 *a State or political subdivision of a State voluntarily con-*
5 *tributed funds to initiate the third-party review.*

6 (c) *TREATMENT.*—*While the third-party review is of*
7 *the Promontory Point portion of the Chicago Shoreline,*
8 *Chicago, Illinois, project, the third-party review shall be*
9 *separate and distinct from the Chicago Shoreline, Chicago,*
10 *Illinois, project.*

11 (d) *EFFECT OF SECTION.*—*Nothing in this section af-*
12 *fects the authorization for the Chicago Shoreline, Chicago,*
13 *Illinois, project.*

14 **SEC. 4014. VIDALIA PORT, LOUISIANA.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of carrying out a project for navigation improve-*
17 *ment at Vidalia, Louisiana.*

18 **SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.**

19 *The Secretary shall study the feasibility of storm dam-*
20 *age reduction and beach erosion protection and other re-*
21 *lated purposes along Lake Erie at Luna Pier, Michigan.*

22 **SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE**
23 **BASS ISLAND, OHIO.**

24 *The Secretary shall carry out a study of the feasibility*
25 *of a project for navigation improvements, shoreline protec-*

1 *tion, and other related purposes, including the rehabilita-*
2 *tion the harbor basin (including entrance breakwaters), in-*
3 *terior shoreline protection, dredging, and the development*
4 *of a public launch ramp facility, for Middle Bass Island*
5 *State Park, Middle Bass Island, Ohio.*

6 **SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH**
7 **CAROLINA.**

8 *(a) IN GENERAL.—The Secretary may determine the*
9 *feasibility of providing improvements to the Savannah*
10 *River for navigation and related purposes that may be nec-*
11 *essary to support the location of container cargo and other*
12 *port facilities to be located in Jasper County, South Caro-*
13 *lina, near the vicinity of mile 6 of the Savannah Harbor*
14 *Entrance Channel.*

15 *(b) CONSIDERATION.—In making a determination*
16 *under subsection (a), the Secretary shall take into*
17 *consideration—*

18 *(1) landside infrastructure;*

19 *(2) the provision of any additional dredged ma-*
20 *terial disposal area for maintenance of the ongoing*
21 *Savannah Harbor Navigation project; and*

22 *(3) the results of a consultation with the Gov-*
23 *ernor of the State of Georgia and the Governor of the*
24 *State of South Carolina.*

1 **SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.**

2 *The Secretary shall conduct a feasibility study to de-*
 3 *termine the technical soundness, economic feasibility, and*
 4 *environmental acceptability of the plan prepared by the*
 5 *city of Arlington, Texas, as generally described in the report*
 6 *entitled “Johnson Creek: A Vision of Conservation, Arling-*
 7 *ton, Texas”, dated March 2006.*

8 **SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**
 9 **NEW YORK.**

10 (a) *DISPERSAL BARRIER PROJECT.*—*The Secretary*
 11 *shall determine, at full Federal expense, the feasibility of*
 12 *a dispersal barrier project at the Lake Champlain Canal.*

13 (b) *CONSTRUCTION, MAINTENANCE, AND OPER-*
 14 *ATION.*—*If the Secretary determines that the project de-*
 15 *scribed in subsection (a) is feasible, the Secretary shall con-*
 16 *struct, maintain, and operate a dispersal barrier at the*
 17 *Lake Champlain Canal at full Federal expense.*

18 **TITLE V—MISCELLANEOUS**
 19 **PROVISIONS**

20 **SEC. 5001. LAKES PROGRAM.**

21 *Section 602(a) of the Water Resources Development*
 22 *Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295)*
 23 *is amended—*

24 (1) *in paragraph (18), by striking “and” at the*
 25 *end;*

1 (2) *in paragraph (19), by striking the period at*
2 *the end and inserting a semicolon; and*

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

4 “(20) *Kinkaid Lake, Jackson County, Illinois,*
5 *removal of silt and aquatic growth and measures to*
6 *address excessive sedimentation;*

7 “(21) *Lake Sakakawea, North Dakota, removal*
8 *of silt and aquatic growth and measures to address*
9 *excessive sedimentation;*

10 “(22) *Lake Morley, Vermont, removal of silt and*
11 *aquatic growth and measures to address excessive*
12 *sedimentation;*

13 “(23) *Lake Fairlee, Vermont, removal of silt and*
14 *aquatic growth and measures to address excessive*
15 *sedimentation; and*

16 “(24) *Lake Rodgers, Creedmoor, North Carolina,*
17 *removal of silt and excessive nutrients and restoration*
18 *of structural integrity.”.*

19 **SEC. 5002. ESTUARY RESTORATION.**

20 (a) *PURPOSES.*—*Section 102 of the Estuary Restora-*
21 *tion Act of 2000 (33 U.S.C. 2901) is amended—*

22 (1) *in paragraph (1), by inserting before the*
23 *semicolon the following: “by implementing a coordi-*
24 *nated Federal approach to estuary habitat restoration*
25 *activities, including the use of common monitoring*

1 standards and a common system for tracking restora-
2 tion acreage”;

3 (2) in paragraph (2), by inserting “and imple-
4 ment” after “to develop”; and

5 (3) in paragraph (3), by inserting “through co-
6 operative agreements” after “restoration projects”.

7 (b) *DEFINITION OF ESTUARY HABITAT RESTORATION*
8 *PLAN.*—Section 103(6)(A) of the Estuary Restoration Act
9 of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking
10 “Federal or State” and inserting “Federal, State, or re-
11 gional”.

12 (c) *ESTUARY HABITAT RESTORATION PROGRAM.*—
13 Section 104 of the Estuary Restoration Act of 2000 (33
14 U.S.C. 2903) is amended—

15 (1) in subsection (a), by inserting “through the
16 award of contracts and cooperative agreements” after
17 “assistance”;

18 (2) in subsection (c)—

19 (A) in paragraph (3)(A), by inserting “or
20 State” after “Federal”; and

21 (B) in paragraph (4)(B), by inserting “or
22 approach” after “technology”;

23 (3) in subsection (d)—

24 (A) in paragraph (1)—

1 (i) by striking “*Except*” and inserting
2 the following:

3 “(i) *IN GENERAL.—Except*”; and

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

5 “(ii) *MONITORING.—*

6 “(I) *COSTS.—The costs of moni-*
7 *toring an estuary habitat restoration*
8 *project funded under this title may be*
9 *included in the total cost of the estuary*
10 *habitat restoration project.*

11 “(II) *GOALS.—The goals of the*
12 *monitoring are—*

13 “(aa) *to measure the effec-*
14 *tiveness of the restoration project;*
15 *and*

16 “(bb) *to allow adaptive man-*
17 *agement to ensure project suc-*
18 *cess.*”;

19 (B) *in paragraph (2), by inserting “or ap-*
20 *proach” after “technology”; and*

21 (C) *in paragraph (3), by inserting “(in-*
22 *cluding monitoring)” after “services”;*

23 (4) *in subsection (f)(1)(B), by inserting “long-*
24 *term” before “maintenance”; and*

25 (5) *in subsection (g)—*

1 (A) by striking “In carrying” and inserting
2 the following:

3 “(1) *IN GENERAL.*—*In carrying*”; and

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

5 “(2) *SMALL PROJECTS.*—

6 “(A) *DEFINITION.*—*Small projects carried*
7 *out under this Act shall have a Federal share of*
8 *less than \$1,000,000.*

9 “(B) *DELEGATION OF PROJECT IMPLEMEN-*
10 *TATION.*—*In carrying out this section, the Sec-*
11 *retary, on recommendation of the Council, shall*
12 *consider delegating implementation of the small*
13 *project to—*

14 “(i) *the Secretary of the Interior (act-*
15 *ing through the Director of the United*
16 *States Fish and Wildlife Service);*

17 “(ii) *the Under Secretary for Oceans*
18 *and Atmosphere of the Department of Com-*
19 *merce;*

20 “(iii) *the Administrator of the Envi-*
21 *ronmental Protection Agency; or*

22 “(iv) *the Secretary of Agriculture.*

23 “(C) *FUNDING.*—*Small projects delegated to*
24 *another Federal department or agency may be*
25 *funded from the responsible department or ap-*

1 *appropriations of the agency authorized by section*
2 *109(a)(1).*

3 *“(D) AGREEMENTS.—The Federal depart-*
4 *ment or agency to which a small project is dele-*
5 *gated shall enter into an agreement with the*
6 *non-Federal interest generally in conformance*
7 *with the criteria in subsections (d) and (e). Co-*
8 *operative agreements may be used for any dele-*
9 *gated project.”.*

10 *(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORA-*
11 *TION COUNCIL.—Section 105(b) of the Estuary Restoration*
12 *Act of 2000 (33 U.S.C. 2904(b)) is amended—*

13 *(1) in paragraph (4), by striking “and” after the*
14 *semicolon;*

15 *(2) in paragraph (5), by striking the period at*
16 *the end and inserting a semicolon; and*

17 *(3) by adding at the end the following:*

18 *“(6) cooperating in the implementation of the*
19 *strategy developed under section 106;*

20 *“(7) recommending standards for monitoring for*
21 *restoration projects and contribution of project infor-*
22 *mation to the database developed under section 107;*
23 *and*

1 “(8) otherwise using the respective agency au-
2 thorities of the Council members to carry out this
3 title.”.

4 (e) *MONITORING OF ESTUARY HABITAT RESTORATION*
5 *PROJECTS.*—Section 107(d) of the Estuary Restoration Act
6 of 2000 (33 U.S.C. 2906(d)) is amended by striking “com-
7 pile” and inserting “have general data compilation, coordi-
8 nation, and analysis responsibilities to carry out this title
9 and in support of the strategy developed under this section,
10 including compilation of”.

11 (f) *REPORTING.*—Section 108(a) of the Estuary Res-
12 toration Act of 2000 (33 U.S.C. 2907(a)) is amended by
13 striking “third and fifth” and inserting “sixth, eighth, and
14 tenth”.

15 (g) *FUNDING.*—Section 109(a) of the Estuary Restora-
16 tion Act of 2000 (33 U.S.C. 2908(a)) is amended—

17 (1) in paragraph (1), by striking subparagraphs
18 (A) through (D) and inserting the following:

19 “(A) to the Secretary, \$25,000,000 for each
20 of fiscal years 2006 through 2010;

21 “(B) to the Secretary of the Interior (acting
22 through the Director of the United States Fish
23 and Wildlife Service), \$2,500,000 for each of fis-
24 cal years 2006 through 2010;

1 “(C) to the Under Secretary for Oceans and
2 *Atmosphere of the Department of Commerce,*
3 *\$2,500,000 for each of fiscal years 2006 through*
4 *2010;*

5 “(D) to the Administrator of the Environ-
6 *mental Protection Agency, \$2,500,000 for each of*
7 *fiscal years 2006 through 2010; and*

8 “(E) to the Secretary of Agriculture,
9 *\$2,500,000 for each of fiscal years 2006 through*
10 *2010.”; and*

11 *(2) in the first sentence of paragraph (2)—*

12 (A) by inserting “and other information
13 *compiled under section 107” after “this title”;*
14 *and*

15 (B) by striking “2005” and inserting
16 “2010”.

17 (h) *GENERAL PROVISIONS.—Section 110 of the Estu-*
18 *ary Restoration Act of 2000 (33 U.S.C. 2909) is amended—*

19 *(1) in subsection (b)(1)—*

20 (A) by inserting “or contracts” after “agree-
21 *ments”;* and

22 (B) by inserting “, nongovernmental orga-
23 *nizations,” after “agencies”;* and

24 *(2) by striking subsections (d) and (e).*

1 **SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELA-**
2 **WARE AND MARYLAND.**

3 (a) *ASSISTANCE.*—*The Secretary may provide tech-*
4 *nical assistance to the Secretary of Agriculture for use in*
5 *carrying out the Conservation Corridor Demonstration Pro-*
6 *gram established under subtitle G of title II of the Farm*
7 *Security and Rural Investment Act of 2002 (16 U.S.C. 3801*
8 *note; 116 Stat. 275).*

9 (b) *COORDINATION AND INTEGRATION.*—*In carrying*
10 *out water resources projects in the States on the Delmarva*
11 *Peninsula, the Secretary shall coordinate and integrate*
12 *those projects, to the maximum extent practicable, with any*
13 *activities carried out to implement a conservation corridor*
14 *plan approved by the Secretary of Agriculture under section*
15 *2602 of the Farm Security and Rural Investment Act of*
16 *2002 (16 U.S.C. 3801 note; 116 Stat. 275).*

17 **SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC**
18 **RIVER BASINS, DELAWARE, MARYLAND, PENN-**
19 **SYLVANIA, AND VIRGINIA.**

20 (a) *EX OFFICIO MEMBER.*—*Notwithstanding section*
21 *3001(a) of the 1997 Emergency Supplemental Appropria-*
22 *tions Act for Recovery From Natural Disasters, and for*
23 *Overseas Peacekeeping Efforts, Including Those in Bosnia*
24 *(111 Stat. 176) and sections 2.2 of the Susquehanna River*
25 *Basin Compact (Public Law 91–575) and the Delaware*
26 *River Basin Compact (Public Law 87–328), beginning in*

1 *fiscal year 2002, and each fiscal year thereafter, the Divi-*
2 *sion Engineer, North Atlantic Division, Corps of*
3 *Engineers—*

4 (1) *shall be the ex officio United States member*
5 *under the Susquehanna River Basin Compact, the*
6 *Delaware River Basin Compact, and the Potomac*
7 *River Basin Compact;*

8 (2) *shall serve without additional compensation;*
9 *and*

10 (3) *may designate an alternate member in ac-*
11 *cordance with the terms of those compacts.*

12 (b) *AUTHORIZATION TO ALLOCATE.—The Secretary*
13 *shall allocate funds to the Susquehanna River Basin Com-*
14 *mission, Delaware River Basin Commission, and the Inter-*
15 *state Commission on the Potomac River Basin (Potomac*
16 *River Basin Compact (Public Law 91–407)) to fulfill the*
17 *equitable funding requirements of the respective interstate*
18 *compacts.*

19 (c) *WATER SUPPLY AND CONSERVATION STORAGE,*
20 *DELAWARE RIVER BASIN.—*

21 (1) *IN GENERAL.—The Secretary shall enter into*
22 *an agreement with the Delaware River Basin Com-*
23 *mission to provide temporary water supply and con-*
24 *servation storage at the Francis E. Walter Dam,*
25 *Pennsylvania, for any period during which the Com-*

1 *mission has determined that a drought warning or*
2 *drought emergency exists.*

3 (2) *LIMITATION.—The agreement shall provide*
4 *that the cost for water supply and conservation stor-*
5 *age under paragraph (1) shall not exceed the incre-*
6 *mental operating costs associated with providing the*
7 *storage.*

8 (d) *WATER SUPPLY AND CONSERVATION STORAGE,*
9 *SUSQUEHANNA RIVER BASIN.—*

10 (1) *IN GENERAL.—The Secretary shall enter into*
11 *an agreement with the Susquehanna River Basin*
12 *Commission to provide temporary water supply and*
13 *conservation storage at Federal facilities operated by*
14 *the Corps of Engineers in the Susquehanna River*
15 *Basin, during any period in which the Commission*
16 *has determined that a drought warning or drought*
17 *emergency exists.*

18 (2) *LIMITATION.—The agreement shall provide*
19 *that the cost for water supply and conservation stor-*
20 *age under paragraph (1) shall not exceed the incre-*
21 *mental operating costs associated with providing the*
22 *storage.*

23 (e) *WATER SUPPLY AND CONSERVATION STORAGE, PO-*
24 *TOMAC RIVER BASIN.—*

1 (b) *PUBLIC AVAILABILITY.*—On completion of the com-
2 *prehensive action plan under subsection (a), the Secretary*
3 *shall make the plan available to the public.*

4 **SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**
5 **BARRIERS PROJECT, ILLINOIS.**

6 (a) *TREATMENT AS SINGLE PROJECT.*—The Chicago
7 *Sanitary and Ship Canal Dispersal Barrier Project (Bar-*
8 *rier I) (as in existence on the date of enactment of this Act),*
9 *constructed as a demonstration project under section*
10 *1202(i)(3) of the Nonindigenous Aquatic Nuisance Preven-*
11 *tion and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and*
12 *Barrier II, as authorized by section 345 of the District of*
13 *Columbia Appropriations Act, 2005 (Public Law 108–335;*
14 *118 Stat. 1352), shall be considered to constitute a single*
15 *project.*

16 (b) *AUTHORIZATION.*—

17 (1) *IN GENERAL.*—The Secretary, acting through
18 *the Chief of Engineers, is authorized and directed, at*
19 *full Federal expense—*

20 (A) *to upgrade and make permanent Bar-*
21 *rier I;*

22 (B) *to construct Barrier II, notwith-*
23 *standing the project cooperation agreement with*
24 *the State of Illinois dated June 14, 2005;*

1 (C) to operate and maintain Barrier I and
2 Barrier II as a system to optimize effectiveness;

3 (D) to conduct, in consultation with appro-
4 priate Federal, State, local, and nongovern-
5 mental entities, a study of a full range of options
6 and technologies for reducing impacts of hazards
7 that may reduce the efficacy of the Barriers; and

8 (E) to provide to each State a credit in an
9 amount equal to the amount of funds contributed
10 by the State toward Barrier II.

11 (2) *USE OF CREDIT.*—A State may apply a
12 credit received under paragraph (1)(E) to any cost
13 sharing responsibility for an existing or future Fed-
14 eral project with the Corps of Engineers in the State.

15 (c) *CONFORMING AMENDMENTS.*—

16 (1) *NONINDIGENOUS AQUATIC NUISANCE PRE-*
17 *VENTION AND CONTROL.*—Section 1202(i)(3)(C) of the
18 *Nonindigenous Aquatic Nuisance Prevention and*
19 *Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is*
20 *amended by striking “, to carry out this paragraph,*
21 *\$750,000” and inserting “such sums as are necessary*
22 *to carry out the dispersal barrier demonstration*
23 *project under this paragraph”.*

24 (2) *BARRIER II AUTHORIZATION.*—Section 345 of
25 the *District of Columbia Appropriations Act, 2005*

1 (*Public Law 108–335; 118 Stat. 1352*), is amended to
2 read as follows:

3 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**
4 **BARRIER, ILLINOIS.**

5 *“There are authorized to be appropriated such sums*
6 *as are necessary to carry out the Barrier II project of the*
7 *project for the Chicago Sanitary and Ship Canal Dispersal*
8 *Barrier, Illinois, initiated pursuant to section 1135 of the*
9 *Water Resources Development Act of 1986 (33 U.S.C. 2294*
10 *note; 100 Stat. 4251).”.*

11 **SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
12 **PROGRAM, COLORADO, NEW MEXICO, AND**
13 **TEXAS.**

14 (a) *SHORT TITLE.*—*This section may be cited as the*
15 *“Rio Grande Environmental Management Act of 2006”.*

16 (b) *DEFINITIONS.*—*In this section:*

17 (1) *RIO GRANDE COMPACT.*—*The term “Rio*
18 *Grande Compact” means the compact approved by*
19 *Congress under the Act of May 31, 1939 (53 Stat.*
20 *785, chapter 155), and ratified by the States.*

21 (2) *RIO GRANDE BASIN.*—*The term “Rio Grande*
22 *Basin” means the Rio Grande (including all tribu-*
23 *taries and their headwaters) located—*

1 (A) *in the State of Colorado, from the Rio*
2 *Grande Reservoir, near Creede, Colorado, to the*
3 *New Mexico State border;*

4 (B) *in the State of New Mexico, from the*
5 *Colorado State border downstream to the Texas*
6 *State border; and*

7 (C) *in the State of Texas, from the New*
8 *Mexico State border to the southern terminus of*
9 *the Rio Grande at the Gulf of Mexico.*

10 (3) *STATES.*—*The term “States” means the*
11 *States of Colorado, New Mexico, and Texas.*

12 (c) *PROGRAM AUTHORITY.*—

13 (1) *IN GENERAL.*—*The Secretary shall carry out,*
14 *in the Rio Grande Basin—*

15 (A) *a program for the planning, construc-*
16 *tion, and evaluation of measures for fish and*
17 *wildlife habitat rehabilitation and enhancement;*
18 *and*

19 (B) *implementation of a long-term moni-*
20 *toring, computerized data inventory and anal-*
21 *ysis, applied research, and adaptive management*
22 *program.*

23 (2) *REPORTS.*—*Not later than December 31,*
24 *2008, and not later than December 31 of every sixth*
25 *year thereafter, the Secretary, in consultation with*

1 *the Secretary of the Interior and the States, shall sub-*
2 *mit to Congress a report that—*

3 *(A) contains an evaluation of the programs*
4 *described in paragraph (1);*

5 *(B) describes the accomplishments of each*
6 *program;*

7 *(C) provides updates of a systemic habitat*
8 *needs assessment; and*

9 *(D) identifies any needed adjustments in*
10 *the authorization of the programs.*

11 *(d) STATE AND LOCAL CONSULTATION AND COOPERA-*
12 *TIVE EFFORT.—For the purpose of ensuring the coordinated*
13 *planning and implementation of the programs described in*
14 *subsection (c), the Secretary shall—*

15 *(1) consult with the States and other appropriate*
16 *entities in the States the rights and interests of which*
17 *might be affected by specific program activities; and*

18 *(2) enter into an interagency agreement with the*
19 *Secretary of the Interior to provide for the direct par-*
20 *ticipation of, and transfer of funds to, the United*
21 *States Fish and Wildlife Service and any other agen-*
22 *cy or bureau of the Department of the Interior for the*
23 *planning, design, implementation, and evaluation of*
24 *those programs.*

25 *(e) COST SHARING.—*

1 (1) *IN GENERAL.*—*The non-Federal share of the*
2 *cost of a project carried out under subsection*
3 *(c)(1)(A)—*

4 (A) *shall be 35 percent;*

5 (B) *may be provided through in-kind serv-*
6 *ices or direct cash contributions; and*

7 (C) *shall include provision of necessary*
8 *land, easements, relocations, and disposal sites.*

9 (2) *OPERATION AND MAINTENANCE.*—*The costs of*
10 *operation and maintenance of a project located on*
11 *Federal land, or land owned or operated by a State*
12 *or local government, shall be borne by the Federal,*
13 *State, or local agency that has jurisdiction over fish*
14 *and wildlife activities on the land.*

15 (f) *NONPROFIT ENTITIES.*—*Notwithstanding section*
16 *221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
17 *5b), with the consent of the affected local government, a non-*
18 *profit entity may be included as a non-Federal interest for*
19 *any project carried out under subsection (c)(1)(A).*

20 (g) *EFFECT ON OTHER LAW.*—

21 (1) *WATER LAW.*—*Nothing in this section pre-*
22 *empts any State water law.*

23 (2) *COMPACTS AND DECREES.*—*In carrying out*
24 *this section, the Secretary shall comply with the Rio*
25 *Grande Compact, and any applicable court decrees or*

1 *Federal and State laws, affecting water or water*
2 *rights in the Rio Grande Basin.*

3 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to the Secretary to carry out*
5 *this section \$25,000,000 for fiscal year 2006 and each subse-*
6 *quent fiscal year.*

7 **SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**
8 **TION, RECOVERY AND RESTORATION, IOWA,**
9 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**
10 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**
11 **MING.**

12 *(a) STUDY.—The Secretary, in consultation with the*
13 *Missouri River Recovery and Implementation Committee*
14 *established by subsection (b)(1), shall conduct a study of*
15 *the Missouri River and its tributaries to determine actions*
16 *required—*

17 *(1) to mitigate losses of aquatic and terrestrial*
18 *habitat;*

19 *(2) to recover federally listed species under the*
20 *Endangered Species Act (16 U.S.C. 1531 et seq.); and*

21 *(3) to restore the ecosystem to prevent further de-*
22 *clines among other native species.*

23 *(b) MISSOURI RIVER RECOVERY IMPLEMENTATION*
24 *COMMITTEE.—*

1 (1) *ESTABLISHMENT.*—Not later than June 31,
2 2006, the Secretary shall establish a committee to be
3 known as the “Missouri River Recovery Implementa-
4 tion Committee” (referred to in this section as the
5 “Committee”).

6 (2) *MEMBERSHIP.*—The Committee shall include
7 representatives from—

8 (A) *Federal agencies;*

9 (B) *States located near the Missouri River*
10 *Basin; and*

11 (C) *other appropriate entities, as deter-*
12 *mined by the Secretary, including—*

13 (i) *water management and fish and*
14 *wildlife agencies;*

15 (ii) *Indian tribes located near the Mis-*
16 *souri River Basin; and*

17 (iii) *nongovernmental stakeholders.*

18 (3) *DUTIES.*—The Commission shall—

19 (A) *with respect to the study under sub-*
20 *section (a), provide guidance to the Secretary*
21 *and any other affected Federal agency, State*
22 *agency, or Indian tribe;*

23 (B) *provide guidance to the Secretary with*
24 *respect to the Missouri River recovery and miti-*
25 *gation program in existence on the date of enact-*

1 *ment of this Act, including recommendations re-*
2 *lating to—*

3 *(i) changes to the implementation*
4 *strategy from the use of adaptive manage-*
5 *ment; and*

6 *(ii) the coordination of the development*
7 *of consistent policies, strategies, plans, pro-*
8 *grams, projects, activities, and priorities for*
9 *the program;*

10 *(C) exchange information regarding pro-*
11 *grams, projects, and activities of the agencies*
12 *and entities represented on the Committee to*
13 *promote the goals of the Missouri River recovery*
14 *and mitigation program;*

15 *(D) establish such working groups as the*
16 *Committee determines to be necessary to assist in*
17 *carrying out the duties of the Committee, includ-*
18 *ing duties relating to public policy and scientific*
19 *issues;*

20 *(E) facilitate the resolution of interagency*
21 *and intergovernmental conflicts between entities*
22 *represented on the Committee associated with the*
23 *Missouri River recovery and mitigation pro-*
24 *gram;*

1 (F) coordinate scientific and other research
2 associated with the Missouri River recovery and
3 mitigation program; and

4 (G) annually prepare a work plan and as-
5 sociated budget requests.

6 (4) COMPENSATION; TRAVEL EXPENSES.—

7 (A) COMPENSATION.—Members of the Com-
8 mittee shall not receive compensation from the
9 Secretary in carrying out the duties of the Com-
10 mittee under this section.

11 (B) TRAVEL EXPENSES.—Travel expenses
12 incurred by a member of the Committee in car-
13 rying out the duties of the Committee under this
14 section shall be paid by the agency, Indian tribe,
15 or unit of government represented by the mem-
16 ber.

17 (c) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
18 MITTEE ACT.—The Federal Advisory Committee Act (5
19 U.S.C. App.) shall not apply to the Committee.

20 **SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORA-**
21 **TION, NEBRASKA.**

22 (a) IN GENERAL.—The Secretary, acting through the
23 Chief of Engineers, may cooperate with and provide assist-
24 ance to the Lower Platte River natural resources districts

1 *in the State of Nebraska to serve as local sponsors with re-*
2 *spect to—*

3 (1) *conducting comprehensive watershed plan-*
4 *ning in the natural resource districts;*

5 (2) *assessing water resources in the natural re-*
6 *source districts; and*

7 (3) *providing project feasibility planning, de-*
8 *sign, and construction assistance for water resource*
9 *and watershed management in the natural resource*
10 *districts, including projects for environmental restora-*
11 *tion and flood damage reduction.*

12 (b) *FUNDING.—*

13 (1) *FEDERAL SHARE.—The Federal share of the*
14 *cost of carrying out an activity described in sub-*
15 *section (a) shall be 65 percent.*

16 (2) *NON-FEDERAL SHARE.—The non-Federal*
17 *share of the cost of carrying out an activity described*
18 *in subsection (a)—*

19 (A) *shall be 35 percent; and*

20 (B) *may be provided in cash or in-kind.*

21 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to the Secretary to carry out*
23 *this section \$12,000,000.*

1 **SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
2 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
3 **HABITAT RESTORATION, SOUTH DAKOTA.**

4 (a) *DISBURSEMENT PROVISIONS OF THE STATE OF*
5 *SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE*
6 *AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL*
7 *WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Sec-*
8 *tion 602(a)(4) of the Water Resources Development Act of*
9 *1999 (113 Stat. 386) is amended—*

10 (1) *in subparagraph (A)—*

11 (A) *in clause (i), by inserting “and the Sec-*
12 *retary of the Treasury” after “Secretary”; and*

13 (B) *by striking clause (ii) and inserting the*
14 *following:*

15 “(ii) *AVAILABILITY OF FUNDS.—On*
16 *notification in accordance with clause (i),*
17 *the Secretary of the Treasury shall make*
18 *available to the State of South Dakota*
19 *funds from the State of South Dakota Ter-*
20 *restrial Wildlife Habitat Restoration Trust*
21 *Fund established under section 603, to be*
22 *used to carry out the plan for terrestrial*
23 *wildlife habitat restoration submitted by the*
24 *State of South Dakota after the State cer-*
25 *tifies to the Secretary of the Treasury that*
26 *the funds to be disbursed will be used in ac-*

1 *cordance with section 603(d)(3) and only*
2 *after the Trust Fund is fully capitalized.”;*
3 *and*

4 *(2) in subparagraph (B), by striking clause (ii)*
5 *and inserting the following:*

6 “(ii) *AVAILABILITY OF FUNDS.—On*
7 *notification in accordance with clause (i),*
8 *the Secretary of the Treasury shall make*
9 *available to the Cheyenne River Sioux Tribe*
10 *and the Lower Brule Sioux Tribe funds*
11 *from the Cheyenne River Sioux Terrestrial*
12 *Wildlife Habitat Restoration Trust Fund*
13 *and the Lower Brule Sioux Terrestrial*
14 *Wildlife Habitat Restoration Trust Fund,*
15 *respectively, established under section 604,*
16 *to be used to carry out the plans for terres-*
17 *trial wildlife habitat restoration submitted*
18 *by the Cheyenne River Sioux Tribe and the*
19 *Lower Brule Sioux Tribe, respectively, after*
20 *the respective tribe certifies to the Secretary*
21 *of the Treasury that the funds to be dis-*
22 *bursed will be used in accordance with sec-*
23 *tion 604(d)(3) and only after the Trust*
24 *Fund is fully capitalized.”.*

1 (b) *INVESTMENT PROVISIONS OF THE STATE OF*
2 *SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION*
3 *TRUST FUND.*—*Section 603 of the Water Resources Devel-*
4 *opment Act of 1999 (113 Stat. 388) is amended—*

5 (1) *by striking subsection (c) and inserting the*
6 *following:*

7 “(c) *INVESTMENTS.*—

8 “(1) *ELIGIBLE OBLIGATIONS.*—*Notwithstanding*
9 *any other provision of law, the Secretary of the Treas-*
10 *ury shall invest the amounts deposited under sub-*
11 *section (b) and the interest earned on those amounts*
12 *only in interest-bearing obligations of the United*
13 *States issued directly to the Fund.*

14 “(2) *INVESTMENT REQUIREMENTS.*—

15 “(A) *IN GENERAL.*—*The Secretary of the*
16 *Treasury shall invest the Fund in accordance*
17 *with all of the requirements of this paragraph.*

18 “(B) *SEPARATE INVESTMENTS OF PRIN-*
19 *CIPAL AND INTEREST.*—

20 “(i) *PRINCIPAL ACCOUNT.*—*The*
21 *amounts deposited in the Fund under sub-*
22 *section (b) shall be credited to an account*
23 *within the Fund (referred to in this para-*
24 *graph as the ‘principal account’) and in-*
25 *vested as provided in subparagraph (C).*

1 “(ii) *INTEREST ACCOUNT.*—*The inter-*
2 *est earned from investing amounts in the*
3 *principal account of the Fund shall be*
4 *transferred to a separate account within the*
5 *Fund (referred to in this paragraph as the*
6 *‘interest account’)* and invested as provided
7 *in subparagraph (D).*

8 “(iii) *CREDITING.*—*The interest earned*
9 *from investing amounts in the interest ac-*
10 *count of the Fund shall be credited to the*
11 *interest account.*

12 “(C) *INVESTMENT OF PRINCIPAL AC-*
13 *COUNT.*—

14 “(i) *INITIAL INVESTMENT.*—*Each*
15 *amount deposited in the principal account*
16 *of the Fund shall be invested initially in el-*
17 *igible obligations having the shortest matu-*
18 *rity then available until the date on which*
19 *the amount is divided into 3 substantially*
20 *equal portions and those portions are in-*
21 *vested in eligible obligations that are iden-*
22 *tical (except for transferability) to the next-*
23 *issued publicly issued Treasury obligations*
24 *having a 2-year maturity, a 5-year matu-*
25 *rity, and a 10-year maturity, respectively.*

1 “(ii) *SUBSEQUENT INVESTMENT.*—As
2 each 2-year, 5-year, and 10-year eligible ob-
3 ligation matures, the principal of the ma-
4 turing eligible obligation shall also be in-
5 vested initially in the shortest-maturity eli-
6 gible obligation then available until the
7 principal is reinvested substantially equally
8 in the eligible obligations that are identical
9 (except for transferability) to the next-issued
10 publicly issued Treasury obligations having
11 2-year, 5-year, and 10-year maturities.

12 “(iii) *DISCONTINUANCE OF ISSUANCE*
13 *OF OBLIGATIONS.*—If the Department of the
14 Treasury discontinues issuing to the public
15 obligations having 2-year, 5-year, or 10-
16 year maturities, the principal of any ma-
17 turing eligible obligation shall be reinvested
18 substantially equally in eligible obligations
19 that are identical (except for transfer-
20 ability) to the next-issued publicly issued
21 Treasury obligations of the maturities
22 longer than 1 year then available.

23 “(D) *INVESTMENT OF INTEREST AC-*
24 *COUNT.*—

1 “(i) *BEFORE FULL CAPITALIZATION.*—
2 *Until the date on which the Fund is fully*
3 *capitalized, amounts in the interest account*
4 *of the Fund shall be invested in eligible obli-*
5 *gations that are identical (except for trans-*
6 *ferability) to publicly issued Treasury obli-*
7 *gations that have maturities that coincide,*
8 *to the maximum extent practicable, with the*
9 *date on which the Fund is expected to be*
10 *fully capitalized.*

11 “(ii) *AFTER FULL CAPITALIZATION.*—
12 *On and after the date on which the Fund*
13 *is fully capitalized, amounts in the interest*
14 *account of the Fund shall be invested and*
15 *reinvested in eligible obligations having the*
16 *shortest maturity then available until the*
17 *amounts are withdrawn and transferred to*
18 *fund the activities authorized under sub-*
19 *section (d)(3).*

20 “(E) *PAR PURCHASE PRICE.*—*The price to*
21 *be paid for eligible obligations purchased as in-*
22 *vestments of the principal account shall not ex-*
23 *ceed the par value of the obligations so that the*
24 *amount of the principal account shall be pre-*
25 *served in perpetuity.*

1 “(F) *HIGHEST YIELD.*—Among eligible obli-
2 gations having the same maturity and purchase
3 price, the obligation to be purchased shall be the
4 obligation having the highest yield.

5 “(G) *HOLDING TO MATURITY.*—Eligible ob-
6 ligations purchased shall generally be held to
7 their maturities.

8 “(3) *ANNUAL REVIEW OF INVESTMENT ACTIVI-*
9 *TIES.*—Not less frequently than once each calendar
10 year, the Secretary of the Treasury shall review with
11 the State of South Dakota the results of the invest-
12 ment activities and financial status of the Fund dur-
13 ing the preceding 12-month period.

14 “(4) *AUDITS.*—

15 “(A) *IN GENERAL.*—The activities of the
16 State of South Dakota (referred to in this sub-
17 section as the ‘State’) in carrying out the plan
18 of the State for terrestrial wildlife habitat res-
19 toration under section 602(a) shall be audited as
20 part of the annual audit that the State is re-
21 quired to prepare under the Office of Manage-
22 ment and Budget Circular A-133 (or a successor
23 circulation).

1 “(B) *DETERMINATION BY AUDITORS.*—An
2 auditor that conducts an audit under subpara-
3 graph (A) shall—

4 “(i) *determine whether funds received*
5 *by the State under this section during the*
6 *period covered by the audit were used to*
7 *carry out the plan of the State in accord-*
8 *ance with this section; and*

9 “(ii) *include the determination under*
10 *clause (i) in the written findings of the*
11 *audit.*

12 “(5) *MODIFICATION OF INVESTMENT REQUIRE-*
13 *MENTS.*—

14 “(A) *IN GENERAL.*—If the Secretary of the
15 Treasury determines that meeting the require-
16 ments under paragraph (2) with respect to the
17 investment of a Fund is not practicable, or
18 would result in adverse consequences for the
19 Fund, the Secretary shall modify the require-
20 ments, as the Secretary determines to be nec-
21 essary.

22 “(B) *CONSULTATION.*—Before modifying a
23 requirement under subparagraph (A), the Sec-
24 retary of the Treasury shall consult with the
25 State regarding the proposed modification.”;

1 (2) in subsection (d)(2), by inserting “of the
2 Treasury” after Secretary”; and

3 (3) by striking subsection (f) and inserting the
4 following:

5 “(f) *ADMINISTRATIVE EXPENSES.*—There are author-
6 ized to be appropriated, out of any money in the Treasury
7 not otherwise appropriated, to the Secretary of the Treas-
8 ury, to pay expenses associated with investing the Fund
9 and auditing the uses of amounts withdrawn from the
10 Fund—

11 “(1) up to \$500,000 for each of fiscal years 2006
12 and 2007; and

13 “(2) such sums as are necessary for each subse-
14 quent fiscal year.”.

15 (c) *INVESTMENT PROVISIONS FOR THE CHEYENNE*
16 *RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE*
17 *TRUST FUNDS.*—Section 604 of the Water Resources Devel-
18 opment Act of 1999 (113 Stat. 389) is amended—

19 (1) by striking subsection (c) and inserting the
20 following:

21 “(c) *INVESTMENTS.*—

22 “(1) *ELIGIBLE OBLIGATIONS.*—Notwithstanding
23 any other provision of law, the Secretary of the Treas-
24 ury shall invest the amounts deposited under sub-
25 section (b) and the interest earned on those amounts

1 *only in interest-bearing obligations of the United*
2 *States issued directly to the Funds.*

3 “(2) *INVESTMENT REQUIREMENTS.*—

4 “(A) *IN GENERAL.*—*The Secretary of the*
5 *Treasury shall invest each of the Funds in ac-*
6 *cordance with all of the requirements of this*
7 *paragraph.*

8 “(B) *SEPARATE INVESTMENTS OF PRIN-*
9 *CIPAL AND INTEREST.*—

10 “(i) *PRINCIPAL ACCOUNT.*—*The*
11 *amounts deposited in each Fund under sub-*
12 *section (b) shall be credited to an account*
13 *within the Fund (referred to in this para-*
14 *graph as the ‘principal account’) and in-*
15 *vested as provided in subparagraph (C).*

16 “(ii) *INTEREST ACCOUNT.*—*The inter-*
17 *est earned from investing amounts in the*
18 *principal account of each Fund shall be*
19 *transferred to a separate account within the*
20 *Fund (referred to in this paragraph as the*
21 *‘interest account’) and invested as provided*
22 *in subparagraph (D).*

23 “(iii) *CREDITING.*—*The interest earned*
24 *from investing amounts in the interest ac-*

1 *count of each Fund shall be credited to the*
2 *interest account.*

3 “(C) *INVESTMENT OF PRINCIPAL AC-*
4 *COUNT.—*

5 “(i) *INITIAL INVESTMENT.—Each*
6 *amount deposited in the principal account*
7 *of each Fund shall be invested initially in*
8 *eligible obligations having the shortest ma-*
9 *turity then available until the date on*
10 *which the amount is divided into 3 substan-*
11 *tially equal portions and those portions are*
12 *invested in eligible obligations that are*
13 *identical (except for transferability) to the*
14 *next-issued publicly issued Treasury obliga-*
15 *tions having a 2-year maturity, a 5-year*
16 *maturity, and a 10-year maturity, respec-*
17 *tively.*

18 “(ii) *SUBSEQUENT INVESTMENT.—As*
19 *each 2-year, 5-year, and 10-year eligible ob-*
20 *ligation matures, the principal of the ma-*
21 *turing eligible obligation shall also be in-*
22 *vested initially in the shortest-maturity eli-*
23 *gible obligation then available until the*
24 *principal is reinvested substantially equally*
25 *in the eligible obligations that are identical*

1 *(except for transferability) to the next-issued*
2 *publicly issued Treasury obligations having*
3 *2-year, 5-year, and 10-year maturities.*

4 “(iii) *DISCONTINUATION OF ISSUANCE*
5 *OF OBLIGATIONS.—If the Department of the*
6 *Treasury discontinues issuing to the public*
7 *obligations having 2-year, 5-year, or 10-*
8 *year maturities, the principal of any ma-*
9 *turing eligible obligation shall be reinvested*
10 *substantially equally in eligible obligations*
11 *that are identical (except for transfer-*
12 *ability) to the next-issued publicly issued*
13 *Treasury obligations of the maturities*
14 *longer than 1 year then available.*

15 “(D) *INVESTMENT OF THE INTEREST AC-*
16 *COUNT.—*

17 “(i) *BEFORE FULL CAPITALIZATION.—*
18 *Until the date on which each Fund is fully*
19 *capitalized, amounts in the interest account*
20 *of the Fund shall be invested in eligible obli-*
21 *gations that are identical (except for trans-*
22 *ferability) to publicly issued Treasury obli-*
23 *gations that have maturities that coincide,*
24 *to the maximum extent practicable, with the*

1 *date on which the Fund is expected to be*
2 *fully capitalized.*

3 “(ii) *AFTER FULL CAPITALIZATION.*—
4 *On and after the date on which each Fund*
5 *is fully capitalized, amounts in the interest*
6 *account of the Fund shall be invested and*
7 *reinvested in eligible obligations having the*
8 *shortest maturity then available until the*
9 *amounts are withdrawn and transferred to*
10 *fund the activities authorized under sub-*
11 *section (d)(3).*

12 “(E) *PAR PURCHASE PRICE.*—*The price to*
13 *be paid for eligible obligations purchased as in-*
14 *vestments of the principal account shall not ex-*
15 *ceed the par value of the obligations so that the*
16 *amount of the principal account shall be pre-*
17 *served in perpetuity.*

18 “(F) *HIGHEST YIELD.*—*Among eligible obli-*
19 *gations having the same maturity and purchase*
20 *price, the obligation to be purchased shall be the*
21 *obligation having the highest yield.*

22 “(G) *HOLDING TO MATURITY.*—*Eligible ob-*
23 *ligations purchased shall generally be held to*
24 *their maturities.*

1 “(3) *ANNUAL REVIEW OF INVESTMENT ACTIVI-*
2 *TIES.*—*Not less frequently than once each calendar*
3 *year, the Secretary of the Treasury shall review with*
4 *the Cheyenne River Sioux Tribe and the Lower Brule*
5 *Sioux Tribe (referred to in this subsection as the*
6 *‘Tribes’) the results of the investment activities and fi-*
7 *nancial status of the Funds during the preceding 12-*
8 *month period.*

9 “(4) *AUDITS.*—

10 “(A) *IN GENERAL.*—*The activities of the*
11 *Tribes in carrying out the plans of the Tribes for*
12 *terrestrial wildlife habitat restoration under sec-*
13 *tion 602(a) shall be audited as part of the an-*
14 *annual audit that the Tribes are required to pre-*
15 *pare under the Office of Management and Budg-*
16 *et Circular A-133 (or a successor circulation).*

17 “(B) *DETERMINATION BY AUDITORS.*—*An*
18 *auditor that conducts an audit under subpara-*
19 *graph (A) shall—*

20 “(i) *determine whether funds received*
21 *by the Tribes under this section during the*
22 *period covered by the audit were used to*
23 *carry out the plan of the appropriate Tribe*
24 *in accordance with this section; and*

1 “(ii) include the determination under
2 clause (i) in the written findings of the
3 audit.

4 “(5) *MODIFICATION OF INVESTMENT REQUIRE-*
5 *MENTS.—*

6 “(A) *IN GENERAL.—If the Secretary of the*
7 *Treasury determines that meeting the require-*
8 *ments under paragraph (2) with respect to the*
9 *investment of a Fund is not practicable, or*
10 *would result in adverse consequences for the*
11 *Fund, the Secretary shall modify the require-*
12 *ments, as the Secretary determines to be nec-*
13 *essary.*

14 “(B) *CONSULTATION.—Before modifying a*
15 *requirement under subparagraph (A), the Sec-*
16 *retary of the Treasury shall consult with the*
17 *Tribes regarding the proposed modification.”;*
18 *and*

19 *(2) by striking subsection (f) and inserting the*
20 *following:*

21 “(f) *ADMINISTRATIVE EXPENSES.—There are author-*
22 *ized to be appropriated, out of any money in the Treasury*
23 *not otherwise appropriated, to the Secretary of the Treasury*
24 *to pay expenses associated with investing the Funds and*
25 *auditing the uses of amounts withdrawn from the Funds—*

1 “(1) up to \$500,000 for each of fiscal years 2006
2 and 2007; and

3 “(2) such sums as are necessary for each subse-
4 quent fiscal year.”.

5 **SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.**

6 (a) *IN GENERAL.*—The Secretary shall evaluate, de-
7 sign, and construct structural modifications at full Federal
8 cost to the Union Village Dam (Ompompanoosuc River),
9 North Hartland Dam (Ottauquechee River), North Spring-
10 field Dam (Black River), Ball Mountain Dam (West River),
11 and Townshend Dam (West River), Vermont, to regulate
12 flow and temperature to mitigate downstream impacts on
13 aquatic habitat and fisheries.

14 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
15 authorized to be appropriated to carry out this section
16 \$30,000,000.

17 **TITLE VI—PROJECT**
18 **DEAUTHORIZATIONS**

19 **SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

20 The project for flood damage reduction, Little Cove
21 Creek, Glencoe, Alabama, authorized by the Supplemental
22 Appropriations Act, 1985 (99 Stat. 312), is not authorized.

1 **SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.**

2 *The project for flood control, Goleta and Vicinity, Cali-*
3 *fornia, authorized by section 201 of the Flood Control Act*
4 *of 1970 (84 Stat. 1826), is not authorized.*

5 **SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.**

6 *(a) IN GENERAL.—The portion of the project for navi-*
7 *gation, Bridgeport Harbor, Connecticut, authorized by the*
8 *Act of July 3, 1930 (46 Stat. 919), consisting of an 18-*
9 *foot channel in Yellow Mill River and described in sub-*
10 *section (b), is not authorized.*

11 *(b) DESCRIPTION OF PROJECT.—The project referred*
12 *to in subsection (a) is described as beginning at a point*
13 *along the eastern limit of the existing project, N.*
14 *123,649.75, E. 481,920.54, thence running northwesterly*
15 *about 52.64 feet to a point N. 123,683.03, E. 481,879.75,*
16 *thence running northeasterly about 1,442.21 feet to a point*
17 *N. 125,030.08, E. 482,394.96, thence running northeasterly*
18 *about 139.52 feet to a point along the east limit of the exist-*
19 *ing channel, N. 125,133.87, E. 482,488.19, thence running*
20 *southwesterly about 1,588.98 feet to the point of origin.*

21 **SEC. 6004. BRIDGEPORT, CONNECTICUT.**

22 *The project for environmental infrastructure, Bridge-*
23 *port, Connecticut, authorized by section 219(f)(26) of the*
24 *Water Resources Development Act of 1992 (106 Stat. 4835;*
25 *113 Stat. 336), is not authorized.*

1 **SEC. 6005. HARTFORD, CONNECTICUT.**

2 *The project for environmental infrastructure, Hart-*
3 *ford, Connecticut, authorized by section 219(f)(27) of the*
4 *Water Resources Development Act of 1992 (106 Stat. 4835;*
5 *113 Stat. 336), is not authorized.*

6 **SEC. 6006. NEW HAVEN, CONNECTICUT.**

7 *The project for environmental infrastructure, New*
8 *Haven, Connecticut, authorized by section 219(f)(28) of the*
9 *Water Resources Development Act of 1992 (106 Stat. 4835;*
10 *113 Stat. 336), is not authorized.*

11 **SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO**
12 **CHESAPEAKE BAY, PART II, INSTALLATION OF**
13 **FENDER PROTECTION FOR BRIDGES, DELA-**
14 **WARE AND MARYLAND.**

15 *The project for the construction of bridge fenders for*
16 *the Summit and St. Georges Bridge for the Inland Water-*
17 *way of the Delaware River to the C & D Canal of the Ches-*
18 *apeake Bay, authorized by the River and Harbor Act of 1954*
19 *(68 Stat. 1249), is not authorized.*

20 **SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.**

21 *The project for flood control, Central and Southern*
22 *Florida Project, Shingle Creek Basin, Florida, authorized*
23 *by section 203 of the Flood Control Act of 1962 (76 Stat.*
24 *1182), is not authorized.*

1 **SEC. 6009. BREVOORT, INDIANA.**

2 *The project for flood control, Brevoort, Indiana, au-*
 3 *thorized by section 5 of the Flood Control Act of 1936 (49*
 4 *Stat. 1587), is not authorized.*

5 **SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

6 *The project for flood control, Middle Wabash, Green-*
 7 *field Bayou, Indiana, authorized by section 10 of the Flood*
 8 *Control Act of 1946 (60 Stat. 649), is not authorized.*

9 **SEC. 6011. LAKE GEORGE, HOBART, INDIANA.**

10 *The project for flood damage reduction, Lake George,*
 11 *Hobart, Indiana, authorized by section 602 of the Water*
 12 *Resources Development Act of 1986 (100 Stat. 4148), is not*
 13 *authorized.*

14 **SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**
 15 **2, IOWA.**

16 *The project for flood damage reduction, Green Bay*
 17 *Levee and Drainage District No. 2, Iowa, authorized by sec-*
 18 *tion 401(a) of the Water Resources Development Act of 1986*
 19 *(100 Stat. 4115), deauthorized in fiscal year 1991, and re-*
 20 *authorized by section 115(a)(1) of the Water Resources De-*
 21 *velopment Act of 1992 (106 Stat. 4821), is not authorized.*

22 **SEC. 6013. MUSCATINE HARBOR, IOWA.**

23 *The project for navigation at the Muscatine Harbor*
 24 *on the Mississippi River at Muscatine, Iowa, authorized by*
 25 *section 101 of the River and Harbor Act of 1950 (64 Stat.*
 26 *166), is not authorized.*

1 **SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND REC-**
2 **REATIONAL AREA, KENTUCKY AND TEN-**
3 **NESSEE.**

4 *The project for recreation facilities at Big South Fork*
5 *National River and Recreational Area, Kentucky and Ten-*
6 *nessee, authorized by section 108 of the Water Resources De-*
7 *velopment Act of 1974 (88 Stat. 43), is not authorized.*

8 **SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.**

9 *The project for flood control and water supply, Eagle*
10 *Creek Lake, Kentucky, authorized by section 203 of the*
11 *Flood Control Act of 1962 (76 Stat. 1188), is not author-*
12 *ized.*

13 **SEC. 6016. HAZARD, KENTUCKY.**

14 *The project for flood damage reduction, Hazard, Ken-*
15 *tucky, authorized by section 3 of the Water Resources Devel-*
16 *opment Act of 1988 (102 Stat. 4014) and section 108 of*
17 *the Water Resources Development Act of 1990 (104 Stat.*
18 *4621), is not authorized.*

19 **SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

20 *The project for flood control, West Kentucky Tribu-*
21 *taries, Kentucky, authorized by section 204 of the Flood*
22 *Control Act of 1965 (79 Stat. 1081), section 201 of the Flood*
23 *Control Act of 1970 (84 Stat. 1825), and section 401(b) of*
24 *the Water Resources Development Act of 1986 (100 Stat.*
25 *4129), is not authorized.*

1 **SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
2 **ISIANA.**

3 *The project for flood damage reduction, Bayou*
4 *Cocodrie and Tributaries, Louisiana, authorized by section*
5 *3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter*
6 *377), and section 1(a) of the Water Resources Development*
7 *Act of 1974 (88 Stat. 12), is not authorized.*

8 **SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
9 **LOUISIANA.**

10 *The uncompleted portions of the project for navigation*
11 *improvement for Bayou LaFourche and LaFourche Jump,*
12 *Louisiana, authorized by the Act of August 30, 1935 (49*
13 *Stat. 1033, chapter 831), and the River and Harbor Act*
14 *of 1960 (74 Stat. 481), are not authorized.*

15 **SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL**
16 **AVOYELLES PARISHES, LOUISIANA.**

17 *The project for flood control, Eastern Rapides and*
18 *South-Central Avoyelles Parishes, Louisiana, authorized by*
19 *section 201 of the Flood Control Act of 1970 (84 Stat. 1825),*
20 *is not authorized.*

21 **SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
22 **ISIANA.**

23 *The project for erosion protection and recreation, Fort*
24 *Livingston, Grande Terre Island, Louisiana, authorized by*
25 *the Act of August 13, 1946 (commonly known as the “Flood*

1 *Control Act of 1946*”) (33 U.S.C. 426e et seq.), is not au-
2 *thorized.*

3 **SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE**
4 **AND CHEF MENTEUR, LOUISIANA.**

5 *The project for the construction of bulkheads and jetties*
6 *at Lake Borgne and Chef Menteur, Louisiana, as part of*
7 *the Gulf Intercoastal Waterway authorized by the first sec-*
8 *tion of the River and Harbor Act of 1946 (60 Stat. 635),*
9 *is not authorized.*

10 **SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOU-**
11 **ISIANA TO DAINGERFIELD, TEXAS.**

12 *The project for the Red River Waterway, Shreveport,*
13 *Louisiana to Daingerfield, Texas, authorized by section 101*
14 *of the River and Harbor Act of 1968 (82 Stat. 731), is not*
15 *authorized.*

16 **SEC. 6024. CASCO BAY, PORTLAND, MAINE.**

17 *The project for environmental infrastructure, Casco*
18 *Bay in the Vicinity of Portland, Maine, authorized by sec-*
19 *tion 307 of the Water Resources Development Act of 1992*
20 *(106 Stat. 4841), is not authorized.*

21 **SEC. 6025. NORTHEAST HARBOR, MAINE.**

22 *The project for navigation, Northeast Harbor, Maine,*
23 *authorized by section 2 of the Act of March 2, 1945 (59*
24 *Stat. 12, chapter 19), is not authorized.*

1 **SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.**

2 *The project for environmental infrastructure, Penob-*
3 *scot River in the Vicinity of Bangor, Maine, authorized by*
4 *section 307 of the Water Resources Development Act of 1992*
5 *(106 Stat. 4841), is not authorized.*

6 **SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.**

7 *The project for research and demonstration program*
8 *of cropland irrigation and soil conservation techniques,*
9 *Saint John River Basin, Maine, authorized by section 1108*
10 *of the Water Resources Development Act of 1986 (106 Stat.*
11 *4230), is not authorized.*

12 **SEC. 6028. TENANTS HARBOR, MAINE.**

13 *The project for navigation, Tenants Harbor, Maine,*
14 *authorized by the first section of the Act of March 2, 1919*
15 *(40 Stat. 1275, chapter 95), is not authorized.*

16 **SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.**

17 *The project for navigation, Grand Haven Harbor,*
18 *Michigan, authorized by section 202(a) of the Water Re-*
19 *sources Development Act of 1986 (100 Stat. 4093), is not*
20 *authorized.*

21 **SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.**

22 *The project for navigation, Greenville Harbor, Mis-*
23 *sissippi, authorized by section 601(a) of the Water Re-*
24 *sources Development Act of 1986 (100 Stat. 4142), is not*
25 *authorized.*

1 **SEC. 6031. PLATTE RIVER FLOOD AND RELATED**
2 **STREAMBANK EROSION CONTROL, NE-**
3 **BRASKA.**

4 *The project for flood damage reduction, Platte River*
5 *Flood and Related Streambank Erosion Control, Nebraska,*
6 *authorized by section 603 of the Water Resources Develop-*
7 *ment Act of 1986 (100 Stat. 4149), is not authorized.*

8 **SEC. 6032. EPPING, NEW HAMPSHIRE.**

9 *The project for environmental infrastructure, Epping,*
10 *New Hampshire, authorized by section 219(c)(6) of the*
11 *Water Resources Development Act of 1992 (106 Stat. 4835),*
12 *is not authorized.*

13 **SEC. 6033. MANCHESTER, NEW HAMPSHIRE.**

14 *The project for environmental infrastructure, Man-*
15 *chester, New Hampshire, authorized by section 219(c)(7) of*
16 *the Water Resources Development Act of 1992 (106 Stat.*
17 *4836), is not authorized.*

18 **SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS,**
19 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
20 **JERSEY.**

21 *The project for navigation, New York Harbor and ad-*
22 *acent channels, Claremont Terminal, Jersey City, New Jer-*
23 *sey, authorized by section 202(b) of the Water Resources De-*
24 *velopment Act of 1986 (100 Stat. 4098), is not authorized.*

1 **SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.**

2 *The project for navigation, Eisenhower and Snell*
3 *Locks, New York, authorized by section 1163 of the Water*
4 *Resources Development Act of 1986 (100 Stat. 4258), is not*
5 *authorized.*

6 **SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

7 *The project for navigation, Olcott Harbor, Lake On-*
8 *tario, New York, authorized by section 601(a) of the Water*
9 *Resources Development Act of 1986 (100 Stat. 4143), is not*
10 *authorized.*

11 **SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.**

12 *The project for navigation, Outer Harbor, Buffalo,*
13 *New York, authorized by section 110 of the Water Resources*
14 *Development Act of 1992 (106 Stat. 4817), is not author-*
15 *ized.*

16 **SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND**
17 **SOUTH CAROLINA.**

18 *The project for flood damage reduction, Sugar Creek*
19 *Basin, North Carolina and South Carolina, authorized by*
20 *section 401(a) of the Water Resources Development Act of*
21 *1986 (100 Stat. 4121), is not authorized.*

22 **SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.**

23 *The project for navigation, Cleveland Harbor*
24 *(uncompleted portion), Ohio, authorized by section 101 of*
25 *the River and Harbor Act of 1958 (72 Stat. 299), is not*
26 *authorized.*

1 **SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.**

2 *The project for navigation, Cleveland Harbor*
3 *(uncompleted portion), Ohio, authorized by section 101 of*
4 *the River and Harbor Act of 1960 (74 Stat. 482), is not*
5 *authorized.*

6 **SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION**
7 **OF CUT #4, OHIO.**

8 *The project for navigation, Cleveland Harbor*
9 *(uncompleted portion of Cut #4), Ohio, authorized by the*
10 *first section of the Act of July 24, 1946 (60 Stat. 636, chap-*
11 *ter 595), is not authorized.*

12 **SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
13 **MOND, OREGON.**

14 *The project for the Columbia River, Seafarers Memo-*
15 *rial, Hammond, Oregon, authorized by title I of the Energy*
16 *and Water Development Appropriations Act, 1991 (104*
17 *Stat. 2078), is not authorized.*

18 **SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.**

19 *The project for navigation, Schuylkill River (Mouth to*
20 *Penrose Avenue), Pennsylvania, authorized by section*
21 *3(a)(12) of the Water Resources Development Act of 1988*
22 *(102 Stat. 4013), is not authorized.*

23 **SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

24 *The project for flood control and recreation, Tioga-*
25 *Hammond Lakes, Mill Creek Recreation, Pennsylvania, au-*

1 *thorized by section 203 of the Flood Control Act of 1958*
2 *(72 Stat. 313), is not authorized.*

3 **SEC. 6045. TAMAQUA, PENNSYLVANIA.**

4 *The project for flood control, Tamaqua, Pennsylvania,*
5 *authorized by section 1(a) of the Water Resources Develop-*
6 *ment Act of 1974 (88 Stat. 14), is not authorized.*

7 **SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**
8 **RHODE ISLAND.**

9 *The project for navigation, Narragansett Town Beach,*
10 *Narragansett, Rhode Island, authorized by section 361 of*
11 *the Water Resources Development Act of 1992 (106 Stat.*
12 *4861), is not authorized.*

13 **SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

14 *The project for bulkhead repairs, Quonset Point-*
15 *Davisville, Rhode Island, authorized by section 571 of the*
16 *Water Resources Development Act of 1996 (110 Stat. 3788),*
17 *is not authorized.*

18 **SEC. 6048. ARROYO COLORADO, TEXAS.**

19 *The project for flood damage reduction, Arroyo Colo-*
20 *rado, Texas, authorized by section 401(a) of the Water Re-*
21 *sources Development Act of 1986 (100 Stat. 4125), is not*
22 *authorized.*

23 **SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.**

24 *The project for flood damage reduction, Cypress Creek-*
25 *Structural, Texas, authorized by section 3(a)(13) of the*

1 *Water Resources Development Act of 1988 (102 Stat. 4014),*
2 *is not authorized.*

3 **SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
4 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
5 **TEXAS.**

6 *The project for flood damage reduction, East Fork*
7 *Channel Improvement, Increment 2, East Fork of the Trin-*
8 *ity River, Texas, authorized by section 203 of the Flood*
9 *Control Act of 1962 (76 Stat. 1185), is not authorized.*

10 **SEC. 6051. FALFURRIAS, TEXAS.**

11 *The project for flood damage reduction, Falfurrias,*
12 *Texas, authorized by section 3(a)(14) of the Water Re-*
13 *sources Development Act of 1988 (102 Stat. 4014), is not*
14 *authorized.*

15 **SEC. 6052. PECAN BAYOU LAKE, TEXAS.**

16 *The project for flood control, Pecan Bayou Lake,*
17 *Texas, authorized by section 203 of the Flood Control Act*
18 *of 1968 (82 Stat. 742), is not authorized.*

19 **SEC. 6053. LAKE OF THE PINES, TEXAS.**

20 *The project for navigation improvements affecting*
21 *Lake of the Pines, Texas, for the portion of the Red River*
22 *below Fulton, Arkansas, authorized by the Act of July 13,*
23 *1892 (27 Stat. 88, chapter 158), as amended by the Act*
24 *of July 24, 1946 (60 Stat. 635, chapter 595), the Act of*

1 *May 17, 1950 (64 Stat. 163, chapter 188), and the River*
2 *and Harbor Act of 1968 (82 Stat. 731), is not authorized.*

3 **SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.**

4 *The project for navigation, Tennessee Colony Lake,*
5 *Trinity River, Texas, authorized by section 204 of the River*
6 *and Harbor Act of 1965 (79 Stat. 1091), is not authorized.*

7 **SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.**

8 *The portion of the project for navigation, City Water-*
9 *way, Tacoma, Washington, authorized by the first section*
10 *of the Act of June 13, 1902 (32 Stat. 347), consisting of*
11 *the last 1,000 linear feet of the inner portion of the Water-*
12 *way beginning at Station 70+00 and ending at Station*
13 *80+00, is not authorized.*

14 **SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

15 *The project for bank erosion, Kanawha River, Charles-*
16 *ton, West Virginia, authorized by section 603(f)(13) of the*
17 *Water Resources Development Act of 1986 (100 Stat. 4153),*
18 *is not authorized.*

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 2864

AMENDMENT