

Calendar No. 128

110TH CONGRESS
1ST SESSION**H. R. 1495**

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2007

Received

APRIL 30, 2007

Read twice and placed on the calendar

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Development Act of 2007”.

6 (b) TABLE OF CONTENTS.—This table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

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- Sec. 1004. Small projects for navigation.
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- Sec. 2006. Aquatic ecosystem restoration.
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- Sec. 7003. Louisiana coastal area.
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1 **SEC. 2. DEFINITION OF SECRETARY.**

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

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

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

7 Except as otherwise provided in this section, the fol-
8 lowing projects for water resources development and con-
9 servation and other purposes are authorized to be carried
10 out by the Secretary substantially in accordance with the

1 plans, and subject to the conditions, described in the re-
2 spective reports designated in this section:

3 (1) HAINES, ALASKA.—The project for naviga-
4 tion, Haines, Alaska: Report of the Chief of Engi-
5 neers dated December 20, 2004, at a total cost of
6 \$14,040,000, with an estimated Federal cost of
7 \$11,232,000 and an estimated non-Federal cost of
8 \$2,808,000.

9 (2) PORT LIONS, ALASKA.—The project for
10 navigation, Port Lions, Alaska: Report of the Chief
11 of Engineers dated June 14, 2006, at a total cost
12 of \$9,530,000, with an estimated Federal cost of
13 \$7,624,000 and an estimated non-Federal cost of
14 \$1,906,000.

15 (3) RIO SALADO OESTE, ARIZONA.—The project
16 for environmental restoration, Rio Salado Oeste, Ari-
17 zona: Report of the Chief of Engineers dated De-
18 cember 19, 2006, at a total cost of \$166,650,000,
19 with an estimated Federal cost of \$106,629,000 and
20 an estimated non-Federal cost of \$60,021,000.

21 (4) SANTA CRUZ RIVER, PASEO DE LAS
22 IGLESIAS, ARIZONA.—The project for environmental
23 restoration, Santa Cruz River, Pima County, Ari-
24 zona: Report of the Chief of Engineers dated March
25 28, 2006, at a total cost of \$97,700,000, with an es-

1 estimated Federal cost of \$63,300,000 and an esti-
2 mated non-Federal cost of \$34,400,000.

3 (5) TANQUE VERDE CREEK, PIMA COUNTY, ARI-
4 ZONA.—The project for environmental restoration,
5 Tanque Verde Creek, Pima County, Arizona: Report
6 of the Chief of Engineers dated July 22, 2003, at
7 a total cost of \$5,906,000, with an estimated Fed-
8 eral cost of \$3,836,000 and an estimated non-Fed-
9 eral cost of \$2,070,000.

10 (6) SALT RIVER (VA SHLYAY' AKIMEL), MARI-
11 COPA COUNTY, ARIZONA.—The project for environ-
12 mental restoration, Salt River (Va Shlyay' Akimel),
13 Arizona: Report of the Chief of Engineers dated
14 January 3, 2005, at a total cost of \$162,100,000,
15 with an estimated Federal cost of \$105,200,000 and
16 an estimated non-Federal cost of \$56,900,000.

17 (7) MAY BRANCH, FORT SMITH, ARKANSAS.—
18 The project for flood damage reduction, May
19 Branch, Fort Smith, Arkansas, Report of the Chief
20 of Engineers dated December 19, 2006, at a total
21 cost of \$30,850,000, with an estimated Federal cost
22 of \$15,010,000 and an estimated non-Federal cost
23 of \$15,840,000.

24 (8) HAMILTON CITY, CALIFORNIA.—The project
25 for flood damage reduction and environmental res-

1 toration, Hamilton City, California: Report of the
2 Chief of Engineers dated December 22, 2004, at a
3 total cost of \$52,400,000, with an estimated Federal
4 cost of \$34,100,000 and estimated non-Federal cost
5 of \$18,300,000.

6 (9) IMPERIAL BEACH, CALIFORNIA.—The
7 project for storm damage reduction, Imperial Beach,
8 California: Report of the Chief of Engineers dated
9 December 30, 2003, at a total cost of \$13,700,000,
10 with an estimated Federal cost of \$8,521,000 and
11 an estimated non-Federal cost of \$5,179,000, and at
12 an estimated total cost of \$42,500,000 for periodic
13 beach nourishment over the 50-year life of the
14 project, with an estimated Federal cost of
15 \$21,250,000 and an estimated non-Federal cost of
16 \$21,250,000.

17 (10) MATILIJIA DAM, VENTURA COUNTY, CALI-
18 FORNIA.—The project for environmental restoration,
19 Matilija Dam, Ventura County, California: Report of
20 the Chief of Engineers dated December 20, 2004, at
21 a total cost of \$144,500,000, with an estimated Fed-
22 eral cost of \$89,700,000 and an estimated non-Fed-
23 eral cost of \$54,800,000.

24 (11) MIDDLE CREEK, LAKE COUNTY, CALI-
25 FORNIA.—The project for flood damage reduction

1 and environmental restoration, Middle Creek, Lake
2 County, California: Report of the Chief of Engineers
3 dated November 29, 2004, at a total cost of
4 \$45,200,000, with an estimated Federal cost of
5 \$29,500,000 and an estimated non-Federal cost of
6 \$15,700,000.

7 (12) NAPA RIVER SALT MARSH RESTORATION,
8 CALIFORNIA.—

9 (A) IN GENERAL.—The project for envi-
10 ronmental restoration, Napa River Salt Marsh
11 Restoration, Napa, California: Report of the
12 Chief of Engineers dated December 22, 2004,
13 at a total cost of \$134,500,000, with an esti-
14 mated Federal cost of \$87,500,000 and an esti-
15 mated non-Federal cost of \$47,000,000.

16 (B) ADMINISTRATION.—In carrying out
17 the project authorized by this paragraph, the
18 Secretary shall—

19 (i) construct a recycled water pipeline
20 extending from the Sonoma Valley County
21 Sanitation District Waste Water Treat-
22 ment Plant and the Napa Sanitation Dis-
23 trict Waste Water Treatment Plant to the
24 project; and

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

3 (13) DENVER COUNTY REACH, SOUTH PLATTE
4 RIVER, DENVER, COLORADO.—The project for envi-
5 ronmental restoration, Denver County Reach, South
6 Platte River, Denver, Colorado: Report of the Chief
7 of Engineers dated May 16, 2003, at a total cost of
8 \$21,050,000, with an estimated Federal cost of
9 \$13,680,000 and an estimated non-Federal cost of
10 \$7,370,000.

11 (14) MIAMI HARBOR, MIAMI-DADE COUNTY,
12 FLORIDA.—

13 (A) IN GENERAL.—The project for naviga-
14 tion, Miami Harbor, Miami-Dade County, Flor-
15 ida: Report of the Chief of Engineers dated
16 April 25, 2005, at a total cost of \$125,270,000,
17 with an estimated Federal cost of \$75,140,000
18 and an estimated non-Federal cost of
19 \$50,130,000.

20 (B) GENERAL REEVALUATION REPORT.—
21 The non-Federal share of the cost of the gen-
22 eral reevaluation report that resulted in the re-
23 port of the Chief of Engineers referred to in
24 subparagraph (A) shall be the same percentage

1 as the non-Federal share of cost of construction
2 of the project.

3 (C) AGREEMENT.—The Secretary shall
4 enter into a new partnership with the non-Fed-
5 eral interest to reflect the cost sharing required
6 by subparagraph (B).

7 (15) EAST ST. LOUIS AND VICINITY, ILLI-
8 NOIS.—The project for environmental restoration
9 and recreation, East St. Louis and Vicinity, Illinois:
10 Report of the Chief of Engineers dated December
11 22, 2004, at a total cost of \$208,260,000, with an
12 estimated Federal cost of \$134,910,000 and an esti-
13 mated non-Federal cost of \$73,350,000.

14 (16) PEORIA RIVERFRONT DEVELOPMENT, ILLI-
15 NOIS.—The project for environmental restoration,
16 Peoria Riverfront Development, Illinois: Report of
17 the Chief of Engineers dated July 28, 2003, at a
18 total cost of \$18,220,000, with an estimated Federal
19 cost of \$11,840,000 and an estimated non-Federal
20 cost of \$6,380,000.

21 (17) WOOD RIVER LEVEE SYSTEM RECON-
22 STRUCTION, MADISON COUNTY, ILLINOIS.—The
23 project for flood damage reduction, Wood River
24 Levee System Reconstruction, Madison County, Illi-
25 nois: Report of the Chief of Engineers dated July

1 18, 2006, at a total cost of \$17,220,000, with an es-
2 timated Federal cost of \$11,193,000 and an esti-
3 mated non-Federal cost of \$6,027,000.

4 (18) DES MOINES AND RACCOON RIVERS, DES
5 MOINES, IOWA.—The project for flood damage re-
6 duction, Des Moines and Raccoon Rivers, Des
7 Moines, Iowa: Report of the Chief of Engineers
8 dated March 28, 2006, at a total cost of
9 \$10,780,000, with an estimated Federal cost of
10 \$6,967,000 and an estimated non-Federal cost of
11 \$3,813,000.

12 (19) LICKING RIVER BASIN, CYNTHIANA, KEN-
13 TUCKY.—The project for flood damage reduction,
14 Licking River Basin, Cynthiana, Kentucky: Report
15 of the Chief of Engineers dated October 24, 2006,
16 at a total cost of \$18,200,000, with an estimated
17 Federal cost of \$11,830,000 and an estimated non-
18 Federal cost of \$6,370,000.

19 (20) BAYOU SORREL LOCK, LOUISIANA.—The
20 project for navigation, Bayou Sorrel Lock, Lou-
21 isiana: Report of the Chief of Engineers dated Janu-
22 ary 3, 2005, at a total cost of \$9,680,000. The costs
23 of construction of the project are to be paid $\frac{1}{2}$ from
24 amounts appropriated from the general fund of the

1 Treasury and 1/2 from amounts appropriated from
2 the Inland Waterways Trust Fund.

3 (21) MORGANZA TO THE GULF OF MEXICO,
4 LOUISIANA.—

5 (A) IN GENERAL.—The project for hurri-
6 cane and storm damage reduction, Morganza to
7 the Gulf of Mexico, Louisiana: Reports of the
8 Chief of Engineers dated August 23, 2002, and
9 July 22, 2003, at a total cost of \$886,700,000,
10 with an estimated Federal cost of \$576,355,000
11 and an estimated non-Federal cost of
12 \$310,345,000.

13 (B) CREDIT.—The Secretary shall credit
14 toward the non-Federal share of the cost of the
15 project the cost of design and construction work
16 carried out by the non-Federal interest before
17 the date of the partnership agreement for the
18 project if the Secretary determines that the
19 work is integral to the project.

20 (C) OPERATION AND MAINTENANCE.—The
21 operation, maintenance, repair, rehabilitation,
22 and replacement of the Houma Navigation
23 Canal lock complex and the Gulf Intracoastal
24 Waterway floodgate features that provide for
25 inland waterway transportation shall be a Fed-

1 eral responsibility in accordance with section
2 102 of the Water Resources Development Act
3 of 1986 (33 U.S.C. 2212).

4 (22) PORT OF IBERIA, LOUISIANA.—The project
5 for navigation, Port of Iberia, Louisiana, Report of
6 the Chief of Engineers dated December 31, 2006, at
7 a total cost of \$131,250,000, with an estimated Fed-
8 eral cost of \$105,315,000 and an estimated non-
9 Federal cost of \$25,935,000.

10 (23) SMITH ISLAND, SOMERSET COUNTY, MARY-
11 LAND.—The project for environmental restoration,
12 Smith Island, Somerset County, Maryland: Report
13 of the Chief of Engineers dated October 29, 2001,
14 at a total cost of \$15,580,000, with an estimated
15 Federal cost of \$10,127,000 and an estimated non-
16 Federal cost of \$5,453,000.

17 (24) ROSEAU RIVER, ROSEAU, MINNESOTA.—
18 The project for flood damage reduction, Roseau
19 River, Roseau, Minnesota, Report of the Chief of
20 Engineers dated December 19, 2006, at a total cost
21 of \$25,100,000, with an estimated Federal cost of
22 \$13,820,000 and an estimated non-Federal cost of
23 \$11,280,000.

24 (25) MISSISSIPPI COASTAL, MISSISSIPPI.—The
25 project for hurricane and storm damage reduction

1 and environmental restoration, Mississippi Coastal,
2 Mississippi, Report of the Chief of Engineers dated
3 December 31, 2006, at a total cost of \$107,690,000,
4 with an estimated Federal cost of \$70,000,000 and
5 an estimated non-Federal cost of \$37,690,000.

6 (26) KANSAS CITYS LEVEES, MISSOURI AND
7 KANSAS.—The project for flood damage reduction,
8 Kansas Citys levees, Missouri and Kansas, Report of
9 the Chief of Engineers dated December 19, 2006, at
10 a total cost of \$65,430,000, with an estimated Fed-
11 eral cost of \$42,530,000 and an estimated non-Fed-
12 eral cost of \$22,900,000.

13 (27) SWOPE PARK INDUSTRIAL AREA, BLUE
14 RIVER, KANSAS CITY, MISSOURI.—The project for
15 flood damage reduction, Swope Park Industrial
16 Area, Blue River, Kansas City, Missouri: Report of
17 the Chief of Engineers dated December 30, 2003, at
18 a total cost of \$16,980,000, with an estimated Fed-
19 eral cost of \$11,037,000 and an estimated non-Fed-
20 eral cost of \$5,943,000.

21 (28) GREAT EGG HARBOR INLET TO TOWN-
22 SENDS INLET, NEW JERSEY.—The project for hurri-
23 cane and storm damage reduction, Great Egg Har-
24 bor Inlet to Townsends Inlet, New Jersey: Report of
25 the Chief of Engineers dated October 24, 2006, at

1 a total cost of \$54,360,000, with an estimated Fed-
2 eral cost of \$35,069,000 and an estimated non-Fed-
3 eral cost of \$19,291,000, and at an estimated total
4 cost of \$202,500,000 for periodic nourishment over
5 the 50-year life of the project, with an estimated
6 Federal cost of \$101,250,000 and an estimated non-
7 Federal cost of \$101,250,000.

8 (29) HUDSON RARITAN ESTUARY, LIBERTY
9 STATE PARK, NEW JERSEY.—

10 (A) IN GENERAL.—The project for envi-
11 ronmental restoration, Hudson Raritan Estu-
12 ary, Liberty State Park, New Jersey: Report of
13 the Chief of Engineers dated August 25, 2006,
14 at a total cost of \$34,100,000, with an esti-
15 mated Federal cost of \$22,200,000 and an esti-
16 mated non-Federal cost of \$11,900,000.

17 (B) RESTORATION TEAMS.—In carrying
18 out the project, the Secretary shall establish
19 and utilize watershed restoration teams com-
20 posed of estuary restoration experts from the
21 Corps of Engineers, the New Jersey department
22 of environmental protection, and the Port Au-
23 thority of New York and New Jersey and other
24 experts designated by the Secretary for the pur-

1 pose of developing habitat restoration and water
2 quality enhancement.

3 (30) MANASQUAN INLET TO BARNEGAT INLET,
4 NEW JERSEY.—The project for hurricane and storm
5 damage reduction, Manasquan Inlet to Barnegat
6 Inlet, New Jersey: Report of the Chief of Engineers
7 dated December 30, 2003, at a total cost of
8 \$71,900,000, with an estimated Federal cost of
9 \$46,735,000 and an estimated non-Federal cost of
10 \$25,165,000, and at an estimated total cost of
11 \$119,680,000 for periodic beach nourishment over
12 the 50-year life of the project, with an estimated
13 Federal cost of \$59,840,000 and an estimated non-
14 Federal cost of \$59,840,000.

15 (31) RARITAN BAY AND SANDY HOOK BAY,
16 UNION BEACH, NEW JERSEY.—The project for hurri-
17 cane and storm damage reduction, Raritan Bay and
18 Sandy Hook Bay, Union Beach, New Jersey: Report
19 of the Chief of Engineers dated January 4, 2006, at
20 a total cost of \$115,000,000, with an estimated Fed-
21 eral cost of \$74,800,000 and an estimated non-Fed-
22 eral cost of \$40,200,000, and at an estimated total
23 cost of \$6,500,000 for periodic nourishment over the
24 50-year life of the project, with an estimated Federal

1 cost of \$3,250,000 and an estimated non-Federal
2 cost of \$3,250,000.

3 (32) SOUTH RIVER, RARITAN RIVER BASIN,
4 NEW JERSEY.—The project for hurricane and storm
5 damage reduction and environmental restoration,
6 South River, Raritan River Basin, New Jersey: Re-
7 port of the Chief of Engineers dated July 22, 2003,
8 at a total cost of \$122,300,000, with an estimated
9 Federal cost of \$79,500,000 and an estimated non-
10 Federal cost of \$42,800,000.

11 (33) SOUTHWEST VALLEY, BERNALILLO COUN-
12 TY, NEW MEXICO.—The project for flood damage re-
13 duction, Southwest Valley, Bernalillo County, New
14 Mexico: Report of the Chief of Engineers dated No-
15 vember 29, 2004, at a total cost of \$24,840,000,
16 with an estimated Federal cost of \$16,150,000 and
17 an estimated non-Federal cost of \$8,690,000.

18 (34) MONTAUK POINT, NEW YORK.—The
19 project for hurricane and storm damage reduction,
20 Montauk Point, New York: Report of the Chief of
21 Engineers dated March 31, 2006, at a total cost of
22 \$14,600,000, with an estimated Federal cost of
23 \$7,300,000 and an estimated non-Federal cost of
24 \$7,300,000.

1 (35) HOCKING RIVER, MONDAY CREEK SUB-
2 BASIN, OHIO.—The project for environmental res-
3 toration, Hocking River, Monday Creek Sub-basin,
4 Ohio: Report of the Chief of Engineers dated August
5 24, 2006, at a total cost of \$20,980,000, with an es-
6 timated Federal cost of \$13,440,000 and an esti-
7 mated non-Federal cost of \$7,540,000.

8 (36) TOWN OF BLOOMSBURG, COLUMBIA COUN-
9 TY, PENNSYLVANIA.—The project for flood damage
10 reduction, town of Bloomsburg, Columbia County,
11 Pennsylvania: Report of the Chief of Engineers
12 dated January 25, 2006, at a total cost of
13 \$44,500,000, with an estimated Federal cost of
14 \$28,925,000 and an estimated non-Federal cost of
15 \$15,575,000.

16 (37) PAWLEY’S ISLAND, SOUTH CAROLINA.—
17 The project for hurricane and storm damage reduc-
18 tion, Pawley’s Island, South Carolina, Report of the
19 Chief of Engineers dated December 19, 2006, at a
20 total cost of \$8,980,000, with an estimated Federal
21 cost of \$5,840,000 and an estimated non-Federal
22 cost of \$3,140,000, and at an estimated total cost
23 of \$21,200,000 for periodic nourishment over the
24 50-year life of the project, with an estimated Federal

1 cost of \$10,600,000 and an estimated non-Federal
2 cost of \$10,600,000.

3 (38) CORPUS CHRISTI SHIP CHANNEL, CORPUS
4 CHRISTI, TEXAS.—The project for navigation and
5 ecosystem restoration, Corpus Christi Ship Channel,
6 Texas: Report of the Chief of Engineers dated June
7 2, 2003, at a total cost of \$188,110,000, with an es-
8 timated Federal cost of \$87,810,000 and an esti-
9 mated non-Federal cost of \$100,300,000.

10 (39) GULF INTRACOASTAL WATERWAY,
11 MATAGORDA BAY RE-ROUTE, TEXAS.—The project
12 for navigation, Gulf Intracoastal Waterway,
13 Matagorda Bay Re-Route, Texas: Report of the
14 Chief of Engineers dated December 24, 2002, at a
15 total cost of \$17,280,000. The costs of construction
16 of the project are to be paid $\frac{1}{2}$ from amounts appro-
17 priated from the general fund of the Treasury and
18 $\frac{1}{2}$ from amounts appropriated from the Inland Wa-
19 terways Trust Fund.

20 (40) GULF INTRACOASTAL WATERWAY, HIGH
21 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
22 navigation, Gulf Intracoastal Waterway, High Island
23 to Brazos River, Texas: Report of the Chief of Engi-
24 neers dated April 16, 2004, at a total cost of
25 \$14,450,000. The costs of construction of the

1 project are to be paid $\frac{1}{2}$ from amounts appropriated
2 from the general fund of the Treasury and $\frac{1}{2}$ from
3 amounts appropriated from the Inland Waterways
4 Trust Fund.

5 (41) LOWER COLORADO RIVER BASIN PHASE I,
6 TEXAS.—The project for flood damage reduction and
7 environmental restoration, Lower Colorado River
8 Basin Phase I, Texas, Report of the Chief of Engi-
9 neers dated December 31, 2006, at a total cost of
10 \$110,730,000, with an estimated Federal cost of
11 \$69,640,000 and an estimated non-Federal cost of
12 \$41,090,000.

13 (42) RIVERSIDE OXBOW, TEXAS.—The project
14 for environmental restoration, Riverside Oxbow,
15 Texas: Report of the Chief of Engineers, dated May
16 29, 2003, at a total cost of \$27,110,000, with an es-
17 timated Federal cost of \$11,210,000 and an esti-
18 mated non-Federal cost of \$15,900,000.

19 (43) ATLANTIC INTRACOASTAL WATERWAY
20 BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE,
21 VIRGINIA.—The project for Atlantic Intracoastal
22 Waterway Bridge Replacement, Deep Creek, Chesa-
23 peake, Virginia: Report of the Chief of Engineers
24 dated March 3, 2003, at a total cost of \$37,200,000.

1 (44) CRANEY ISLAND EASTWARD EXPANSION,
2 NORFOLK HARBOR AND CHANNELS, VIRGINIA.—The
3 project for navigation, Craney Island Eastward Ex-
4 pansion, Norfolk Harbor and Channels, Virginia:
5 Report of Chief of Engineers dated October 24,
6 2006, at a total cost of \$712,103,000, with an esti-
7 mated Federal cost of \$31,229,000 and an esti-
8 mated non-Federal cost of \$680,874,000.

9 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
10 **TION.**

11 (a) IN GENERAL.—The Secretary shall conduct a
12 study for each of the following projects and, if the Sec-
13 retary determines that a project is feasible, may carry out
14 the project under section 205 of the Flood Control Act
15 of 1948 (33 U.S.C. 701s):

16 (1) HALEYVILLE, ALABAMA.—Project for flood
17 damage reduction, Haleyville, Alabama.

18 (2) WEISS LAKE, ALABAMA.—Project for flood
19 damage reduction, Weiss Lake, Alabama.

20 (3) LITTLE COLORADO RIVER LEVEE, ARI-
21 ZONA.—Project for flood damage reduction, Little
22 Colorado River Levee, Arizona.

23 (4) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
24 Project for flood damage reduction, Cache River
25 Basin, Grubbs, Arkansas.

1 (5) BARREL SPRINGS WASH, PALMDALE, CALI-
2 FORNIA.—Project for flood damage reduction, Barrel
3 Springs Wash, Palmdale, California.

4 (6) BORREGO SPRINGS, CALIFORNIA.—Project
5 for flood damage reduction, Borrego Springs, Cali-
6 fornia.

7 (7) COLTON, CALIFORNIA.—Project for flood
8 damage reduction, Colton, California.

9 (8) DUNLAP STREAM, YUCAIPA, CALIFORNIA.—
10 Project for flood damage reduction, Dunlap Stream,
11 Yucaipa, California.

12 (9) HUNTS CANYON WASH, PALMDALE, CALI-
13 FORNIA.—Project for flood damage reduction, Hunts
14 Canyon Wash, Palmdale, California.

15 (10) ONTARIO AND CHINO, CALIFORNIA.—
16 Project for flood damage reduction, Ontario and
17 Chino, California.

18 (11) SANTA VENETIA, CALIFORNIA.—Project
19 for flood damage reduction, Santa Venetia, Cali-
20 fornia.

21 (12) WHITTIER, CALIFORNIA.—Project for flood
22 damage reduction, Whittier, California.

23 (13) WILDWOOD CREEK, YUCAIPA, CALI-
24 FORNIA.—Project for flood damage reduction, Wild-
25 wood Creek, Yucaipa, California.

1 (14) ST. FRANCISVILLE, LOUISIANA.—Project
2 for flood damage reduction, St. Francisville, Lou-
3 isiana.

4 (15) SALEM, MASSACHUSETTS.—Project for
5 flood damage reduction, Salem, Massachusetts.

6 (16) CASS RIVER, MICHIGAN.—Project for flood
7 damage reduction, Cass River, Vassar and vicinity,
8 Michigan.

9 (17) CROW RIVER, ROCKFORD, MINNESOTA.—
10 Project for flood damage reduction, Crow River,
11 Rockford, Minnesota.

12 (18) MARSH CREEK, MINNESOTA.—Project for
13 flood damage reduction, Marsh Creek, Minnesota.

14 (19) SOUTH BRANCH OF THE WILD RICE RIVER,
15 BORUP, MINNESOTA.—Project for flood damage re-
16 duction, South Branch of the Wild Rice River,
17 Borup, Minnesota.

18 (20) BLACKSNAKE CREEK, ST. JOSEPH, MIS-
19 SOURI.—Project for flood damage reduction, Black-
20 snake Creek, St. Joseph, Missouri.

21 (21) ACID BROOK, POMPTON LAKES, NEW JER-
22 SEY.—Project for flood damage reduction, Acid
23 Brook, Pompton Lakes, New Jersey.

1 (22) CANNISTEO RIVER, ADDISON, NEW
2 YORK.—Project for flood damage reduction,
3 Cannisteco River, Addison, New York.

4 (23) COHOCTON RIVER, CAMPBELL, NEW
5 YORK.—Project for flood damage reduction,
6 Cohocton River, Campbell, New York.

7 (24) DRY AND OTTER CREEKS, CORTLAND, NEW
8 YORK.—Project for flood damage reduction, Dry and
9 Otter Creeks, Cortland, New York.

10 (25) EAST RIVER, SILVER BEACH, NEW YORK
11 CITY, NEW YORK.—Project for flood damage reduc-
12 tion, East River, Silver Beach, New York City, New
13 York.

14 (26) EAST VALLEY CREEK, ANDOVER, NEW
15 YORK.—Project for flood damage reduction, East
16 Valley Creek, Andover, New York.

17 (27) SUNNYSIDE BROOK, WESTCHESTER COUN-
18 TY, NEW YORK.—Project for flood damage reduction,
19 Sunnyside Brook, Westchester County, New York.

20 (28) LITTLE YANKEE RUN, OHIO.—Project for
21 flood damage reduction, Little Yankee Run, Ohio.

22 (29) LITTLE NESHAMINY CREEK, WARRENTON,
23 PENNSYLVANIA.—Project for flood damage reduc-
24 tion, Little Neshaminy Creek, Warrenton, Pennsyl-
25 vania.

1 (30) SOUTHAMPTON CREEK WATERSHED,
2 SOUTHAMPTON, PENNSYLVANIA.—Project for flood
3 damage reduction, Southampton Creek watershed,
4 Southampton, Pennsylvania.

5 (31) SPRING CREEK, LOWER MACUNGIE TOWN-
6 SHIP, PENNSYLVANIA.—Project for flood damage re-
7 duction, Spring Creek, Lower Macungie Township,
8 Pennsylvania.

9 (32) YARDLEY AQUEDUCT, SILVER AND BROCK
10 CREEKS, YARDLEY, PENNSYLVANIA.—Project for
11 flood damage reduction, Yardley Aqueduct, Silver
12 and Brock Creeks, Yardley, Pennsylvania.

13 (33) SURFSIDE BEACH, SOUTH CAROLINA.—
14 Project for flood damage reduction, Surfside Beach
15 and vicinity, South Carolina.

16 (34) CONGELOSI DITCH, MISSOURI CITY,
17 TEXAS.—Project for flood damage reduction,
18 Congelosi Ditch, Missouri City, Texas.

19 (35) DILLEY, TEXAS.—Project for flood dam-
20 age reduction, Dilley, Texas.

21 (b) SPECIAL RULES.—

22 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
23 The Secretary may proceed with the project for the
24 Cache River Basin, Grubbs, Arkansas, referred to in
25 subsection (a), notwithstanding that the project is

1 located within the boundaries of the flood control
2 project, Cache River Basin, Arkansas and Missouri,
3 authorized by section 204 of the Flood Control Act
4 of 1950, (64 Stat. 172) and modified by section 99
5 of the Water Resources Development Act of 1974
6 (88 Stat. 41).

7 (2) ONTARIO AND CHINO, CALIFORNIA.—The
8 Secretary shall carry out the project for flood dam-
9 age reduction, Ontario and Chino, California, re-
10 ferred to in subsection (a) if the Secretary deter-
11 mines that the project is feasible.

12 (3) SANTA VENETIA, CALIFORNIA.—The Sec-
13 retary shall carry out the project for flood damage
14 reduction, Santa Venetia, California, referred to in
15 subsection (a) if the Secretary determines that the
16 project is feasible and shall allow the non-Federal in-
17 terest to participate in the financing of the project
18 in accordance with section 903(c) of the Water Re-
19 sources Development Act of 1986 (100 Stat. 4184)
20 to the extent that the Secretary's evaluation indi-
21 cates that applying such section is necessary to im-
22 plement the project.

23 (4) WHITTIER, CALIFORNIA.—The Secretary
24 shall carry out the project for flood damage reduc-
25 tion, Whittier, California, referred to in subsection

1 (a) if the Secretary determines that the project is
2 feasible.

3 (5) WILDWOOD CREEK, YUCAIPA, CALI-
4 FORNIA.—The Secretary shall review the locally pre-
5 pared plan for the project for flood damage, Wild-
6 wood Creek, California, referred to in subsection (a)
7 and, if the Secretary determines that the plan meets
8 the evaluation and design standards of the Corps of
9 Engineers and that the plan is feasible, the Sec-
10 retary may use the plan to carry out the project and
11 shall provide credit toward the non-Federal share of
12 the cost of the project for the cost of work carried
13 out by the non-Federal interest before the date of
14 the partnership agreement for the project if the Sec-
15 retary determines that the work is integral to the
16 project.

17 (6) SOUTH BRANCH OF THE WILD RICE RIVER,
18 BORUP, MINNESOTA.—In carrying out the project for
19 flood damage reduction, South Branch of the Wild
20 Rice River, Borup, Minnesota, referred to in sub-
21 section (a) the Secretary may consider national eco-
22 system restoration benefits in determining the Fed-
23 eral interest in the project and shall allow the non-
24 Federal interest to participate in the financing of
25 the project in accordance with section 903(c) of the

1 Water Resources Development Act of 1986 (100
2 Stat. 4184) to the extent that the Secretary's eval-
3 uation indicates that applying such section is nec-
4 essary to implement the project.

5 (7) ACID BROOK, POMPTON LAKES, NEW JER-
6 SEY.—The Secretary shall carry out the project for
7 flood damage reduction, Acid Brook, Pompton
8 Lakes, New Jersey, referred to in subsection (a) if
9 the Secretary determines that the project is feasible.

10 (8) DILLEY, TEXAS.—The Secretary shall carry
11 out the project for flood damage reduction, Dilley,
12 Texas, referred to in subsection (a) if the Secretary
13 determines that the project is feasible.

14 **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**
15 **STREAMBANK PROTECTION.**

16 The Secretary shall conduct a study for each of the
17 following projects and, if the Secretary determines that
18 a project is feasible, may carry out the project under sec-
19 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
20 701r):

21 (1) ALISO CREEK, CALIFORNIA.—Projects for
22 emergency streambank protection, Aliso Creek, Cali-
23 fornia.

24 (2) ST. JOHNS BLUFF TRAINING WALL, DUVAL
25 COUNTY, FLORIDA.—Project for emergency

1 streambank protection, St. Johns Bluff Training
2 Wall, Duval County, Florida.

3 (3) GULF INTRACOASTAL WATERWAY,
4 IBERVILLE PARISH, LOUISIANA.—Projects for emer-
5 gency streambank restoration, Gulf Intracoastal Wa-
6 terway, Iberville Parish, Louisiana.

7 (4) OUACHITA AND BLACK RIVERS, ARKANSAS
8 AND LOUISIANA.—Projects for emergency
9 streambank protection, Ouachita and Black Rivers,
10 Arkansas and Louisiana.

11 (5) PINEY POINT LIGHTHOUSE, ST. MARY'S
12 COUNTY, MARYLAND.—Project for emergency
13 streambank protection, Piney Point Lighthouse, St.
14 Mary's County, Maryland.

15 (6) PUG HOLE LAKE, MINNESOTA.—Project for
16 emergency streambank protection, Pug Hole Lake,
17 Minnesota.

18 (7) MIDDLE FORK GRAND RIVER, GENTRY
19 COUNTY, MISSOURI.—Project for emergency
20 streambank protection, Middle Fork Grand River,
21 Gentry County, Missouri.

22 (8) PLATTE RIVER, PLATTE CITY, MISSOURI.—
23 Project for emergency streambank protection, Platte
24 River, Platte City, Missouri.

1 (9) RUSH CREEK, PARKVILLE, MISSOURI.—
2 Project for emergency streambank protection, Rush
3 Creek, Parkville, Missouri, including measures to ad-
4 dress degradation of the creek bed.

5 (10) DRY AND OTTER CREEKS, CORTLAND
6 COUNTY, NEW YORK.—Project for emergency
7 streambank protection, Dry and Otter Creeks,
8 Cortland County, New York.

9 (11) KEUKA LAKE, HAMMONDSPORT, NEW
10 YORK.—Project for emergency streambank protec-
11 tion, Keuka Lake, Hammondsport, New York.

12 (12) KOWAWESE UNIQUE AREA AND HUDSON
13 RIVER, NEW WINDSOR, NEW YORK.—Project for
14 emergency streambank protection, Kowawese Unique
15 Area and Hudson River, New Windsor, New York.

16 (13) OWEGO CREEK, TIOGA COUNTY, NEW
17 YORK.—Project for emergency streambank protec-
18 tion, Owego Creek, Tioga County, New York.

19 (14) HOWARD ROAD OUTFALL, SHELBY COUN-
20 TY, TENNESSEE.—Project for emergency
21 streambank protection, Howard Road outfall, Shelby
22 County, Tennessee.

23 (15) MITCH FARM DITCH AND LATERAL D,
24 SHELBY COUNTY, TENNESSEE.—Project for emer-

1 agency streambank protection, Mitch Farm Ditch and
 2 Lateral D, Shelby County, Tennessee.

3 (16) WOLF RIVER TRIBUTARIES, SHELBY COUN-
 4 TY, TENNESSEE.—Project for emergency
 5 streambank protection, Wolf River tributaries, Shel-
 6 by County, Tennessee.

7 (17) JOHNSON CREEK, ARLINGTON, TEXAS.—
 8 Project for emergency streambank protection, John-
 9 son Creek, Arlington, Texas.

10 (18) WELLS RIVER, NEWBURY, VERMONT.—
 11 Project for emergency streambank protection, Wells
 12 River, Newbury, Vermont.

13 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

14 (a) IN GENERAL.—The Secretary shall conduct a
 15 study for each of the following projects and, if the Sec-
 16 retary determines that a project is feasible, may carry out
 17 the project under section 107 of the River and Harbor
 18 Act of 1960 (33 U.S.C. 577):

19 (1) MISSISSIPPI RIVER SHIP CHANNEL, LOU-
 20 ISIANA.—Project for navigation, Mississippi River
 21 Ship Channel, Louisiana.

22 (2) EAST BASIN, CAPE COD CANAL, SANDWICH,
 23 MASSACHUSETTS.—Project for navigation, East
 24 Basin, Cape Cod Canal, Sandwich, Massachusetts.

1 (3) LYNN HARBOR, LYNN, MASSACHUSETTS.—
2 Project for navigation, Lynn Harbor, Lynn, Massa-
3 chusetts.

4 (4) MERRIMACK RIVER, HAVERHILL, MASSA-
5 CHUSETTS.—Project for navigation, Merrimack
6 River, Haverhill, Massachusetts.

7 (5) OAK BLUFFS HARBOR, OAK BLUFFS, MASSA-
8 CHUSETTS.—Project for navigation, Oak Bluffs
9 Harbor, Oak Bluffs, Massachusetts.

10 (6) WOODS HOLE GREAT HARBOR, FALMOUTH,
11 MASSACHUSETTS.—Project for navigation, Woods
12 Hole Great Harbor, Falmouth, Massachusetts.

13 (7) AU SABLE RIVER, MICHIGAN.—Project for
14 navigation, Au Sable River in the vicinity of Oscoda,
15 Michigan.

16 (8) TRAVERSE CITY HARBOR, TRAVERSE CITY,
17 MICHIGAN.—Project for navigation, Traverse City
18 Harbor, Traverse City, Michigan.

19 (9) TOWER HARBOR, TOWER, MINNESOTA.—
20 Project for navigation, Tower Harbor, Tower, Min-
21 nesota.

22 (10) OLCOTT HARBOR, OLCOTT, NEW YORK.—
23 Project for navigation, Olcott Harbor, Olcott, New
24 York.

25 (b) SPECIAL RULES.—

1 (1) TRAVERSE CITY HARBOR, TRAVERSE CITY,
2 MICHIGAN.—The Secretary shall review the locally
3 prepared plan for the project for navigation, Tra-
4 verse City Harbor, Michigan, referred to in sub-
5 section (a), and, if the Secretary determines that the
6 plan meets the evaluation and design standards of
7 the Corps of Engineers and that the plan is feasible,
8 the Secretary may use the plan to carry out the
9 project and shall provide credit toward the non-Fed-
10 eral share of the cost of the project for the cost of
11 work carried out by the non-Federal interest before
12 the date of the partnership agreement for the
13 project if the Secretary determines that the work is
14 integral to the project.

15 (2) TOWER HARBOR, TOWER MINNESOTA.—The
16 Secretary shall carry out the project for navigation,
17 Tower Harbor, Tower, Minnesota, referred to in
18 subsection (a) if the Secretary determines that the
19 project is feasible.

20 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**
21 **QUALITY OF THE ENVIRONMENT.**

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

1 section 1135 of the Water Resources Development Act of
2 1986 (33 U.S.C. 2309a):

3 (1) BALLONA CREEK, LOS ANGELES COUNTY,
4 CALIFORNIA.—Project for improvement of the qual-
5 ity of the environment, Ballona Creek, Los Angeles
6 County, California.

7 (2) BALLONA LAGOON TIDE GATES, MARINA
8 DEL REY, CALIFORNIA.—Project for improvement of
9 the quality of the environment, Ballona Lagoon Tide
10 Gates, Marina Del Rey, California.

11 (3) FT. GEORGE INLET, DUVAL COUNTY, FLOR-
12 IDA.—Project for improvement of the quality of the
13 environment, Ft. George Inlet, Duval County, Flor-
14 ida.

15 (4) RATHBUN LAKE, IOWA.—Project for im-
16 provement of the quality of the environment,
17 Rathbun Lake, Iowa.

18 (5) SMITHVILLE LAKE, MISSOURI.—Project for
19 improvement of the quality of the environment,
20 Smithville Lake, Missouri.

21 (6) DELAWARE BAY, NEW JERSEY AND DELA-
22 WARE.—Project for improvement of the quality of
23 the environment, Delaware Bay, New Jersey and
24 Delaware, for the purpose of oyster restoration.

1 (7) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—
2 Project for improvement of the quality of the envi-
3 ronment, Tioga-Hammond Lakes, Pennsylvania.

4 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
5 **RESTORATION.**

6 The Secretary shall conduct a study for each of the
7 following projects and, if the Secretary determines that
8 a project is appropriate, may carry out the project under
9 section 206 of the Water Resources Development Act of
10 1996 (33 U.S.C. 2330):

11 (1) CYPRESS CREEK, MONTGOMERY, ALA-
12 BAMA.—Project for aquatic ecosystem restoration,
13 Cypress Creek, Montgomery, Alabama.

14 (2) BLACK LAKE, ALASKA.—Project for aquatic
15 ecosystem restoration, Black Lake, Alaska, at the
16 head of the Chignik watershed.

17 (3) ALISO CREEK, CALIFORNIA.—Project for
18 aquatic ecosystem restoration, Aliso Creek, Cali-
19 fornia.

20 (4) BEN LOMOND DAM, SANTA CRUZ, CALI-
21 FORNIA.—Project for aquatic ecosystem restoration,
22 Ben Lomond Dam, Santa Cruz, California.

23 (5) DOCKWEILER BLUFFS, LOS ANGELES COUN-
24 TY, CALIFORNIA.—Project for aquatic ecosystem res-

1 toration, Dockweiler Bluffs, Los Angeles County,
2 California.

3 (6) SALT RIVER, CALIFORNIA.—Project for
4 aquatic ecosystem restoration, Salt River, California.

5 (7) SANTA ROSA CREEK, SANTA ROSA, CALI-
6 FORNIA.—Project for aquatic ecosystem restoration,
7 Santa Rosa Creek in the vicinity of the Prince Me-
8 morial Greenway, Santa Rosa, California.

9 (8) STOCKTON DEEP WATER SHIP CHANNEL
10 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—
11 Project for aquatic ecosystem restoration, Stockton
12 Deep Water Ship Channel and lower San Joaquin
13 River, California.

14 (9) SWEETWATER RESERVOIR, SAN DIEGO
15 COUNTY, CALIFORNIA.—Project for aquatic eco-
16 system restoration, Sweetwater Reservoir, San Diego
17 County, California, including efforts to address
18 aquatic nuisance species.

19 (10) BISCAYNE BAY, FLORIDA.—Project for
20 aquatic ecosystem restoration, Biscayne Bay, Key
21 Biscayne, Florida.

22 (11) CLAM BAYOU AND DINKINS BAYOU,
23 SANIBEL ISLAND, FLORIDA.—Project for aquatic
24 ecosystem restoration, Clam Bayou and Dinkins
25 Bayou, Sanibel Island, Florida.

1 (12) CHATTAHOOCHEE FALL LINE, GEORGIA
2 AND ALABAMA.—Project for aquatic ecosystem res-
3 toration, Chattahoochee Fall Line, Georgia and Ala-
4 bama.

5 (13) LONGWOOD COVE, GAINESVILLE, GEOR-
6 GIA.—Project for aquatic ecosystem restoration,
7 Longwood Cove, Gainesville, Georgia.

8 (14) LAKE COUNTY, ILLINOIS.—Project for
9 aquatic ecosystem restoration, Ryerson Forest Pre-
10 serve Dam, Dam 1A, Dam 1B, and Dam 1C, Lake
11 County, Illinois.

12 (15) CITY PARK, UNIVERSITY LAKES, LOU-
13 ISIANA.—Project for aquatic ecosystem restoration,
14 City Park, University Lakes, Louisiana.

15 (16) MILL POND, LITTLETON, MASSACHU-
16 SETTS.—Project for aquatic ecosystem restoration,
17 Mill Pond, Littleton, Massachusetts.

18 (17) PINE TREE BROOK, MILTON, MASSACHU-
19 SETTS.—Project for aquatic ecosystem restoration,
20 Pine Tree Brook, Milton, Massachusetts.

21 (18) KALAMAZOO RIVER WATERSHED, BATTLE
22 CREEK, MICHIGAN.—Project for aquatic ecosystem
23 restoration, Kalamazoo River watershed, Battle
24 Creek, Michigan.

1 (19) RUSH LAKE, MINNESOTA.—Project for
2 aquatic ecosystem restoration, Rush Lake, Min-
3 nesota.

4 (20) SOUTH FORK OF THE CROW RIVER,
5 HUTCHINSON, MINNESOTA.—Project for aquatic eco-
6 system restoration, South Fork of the Crow River,
7 Hutchinson, Minnesota.

8 (21) ST. LOUIS, MISSOURI.—Project for aquatic
9 ecosystem restoration, St. Louis, Missouri.

10 (22) TRUCKEE RIVER, RENO, NEVADA.—Project
11 for aquatic ecosystem restoration, Truckee River,
12 Reno, Nevada, including features for fish passage
13 for Washoe County.

14 (23) GROVER'S MILL POND, NEW JERSEY.—
15 Project for aquatic ecosystem restoration, Grover's
16 Mill Pond, New Jersey.

17 (24) DUGWAY CREEK, BRATENAH, OHIO.—
18 Project for aquatic ecosystem restoration, Dugway
19 Creek, Bratenahl, Ohio.

20 (25) JOHNSON CREEK, GRESHAM, OREGON.—
21 Project for aquatic ecosystem restoration, Johnson
22 Creek, Gresham, Oregon.

23 (26) BEAVER CREEK, BEAVER AND SALEM,
24 PENNSYLVANIA.—Project for aquatic ecosystem res-

1 toration, Beaver Creek, Beaver and Salem, Pennsyl-
2 vania.

3 (27) CEMENTON DAM, LEHIGH RIVER, PENN-
4 SYLVANIA.—Project for aquatic ecosystem restora-
5 tion, Cementon Dam, Lehigh River, Pennsylvania.

6 (28) SAUCON CREEK, NORTHAMPTON COUNTY,
7 PENNSYLVANIA.—Project for aquatic ecosystem res-
8 toration, Saucon Creek, Northampton County, Penn-
9 sylvania.

10 (29) BLACKSTONE RIVER, RHODE ISLAND.—
11 Project for aquatic ecosystem restoration, Black-
12 stone River, Rhode Island.

13 (30) WILSON BRANCH, CHERAW, SOUTH CARO-
14 LINA.—Project for aquatic ecosystem restoration,
15 Wilson Branch, Cheraw, South Carolina.

16 (31) WHITE RIVER, BETHEL, VERMONT.—
17 Project for aquatic ecosystem restoration, White
18 River, Bethel, Vermont.

19 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**
20 **TION.**

21 The Secretary shall conduct a study for each of the
22 following projects and, if the Secretary determines that
23 a project is feasible, may carry out the project under sec-
24 tion 3 of the Act entitled “An Act authorizing Federal
25 participation in the cost of protecting the shores of pub-

1 lically owned property”, approved August 13, 1946 (33
2 U.S.C. 426g):

3 (1) NELSON LAGOON, ALASKA.—Project for
4 shoreline protection, Nelson Lagoon, Alaska.

5 (2) SANIBEL ISLAND, FLORIDA.—Project for
6 shoreline protection, Sanibel Island, Florida.

7 (3) APRA HARBOR, GUAM.—Project for shore-
8 line protection, Apra Harbor, Guam.

9 (4) PITI, CABRAS ISLAND, GUAM.—Project for
10 shoreline protection, Piti, Cabras Island, Guam.

11 (5) NARROWS AND GRAVESEND BAY, UPPER
12 NEW YORK BAY, BROOKLYN, NEW YORK.—Project
13 for shoreline protection in the vicinity of the con-
14 fluence of the Narrows and Gravesend Bay, Upper
15 New York Bay, Shore Parkway Greenway, Brooklyn,
16 New York.

17 (6) DELAWARE RIVER, PHILADELPHIA NAVAL
18 SHIPYARD, PENNSYLVANIA.—Project for shoreline
19 protection, Delaware River in the vicinity of the
20 Philadelphia Naval Shipyard, Pennsylvania.

21 (7) PORT ARANSAS, TEXAS.—Project for shore-
22 line protection, Port Aransas, Texas.

1 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
 2 **MENT REMOVAL.**

3 The Secretary shall conduct a study for the following
 4 project and, if the Secretary determines that the project
 5 is feasible, the Secretary may carry out the project under
 6 section 2 of the Flood Control Act of August 28, 1937
 7 (33 U.S.C. 701g): Project for removal of snags and clear-
 8 ing and straightening of channels for flood control,
 9 Kowawese Unique Area and Hudson River, New Windsor,
 10 New York.

11 **TITLE II—GENERAL PROVISIONS**

12 **SEC. 2001. NON-FEDERAL CONTRIBUTIONS.**

13 Section 103 of the Water Resources Development Act
 14 of 1986 (33 U.S.C. 2213) is amended by adding at the
 15 end the following:

16 “(n) NON-FEDERAL CONTRIBUTIONS.—

17 “(1) PROHIBITION ON SOLICITATION OF EX-
 18 CESS CONTRIBUTIONS.—The Secretary may not—

19 “(A) solicit contributions from non-Federal
 20 interests for costs of constructing authorized
 21 water resources projects or measures in excess
 22 of the non-Federal share assigned to the appro-
 23 priate project purposes listed in subsections (a),
 24 (b), and (c); or

1 “(B) condition Federal participation in
2 such projects or measures on the receipt of
3 such contributions.

4 “(2) LIMITATION ON STATUTORY CONSTRU-
5 TION.—Nothing in this subsection shall be construed
6 to affect the Secretary’s authority under section
7 903(c).”.

8 **SEC. 2002. HARBOR COST SHARING.**

9 (a) PAYMENTS DURING CONSTRUCTION.—Section
10 101(a)(1) of the Water Resources Development Act of
11 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended
12 in each of subparagraphs (B) and (C) by striking “45
13 feet” and inserting “53 feet”.

14 (b) OPERATION AND MAINTENANCE.—Section
15 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended
16 by striking “45 feet” and inserting “53 feet”.

17 (c) DEFINITIONS.—Section 214 of such Act (33
18 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-
19 graphs (1) and (3) by striking “45 feet” and inserting
20 “53 feet”.

21 (d) APPLICABILITY.—The amendments made by sub-
22 sections (a), (b), and (c) shall apply only to a project, or
23 separable element of a project, on which a contract for
24 physical construction has not been awarded before October
25 1, 2003.

1 (e) REVISION OF PARTNERSHIP AGREEMENT.—The
2 Secretary shall revise any partnership agreement entered
3 into after October 1, 2003, for any project to which the
4 amendments made by subsections (a), (b), and (c) apply
5 to take into account the change in non-Federal participa-
6 tion in the project as a result of such amendments.

7 **SEC. 2003. FUNDING TO PROCESS PERMITS.**

8 Section 214(c) of the Water Resources Development
9 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117
10 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat.
11 3197) is amended by striking “2008” and inserting
12 “2010”.

13 **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**
14 **VELOPMENT AND DEMONSTRATION PRO-**
15 **GRAM.**

16 (a) EXTENSION OF PROGRAM.—Section 5(a) of the
17 Act entitled “An Act authorizing Federal participation in
18 the cost of protecting the shores of publicly owned prop-
19 erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is
20 amended by striking “7 years” and inserting “10 years”.

21 (b) EXTENSION OF PLANNING, DESIGN, AND CON-
22 STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33
23 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”
24 and inserting “6 years”.

1 (c) COST SHARING; REMOVAL OF PROJECTS.—Sec-
 2 tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

3 (1) by redesignating paragraphs (3) and (4) as
 4 paragraphs (5) and (6), respectively; and

5 (2) by inserting after paragraph (2) the fol-
 6 lowing:

7 “(3) COST SHARING.—The Secretary may enter
 8 into a cost sharing agreement with a non-Federal in-
 9 terest to carry out a project, or a phase of a project,
 10 under the erosion control program in cooperation
 11 with the non-Federal interest.

12 “(4) REMOVAL OF PROJECTS.—The Secretary
 13 may pay all or a portion of the costs of removing a
 14 project, or an element of a project, constructed
 15 under the erosion control program if the Secretary
 16 determines during the term of the program that the
 17 project or element is detrimental to the environment,
 18 private property, or public safety.”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 20 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended
 21 by striking “\$25,000,000” and inserting “\$31,000,000”.

22 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**
 23 **PROTECTION PROJECTS.**

24 Section 3 of the Act entitled “An Act authorizing
 25 Federal participation in the cost of protecting the shores

1 of publicly owned property”, approved August 13, 1946
2 (33 U.S.C. 426g), is amended by striking “\$3,000,000”
3 and inserting “\$5,000,000”.

4 **SEC. 2006. AQUATIC ECOSYSTEM RESTORATION.**

5 Section 206(e) of the Water Resources Development
6 Act of 1996 (33 U.S.C. 2330) is amended by striking
7 “\$25,000,000” and inserting “\$40,000,000”.

8 **SEC. 2007. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

9 Section 205 of the Flood Control Act of 1948 (33
10 U.S.C. 701s) is amended by striking “\$50,000,000” and
11 inserting “\$60,000,000”.

12 **SEC. 2008. MODIFICATION OF PROJECTS FOR IMPROVE-**
13 **MENT OF THE QUALITY OF THE ENVIRON-**
14 **MENT.**

15 Section 1135(h) of the Water Resources Development
16 Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking
17 “\$25,000,000” and inserting “\$30,000,000”.

18 **SEC. 2009. WRITTEN AGREEMENT FOR WATER RESOURCES**
19 **PROJECTS.**

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

22 (1) by striking “SEC. 221” and inserting the
23 following:

1 **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**
2 **WATER RESOURCES PROJECTS.”;**

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

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

6 “(1) IN GENERAL.—After December 31, 1970,
7 the construction of any water resources project, or
8 an acceptable separable element thereof, by the Sec-
9 retary of the Army, acting through the Chief of En-
10 gineers, or by a non-Federal interest where such in-
11 terest will be reimbursed for such construction under
12 any provision of law, shall not be commenced until
13 each non-Federal interest has entered into a written
14 partnership agreement with the Secretary (or, where
15 appropriate, the district engineer for the district in
16 which the project will be carried out) under which
17 each party agrees to carry out its responsibilities
18 and requirements for implementation or construction
19 of the project or the appropriate element of the
20 project, as the case may be; except that no such
21 agreement shall be required if the Secretary deter-
22 mines that the administrative costs associated with
23 negotiating, executing, or administering the agree-
24 ment would exceed the amount of the contribution
25 required from the non-Federal interest and are less
26 than \$25,000.

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

5 “(3) OBLIGATION OF FUTURE APPROPRIA-
6 TIONS.—In any partnership agreement described in
7 paragraph (1) and entered into by a State, or a body
8 politic of the State which derives its powers from the
9 State constitution, or a governmental entity created
10 by the State legislature, the agreement may reflect
11 that it does not obligate future appropriations for
12 such performance and payment when obligating fu-
13 ture appropriations would be inconsistent with con-
14 stitutional or statutory limitations of the State or a
15 political subdivision of the State.

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

17 “(A) IN GENERAL.—A partnership agree-
18 ment described in paragraph (1) may provide
19 with respect to a project that the Secretary
20 shall credit toward the non-Federal share of the
21 cost of the project, including a project imple-
22 mented without specific authorization in law,
23 the value of in-kind contributions made by the
24 non-Federal interest, including—

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

6 “(ii) the value of materials or services
7 provided before execution of the partner-
8 ship agreement, including efforts on con-
9 structed elements incorporated into the
10 project; and

11 “(iii) the value of materials and serv-
12 ices provided after execution of the part-
13 nership agreement.

14 “(B) CONDITION.—The Secretary shall
15 credit an in-kind contribution under subpara-
16 graph (A) if the Secretary determines that the
17 material or service provided as an in-kind con-
18 tribution is integral to the project.

19 “(C) WORK PERFORMED BEFORE PART-
20 NERSHIP AGREEMENT.—In any case in which
21 the non-Federal interest is to receive credit
22 under subparagraph (A)(ii) for the cost of work
23 carried out by the non-Federal interest and
24 such work has not been carried out as of the
25 date of enactment of this subparagraph, the

1 Secretary and the non-Federal interest shall
2 enter into an agreement under which the non-
3 Federal interest shall carry out such work, and
4 only work carried out following the execution of
5 the agreement shall be eligible for credit.

6 “(D) LIMITATIONS.—Credit authorized
7 under this paragraph for a project—

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

10 “(ii) shall not alter any other require-
11 ment that a non-Federal interest provide
12 lands, easements or rights-of-way, or areas
13 for disposal of dredged material for the
14 project;

15 “(iii) shall not alter any requirement
16 that a non-Federal interest pay a portion
17 of the costs of construction of the project
18 under sections 101 and 103 of the Water
19 Resources Development Act of 1986 (33
20 U.S.C. 2211; 33 U.S.C. 2213); and

21 “(iv) shall not exceed the actual and
22 reasonable costs of the materials, services,
23 or other things provided by the non-Fed-
24 eral interest, as determined by the Sec-
25 retary.

1 “(E) APPLICABILITY.—

2 “(i) IN GENERAL.—This paragraph
3 shall apply to water resources projects au-
4 thorized after November 16, 1986, includ-
5 ing projects initiated after November 16,
6 1986, without specific authorization in law.

7 “(ii) LIMITATION.—In any case in
8 which a specific provision of law provides
9 for a non-Federal interest to receive credit
10 toward the non-Federal share of the cost
11 of a study for, or construction or operation
12 and maintenance of, a water resources
13 project, the specific provision of law shall
14 apply instead of this paragraph.”.

15 (b) NON-FEDERAL INTEREST.—Section 221(b) of
16 such Act is amended to read as follows:

17 “(b) DEFINITION OF NON-FEDERAL INTEREST.—
18 The term ‘non-Federal interest’ means a legally con-
19 stituted public body (including a federally recognized In-
20 dian tribe), and a nonprofit entity with the consent of the
21 affected local government, that has full authority and ca-
22 pability to perform the terms of its agreement and to pay
23 damages, if necessary, in the event of failure to perform.”.

24 (c) PROGRAM ADMINISTRATION.—Section 221 of
25 such Act is further amended—

1 (1) by redesignating subsection (e) as sub-
2 section (h); and

3 (2) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) DELEGATION OF AUTHORITY.—Not later than
6 September 30, 2008, the Secretary shall issue policies and
7 guidelines for partnership agreements that delegate to the
8 district engineers, at a minimum—

9 “(1) the authority to approve any policy in a
10 partnership agreement that has appeared in an
11 agreement previously approved by the Secretary;

12 “(2) the authority to approve any policy in a
13 partnership agreement the specific terms of which
14 are dictated by law or by a final feasibility study,
15 final environmental impact statement, or other final
16 decision document for a water resources project;

17 “(3) the authority to approve any partnership
18 agreement that complies with the policies and guide-
19 lines issued by the Secretary; and

20 “(4) the authority to sign any partnership
21 agreement for any water resources project unless,
22 within 30 days of the date of authorization of the
23 project, the Secretary notifies the district engineer in
24 which the project will be carried out that the Sec-

1 retary wishes to retain the prerogative to sign the
2 partnership agreement for that project.

3 “(f) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of enactment of this subsection, and every
5 year thereafter, the Secretary shall submit to Congress a
6 report detailing the following:

7 “(1) The number of partnership agreements
8 signed by district engineers and the number of part-
9 nership agreements signed by the Secretary.

10 “(2) For any partnership agreement signed by
11 the Secretary, an explanation of why delegation to
12 the district engineer was not appropriate.

13 “(g) PUBLIC AVAILABILITY.—Not later than 120
14 days after the date of enactment of this subsection, the
15 Chief of Engineers shall—

16 “(1) ensure that each district engineer has
17 made available to the public, including on the Inter-
18 net, all partnership agreements entered into under
19 this section within the preceding 10 years and all
20 partnership agreements for water resources projects
21 currently being carried out in that district; and

22 “(2) make each partnership agreement entered
23 into after such date of enactment available to the
24 public, including on the Internet, not later than 7

1 days after the date on which such agreement is en-
2 tered into.”.

3 (d) LOCAL COOPERATION.—Section 912(b) of the
4 Water Resources Development Act of 1986 (101 Stat.
5 4190) is amended—

6 (1) in paragraph (2)—

7 (A) by striking “shall” the first place it
8 appears and inserting “may”; and

9 (B) by striking the last sentence; and

10 (2) in paragraph (4)—

11 (A) by inserting after “injunction, for” the
12 following: “payment of damages or, for”;

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

15 (C) by striking “any civil penalty imposed
16 under this section,” and inserting “any dam-
17 ages,”.

18 (e) APPLICABILITY.—The amendments made by sub-
19 sections (a), (b), and (d) only apply to partnership agree-
20 ments entered into after the date of enactment of this Act;
21 except that, at the request of a non-Federal interest for
22 a project, the district engineer for the district in which
23 the project is located may amend a project partnership
24 agreement entered into on or before such date and under
25 which construction on the project has not been initiated

1 as of such date of enactment for the purpose of incor-
2 porating such amendments.

3 (f) PARTNERSHIP AND COOPERATIVE ARRANGE-
4 MENTS; REFERENCES.—

5 (1) IN GENERAL.—A goal of agreements en-
6 tered into under section 221 of the Flood Control
7 Act of 1970 (42 U.S.C. 1962d–5b) shall be to fur-
8 ther partnership and cooperative arrangements, and
9 the agreements shall be referred to as “partnership
10 agreements”.

11 (2) REFERENCES TO COOPERATION AGREE-
12 MENTS.—Any reference in a law, regulation, docu-
13 ment, or other paper of the United States to a “co-
14 operation agreement” or “project cooperation agree-
15 ment” shall be deemed to be a reference to a “part-
16 nership agreement” or a “project partnership agree-
17 ment”, respectively.

18 (3) REFERENCES TO PARTNERSHIP AGREE-
19 MENTS.—Any reference to a “partnership agree-
20 ment” or “project partnership agreement” in this
21 Act (other than this section) shall be deemed to be
22 a reference to a “cooperation agreement” or a
23 “project cooperation agreement”, respectively.

1 **SEC. 2010. ASSISTANCE FOR REMEDIATION, RESTORATION,**
2 **AND REUSE.**

3 (a) IN GENERAL.—The Secretary may provide to
4 State and local governments assessment, planning, and
5 design assistance for remediation, environmental restora-
6 tion, or reuse of areas located within the boundaries of
7 such State or local governments where such remediation,
8 environmental restoration, or reuse will contribute to the
9 improvement of water quality or the conservation of water
10 and related resources of drainage basins and watersheds
11 within the United States.

12 (b) NON-FEDERAL SHARE.—The non-Federal share
13 of the cost of assistance provided under subsection (a)
14 shall be 50 percent.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$30,000,000 for each of fiscal years 2008 through 2012.

18 **SEC. 2011. COMPILATION OF LAWS.**

19 (a) COMPILATION OF LAWS ENACTED AFTER NO-
20 VEMBER 8, 1966.—Not later than one year after the date
21 of enactment of this Act, the Secretary and the Chief of
22 Engineers shall prepare a compilation of the laws of the
23 United States relating to the improvement of rivers and
24 harbors, flood damage reduction, beach and shoreline ero-
25 sion, hurricane and storm damage reduction, ecosystem
26 and environmental restoration, and other water resources

1 development enacted after November 8, 1966, and before
2 January 1, 2008, and have such compilation printed for
3 the use of the Department of the Army, Congress, and
4 the general public.

5 (b) REPRINT OF LAWS ENACTED BEFORE NOVEM-
6 BER 8, 1966.—The Secretary shall have the volumes con-
7 taining the laws referred to in subsection (a) enacted be-
8 fore November 8, 1966, reprinted.

9 (c) INDEX.—The Secretary shall include an index in
10 each volume compiled, and each volume reprinted, pursu-
11 ant to this section.

12 (d) CONGRESSIONAL COPIES.—Not later than De-
13 cember 1, 2008, the Secretary shall transmit at least 25
14 copies of each volume compiled, and of each volume re-
15 printed, pursuant to this section to each of the Committee
16 on Transportation and Infrastructure of the House of
17 Representatives and the Committee on Environment and
18 Public Works of the Senate.

19 (e) AVAILABILITY.—The Secretary shall ensure that
20 each volume compiled, and each volume reprinted, pursu-
21 ant to this section are available through electronic means,
22 including the Internet.

23 **SEC. 2012. DREDGED MATERIAL DISPOSAL.**

24 Section 217 of the Water Resources Development Act
25 of 1996 (33 U.S.C. 2326a) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d);

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) DREDGED MATERIAL FACILITY.—

6 “(1) IN GENERAL.—The Secretary may enter
7 into a partnership agreement under section 221 of
8 the Flood Control Act of 1970 (42 U.S.C. 1962d–
9 5b) with one or more non-Federal interests with re-
10 spect to a water resources project, or group of water
11 resources projects within a geographic region, if ap-
12 propriate, for the acquisition, design, construction,
13 management, or operation of a dredged material
14 processing, treatment, contaminant reduction, or
15 disposal facility (including any facility used to dem-
16 onstrate potential beneficial uses of dredged mate-
17 rial, which may include effective sediment contami-
18 nant reduction technologies) using funds provided in
19 whole or in part by the Federal Government.

20 “(2) PERFORMANCE.—One or more of the par-
21 ties to a partnership agreement under this sub-
22 section may perform the acquisition, design, con-
23 struction, management, or operation of a dredged
24 material processing, treatment, contaminant reduc-
25 tion, or disposal facility.

1 “(3) MULTIPLE PROJECTS.—If a facility to
2 which this subsection applies serves to manage
3 dredged material from multiple water resources
4 projects located in the geographic region of the facil-
5 ity, the Secretary may combine portions of such
6 projects with appropriate combined costsharing be-
7 tween the various projects in a partnership agree-
8 ment for the facility under this subsection.

9 “(4) SPECIFIED FEDERAL FUNDING SOURCES
10 AND COST SHARING.—

11 “(A) SPECIFIED FEDERAL FUNDING.—A
12 partnership agreement with respect to a facility
13 under this subsection shall specify—

14 “(i) the Federal funding sources and
15 combined cost-sharing when applicable to
16 multiple water resources projects; and

17 “(ii) the responsibilities and risks of
18 each of the parties relating to present and
19 future dredged material managed by the
20 facility.

21 “(B) MANAGEMENT OF SEDIMENTS.—

22 “(i) IN GENERAL.—A partnership
23 agreement under this subsection may in-
24 clude the management of sediments from
25 the maintenance dredging of Federal water

resources projects that do not have partnership agreements.

“(ii) PAYMENTS.—A partnership agreement under this subsection may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material processing, treatment, contaminant reduction, or disposal facilities.

“(C) CREDIT.—A partnership agreement under this subsection may allow costs incurred by the non-Federal interest before execution of the partnership agreement to be credited in accordance with section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)).

“(5) CREDIT.—

“(A) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any non-Federal interest for the cost-sharing, construction, and oper-

1 ation and maintenance of a water resources
2 project.

3 “(B) CREDIT FOR FUNDS.—Subject to the
4 approval of the Secretary and in accordance
5 with law (including regulations and policies) in
6 effect on the date of enactment of this para-
7 graph, a non-Federal interest for a water re-
8 sources project may receive credit for funds
9 provided for the acquisition, design, construc-
10 tion, management, or operation of a dredged
11 material processing, treatment, contaminant re-
12 duction, or disposal facility to the extent the fa-
13 cility is used to manage dredged material from
14 the project.

15 “(C) NON-FEDERAL INTEREST RESPON-
16 SIBILITIES.—A non-Federal interest entering
17 into a partnership agreement under this sub-
18 section for a facility shall—

19 “(i) be responsible for providing all
20 necessary lands, easements, rights-of-way,
21 and relocations associated with the facility;
22 and

23 “(ii) receive credit toward the non-
24 Federal share of the cost of the project

1 with respect to which the agreement is
2 being entered into for those items.”; and
3 (3) in paragraphs (1) and (2)(A) of subsection
4 (d) (as redesignated by paragraph (1))—
5 (A) by inserting “and maintenance” after
6 “operation” each place it appears; and
7 (B) by inserting “processing, treatment,
8 contaminant reduction, or” after “dredged ma-
9 terial” the first place it appears in each of
10 those paragraphs.

11 **SEC. 2013. WETLANDS MITIGATION.**

12 In carrying out a water resources project that in-
13 volves wetlands mitigation and that has impacts that occur
14 within the same watershed of a mitigation bank, the Sec-
15 retary, to the maximum extent practicable and where ap-
16 propriate, shall first consider the use of the mitigation
17 bank if the bank contains sufficient available credits to
18 offset the impact and the bank is approved in accordance
19 with the Federal Guidance for the Establishment, Use and
20 Operation of Mitigation Banks (60 Fed. Reg. 58605) or
21 other applicable Federal law (including regulations).

22 **SEC. 2014. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

23 (a) **MITIGATION PLAN CONTENTS.**—Section 906(d)
24 of the Water Resources Development Act of 1986 (33

1 U.S.C. 2283(d)) is amended by adding at the end the fol-
2 lowing:

3 “(3) CONTENTS.—A mitigation plan shall in-
4 clude—

5 “(A) a description of the physical action to
6 be undertaken to achieve the mitigation objec-
7 tives within the watershed in which such losses
8 occur and, in any case in which mitigation must
9 take place outside the watershed, a justification
10 detailing the rationale for undertaking the miti-
11 gation outside of the watershed;

12 “(B) a description of the lands or interests
13 in lands to be acquired for mitigation and the
14 basis for a determination that such lands are
15 available for acquisition;

16 “(C) the type, amount, and characteristics
17 of the habitat being restored;

18 “(D) success criteria for mitigation based
19 on replacement of lost functions and values of
20 the habitat, including hydrologic and vegetative
21 characteristics; and

22 “(E) a plan for any necessary monitoring
23 to determine the success of the mitigation, in-
24 cluding the cost and duration of any monitoring

1 and, to the extent practicable, the entities re-
2 sponsible for any monitoring.

3 “(4) RESPONSIBILITY FOR MONITORING.—In
4 any case in which it is not practicable to identify in
5 a mitigation plan for a water resources project, the
6 entity responsible for monitoring at the time of a
7 final report of the Chief of Engineers or other final
8 decision document for the project, such entity shall
9 be identified in the partnership agreement entered
10 into with the non-Federal interest.”.

11 (b) STATUS REPORT.—

12 (1) IN GENERAL.—Concurrent with the Presi-
13 dent’s submission to Congress of the President’s re-
14 quest for appropriations for the Civil Works Pro-
15 gram for a fiscal year, the Secretary shall submit to
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee
18 on Environment and Public Works of the Senate a
19 report on the status of construction of projects that
20 require mitigation under section 906 of the Water
21 Resources Development Act of 1986 (33 U.S.C.
22 2283; 100 Stat. 4186) and the status of such miti-
23 gation.

24 (2) PROJECTS INCLUDED.—The status report
25 shall include the status of all projects that are under

1 construction, all projects for which the President re-
2 quests funding for the next fiscal year, and all
3 projects that have completed construction, but have
4 not completed the mitigation required under section
5 906 of the Water Resources Development Act of
6 1986.

7 **SEC. 2015. REMOTE AND SUBSISTENCE HARBORS.**

8 (a) IN GENERAL.—In conducting a study of harbor
9 and navigation improvements, the Secretary may rec-
10 ommend a project without the need to demonstrate that
11 the project is justified solely by national economic develop-
12 ment benefits if the Secretary determines that—

13 (1)(A) the community to be served by the
14 project is at least 70 miles from the nearest surface
15 accessible commercial port and has no direct rail or
16 highway link to another community served by a sur-
17 face accessible port or harbor; or

18 (B) the project would be located in the Com-
19 monwealth of Puerto Rico, Guam, the State of Ha-
20 waii, the Commonwealth of the Northern Mariana
21 Islands, the United States Virgin Islands, or Amer-
22 ican Samoa;

23 (2) the harbor is economically critical such that
24 over 80 percent of the goods transported through
25 the harbor would be consumed within the community

1 served by the harbor and navigation improvement;
2 and

3 (3) the long-term viability of the community
4 would be threatened without the harbor and naviga-
5 tion improvement.

6 (b) JUSTIFICATION.—In considering whether to rec-
7 ommend a project under subsection (a), the Secretary
8 shall consider the benefits of the project to—

9 (1) public health and safety of the local commu-
10 nity, including access to facilities designed to protect
11 public health and safety;

12 (2) access to natural resources for subsistence
13 purposes;

14 (3) local and regional economic opportunities;

15 (4) welfare of the local population; and

16 (5) social and cultural value to the community.

17 **SEC. 2016. BENEFICIAL USES OF DREDGED MATERIAL.**

18 (a) IN GENERAL.—Section 204 of the Water Re-
19 sources Development Act of 1992 (33 U.S.C. 2326) is
20 amended by striking subsections (c) through (g) and in-
21 serting the following:

22 “(c) IN GENERAL.—The Secretary may carry out
23 projects to transport and place sediment obtained in con-
24 nection with the construction, operation, or maintenance
25 of an authorized water resources project at locations se-

1 lected by a non-Federal entity for use in the construction,
2 repair, or rehabilitation of projects determined by the Sec-
3 retary to be in the public interest and associated with navi-
4 gation, flood damage reduction, hydroelectric power, mu-
5 nicipal and industrial water supply, agricultural water
6 supply, recreation, hurricane and storm damage reduction,
7 aquatic plant control, and environmental protection and
8 restoration.

9 “(d) COOPERATIVE AGREEMENT.—Any project un-
10 dertaken pursuant to this section shall be initiated only
11 after non-Federal interests have entered into an agree-
12 ment with the Secretary in which the non-Federal inter-
13 ests agree to pay the non-Federal share of the cost of con-
14 struction of the project and 100 percent of the cost of
15 operation, maintenance, replacement, and rehabilitation of
16 the project in accordance with section 103 of the Water
17 Resources Development Act of 1986 (33 U.S.C. 2213).

18 “(e) SPECIAL RULE.—Construction of a project
19 under subsection (a) for one or more of the purposes of
20 protection, restoration, or creation of aquatic and eco-
21 logically related habitat, the cost of which does not exceed
22 \$750,000 and which will be located in a disadvantaged
23 community as determined by the Secretary, may be car-
24 ried out at Federal expense.

1 “(f) DETERMINATION OF CONSTRUCTION COSTS.—

2 Costs associated with construction of a project under this
3 section shall be limited solely to construction costs that
4 are in excess of those costs necessary to carry out the
5 dredging for construction, operation, or maintenance of
6 the authorized water resources project in the most cos-
7 effective way, consistent with economic, engineering, and
8 environmental criteria.

9 “(g) SELECTION OF SEDIMENT DISPOSAL METH-

10 OD.—In developing and carrying out a water resources
11 project involving the disposal of sediment, the Secretary
12 may select, with the consent of the non-Federal interest,
13 a disposal method that is not the least cost option if the
14 Secretary determines that the incremental costs of such
15 disposal method are reasonable in relation to the environ-
16 mental benefits, including the benefits to the aquatic envi-
17 ronment to be derived from the creation of wetlands and
18 control of shoreline erosion. The Federal share of such in-
19 cremental costs shall be determined in accordance with
20 subsections (d) and (f).

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

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$30,000,000 annually for
3 projects under this section of which not more than
4 \$3,000,000 annually may be used for construction of
5 projects described in subsection (e). Such sums shall re-
6 main available until expended.

7 “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-
8 NING.—In consultation with appropriate State and Fed-
9 eral agencies, the Secretary may develop, at Federal ex-
10 pense, plans for regional management of sediment ob-
11 tained in conjunction with the construction, operation, or
12 maintenance of water resources projects, including poten-
13 tial beneficial uses of sediment for construction, repair, or
14 rehabilitation of public projects for navigation, flood dam-
15 age reduction, hydroelectric power, municipal and indus-
16 trial water supply, agricultural water supply, recreation,
17 hurricane and storm damage reduction, aquatic plant con-
18 trol, and environmental protection and restoration.

19 “(k) USE OF FUNDS.—

20 “(1) NON-FEDERAL INTEREST.—The non-Fed-
21 eral interest for a project described in this section
22 may use, and the Secretary shall accept, funds pro-
23 vided under any other Federal program, to satisfy,
24 in whole or in part, the non-Federal share of the

1 cost of such project if such funds are authorized to
2 be used to carry out such project.

3 “(2) OTHER FEDERAL AGENCIES.—The non-
4 Federal share of the cost of construction of a project
5 under this section may be met through contributions
6 from a Federal agency made directly to the Sec-
7 retary, with the consent of the affected local govern-
8 ment, if such funds are authorized to be used to
9 carry out such project. Before initiating a project to
10 which this paragraph applies, the Secretary shall
11 enter into an agreement with a non-Federal interest
12 in which the non-Federal interest agrees to pay 100
13 percent of the cost of operation, maintenance, re-
14 placement, and rehabilitation of the project.”.

15 (b) REPEAL.—

16 (1) IN GENERAL.—Section 145 of the Water
17 Resources Development Act of 1976 (33 U.S.C.
18 426j) is repealed.

19 (2) HOLD HARMLESS.—The repeal made by
20 paragraph (1) shall not affect the authority of the
21 Secretary to complete any project being carried out
22 under such section 145 on the day before the date
23 of enactment of this Act.

24 (c) PRIORITY AREAS.—In carrying out section 204
25 of the Water Resources Development Act of 1992 (33

1 U.S.C. 2326), the Secretary shall give priority to the fol-
2 lowing:

3 (1) A project at Little Rock Slackwater Harbor,
4 Arkansas.

5 (2) A project at Egmont Key, Florida.

6 (3) A project in the vicinity of Calcasieu Ship
7 Channel, Louisiana.

8 (4) A project in the vicinity of the Smith Point
9 Park Pavilion and the TWA Flight 800 Memorial,
10 Brookhaven, New York.

11 (5) A project in the vicinity of Morehead City,
12 North Carolina.

13 (6) A project in the vicinity of Galveston Bay,
14 Texas.

15 (7) A project at Benson Beach, Washington.

16 **SEC. 2017. COST-SHARING PROVISIONS FOR CERTAIN**
17 **AREAS.**

18 Section 1156 of the Water Resources Development
19 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended
20 to read as follows:

21 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**
22 **AREAS.**

23 “The Secretary shall waive local cost-sharing require-
24 ments up to \$500,000 for all studies and projects—

1 “(1) in the Commonwealth of Puerto Rico,
2 American Samoa, Guam, the Commonwealth of the
3 Northern Mariana Islands, and the United States
4 Virgin Islands;

5 “(2) in Indian country (as defined in section
6 1151 of title 18, United States Code, and including
7 lands that are within the jurisdictional area of an
8 Oklahoma Indian tribe, as determined by the Sec-
9 retary of the Interior, and are recognized by the Sec-
10 retary of the Interior as eligible for trust land status
11 under part 151 of title 25, Code of Federal Regula-
12 tions); or

13 “(3) on land in the State of Alaska owned by
14 an Alaska Native Regional Corporation or an Alaska
15 Native Village Corporation (as those terms are de-
16 fined in the Alaska Native Claims Settlement Act
17 (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian
18 community.”.

19 **SEC. 2018. USE OF OTHER FEDERAL FUNDS.**

20 The non-Federal interest for a water resources study
21 or project may use, and the Secretary shall accept, funds
22 provided by a Federal agency under any other Federal
23 program, to satisfy, in whole or in part, the non-Federal
24 share of the cost of the study or project if such funds are
25 authorized to be used to carry out the study or project.

1 **SEC. 2019. REVISION OF PROJECT PARTNERSHIP AGREE-**
2 **MENT.**

3 Upon authorization by law of an increase in the max-
4 imum amount of Federal funds that may be allocated for
5 a water resources project or an increase in the total cost
6 of a water resources project authorized to be carried out
7 by the Secretary, the Secretary shall revise the partnership
8 agreement for the project to take into account the change
9 in Federal participation in the project.

10 **SEC. 2020. COST SHARING.**

11 An increase in the maximum amount of Federal
12 funds that may be allocated for a water resources project,
13 or an increase in the total cost of a water resources
14 project, authorized to be carried out by the Secretary shall
15 not affect any cost-sharing requirement applicable to the
16 project.

17 **SEC. 2021. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
18 **DAMAGE REDUCTION.**

19 The Secretary shall expedite any authorized planning,
20 design, and construction of any project for flood damage
21 reduction for an area that, within the preceding 5 years,
22 has been subject to flooding that resulted in the loss of
23 life and caused damage of sufficient severity and mag-
24 nitude to warrant a declaration of a major disaster by the
25 President under the Robert T. Stafford Disaster Relief
26 and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

1 **SEC. 2022. WATERSHED AND RIVER BASIN ASSESSMENTS.**

2 (a) IN GENERAL.—Section 729 of the Water Re-
3 sources Development Act of 1986 (33 U.S.C. 2267a; 114
4 Stat. 2587–2588; 100 Stat. 4164) is amended—

5 (1) in subsection (d)—

6 (A) by striking “and” at the end of para-
7 graph (4);

8 (B) by striking the period at the end of
9 paragraph (5) and inserting “;”; and

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

11 “(6) Tuscarawas River Basin, Ohio;

12 “(7) Sauk River Basin, Snohomish and Skagit
13 Counties, Washington;

14 “(8) Niagara River Basin, New York;

15 “(9) Genesee River Basin, New York; and

16 “(10) White River Basin, Arkansas and Mis-
17 souri.”;

18 (2) by striking paragraph (1) of subsection (f)
19 and inserting the following:

20 “(1) NON-FEDERAL SHARE.—The non-Federal
21 share of the costs of an assessment carried out
22 under this section on or after December 11, 2000,
23 shall be 25 percent.”; and

24 (3) by striking subsection (g).

25 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
26 Secretary shall revise the partnership agreement for any

1 assessment being carried out under such section 729 to
2 take into account the change in non-Federal participation
3 in the assessment as a result of the amendments made
4 by subsection (a).

5 **SEC. 2023. TRIBAL PARTNERSHIP PROGRAM.**

6 (a) SCOPE.—Section 203(b)(1)(B) of the Water Re-
7 sources Development Act of 2000 (33 U.S.C.
8 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting
9 after “Code” the following: “, and including lands that
10 are within the jurisdictional area of an Oklahoma Indian
11 tribe, as determined by the Secretary of the Interior, and
12 are recognized by the Secretary of the Interior as eligible
13 for trust land status under part 151 of title 25, Code of
14 Federal Regulations”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 203(e) of such Act is amended by striking “2006” and
17 inserting “2012”.

18 **SEC. 2024. WILDFIRE FIREFIGHTING.**

19 Section 309 of Public Law 102–154 (42 U.S.C.
20 1856a–1; 105 Stat. 1034) is amended by inserting “the
21 Secretary of the Army,” after “the Secretary of Energy,”.

22 **SEC. 2025. TECHNICAL ASSISTANCE.**

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

1 (1) in subsection (a) by striking “(a) The Sec-
2 retary” and inserting the following:

3 “(a) FEDERAL STATE COOPERATION.—

4 “(1) COMPREHENSIVE PLANS.—The Sec-
5 retary”;

6 (2) by inserting after the last sentence in sub-
7 section (a) the following:

8 “(2) TECHNICAL ASSISTANCE.—

9 “(A) IN GENERAL.—At the request of a govern-
10 mental agency or non-Federal interest, the Secretary
11 may provide, at Federal expense, technical assist-
12 ance to such agency or non-Federal interest in man-
13 aging water resources.

14 “(B) TYPES OF ASSISTANCE.—Technical assist-
15 ance under this paragraph may include provision
16 and integration of hydrologic, economic, and envi-
17 ronmental data and analyses.”;

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

21 (4) in subsection (b)(3) by striking “Up to ½
22 of the” and inserting “The”;

23 (5) in subsection (c) by striking “(c) There is”
24 and inserting the following:

25 “(c) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) FEDERAL AND STATE COOPERATION.—

2 There is”;

3 (6) in subsection (c)(1) (as designated by para-

4 graph (5))—

5 (A) by striking “the provisions of this sec-

6 tion” and inserting “subsection (a)(1)”; and

7 (B) by striking “\$500,000” and inserting

8 “\$1,000,000”;

9 (7) by inserting at the end of subsection (c) the

10 following:

11 “(2) TECHNICAL ASSISTANCE.—There is au-

12 thorized to be appropriated \$5,000,000 annually to

13 carry out subsection (a)(2), of which not more than

14 \$2,000,000 annually may be used by the Secretary

15 to enter into cooperative agreements with nonprofit

16 organizations to provide assistance to rural and

17 small communities.”;

18 (8) by redesignating subsection (d) as sub-

19 section (e); and

20 (9) by inserting after subsection (c) the fol-

21 lowing:

22 “(d) ANNUAL SUBMISSION OF PROPOSED ACTIVI-

23 TIES.—Concurrent with the President’s submission to

24 Congress of the President’s request for appropriations for

25 the Civil Works Program for a fiscal year, the Secretary

1 shall submit to the Committee on Transportation and In-
2 frastructure of the House of Representatives and the Com-
3 mittee on Environment and Public Works of the Senate
4 a report describing the individual activities proposed for
5 funding under subsection (a)(1) for that fiscal year.”.

6 **SEC. 2026. LAKES PROGRAM.**

7 Section 602(a) of the Water Resources Development
8 Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.
9 295) is amended—

10 (1) by striking “and” at end of paragraph (18);

11 (2) by striking the period at the end of para-
12 graph (19) and inserting a semicolon; and

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

14 “(20) Kinkaid Lake, Jackson County, Illinois,
15 removal of silt and aquatic growth and measures to
16 address excessive sedimentation;

17 “(21) McCarter Pond, Borough of Fairhaven,
18 New Jersey, removal of silt and measures to address
19 water quality;

20 “(22) Rogers Pond, Franklin Township, New
21 Jersey, removal of silt and restoration of structural
22 integrity;

23 “(23) Greenwood Lake, New York and New
24 Jersey, removal of silt and aquatic growth;

1 “(24) Lake Rodgers, Creedmoor, North Caro-
2 lina, removal of silt and excessive nutrients and res-
3 toration of structural integrity; and

4 “(25) Lake Luxembourg, Pennsylvania.”.

5 **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**
6 **STATE, AND LOCAL ACTIONS.**

7 (a) NOTICE OF INTENT.—Upon request of the non-
8 Federal interest in the form of a written notice of intent
9 to construct or modify a non-Federal water supply, waste-
10 water infrastructure, flood damage reduction, storm dam-
11 age reduction, ecosystem restoration, or navigation project
12 that requires the approval of the Secretary, the Secretary
13 shall initiate, subject to subsection (g)(1), procedures to
14 establish a schedule for consolidating Federal, State, and
15 local agency and Indian tribe environmental assessments,
16 project reviews, and issuance of all permits for the con-
17 struction or modification of the project. The non-Federal
18 interest shall submit to the Secretary, with the notice of
19 intent, studies and documentation, including environ-
20 mental reviews, that may be required by Federal law for
21 decisionmaking on the proposed project. All States and In-
22 dian tribes having jurisdiction over the proposed project
23 shall be invited by the Secretary, but shall not be required,
24 to participate in carrying out this section with respect to
25 the project.

1 (b) PROCEDURAL REQUIREMENTS.—Within 15 days
2 after receipt of notice under subsection (a), the Secretary
3 shall publish such notice in the Federal Register. The Sec-
4 retary also shall provide written notification of the receipt
5 of a notice under subsection (a) to all State and local
6 agencies and Indian tribes that may be required to issue
7 permits for the construction of the project or related ac-
8 tivities. The Secretary shall solicit the cooperation of those
9 agencies and request their entry into a memorandum of
10 agreement described in subsection (c) with respect to the
11 project. Within 30 days after publication of the notice in
12 the Federal Register, State and local agencies and Indian
13 tribes that intend to enter into the memorandum of agree-
14 ment with respect to the project shall notify the Secretary
15 of their intent in writing.

16 (c) SCHEDULING AGREEMENT.—Within 90 days
17 after the date of receipt of notice under subsection (a)
18 with respect to a project, the Secretary of the Interior,
19 the Secretary of Commerce, and the Administrator of the
20 Environmental Protection Agency, as necessary, and any
21 State or local agencies that have notified the Secretary
22 under subsection (b) shall enter into an agreement with
23 the Secretary establishing a schedule of decisionmaking
24 for approval of the project and permits associated with
25 the project and with related activities.

1 (d) CONTENTS OF AGREEMENT.—An agreement en-
2 tered into under subsection (c) with respect to a project,
3 to the extent practicable, shall consolidate hearing and
4 comment periods, procedures for data collection and re-
5 port preparation, and the environmental review and per-
6 mitting processes associated with the project and related
7 activities. The agreement shall detail, to the extent pos-
8 sible, the non-Federal interest’s responsibilities for data
9 development and information that may be necessary to
10 process each permit required for the project, including a
11 schedule when the information and data will be provided
12 to the appropriate Federal, State, or local agency or In-
13 dian tribe.

14 (e) REVISION OF AGREEMENT.—The Secretary may
15 revise an agreement entered into under subsection (c) with
16 respect to a project once to extend the schedule to allow
17 the non-Federal interest the minimum amount of addi-
18 tional time necessary to revise its original application to
19 meet the objections of a Federal, State, or local agency
20 or Indian tribe that is a party to the agreement.

21 (f) FINAL DECISION.—Not later than the final day
22 of a schedule established by an agreement entered into
23 under subsection (c) with respect to a project, the Sec-
24 retary shall notify the non-Federal interest of the final de-

1 cision on the project and whether the permit or permits
2 have been issued.

3 (g) COSTS OF COORDINATION.—The costs incurred
4 by the Secretary to establish and carry out a schedule to
5 consolidate Federal, State, and local agency and Indian
6 tribe environmental assessments, project reviews, and per-
7 mit issuance for a project under this section shall be paid
8 by the non-Federal interest.

9 (h) REPORT ON TIMESAVINGS METHODS.—Not later
10 than 3 years after the date of enactment of this section,
11 the Secretary shall prepare and transmit to Congress a
12 report estimating the time required for the issuance of all
13 Federal, State, local, and tribal permits for the construc-
14 tion of non-Federal projects for water supply, wastewater
15 infrastructure, flood damage reduction, storm damage re-
16 duction, ecosystem restoration, and navigation. The Sec-
17 retary shall include in that report recommendations for
18 further reducing the amount of time required for the
19 issuance of those permits, including any proposed changes
20 in existing law.

21 **SEC. 2028. PROJECT STREAMLINING.**

22 (a) POLICY.—The benefits of water resources
23 projects are important to the Nation's economy and envi-
24 ronment, and recommendations to Congress regarding
25 such projects should not be delayed due to uncoordinated

1 or inefficient reviews or the failure to timely resolve dis-
2 putes during the development of water resources projects.

3 (b) SCOPE.—This section shall apply to each study
4 initiated after the date of enactment of this Act to develop
5 a feasibility report under section 905 of the Water Re-
6 sources Development Act of 1986 (33 U.S.C. 2282), or
7 a reevaluation report, for a water resources project if the
8 Secretary determines that such study requires an environ-
9 mental impact statement under the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (c) WATER RESOURCES PROJECT REVIEW PROC-
12 ESS.—The Secretary shall develop and implement a co-
13 ordinated review process for the development of water re-
14 sources projects.

15 (d) COORDINATED REVIEWS.—

16 (1) IN GENERAL.—The coordinated review proc-
17 ess under this section shall provide that all reviews,
18 analyses, opinions, permits, licenses, and approvals
19 that must be issued or made by a Federal, State, or
20 local government agency or Indian tribe for the de-
21 velopment of a water resources project described in
22 subsection (b) will be conducted, to the maximum
23 extent practicable, concurrently and completed with-
24 in a time period established by the Secretary, in co-

1 operation with the agencies identified under sub-
2 section (e) with respect to the project.

3 (2) AGENCY PARTICIPATION.—Each Federal
4 agency identified under subsection (e) with respect
5 to the development of a water resources project shall
6 formulate and implement administrative policy and
7 procedural mechanisms to enable the agency to en-
8 sure completion of reviews, analyses, opinions, per-
9 mits, licenses, and approvals described in paragraph
10 (1) for the project in a timely and environmentally
11 responsible manner.

12 (e) IDENTIFICATION OF JURISDICTIONAL AGEN-
13 CIES.—With respect to the development of each water re-
14 sources project, the Secretary shall identify, as soon as
15 practicable all Federal, State, and local government agen-
16 cies and Indian tribes that may—

17 (1) have jurisdiction over the project;
18 (2) be required by law to conduct or issue a re-
19 view, analysis, or opinion for the project; or
20 (3) be required to make a determination on
21 issuing a permit, license, or approval for the project.

22 (f) STATE AUTHORITY.—If the coordinated review
23 process is being implemented under this section by the
24 Secretary with respect to the development of a water re-
25 sources project described in subsection (b) within the

1 boundaries of a State, the State, consistent with State law,
2 may choose to participate in the process and to make sub-
3 ject to the process all State agencies that—

4 (1) have jurisdiction over the project;

5 (2) are required to conduct or issue a review,
6 analysis, or opinion for the project; or

7 (3) are required to make a determination on
8 issuing a permit, license, or approval for the project.

9 (g) MEMORANDUM OF UNDERSTANDING.—The co-
10 ordinated review process developed under this section may
11 be incorporated into a memorandum of understanding for
12 a water resources project between the Secretary, the heads
13 of Federal, State, and local government agencies, Indian
14 tribes identified under subsection (e), and the non-Federal
15 interest for the project.

16 (h) EFFECT OF FAILURE TO MEET DEADLINE.—

17 (1) NOTIFICATION OF CONGRESS AND CEQ.—If
18 the Secretary determines that a Federal, State, or
19 local government agency, Indian tribe, or non-Fed-
20 eral interest that is participating in the coordinated
21 review process under this section with respect to the
22 development of a water resources project has not
23 met a deadline established under subsection (d) for
24 the project, the Secretary shall notify, within 30
25 days of the date of such determination, the Com-

1 mittee on Transportation and Infrastructure of the
2 House of Representatives, the Committee on Envi-
3 ronment and Public Works of the Senate, the Coun-
4 cil on Environmental Quality, and the agency, In-
5 dian tribe, or non-Federal interest involved about
6 the failure to meet the deadline.

7 (2) AGENCY REPORT.—Not later than 30 days
8 after the date of receipt of a notice under paragraph
9 (1), the Federal, State, or local government agency,
10 Indian tribe, or non-Federal interest involved may
11 submit a report to the Secretary, the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives, the Committee on Environment and
14 Public Works of the Senate, and the Council on En-
15 vironmental Quality explaining why the agency, In-
16 dian tribe, or non-Federal interest did not meet the
17 deadline and what actions it intends to take to com-
18 plete or issue the required review, analysis, or opin-
19 ion or determination on issuing a permit, license, or
20 approval.

21 (i) PURPOSE AND NEED AND DETERMINATION OF
22 REASONABLE ALTERNATIVES.—

23 (1) IN GENERAL.—The Secretary, as the Fed-
24 eral lead agency responsible for carrying out a study
25 for a water resources project and the associated

1 process for meeting the requirements of the National
2 Environmental Policy Act of 1969, shall—

3 (A) define the project's purpose and need
4 for purposes of any document which the Sec-
5 retary is responsible for preparing for the
6 project and shall determine the range of alter-
7 natives for consideration in any document which
8 the Secretary is responsible for preparing for
9 the project; and

10 (B) determine, in collaboration with par-
11 ticipating agencies at appropriate times during
12 the study process, the methodologies to be used
13 and the level of detail required in the analysis
14 of each alternative for the project.

15 (2) PREFERRED ALTERNATIVE.—At the discre-
16 tion of the Secretary, the preferred alternative for a
17 project, after being identified, may be developed to
18 a higher level of detail than other alternatives.

19 (j) LIMITATIONS.—Nothing in this section shall pre-
20 empt or interfere with—

21 (1) any statutory requirement for seeking pub-
22 lic comment;

23 (2) any power, jurisdiction, or authority that a
24 Federal, State, or local government agency, Indian

1 tribe, or non-Federal interest has with respect to
2 carrying out a water resources project; or

3 (3) any obligation to comply with the provisions
4 of the National Environmental Policy Act of 1969
5 and the regulations issued by the Council on Envi-
6 ronmental Quality to carry out such Act.

7 **SEC. 2029. COOPERATIVE AGREEMENTS.**

8 (a) IN GENERAL.—For the purpose of expediting the
9 cost-effective design and construction of wetlands restora-
10 tion that is part of an authorized water resources project,
11 the Secretary may enter into cooperative agreements
12 under section 6305 of title 31, United States Code, with
13 nonprofit organizations with expertise in wetlands restora-
14 tion to carry out such design and construction on behalf
15 of the Secretary.

16 (b) LIMITATIONS.—

17 (1) PER PROJECT LIMIT.—A cooperative agree-
18 ment under this section shall not obligate the Sec-
19 retary to pay the nonprofit organization more than
20 \$1,000,000 for any single wetlands restoration
21 project.

22 (2) ANNUAL LIMIT.—The total value of work
23 carried out under cooperative agreements under this
24 section may not exceed \$5,000,000 in any fiscal
25 year.

1 **SEC. 2030. TRAINING FUNDS.**

2 (a) IN GENERAL.—The Secretary may include indi-
3 viduals not employed by the Department of the Army in
4 training classes and courses offered by the Corps of Engi-
5 neers in any case in which the Secretary determines that
6 it is in the best interest of the Federal Government to
7 include those individuals as participants.

8 (b) EXPENSES.—

9 (1) IN GENERAL.—An individual not employed
10 by the Department of the Army attending a training
11 class or course described in subsection (a) shall pay
12 the full cost of the training provided to the indi-
13 vidual.

14 (2) PAYMENTS.—Payments made by an indi-
15 vidual for training received under paragraph (1), up
16 to the actual cost of the training—

17 (A) may be retained by the Secretary;

18 (B) shall be credited to an appropriations
19 account used for paying training costs; and

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

23 (3) EXCESS AMOUNTS.—Any payments received
24 under paragraph (2) that are in excess of the actual
25 cost of training provided shall be credited as mis-

1 cellaneous receipts to the Treasury of the United
2 States.

3 **SEC. 2031. ACCESS TO WATER RESOURCE DATA.**

4 (a) IN GENERAL.—The Secretary shall carry out a
5 program to provide public access to water resources and
6 related water quality data in the custody of the Corps of
7 Engineers.

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

10 (1) include, at a minimum, access to data gen-
11 erated in water resources project development and
12 regulation under section 404 of the Federal Water
13 Pollution Control Act (33 U.S.C. 1344); and

14 (2) appropriately employ geographic informa-
15 tion system technology and linkages to water re-
16 source models and analytical techniques.

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

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$5,000,000 for each fiscal year.

1 **SEC. 2032. SHORE PROTECTION PROJECTS.**

2 (a) IN GENERAL.—In accordance with the Act of
3 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-
4 ministrative actions, it is the policy of the United States
5 to promote beach nourishment for the purposes of flood
6 damage reduction and hurricane and storm damage reduc-
7 tion and related research that encourage the protection,
8 restoration, and enhancement of sandy beaches, including
9 beach restoration and periodic beach renourishment for a
10 period of 50 years, on a comprehensive and coordinated
11 basis by the Federal Government, States, localities, and
12 private enterprises.

13 (b) PREFERENCE.—In carrying out the policy under
14 subsection (a), preference shall be given to—

15 (1) areas in which there has been a Federal in-
16 vestment of funds for the purposes described in sub-
17 section (a); and

18 (2) areas with respect to which the need for
19 prevention or mitigation of damage to shores and
20 beaches is attributable to Federal navigation
21 projects or other Federal activities.

22 (c) APPLICABILITY.—The Secretary shall apply the
23 policy under subsection (a) to each shore protection and
24 beach renourishment project (including shore protection
25 and beach renourishment projects constructed before the
26 date of enactment of this Act).

1 **SEC. 2033. ABILITY TO PAY.**

2 (a) CRITERIA AND PROCEDURES.—Section
3 103(m)(2) of the Water Resources Development Act of
4 1986 (33 U.S.C. 2213(m)(2)) is amended by striking
5 “180 days after such date of enactment” and inserting
6 “September 30, 2007”.

7 (b) PROJECTS.—The Secretary shall apply the cri-
8 teria and procedures referred to in section 103(m) of the
9 Water Resources Development Act of 1986 (33 U.S.C.
10 2213(m)) to the following projects:

11 (1) ST. JOHNS BAYOU AND NEW MADRID
12 FLOODWAY, MISSOURI.—The project for flood con-
13 trol, St. Johns Bayou and New Madrid Floodway,
14 Missouri, authorized by section 401(a) of the Water
15 Resources Development Act of 1986 (100 Stat.
16 4118).

17 (2) LOWER RIO GRANDE BASIN, TEXAS.—The
18 project for flood control, Lower Rio Grande Basin,
19 Texas, authorized by section 401(a) of the Water
20 Resources Development Act of 1986 (100 Stat.
21 4125).

22 (3) WEST VIRGINIA AND PENNSYLVANIA
23 PROJECTS.—The projects for flood control author-
24 ized by section 581 of the Water Resources Develop-
25 ment Act of 1996 (110 Stat. 3790–3791).

1 **SEC. 2034. LEASING AUTHORITY.**

2 Section 4 of the Act entitled “An Act authorizing the
3 construction of certain public works on rivers and harbors
4 for flood control, and other purposes”, approved December
5 22, 1944 (16 U.S.C. 460d), is amended—

6 (1) by inserting “federally recognized Indian
7 tribes and” before “Federal” the first place it ap-
8 pears;

9 (2) by inserting “Indian tribes or” after “con-
10 siderations, to such”; and

11 (3) by inserting “federally recognized Indian
12 tribe” after “That in any such lease or license to a”.

13 **SEC. 2035. COST ESTIMATES.**

14 The estimated Federal and non-Federal costs of
15 projects authorized to be carried out by the Secretary be-
16 fore, on, or after the date of enactment of this Act are
17 for informational purposes only and shall not be inter-
18 preted as affecting the cost sharing responsibilities estab-
19 lished by law.

20 **SEC. 2036. PRINCIPLES AND GUIDELINES.**

21 (a) IN GENERAL.—The Secretary shall issue revised
22 principles and guidelines for use in the formulation, eval-
23 uation, and implementation of water resources projects.
24 Subject to the requirements of this section, the revised
25 principles and guidelines shall apply to water resources
26 projects carried out by the Secretary instead of the prin-

1 ciples and guidelines for such projects in effect on the date
2 of enactment of this Act.

3 (b) CONTENT.—The principles and guidelines shall,
4 among other things—

5 (1) provide for the consideration of environ-
6 mental restoration costs and benefits under Corps of
7 Engineers economic models;

8 (2) incorporate new techniques in risk and un-
9 certainty analysis;

10 (3) eliminate biases and disincentives for non-
11 structural flood damage reduction projects as com-
12 pared to structural flood damage reduction projects;

13 (4) incorporate new analytical techniques;

14 (5) encourage, to the maximum extent prac-
15 ticable, the restoration of aquatic ecosystems; and

16 (6) ensure that water resources projects are
17 justified by benefits that accrue to the public at
18 large.

19 (c) PROPOSED PRINCIPLES AND GUIDELINES.—

20 (1) IN GENERAL.—Not later than 270 days
21 after the date of enactment of this Act, the Sec-
22 retary shall publish in the Federal Register proposed
23 principles and guidelines under subsection (a).

24 (2) CONSULTATION.—In developing the pro-
25 posed principles and guidelines, the Secretary shall

1 consult with the Secretary of the Interior, the Sec-
2 retary of Agriculture, the Secretary of Commerce,
3 the Secretary of Housing and Urban Development,
4 the Secretary of Transportation, the Administrator
5 of the Environmental Protection Agency, the Sec-
6 retary of Energy, the Secretary of Homeland Secu-
7 rity, the National Academy of Sciences, and the
8 Council on Environmental Quality.

9 (3) PUBLIC PARTICIPATION.—The Secretary
10 shall provide notice and an opportunity for the pub-
11 lic to participate in the development of the proposed
12 principles and guidelines.

13 (d) PUBLIC COMMENT FOLLOWING ISSUANCE OF
14 PROPOSED PRINCIPLES AND GUIDELINES.—After publi-
15 cation of the proposed principles and guidelines, the Sec-
16 retary shall provide an opportunity for the public to com-
17 ment on the proposed principles and guidelines. The com-
18 ment period shall not be fewer than 60 days.

19 (e) FINAL PRINCIPLES AND GUIDELINES.—

20 (1) IN GENERAL.—Not later than 90 days fol-
21 lowing the last day of the comment period under
22 subsection (d), the Secretary shall issue final prin-
23 ciples and guidelines under subsection (a).

1 (2) APPLICABILITY.—After the date of issuance
2 of the final principles and guidelines, the final prin-
3 ciples and guidelines shall apply—

4 (A) to all water resources projects carried
5 out by the Secretary, other than projects for
6 which the Secretary has commenced a feasi-
7 bility report before the date of such issuance;

8 (B) at the request of a non-Federal inter-
9 est, to a water resources project for which the
10 Secretary has commenced a feasibility report
11 before the date of such issuance; and

12 (C) to reevaluation or modification of a
13 water resources project, other than a reevalua-
14 tion or modification that has been commenced
15 by the Secretary before the date of such
16 issuance.

17 (f) EXISTING STUDIES.—Principles and guidelines
18 issued under subsection (a) shall not affect the validity
19 of any completed study of a water resources development
20 project.

21 **SEC. 2037. INDEPENDENT PEER REVIEW.**

22 (a) PROJECT STUDIES SUBJECT TO INDEPENDENT
23 PEER REVIEW.—

1 (1) IN GENERAL.—Project studies shall be sub-
2 ject to a peer review by an independent panel of ex-
3 perts as determined under this section.

4 (2) SCOPE.—The peer review may include a re-
5 view of the economic and environmental assumptions
6 and projections, project evaluation data, economic
7 analyses, environmental analyses, engineering anal-
8 yses, formulation of alternative plans, methods for
9 integrating risk and uncertainty, models used in
10 evaluation of economic or environmental impacts of
11 proposed projects, and any biological opinions of the
12 project study.

13 (3) PROJECT STUDIES SUBJECT TO PEER RE-
14 VIEW.—

15 (A) MANDATORY.—A project study shall
16 be subject to peer review under paragraph
17 (1)—

18 (i) if the project has an estimated
19 total cost of more than \$50,000,000, in-
20 cluding mitigation costs, and is not deter-
21 mined by the Chief of Engineers to be ex-
22 empt from peer review under paragraph
23 (6); or

1 (ii) the Governor of an affected State
2 requests a peer review by an independent
3 panel of experts.

4 (B) DISCRETIONARY.—A project study
5 may be subject to peer review if—

6 (i) the head of a Federal or State
7 agency charged with reviewing the project
8 study determines that the project is likely
9 to have a significant adverse impact on en-
10 vironmental, cultural, or other resources
11 under the jurisdiction of the agency after
12 implementation of proposed mitigation
13 plans and requests a peer review by an
14 independent panel of experts; or

15 (ii) the Chief of Engineers determines
16 that the project study is controversial.

17 (4) CONTROVERSIAL PROJECTS.—Upon receipt
18 of a written request under paragraph (3)(B) or on
19 the initiative of the Chief of Engineers, the Chief of
20 Engineers shall determine whether a project study is
21 controversial.

22 (5) FACTORS TO CONSIDER.—In determining
23 whether a project study is controversial, the Chief of
24 Engineers shall consider if—

1 (A) there is a significant public dispute as
2 to the size, nature, or effects of the project; or

3 (B) there is a significant public dispute as
4 to the economic or environmental costs or bene-
5 fits of the project.

6 (6) PROJECT STUDIES EXCLUDED FROM PEER
7 REVIEW.—Project studies that may be excluded from
8 peer review under paragraph (1) are—

9 (A) a study for a project the Chief of En-
10 gineers determines—

11 (i) is not controversial;

12 (ii) has no more than negligible ad-
13 verse impacts on scarce or unique cultural,
14 historic, or tribal resources;

15 (iii) has no substantial adverse im-
16 pacts on fish and wildlife species and their
17 habitat prior to the implementation of
18 mitigation measures; and

19 (iv) has, before implementation of
20 mitigation measures, no more than a neg-
21 ligible adverse impact on a species listed as
22 endangered or threatened species under
23 the Endangered Species Act of 1973 (16
24 U.S.C. 1539 et seq.) or the critical habitat

1 of such species designated under such Act;
2 and

3 (B) a study for a project pursued under
4 section 205 of the Flood Control Act of 1948
5 (33 U.S.C. 701s), section 2 of the Flood Con-
6 trol Act of August 28, 1937 (33 U.S.C. 701g),
7 section 14 of the Flood Control Act of 1946 (33
8 U.S.C. 701r), section 107(a) of the River and
9 Harbor Act of 1960 (33 U.S.C. 577(a)), section
10 3 of the Act entitled “An Act authorizing Fed-
11 eral participation in the cost of protecting the
12 shores of publicly owned property”, approved
13 August 13, 1946 (33 U.S.C. 426g), section 111
14 of the River and Harbor Act of 1968 (33
15 U.S.C. 426i), section 3 of the Act entitled “An
16 Act authorizing the construction, repair, and
17 preservation of certain public works on rivers
18 and harbors, and for other purposes”, approved
19 March 2, 1945 (33 U.S.C. 603a), section 1135
20 of the Water Resources Development Act of
21 1986 (33 U.S.C. 2309a), section 206 of the
22 Water Resources Development Act of 1996 (33
23 U.S.C. 2330), or section 204 of the Water Re-
24 sources Development Act of 1992 (33 U.S.C.
25 2326).

1 (7) APPEAL.—The decision of the Chief of En-
2 gineers whether to peer review a project study shall
3 be published in the Federal Register and shall be
4 subject to appeal by a person referred to in para-
5 graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the
6 Army if such appeal is made within the 30-day pe-
7 riod following the date of such publication.

8 (8) DETERMINATION OF PROJECT COST.—For
9 purposes of determining the estimated total cost of
10 a project under paragraph (3)(A), the project cost
11 shall be based upon the reasonable estimates of the
12 Chief of Engineers at the completion of the recon-
13 naissance study for the project. If the reasonable es-
14 timate of project costs is subsequently determined to
15 be in excess of the amount in paragraph (3)(A), the
16 Chief of Engineers shall make a determination
17 whether a project study should be reviewed under
18 this section.

19 (b) TIMING OF PEER REVIEW.—The Chief of Engi-
20 neers shall determine the timing of a peer review of a
21 project study under subsection (a). In all cases, the peer
22 review shall occur during the period beginning on the date
23 of the completion of the reconnaissance study for the
24 project and ending on the date the draft report of the
25 Chief of Engineers for the project is made available for

1 public comment. Where the Chief of Engineers has not
2 initiated a peer review of a project study, the Chief of En-
3 gineers shall consider, at a minimum, whether to initiate
4 a peer review at the time that—

5 (1) the without-project conditions are identified;

6 (2) the array of alternatives to be considered
7 are identified; and

8 (3) the preferred alternative is identified.

9 Nothing in this subsection shall be construed to require
10 the Chief of Engineers to conduct multiple peer reviews
11 for a project study.

12 (c) ESTABLISHMENT OF PANELS.—

13 (1) IN GENERAL.—For each project study sub-
14 ject to peer review under subsection (a), as soon as
15 practicable after the Chief of Engineers determines
16 that a project study will be subject to peer review,
17 the Chief of Engineers shall contract with the Na-
18 tional Academy of Sciences (or a similar independent
19 scientific and technical advisory organization), or an
20 eligible organization, to establish a panel of experts
21 to peer review the project study for technical and
22 scientific sufficiency.

23 (2) MEMBERSHIP.—A panel of experts estab-
24 lished for a project study under this section shall be
25 composed of independent experts who represent a

1 balance of areas of expertise suitable for the review
2 being conducted.

3 (3) LIMITATION ON APPOINTMENTS.—An indi-
4 vidual may not be selected to serve on a panel of ex-
5 perts established for a project study under this sec-
6 tion if the individual has a financial or close profes-
7 sional association with any organization or group
8 with a strong financial or organizational interest in
9 the project.

10 (4) CONGRESSIONAL NOTIFICATION.—Upon
11 identification of a project study for peer review
12 under this section, but prior to initiation of any re-
13 view, the Chief of Engineers shall notify the Com-
14 mittee on Environment and Public Works of the
15 Senate and the Committee on Transportation and
16 Infrastructure of the House of Representatives of
17 such review.

18 (d) DUTIES OF PANELS.—A panel of experts estab-
19 lished for a peer review for a project study under this sec-
20 tion shall, consistent with the scope of the referral for re-
21 view—

22 (1) conduct a peer review for the project study
23 submitted to the panel for review;

1 (2) assess the adequacy and acceptability of the
2 economic and environmental methods, models, and
3 analyses used by the Chief of Engineers;

4 (3) provide timely written and oral comments to
5 the Chief of Engineers throughout the development
6 of the project study, as requested; and

7 (4) submit to the Chief of Engineers a final re-
8 port containing the panel's economic, engineering,
9 and environmental analysis of the project study, in-
10 cluding the panel's assessment of the adequacy and
11 acceptability of the economic and environmental
12 methods, models, and analyses used by the Chief of
13 Engineers, to accompany the publication of the
14 project study.

15 (e) DURATION OF PROJECT STUDY PEER RE-
16 VIEWS.—

17 (1) DEADLINE.—A panel of experts shall—

18 (A) complete its peer review under this sec-
19 tion for a project study and submit a report to
20 the Chief of Engineers under subsection (d)(4)
21 within 180 days after the date of establishment
22 of the panel, or, if the Chief of Engineers deter-
23 mines that a longer period of time is necessary,
24 such period of time established by the Chief of
25 Engineers, but in no event later than 90 days

1 after the date a draft project study is made
2 available for public review; and

3 (B) terminate on the date of submission of
4 the report.

5 (2) FAILURE TO MEET DEADLINE.—If a panel
6 does not complete its peer review of a project study
7 under this section and submit a report to the Chief
8 of Engineers under subsection (d)(4) on or before
9 the deadline established by paragraph (1) for the
10 project study, the Chief of Engineers shall continue
11 the project study for the project that is subject to
12 peer review by the panel without delay.

13 (f) RECOMMENDATIONS OF PANEL.—

14 (1) CONSIDERATION BY THE CHIEF OF ENGI-
15 NEERS.—After receiving a report on a project study
16 from a panel of experts under this section and be-
17 fore entering a final record of decision for the
18 project, the Chief of Engineers shall consider any
19 recommendations contained in the report and pre-
20 pare a written response for any recommendations
21 adopted or not adopted.

22 (2) PUBLIC AVAILABILITY AND TRANSMITTAL
23 TO CONGRESS.—After receiving a report on a project
24 study from a panel of experts under this section, the
25 Chief of Engineers shall—

1 (A) make a copy of the report and any
2 written response of the Chief of Engineers on
3 recommendations contained in the report avail-
4 able to the public; and

5 (B) transmit to Congress a copy of the re-
6 port, together with any such written response,
7 on the date of a final report of the Chief of En-
8 gineers or other final decision document for a
9 project study that is subject to peer review by
10 the panel.

11 (g) COSTS.—

12 (1) IN GENERAL.—The costs of a panel of ex-
13 perts established for a peer review under this sec-
14 tion—

15 (A) shall be a Federal expense; and

16 (B) shall not exceed \$500,000.

17 (2) WAIVER.—The Chief of Engineers may
18 waive the \$500,000 limitation contained in para-
19 graph (1)(B) in cases that the Chief of Engineers
20 determines appropriate.

21 (h) APPLICABILITY.—This section shall apply to—

22 (1) project studies initiated during the 2-year
23 period preceding the date of enactment of this Act
24 and for which the array of alternatives to be consid-
25 ered has not been identified; and

1 (2) project studies initiated during the period
2 beginning on such date of enactment and ending 4
3 years after such date of enactment.

4 (i) REPORT.—Within 4½ years of the date of enact-
5 ment of this section, the Chief of Engineers shall submit
6 a report to Congress on the implementation of this section.

7 (j) NONAPPLICABILITY OF FACCA.—The Federal Ad-
8 visory Committee Act (5 U.S.C. App.) shall not apply to
9 any peer review panel established under this section.

10 (k) SAVINGS CLAUSE.—Nothing in this section shall
11 be construed to affect any authority of the Chief of Engi-
12 neers to cause or conduct a peer review of a water re-
13 sources project existing on the date of enactment of this
14 section.

15 (l) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) PROJECT STUDY.—The term “project
18 study” means a feasibility study or reevaluation
19 study for a project. The term also includes any other
20 study associated with a modification or update of a
21 project that includes an environmental impact state-
22 ment, including the environmental impact statement.

23 (2) AFFECTED STATE.—The term “affected
24 State”, as used with respect to a project, means a
25 State all or a portion of which is within the drainage

1 basin in which the project is or would be located and
 2 would be economically or environmentally affected as
 3 a consequence of the project.

4 (3) ELIGIBLE ORGANIZATION.—The term “eligi-
 5 ble organization” means an organization that—

6 (A) is described in section 501(c)(3), and
 7 exempt from Federal tax under section 501(a),
 8 of the Internal Revenue Code of 1986;

9 (B) is independent;

10 (C) is free from conflicts of interest;

11 (D) does not carry out or advocate for or
 12 against Federal water resources projects; and

13 (E) has experience in establishing and ad-
 14 ministering peer review panels.

15 **SEC. 2038. STUDIES AND REPORTS FOR WATER RESOURCES**
 16 **PROJECTS.**

17 (a) STUDIES.—

18 (1) COST-SHARING REQUIREMENTS.—Section
 19 105(a) of the Water Resources Development Act of
 20 1986 (33 U.S.C. 2215(a)) is amended by adding at
 21 the end the following:

22 “(3) DETAILED PROJECT REPORTS.—The re-
 23 quirements of this subsection that apply to a feasi-
 24 bility study also shall apply to a study that results
 25 in a detailed project report, except that—

1 “(A) the first \$100,000 of the costs of a
2 study that results in a detailed project report
3 shall be a Federal expense; and

4 “(B) paragraph (1)(C)(ii) shall not apply
5 to such a study.”.

6 (2) PLANNING AND ENGINEERING.—Section
7 105(b) of such Act (33 U.S.C. 2215(b)) is amended
8 by striking “authorized by this Act”.

9 (3) DEFINITIONS.—Section 105 of such Act (33
10 U.S.C. 2215) is amended by adding at the end the
11 following:

12 “(d) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) DETAILED PROJECT REPORT.—The term
15 ‘detailed project report’ means a report for a project
16 not specifically authorized by Congress in law or
17 otherwise that determines the feasibility of the
18 project with a level of detail appropriate to the scope
19 and complexity of the recommended solution and
20 sufficient to proceed directly to the preparation of
21 contract plans and specifications. The term includes
22 any associated environmental impact statement and
23 mitigation plan. For a project for which the Federal
24 cost does not exceed \$1,000,000, the term includes
25 a planning and design analysis document.

1 “(2) FEASIBILITY STUDY.—The term ‘feasi-
2 bility study’ means a study that results in a feasi-
3 bility report under section 905, and any associated
4 environmental impact statement and mitigation
5 plan, prepared by the Corps of Engineers for a
6 water resources project. The term includes a study
7 that results in a project implementation report pre-
8 pared under title VI of the Water Resources Devel-
9 opment Act of 2000 (114 Stat. 2680–2694), a gen-
10 eral reevaluation report, and a limited reevaluation
11 report.”.

12 (b) REPORTS.—

13 (1) PREPARATION.—Section 905(a) of the
14 Water Resources Development Act of 1986 (33
15 U.S.C. 2282(a)) is amended—

16 (A) by striking “(a) In the case of any”
17 and inserting the following:

18 “(a) PREPARATION OF REPORTS.—

19 “(1) IN GENERAL.—In the case of any”;

20 (B) by striking “the Secretary, the Sec-
21 retary shall” and inserting “the Secretary that
22 results in recommendations concerning a
23 project or the operation of a project and that
24 requires specific authorization by Congress in

1 law or otherwise, the Secretary shall perform a
2 reconnaissance study and”;

3 (C) by striking “Such feasibility report”
4 and inserting the following:

5 “(2) CONTENTS OF FEASIBILITY REPORTS.—A
6 feasibility report”;

7 (D) by striking “The feasibility report”
8 and inserting “A feasibility report”; and

9 (E) by striking the last sentence and in-
10 serting the following:

11 “(3) APPLICABILITY.—This subsection shall not
12 apply to—

13 “(A) any study with respect to which a re-
14 port has been submitted to Congress before the
15 date of enactment of this Act;

16 “(B) any study for a project, which project
17 is authorized for construction by this Act and
18 is not subject to section 903(b);

19 “(C) any study for a project which does
20 not require specific authorization by Congress
21 in law or otherwise; and

22 “(D) general studies not intended to lead
23 to recommendation of a specific water resources
24 project.

1 “(4) FEASIBILITY REPORT DEFINED.—In this
2 subsection, the term ‘feasibility report’ means each
3 feasibility report, and any associated environmental
4 impact statement and mitigation plan, prepared by
5 the Corps of Engineers for a water resources
6 project. The term includes a project implementation
7 report prepared under title VI of the Water Re-
8 sources Development Act of 2000 (114 Stat. 2680–
9 2694), a general reevaluation report, and a limited
10 reevaluation report.”.

11 (2) PROJECTS NOT SPECIFICALLY AUTHORIZED
12 BY CONGRESS.—Section 905 of such Act is further
13 amended—

14 (A) in subsection (b) by inserting “RECON-
15 NAISSANCE STUDIES.—” before “Before initi-
16 ating”;

17 (B) by redesignating subsections (c), (d),
18 and (e) as subsections (d), (e), and (f), respec-
19 tively;

20 (C) by inserting after subsection (b) the
21 following:

22 “(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY
23 CONGRESS.—In the case of any water resources project-
24 related study authorized to be undertaken by the Sec-
25 retary without specific authorization by Congress in law

1 or otherwise, the Secretary shall prepare a detailed project
2 report.”;

3 (D) in subsection (d) (as so redesignated)
4 by inserting “INDIAN TRIBES.—” before “For
5 purposes of”; and

6 (E) in subsection (e) (as so redesignated)
7 by inserting “STANDARD AND UNIFORM PRO-
8 CEDURES AND PRACTICES.—” before “The Sec-
9 retary shall”.

10 **SEC. 2039. OFFSHORE OIL AND GAS FABRICATION PORT.**

11 (a) IN GENERAL.—In conducting a feasibility study
12 for the project for navigation, Atchafalaya River, Bayous
13 Chene, Boeuf, and Black, Louisiana, being conducted
14 under section 430 of the Water Resources Development
15 Act of 2000 (114 Stat. 2639), and for the project for navi-
16 gation, Houma Navigation Canal, Louisiana, being con-
17 ducted pursuant to the Energy and Water Development
18 Appropriations Act, 1995 (Public Law 103–316), the Sec-
19 retary shall include in the calculation of national economic
20 development benefits all economic benefits associated with
21 contracts for new energy exploration and contracts for the
22 fabrication of energy infrastructure that would result from
23 carrying out the project.

24 (b) REPEAL.—Section 6009 of the Emergency Sup-
25 plemental Appropriations Act for Defense, the Global War

1 on Terror, and Tsunami Relief, 2005 (Public Law 109–
2 13; 119 Stat. 282) is repealed.

3 **SEC. 2040. USE OF FIRMS EMPLOYING LOCAL RESIDENTS.**

4 (a) CONTRACTS OR AGREEMENTS WITH PRIVATE
5 ENTITIES.—In carrying out construction of a water re-
6 sources project, the Secretary may enter into a contract
7 or agreement with a private entity only if the private enti-
8 ty provides assurances satisfactory to the Secretary that,
9 to the maximum extent practicable—

10 (1) local residents in the area of the project will
11 comprise not less than 50 percent of the workforce
12 employed by the entity to perform the contract or
13 agreement; and

14 (2) local residents in the area of the project will
15 comprise not less than 50 percent of the workforce
16 employed by each subcontractor at each tier in con-
17 nection with the contract or agreement.

18 (b) EXEMPTIONS.—

19 (1) IN GENERAL.—The Secretary may waive
20 the application of subsection (a) with respect to a
21 contract or agreement if the Secretary determines
22 that compliance with subsection (a) is not feasible
23 due to—

1 (A) a lack of qualified local residents to
2 permit satisfaction of the requirements of sub-
3 section (a);

4 (B) a lack of sufficient numbers of special-
5 ized workers necessary to carry out the project;
6 or

7 (C) the need to comply with small business
8 or minority contracting requirements under
9 Federal law.

10 (2) DOCUMENTATION.—Any determination by
11 the Secretary under paragraph (1) to waive the ap-
12 plication of subsection (a) with respect to a contract
13 or agreement shall be justified in writing.

14 (c) REGULATIONS.—The Secretary shall issue regula-
15 tions establishing local residency and other requirements
16 to facilitate compliance with this section.

17 (d) PRIOR CONTRACTS.—Nothing in this section shall
18 be construed to affect any contract or agreement entered
19 into before the effective date of this section.

20 (e) EFFECTIVE DATE.—This section shall become ef-
21 fective 180 days after the date of enactment of this Act.

22 **SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

23 (a) IN GENERAL.—Notwithstanding section 2361 of
24 title 10, United States Code, the Secretary is authorized

1 to provide assistance through contracts, cooperative agree-
2 ments, and grants to—

3 (1) the University of Tennessee, Knoxville, Ten-
4 nessee, for establishment and operation of the
5 Southeastern Water Resources Institute to study
6 sustainable development and utilization of water re-
7 sources in the southeastern United States;

8 (2) Lewis and Clark Community College, Illi-
9 nois, for the Great Rivers National Research and
10 Education Center (including facilities that have been
11 or will be constructed at one or more locations in the
12 vicinity of the confluence of the Illinois River, the
13 Missouri River, and the Mississippi River), a collabo-
14 rative effort of Lewis and Clark Community College,
15 the University of Illinois, the Illinois Department of
16 Natural Resources and Environmental Sciences, and
17 other entities, for the study of river ecology, devel-
18 oping watershed and river management strategies,
19 and educating students and the public on river
20 issues; and

21 (3) the University of Texas at Dallas for sup-
22 port and operation of the International Center for
23 Decision and Risk Analysis to study risk analysis
24 and control methods for transboundary water re-
25 sources management in the southwestern United

1 States and other international water resources man-
2 agement problems.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out subsection (a)(1) \$5,000,000, to carry out subsection
6 (a)(2) \$5,000,000, and to carry out subsection (a)(3)
7 \$5,000,000. Such sums shall remain available until ex-
8 pended.

9 **SEC. 2042. FEDERAL HOPPER DREDGES.**

10 Section 3(c) of the Act of August 11, 1888 (33
11 U.S.C. 622; 25 Stat. 423), is amended—

12 (1) in paragraph (7)(B) by adding at the end
13 the following: “This subparagraph shall not apply to
14 the Federal hopper dredges Essayons and Yaquina
15 of the Corps of Engineers.”; and

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

17 “(9) READY RESERVE FOR THE HOPPER
18 DREDGE MCFARLAND.—The Secretary shall place
19 the Federal hopper dredge McFarland of the Corps
20 of Engineers in ready reserve status not later than
21 October 1, 2008.”.

22 **SEC. 2043. CRITERIA FOR OPERATION AND MAINTENANCE**
23 **OF HARBOR DREDGING PROJECTS.**

24 The Secretary shall budget and request appropria-
25 tions for operation and maintenance of harbor dredging

1 projects based only upon criteria used for such projects
2 in fiscal year 2004 and shall not use a budget standard
3 for such projects based on the amount of tonnage a harbor
4 handles.

5 **TITLE III—PROJECT-RELATED** 6 **PROVISIONS**

7 **SEC. 3001. COOK INLET, ALASKA.**

8 Section 118(a)(3) of the Energy and Water Develop-
9 ment Appropriations Act, 2005 (title I of division C of
10 the Consolidated Appropriations Act, 2005; 118 Stat.
11 2945) is amended by inserting “as part of the operation
12 and maintenance of such project modification” after “by
13 the Secretary”.

14 **SEC. 3002. KING COVE HARBOR, ALASKA.**

15 The maximum amount of Federal funds that may be
16 expended for the project for navigation, King Cove Har-
17 bor, Alaska, being carried out under section 107 of the
18 River and Harbor Act of 1960 (33 U.S.C. 577), shall be
19 \$8,000,000.

20 **SEC. 3003. SITKA, ALASKA.**

21 The Sitka, Alaska, element of the project for naviga-
22 tion, Southeast Alaska Harbors of Refuge, Alaska, author-
23 ized by section 101(1) of the Water Resources Develop-
24 ment Act of 1992 (106 Stat. 4801), is modified to direct
25 the Secretary to take such action as is necessary to correct

1 design deficiencies in the Sitka Harbor Breakwater, at full
2 Federal expense. The estimated cost is \$6,300,000.

3 **SEC. 3004. TATITLEK, ALASKA.**

4 The maximum amount of Federal funds that may be
5 expended for the project for navigation, Tatitlek, Alaska,
6 being carried out under section 107 of the River and Har-
7 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

8 **SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

9 The project for flood damage reduction, Rio De Flag,
10 Flagstaff, Arizona, authorized by section 101(b)(3) of the
11 Water Resources Development Act of 2000 (114 Stat.
12 2576), is modified to authorize the Secretary to construct
13 the project at a total cost of \$54,100,000, with an esti-
14 mated Federal cost of \$35,000,000 and a non-Federal cost
15 of \$19,100,000.

16 **SEC. 3006. OSCEOLA HARBOR, ARKANSAS.**

17 (a) IN GENERAL.—The project for navigation, Osce-
18 ola Harbor, Arkansas, constructed under section 107 of
19 the River and Harbor Act of 1960 (33 U.S.C. 577), is
20 modified to allow non-Federal interests to construct a
21 mooring facility within the existing authorized harbor
22 channel, subject to all necessary permits, certifications,
23 and other requirements.

24 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
25 Nothing in this section shall be construed as affecting the

1 responsibility of the Secretary to maintain the general
2 navigation features of the project at a bottom width of
3 250 feet.

4 **SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.**

5 The Pine Mountain Dam feature of the project for
6 flood protection, Lee Creek, Arkansas and Oklahoma, au-
7 thorized by section 204 of the Flood Control Act of 1965
8 (79 Stat. 1078), is modified—

9 (1) to add environmental restoration as a
10 project purpose; and

11 (2) to direct the Secretary to finance the non-
12 Federal share of the cost of the project over a 30-
13 year period in accordance with section 103(k) of the
14 Water Resources Development Act of 1986 (33
15 U.S.C. 2213(k)).

16 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**
17 **FORNIA.**

18 (a) IN GENERAL.—The project for flood control,
19 American and Sacramento Rivers, California, authorized
20 by section 101(a)(6)(A) of the Water Resources Develop-
21 ment Act of 1999 (113 Stat. 274), as modified by section
22 128 of the Energy and Water Development Appropriations
23 Act, 2006 (119 Stat. 2259), is further modified to author-
24 ize the Secretary to construct the auxiliary spillway gen-
25 erally in accordance with the Post Authorization Change

1 Report, American River Watershed Project (Folsom Dam
2 Modification and Folsom Dam Raise Projects), dated De-
3 cember 2006, at a total cost of \$683,000,000, with an es-
4 timated Federal cost of \$444,000,000 and an estimated
5 non-Federal cost of \$239,000,000.

6 (b) DAM SAFETY ACTIVITIES.—Nothing in this sec-
7 tion shall be construed to limit the authority of the Sec-
8 retary of the Interior to carry out dam safety activities
9 in connection with the auxiliary spillway in accordance
10 with the Bureau of Reclamation Safety of Dams Program.

11 (c) TRANSFER OF FUNDS.—The Secretary and the
12 Secretary of the Interior are authorized to transfer be-
13 tween their respective agencies appropriated amounts and
14 other available funds (including funds contributed by non-
15 Federal interests) for the purpose of planning, design, and
16 construction of the auxiliary spillway. Any transfer made
17 pursuant to this subsection shall be subject to such terms
18 and conditions as agreed upon by the Secretary and the
19 Secretary of the Interior.

20 **SEC. 3009. COMPTON CREEK, CALIFORNIA.**

21 The project for flood control, Los Angeles Drainage
22 Area, California, authorized by section 101(b) of the
23 Water Resources Development Act of 1990 (104 Stat.
24 4611), is modified to add environmental restoration and
25 recreation as project purposes.

1 **SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
2 **FORNIA.**

3 The project for aquatic ecosystem restoration, Gray-
4 son Creek/Murderer's Creek, California, being carried out
5 under section 206 of the Water Resources Development
6 Act of 1996 (33 U.S.C. 2330), is modified—

7 (1) to direct the Secretary to credit toward the
8 non-Federal share of the cost of the project the cost
9 of work carried out by the non-Federal interest be-
10 fore the date of the partnership agreement for the
11 project if the Secretary determines that the work is
12 integral to the project; and

13 (2) to authorize the Secretary to consider na-
14 tional ecosystem restoration benefits in determining
15 the Federal interest in the project.

16 **SEC. 3011. HAMILTON AIRFIELD, CALIFORNIA.**

17 The project for environmental restoration, Hamilton
18 Airfield, California, authorized by section 101(b)(3) of the
19 Water Resources Development Act of 1999 (113 Stat.
20 279), is modified to direct the Secretary to construct the
21 project substantially in accordance with the report of the
22 Chief of Engineers dated July 19, 2004, at a total cost
23 of \$228,100,000, with an estimated Federal cost of
24 \$171,100,000 and an estimated non-Federal cost of
25 \$57,000,000.

1 **SEC. 3012. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
2 **TON SHIP CHANNEL, CALIFORNIA.**

3 The project for navigation, San Francisco to Stock-
4 ton, California, authorized by section 301 of the River and
5 Harbor Act of 1965 (79 Stat. 1091) is modified—

6 (1) to provide that the non-Federal share of the
7 cost of the John F. Baldwin Ship Channel and
8 Stockton Ship Channel element of the project may
9 be provided in the form of in-kind services and ma-
10 terials; and

11 (2) to direct the Secretary to credit toward the
12 non-Federal share of the cost of such element the
13 cost of planning and design work carried out by the
14 non-Federal interest before the date of an agreement
15 for such planning and design if the Secretary deter-
16 mines that such work is integral to such element.

17 **SEC. 3013. KAWEAH RIVER, CALIFORNIA.**

18 The project for flood control, Terminus Dam,
19 Kaweah River, California, authorized by section 101(b)(5)
20 of the Water Resources Development Act of 1996 (110
21 Stat. 3658), is modified to direct the Secretary to credit
22 toward the non-Federal share of the cost of the project,
23 or provide reimbursement not to exceed \$800,000, for the
24 costs of any work carried out by the non-Federal interest
25 before, on, or after the date of the project partnership

1 agreement if the Secretary determines that the work is
2 integral to the project.

3 **SEC. 3014. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
4 **FORNIA.**

5 The project for navigation, Larkspur Ferry Channel,
6 Larkspur, California, authorized by section 601(d) of the
7 Water Resources Development Act of 1986 (100 Stat.
8 4148), is modified to direct the Secretary to determine
9 whether maintenance of the project is feasible, and if the
10 Secretary determines that maintenance of the project is
11 feasible, to carry out such maintenance.

12 **SEC. 3015. LLAGAS CREEK, CALIFORNIA.**

13 (a) IN GENERAL.—The project for flood damage re-
14 duction, Llagas Creek, California, authorized by section
15 501(a) of the Water Resources Development Act of 1999
16 (113 Stat. 333), is modified to authorize the Secretary
17 to carry out the project at a total cost of \$105,000,000,
18 with an estimated Federal cost of \$65,000,000, and an
19 estimated non-Federal cost of \$40,000,000.

20 (b) SPECIAL RULE.—In evaluating and implementing
21 the project, the Secretary shall allow the non-Federal in-
22 terest to participate in the financing of the project in ac-
23 cordance with section 903(c) of the Water Resources De-
24 velopment Act of 1986 (100 Stat. 4184) to the extent that

1 the Secretary's evaluation indicates that applying such
2 section is necessary to implement the project.

3 **SEC. 3016. MAGPIE CREEK, CALIFORNIA.**

4 (a) IN GENERAL.—The project for Magpie Creek,
5 California, authorized under section 205 of the Flood Con-
6 trol Act of 1948 (33 U.S.C. 701s), is modified to direct
7 the Secretary to apply the cost-sharing requirements of
8 section 103(b) of the Water Resources Development Act
9 of 1986 (100 Stat. 4085) for the portion of the project
10 consisting of land acquisition to preserve and enhance ex-
11 isting floodwater storage.

12 (b) CREDIT.—The Secretary shall credit toward the
13 non-Federal share of the cost of the project the cost of
14 planning and design work carried out by the non-Federal
15 interest before the date of the partnership agreement for
16 the project if the Secretary determines that the work is
17 integral to the project.

18 **SEC. 3017. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
19 **FORNIA.**

20 The project for aquatic ecosystem restoration, Pacific
21 Flyway Center, Sacramento, California, being carried out
22 under section 206 of the Water Resources Development
23 Act of 1996 (33 U.S.C. 2330), is modified to authorize
24 the Secretary to expend \$2,000,000 to enhance public ac-
25 cess to the project.

1 **SEC. 3018. PINOLE CREEK, CALIFORNIA.**

2 The project for improvement of the quality of the en-
3 vironment, Pinole Creek Phase I, California, being carried
4 out under section 1135 of the Water Resources Develop-
5 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
6 the Secretary to credit toward the non-Federal share of
7 the cost of the project the cost of work carried out by
8 the non-Federal interest before the date of the partnership
9 agreement for the project if the Secretary determines that
10 the work is integral to the project.

11 **SEC. 3019. PRADO DAM, CALIFORNIA.**

12 Upon completion of the modifications to the Prado
13 Dam element of the project for flood control, Santa Ana
14 River Mainstem, California, authorized by section 401(a)
15 of the Water Resources Development Act of 1986 (100
16 Stat. 4113), the Memorandum of Agreement for the Oper-
17 ation for Prado Dam for Seasonal Additional Water Con-
18 servation between the Department of the Army and the
19 Orange County Water District (including all the condi-
20 tions and stipulations in the memorandum) shall remain
21 in effect for volumes of water made available prior to such
22 modifications.

23 **SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD**
24 **CONTROL, CALIFORNIA.**

25 (a) IN GENERAL.—The Secretary shall provide credit
26 to the Sacramento Area Flood Control Agency, in the

1 amount of \$20,503,000, for the non-reimbursed Federal
2 share of costs incurred by the Agency in connection the
3 project for flood control and recreation, Sacramento and
4 American Rivers, California (Natomas Levee features),
5 authorized by section 9159 of the Department of Defense
6 Appropriations Act, 1993 (106 Stat. 1944).

7 (b) ALLOCATION OF CREDIT.—The Secretary shall
8 allocate the amount to be credited under subsection (a)
9 toward the non-Federal share of such projects as are re-
10 quested by the Sacramento Area Flood Control Agency.

11 **SEC. 3021. SACRAMENTO DEEP WATER SHIP CHANNEL,**
12 **CALIFORNIA.**

13 The project for navigation, Sacramento Deep Water
14 Ship Channel, California, authorized by section 202(a) of
15 the Water Resources Development Act of 1986 (100 Stat.
16 4092), is modified to direct the Secretary to credit toward
17 the non-Federal share of the cost of the project the cost
18 of planning and design work carried out by the non-Fed-
19 eral interest before the date of the partnership agreement
20 for the project if the Secretary determines that the work
21 is integral to the project.

22 **SEC. 3022. SANTA CRUZ HARBOR, CALIFORNIA.**

23 The project for navigation, Santa Cruz Harbor, Cali-
24 fornia, authorized by section 101 of the River and Harbor
25 Act of 1958 (72 Stat. 300) and modified by section 809

1 of the Water Resources Development Act of 1986 (100
2 Stat. 4168) and section 526 of the Water Resources De-
3 velopment Act of 1999 (113 Stat. 346), is modified to di-
4 rect the Secretary—

5 (1) to renegotiate the memorandum of agree-
6 ment with the non-Federal interest to increase the
7 annual payment to reflect the updated cost of oper-
8 ation and maintenance that is the Federal and non-
9 Federal share as provided by law based on the
10 project purpose; and

11 (2) to revise the memorandum of agreement to
12 include terms that revise such payments for infla-
13 tion.

14 **SEC. 3023. SEVEN OAKS DAM, CALIFORNIA.**

15 The project for flood control, Santa Ana Mainstem,
16 authorized by section 401(a) of the Water Resources De-
17 velopment Act of 1986 (100 Stat. 4113) and modified by
18 section 104 of the Energy and Water Development Appro-
19 priations Act, 1988 (101 Stat. 1329–11), section 102(e)
20 of the Water Resources Development Act of 1990 (104
21 Stat. 4611), and section 311 of the Water Resources De-
22 velopment Act of 1996 (110 Stat. 3713), is further modi-
23 fied to direct the Secretary to conduct a study of water
24 conservation and water quality at the Seven Oaks Dam,
25 California, for water conservation.

1 **SEC. 3024. UPPER GUADALUPE RIVER, CALIFORNIA.**

2 The project for flood damage reduction and recre-
3 ation, Upper Guadalupe River, California, authorized by
4 section 101(a)(9) of the Water Resources Development
5 Act of 1999 (113 Stat. 275), is modified to authorize the
6 Secretary to construct the project generally in accordance
7 with the Upper Guadalupe River Flood Damage Reduc-
8 tion, San Jose, California, Limited Reevaluation Report,
9 dated March, 2004, at a total cost of \$244,500,000.

10 **SEC. 3025. WALNUT CREEK CHANNEL, CALIFORNIA.**

11 The project for aquatic ecosystem restoration, Wal-
12 nut Creek Channel, California, being carried out under
13 section 206 of the Water Resources Development Act of
14 1996 (33 U.S.C. 2330), is modified—

15 (1) to direct the Secretary to credit toward the
16 non-Federal share of the cost of the project the cost
17 of work carried out by the non-Federal interest be-
18 fore the date of the partnership agreement for the
19 project if the Secretary determines that the work is
20 integral to the project; and

21 (2) to authorize the Secretary to consider na-
22 tional ecosystem restoration benefits in determining
23 the Federal interest in the project.

1 **SEC. 3026. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
2 **FORNIA.**

3 The project for improvement of the quality of the en-
4 vironment, Wildcat/San Pablo Creek Phase I, California,
5 being carried out under section 1135 of the Water Re-
6 sources Development Act of 1986 (33 U.S.C. 2309a), is
7 modified to direct the Secretary to credit toward the non-
8 Federal share of the cost of the project the cost of work
9 carried out by the non-Federal interest before the date of
10 the partnership agreement for the project if the Secretary
11 determines that the work is integral to the project.

12 **SEC. 3027. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
13 **FORNIA.**

14 The project for aquatic ecosystem restoration, Wild-
15 cat/San Pablo Creek Phase II, California, being carried
16 out under section 206 of the Water Resources Develop-
17 ment Act of 1996 (33 U.S.C. 2330), is modified to direct
18 the Secretary to credit toward the non-Federal share of
19 the cost of the project the cost of work carried out by
20 the non-Federal interest before the date of the partnership
21 agreement for the project if the Secretary determines that
22 the work is integral to the project and to authorize the
23 Secretary to consider national ecosystem restoration bene-
24 fits in determining the Federal interest in the project.

1 **SEC. 3028. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

2 The project for flood damage reduction, Yuba River
3 Basin, California, authorized by section 101(a)(10) of the
4 Water Resources Development Act of 1999 (113 Stat.
5 275), is modified—

6 (1) to authorize the Secretary to construct the
7 project at a total cost of \$107,700,000, with an esti-
8 mated Federal cost of \$70,000,000 and an esti-
9 mated non-Federal cost of \$37,700,000; and

10 (2) to direct the Secretary to credit toward the
11 non-Federal share of the cost of the project the cost
12 of work carried out by the non-Federal interest be-
13 fore the date of the partnership agreement for the
14 project if the Secretary determines that the work is
15 integral to the project.

16 **SEC. 3029. SOUTH PLATTE RIVER BASIN, COLORADO.**

17 Section 808 of the Water Resources Development Act
18 of 1986 (100 Stat. 4168) is amended by striking “agri-
19 culture,” and inserting “agriculture, environmental res-
20 toration,”.

21 **SEC. 3030. INTRACOASTAL WATERWAY, DELAWARE RIVER**
22 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**
23 **LAND.**

24 The project for navigation, Intracoastal Waterway,
25 Delaware River to Chesapeake Bay, Delaware and Mary-
26 land, authorized by the first section of the Rivers and Har-

1 bors Act of August 30, 1935 (49 Stat. 1030), and section
2 101 of the River and Harbor Act of 1954 (68 Stat. 1249),
3 is modified to add recreation as a project purpose.

4 **SEC. 3031. BREVARD COUNTY, FLORIDA.**

5 (a) SHORELINE.—The project for shoreline protec-
6 tion, Brevard County, Florida, authorized by section
7 101(b)(7) of the Water Resources Development Act of
8 1996 (110 Stat. 3667), is modified—

9 (1) to direct the Secretary to establish the
10 reach of the project as the reach between the Flor-
11 ida department of environmental protection monu-
12 ments 75.4 to 118.3, a distance of 7.6 miles; and

13 (2) to direct the Secretary to expedite the gen-
14 eral reevaluation report required by section 418 of
15 the Water Resources Development Act of 2000 (114
16 Stat. 2637).

17 (b) CREDIT.—Section 310 of the Water Resources
18 Development Act of 1999 (113 Stat. 301) is amended by
19 adding at the end the following:

20 “(d) CREDIT.—After completion of the study, the
21 Secretary shall credit toward the non-Federal share of the
22 cost of the project for shore protection the cost of nourish-
23 ment and renourishment associated with the project for
24 shore protection incurred by the non-Federal interest to
25 respond to damages to Brevard County beaches that are

1 the result of a Federal navigation project, as determined
2 in the final report for the study.”.

3 **SEC. 3032. BROWARD COUNTY AND HILLSBORO INLET,**
4 **FLORIDA.**

5 The project for shore protection, Broward County
6 and Hillsboro Inlet, Florida, authorized by section 301 of
7 the River and Harbor Act of 1965 (79 Stat. 1090), and
8 modified by section 311 of the Water Resources Develop-
9 ment Act of 1999 (113 Stat. 301), is further modified to
10 direct the Secretary to credit toward the non-Federal
11 share of the cost of the project the cost of mitigation con-
12 struction and derelict erosion control structure removal
13 carried out by the non-Federal interest before the date of
14 the partnership agreement for the project if the Secretary
15 determines that the work is integral to the project.

16 **SEC. 3033. CANAVERAL HARBOR, FLORIDA.**

17 In carrying out the project for navigation, Canaveral
18 Harbor, Florida, authorized by section 101 of the River
19 and Harbor Act of 1962 (76 Stat. 1174), the Secretary
20 shall construct a sediment trap.

21 **SEC. 3034. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

22 The project for shore protection, Gasparilla and
23 Estero Island segments, Lee County, Florida, authorized
24 by section 201 of the Flood Control Act of 1965 (79 Stat.
25 1073), by Senate Resolution dated December 17, 1970,

1 and by House Resolution dated December 15, 1970, and
2 modified by section 309 of the Water Resources Develop-
3 ment Act of 2000 (114 Stat. 2602), is further modified
4 to direct the Secretary to credit toward the non-Federal
5 share of the cost of the project the cost of work carried
6 out by the non-Federal interest before the date of the part-
7 nership agreement for the project if the Secretary deter-
8 mines that the work is integral to the project.

9 **SEC. 3035. JACKSONVILLE HARBOR, FLORIDA.**

10 (a) IN GENERAL.—The project for navigation, Jack-
11 sonville Harbor, Florida, authorized by section 101(a)(17)
12 of the Water Resources Development Act of 1999 (113
13 Stat. 276), is modified to authorize the Secretary to ex-
14 tend the navigation features in accordance with the Report
15 of the Chief of Engineers, dated July 22, 2003, at a total
16 cost of \$14,658,000, with an estimated Federal cost of
17 \$9,636,000 and an estimated non-Federal cost of
18 \$5,022,000.

19 (b) GENERAL REEVALUATION REPORTS.—The non-
20 Federal share of the cost of the general reevaluation re-
21 port that resulted in the report of the Chief of Engineers
22 for the project and the non-Federal share of the cost of
23 the general reevaluation report for Jacksonville Harbor,
24 Florida, being conducted on June 1, 2005, shall each be

1 the same percentage as the non-Federal share of the cost
2 of construction of the project.

3 (c) AGREEMENT.—The Secretary shall enter into new
4 partnership agreements with the non-Federal interest to
5 reflect the cost sharing required by subsection (b).

6 **SEC. 3036. LIDO KEY BEACH, SARASOTA, FLORIDA.**

7 (a) IN GENERAL.—The project for shore protection,
8 Lido Key Beach, Sarasota, Florida, authorized by section
9 101 of the River and Harbor Act of 1970 (84 Stat. 1819),
10 deauthorized under section 1001(b) of the Water Re-
11 sources Development Act of 1986 (33 U.S.C. 579a(b)),
12 and reauthorized by section 364(2)(A) of the Water Re-
13 sources Development Act of 1999 (113 Stat. 313), is
14 modified to direct the Secretary to construct the project
15 substantially in accordance with the report of the Chief
16 of Engineers dated December 22, 2004, at a total cost
17 of \$15,190,000, with an estimated Federal cost of
18 \$9,320,000 and an estimated non-Federal cost of
19 \$5,870,000, and at an estimated total cost of \$65,000,000
20 for periodic nourishment over the 50-year life of the
21 project.

22 (b) CONSTRUCTION OF SHORELINE PROTECTION
23 PROJECTS BY NON-FEDERAL INTERESTS.—The Sec-
24 retary shall enter into a partnership agreement with the
25 non-Federal interest in accordance with section 206 of the

1 Water Resources Development Act of 1992 (33 U.S.C.
2 426i–1) for the modified project.

3 **SEC. 3037. MIAMI HARBOR, FLORIDA.**

4 The project for navigation, Miami Harbor Channel,
5 Florida, authorized by section 101(a)(9) of the Water Re-
6 sources Development Act of 1990 (104 Stat. 4606) and
7 modified by section 315 of the Water Resources Develop-
8 ment Act of 1999 (113 Stat. 302), is further modified—

9 (1) to include as a project purpose environ-
10 mental mitigation required before July 18, 2003, by
11 a Federal, State, or local environmental agency for
12 unauthorized or unanticipated environmental im-
13 pacts within, or in the vicinity of, the authorized
14 project; and

15 (2) to direct the Secretary to reimburse the
16 non-Federal interest for the Federal share of the
17 costs the non-Federal interest has incurred in con-
18 struction of the project (including environmental
19 mitigation costs and costs incurred for incomplete
20 usable increments of the project) in accordance with
21 section 204 of the Water Resources Development
22 Act of 1986 (33 U.S.C. 2232).

23 **SEC. 3038. PEANUT ISLAND, FLORIDA.**

24 The maximum amount of Federal funds that may be
25 expended for the project for improvement of the quality

1 of the environment, Peanut Island, Palm Beach County,
2 Florida, being carried out under section 1135 of the Water
3 Resources Development Act of 1986 (33 U.S.C. 2309a)
4 shall be \$9,750,000.

5 **SEC. 3039. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

6 The project for navigation, Tampa Harbor-Big Bend
7 Channel, Florida, authorized by section 101(a)(18) of the
8 Water Resources Development Act of 1999 (113 Stat.
9 276) is modified to direct the Secretary to credit toward
10 the non-Federal share of the cost of the project the cost
11 of planning, design, and construction work carried out by
12 the non-Federal interest before the date of the partnership
13 agreement for the project if the Secretary determines that
14 the work is integral to the project.

15 **SEC. 3040. TAMPA HARBOR CUT B, FLORIDA.**

16 (a) IN GENERAL.—The project for navigation,
17 Tampa Harbor, Florida, authorized by section 101 of the
18 River and Harbor Act of 1970 (84 Stat. 1818), is modified
19 to authorize the Secretary to construct passing lanes in
20 an area approximately 3.5 miles long and centered on
21 Tampa Harbor Cut B if the Secretary determines that
22 such improvements are necessary for navigation safety.

23 (b) GENERAL REEVALUATION REPORT.—The non-
24 Federal share of the cost of the general reevaluation re-
25 port for Tampa Harbor, Florida, being conducted on June

1 1, 2005, shall be the same percentage as the non-Federal
2 share of the cost of construction of the project.

3 (c) AGREEMENT.—The Secretary shall enter into a
4 new partnership agreement with the non-Federal interest
5 to reflect the cost sharing required by subsection (b).

6 **SEC. 3041. ALLATOONA LAKE, GEORGIA.**

7 (a) LAND EXCHANGE.—

8 (1) IN GENERAL.—The Secretary may exchange
9 lands above 863 feet in elevation at Allatoona Lake,
10 Georgia, identified in the Real Estate Design Memo-
11 randum prepared by the Mobile district engineer,
12 April 5, 1996, and approved October 8, 1996, for
13 lands on the north side of Allatoona Lake that are
14 needed for wildlife management and for protection
15 of the water quality and overall environment of
16 Allatoona Lake.

17 (2) TERMS AND CONDITIONS.—The basis for all
18 land exchanges under this subsection shall be a fair
19 market appraisal so that lands exchanged are of
20 equal value.

21 (b) DISPOSAL AND ACQUISITION OF LANDS,
22 ALLATOONA LAKE, GEORGIA.—

23 (1) IN GENERAL.—The Secretary may also sell
24 lands above 863 feet in elevation at Allatoona Lake,
25 Georgia, identified in the memorandum referred to

1 in subsection (a)(1) and may use the proceeds to
2 pay costs associated with the purchase of lands
3 needed for wildlife management and for protection
4 of the water quality and overall environment of
5 Allatoona Lake.

6 (2) TERMS AND CONDITIONS.—Land sales and
7 purchases to be conducted under this subsection
8 shall be subject to the following terms and condi-
9 tions:

10 (A) Lands acquired under this subsection
11 shall be by negotiated purchase from willing
12 sellers only.

13 (B) The basis for all transactions under
14 the program shall be a fair market appraisal
15 acceptable to the Secretary.

16 (C) The purchasers shall share in the asso-
17 ciated real estate costs, to include surveys and
18 associated fees in accordance with the memo-
19 randum referred to in subsection (a)(1).

20 (D) Any other conditions that the Sec-
21 retary may impose.

22 (c) REPEAL.—Section 325 of the Water Resources
23 Development Act of 1992 (106 Stat. 4849) is repealed.

1 **SEC. 3042. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

2 The maximum amount of Federal funds that may be
3 expended for the project for improvement of the quality
4 of the environment, Latham River, Glynn County, Geor-
5 gia, being carried out under section 1135 of the Water
6 Resources Development Act of 1986 (33 U.S.C. 2309a)
7 shall be \$6,175,000.

8 **SEC. 3043. DWORSHAK DAM AND RESERVOIR IMPROVE-**
9 **MENTS, IDAHO.**

10 The Secretary may carry out improvements to rec-
11 reational facilities at the Dworshak Dam and Reservoir,
12 North Fork, Clearwater River, Idaho, authorized by sec-
13 tion 203 of the Flood Control Act of 1962 (76 Stat. 1193),
14 to accommodate lower pool levels.

15 **SEC. 3044. BEARDSTOWN COMMUNITY BOAT HARBOR,**
16 **BEARDSTOWN, ILLINOIS.**

17 (a) IN GENERAL.—The project for navigation,
18 Muscooten Bay, Illinois River, Beardstown Community
19 Boat Harbor, Beardstown, Illinois, constructed under sec-
20 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
21 577), is modified—

22 (1) to include the channel between the harbor
23 and the Illinois River; and

24 (2) to direct the Secretary to enter into a part-
25 nership agreement with the city of Beardstown to
26 replace the local cooperation agreement dated Au-

1 gust 18, 1983, with the Beardstown Community
2 Park District.

3 (b) TERMS OF PARTNERSHIP AGREEMENT.—The
4 partnership agreement referred to in subsection (a) shall
5 include the same rights and responsibilities as the local
6 cooperation agreement dated August 18, 1983, changing
7 only the identity of the non-Federal sponsor.

8 (c) MAINTENANCE.—Following execution of the part-
9 nership agreement referred to in subsection (a), the Sec-
10 retary may carry out maintenance of the project referred
11 to in subsection (a) on an annual basis.

12 **SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.**

13 The Cache River Levee constructed for flood control
14 at the Cache River, Illinois, and authorized by the Act of
15 June 28, 1938 (52 Stat. 1217), is modified to add envi-
16 ronmental restoration as a project purpose.

17 **SEC. 3046. CHICAGO RIVER, ILLINOIS.**

18 The navigation channel for the North Branch Canal
19 portion of the Chicago River, authorized by the first sec-
20 tion of the Rivers and Harbors Appropriations Act of
21 March 3, 1899 (30 Stat. 1129), extending from 100 feet
22 downstream of the Halsted Street Bridge to 100 feet up-
23 stream of the Division Street Bridge is modified to be no
24 wider than 66 feet.

1 **SEC. 3047. CHICAGO SANITARY AND SHIP CANAL DIS-**
2 **PERSAL BARRIERS PROJECT, ILLINOIS.**

3 (a) TREATMENT AS SINGLE PROJECT.—The Chicago
4 Sanitary and Ship Canal Dispersal Barrier Project (in this
5 section referred to as “Barrier I”) (as in existence on the
6 date of enactment of this Act), constructed as a dem-
7 onstration project under section 1202(i)(3) of the Non-
8 indigenous Aquatic Nuisance Prevention and Control Act
9 of 1990 (16 U.S.C. 4722(i)(3)), and the project relating
10 to the Chicago Sanitary and Ship Canal Dispersal Barrier,
11 authorized by section 345 of the District of Columbia Ap-
12 propriations Act, 2005 (Public Law 108–335; 118 Stat.
13 1352) (in this section referred to as “Barrier II”), shall
14 be considered to constitute a single project.

15 (b) AUTHORIZATION.—

16 (1) IN GENERAL.—The Secretary, at Federal
17 expense, shall—

18 (A) upgrade and make permanent Barrier
19 I;

20 (B) construct Barrier II, notwithstanding
21 the project cooperation agreement with the
22 State of Illinois dated June 14, 2005;

23 (C) operate and maintain Barrier I and
24 Barrier II as a system to optimize effectiveness;

25 (D) conduct, in consultation with appro-
26 priate Federal, State, local, and nongovern-

1 mental entities, a study of a range of options
2 and technologies for reducing impacts of haz-
3 ards that may reduce the efficacy of the Bar-
4 riers; and

5 (E) provide to each State a credit in an
6 amount equal to the amount of funds contrib-
7 uted by the State toward Barrier II.

8 (2) USE OF CREDIT.—A State may apply a
9 credit provided to the State under paragraph (1)(E)
10 to any cost sharing responsibility for an existing or
11 future Federal project carried out by the Secretary
12 in the State.

13 (c) CONFORMING AMENDMENT.—Section 345 of the
14 District of Columbia Appropriations Act, 2005 (Public
15 Law 108–335; 118 Stat. 1352), is amended to read as
16 follows:

17 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DIS-**
18 **PERSAL BARRIER, ILLINOIS.**

19 “‘There are authorized to be appropriated such sums
20 as may be necessary to carry out the Barrier II project
21 of the project for the Chicago Sanitary and Ship Canal
22 Dispersal Barrier, Illinois, initiated pursuant to section
23 1135 of the Water Resources Development Act of 1986
24 (33 U.S.C. 2294 note; 100 Stat. 4251).’”.

1 (d) FEASIBILITY STUDY.—The Secretary, in con-
2 sultation with appropriate Federal, State, local, and non-
3 governmental entities, shall conduct, at Federal expense,
4 a feasibility study of the range of options and technologies
5 available to prevent the spread of aquatic nuisance species
6 between the Great Lakes and Mississippi River Basins
7 through the Chicago Sanitary and Ship Canal and other
8 pathways.

9 **SEC. 3048. EMIQUON, ILLINOIS.**

10 (a) MAXIMUM AMOUNT.—The maximum amount of
11 Federal funds that may be expended for the project for
12 aquatic ecosystem restoration, Emiquon, Illinois, being
13 carried out under section 206 of the Water Resources De-
14 velopment Act of 1996 (33 U.S.C. 2330), shall be
15 \$7,500,000.

16 (b) LIMITATION.—Nothing in this section shall affect
17 the eligibility of the project for emergency repair assist-
18 ance under section 5(a) of the Act entitled “An Act au-
19 thorizing the construction of certain public works on rivers
20 and harbors for flood control, and for other purposes”,
21 approved August 18, 1941 (33 U.S.C. 701n).

22 **SEC. 3049. LASALLE, ILLINOIS.**

23 In carrying out section 312 of the Water Resources
24 Development Act of 1990 (104 Stat. 4639–4640), the Sec-

1 retary shall give priority to work in the vicinity of LaSalle,
2 Illinois, on the Illinois and Michigan Canal.

3 **SEC. 3050. SPUNKY BOTTOMS, ILLINOIS.**

4 (a) PROJECT PURPOSE.—The project for flood con-
5 trol, Spunky Bottoms, Illinois, authorized by section 5 of
6 the Flood Control Act of June 22, 1936 (49 Stat. 1583),
7 is modified to add environmental restoration as a project
8 purpose.

9 (b) MAXIMUM AMOUNT.—The maximum amount of
10 Federal funds that may be expended for the project for
11 improvement of the quality of the environment, Spunky
12 Bottoms, Illinois, being carried out under section 1135 of
13 the Water Resources Development Act of 1986 (33 U.S.C.
14 2309a), shall be \$7,500,000.

15 (c) LIMITATION.—Nothing in this section shall affect
16 the eligibility of the project for emergency repair assist-
17 ance under section 5(a) of the Act entitled “An Act au-
18 thorizing the construction of certain public works on rivers
19 and harbors for flood control, and for other purposes”,
20 approved August 18, 1941 (33 U.S.C. 701n).

21 **SEC. 3051. FORT WAYNE AND VICINITY, INDIANA.**

22 The project for flood control Fort Wayne, St. Mary’s
23 and Maumee Rivers, Indiana, authorized by section
24 101(a)(11) of the Water Resources Development Act of
25 1990 (104 Stat. 4604), is modified—

1 (1) to direct the Secretary to provide a 100-
2 year level of flood protection at the Berry-Thieme,
3 Park-Thompson, Woodhurst, and Tillman sites
4 along the St. Mary's River, Fort Wayne and vicinity,
5 Indiana, at a total cost of \$5,300,000; and

6 (2) to allow the non-Federal interest to partici-
7 pate in the financing of the project in accordance
8 with section 903(c) of the Water Resources Develop-
9 ment Act of 1986 (100 Stat. 4184) to the extent
10 that the Secretary's evaluation indicates that apply-
11 ing such section is necessary to implement the
12 project.

13 **SEC. 3052. KOONTZ LAKE, INDIANA.**

14 The project for aquatic ecosystem restoration, Koontz
15 Lake, Indiana, being carried out under section 206 of the
16 Water Resources Development Act of 1996 (33 U.S.C.
17 2330) and modified by section 520 of the Water Resources
18 Development Act of 2000 (114 Stat. 2655), is further
19 modified to direct the Secretary to seek to reduce the cost
20 of the project by using innovative technologies and cost
21 reduction measures determined from a review of non-Fed-
22 eral lake dredging projects in the vicinity of Koontz Lake.

23 **SEC. 3053. WHITE RIVER, INDIANA.**

24 The project for flood control, Indianapolis on West
25 Fork of White River, Indiana, authorized by section 5 of

1 the Act entitled “An Act authorizing the construction of
2 certain public works on rivers and harbors for flood con-
3 trol, and for other purposes”, approved June 22, 1936 (49
4 Stat. 1586), and modified by section 323 of the Water
5 Resources Development Act of 1996 (110 Stat. 3716) and
6 section 322 of the Water Resources Development Act of
7 1999 (113 Stat. 303–304), is further modified—

8 (1) to authorize the Secretary to undertake the
9 riverfront alterations described in the Central Indi-
10 anapolis Waterfront Concept Plan, dated February
11 1994, for the Fall Creek Reach feature at a total
12 cost of \$28,545,000; and

13 (2) to direct the Secretary to credit toward the
14 non-Federal share of the cost of the project the cost
15 of planning, design, and construction work carried
16 out by the non-Federal interest before the date of
17 the partnership agreement for the project if the Sec-
18 retary determines that the work is integral to the
19 project.

20 **SEC. 3054. DES MOINES RIVER AND GREENBELT, IOWA.**

21 The project for the Des Moines Recreational River
22 and Greenbelt, Iowa, authorized by Public Law 99–88 and
23 modified by section 604 of the Water Resources Develop-
24 ment Act of 1986 (100 Stat. 4153), is modified to include

1 enhanced public access and recreational enhancements, at
2 a Federal cost of \$3,000,000.

3 **SEC. 3055. RATHBUN LAKE, IOWA.**

4 (a) RIGHT OF FIRST REFUSAL.—The Secretary shall
5 provide, in accordance with the recommendations in the
6 Rathbun Lake Reallocation Report approved by the Chief
7 of Engineers on July 22, 1985, the Rathbun Regional
8 Water Association with the right of first refusal to con-
9 tract for or purchase any increment of the remaining allo-
10 cation (8,320 acre-feet) of water supply storage in
11 Rathbun Lake, Iowa.

12 (b) PAYMENT OF COST.—The Rathbun Regional
13 Water Association shall pay the cost of any water supply
14 storage allocation provided under subsection (a).

15 **SEC. 3056. PRESTONSBURG, KENTUCKY.**

16 The Prestonsburg, Kentucky, element of the project
17 for flood control, Levisa and Tug Fork of the Big Sandy
18 and Cumberland Rivers, West Virginia, Virginia, and Ken-
19 tucky, authorized by section 202(a) of the Energy and
20 Water Development Appropriations Act, 1981 (94 Stat.
21 1339), is modified to direct the Secretary to take measures
22 to provide a 100-year level of flood protection for the city
23 of Prestonsburg.

1 **SEC. 3057. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
2 **EAST BATON ROUGE PARISH WATERSHED.**

3 The project for flood damage reduction and recre-
4 ation, Amite River and Tributaries, Louisiana, East
5 Baton Rouge Parish Watershed, authorized by section
6 101(a)(21) of the Water Resources Development Act of
7 1999 (113 Stat. 277) and modified by section 116 of divi-
8 sion D of Public Law 108–7 (117 Stat. 140), is further
9 modified—

10 (1) to direct the Secretary to carry out the
11 project with the cost sharing for the project deter-
12 mined in accordance with section 103(a) of the
13 Water Resources Development Act of 1986 (33
14 U.S.C. 2213(a)), as in effect on October 11, 1996;

15 (2) to authorize the Secretary to construct the
16 project at a total cost of \$187,000,000; and

17 (3) to direct the Secretary to credit toward the
18 non-Federal share of the cost of the project the cost
19 of work carried out by the non-Federal interest be-
20 fore the date of the partnership agreement for the
21 project if the Secretary determines that the work is
22 integral to the project.

23 **SEC. 3058. ATCHAFALAYA BASIN, LOUISIANA.**

24 (a) IN GENERAL.—Section 315(a)(1) of the Water
25 Resources Development Act of 2000 (114 Stat. 2603–
26 2604) is amended to read as follows:

“(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and”.

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking “(a)” and inserting “(a)(2)”.

14 (c) DONATIONS.—Section 315 of such Act is amend-
15 ed by adding at the end the following:

16 “(c) DONATIONS.—In carrying out subsection (a)(1),
17 the Mississippi River Commission is authorized to accept
18 the donation of cash, funds, lands, materials, and services
19 from non-Federal governmental entities and nonprofit cor-
20 porations.”.

21 SEC. 3059. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-
22 ISIANA.

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of the Water Resources Development Act

1 1986 (100 Stat. 4142), is modified to authorize the Sec-
2 retary to acquire from willing sellers the fee interest, ex-
3 clusive of oil, gas, and minerals, of an additional 20,000
4 acres of land within the Lower Atchafalaya Basin
5 Floodway for the public access feature of the Atchafalaya
6 Basin Floodway System, to enhance fish and wildlife re-
7 sources, at a total cost of \$4,000,000.

8 **SEC. 3060. BAYOU PLAQUEMINE, LOUISIANA.**

9 The project for the improvement of the quality of the
10 environment, Bayou Plaquemine, Louisiana, being carried
11 out under section 1135 of the Water Resources Develop-
12 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
13 the Secretary to credit toward the non-Federal share of
14 the cost of the project the cost of work carried out by
15 the non-Federal interest before the date of the partnership
16 agreement for the project if the Secretary determines that
17 the work is integral to the project.

18 **SEC. 3061. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**

19 **RIVER TO SHREVEPORT, LOUISIANA.**

20 The project for mitigation of fish and wildlife losses,
21 J. Bennett Johnston Waterway, Mississippi River to
22 Shreveport, Louisiana, authorized by section 601(a) of the
23 Water Resources Development Act of 1986 (100 Stat.
24 4142) and modified by section 4(h) of the Water Re-
25 sources Development Act of 1988 (102 Stat. 4016), sec-

tion 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified—

(1) to authorize the purchase and reforestation of lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

SEC. 3062. MELVILLE, LOUISIANA.

Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: “and may include the town of Melville, Louisiana, as one of the alternative sites”.

SEC. 3063. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development

1 Act of 1996 (110 Stat. 3739), is further modified to direct
2 the Secretary to credit toward the non-Federal share of
3 the cost of the project the costs of relocating oyster beds
4 in the Davis Pond project area if the Secretary determines
5 that the work is integral to the Mississippi Delta Region
6 project.

7 **SEC. 3064. NEW ORLEANS TO VENICE, LOUISIANA.**

8 The New Orleans to Venice, Louisiana, project for
9 hurricane protection, authorized by section 203 of the
10 Flood Control Act of 1962 (76 Stat. 1184), is modified
11 to authorize the Secretary to carry out the work on the
12 St. Jude to City Price, Upper Reach A back levee. The
13 Federal share of the cost of such work shall be 70 percent.

14 **SEC. 3065. WEST BANK OF THE MISSISSIPPI RIVER (EAST**
15 **OF HARVEY CANAL), LOUISIANA.**

16 Section 328 of the Water Resources Development Act
17 of 1999 (113 Stat. 304–305) is amended—

18 (1) in subsection (a)—

19 (A) by striking “operation and maintenance” and inserting “operation, maintenance,
20 rehabilitation, repair, and replacement”; and
21

22 (B) by striking “Algiers Channel” and in-
23 serting “Algiers Canal Levees”; and

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

1 “(c) COST SHARING.—The non-Federal share of the
2 cost of the project shall be 35 percent.”.

3 **SEC. 3066. CAMP ELLIS, SACO, MAINE.**

4 The maximum amount of Federal funds that may be
5 expended for the project being carried out under section
6 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
7 for the mitigation of shore damages attributable to the
8 project for navigation, Camp Ellis, Saco, Maine, shall be
9 \$26,900,000.

10 **SEC. 3067. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**
11

12 (a) IN GENERAL.—The project for emergency
13 streambank and shoreline protection, Detroit River Shore-
14 line, Detroit, Michigan, being carried out under section 14
15 of the Flood Control Act of 1946 (33 U.S.C. 701r), is
16 modified to include measures to enhance public access.

17 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
18 imum amount of Federal funds that may be expended for
19 the project shall be \$3,000,000.

20 **SEC. 3068. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
21

22 Section 426 of the Water Resources Development Act
23 of 1999 (113 Stat. 326) is amended to read as follows:

1 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
2 **GAN.**

3 “(a) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) MANAGEMENT PLAN.—The term ‘manage-
6 ment plan’ means the management plan for the St.
7 Clair River and Lake St. Clair, Michigan, that is in
8 effect as of the date of enactment of the Water Re-
9 sources Development Act of 2006.

10 “(2) PARTNERSHIP.—The term ‘partnership’
11 means the partnership established by the Secretary
12 under subsection (b)(1).

13 “(b) PARTNERSHIP.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish and lead a partnership of appropriate Federal
16 agencies (including the Environmental Protection
17 Agency) and the State of Michigan (including polit-
18 ical subdivisions of the State)—

19 “(A) to promote cooperation among the
20 Federal, State, and local governments and other
21 involved parties in the management of the St.
22 Clair River and Lake St. Clair watersheds; and

23 “(B) develop and implement projects con-
24 sistent with the management plan.

25 “(2) COORDINATION WITH ACTIONS UNDER
26 OTHER LAW.—

1 “(A) IN GENERAL.—Actions taken under
2 this section by the partnership shall be coordi-
3 nated with actions to restore and conserve the
4 St. Clair River and Lake St. Clair and water-
5 sheds taken under other provisions of Federal
6 and State law.

7 “(B) NO EFFECT ON OTHER LAW.—Noth-
8 ing in this section alters, modifies, or affects
9 any other provision of Federal or State law.

10 “(c) IMPLEMENTATION OF ST. CLAIR RIVER AND
11 LAKE ST. CLAIR MANAGEMENT PLAN.—

12 “(1) IN GENERAL.—The Secretary shall—

13 “(A) develop a St. Clair River and Lake
14 St. Clair strategic implementation plan in ac-
15 cordance with the management plan;

16 “(B) provide technical, planning, and engi-
17 neering assistance to non-Federal interests for
18 developing and implementing activities con-
19 sistent with the management plan;

20 “(C) plan, design, and implement projects
21 consistent with the management plan; and

22 “(D) provide, in coordination with the Ad-
23 ministrator of the Environmental Protection
24 Agency, financial and technical assistance, in-
25 cluding grants, to the State of Michigan (in-

1 including political subdivisions of the State) and
2 interested nonprofit entities for the planning,
3 design, and implementation of projects to re-
4 store, conserve, manage, and sustain the St.
5 Clair River, Lake St. Clair, and associated wa-
6 tersheds.

7 “(2) SPECIFIC MEASURES.—Financial and tech-
8 nical assistance provided under subparagraphs (B)
9 and (C) of paragraph (1) may be used in support of
10 non-Federal activities consistent with the manage-
11 ment plan.

12 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
13 STRATEGIC IMPLEMENTATION PLAN.—In consultation
14 with the partnership and after providing an opportunity
15 for public review and comment, the Secretary shall develop
16 information to supplement—

17 “(1) the management plan; and

18 “(2) the strategic implementation plan devel-
19 oped under subsection (c)(1)(A).

20 “(e) COST SHARING.—

21 “(1) IN-KIND SERVICES.—The non-Federal
22 share of the cost of technical assistance under sub-
23 section (c), the cost of planning, design, and con-
24 struction of a project under subsection (c), and the
25 cost of development of supplementary information

1 under subsection (d) may be provided through the
2 provision of in-kind services.

3 “(2) CREDIT FOR LAND, EASEMENTS, AND
4 RIGHTS-OF-WAY.—The Secretary shall credit the
5 non-Federal sponsor for the value of any land, ease-
6 ments, rights-of-way, dredged material disposal
7 areas, or relocations required in carrying out a
8 project under subsection (c).

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

14 “(4) OPERATION AND MAINTENANCE.—The op-
15 eration, maintenance, repair, rehabilitation, and re-
16 placement of projects carried out under this section
17 shall be non-Federal responsibilities.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$10,000,000 for each fiscal year.”.

21 **SEC. 3069. ST. JOSEPH HARBOR, MICHIGAN.**

22 The Secretary shall expedite development of the
23 dredged material management plan for the project for
24 navigation, St. Joseph Harbor, Michigan, authorized by

1 section 101 of the River and Harbor Act of 1958 (72 Stat.
2 299).

3 **SEC. 3070. SAULT SAINTE MARIE, MICHIGAN.**

4 (a) IN GENERAL.—The text of section 1149 of the
5 Water Resources Development Act of 1986 (100 Stat.
6 4254) is amended to read as follows:

7 “The Secretary shall construct at Federal expense a
8 second lock, of a width not less than 110 feet and a length
9 not less than 1,200 feet, adjacent to the existing lock at
10 Sault Sainte Marie, Michigan, generally in accordance
11 with the report of the Board of Engineers for Rivers and
12 Harbors, dated May 19, 1986, and the limited reevalua-
13 tion report dated February 2004 at a total cost of
14 \$341,714,000.”.

15 (b) CONFORMING REPEALS.—The following provi-
16 sions are repealed:

17 (1) Section 107(a)(8) of the Water Resources
18 Development Act of 1990 (104 Stat. 4620).

19 (2) Section 330 of the Water Resources Devel-
20 opment Act of 1996 (110 Stat. 3717–3718).

21 (3) Section 330 of the Water Resources Devel-
22 opment Act of 1999 (113 Stat. 305).

23 **SEC. 3071. ADA, MINNESOTA.**

24 (a) IN GENERAL.—The project for flood damage re-
25 duction, Wild Rice River, Ada, Minnesota, being carried

1 out under section 205 of the Flood Control Act of 1948
2 (33 U.S.C. 701s), is modified to authorize the Secretary
3 to consider national ecosystem restoration benefits in de-
4 termining the Federal interest in the project.

5 (b) EVALUATION OF BENEFITS AND COSTS.—In
6 evaluating the economic benefits and costs for the project,
7 the Secretary shall not consider the emergency levee adja-
8 cent to Judicial Ditch No. 51 in the determination of con-
9 ditions existing prior to construction of the project.

10 (c) SPECIAL RULE.—In evaluating and implementing
11 the project, the Secretary shall allow the non-Federal in-
12 terest to participate in the financing of the project in ac-
13 cordance with section 903(c) of the Water Resources De-
14 velopment Act of 1986 (100 Stat. 4184) to the extent that
15 the Secretary's evaluation indicates that applying such
16 section is necessary to implement the project.

17 **SEC. 3072. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

18 (a) IN GENERAL.—The project for navigation, Du-
19 luth Harbor, McQuade Road, Minnesota, being carried out
20 under section 107 of the River and Harbor Act of 1960
21 (33 U.S.C. 577) and modified by section 321 of the Water
22 Resources Development Act of 2000 (114 Stat. 2605), is
23 further modified to authorize the Secretary to provide
24 public access and recreational facilities as generally de-
25 scribed in the Detailed Project Report and Environmental

1 Assessment, McQuade Road Harbor of Refuge, Duluth,
2 Minnesota, dated August 1999.

3 (b) CREDIT.—The Secretary shall provide credit to-
4 ward the non-Federal share of the cost of the project for
5 the costs of design work carried out before the date of
6 the partnership agreement for the project if the Secretary
7 determines that the work is integral to the project.

8 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
9 imum amount of Federal funds that may be expended for
10 the project shall be \$9,000,000.

11 **SEC. 3073. GRAND MARAIS, MINNESOTA.**

12 The project for navigation, Grand Marais, Minnesota,
13 carried out under section 107 of the River and Harbor
14 Act of 1960 (33 U.S.C. 577) is modified to direct the Sec-
15 retary to provide credit toward the non-Federal share of
16 the cost of the project the cost of design work carried out
17 before the date of the partnership agreement for the
18 project if the Secretary determines that the work is inte-
19 gral to the project.

20 **SEC. 3074. GRAND PORTAGE HARBOR, MINNESOTA.**

21 The Secretary shall provide credit toward the non-
22 Federal share of the cost of the navigation project for
23 Grand Portage Harbor, Minnesota, carried out under sec-
24 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
25 577), for the costs of design work carried out before the

1 date of the partnership agreement for the project if the
2 Secretary determines that the work is integral to the
3 project.

4 **SEC. 3075. GRANITE FALLS, MINNESOTA.**

5 (a) IN GENERAL.—The Secretary is directed to im-
6 plement under section 205 of the Flood Control Act of
7 1948 (33 U.S.C. 701s) the locally preferred plan for flood
8 damage reduction, Granite Falls, Minnesota, substantially
9 in accordance with the detailed project report dated 2002,
10 at a total cost of \$12,000,000, with an estimated Federal
11 cost of \$8,000,000 and an estimated non-Federal cost of
12 \$4,000,000.

13 (b) PROJECT FINANCING.—In evaluating and imple-
14 menting the project under this section, the Secretary shall
15 allow the non-Federal interests to participate in the fi-
16 nancing of the project in accordance with section 903(c)
17 of the Water Resources Development Act of 1986 (100
18 Stat. 4184), to the extent that the detailed project report
19 evaluation indicates that applying such section is nec-
20 essary to implement the project.

21 (c) CREDIT.—The Secretary shall credit toward the
22 non-Federal share of the project the cost of design and
23 construction work carried out by the non-Federal interest
24 before the date of execution of a partnership agreement

1 for the project if the Secretary determines that the work
2 is integral to the project.

3 (d) MAXIMUM FUNDING.—The maximum amount of
4 Federal funds that may be expended for the flood damage
5 reduction shall be \$8,000,000.

6 **SEC. 3076. KNIFE RIVER HARBOR, MINNESOTA.**

7 The project for navigation, Harbor at Knife River,
8 Minnesota, authorized by section 2 of the Rivers and Har-
9 bors Act of March 2, 1945 (59 Stat. 19), is modified to
10 direct the Secretary to develop a final design and prepare
11 plans and specifications to correct the harbor entrance and
12 mooring conditions at the project.

13 **SEC. 3077. RED LAKE RIVER, MINNESOTA.**

14 The project for flood control, Red Lake River,
15 Crookston, Minnesota, authorized by section 101(a)(23) of
16 the Water Resources Development Act of 1999 (113 Stat.
17 278), is modified to include flood protection for the adja-
18 cent and interconnected areas generally known as the
19 Sampson and Chase/Loring neighborhoods, in accordance
20 with the feasibility report supplement for local flood pro-
21 tection, Crookston, Minnesota, at a total cost of
22 \$25,000,000, with an estimated Federal cost of
23 \$16,250,000 and an estimated non-Federal cost of
24 \$8,750,000.

1 **SEC. 3078. SILVER BAY, MINNESOTA.**

2 The project for navigation, Silver Bay, Minnesota,
3 authorized by section 2 of the Rivers and Harbors Act
4 of March 2, 1945 (59 Stat. 19), is modified to include
5 operation and maintenance of the general navigation fa-
6 cilities as a Federal responsibility.

7 **SEC. 3079. TACONITE HARBOR, MINNESOTA.**

8 The project for navigation, Taconite Harbor, Min-
9 nesota, carried out under section 107 of the River and
10 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-
11 clude operation and maintenance of the general navigation
12 facilities as a Federal responsibility.

13 **SEC. 3080. TWO HARBORS, MINNESOTA.**

14 (a) IN GENERAL.—The project for navigation, Two
15 Harbors, Minnesota, being carried out under section 107
16 of the River and Harbor Act of 1960 (33 U.S.C. 577),
17 is modified to include construction of a dredged material
18 disposal facility, including actions required to clear the
19 site.

20 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—
21 Non-Federal interests shall be responsible for providing all
22 lands, easements, rights-of-way, and relocations necessary
23 for the construction of the dredged material disposal facil-
24 ity.

1 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
2 imum amount of Federal funds that may be expended for
3 the project shall be \$7,000,000.

4 **SEC. 3081. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

5 The project for ecosystem restoration, Deer Island,
6 Harrison County, Mississippi, being carried out under sec-
7 tion 204 of the Water Resources Development Act of 1992
8 (33 U.S.C. 2326), is modified to authorize the non-Fed-
9 eral interest to provide any portion of the non-Federal
10 share of the cost of the project in the form of in-kind serv-
11 ices and materials.

12 **SEC. 3082. PEARL RIVER BASIN, MISSISSIPPI.**

13 (a) IN GENERAL.—The Secretary shall complete a
14 feasibility study for the project for flood damage reduc-
15 tion, Pearl River Watershed, Mississippi.

16 (b) COMPARISON OF ALTERNATIVES.—The feasibility
17 study shall identify both the plan that maximizes national
18 economic development benefits and the locally preferred
19 plan and shall compare the level of flood damage reduction
20 provided by each plan to that portion of Jackson, Mis-
21 sissippi, located below the Ross Barnett Reservoir Dam.

22 (c) RECOMMENDED PLAN.—If the Secretary deter-
23 mines that the locally preferred plan provides a level of
24 flood damage reduction that is equal to or greater than
25 the level of flood damage reduction provided by the na-

1 tional economic development plan and the locally preferred
 2 plan is technically feasible and environmentally protective,
 3 the Secretary shall recommend construction of the locally
 4 preferred plan.

5 (d) EVALUATION OF PROJECT COST.—For the pur-
 6 poses of determining compliance with the first section of
 7 the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),
 8 the Secretary shall consider only the costs of the national
 9 economic development plan and shall exclude incremental
 10 costs associated with the locally preferred plan that are
 11 in excess of such costs if the non-Federal interest agrees
 12 to pay 100 percent of such incremental costs.

13 (e) NON-FEDERAL COST SHARE.—If the locally pre-
 14 ferred plan is authorized for construction, the non-Federal
 15 share of the cost of the project shall be the same percent-
 16 age as the non-Federal share of the cost of the national
 17 economic development plan plus all additional costs of con-
 18 struction associated with the locally preferred plan.

19 **SEC. 3083. FESTUS AND CRYSTAL CITY, MISSOURI.**

20 Section 102(b)(1) of the Water Resources Develop-
 21 ment Act of 1999 (113 Stat. 282) is amended by striking
 22 “\$10,000,000” and inserting “\$12,000,000”.

23 **SEC. 3084. L-15 LEVEE, MISSOURI.**

24 The portion of the L-15 levee system that is under
 25 the jurisdiction of the Consolidated North County Levee

1 District and situated along the right descending bank of
2 the Mississippi River from the confluence of that river
3 with the Missouri River and running upstream approxi-
4 mately 14 miles shall be considered to be a Federal levee
5 for purposes of cost sharing under section 5 of the Act
6 of August 18, 1941 (33 U.S.C. 701n).

7 **SEC. 3085. MONARCH-CHESTERFIELD, MISSOURI.**

8 The project for flood damage reduction, Monarch-
9 Chesterfield, Missouri, authorized by section 101(b)(18)
10 of the Water Resources Development Act of 2000 (114
11 Stat. 2578), is modified to direct the Secretary to credit
12 toward the non-Federal share of the cost of the project
13 the cost of the planning, design, and construction work
14 carried out by the non-Federal interest before the date of
15 the partnership agreement for the project if the Secretary
16 determines that the work is integral to the project.

17 **SEC. 3086. RIVER DES PERES, MISSOURI.**

18 The projects for flood control, River Des Peres, Mis-
19 souri, authorized by section 101(a)(17) of the Water Re-
20 sources Development Act of 1990 (104 Stat. 4607) and
21 section 102(13) of the Water Resources Development Act
22 of 1996 (110 Stat. 3668), are each modified to direct the
23 Secretary to credit toward the non-Federal share of the
24 cost of the project the cost of work carried out by the
25 non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that
2 the work is integral to the project.

3 **SEC. 3087. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

4 The project for flood damage reduction, Antelope
5 Creek, Lincoln, Nebraska, authorized by section
6 101(b)(19) of the Water Resources Development Act of
7 2000 (114 Stat. 2578), is modified—

8 (1) to direct the Secretary to credit toward the
9 non-Federal share of the cost of the project the cost
10 of design and construction work carried out by the
11 non-Federal interest before the date of the partner-
12 ship agreement for the project if the Secretary de-
13 termines that the work is integral to the project; and

14 (2) to allow the non-Federal interest for the
15 project to use, and to direct the Secretary to accept,
16 funds provided under any other Federal program, to
17 satisfy, in whole or in part, the non-Federal share
18 of the project if such funds are authorized to be
19 used to carry out the project.

20 **SEC. 3088. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

21 The project for ecosystem restoration and flood dam-
22 age reduction, Sand Creek watershed, Wahoo, Nebraska,
23 authorized by section 101(b)(20) of the Water Resources
24 Development Act of 2000 (114 Stat. 2578), is modified—

1 (1) to direct the Secretary to provide credit to-
2 ward the non-Federal share of the cost of the project
3 or reimbursement for the costs of any work that has
4 been or will be performed by the non-Federal inter-
5 est before, on, or after the approval of the project
6 partnership agreement, including work performed by
7 the non-Federal interest in connection with the de-
8 sign and construction of 7 upstream detention stor-
9 age structures, if the Secretary determines that the
10 work is integral to the project;

11 (2) to require that in-kind work to be credited
12 under paragraph (1) be subject to audit; and

13 (3) to direct the Secretary to accept advance
14 funds from the non-Federal interest as needed to
15 maintain the project schedule.

16 **SEC. 3089. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.**

17 The project for ecosystem restoration and flood dam-
18 age reduction, authorized by section 101(b)(21) of the
19 Water Resources Development Act of 2000 (114 Stat.
20 2578), is modified to authorize the Secretary to construct
21 the project at a total cost of \$21,664,000, with an esti-
22 mated Federal cost of \$14,082,000 and an estimated non-
23 Federal cost of \$7,582,000.

1 **SEC. 3090. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**
2 **NEW JERSEY.**

3 The project for navigation mitigation, ecosystem res-
4 toration, shore protection, and hurricane and storm dam-
5 age reduction, Lower Cape May Meadows, Cape May
6 Point, New Jersey, authorized by section 101(a)(25) of
7 the Water Resources Development Act of 1999 (113 Stat.
8 278), is modified to incorporate the project for shoreline
9 erosion control, Cape May Point, New Jersey, carried out
10 under section 5 of the Act entitled “An Act authorizing
11 Federal participation in the cost of protecting the shores
12 of publicly owned property”, approved August 13, 1946
13 (33 U.S.C. 426h), if the Secretary determines that such
14 incorporation is feasible.

15 **SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
16 **NEW JERSEY.**

17 The project for flood control, Passaic River, New Jer-
18 sey and New York, authorized by section 101(a)(18) of
19 the Water Resources Development Act of 1990 (104 Stat.
20 4607) and modified by section 327 of the Water Resources
21 Development Act of 2000 (114 Stat. 2607), is further
22 modified to direct the Secretary to include the benefits and
23 costs of preserving natural flood storage in any future eco-
24 nomic analysis of the project.

1 **SEC. 3092. BUFFALO HARBOR, NEW YORK.**

2 The project for navigation, Buffalo Harbor, New
3 York, authorized by section 101 of the River and Harbor
4 Act of 1962 (76 Stat. 1176), is modified to include meas-
5 ures to enhance public access, at Federal cost of
6 \$500,000.

7 **SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

8 Section 554 of the Water Resources Development Act
9 of 1996 (110 Stat. 3781) is amended by striking “max-
10 imum Federal cost of \$5,200,000” and inserting “total
11 cost of \$20,000,000”.

12 **SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW**
13 **YORK AND NEW JERSEY.**

14 The navigation project, Port of New York and New
15 Jersey, New York and New Jersey, authorized by section
16 101(a)(2) of the Water Resources Development Act of
17 2000 (114 Stat. 2576), is modified—

18 (1) to authorize the Secretary to allow the non-
19 Federal interest to construct a temporary dredged
20 material storage facility to receive dredged material
21 from the project if—

22 (A) the non-Federal interest submits, in
23 writing, a list of potential sites for the tem-
24 porary storage facility to the Committee on
25 Transportation and Infrastructure of the House
26 of Representatives, the Committee on Environ-

1 ment and Public Works of the Senate, and the
2 Secretary at least 180 days before the selection
3 of the final site; and

4 (B) at least 70 percent of the dredged ma-
5 terial generated in connection with the project
6 suitable for beneficial reuse will be used at sites
7 in the State of New Jersey to the extent that
8 there are sufficient sites available; and

9 (2) to direct the Secretary to credit toward the
10 non-Federal share of the cost of the project the cost
11 of construction of the temporary storage facility if
12 the Secretary determines that the work is integral to
13 the project.

14 **SEC. 3095. NEW YORK STATE CANAL SYSTEM.**

15 Section 553(c) of the Water Resources Development
16 Act of 1996 (110 Stat. 3781) is amended to read as fol-
17 lows:

18 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—
19 In this section, the term ‘New York State Canal System’
20 means the 524 miles of navigable canal that comprise the
21 New York State Canal System, including the Erie, Ca-
22 yuga-Seneca, Oswego, and Champlain Canals and the his-
23 toric alignments of these canals, including the cities of Al-
24 bany, Rochester, and Buffalo.”.

1 **SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.**

2 Section 507(1) of the Water Resources Development
3 Act of 1996 (110 Stat. 3758) is amended by striking
4 “\$2,500,000” and inserting “\$6,000,000”.

5 **SEC. 3097. MAHONING RIVER, OHIO.**

6 In carrying out the project for environmental dredg-
7 ing, authorized by section 312(f)(4) of the Water Re-
8 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),
9 the Secretary is directed to credit toward the non-Federal
10 share of the cost of the project the cost of work carried
11 out by the non-Federal interest before the date of the part-
12 nership agreement for the project if the Secretary deter-
13 mines that the work is integral to the project.

14 **SEC. 3098. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**
15 **SEY, AND DELAWARE.**

16 The Secretary may remove debris from the project
17 for navigation, Delaware River, Pennsylvania, New Jersey,
18 and Delaware, Philadelphia to the Sea.

19 **SEC. 3099. RAYSTOWN LAKE, PENNSYLVANIA.**

20 The Secretary may take such action as may be nec-
21 essary, including construction of a breakwater, to prevent
22 shoreline erosion between .07 and 2.7 miles south of Penn-
23 sylvania State Route 994 on the east shore of Raystown
24 Lake, Pennsylvania.

1 **SEC. 3100. SHERADEN PARK STREAM AND CHARTIERS**
2 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
3 **VANIA.**

4 The project for aquatic ecosystem restoration,
5 Sheraden Park Stream and Chartiers Creek, Allegheny
6 County, Pennsylvania, being carried out under section 206
7 of the Water Resources Development Act of 1996 (33
8 U.S.C. 2330), is modified to direct the Secretary to credit
9 up to \$400,000 toward the non-Federal share of the cost
10 of the project for planning and design work carried out
11 by the non-Federal interest before the date of the partner-
12 ship agreement for the project if the Secretary determines
13 that the work is integral to the project.

14 **SEC. 3101. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
15 **VANIA.**

16 The project for flood control, Wyoming Valley, Penn-
17 sylvania, authorized by section 401(a) of the Water Re-
18 sources Development Act of 1986 (100 Stat. 4124), is
19 modified to include as a project element the project for
20 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-
21 vania.

22 **SEC. 3102. SOUTH CENTRAL PENNSYLVANIA.**

23 Section 313 of the Water Resources Development Act
24 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;
25 113 Stat. 310; 117 Stat. 142) is amended—

1 (1) in subsection (g)(1) by striking
2 “\$180,000,000” and inserting “\$200,000,000”; and
3 (2) in subsection (h)(2) by striking “Allegheny,
4 Armstrong, Bedford, Blair, Cambria, Clearfield, Fay-
5 ette, Franklin, Fulton, Greene, Huntingdon, Indi-
6 ana, Juniata, Mifflin, Somerset, Snyder, Wash-
7 ington, and Westmoreland Counties” and inserting
8 “Allegheny, Armstrong, Bedford, Blair, Cambria,
9 Fayette, Franklin, Fulton, Greene, Huntingdon, In-
10 diana, Juniata, Somerset, Washington, and West-
11 moreland Counties”.

12 **SEC. 3103. WYOMING VALLEY, PENNSYLVANIA.**

13 In carrying out the project for flood control, Wyo-
14 ming Valley, Pennsylvania, authorized by section 401(a)
15 of the Water Resources Development Act of 1986 (100
16 Stat. 4124), the Secretary shall coordinate with non-Fed-
17 eral interests to review opportunities for increased public
18 access.

19 **SEC. 3104. CEDAR BAYOU, TEXAS.**

20 (a) CREDIT FOR PLANNING AND DESIGN.—The
21 project for navigation, Cedar Bayou, Texas, reauthorized
22 by section 349(a)(2) of the Water Resources Development
23 Act of 2000 (114 Stat. 2632), is modified to direct the
24 Secretary to credit toward the non-Federal share of the
25 cost of the project the cost of planning and design work

1 carried out by the non-Federal interest for the project if
2 the Secretary determines that such work is integral to the
3 project.

4 (b) COST SHARING.—Cost sharing for construction
5 and operation and maintenance of the project shall be de-
6 termined in accordance with section 101 of the Water Re-
7 sources Development Act of 1986 (33 U.S.C. 2211).

8 **SEC. 3105. FREEPORT HARBOR, TEXAS.**

9 The project for navigation, Freeport Harbor, Texas,
10 authorized by section 101 of the Rivers and Harbors Act
11 of 1970 (84 Stat. 1818), is modified—

12 (1) to direct the Secretary to credit toward the
13 non-Federal share of the cost of the project the cost
14 of the planning, design, and construction work car-
15 ried out by the non-Federal interest before the date
16 of the partnership agreement for the project if the
17 Secretary determines that the work is integral to the
18 project; and

19 (2) to direct the Secretary to remove the sunk-
20 en vessel “COMSTOCK” at Federal expense.

21 **SEC. 3106. LAKE KEMP, TEXAS.**

22 (a) IN GENERAL.—The Secretary may not take any
23 legal or administrative action seeking to remove a Lake
24 Kemp improvement before the earlier of January 1, 2020,

1 or the date of any transfer of ownership of the improve-
2 ment occurring after the date of enactment of this Act.

3 (b) LIMITATION ON LIABILITY.—The United States,
4 or any of its officers, agents, or assignees, shall not be
5 liable for any injury, loss, or damage accruing to the own-
6 ers of a Lake Kemp improvement, their lessees, or occu-
7 pants as a result of any flooding or inundation of such
8 improvements by the waters of the Lake Kemp reservoir,
9 or for such injury, loss, or damage as may occur through
10 the operation and maintenance of the Lake Kemp dam
11 and reservoir in any manner.

12 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this
13 section, the term “Lake Kemp improvement” means an
14 improvement (including dwellings) located within the flow-
15 age easement of Lake Kemp, Texas, below elevation 1159
16 feet mean sea level.

17 **SEC. 3107. LOWER RIO GRANDE BASIN, TEXAS.**

18 The project for flood control, Lower Rio Grande
19 Basin, Texas, authorized by section 401(a) of the Water
20 Resources Development Act of 1986 (100 Stat. 4125), is
21 modified—

22 (1) to include as part of the project flood pro-
23 tection works to reroute drainage to Raymondville
24 Drain constructed by the non-Federal interests in
25 Hidalgo County in the vicinity of Edinburg, Texas,

1 if the Secretary determines that such work meets
2 feasibility requirements;

3 (2) to direct the Secretary to credit toward the
4 non-Federal share of the cost of the project the cost
5 of planning, design, and construction work carried
6 out by the non-Federal interest before the date of
7 the partnership agreement for the project if the Sec-
8 retary determines that the work is integral to the
9 project; and

10 (3) to direct the Secretary in calculating the
11 non-Federal share of the cost of the project, to make
12 a determination, within 180 days after the date of
13 enactment of this Act, under section 103(m) of the
14 Water Resources Development Act of 1986 (33
15 U.S.C. 2213(m)) on the non-Federal interest's abil-
16 ity to pay.

17 **SEC. 3108. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
18 **TEXAS.**

19 The project for ecosystem restoration and storm dam-
20 age reduction, North Padre Island, Corpus Christi Bay,
21 Texas, authorized by section 556 of the Water Resources
22 Development Act of 1999 (113 Stat. 353), is modified to
23 include recreation as a project purpose.

1 **SEC. 3109. PAT MAYSE LAKE, TEXAS.**

2 The Secretary is directed to accept from the city of
3 Paris, Texas, \$3,461,432 as payment in full of monies
4 owed to the United States for water supply storage space
5 in Pat Mayse Lake, Texas, under contract number DA–
6 34–066–CIVENG–65–1272, including accrued interest.

7 **SEC. 3110. PROCTOR LAKE, TEXAS.**

8 The Secretary is authorized to purchase fee simple
9 title to all properties located within the boundaries, and
10 necessary for the operation, of the Proctor Lake project,
11 Texas, authorized by section 203 of the Flood Control Act
12 of 1954 (68 Stat. 1259).

13 **SEC. 3111. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

14 The project for flood control, San Antonio Channel,
15 Texas, authorized by section 203 of the Flood Control Act
16 of 1954 (68 Stat. 1259) as part of the comprehensive plan
17 for flood protection on the Guadalupe and San Antonio
18 Rivers in Texas and modified by section 103 of the Water
19 Resources Development Act of 1976 (90 Stat. 2921) and
20 section 335 of the Water Resources Development Act of
21 2000 (114 Stat. 2611), is further modified to authorize
22 the Secretary to credit toward the non-Federal share of
23 the cost of the project the cost of design and construction
24 work carried out by the non-Federal interest for the
25 project if the Secretary determines that the work is inte-
26 gral to the project.

1 **SEC. 3112. TANGIER ISLAND SEAWALL, VIRGINIA.**

2 Section 577(a) of the Water Resources Development
3 Act of 1996 (110 Stat. 3789) is amended by striking “at
4 a total cost of \$1,200,000, with an estimated Federal cost
5 of \$900,000 and an estimated non-Federal cost of
6 \$300,000.” and inserting “at a total cost of \$3,000,000,
7 with an estimated Federal cost of \$2,500,000 and an esti-
8 mated non-Federal cost of \$750,000.”.

9 **SEC. 3113. DUWAMISH/GREEN, WASHINGTON.**

10 The project for ecosystem restoration, Duwamish/
11 Green, Washington, authorized by section 101(b)(26) of
12 the Water Resources Development Act of 2000 (114 Stat.
13 2579), is modified—

14 (1) to direct the Secretary to credit toward the
15 non-Federal share of the cost of the project the cost
16 of work carried out by the non-Federal interest be-
17 fore, on, or after the date of the partnership agree-
18 ment for the project if the Secretary determines that
19 the work is integral to the project; and

20 (2) to authorize the non-Federal interest to pro-
21 vide any portion of the non-Federal share of the cost
22 of the project in the form of in-kind services and
23 materials.

1 **SEC. 3114. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**
2 **INGTON.**

3 The project for aquatic ecosystem restoration,
4 Yakima River, Port of Sunnyside, Washington, being car-
5 ried out under section 206 of the Water Resources Devel-
6 opment Act of 1996 (33 U.S.C. 2330), is modified to di-
7 rect the Secretary to credit toward the non-Federal share
8 of the cost of the project the cost of work carried out by
9 the non-Federal interest before the date of the partnership
10 agreement for the project if the Secretary determines that
11 the work is integral to the project.

12 **SEC. 3115. BLUESTONE LAKE, OHIO RIVER BASIN, WEST**
13 **VIRGINIA.**

14 Section 102(ff) of the Water Resources Development
15 Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat.
16 312) is amended to read as follows:

17 “(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST
18 VIRGINIA.—

19 “(1) IN GENERAL.—The project for flood con-
20 trol, Bluestone Lake, Ohio River Basin, West Vir-
21 ginia, authorized by section 4 of the Flood Control
22 Act of 1938 (52 Stat. 1217) is modified to direct the
23 Secretary to implement Plan C/G, as defined in the
24 Evaluation Report of the District Engineer dated
25 December 1996, to prohibit the release of drift and
26 debris into waters downstream of the project, except

1 for that organic matter necessary to maintain and
2 enhance the biological resources of such waters and
3 such nonobtrusive items of debris as may not be eco-
4 nomically feasible to prevent being released through
5 such project, including measures to prevent the ac-
6 cumulation of drift and debris at the project, the
7 collection and removal of drift and debris on the seg-
8 ment of the New River upstream of the project, and
9 the removal (through use of temporary or permanent
10 systems) and disposal of accumulated drift and de-
11bris at Bluestone Dam.

12 “(2) COOPERATIVE AGREEMENT.—In carrying
13 out the downstream cleanup under the plan referred
14 to in paragraph (1), the Secretary may enter into a
15 cooperative agreement with the West Virginia De-
16 partment of Environmental Protection for the de-
17 partment to carry out the cleanup, including con-
18 tracting and procurement services, contract adminis-
19 tration and management, transportation and dis-
20posal of collected materials, and disposal fees.

21 “(3) INITIAL CLEANUP.—The Secretary may
22 provide the department up to \$150,000 from funds
23 previously appropriated for this purpose for the Fed-
24 eral share of the costs of the initial cleanup under
25 the plan.”.

1 **SEC. 3116. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

2 Section 579(c) of the Water Resources Development
3 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended
4 by striking “\$47,000,000” and inserting “\$99,000,000”.

5 **SEC. 3117. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

6 Section 30(d) of the Water Resources Development
7 Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended
8 to read as follows:

9 “(d) HISTORIC STRUCTURE.—The Secretary shall
10 ensure the preservation and restoration of the structure
11 known as the ‘Jenkins House’, and the reconstruction of
12 associated buildings and landscape features of such struc-
13 ture located within the Lesage/Greenbottom Swamp in ac-
14 cordance with the Secretary of the Interior’s standards for
15 the treatment of historic properties. Amounts made avail-
16 able for expenditure for the project authorized by section
17 301(a) of the Water Resources Development Act of 1986
18 (100 Stat. 4110) shall be available for the purposes of this
19 subsection.”.

20 **SEC. 3118. NORTHERN WEST VIRGINIA.**

21 Section 557 of the Water Resources Development Act
22 of 1999 (113 Stat. 353) is amended—

23 (1) in the first sentence by striking “favorable”;

24 (2) by striking “\$8,400,000” and inserting

25 “\$12,000,000”; and

1 (3) by striking “\$4,200,000” each place it ap-
2 pears and inserting “\$6,000,000”.

3 **SEC. 3119. MANITOWOC HARBOR, WISCONSIN.**

4 The project for navigation, Manitowoc Harbor, Wis-
5 consin, authorized by the River and Harbor Act of August
6 30, 1852 (10 Stat. 58), is modified to direct the Secretary
7 to deepen the upstream reach of the navigation channel
8 from 12 feet to 18 feet, at a total cost of \$405,000.

9 **SEC. 3120. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

10 Section 21 of the Water Resources Development Act
11 of 1988 (102 Stat. 4027) is amended—

12 (1) in subsection (a)—

13 (A) by striking “1276.42” and inserting
14 “1278.42”;

15 (B) by striking “1218.31” and inserting
16 “1221.31”; and

17 (C) by striking “1234.82” and inserting
18 “1235.30”; and

19 (2) by striking subsection (b) and inserting the
20 following:

21 “(b) EXCEPTION.—The Secretary may operate the
22 headwaters reservoirs below the minimum or above the
23 maximum water levels established in subsection (a) in ac-
24 cordance with water control regulation manuals (or revi-
25 sions thereto) developed by the Secretary, after consulta-

tion with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations.”.

SEC. 3121. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

1 (3) The project for navigation, Baltimore Har-
2 bor and Channels, Maryland and Virginia, author-
3 ized by section 101 of the River and Harbor Act of
4 1970 (84 Stat. 1818).

5 (4) The project for navigation, Fall River Har-
6 bor, Massachusetts, authorized by section 101 of the
7 River and Harbor Act of 1968 (82 Stat. 731); ex-
8 cept that the authorized depth of that portion of the
9 project extending riverward of the Charles M.
10 Braga, Jr. Memorial Bridge, Fall River and Som-
11 erset, Massachusetts, shall not exceed 35 feet.

12 (b) LIMITATION.—A project described in subsection
13 (a) shall not be authorized for construction after the last
14 day of the 5-year period beginning on the date of enact-
15 ment of this Act, unless, during such period, funds have
16 been obligated for the construction (including planning
17 and design) of the project.

18 **SEC. 3122. PROJECT REAUTHORIZATIONS.**

19 Each of the following projects may be carried out by
20 the Secretary and no construction on any such project may
21 be initiated until the Secretary determines that the project
22 is feasible:

23 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN
24 AND WISCONSIN.—The project for navigation,
25 Menominee Harbor and River, Michigan and Wis-

consin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

(3) HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.—The project for dredging, Hearing Island Inlet, Duluth Harbor, Minnesota, authorized by section 22 of the Water Resources Development Act of 1988 (102 Stat. 4027).

SEC. 3123. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yel-

1 low Mill River and described as follows: Beginning
2 at a point along the eastern limit of the existing
3 project, N123,649.75, E481,920.54, thence running
4 northwesterly about 52.64 feet to a point
5 N123,683.03, E481,879.75, thence running north-
6 easterly about 1,442.21 feet to a point N125,030.08,
7 E482,394.96, thence running northeasterly about
8 139.52 feet to a point along the eastern limit of the
9 existing channel, N125,133.87, E482,488.19, thence
10 running southwesterly about 1,588.98 feet to the
11 point of origin.

12 (2) MYSTIC RIVER, CONNECTICUT.—The por-
13 tion of the project for navigation, Mystic River, Con-
14 necticut, authorized by the first section of the River
15 and Harbor Appropriations Act of September 19,
16 1890 (26 Stat. 436) consisting of a 12-foot-deep
17 channel, approximately 7,554 square feet in area,
18 starting at a point N193,086.51, E815,092.78,
19 thence running north 59 degrees 21 minutes 46.63
20 seconds west about 138.05 feet to a point
21 N193,156.86, E814,974.00, thence running north
22 51 degrees 04 minutes 39.00 seconds west about
23 166.57 feet to a point N193,261.51, E814,844.41,
24 thence running north 43 degrees 01 minutes 34.90
25 seconds west about 86.23 feet to a point

1 N193,324.55, E814,785.57, thence running north
2 06 degrees 42 minutes 03.86 seconds west about
3 156.57 feet to a point N193,480.05, E814,767.30,
4 thence running south 21 degrees 21 minutes 17.94
5 seconds east about 231.42 feet to a point
6 N193,264.52, E814,851.57, thence running south
7 53 degrees 34 minutes 23.28 seconds east about
8 299.78 feet to the point of origin.

9 (3) NEW LONDON HARBOR, CONNECTICUT.—

10 The portion of the project for navigation, New Lon-
11 don Harbor, Connecticut, authorized by the River
12 and Harbor Appropriations Act of June 13, 1902
13 (32 Stat. 333), that consists of a 23-foot waterfront
14 channel and that is further described as beginning
15 at a point along the western limit of the existing
16 project, N188,802.75, E779,462.81, thence running
17 northeasterly about 1,373.88 feet to a point
18 N189,554.87, E780,612.53, thence running south-
19 easterly about 439.54 feet to a point N189,319.88,
20 E780,983.98, thence running southwesterly about
21 831.58 feet to a point N188,864.63, E780,288.08,
22 thence running southeasterly about 567.39 feet to a
23 point N188,301.88, E780,360.49, thence running
24 northwesterly about 1,027.96 feet to the point of or-
25 igin.

1 (4) ROCKLAND HARBOR, MAINE.—The portion
2 of the project for navigation, Rockland Harbor,
3 Maine, authorized by the Act of June 3, 1896 (29
4 Stat. 202), consisting of a 14-foot channel located in
5 Lermond Cove and beginning at a point with coordi-
6 nates N9977.37, E340290.02, thence running easterly
7 about 200.00 feet to a point with coordinates
8 N99978.49, E340490.02, thence running northerly
9 about 138.00 feet to a point with coordinates
10 N100116.49, E340289.25, thence running westerly
11 about 200.00 feet to a point with coordinates
12 N100115.37, E340289.25, thence running southerly
13 about 138.00 feet to the point of origin.

14 (5) FALMOUTH HARBOR, MASSACHUSETTS.—
15 The portion of the project for navigation, th Harbor,
16 Massachusetts, authorized by section 101 of the
17 River and Harbor Act of 1948 (62 Stat. 1172), be-
18 ginning at a point along the eastern side of the inner
19 harbor N200,415.05, E845,307.98, thence running
20 north 25 degrees 48 minutes 54.3 seconds east
21 160.24 feet to a point N200,559.20, E845,377.76,
22 thence running north 22 degrees 7 minutes 52.4 sec-
23 onds east 596.82 feet to a point N201,112.15,
24 E845,602.60, thence running north 60 degrees 1
25 minute 0.3 seconds east 83.18 feet to a point

1 N201,153.72, E845,674.65, thence running south
 2 24 degrees 56 minutes 43.4 seconds west 665.01
 3 feet to a point N200,550.75, E845,394.18, thence
 4 running south 32 degrees 25 minutes 29.0 seconds
 5 west 160.76 feet to the point of origin.

6 (6) ISLAND END RIVER, MASSACHUSETTS.—The
 7 portion of the project for navigation, Island End
 8 River, Massachusetts, carried out under section 107
 9 of the River and Harbor Act of 1960 (33 U.S.C.
 10 577), described as follows: Beginning at a point
 11 along the eastern limit of the existing project,
 12 N507,348.98, E721,180.01, thence running north-
 13 east about 35 feet to a point N507,384.17,
 14 E721,183.36, thence running northeast about 324
 15 feet to a point N507,590.51, E721,433.17, thence
 16 running northeast about 345 feet to a point along
 17 the northern limit of the existing project,
 18 N507,927.29, E721,510.29, thence running south-
 19 east about 25 feet to a point N507,921.71,
 20 E721,534.66, thence running southwest about 354
 21 feet to a point N507,576.65, E721,455.64, thence
 22 running southwest about 357 feet to the point of ori-
 23 gin.

24 (7) CITY WATERWAY, TACOMA, WASHINGTON.—
 25 The portion of the project for navigation, City Wa-

1 terway, Tacoma, Washington, authorized by the first
 2 section of the River and Harbor Appropriations Act
 3 of June 13, 1902 (32 Stat. 347), consisting of the
 4 last 1,000 linear feet of the inner portion of the wa-
 5 terway beginning at station 70+00 and ending at
 6 station 80+00.

7 (8) AUNT LYDIA'S COVE, MASSACHUSETTS.—

8 (A) IN GENERAL.—The portion of the
 9 project for navigation, Aunt Lydia's Cove, Mas-
 10 sachusetts, constructed under section 107 of
 11 the River and Harbor Act of 1960 (33 U.S.C.
 12 577), consisting of the 8-foot deep anchorage in
 13 the cove described in subparagraph (B).

14 (B) DESCRIPTION OF PORTION.—The por-
 15 tion of the project described in subparagraph
 16 (A) is more particularly described as the por-
 17 tion beginning at a point along the southern
 18 limit of the existing project, N254,332.00,
 19 E1,023,103.96, thence running northwesterly
 20 about 761.60 feet to a point along the western
 21 limit of the existing project N255,076.84,
 22 E1,022,945.07, thence running southwesterly
 23 about 38.11 feet to a point N255,038.99,
 24 E1,022,940.60, thence running southeasterly
 25 about 267.07 feet to a point N254,772.00,

1 E1,022,947.00, thence running southeasterly
2 about 462.41 feet to a point N254,320.06,
3 E1,023,044.84, thence running northeasterly
4 about 60.31 feet to the point of origin.

5 (b) SOUTHPORT HARBOR, FAIRFIELD, CON-
6 NECTICUT.—The project for navigation, Southport Har-
7 bor, Fairfield, Connecticut, authorized by section 2 of the
8 River and Harbor Act of March 2, 1829, and by the first
9 section of the River and Harbor Act of August 30, 1935
10 (49 Stat. 1029), and section 364 of the Water Resources
11 Development Act of 1996 (110 Stat. 3733–3734), is fur-
12 ther modified to redesignate a portion of the 9-foot-deep
13 channel as an anchorage area, approximately 900 feet in
14 length and 90,000 square feet in area, and lying generally
15 north of a line with points at coordinates N108,043.45,
16 E452,252.04 and N107,938.74, E452,265.74.

17 (c) SACO RIVER, MAINE.—The portion of the project
18 for navigation, Saco River, Maine, authorized under sec-
19 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
20 577) and described as a 6-foot deep, 10-acre turning basin
21 located at the head of navigation, is redesignated as an
22 anchorage area.

23 (d) UNION RIVER, MAINE.—The project for naviga-
24 tion, Union River, Maine, authorized by the first section
25 of the Act of June 3, 1896 (29 Stat. 215), is modified

1 by redesignating as an anchorage area that portion of the
2 project consisting of a 6-foot turning basin and lying
3 northerly of a line commencing at a point N315,975.13,
4 E1,004,424.86, thence running north 61 degrees 27 min-
5 utes 20.71 seconds west about 132.34 feet to a point
6 N316,038.37, E1,004,308.61.

7 (e) MYSTIC RIVER, MASSACHUSETTS.—The portion
8 of the project for navigation, Mystic River, Massachusetts,
9 authorized by the first section of the River and Harbor
10 Appropriations Act of July 13, 1892 (27 Stat. 96), be-
11 tween a line starting at a point N515,683.77,
12 E707,035.45 and ending at a point N515,721.28,
13 E707,069.85 and a line starting at a point N514,595.15,
14 E707,746.15 and ending at a point N514,732.94,
15 E707,658.38 shall be relocated and reduced from a 100-
16 foot wide channel to a 50-foot wide channel after the date
17 of enactment of this Act described as follows: Beginning
18 at a point N515,721.28, E707,069.85, thence running
19 southeasterly about 840.50 feet to a point N515,070.16,
20 E707,601.27, thence running southeasterly about 177.54
21 feet to a point N514,904.84, E707,665.98, thence running
22 southeasterly about 319.90 feet to a point with coordi-
23 nates N514,595.15, E707,746.15, thence running north-
24 westerly about 163.37 feet to a point N514,732.94,
25 E707,658.38, thence running northwesterly about 161.58

1 feet to a point N514.889.47, E707,618.30, thence running
2 northwesterly about 166.61 feet to a point N515.044.62,
3 E707,557.58, thence running northwesterly about 825.31
4 feet to a point N515,683.77, E707,035.45, thence running
5 northeasterly about 50.90 feet returning to a point
6 N515,721.28, E707,069.85.

7 (f) CONDITIONS.—The first sentence of section
8 1001(b)(2) of the Water Resources Development Act of
9 1986 (33 U.S.C. 579a(b)(2)) is amended—

10 (1) by striking “two years” and inserting
11 “year”; and

12 (2) by striking “7” and inserting “5”.

13 **SEC. 3124. LAND CONVEYANCES.**

14 (a) ST. FRANCIS BASIN, ARKANSAS AND MIS-
15 SOURI.—

16 (1) IN GENERAL.—The Secretary shall convey
17 to the State of Arkansas, without monetary consid-
18 eration and subject to paragraph (2), all right, title,
19 and interest in and to real property within the State
20 acquired by the Federal Government as mitigation
21 land for the project for flood control, St. Francis
22 Basin, Arkansas and Missouri Project, authorized by
23 the Flood Control Act of May 15, 1928 (33 U.S.C.
24 702a et seq.).

25 (2) TERMS AND CONDITIONS.—

1 (A) IN GENERAL.—The conveyance by the
2 United States under this subsection shall be
3 subject to—

4 (i) the condition that the State of Ar-
5 kansas agree to operate, maintain, and
6 manage the real property for fish and wild-
7 life, recreation, and environmental pur-
8 poses at no cost or expense to the United
9 States; and

10 (ii) such other terms and conditions
11 as the Secretary determines to be in the
12 interest of the United States.

13 (B) REVERSION.—If the Secretary deter-
14 mines that the real property conveyed under
15 paragraph (1) ceases to be held in public own-
16 ership or the State ceases to operate, maintain,
17 and manage the real property in accordance
18 with this subsection, all right, title, and interest
19 in and to the property shall revert to the United
20 States, at the option of the Secretary.

21 (3) MITIGATION.—Nothing in this subsection
22 extinguishes the responsibility of the Federal Gov-
23 ernment or the non-Federal interest for the project
24 referred to in paragraph (1) from the obligation to
25 implement mitigation for such project that existed

1 on the day prior to the transfer authorized by this
2 subsection.

3 (b) MILFORD, KANSAS.—

4 (1) IN GENERAL.—The Secretary shall convey
5 by quitclaim deed without consideration to the Geary
6 County Fire Department, Milford, Kansas, all right,
7 title, and interest of the United States in and to real
8 property consisting of approximately 7.4 acres lo-
9 cated in Geary County, Kansas, for construction, op-
10 eration, and maintenance of a fire station.

11 (2) REVERSION.—If the Secretary determines
12 that the real property conveyed under paragraph (1)
13 ceases to be held in public ownership or ceases to be
14 operated and maintained as a fire station, all right,
15 title, and interest in and to the property shall revert
16 to the United States, at the option of the United
17 States.

18 (c) PIKE COUNTY, MISSOURI.—

19 (1) IN GENERAL.—At such time as S.S.S., Inc.,
20 conveys all right, title and interest in and to the real
21 property described in paragraph (2)(A) to the
22 United States, the Secretary shall convey all right,
23 title, and interest of the United States in and to the
24 real property described in paragraph (2)(B) to
25 S.S.S., Inc.

1 (2) LAND DESCRIPTION.—The parcels of land
2 referred to in paragraph (1) are the following:

3 (A) NON-FEDERAL LAND.—Approximately
4 42 acres, the exact legal description to be deter-
5 mined by mutual agreement of S.S.S., Inc., and
6 the Secretary, subject to any existing flowage
7 easements situated in Pike County, Missouri,
8 upstream and northwest, about a 200-foot dis-
9 tance from Drake Island (also known as Grimes
10 Island).

11 (B) FEDERAL LAND.—Approximately 42
12 acres, the exact legal description to be deter-
13 mined by mutual agreement of S.S.S. Inc., and
14 the Secretary, situated in Pike County, Mis-
15 souri, known as Government Tract Numbers
16 MIs-7 and a portion of FM-46 (both tracts on
17 Buffalo Island), administered by the Corps of
18 Engineers.

19 (3) CONDITIONS.—The exchange of real prop-
20 erty under paragraph (1) shall be subject to the fol-
21 lowing conditions:

22 (A) DEEDS.—

23 (i) NON-FEDERAL LAND.—The con-
24 veyance of the real property described in
25 paragraph (2)(A) to the Secretary shall be

1 by a warranty deed acceptable to the Sec-
2 retary.

3 (ii) FEDERAL LAND.—The instrument
4 of conveyance used to convey the real prop-
5 erty described in paragraph (2)(B) to
6 S.S.S., Inc., shall be by quitclaim deed and
7 contain such reservations, terms, and con-
8 ditions as the Secretary considers nec-
9 essary to allow the United States to oper-
10 ate and maintain the Mississippi River 9-
11 Foot Navigation Project.

12 (B) REMOVAL OF IMPROVEMENTS.—
13 S.S.S., Inc., may remove, and the Secretary
14 may require S.S.S., Inc., to remove, any im-
15 provements on the land described in paragraph
16 (2)(A).

17 (C) TIME LIMIT FOR EXCHANGE.—The
18 land exchange under paragraph (1) shall be
19 completed not later than 2 years after the date
20 of enactment of this Act.

21 (4) VALUE OF PROPERTIES.—If the appraised
22 fair market value, as determined by the Secretary,
23 of the real property conveyed to S.S.S., Inc., by the
24 Secretary under paragraph (1) exceeds the appraised
25 fair market value, as determined by the Secretary,

1 of the real property conveyed to the United States
2 by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,
3 shall make a payment to the United States equal to
4 the excess in cash or a cash equivalent that is satis-
5 factory to the Secretary.

6 (d) BOARDMAN, OREGON.—Section 501(g)(1) of the
7 Water Resources Development Act of 1996 (110 Stat.
8 3751) is amended—

9 (1) by striking “city of Boardman,” and insert-
10 ing “the Boardman Park and Recreation District,
11 Boardman,”; and

12 (2) by striking “such city” and inserting “the
13 city of Boardman”.

14 (e) LOWELL, OREGON.—

15 (1) IN GENERAL.—The Secretary may convey
16 without consideration to Lowell School District, by
17 quitclaim deed, all right, title, and interest of the
18 United States in and to land and buildings thereon,
19 known as Tract A-82, located in Lowell, Oregon,
20 and described in paragraph (2).

21 (2) DESCRIPTION OF PROPERTY.—The parcel
22 of land authorized to be conveyed under paragraph
23 (1) is as follows: Commencing at the point of inter-
24 section of the west line of Pioneer Street with the
25 westerly extension of the north line of Summit

1 Street, in Meadows Addition to Lowell, as platted
2 and recorded at page 56 of Volume 4, Lane County
3 Oregon Plat Records; thence north on the west line
4 of Pioneer Street a distance of 176.0 feet to the true
5 point of beginning of this description; thence north
6 on the west line of Pioneer Street a distance of
7 170.0 feet; thence west at right angles to the west
8 line of Pioneer Street a distance of 250.0 feet;
9 thence south and parallel to the west line of Pioneer
10 Street a distance of 170.0 feet; thence east 250.0
11 feet to the true point of beginning of this description
12 in Section 14, Township 19 South, Range 1 West of
13 the Willamette Meridian, Lane County, Oregon.

14 (3) TERMS AND CONDITIONS.—Before con-
15 veying the parcel to the school district, the Secretary
16 shall ensure that the conditions of buildings and fa-
17 cilities meet the requirements of applicable Federal
18 law.

19 (4) REVERSION.—If the Secretary determines
20 that the property conveyed under paragraph (1)
21 ceases to be held in public ownership, all right, title,
22 and interest in and to the property shall revert to
23 the United States, at the option of the United
24 States.

25 (f) LOWELL, OREGON.—

1 (1) RELEASE AND EXTINGUISHMENT OF DEED
2 RESERVATIONS.—

3 (A) RELEASE AND EXTINGUISHMENT OF
4 DEED RESERVATIONS.—The Secretary may re-
5 lease and extinguish the deed reservations for
6 access and communication cables contained in
7 the quitclaim deed, dated January 26, 1965,
8 and recorded February 15, 1965, in the records
9 of Lane County, Oregon; except that such res-
10 ervations may only be released and extinguished
11 for the lands owned by the city of Lowell as de-
12 scribed in the quitclaim deed, dated April 11,
13 1991, in such records.

14 (B) ADDITIONAL RELEASE AND EXTIN-
15 GUISHMENT OF DEED RESERVATIONS.—The
16 Secretary may also release and extinguish the
17 same deed reservations referred to in subpara-
18 graph (A) over land owned by Lane County,
19 Oregon, within the city limits of Lowell, Or-
20 egon, to accommodate the development pro-
21 posals of the city of Lowell/St. Vincent de Paul,
22 Lane County, affordable housing project; except
23 that the Secretary may require, at no cost to
24 the United States—

1 (i) the alteration or relocation of any
2 existing facilities, utilities, roads, or similar
3 improvements on such lands; and

4 (ii) the right-of-way for such facilities,
5 utilities, or improvements, as a pre-con-
6 dition of any release or extinguishment of
7 the deed reservations.

8 (2) CONVEYANCE.—The Secretary may convey
9 to the city of Lowell, Oregon, at fair market value
10 the parcel of land situated in the city of Lowell, Or-
11 egon, at fair market value consisting of the strip of
12 federally-owned lands located northeast of West
13 Boundary Road between Hyland Lane and the city
14 of Lowell's eastward city limits.

15 (3) ADMINISTRATIVE COST.—Notwithstanding
16 paragraphs (1) and (2), the city of Lowell, Oregon,
17 shall pay the administrative costs incurred by the
18 United States to execute the release and extinguish-
19 ment of the deed reservations under paragraph (1)
20 and the conveyance under paragraph (2).

21 (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-
22 LINA.—

23 (1) IN GENERAL.—The Secretary shall convey
24 to the State of South Carolina, by quitclaim deed,
25 at fair market value, all right, title, and interest of

1 the United States in and to the real property de-
2 scribed in paragraph (2) that is managed, as of the
3 date of enactment of this Act, by the South Carolina
4 department of commerce for public recreation pur-
5 poses for the Richard B. Russell Dam and Lake,
6 South Carolina, project authorized by section 203 of
7 the Flood Control Act of 1966 (80 Stat. 1420).

8 (2) LAND DESCRIPTION.—Subject to paragraph
9 (3), the real property referred to in paragraph (1)
10 is the parcel contained in the portion of real prop-
11 erty described in Army Lease Number DACW21–1–
12 92–0500.

13 (3) RESERVATION OF INTERESTS.—The United
14 States shall reserve—

15 (A) ownership of all real property included
16 in the lease referred to in paragraph (2) that
17 would have been acquired for operational pur-
18 poses in accordance with the 1971 implementa-
19 tion of the 1962 Army/Interior Joint Acquisi-
20 tion Policy; and

21 (B) such other rights and interests in and
22 to the real property to be conveyed as the Sec-
23 retary considers necessary for authorized
24 project purposes, including easement rights-of-
25 way to remaining Federal land.

1 (4) NO EFFECT ON SHORE MANAGEMENT POL-
2 ICY.—The Shoreline Management Policy (ER-1130-
3 2-406) of the Corps of Engineers shall not be
4 changed or altered for any proposed development of
5 land conveyed under this subsection.

6 (5) COST SHARING.—In carrying out the con-
7 veyance under this subsection, the Secretary and the
8 State shall comply with all obligations of any cost-
9 sharing agreement between the Secretary and the
10 State with respect to the real property described in
11 paragraph (2) in effect as of the date of the convey-
12 ance.

13 (6) LAND NOT CONVEYED.—The State shall
14 continue to manage the real property described in
15 paragraph (3) not conveyed under this subsection in
16 accordance with the terms and conditions of Army
17 Lease Number DACW21-1-92-0500.

18 (h) DENISON, TEXAS.—

19 (1) IN GENERAL.—The Secretary shall offer to
20 convey at fair market value to the city of Denison,
21 Texas, all right, title, and interest of the United
22 States in and to the approximately 900 acres of land
23 located in Grayson County, Texas, which is currently
24 subject to an application for lease for public park

1 and recreational purposes made by the city of
2 Denison, dated August 17, 2005.

3 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

4 The exact acreage and description of the real prop-
5 erty referred to in paragraph (1) shall be determined
6 by a survey paid for by the city of Denison, Texas,
7 that is satisfactory to the Secretary.

8 (3) CONVEYANCE.—On acceptance by the city
9 of Denison, Texas, of an offer under paragraph (1),
10 the Secretary may immediately convey the land sur-
11 veyed under paragraph (2) by quitclaim deed to the
12 city of Denison, Texas.

13 (i) GENERALLY APPLICABLE PROVISIONS.—

14 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

15 The exact acreage and the legal description of any
16 real property to be conveyed under this section shall
17 be determined by a survey that is satisfactory to the
18 Secretary.

19 (2) APPLICABILITY OF PROPERTY SCREENING
20 PROVISIONS.—Section 2696 of title 10, United
21 States Code, shall not apply to any conveyance
22 under this section.

23 (3) ADDITIONAL TERMS AND CONDITIONS.—

24 The Secretary may require that any conveyance
25 under this section be subject to such additional

1 terms and conditions as the Secretary considers ap-
2 propriate and necessary to protect the interests of
3 the United States.

4 (4) COSTS OF CONVEYANCE.—An entity to
5 which a conveyance is made under this section shall
6 be responsible for all reasonable and necessary costs,
7 including real estate transaction and environmental
8 documentation costs, associated with the conveyance.

9 (5) LIABILITY.—An entity to which a convey-
10 ance is made under this section shall hold the
11 United States harmless from any liability with re-
12 spect to activities carried out, on or after the date
13 of the conveyance, on the real property conveyed.
14 The United States shall remain responsible for any
15 liability with respect to activities carried out, before
16 such date, on the real property conveyed.

17 **SEC. 3125. EXTINGUISHMENT OF REVERSIONARY INTER-**
18 **ESTS AND USE RESTRICTIONS.**

19 (a) IDAHO.—

20 (1) IN GENERAL.—With respect to the property
21 covered by each deed in paragraph (2)—

22 (A) the reversionary interests and use re-
23 strictions relating to port and industrial use
24 purposes are extinguished;

1 (B) the restriction that no activity shall be
2 permitted that will compete with services and
3 facilities offered by public marinas is extin-
4 guished; and

5 (C) the human habitation or other building
6 structure use restriction is extinguished if the
7 elevation of the property is above the standard
8 project flood elevation.

9 (2) AFFECTED DEEDS.—The deeds with the fol-
10 lowing county auditor’s file numbers are referred to
11 in paragraph (1):

12 (A) Auditor’s Instrument No. 399218 of
13 Nez Perce County, Idaho—2.07 acres.

14 (B) Auditor’s Instrument No. 487437 of
15 Nez Perce County, Idaho—7.32 acres.

16 (b) LAKE TEXOMA, OKLAHOMA.—

17 (1) RELEASE OF REVERSIONARY INTEREST.—
18 Any reversionary interest relating to public parks
19 and recreation on the land conveyed by the Sec-
20 retary to the State of Oklahoma at Lake Texoma
21 pursuant to the Act entitled “An Act to authorize
22 the sale of certain lands to the State of Oklahoma”,
23 approved June 16, 1953 (67 Stat. 63), is terminated
24 as of the date of enactment of this Act.

1 (2) INSTRUMENT OF RELEASE.—As soon as
2 practicable after the date of enactment of this Act,
3 the Secretary shall execute and file in the appro-
4 priate office a deed of release, an amended deed, or
5 another appropriate instrument to release each re-
6 versionary interest described in subsection (a).

7 (3) PRESERVATION OF RESERVED RIGHTS.—
8 Release of a reversionary interest in accordance with
9 this section shall not be construed to affect any
10 other right excepted or reserved for the United
11 States in a deed of conveyance made pursuant to
12 such Act of June 16, 1953.

13 (c) OLD HICKORY LOCK AND DAM, CUMBERLAND
14 RIVER, TENNESSEE.—

15 (1) RELEASE OF RETAINED RIGHTS, INTER-
16 ESTS, RESERVATIONS.—With respect to land con-
17 veyed by the Secretary to the Tennessee Society of
18 Crippled Children and Adults, Incorporated (com-
19 monly known as “Easter Seals Tennessee”) at Old
20 Hickory Lock and Dam, Cumberland River, Ten-
21 nessee, under section 211 of the Flood Control Act
22 of 1965 (79 Stat. 1087), the reversionary interests
23 and the use restrictions relating to recreation and
24 camping purposes are extinguished.

1 (2) INSTRUMENT OF RELEASE.—As soon as
2 practicable after the date of enactment of this Act,
3 the Secretary shall execute and file in the appro-
4 priate office a deed of release, amended deed, or
5 other appropriate instrument effectuating the release
6 of interests required by paragraph (1).

7 (d) PORT OF PASCO, WASHINGTON.—

8 (1) EXTINGUISHMENT OF USE RESTRICTIONS
9 AND FLOWAGE EASEMENT.—With respect to the
10 property covered by the deed in paragraph (3)(A)—

11 (A) the flowage easement and human habi-
12 tation or other building structure use restriction
13 is extinguished if the elevation of the property
14 is above the standard project flood elevation;
15 and

16 (B) the use of fill material to raise areas
17 of the property above the standard project flood
18 elevation is authorized, except in any area for
19 which a permit under section 404 of the Fed-
20 eral Water Pollution Control Act (33 U.S.C.
21 1344) is required.

22 (2) EXTINGUISHMENT OF FLOWAGE EASE-
23 MENT.—With respect to the property covered by
24 each deed in paragraph (3)(B), the flowage ease-

1 ment is extinguished if the elevation of the property
 2 is above the standard project flood elevation.

3 (3) AFFECTED DEEDS.—The deeds referred to
 4 in paragraphs (1) and (2) are as follows:

5 (A) Auditor’s File Number 262980 of
 6 Franklin County, Washington.

7 (B) Auditor’s File Numbers 263334 and
 8 404398 of Franklin County, Washington.

9 (e) NO EFFECT ON OTHER RIGHTS.—Nothing in this
 10 section affects the remaining rights and interests of the
 11 Corps of Engineers for authorized project purposes.

12 **TITLE IV—STUDIES**

13 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

14 Section 455 of the Water Resources Development Act
 15 of 1999 (42 U.S.C. 1962d–21) is amended by adding at
 16 the end the following:

17 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The
 18 non-Federal interest may provide up to 100 percent of the
 19 non-Federal share required under subsection (f) in the
 20 form of in-kind services and materials.”.

21 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL** 22 **SITES.**

23 The Secretary shall conduct a study to determine the
 24 nature and frequency of avian botulism problems in the
 25 vicinity of Lake Erie associated with dredged material dis-

1 posal sites and shall make recommendations to eliminate
2 the conditions that result in such problems.

3 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**
4 **STUDY.**

5 (a) IN GENERAL.—The Secretary, in coordination
6 with the Secretary of the Interior, the Secretary of Agri-
7 culture, the Secretary of Commerce, and other appropriate
8 agencies, shall conduct, at Federal expense, a comprehen-
9 sive study of drought conditions in the southwestern
10 United States, with particular emphasis on the Colorado
11 River basin, the Rio Grande River basin, and the Great
12 Basin.

13 (b) INVENTORY OF ACTIONS.—In conducting the
14 study, the Secretary shall assemble an inventory of actions
15 taken or planned to be taken to address drought-related
16 situations in the southwestern United States.

17 (c) PURPOSE.—The purpose of the study shall be to
18 develop recommendations to more effectively address cur-
19 rent and future drought conditions in the southwestern
20 United States.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary to carry
23 out this section \$7,000,000. Such funds shall remain
24 available until expended.

1 **SEC. 4004. DELAWARE RIVER.**

2 The Secretary shall review, in consultation with the
3 Delaware River Basin Commission and the States of Dela-
4 ware, Pennsylvania, New Jersey, and New York, the re-
5 port of the Chief of Engineers on the Delaware River, pub-
6 lished as House Document Numbered 522, 87th Congress,
7 Second Session, as it relates to the Mid-Delaware River
8 Basin from Wilmington to Port Jervis, and any other per-
9 tinent reports (including the strategy for resolution of
10 interstate flow management issues in the Delaware River
11 Basin dated August 2004 and the National Park Service
12 Lower Delaware River Management Plan (1997–1999)),
13 with a view to determining whether any modifications of
14 recommendations contained in the first report referred to
15 are advisable at the present time, in the interest of flood
16 damage reduction, ecosystem restoration, and other re-
17 lated problems.

18 **SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

19 The Secretary shall conduct, at Federal expense, a
20 study to determine the potential impacts on navigation of
21 construction of a bridge across Knik Arm, Cook Inlet,
22 Alaska.

23 **SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for navigation,

1 Kuskokwim River, Alaska, in the vicinity of the village of
2 Crooked Creek.

3 **SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

4 The Secretary shall conduct, at Federal expense, a
5 study to determine the feasibility of providing navigation
6 improvements at St. George Harbor, Alaska.

7 **SEC. 4008. SUSITNA RIVER, ALASKA.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for hydropower, recre-
10 ation, and related purposes on the Susitna River, Alaska.

11 **SEC. 4009. GILA BEND, MARICOPA, ARIZONA.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 study to determine the feasibility of carrying out a project
14 for flood damage reduction, Gila Bend, Maricopa, Arizona.

15 (b) REVIEW OF PLANS.—In conducting the study, the
16 Secretary shall review plans and designs developed by non-
17 Federal interests and shall incorporate such plans and de-
18 signs into the Federal study if the Secretary determines
19 that such plans and designs are consistent with Federal
20 standards.

21 **SEC. 4010. SEARCY COUNTY, ARKANSAS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of using Greers Ferry Lake as a water supply
24 source for Searcy County, Arkansas.

1 **SEC. 4011. ALISO CREEK, CALIFORNIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for streambank protec-
4 tion and environmental restoration along Aliso Creek,
5 California.

6 **SEC. 4012. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

7 The Secretary shall conduct a study of the Elkhorn
8 Slough estuary, California, to determine the feasibility of
9 conserving, enhancing, and restoring estuarine habitats by
10 developing strategies to address hydrological management
11 issues.

12 **SEC. 4013. FRESNO, KINGS, AND KERN COUNTIES, CALI-**
13 **FORNIA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for water supply for
16 Fresno, Kings, and Kern Counties, California.

17 **SEC. 4014. LOS ANGELES RIVER REVITALIZATION STUDY,**
18 **CALIFORNIA.**

19 (a) IN GENERAL.—The Secretary, in coordination
20 with the city of Los Angeles, shall—

21 (1) prepare a feasibility study for environmental
22 restoration, flood control, recreation, and other as-
23 pects of Los Angeles River revitalization that is con-
24 sistent with the goals of the Los Angeles River Revi-
25 talization Master Plan published by the city of Los
26 Angeles; and

1 (2) consider any locally-preferred project alter-
2 natives developed through a full and open evaluation
3 process for inclusion in the study.

4 (b) USE OF EXISTING INFORMATION AND MEAS-
5 URES.—In preparing the study under subsection (a), the
6 Secretary shall use, to the maximum extent practicable—

7 (1) information obtained from the Los Angeles
8 River Revitalization Master Plan; and

9 (2) the development process of that plan.

10 (c) DEMONSTRATION PROJECTS.—

11 (1) IN GENERAL.—The Secretary is authorized
12 to construct demonstration projects in order to pro-
13 vide information to develop the study under sub-
14 section (a)(1).

15 (2) FEDERAL SHARE.—The Federal share of
16 the cost of any project under this subsection shall be
17 not more than 65 percent.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this subsection \$20,000,000.

21 **SEC. 4015. LYTLE CREEK, RIALTO, CALIFORNIA.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for flood damage re-
24 duction and groundwater recharge, Lytle Creek, Rialto,
25 California.

1 **SEC. 4016. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary shall conduct a
4 study to determine the feasibility of carrying out a project
5 for water supply along the Mokelumne River, San Joaquin
6 County, California.

7 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
8 Nothing in this section shall be construed to invalidate,
9 preempt, or create any exception to State water law, State
10 water rights, or Federal or State permitted activities or
11 agreements.

12 **SEC. 4017. NAPA RIVER, ST. HELENA, CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 comprehensive study of the Napa River in the vicinity of
15 St. Helena, California, for the purposes of improving flood
16 management through reconnecting the river to its flood-
17 plain; restoring habitat, including riparian and aquatic
18 habitat; improving fish passage and water quality; and re-
19 storing native plant communities.

20 (b) PLANS AND DESIGNS.—In conducting the study,
21 the Secretary shall review plans and designs developed by
22 non-Federal interests and shall incorporate such plans and
23 designs into the Federal study if the Secretary determines
24 that such plans and designs are consistent with Federal
25 standards.

1 **SEC. 4018. ORICK, CALIFORNIA.**

2 (a) IN GENERAL.—The Secretary shall conduct a
3 study to determine the feasibility of carrying out a project
4 for flood damage reduction and ecosystem restoration,
5 Orick, California.

6 (b) FEASIBILITY OF RESTORING OR REHABILI-
7 TATING REDWOCK CREEK LEVEES.—In conducting the
8 study, the Secretary shall determine the feasibility of re-
9 storing or rehabilitating the Redwood Creek Levees, Hum-
10 boldt County, California.

11 **SEC. 4019. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for water supply for
14 Rialto, Fontana, and Colton, California.

15 **SEC. 4020. SACRAMENTO RIVER, CALIFORNIA.**

16 The Secretary shall conduct a comprehensive study
17 to determine the feasibility of, and alternatives for, meas-
18 ures to protect water diversion facilities and fish protective
19 screen facilities in the vicinity of river mile 178 on the
20 Sacramento River, California.

21 **SEC. 4021. SAN DIEGO COUNTY, CALIFORNIA.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for water supply, San
24 Diego County, California, including a review of the feasi-
25 bility of connecting 4 existing reservoirs to increase usable
26 storage capacity.

1 **SEC. 4022. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
2 **QUIN DELTA, CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary shall conduct a
4 study to determine the feasibility of the beneficial use of
5 dredged material from the San Francisco Bay in the Sac-
6 ramento-San Joaquin Delta, California, including the ben-
7 efits and impacts of salinity in the Delta and the benefits
8 to navigation, flood damage reduction, ecosystem restora-
9 tion, water quality, salinity control, water supply reli-
10 ability, and recreation.

11 (b) COOPERATION.—In conducting the study, the
12 Secretary shall cooperate with the California Department
13 of Water Resources and appropriate Federal and State en-
14 tities in developing options for the beneficial use of
15 dredged material from San Francisco Bay for the Sac-
16 ramento-San Joaquin Delta area.

17 (c) REVIEW.—The study shall include a review of the
18 feasibility of using Sherman Island as a rehandling site
19 for levee maintenance material, as well as for ecosystem
20 restoration. The review may include monitoring a pilot
21 project using up to 150,000 cubic yards of dredged mate-
22 rial and being carried out at the Sherman Island site, ex-
23 amining larger scale use of dredged materials from the
24 San Francisco Bay and Suisun Bay Channel, and ana-
25 lyzing the feasibility of the potential use of saline mate-

1 rials from the San Francisco Bay for both rehandling and
2 ecosystem restoration purposes.

3 **SEC. 4023. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
4 **CALIFORNIA.**

5 (a) IN GENERAL.—In conducting the South San
6 Francisco Bay shoreline study, the Secretary shall—

7 (1) review the planning, design, and land acqui-
8 sition documents prepared by the California State
9 Coastal Conservancy, the Santa Clara Valley Water
10 District, and other local interests in developing rec-
11 ommendations for measures to provide flood protec-
12 tion of the South San Francisco Bay shoreline, res-
13 toration of the South San Francisco Bay salt ponds
14 (including lands owned by the Department of the In-
15 terior), and other related purposes; and

16 (2) incorporate such planning, design, and land
17 acquisition documents into the Federal study if the
18 Secretary determines that such documents are con-
19 sistent with Federal standards.

20 (b) REPORT.—Not later than December 31, 2008,
21 the Secretary shall transmit a feasibility report for the
22 South San Francisco Bay shoreline study to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Environment
25 and Public Works of the Senate.

1 (c) CREDIT.—

2 (1) IN GENERAL.—The Secretary shall credit
3 toward the non-Federal share of the cost of any
4 project authorized by law as a result of the South
5 San Francisco Bay shoreline study the cost of work
6 carried out by the non-Federal interest before the
7 date of the partnership agreement for the project if
8 the Secretary determines that the work is integral to
9 the project.

10 (2) LIMITATION.—In no case may work that
11 was carried out more than 5 years before the date
12 of enactment of this Act be eligible for credit under
13 this subsection.

14 **SEC. 4024. TWENTYNINE PALMS, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for flood damage re-
17 duction, Pinto Cove Wash, in the vicinity of Twentynine
18 Palms, California.

19 **SEC. 4025. YUCCA VALLEY, CALIFORNIA.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out a project for flood damage re-
22 duction, West Burnt Mountain basin, in the vicinity of
23 Yucca Valley, California.

1 **SEC. 4026. ROARING FORK RIVER, BASALT, COLORADO.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction and other purposes for the Roaring Fork River,
5 Basalt, Colorado.

6 **SEC. 4027. DELAWARE AND CHRISTINA RIVERS AND**
7 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for flood damage re-
10 duction and related purposes along the Delaware and
11 Christina Rivers and Shellpot Creek, Wilmington, Dela-
12 ware.

13 **SEC. 4028. COLLIER COUNTY BEACHES, FLORIDA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for hurricane and
16 storm damage reduction and flood damage reduction in
17 the vicinity of Vanderbilt, Park Shore, and Naples beach-
18 es, Collier County, Florida.

19 **SEC. 4029. LOWER ST. JOHNS RIVER, FLORIDA.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out a project for environmental pro-
22 tection and restoration, including improved water quality,
23 and related purposes, Lower St. Johns River, Florida.

24 **SEC. 4030. VANDERBILT BEACH LAGOON, FLORIDA.**

25 The Secretary shall conduct a study to determine the
26 feasibility of carrying out a project for environmental res-

1 toration, water supply, and improvement of water quality
2 at Vanderbilt Beach Lagoon, Florida.

3 **SEC. 4031. MERIWETHER COUNTY, GEORGIA.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for water supply,
6 Meriwether County, Georgia.

7 **SEC. 4032. TYBEE ISLAND, GEORGIA.**

8 The Secretary shall conduct a study to determine the
9 feasibility of including the northern end of Tybee Island
10 extending from the north terminal groin to the mouth of
11 Lazaretto Creek as a part of the project for beach erosion
12 control, Tybee Island, Georgia, carried out under section
13 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
14 5).

15 **SEC. 4033. BOISE RIVER, IDAHO.**

16 The study for flood control, Boise River, Idaho, au-
17 thorized by section 414 of the Water Resources Develop-
18 ment Act of 1999 (113 Stat. 324), is modified—

19 (1) to add ecosystem restoration and water sup-
20 ply as project purposes to be studied; and

21 (2) to require the Secretary to credit toward the
22 non-Federal share of the cost of the study the cost,
23 not to exceed \$500,000, of work carried out by the
24 non-Federal interest before the date of the partner-

1 ship agreement for the project if the Secretary de-
2 termines that the work is integral to the project.

3 **SEC. 4034. BALLARD’S ISLAND SIDE CHANNEL, ILLINOIS.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for ecosystem restora-
6 tion, Ballard’s Island, Illinois.

7 **SEC. 4035. SALEM, INDIANA.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project to provide an addi-
10 tional water supply source for Salem, Indiana.

11 **SEC. 4036. BUCKHORN LAKE, KENTUCKY.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 study to determine the feasibility of modifying the project
14 for flood damage reduction, Buckhorn Lake, Kentucky,
15 authorized by section 2 of the Flood Control Act of June
16 28, 1938 (52 Stat. 1217), to add ecosystem restoration,
17 recreation, and improved access as project purposes, in-
18 cluding permanently raising the winter pool elevation of
19 the project.

20 (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-
21 terest may provide the non-Federal share of the cost of
22 the study in the form of in-kind services and materials.

1 **SEC. 4037. DEWEY LAKE, KENTUCKY.**

2 The Secretary shall conduct a study to determine the
3 feasibility of modifying the project for Dewey Lake, Ken-
4 tucky, to add water supply as a project purpose.

5 **SEC. 4038. LOUISVILLE, KENTUCKY.**

6 The Secretary shall conduct a study of the project
7 for flood control, Louisville, Kentucky, authorized by sec-
8 tion 4 of the Flood Control Act of June 28, 1938 (52 Stat.
9 1217), to investigate measures to address the rehabilita-
10 tion of the project.

11 **SEC. 4039. CLINTON RIVER, MICHIGAN.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for environmental res-
14 toration, Clinton River, Michigan.

15 **SEC. 4040. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for flood damage re-
18 duction on Ore Lake and the Huron River for Hamburg
19 and Green Oak Townships, Michigan.

21 **SEC. 4041. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**
22 **WISCONSIN.**

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study and prepare a report to evaluate the integrity of
25 the bulkhead system located on and in the vicinity of Du-

1 luth-Superior Harbor, Duluth, Minnesota, and Superior,
2 Wisconsin.

3 (b) CONTENTS.—The report shall include—

4 (1) a determination of causes of corrosion of
5 the bulkhead system;

6 (2) recommendations to reduce corrosion of the
7 bulkhead system;

8 (3) a description of the necessary repairs to the
9 bulkhead system; and

10 (4) an estimate of the cost of addressing the
11 causes of the corrosion and carrying out necessary
12 repairs.

13 **SEC. 4042. NORTHEAST MISSISSIPPI.**

14 The Secretary shall conduct a study to determine the
15 feasibility of modifying the project for navigation, Ten-
16 nessee-Tombigbee Waterway, Alabama and Mississippi, to
17 provide water supply for northeast Mississippi.

18 **SEC. 4043. ST. LOUIS, MISSOURI.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction, St. Louis, Missouri, to restore or rehabilitate the
22 levee system feature of the project for flood protection,
23 St. Louis, Missouri, authorized by the first section of the
24 Act entitled “An Act authorizing construction of certain
25 public works on the Mississippi River for the protection

1 of Saint Louis, Missouri”, approved August 9, 1955 (69
2 Stat. 540).

3 **SEC. 4044. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project in the vicinity of the
6 Atlantic Intracoastal Waterway, New Jersey, for the con-
7 struction of a dredged material disposal transfer facility
8 to make dredged material available for beneficial reuse.

9 **SEC. 4045. BAYONNE, NEW JERSEY.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for environmental res-
12 toration, including improved water quality, enhanced pub-
13 lic access, and recreation, on the Kill Van Kull, Bayonne,
14 New Jersey.

15 **SEC. 4046. CARTERET, NEW JERSEY.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for environmental res-
18 toration, including improved water quality, enhanced pub-
19 lic access, and recreation, on the Raritan River, Carteret,
20 New Jersey.

21 **SEC. 4047. GLOUCESTER COUNTY, NEW JERSEY.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for flood damage re-
24 duction, Gloucester County, New Jersey, including the
25 feasibility of restoring the flood protection dikes in

1 Gibbstown, New Jersey, and the associated tidegates in
2 Gloucester County, New Jersey.

3 **SEC. 4048. PERTH AMBOY, NEW JERSEY.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for riverfront develop-
6 ment, including enhanced public access, recreation, and
7 environmental restoration, on the Arthur Kill, Perth
8 Amboy, New Jersey.

9 **SEC. 4049. BATAVIA, NEW YORK.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for hydropower and
12 related purposes in the vicinity of Batavia, New York.

13 **SEC. 4050. BIG SISTER CREEK, EVANS, NEW YORK.**

14 (a) IN GENERAL.—The Secretary shall conduct a
15 study to determine the feasibility of carrying out a project
16 for flood damage reduction, Big Sister Creek, Evans, New
17 York.

18 (b) EVALUATION OF POTENTIAL SOLUTIONS.—In
19 conducting the study, the Secretary shall evaluate poten-
20 tial solutions to flooding from all sources, including flood-
21 ing that results from ice jams.

22 **SEC. 4051. FINGER LAKES, NEW YORK.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for aquatic ecosystem

1 restoration and protection, Finger Lakes, New York, to
2 address water quality and aquatic nuisance species.

3 **SEC. 4052. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for storm damage re-
6 duction and shoreline protection in the vicinity of Galla-
7 gher Beach, Lake Erie Shoreline, Buffalo, New York.

8 **SEC. 4053. NEWTOWN CREEK, NEW YORK.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out ecosystem restoration improve-
11 ments on Newtown Creek, Brooklyn and Queens, New
12 York.

13 **SEC. 4054. NIAGARA RIVER, NEW YORK.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for a low-head hydro-
16 electric generating facility in the Niagara River, New
17 York.

18 **SEC. 4055. SHORE PARKWAY GREENWAY, BROOKLYN, NEW**
19 **YORK.**

20 The Secretary shall conduct a study of the feasibility
21 of carrying out a project for shoreline protection in the
22 vicinity of the confluence of the Narrows and Gravesend
23 Bay, Upper New York Bay, Shore Parkway Greenway,
24 Brooklyn, New York.

1 **SEC. 4056. UPPER DELAWARE RIVER WATERSHED, NEW**
2 **YORK.**

3 Notwithstanding section 221 of the Flood Control
4 Act of 1970 (42 U.S.C. 1962d–5b) and with the consent
5 of the affected local government, a nonprofit organization
6 may serve as the non-Federal interest for a study for the
7 Upper Delaware River watershed, New York, being carried
8 out under Committee Resolution 2495 of the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives, adopted May 9, 1996.

11 **SEC. 4057. LINCOLN COUNTY, NORTH CAROLINA.**

12 The Secretary shall conduct a study of existing water
13 and water quality-related infrastructure in Lincoln Coun-
14 ty, North Carolina, to assist local interests in determining
15 the most efficient and effective way to connect county in-
16 frastructure.

17 **SEC. 4058. WILKES COUNTY, NORTH CAROLINA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for water supply,
20 Wilkes County, North Carolina.

21 **SEC. 4059. YADKINVILLE, NORTH CAROLINA.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for water supply,
24 Yadkinville, North Carolina.

1 **SEC. 4060. LAKE ERIE, OHIO.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out projects for power generation
4 at confined disposal facilities along Lake Erie, Ohio.

5 **SEC. 4061. OHIO RIVER, OHIO.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out projects for flood damage reduc-
8 tion on the Ohio River in Mahoning, Columbiana, Jeffer-
9 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,
10 Gallia, Lawrence, and Scioto Counties, Ohio.

11 **SEC. 4062. ECOSYSTEM RESTORATION AND FISH PASSAGE**
12 **IMPROVEMENTS, OREGON.**

13 (a) STUDY.—The Secretary shall conduct a study to
14 determine the feasibility of undertaking ecosystem restora-
15 tion and fish passage improvements on rivers throughout
16 the State of Oregon.

17 (b) REQUIREMENTS.—In carrying out the study, the
18 Secretary shall—

19 (1) work in coordination with the State of Or-
20 egon, local governments, and other Federal agencies;
21 and

22 (2) place emphasis on—

23 (A) fish passage and conservation and res-
24 toration strategies to benefit species that are
25 listed or proposed for listing as threatened or

1 endangered species under the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

3 (B) other watershed restoration objectives.

4 (c) PILOT PROGRAM.—

5 (1) IN GENERAL.—In conjunction with con-
6 ducting the study under subsection (a), the Sec-
7 retary may carry out pilot projects to demonstrate
8 the effectiveness of ecosystem restoration and fish
9 passages.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

13 **SEC. 4063. WALLA WALLA RIVER BASIN, OREGON.**

14 In conducting the study of determine the feasibility
15 of carrying out a project for ecosystem restoration, Walla
16 Walla River Basin, Oregon, the Secretary shall—

17 (1) credit toward the non-Federal share of the
18 cost of the study the cost of work carried out by the
19 non-Federal interest before the date of the partner-
20 ship agreement for the project if the Secretary de-
21 termines that the work is integral to the project; and

22 (2) allow the non-Federal interest to provide
23 the non-Federal share of the cost of the study in the
24 form of in-kind services and materials.

1 **SEC. 4064. CHARTIERS CREEK WATERSHED, PENNSYL-**
2 **VANIA.**

3 The Secretary shall conduct a study to determine the
4 feasibility of carrying out a project for flood damage re-
5 duction, Chartiers Creek watershed, Pennsylvania.

6 **SEC. 4065. KINZUA DAM AND ALLEGHENY RESERVOIR,**
7 **PENNSYLVANIA.**

8 The Secretary shall conduct a study of the project
9 for flood control, Kinzua Dam and Allegheny Reservoir,
10 Warren, Pennsylvania, authorized by section 5 of the
11 Flood Control Act of June 22, 1936 (49 Stat. 1570), and
12 modified by section 2 of the Flood Control Act of June
13 28, 1938 (52 Stat. 1215), section 2 of the Flood Control
14 Act of August 18, 1941 (55 Stat. 646), and section 4 of
15 the Flood Control Act of December 22, 1944 (58 Stat.
16 887), to review operations of and identify modifications
17 to the project to expand recreational opportunities.

18 **SEC. 4066. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**
19 **DUCTION, PENNSYLVANIA.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study of structural and nonstructural flood damage reduc-
22 tion, stream bank protection, storm water management,
23 channel clearing and modification, and watershed coordi-
24 nation measures in the Mahoning River basin, Pennsyl-
25 vania, the Allegheny River basin, Pennsylvania, and the
26 Upper Ohio River basin, Pennsylvania, to provide a level

1 of flood protection sufficient to prevent future losses to
2 communities located in such basins from flooding such as
3 occurred in September 2004, but not less than a 100-year
4 level of flood protection.

5 (b) PRIORITY COMMUNITIES.—In carrying out this
6 section, the Secretary shall give priority to the following
7 Pennsylvania communities: Marshall Township, Ross
8 Township, Shaler Township, Jackson Township, Har-
9 mony, Zelienople, Darlington Township, Houston Bor-
10 ough, Chartiers Township, Washington, Canton Town-
11 ship, Tarentum Borough, and East Deer Township.

12 **SEC. 4067. WILLIAMSPORT, PENNSYLVANIA.**

13 The Secretary shall conduct a study of the project
14 for flood control, Williamsport, Pennsylvania, authorized
15 by section 5 of the Flood Control Act of June 22, 1936
16 (49 Stat. 1570), to investigate measures to rehabilitate
17 the project.

18 **SEC. 4068. YARDLEY BOROUGH, PENNSYLVANIA.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction, at Yardley Borough, Pennsylvania, including the
22 alternative of raising River Road.

23 **SEC. 4069. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

24 (a) IN GENERAL.—The Secretary shall conduct a
25 study to reevaluate the project for flood damage reduction

1 and water supply, Rio Valenciano, Juncos, Puerto Rico,
2 authorized by section 209 of the Flood Control Act of
3 1962 (76 Stat. 1197) and section 204 of the Flood Con-
4 trol Act of 1970 (84 Stat. 1828), to determine the feasi-
5 bility of carrying out the project.

6 (b) CREDIT.—The Secretary shall credit toward the
7 non-Federal share of the cost of the study the cost of work
8 carried out by the non-Federal interest before the date of
9 the partnership agreement for the project if the Secretary
10 determines that the work is integral to the project.

11 **SEC. 4070. CROOKED CREEK, BENNETTSVILLE, SOUTH**
12 **CAROLINA.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for water supply,
15 Crooked Creek, Bennettsville, South Carolina.

16 **SEC. 4071. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for water supply,
19 Broad River, York County, South Carolina.

20 **SEC. 4072. CHATTANOOGA, TENNESSEE.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for flood damage re-
23 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,
24 Tennessee.

1 **SEC. 4073. CLEVELAND, TENNESSEE.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Cleveland, Tennessee.

5 **SEC. 4074. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for recreation on, river-
8 bank protection for, and environmental protection of, the
9 Cumberland River and riparian habitats in the city of
10 Nashville and Davidson County, Tennessee.

11 **SEC. 4075. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**
12 **NESSEE.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for water supply for
15 Lewis, Lawrence, and Wayne Counties, Tennessee.

16 **SEC. 4076. WOLF RIVER AND NONCONNAH CREEK, MEM-**
17 **PHIS TENNESSEE.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction along Wolf River and Nonconnah Creek, in the
21 vicinity of Memphis, Tennessee, to include the repair, re-
22 placement, rehabilitation, and restoration of the following
23 pumping stations: Cypress Creek, Nonconnah Creek,
24 Ensley, Marble Bayou, and Bayou Gayoso.

1 **SEC. 4077. ABILENE, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for water supply, Abi-
4 lene, Texas.

5 **SEC. 4078. COASTAL TEXAS ECOSYSTEM PROTECTION AND**
6 **RESTORATION, TEXAS.**

7 (a) IN GENERAL.—The Secretary shall develop a
8 comprehensive plan to determine the feasibility of carrying
9 out projects for flood damage reduction, hurricane and
10 storm damage reduction, and ecosystem restoration in the
11 coastal areas of the State of Texas.

12 (b) SCOPE.—The comprehensive plan shall provide
13 for the protection, conservation, and restoration of wet-
14 lands, barrier islands, shorelines, and related lands and
15 features that protect critical resources, habitat, and infra-
16 structure from the impacts of coastal storms, hurricanes,
17 erosion, and subsidence.

18 (c) DEFINITION.—For purposes of this section, the
19 term “coastal areas in the State of Texas” means the
20 coastal areas of the State of Texas from the Sabine River
21 on the east to the Rio Grande River on the west and in-
22 cludes tidal waters, barrier islands, marshes, coastal wet-
23 lands, rivers and streams, and adjacent areas.

24 **SEC. 4079. PORT OF GALVESTON, TEXAS.**

25 The Secretary shall conduct a study of the feasibility
26 of carrying out a project for dredged material disposal in

1 the vicinity of the project for navigation and environ-
2 mental restoration, Houston-Galveston Navigation Chan-
3 nels, Texas, authorized by section 101(a)(30) of the Water
4 Resources Development Act of 1996 (110 Stat. 3666).

5 **SEC. 4080. GRAND COUNTY AND MOAB, UTAH.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for water supply for
8 Grand County and the city of Moab, Utah, including a
9 review of the impact of current and future demands on
10 the Spanish Valley Aquifer.

11 **SEC. 4081. SOUTHWESTERN UTAH.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for flood damage re-
14 duction, Santa Clara River, Washington, Iron, and Kane
15 Counties, Utah.

16 **SEC. 4082. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**
17 **CAROLINA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction, environmental restoration, navigation, and ero-
21 sion control, Chowan River basin, Virginia and North
22 Carolina.

23 **SEC. 4083. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

24 (a) IN GENERAL.—The study for rehabilitation of the
25 Elliott Bay Seawall, Seattle, Washington, being carried

1 out under Committee Resolution 2704 of the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives adopted September 25, 2002, is modified
4 to include a determination of the feasibility of reducing
5 future damage to the seawall from seismic activity.

6 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
7 out the study, the Secretary may accept contributions in
8 excess of the non-Federal share of the cost of the study
9 from the non-Federal interest to the extent that the Sec-
10 retary determines that the contributions will facilitate
11 completion of the study.

12 (c) CREDIT.—The Secretary shall credit toward the
13 non-Federal share of the cost of any project authorized
14 by law as a result of the study the value of contributions
15 accepted by the Secretary under subsection (b).

16 **SEC. 4084. MONONGAHELA RIVER BASIN, NORTHERN WEST**
17 **VIRGINIA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out aquatic ecosystem restoration
20 and protection projects in the watersheds of the
21 Monongahela River Basin lying within the counties of
22 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
23 Doddridge, Monongalia, Marion, Harrison, Taylor,
24 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,

1 Brooke, and Ritchie, West Virginia, particularly as re-
2 lated to abandoned mine drainage abatement.

3 **SEC. 4085. KENOSHA HARBOR, WISCONSIN.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for navigation, Ken-
6 sha Harbor, Wisconsin, including the extension of existing
7 piers.

8 **SEC. 4086. WAUWATOSA, WISCONSIN.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for flood damage re-
11 duction and environmental restoration, Menomonee River
12 and Underwood Creek, Wauwatosa, Wisconsin, and great-
13 er Milwaukee watersheds, Wisconsin.

14 **SEC. 4087. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
15 **CONSIN.**

16 The Secretary shall conduct a study of the
17 Johnsonville Dam, Johnsonville, Wisconsin, to determine
18 if the structure prevents ice jams on the Sheboygan River.

19 **TITLE V—MISCELLANEOUS**

20 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

21 (a) IN GENERAL.—Upon request of a non-Federal in-
22 terest, the Secretary shall be responsible for maintenance
23 of the following navigation channels and breakwaters con-
24 structed or improved by the non-Federal interest if the
25 Secretary determines that such maintenance is economi-

1 cally justified and environmentally acceptable and that the
2 channel or breakwater was constructed in accordance with
3 applicable permits and appropriate engineering and design
4 standards:

5 (1) Manatee Harbor basin, Florida.

6 (2) West turning basin, Canaveral Harbor,
7 Florida.

8 (3) Bayou LaFourche Channel, Port Fourchon,
9 Louisiana.

10 (4) Calcasieu River at Devil's Elbow, Louisiana.

11 (5) Pidgeon Industrial Harbor, Pidgeon Indus-
12 trial Park, Memphis Harbor, Tennessee.

13 (6) Pix Bayou Navigation Channel, Chambers
14 County, Texas.

15 (7) Racine Harbor, Wisconsin.

16 (b) COMPLETION OF ASSESSMENT.—Not later than
17 6 months after the date of receipt of a request from a
18 non-Federal interest for Federal assumption of mainte-
19 nance of a channel listed in subsection (a), the Secretary
20 shall make a determination as provided in subsection (a)
21 and advise the non-Federal interest of the Secretary's de-
22 termination.

23 **SEC. 5002. WATERSHED MANAGEMENT.**

24 (a) IN GENERAL.—The Secretary may provide tech-
25 nical, planning, and design assistance to non-Federal in-

1 terests for carrying out watershed management, restora-
2 tion, and development projects at the locations described
3 in subsection (d).

4 (b) SPECIFIC MEASURES.—Assistance provided
5 under subsection (a) may be in support of non-Federal
6 projects for the following purposes:

7 (1) Management and restoration of water qual-
8 ity.

9 (2) Control and remediation of toxic sediments.

10 (3) Restoration of degraded streams, rivers,
11 wetlands, and other waterbodies to their natural
12 condition as a means to control flooding, excessive
13 erosion, and sedimentation.

14 (4) Protection and restoration of watersheds,
15 including urban watersheds.

16 (5) Demonstration of technologies for non-
17 structural measures to reduce destructive impacts of
18 flooding.

19 (c) NON-FEDERAL SHARE.—The non-Federal share
20 of the cost of assistance provided under subsection (a)
21 shall be 50 percent.

22 (d) PROJECT LOCATIONS.—The locations referred to
23 in subsection (a) are the following:

24 (1) Charlotte Harbor watershed, Florida.

25 (2) Big Creek watershed, Roswell, Georgia.

1 (3) Those portions of the watersheds of the
2 Chattahoochee, Etowah, Flint, Ocmulgee, and
3 Oconee Rivers lying within the counties of Bartow,
4 Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
5 Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,
6 Paulding, Rockdale, and Walton, Georgia.

7 (4) Kinkaid Lake, Jackson County, Illinois.

8 (5) Amite River basin, Louisiana.

9 (6) East Atchafalaya River basin, Iberville Par-
10 ish and Pointe Coupee Parish, Louisiana.

11 (7) Red River watershed, Louisiana.

12 (8) Lower Platte River watershed, Nebraska.

13 (9) Rio Grande watershed, New Mexico.

14 (10) Taunton River basin, Massachusetts.

15 (11) Marlboro Township, New Jersey.

16 (12) Esopus, Plattekill, and Rondout Creeks,
17 Greene, Sullivan, and Ulster Counties, New York.

18 (13) Greenwood Lake watershed, New York
19 and New Jersey.

20 (14) Long Island Sound watershed, New York.

21 (15) Tuscarawas River basin, Ohio.

22 (16) Ramapo River watershed, New York.

23 (17) Western Lake Erie basin, Ohio.

24 (18) Those portions of the watersheds of the
25 Beaver, Upper Ohio, Connoquenessing, Lower Alle-

gheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(19) Otter Creek watershed, Pennsylvania.

(20) Unami Creek watershed, Milford Township, Pennsylvania.

(21) Sauk River basin, Washington.

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

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Fish Creek Dam, Blaine County, Idaho.

(2) Hamilton Dam, Flint River, Flint, Michigan.

(3) State Dam, Auburn, New York.

(4) Whaley Lake Dam, Pawling, New York.

(5) Ingham Spring Dam, Solebury Township, Pennsylvania.

(6) Leaser Lake Dam, Lehigh County, Pennsylvania.

(7) Stillwater Dam, Monroe County, Pennsylvania.

1 (8) Wissahickon Creek Dam, Montgomery
2 County, Pennsylvania.

3 (b) SPECIAL RULE.—The assistance provided under
4 subsection (a) for State Dam, Auburn, New York, shall
5 be for a project for rehabilitation in accordance with the
6 report on State Dam Rehabilitation, Owasco Lake Outlet,
7 New York, dated March 1999, if the Secretary determines
8 that the project is feasible.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out subsection (a)
11 \$6,000,000.

12 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

13 (a) IN GENERAL.—Upon request of a non-Federal in-
14 terest, the Secretary shall evaluate the structural integrity
15 and effectiveness of a project for flood damage reduction
16 and, if the Secretary determines that the project does not
17 meet such minimum standards as the Secretary may es-
18 tablish and, absent action by the Secretary, the project
19 will fail, the Secretary may take such action as may be
20 necessary to restore the integrity and effectiveness of the
21 project.

22 (b) PRIORITY.—The Secretary shall evaluate under
23 subsection (a) the following projects:

24 (1) Project for flood damage reduction, Arkan-
25 sas River Levees, Arkansas.

1 (2) Project for flood damage reduction,
2 Nonconnah Creek, Tennessee.

3 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

4 (a) IN GENERAL.—Section 212(e) of the Water Re-
5 sources Development Act of 1999 (33 U.S.C. 2332(e); 114
6 Stat. 2599) is amended—

7 (1) by striking “and” at the end of paragraphs
8 (23) and (27);

9 (2) by striking the period at the end of para-
10 graph (28) and inserting a semicolon; and

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

12 “(29) Ascension Parish, Louisiana;

13 “(30) East Baton Rouge Parish, Louisiana;

14 “(31) Iberville Parish, Louisiana;

15 “(32) Livingston Parish, Louisiana; and

16 “(33) Pointe Coupee Parish, Louisiana.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended
19 by striking “section—” and all that follows before the pe-
20 riod at the end and inserting “section \$20,000,000”.

21 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
22 **PROJECTS.**

23 (a) IN GENERAL.—Section 219(e) of the Water Re-
24 sources Development Act of 1992 (106 Stat. 4835; 110
25 Stat. 3757; 113 Stat. 334) is amended—

1 (1) by striking “and” at the end of paragraph
2 (7);

3 (2) by striking the period at the end of para-
4 graph (8) and inserting a semicolon; and

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

6 “(9) \$35,000,000 for the project described in
7 subsection (c)(18);

8 “(10) \$27,000,000 for the project described in
9 subsection (c)(19);

10 “(11) \$20,000,000 for the project described in
11 subsection (c)(20);

12 “(12) \$35,000,000 for the project described in
13 subsection (c)(23);

14 “(13) \$20,000,000 for the project described in
15 subsection (c)(25);

16 “(14) \$20,000,000 for the project described in
17 subsection (c)(26);

18 “(15) \$35,000,000 for the project described in
19 subsection (c)(27);

20 “(16) \$20,000,000 for the project described in
21 subsection (c)(28); and

22 “(17) \$30,000,000 for the project described in
23 subsection (c)(40).”.

24 (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-
25 KANSAS.—Federal assistance made available under the

1 rural enterprise zone program of the Department of Agri-
2 culture may be used toward payment of the non-Federal
3 share of the costs of the project described in section
4 219(c)(20) of the Water Resources Development Act of
5 1992 (114 Stat. 2763A–219) if such assistance is author-
6 ized to be used for such purposes.

7 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**
8 **CONSTRUCTION FOR CERTAIN PROJECTS.**

9 The Secretary shall expedite completion of the re-
10 ports and, if the Secretary determines that the project is
11 feasible, shall expedite completion of construction for the
12 following projects:

13 (1) Daytona Beach shore protection project,
14 Florida.

15 (2) Flagler Beach shore protection project,
16 Florida.

17 (3) St. Johns County shore protection project,
18 Florida.

19 (4) False River, Louisiana, being carried out
20 under section 206 of the Water Resources Develop-
21 ment Act of 1996 (33 U.S.C. 2330).

22 (5) Fulmer Creek, Village of Mohawk, New
23 York, being carried out under section 205 of the
24 Flood Control Act of 1948 (33 U.S.C. 701s).

1 (6) Moyer Creek, Village of Frankfort, New
2 York, being carried out under section 205 of the
3 Flood Control Act of 1948 (33 U.S.C. 701s).

4 (7) Steele Creek, Village of Ilion, New York,
5 being carried out under section 205 of the Flood
6 Control Act of 1948 (33 U.S.C. 701s).

7 (8) Oriskany Wildlife Management Area, Rome,
8 New York, being carried out under section 206 of
9 the Water Resources Development Act of 1996 (33
10 U.S.C. 2330).

11 (9) Whitney Point Lake, Otselic River, Whitney
12 Point, New York, being carried out under section
13 1135 of the Water Resources Development Act of
14 1986 (33 U.S.C. 2309a).

15 (10) North River, Peabody, Massachusetts,
16 being carried out under section 205 of the Flood
17 Control Act of 1948 (33 U.S.C. 701s).

18 (11) Chenango Lake, Chenango County, New
19 York, being carried out under section 206 of the
20 Water Resources Development Act of 1996 (33
21 U.S.C. 2330).

22 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
23 **TAIN PROJECTS.**

24 (a) IN GENERAL.—The Secretary shall expedite com-
25 pletion of the reports for the following projects and, if the

1 Secretary determines that a project is justified in the com-
2 pleted report, proceed directly to project preconstruction,
3 engineering, and design:

4 (1) Project for water supply, Little Red River,
5 Arkansas.

6 (2) Project for shoreline stabilization at
7 Egmont Key, Florida.

8 (3) Project for ecosystem restoration, Univer-
9 sity Lake, Baton Rouge, Louisiana.

10 (4) Project for navigation, Sabine-Neches Wa-
11 terway, Texas and Louisiana.

12 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—
13 In carrying out the project for shoreline stabilization at
14 Egmont Key, Florida, referred to in subsection (a)(3), the
15 Secretary shall waive any cost share to be provided by non-
16 Federal interests for any portion of the project that bene-
17 fits federally owned property.

18 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
19 **MENT.**

20 (a) IN GENERAL.—The Secretary shall conduct, at
21 Federal expense, an assessment of the water resources
22 needs of the river basins and watersheds of the south-
23 eastern United States.

24 (b) COOPERATIVE AGREEMENTS.—In carrying out
25 the assessment, the Secretary may enter into cooperative

1 agreements with State and local agencies, non-Federal
2 and nonprofit entities, and regional researchers.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$7,000,000 to carry out this
5 section.

6 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
7 **MANAGEMENT PROGRAM.**

8 Section 1103(e)(7) of the Water Resources Develop-
9 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

10 (1) by adding at the end of subparagraph (A)
11 the following: “The non-Federal interest may pro-
12 vide the non-Federal share of the cost of the project
13 in the form of in-kind services and materials.”; and

14 (2) by inserting after subparagraph (B) the fol-
15 lowing:

16 “(C) Notwithstanding section 221 of the Flood Con-
17 trol Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal in-
18 terest may include for any project undertaken under this
19 section, a nonprofit entity with the consent of the affected
20 local government.”.

21 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVER EN-**
22 **HANCEMENT PROJECT.**

23 Section 514(g) of the Water Resources Development
24 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
25 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
2 **TORATION.**

3 Section 506(f)(3)(B) of the Water Resources Devel-
4 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.
5 2646) is amended by striking “50 percent” and inserting
6 “100 percent”.

7 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**
8 **SEDIMENT REMEDIATION.**

9 Section 401(c) of the Water Resources Development
10 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is
11 amended by striking “through 2006” and inserting
12 “through 2012”.

13 **SEC. 5014. GREAT LAKES TRIBUTARY MODELS.**

14 Section 516(g)(2) of the Water Resources Develop-
15 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
16 by striking “through 2006” and inserting “through
17 2012”.

18 **SEC. 5015. GREAT LAKES NAVIGATION.**

19 (a) IN GENERAL.—Using available funds, the Sec-
20 retary shall expedite the operation and maintenance, in-
21 cluding dredging, of the navigation features of the Great
22 Lakes and Connecting Channels for the purpose of sup-
23 porting commercial navigation to authorized project
24 depths.

25 (b) GREAT LAKES AND CONNECTING CHANNELS DE-
26 FINED.—In this section, the term “Great Lakes and Con-

1 necting Channels’’ includes Lakes Superior, Huron, Michi-
2 gan, Erie, and Ontario, all connecting waters between and
3 among such lakes used for commercial navigation, any
4 navigation features in such lakes or waters that are a Fed-
5 eral operation or maintenance responsibility, and areas of
6 the Saint Lawrence River that are operated or maintained
7 by the Federal government for commercial navigation.

8 **SEC. 5016. GREAT LAKES PILOT PROJECT.**

9 Using available funds, the Secretary, in coordination
10 with the Administrator of the Environmental Protection
11 Agency, the Commandant of the Coast Guard, the Direc-
12 tor of the United States Fish and Wildlife Service, and
13 the Director of the Animal and Plant Health Inspection
14 Service, shall carry out a pilot project, on an emergency
15 basis, to control and prevent further spreading of viral
16 hemorrhagic septicemia in the Great Lakes and their con-
17 necting channels.

18 **SEC. 5017. SAINT LAWRENCE SEAWAY.**

19 (a) IN GENERAL.—The Secretary is authorized,
20 using amounts contributed by the Saint Lawrence Seaway
21 Development Corporation under subsection (b), to carry
22 out projects for operations, maintenance, repair, and reha-
23 bilitation, including associated maintenance dredging, of
24 the Eisenhower and Snell lock facilities and related navi-

1 gational infrastructure for the Saint Lawrence Seaway, at
2 a total cost of \$134,650,000.

3 (b) SOURCE OF FUNDS.—The Secretary is authorized
4 to accept funds from the Saint Lawrence Seaway Develop-
5 ment Corporation to carry out projects under this section.
6 Such funds may include amounts made available to the
7 Corporation from the Harbor Maintenance Trust Fund
8 and the general fund of the Treasury of the United States
9 pursuant to section 210 of the Water Resources Develop-
10 ment Act of 1986 (33 U.S.C. 2238).

11 **SEC. 5018. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER**
12 **PROJECT.**

13 (a) IN GENERAL.—The Secretary, in consultation
14 with appropriate Federal and State agencies, shall study,
15 design, and carry out a project for preventing and reduc-
16 ing the dispersal of aquatic nuisance species through the
17 Upper Mississippi River system. The Secretary shall com-
18 plete the study, design, and construction of the project not
19 later than 6 months after the date of enactment of this
20 Act.

21 (b) DISPERSAL BARRIER.—The Secretary, at Federal
22 expense, shall—

23 (1) investigate and identify environmentally
24 sound methods for preventing and reducing the dis-
25 persal of aquatic nuisance species;

1 (2) study, design, and carry out a project for a
2 dispersal barrier, using available technologies and
3 measures, to be located in the lock portion of Lock
4 and Dam 11 in the Upper Mississippi River basin;

5 (3) monitor and evaluate, in cooperation with
6 the Director of the United States Fish and Wildlife
7 Service, the effectiveness of the project in preventing
8 and reducing the dispersal of aquatic nuisance spe-
9 cies through the Upper Mississippi River system,
10 and report to the Committee on Transportation and
11 Infrastructure of the House of Representatives and
12 the Committee on Environment and Public Works of
13 the Senate on the results of the evaluation; and

14 (4) operate and maintain the project.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$4,000,000 to carry out this
17 section.

18 **SEC. 5019. SUSQUEHANNA, DELAWARE, AND POTOMAC**
19 **RIVER BASINS, DELAWARE, MARYLAND,**
20 **PENNSYLVANIA, AND VIRGINIA.**

21 (a) EX OFFICIO MEMBER.—Notwithstanding section
22 3001(a) of the 1997 Emergency Supplemental Appropria-
23 tions Act for Recovery From Natural Disasters, and for
24 Overseas Peacekeeping Efforts, Including Those in Bosnia
25 (Public Law 105–18; 111 Stat. 176), section 2.2 of the

1 Susquehanna River Basin Compact (Public Law 91–575),
2 and section 2.2 of the Delaware River Basin Compact
3 (Public Law 87–328), beginning in fiscal year 2002, and
4 each fiscal year thereafter, the Division Engineer, North
5 Atlantic Division, Corps of Engineers—

6 (1) shall be the ex officio United States member
7 under the Susquehanna River Basin Compact, the
8 Delaware River Basin Compact, and the Potomac
9 River Basin Compact;

10 (2) shall serve without additional compensation;
11 and

12 (3) may designate an alternate member in ac-
13 cordance with the terms of those compacts.

14 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
15 shall allocate funds to the Susquehanna River Basin Com-
16 mission, Delaware River Basin Commission, and the
17 Interstate Commission on the Potomac River Basin (Poto-
18 mac River Basin Compact (Public Law 91–407)) to fulfill
19 the equitable funding requirements of the respective inter-
20 state compacts.

21 (c) WATER SUPPLY AND CONSERVATION STORAGE,
22 DELAWARE RIVER BASIN.—

23 (1) IN GENERAL.—The Secretary shall enter
24 into an agreement with the Delaware River Basin
25 Commission to provide temporary water supply and

1 conservation storage at the Francis E. Walter Dam,
2 Pennsylvania, for any period during which the Com-
3 mission has determined that a drought warning or
4 drought emergency exists.

5 (2) LIMITATION.—The agreement shall provide
6 that the cost for water supply and conservation stor-
7 age under paragraph (1) shall not exceed the incre-
8 mental operating costs associated with providing the
9 storage.

10 (d) WATER SUPPLY AND CONSERVATION STORAGE,
11 SUSQUEHANNA RIVER BASIN.—

12 (1) IN GENERAL.—The Secretary shall enter
13 into an agreement with the Susquehanna River
14 Basin Commission to provide temporary water sup-
15 ply and conservation storage at Federal facilities op-
16 erated by the Corps of Engineers in the Susque-
17 hanna River Basin for any period for which the
18 Commission has determined that a drought warning
19 or drought emergency exists.

20 (2) LIMITATION.—The agreement shall provide
21 that the cost for water supply and conservation stor-
22 age under paragraph (1) shall not exceed the incre-
23 mental operating costs associated with providing the
24 storage.

1 (e) WATER SUPPLY AND CONSERVATION STORAGE,
2 POTOMAC RIVER BASIN.—

3 (1) IN GENERAL.—The Secretary shall enter
4 into an agreement with the Potomac River Basin
5 Commission to provide temporary water supply and
6 conservation storage at Federal facilities operated by
7 the Corps of Engineers in the Potomac River Basin
8 for any period for which the Commission has deter-
9 mined that a drought warning or drought emergency
10 exists.

11 (2) LIMITATION.—The agreement shall provide
12 that the cost for water supply and conservation stor-
13 age under paragraph (1) shall not exceed the incre-
14 mental operating costs associated with providing the
15 storage.

16 **SEC. 5020. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
17 **TION AND PROTECTION PROGRAM.**

18 (a) FORM OF ASSISTANCE.—Section 510(a)(2) of the
19 Water Resources Development Act of 1996 (110 Stat.
20 3759) is amended by striking “, and beneficial uses of
21 dredged material” and inserting “, beneficial uses of
22 dredged material, and restoration of submerged aquatic
23 vegetation”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 510(i) of such Act (110 Stat. 3761) is amended by strik-
3 ing “\$10,000,000” and inserting “\$50,000,000”.

4 **SEC. 5021. HYPOXIA ASSESSMENT.**

5 The Secretary may participate with Federal, State,
6 and local agencies, non-Federal and nonprofit entities, re-
7 gional researchers, and other interested parties to assess
8 hypoxia in the Gulf of Mexico.

9 **SEC. 5022. POTOMAC RIVER WATERSHED ASSESSMENT AND**
10 **TRIBUTARY STRATEGY EVALUATION AND**
11 **MONITORING PROGRAM.**

12 The Secretary may participate in the Potomac River
13 Watershed Assessment and Tributary Strategy Evaluation
14 and Monitoring Program to identify a series of resource
15 management indicators to accurately monitor the effec-
16 tiveness of the implementation of the agreed upon tribu-
17 tary strategies and other public policies that pertain to
18 natural resource protection of the Potomac River water-
19 shed.

20 **SEC. 5023. LOCK AND DAM SECURITY.**

21 (a) STANDARDS.—The Secretary, in consultation
22 with the Federal Emergency Management Agency, the
23 Tennessee Valley Authority, and the Coast Guard, shall
24 develop standards for the security of locks and dams, in-

cluding the testing and certification of vessel exclusion barriers.

(b) SITE SURVEYS.—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

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

SEC. 5024. REHABILITATION.

The Secretary, at Federal expense and not to exceed \$1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

1 **SEC. 5025. RESEARCH AND DEVELOPMENT PROGRAM FOR**
2 **COLUMBIA AND SNAKE RIVER SALMON SUR-**
3 **VIVAL.**

4 Section 511 of the Water Resources Development Act
5 of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat.
6 375) is amended—

7 (1) in subsection (a)(6) by striking
8 “\$10,000,000” and inserting “\$25,000,000”; and

9 (2) in subsection (c)(2) by striking
10 “\$1,000,000” and inserting “\$10,000,000”.

11 **SEC. 5026. AUBURN, ALABAMA.**

12 The Secretary may provide technical assistance relat-
13 ing to water supply to the city of Auburn, Alabama. There
14 is authorized to be appropriated \$5,000,000 to carry out
15 this section.

16 **SEC. 5027. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

17 (a) PROJECT AUTHORIZATION.—The Secretary shall
18 design and construct the locally preferred plan for flood
19 protection at Pinhook Creek, Huntsville, Alabama. In car-
20 rying out the project, the Secretary shall utilize, to the
21 extent practicable, the existing detailed project report for
22 the project prepared under the authority of section 205
23 of the Flood Control Act of 1948 (33 U.S.C. 701s).

24 (b) PARTICIPATION BY NON-FEDERAL INTEREST.—
25 The Secretary shall allow the non-Federal interest to par-
26 ticipate in the financing of the project in accordance with

1 section 903(c) of the Water Resources Development Act
2 of 1986 (100 Stat. 4184) to the extent that the Sec-
3 retary's evaluation indicates that applying such section is
4 necessary to implement the project.

5 (c) CREDIT.—The Secretary shall credit toward the
6 non-Federal share of the cost of the project the cost of
7 work carried out by the non-Federal interest before the
8 date of the partnership agreement for the project if the
9 Secretary determines that the work is integral to the
10 project.

11 **SEC. 5028. ALASKA.**

12 Section 570 of the Water Resources Development Act
13 of 1999 (113 Stat. 369) is amended—

14 (1) in subsection (c) by inserting “environ-
15 mental restoration,” after “water supply and related
16 facilities,”;

17 (2) in subsection (e)(3)(B) by striking the last
18 sentence;

19 (3) in subsection (h) by striking “\$25,000,000”
20 and inserting “\$45,000,000”; and

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

22 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
23 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
24 1962d–5b(b)), a non-Federal interest may include for any

1 project undertaken under this section a nonprofit entity
2 with the consent of the affected local government.

3 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
4 of the amounts appropriated to carry out this section may
5 be used by the Corps of Engineers district offices to ad-
6 minister projects under this section at Federal expense.”.

7 **SEC. 5029. BARROW, ALASKA.**

8 The Secretary shall carry out, under section 117 of
9 the Energy and Water Development Appropriations Act,
10 2005 (118 Stat. 2944), a nonstructural project for coastal
11 erosion and storm damage prevention and reduction at
12 Barrow, Alaska, including relocation of infrastructure.

13 **SEC. 5030. COFFMAN COVE, ALASKA.**

14 The Secretary is authorized to carry out a project for
15 navigation, Coffman Cove, Alaska, at a total cost of
16 \$3,000,000.

17 **SEC. 5031. FIRE ISLAND, ALASKA.**

18 (a) IN GENERAL.—The Secretary is authorized to
19 provide planning, design, and construction assistance to
20 the non-Federal interest for the construction of a barge
21 landing facility on Fire Island, Alaska.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$5,000,000 to carry out this
24 section.

1 **SEC. 5032. FORT YUKON, ALASKA.**

2 The Secretary shall make repairs to the dike at Fort
3 Yukon, Alaska, so that the dike meets Corps of Engineers
4 standards.

5 **SEC. 5033. KOTZEBUE HARBOR, ALASKA.**

6 The Secretary is authorized to carry out a project for
7 navigation, Kotzebue Harbor, Kotzebue, Alaska, at total
8 cost of \$2,200,000.

9 **SEC. 5034. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

10 (a) LONG-TERM MAINTENANCE AND REPAIR.—The
11 Secretary shall assume responsibility for the long-term
12 maintenance and repair of the Lowell Creek Tunnel.

13 (b) STUDY.—The Secretary shall conduct a study to
14 determine whether alternative methods of flood diversion
15 in Lowell Canyon are feasible.

16 **SEC. 5035. 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,
21 Kodiak, Alaska, at a Federal cost of \$2,000,000.

22 **SEC. 5036. TANANA RIVER, ALASKA.**

23 The Secretary shall carry out, on an emergency basis,
24 the removal of the hazard to navigation on the Tanana
25 River, Alaska, near the mouth of the Chena River, as de-
26 scribed in the January 3, 2005, memorandum from the

1 Commander, Seventeenth Coast Guard District, to the
2 Corps of Engineers, Alaska District, Anchorage, Alaska.

3 **SEC. 5037. VALDEZ, ALASKA.**

4 The Secretary is authorized to construct a small boat
5 harbor in Valdez, Alaska, at a total cost of \$20,000,000,
6 with an estimated Federal cost of \$10,500,000 and an es-
7 timated non-Federal cost of \$9,500,000.

8 **SEC. 5038. WHITTIER, ALASKA.**

9 (a) STUDY.—The Secretary shall conduct, at Federal
10 expense, a study to determine the feasibility of carrying
11 out projects for navigation at Whittier, Alaska, to con-
12 struct a new boat harbor at the head of Whittier Bay and
13 to expand the existing harbor and, if the Secretary deter-
14 mines that a project is feasible, the Secretary may carry
15 out the project.

16 (b) NON-FEDERAL COST SHARE.—The non-Federal
17 interest for the project may use, and the Secretary shall
18 accept, funds provided by a Federal agency under any
19 other Federal program, to satisfy, in whole or in part, the
20 non-Federal share of the cost of the project if such funds
21 are authorized to be used to carry out the project.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$35,200,000.

1 **SEC. 5039. WRANGELL HARBOR, ALASKA.**

2 (a) GENERAL NAVIGATION FEATURES.—In carrying
3 out the project for navigation, Wrangell Harbor, Alaska,
4 authorized by section 101(b)(1) of the Water Resources
5 Development Act of 1999 (113 Stat. 279), the Secretary
6 shall consider the dredging of the mooring basin and con-
7 struction of the inner harbor facilities to be general navi-
8 gation features for purposes of estimating the non-Federal
9 share of project costs.

10 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
11 Secretary shall revise the partnership agreement for the
12 project to reflect the change required by subsection (a).

13 **SEC. 5040. AUGUSTA AND CLARENDON, ARKANSAS.**

14 (a) IN GENERAL.—The Secretary is authorized to
15 perform operation, maintenance, and rehabilitation of au-
16 thorized and completed levees on the White River between
17 Augusta and Clarendon, Arkansas.

18 (b) REIMBURSEMENT.—After performing the oper-
19 ation, maintenance, and rehabilitation under subsection
20 (a), the Secretary shall seek reimbursement from the Sec-
21 retary of the Interior of an amount equal to the costs allo-
22 cated to benefits to a Federal wildlife refuge of such oper-
23 ation, maintenance, and rehabilitation.

24 **SEC. 5041. DES ARC LEVEE PROTECTION, ARKANSAS.**

25 The Secretary shall review the project for flood con-
26 trol, Des Arc, Arkansas, to determine whether bank and

1 channel scour along the White River threaten the existing
2 project and whether the scour is as a result of a design
3 deficiency. If the Secretary determines that such condi-
4 tions exist as a result of a deficiency, the Secretary shall
5 carry out measures to eliminate the deficiency.

6 **SEC. 5042. LOOMIS LANDING, ARKANSAS.**

7 The Secretary shall conduct a study of shore damage
8 in the vicinity of Loomis Landing, Arkansas, to determine
9 if the damage is the result of a Federal navigation project,
10 and, if the Secretary determines that the damage is the
11 result of a Federal navigation project, the Secretary shall
12 carry out a project to mitigate the damage under section
13 111 of the River and Harbor Act of 1968 (33 U.S.C.
14 426i).

15 **SEC. 5043. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
16 **SOURI.**

17 The Secretary shall conduct a study of increased sil-
18 tation and streambank erosion in the St. Francis River
19 Basin, Arkansas and Missouri, to determine if the siltation
20 or erosion, or both, are the result of a Federal flood con-
21 trol project and, if the Secretary determines that the silta-
22 tion or erosion, or both, are the result of a Federal flood
23 control project, the Secretary shall carry out a project to
24 mitigate the siltation or erosion, or both.

1 **SEC. 5044. CAMBRIA, CALIFORNIA.**

2 Section 219(f)(48) of the Water Resources Develop-
3 ment Act of 1992 (114 Stat. 2763A–220) is amended—

4 (1) by striking “\$10,300,000” and inserting the
5 following:

6 “(A) IN GENERAL.—\$10,300,000”;

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

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project not to exceed \$3,000,000 for the cost of
11 planning and design work carried out by the
12 non-Federal interest before the date of the
13 partnership agreement for the project if the
14 Secretary determines that the work is integral
15 to the project.”; and

16 (3) by aligning the remainder of the text of
17 subparagraph (A) (as designated by paragraph (1)
18 of this section) with subparagraph (B) (as added by
19 paragraph (2) of this section).

20 **SEC. 5045. CONTRA COSTA CANAL, OAKLEY AND**
21 **KNIGHTSEN, CALIFORNIA; MALLARD**
22 **SLOUGH, PITTSBURG, CALIFORNIA.**

23 Sections 512 and 514 of the Water Resources Devel-
24 opment Act of 2000 (114 Stat. 2650) are each amended
25 by adding at the end the following: “All planning, study,
26 design, and construction on the project shall be carried

1 out by the office of the district engineer, San Francisco,
2 California.”.

3 **SEC. 5046. DANA POINT HARBOR, CALIFORNIA.**

4 The Secretary shall conduct a study of the causes of
5 water quality degradation within Dana Point Harbor,
6 California, to determine if the degradation is the result
7 of a Federal navigation project, and, if the Secretary de-
8 termines that the degradation is the result of a Federal
9 navigation project, the Secretary shall carry out a project
10 to mitigate the degradation at Federal expense.

11 **SEC. 5047. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

12 Section 219(f)(22) of the Water Resources Develop-
13 ment Act of 1992 (113 Stat. 336) is amended—

14 (1) by striking “\$25,000,000” and inserting the
15 following:

16 “(A) IN GENERAL.—\$25,000,000”;

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

18 “(B) CREDIT.—The Secretary shall credit
19 toward the non-Federal share of the cost of the
20 project (i) the cost of design and construction
21 work carried out by the non-Federal interest
22 before, on, or after the date of the partnership
23 agreement for the project if the Secretary de-
24 termines that the work is integral to the

1 project; and (ii) the cost of provided for the
2 project by the non-Federal interest.

3 “(C) IN-KIND CONTRIBUTIONS.—The non-
4 Federal interest may provide any portion of the
5 non-Federal share of the cost of the project in
6 the form of in-kind services and materials.”;
7 and

8 (3) by aligning the remainder of the text of
9 subparagraph (A) (as designated by paragraph (1)
10 of this section) with subparagraph (B) (as added by
11 paragraph (2) of this section).

12 **SEC. 5048. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

13 Section 111(c) of the Miscellaneous Appropriations
14 Act, 2001 (as enacted into law by Public Law 106–554;
15 114 Stat. 2763A–224) is amended—

16 (1) by striking “\$25,000,000” and inserting
17 “\$28,000,000”; and

18 (2) by striking “\$7,000,000” and inserting
19 “\$10,000,000”.

20 **SEC. 5049. LANCASTER, CALIFORNIA.**

21 Section 219(f)(50) of the Water Resources Develop-
22 ment Act of 1992 (114 Stat. 2763A-220) is amended—

23 (1) by inserting after “water” the following:
24 “and wastewater”; and

1 (2) by striking “\$14,500,000” and inserting
2 “\$24,500,000”.

3 **SEC. 5050. LOS OSOS, CALIFORNIA.**

4 Section 219(c)(27) of the Water Resources Develop-
5 ment Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219)
6 is amended to read as follows:

7 “(27) LOS OSOS, CALIFORNIA.—Wastewater in-
8 frastructure, Los Osos, California.”.

9 **SEC. 5051. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

10 (a) IN GENERAL.—The Secretary shall review the
11 Kings River Fisheries Management Program Framework
12 Agreement, dated May 29, 1999, among the California
13 Department of Fish and Game, the Kings River Water
14 Association, and the Kings River Conservation District
15 and, if the Secretary determines that the management
16 program is feasible, the Secretary may participate in the
17 management program.

18 (b) PROHIBITION.—Nothing in this section author-
19 izes any project for the raising of, or the construction of,
20 a multilevel intake structure at Pine Flat Dam, California.

21 (c) USE OF EXISTING STUDIES.—In carrying out this
22 section, the Secretary shall use, to the maximum extent
23 practicable, studies in existence on the date of enactment
24 of this Act, including data and environmental documenta-
25 tion in the Report of the Chief of Engineers, Pine Flat

1 Dam and Reservoir, Fresno County, California, dated July
2 19, 2002.

3 (d) CREDIT.—The Secretary shall credit toward the
4 non-Federal share of the cost of the project the cost of
5 planning, design, and construction work carried out by the
6 non-Federal interest before the date of the partnership
7 agreement for the project if the Secretary determines that
8 the work is integral to the project.

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

12 **SEC. 5052. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND**
13 **SAN GABRIEL BASIN, CALIFORNIA.**

14 (a) COMPREHENSIVE PLAN.—The Secretary, in con-
15 sultation and coordination with appropriate Federal,
16 State, and local entities, shall develop a comprehensive
17 plan for the management of water resources in the Ray-
18 mond Basin, Six Basins, Chino Basin, and San Gabriel
19 Basin, California. The Secretary may carry out activities
20 identified in the comprehensive plan to demonstrate prac-
21 ticable alternatives for water resources management.

22 (b) NON-FEDERAL SHARE.—

23 (1) IN GENERAL.—The non-Federal share of
24 the cost of activities carried out under this section
25 shall be 35 percent.

1 (2) CREDIT.—The Secretary shall credit toward
2 the non-Federal share of the cost of activities car-
3 ried out under this section the cost of planning, de-
4 sign, and construction work completed by or on be-
5 half of the non-Federal interests for implementation
6 of measures under this section. The amount of such
7 credit shall not exceed the non-Federal share of the
8 cost of such activities.

9 (3) OPERATION AND MAINTENANCE.—The non-
10 Federal share of the cost of operation and mainte-
11 nance of any measures constructed under this sec-
12 tion shall be 100 percent.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$5,000,000.

16 **SEC. 5053. SAN FRANCISCO, CALIFORNIA.**

17 (a) IN GENERAL.—The Secretary, in cooperation
18 with the Port of San Francisco, California, may carry out
19 the project for repair and removal, as appropriate, of Piers
20 30-32, 35, 36, 70 (including Wharves 7 and 8), and 80
21 in San Francisco, California, substantially in accordance
22 with the Port's redevelopment plan.

23 (b) AUTHORIZATION OF APPROPRIATION.—There is
24 authorized to be appropriated \$25,000,000 to carry out
25 this subsection.

1 **SEC. 5054. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
2 **AREA.**

3 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-
4 LIC INTEREST.—Unless the Secretary finds, after con-
5 sultation with local and regional public officials (including
6 local and regional public planning organizations), that the
7 proposed projects to be undertaken within the boundaries
8 of the portion of the San Francisco, California, waterfront
9 area described in subsection (b) are not in the public inter-
10 est, such portion is declared to be nonnavigable waters of
11 the United States.

12 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
13 STREET.—The portion of the San Francisco, California,
14 waterfront area referred to in subsection (a) is as follows:
15 Beginning at the intersection of the northeasterly prolon-
16 gation of that portion of the northwesterly line of Bryant
17 Street lying between Beale Street and Main Street with
18 the southwesterly line of Spear Street, which intersection
19 lies on the line of jurisdiction of the San Francisco Port
20 Commission; following thence southerly along said line of
21 jurisdiction as described in the State of California Harbor
22 and Navigation Code Section 1770, as amended in 1961,
23 to its intersection with the easterly line of Townsend
24 Street along a line that is parallel and distant 10 feet
25 southerly from the existing southern boundary of Pier 40
26 produced to its point of intersection with the United

1 States Government pier-head line; thence northerly along
2 said pier-head line to its intersection with a line parallel
3 with, and distant 10 feet easterly from, the existing eas-
4 terly boundary line of Pier 30–32; thence northerly along
5 said parallel line and its northerly prolongation, to a point
6 of intersection with a line parallel with, and distant 10
7 feet northerly from, the existing northerly boundary of
8 Pier 30–32, thence westerly along last said parallel line
9 to its intersection with the United States Government
10 pier-head line; to the northwesterly line of Bryant Street
11 produced northwesterly; thence southwesterly along said
12 northwesterly line of Bryant Street produced to the point
13 of beginning.

14 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
15 declaration of nonnavigability under subsection (a) applies
16 only to those parts of the area described in subsection (b)
17 that are or will be bulkheaded, filled, or otherwise occupied
18 by permanent structures and does not affect the applica-
19 bility of any Federal statute or regulation applicable to
20 such parts the day before the date of enactment of this
21 Act, including sections 9 and 10 of the Act of March 3,
22 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly
23 known as the Rivers and Harbors Appropriation Act of
24 1899, section 404 of the Federal Water Pollution Control

1 Act (33 U.S.C. 1344), and the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 (d) EXPIRATION DATE.—If, 20 years from the date
4 of enactment of this Act, any area or part thereof de-
5 scribed in subsection (b) is not bulkheaded or filled or oc-
6 cupied by permanent structures, including marina facili-
7 ties, in accordance with the requirements set out in sub-
8 section (c), or if work in connection with any activity per-
9 mitted in subsection (c) is not commenced within 5 years
10 after issuance of such permits, then the declaration of
11 nonnavigability for such area or part thereof shall expire.

12 **SEC. 5055. SAN PABLO BAY, CALIFORNIA, WATERSHED AND**
13 **SUISUN MARSH ECOSYSTEM RESTORATION.**

14 (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

15 (1) IN GENERAL.—The Secretary shall complete
16 work, as expeditiously as possible, on the ongoing
17 San Pablo Bay watershed, California, study to deter-
18 mine the feasibility of opportunities for restoring,
19 preserving and protecting the San Pablo Bay water-
20 shed.

21 (2) REPORT.—Not later than March 31, 2008,
22 the Secretary shall submit to Congress a report on
23 the results of the study.

24 (b) SUISUN MARSH, CALIFORNIA.—The Secretary
25 shall conduct a comprehensive study to determine the fea-

1 sibility of opportunities for restoring, preserving and pro-
 2 tecting the Suisun Marsh, California.

3 (c) SAN PABLO AND SUISUN BAY MARSH WATER-
 4 SHED CRITICAL RESTORATION PROJECTS.—

5 (1) IN GENERAL.—The Secretary may partici-
 6 pate in critical restoration projects that will produce,
 7 consistent with Federal programs, projects, and ac-
 8 tivities, immediate and substantial ecosystem res-
 9 toration, preservation, and protection benefits in the
 10 following sub-watersheds of the San Pablo and
 11 Suisun Bay Marsh watersheds:

12 (A) The tidal areas of the Petaluma River,
 13 Napa-Sonoma Marsh.

14 (B) The shoreline of West Contra Costa
 15 County.

16 (C) Novato Creek.

17 (D) Suisun Marsh.

18 (E) Gallinas-Miller Creek.

19 (2) TYPES OF ASSISTANCE.—Participation in
 20 critical restoration projects under this subsection
 21 may include assistance for planning, design, or con-
 22 struction.

23 (d) NON-FEDERAL INTERESTS.—Notwithstanding
 24 section 221(b) of the Flood Control Act of 1970 (42
 25 U.S.C. 1962d–5b(b)), a non-Federal interest may include

1 for any project undertaken under this section a nonprofit
2 entity with the consent of the affected local government.

3 (e) CREDIT.—The Secretary shall credit toward the
4 non-Federal share of the cost of construction of a project
5 under this section—

6 (1) the value of any lands, easements, rights-of-
7 way, dredged material disposal areas, or relocations
8 provided by the non-Federal interest for carrying out
9 the project, regardless of the date of acquisition;

10 (2) funds received from the CALFED Bay-
11 Delta program; and

12 (3) the cost of the studies, design, and con-
13 struction work carried out by the non-Federal inter-
14 est before the date of execution of a partnership
15 agreement for the project if the Secretary deter-
16 mines that the work is integral to the project.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$40,000,000.

20 **SEC. 5056. STOCKTON, CALIFORNIA.**

21 (a) REEVALUATION.—The Secretary shall reevaluate
22 the feasibility of the Lower Mosher Slough element and
23 the levee extensions on the Upper Calaveras River element
24 of the project for flood control, Stockton Metropolitan
25 Area, California, carried out under section 211(f)(3) of the

1 Water Resources Development Act of 1996 (110 Stat.
2 3683), to determine the eligibility of such elements for re-
3 imbursement under section 211 of such Act (33 U.S.C.
4 701b–13).

5 (b) SPECIAL RULES FOR REEVALUATION.—In con-
6 ducting the reevaluation under subsection (a), the Sec-
7 retary shall not reject a feasibility determination based on
8 one or more of the policies of the Corps of Engineers con-
9 cerning the frequency of flooding, the drainage area, and
10 the amount of runoff.

11 (c) REIMBURSEMENT.—If the Secretary determines
12 that the elements referred to subsection (a) are feasible,
13 the Secretary shall reimburse, subject to appropriations,
14 the non-Federal interest under section 211 of the Water
15 Resources Development Act of 1996 for the Federal share
16 of the cost of such elements.

17 **SEC. 5057. CHARLES HERVEY TOWNSHEND BREAKWATER,**
18 **NEW HAVEN HARBOR, CONNECTICUT.**

19 (a) DESIGNATION.—The western breakwater for the
20 project for navigation, New Haven Harbor, Connecticut,
21 authorized by the first section of the Act of September
22 19, 1890 (26 Stat. 426), shall be known and designated
23 as the “Charles Hervey Townshend Breakwater”.

24 (b) REFERENCES.—Any reference in a law, map, reg-
25 ulation, document, paper, or other record of the United

1 States to the breakwater referred to in subsection (a) shall
2 be deemed to be a reference to the “Charles Hervey
3 Townshend Breakwater”.

4 **SEC. 5058. FLORIDA KEYS WATER QUALITY IMPROVE-**
5 **MENTS.**

6 Section 109 of the Miscellaneous Appropriations Act,
7 2001 (enacted into law by Public Law 106–554) (114
8 Stat. 2763A–222) is amended—

9 (1) by adding at the end of subsection (e)(2)
10 the following:

11 “(C) CREDIT FOR WORK PRIOR TO EXECU-
12 TION OF THE PARTNERSHIP AGREEMENT.—The
13 Secretary shall credit toward the non-Federal
14 share of the cost of the project—

15 “(i) the cost of construction work car-
16 ried out by the non-Federal interest before
17 the date of the partnership agreement for
18 the project if the Secretary determines that
19 the work is integral to the project; and

20 “(ii) the cost of land acquisition car-
21 ried out by the non-Federal interest for
22 projects to be carried out under this sec-
23 tion.”; and

24 (2) in subsection (f) by striking
25 “\$100,000,000” and inserting “\$100,000,000, of

1 which not more than \$15,000,000 may be used to
2 provide planning, design, and construction assistance
3 to the Florida Keys Aqueduct Authority for a water
4 treatment plant, Florida City, Florida”.

5 **SEC. 5059. LAKE WORTH, FLORIDA.**

6 The Secretary may carry out necessary repairs for
7 the Lake Worth bulkhead replacement project, West Palm
8 Beach, Florida, at an estimated total cost of \$9,000,000.

9 **SEC. 5060. EAST CENTRAL AND NORTHEAST FLORIDA.**

10 (a) EAST CENTRAL AND NORTHEAST FLORIDA RE-
11 GION DEFINED.—In this section, the term “East Central
12 and Northeast Florida Region” means Flagler County, St.
13 Johns County, Putman County (east of the St. Johns
14 River), Seminole County, Volusia County, the towns of
15 Winter Park, Maitland, and Palatka, Florida.

16 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
17 may establish a program to provide environmental assist-
18 ance to non-Federal interests in the East Central and
19 Northeast Florida Region.

20 (c) FORM OF ASSISTANCE.—Assistance under this
21 section may be in the form of design and construction as-
22 sistance for water-related environmental infrastructure
23 and resource protection and development projects in the
24 East Central and Northeast Florida Region, including
25 projects for wastewater treatment and related facilities,

1 water supply and related facilities, environmental restora-
2 tion, and surface water resource protection and develop-
3 ment.

4 (d) OWNERSHIP REQUIREMENT.—The Secretary may
5 provide assistance for a project under this section only if
6 the project is publicly owned.

7 (e) PARTNERSHIP AGREEMENTS.—

8 (1) IN GENERAL.—Before providing assistance
9 under this section, the Secretary shall enter into a
10 partnership agreement with a non-Federal interest
11 to provide for design and construction of the project
12 to be carried out with the assistance.

13 (2) REQUIREMENTS.—Each partnership agree-
14 ment for a project entered into under this subsection
15 shall provide for the following:

16 (A) PLAN.—Development by the Secretary,
17 in consultation with appropriate Federal and
18 State officials, of a facilities or resource protec-
19 tion and development plan, including appro-
20 priate engineering plans and specifications.

21 (B) LEGAL AND INSTITUTIONAL STRUC-
22 TURES.—Establishment of such legal and insti-
23 tutional structures as are necessary to ensure
24 the effective long-term operation of the project
25 by the non-Federal interest.

1 (3) COST SHARING.—

2 (A) IN GENERAL.—The Federal share of
3 the project costs under each partnership agree-
4 ment entered into under this subsection shall be
5 75 percent. The Federal share may be provided
6 in the form of grants or reimbursements of
7 project costs.

8 (B) CREDIT FOR WORK.—The non-Federal
9 interests shall receive credit for the reasonable
10 cost of design work on a project completed by
11 the non-Federal interest before entering into a
12 partnership agreement with the Secretary for
13 such project.

14 (C) CREDIT FOR INTEREST.—In case of a
15 delay in the funding of the non-Federal share
16 of a project that is the subject of an agreement
17 under this section, the non-Federal interest
18 shall receive credit for reasonable interest in-
19 curred in providing the non-Federal share of
20 the project's costs.

21 (D) LAND, EASEMENTS, AND RIGHTS-OF-
22 WAY CREDIT.—The non-Federal interest shall
23 receive credit for land, easements, rights-of-
24 way, and relocations toward the non-Federal
25 share of project costs (including all reasonable

1 costs associated with obtaining permits nec-
2 essary for the construction, operation, and
3 maintenance of the project on publicly owned or
4 controlled land), but such credit may not exceed
5 25 percent of total project costs.

6 (E) OPERATION AND MAINTENANCE.—The
7 non-Federal share of operation and mainte-
8 nance costs for projects constructed with assist-
9 ance provided under this section shall be 100
10 percent.

11 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
12 LAWS.—Nothing in this section waives, limits, or other-
13 wise affects the applicability of any provision of Federal
14 or State law that would otherwise apply to a project to
15 be carried out with assistance provided under this section.

16 (g) NONPROFIT ENTITIES.—Notwithstanding section
17 221(b) of the Flood Control Act of 1970 (42 U.S.C.
18 1962d-5b(b)), for any project undertaken under this sec-
19 tion, a non-Federal interest may include a nonprofit enti-
20 ty.

21 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
22 of the amounts appropriated to carry out this section may
23 be used by the Corps of Engineers district offices to ad-
24 minister projects under this section at Federal expense.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$40,000,000. Such sums shall remain available until ex-
4 pended.

5 **SEC. 5061. LAKE LANIER, GEORGIA.**

6 The Secretary may assist local interests with plan-
7 ning, design, and construction of facilities at the Lake La-
8 nier Olympic Center, Georgia, at a total cost of
9 \$5,300,000.

10 **SEC. 5062. RILEY CREEK RECREATION AREA, IDAHO.**

11 The Secretary is authorized to carry out the Riley
12 Creek Recreation Area Operation Plan of the Albeni Falls
13 Management Plan, dated October 2001, for the Riley
14 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
15 ty, Idaho.

16 **SEC. 5063. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
17 **TION PROJECTS.**

18 (a) IN GENERAL.—The Secretary may participate in
19 the reconstruction of an eligible flood control project if the
20 Secretary determines that such reconstruction is not re-
21 quired as a result of improper operation and maintenance
22 of the project by the non-Federal interest.

23 (b) COST SHARING.—The non-Federal share of the
24 costs for the reconstruction of a flood control project au-
25 thorized by this section shall be the same non-Federal

1 share that was applicable to construction of the project.
2 The non-Federal interest shall be responsible for operation
3 and maintenance and repair of a project for which recon-
4 struction is undertaken under this section.

5 (c) RECONSTRUCTION DEFINED.—In this section,
6 the term “reconstruction”, as used with respect to a
7 project, means addressing major project deficiencies
8 caused by long-term degradation of the foundation, con-
9 struction materials, or engineering systems or components
10 of the project, the results of which render the project at
11 risk of not performing in compliance with its authorized
12 project purposes. In addressing such deficiencies, the Sec-
13 retary may incorporate current design standards and effi-
14 ciency improvements, including the replacement of obso-
15 lete mechanical and electrical components at pumping sta-
16 tions, if such incorporation does not significantly change
17 the scope, function, and purpose of the project as author-
18 ized.

19 (d) ELIGIBLE PROJECTS.—The following flood con-
20 trol projects are eligible for reconstruction under this sec-
21 tion:

22 (1) Clear Creek Drainage and Levee District,
23 Illinois.

24 (2) Fort Chartres and Ivy Landing Drainage
25 District, Illinois.

1 (3) Cairo, Illinois Mainline Levee, Cairo, Illi-
2 nois.

3 (4) Goose Pond Pump Station, Cairo, Illinois.

4 (5) Cottonwood Slough Pump Station, Alex-
5 ander County, Illinois.

6 (6) 10th and 28th Street Pump Stations, Cairo,
7 Illinois.

8 (7) Prairie Du Pont Levee and Sanitary Dis-
9 trict, including Fish Lake Drainage and Levee Dis-
10 trict, Illinois.

11 (8) Flood control levee projects in Brookport,
12 Shawneetown, Old Shawneetown, Golconda,
13 Rosiclare, Harrisburg, and Reevesville, Illinois.

14 (e) JUSTIFICATION.—The reconstruction of a project
15 authorized by this section shall not be considered a sepa-
16 rable element of the project.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated—

19 (1) \$15,000,000 to carry out the projects de-
20 scribed in paragraphs (1) through (7) of subsection
21 (d); and

22 (2) \$15,000,000 to carry out the projects de-
23 scribed in subsection (d)(8).

24 Such sums shall remain available until expended.

1 **SEC. 5064. ILLINOIS RIVER BASIN RESTORATION.**

2 (a) EXTENSION OF AUTHORIZATION.—Section
3 519(c)(2) of the Water Resources Development Act of
4 2000 (114 Stat. 2654) is amended by striking “2004” and
5 inserting “2010”.

6 (b) IN-KIND SERVICES.—Section 519(g)(3) of such
7 Act (114 Stat. 2655) is amended by inserting before the
8 period at the end of the first sentence “if such services
9 are provided not more than 5 years before the date of initi-
10 ation of the project or activity”.

11 (c) NONPROFIT ENTITIES AND MONITORING.—Sec-
12 tion 519 of such Act (114 Stat. 2654) is amended by add-
13 ing at the end the following:

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

19 “(i) MONITORING.—The Secretary shall develop an
20 Illinois river basin monitoring program to support the plan
21 referred to in subsection (b). Data collected under the
22 monitoring program shall incorporate data provided by the
23 State of Illinois and shall be publicly accessible through
24 electronic means.”.

1 **SEC. 5065. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
2 **TION.**

3 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-
4 tion, the term “Kaskaskia River Basin” means the
5 Kaskaskia River, Illinois, its backwaters, its side channels,
6 and all tributaries, including their watersheds, draining
7 into the Kaskaskia River.

8 (b) COMPREHENSIVE PLAN.—

9 (1) DEVELOPMENT.—The Secretary shall de-
10 velop, as expeditiously as practicable, a comprehen-
11 sive plan for the purpose of restoring, preserving,
12 and protecting the Kaskaskia River Basin.

13 (2) TECHNOLOGIES AND INNOVATIVE AP-
14 PROACHES.—The comprehensive plan shall provide
15 for the development of new technologies and innova-
16 tive approaches—

17 (A) to enhance the Kaskaskia River as a
18 transportation corridor;

19 (B) to improve water quality within the en-
20 tire Kaskaskia River Basin;

21 (C) to restore, enhance, and preserve habi-
22 tat for plants and wildlife;

23 (D) to ensure aquatic integrity of
24 sidechannels and backwaters and their
25 connectivity with the mainstem river;

1 (E) to increase economic opportunity for
2 agriculture and business communities; and

3 (F) to reduce the impacts of flooding to
4 communities and landowners.

5 (3) SPECIFIC COMPONENTS.—The comprehen-
6 sive plan shall include such features as are necessary
7 to provide for—

8 (A) the development and implementation of
9 a program for sediment removal technology,
10 sediment characterization, sediment transport,
11 and beneficial uses of sediment;

12 (B) the development and implementation
13 of a program for the planning, conservation,
14 evaluation, and construction of measures for
15 fish and wildlife habitat conservation and reha-
16 bilitation, and stabilization and enhancement of
17 land and water resources in the basin;

18 (C) the development and implementation of
19 a long-term resource monitoring program;

20 (D) a conveyance study of the Kaskaskia
21 River floodplain from Vandalia, Illinois, to
22 Carlyle Lake to determine the impacts of exist-
23 ing and future waterfowl improvements on flood
24 stages, including detailed surveys and mapping

1 information to ensure proper hydraulic and
2 hydrological analysis;

3 (E) the development and implementation
4 of a computerized inventory and analysis sys-
5 tem; and

6 (F) the development and implementation
7 of a systemic plan to reduce flood impacts by
8 means of ecosystem restoration projects.

9 (4) CONSULTATION.—The comprehensive plan
10 shall be developed by the Secretary in consultation
11 with appropriate Federal agencies, the State of Illi-
12 nois, and the Kaskaskia River Watershed Associa-
13 tion.

14 (5) REPORT TO CONGRESS.—Not later than 2
15 years after the date of enactment of this Act, the
16 Secretary shall transmit to Congress a report con-
17 taining the comprehensive plan.

18 (6) ADDITIONAL STUDIES AND ANALYSES.—
19 After transmission of a report under paragraph (5),
20 the Secretary shall conduct studies and analyses of
21 projects related to the comprehensive plan that are
22 appropriate and consistent with this subsection.

23 (c) GENERAL PROVISIONS.—

24 (1) WATER QUALITY.—In carrying out activi-
25 ties under this section, the Secretary's recommenda-

1 tions shall be consistent with applicable State water
2 quality standards.

3 (2) PUBLIC PARTICIPATION.—In developing the
4 comprehensive plan under subsection (b), the Sec-
5 retary shall implement procedures to facilitate public
6 participation, including providing advance notice of
7 meetings, providing adequate opportunity for public
8 input and comment, maintaining appropriate
9 records, and making a record of the proceedings of
10 meetings available for public inspection.

11 (d) CRITICAL PROJECTS AND INITIATIVES.—If the
12 Secretary, in cooperation with appropriate Federal agen-
13 cies and the State of Illinois, determines that a project
14 or initiative for the Kaskaskia River Basin will produce
15 independent, immediate, and substantial benefits, the Sec-
16 retary may proceed expeditiously with the implementation
17 of the project.

18 (e) COORDINATION.—The Secretary shall integrate
19 activities carried out under this section with ongoing Fed-
20 eral and State programs, projects, and activities, including
21 the following:

22 (1) Farm programs of the Department of Agri-
23 culture.

24 (2) Conservation Reserve Enhancement Pro-
25 gram (State of Illinois) and Conservation 2000 Eco-

1 system Program of the Illinois Department of Nat-
2 ural Resources.

3 (3) Conservation 2000 Conservation Practices
4 Program and the Livestock Management Facilities
5 Act administered by the Illinois Department of Agri-
6 culture.

7 (4) National Buffer Initiative of the Natural
8 Resources Conservation Service.

9 (5) Nonpoint source grant program adminis-
10 tered by the Illinois Environmental Protection Agen-
11 cy.

12 (6) Other programs that may be developed by
13 the State of Illinois or the Federal Government, or
14 that are carried out by non-profit organizations, to
15 carry out the objectives of the Kaskaskia River
16 Basin Comprehensive Plan.

17 (f) IN-KIND SERVICES.—The Secretary may credit
18 the cost of in-kind services provided by the non-Federal
19 interest for an activity carried out under this section to-
20 ward not more than 80 percent of the non-Federal share
21 of the cost of the activity. In-kind services shall include
22 all State funds expended on programs that accomplish the
23 goals of this section, as determined by the Secretary. The
24 programs may include the Kaskaskia River Conservation
25 Reserve Program, the Illinois Conservation 2000 Pro-

1 gram, the Open Lands Trust Fund, and other appropriate
2 programs carried out in the Kaskaskia River Basin.

3 **SEC. 5066. FLOODPLAIN MAPPING, LITTLE CALUMET**
4 **RIVER, CHICAGO, ILLINOIS.**

5 (a) IN GENERAL.—The Secretary shall provide as-
6 sistance for a project to develop maps identifying 100- and
7 500-year flood inundation areas along the Little Calumet
8 River, Chicago, Illinois.

9 (b) REQUIREMENTS.—Maps developed under the
10 project shall include hydrologic and hydraulic information
11 and shall accurately show the flood inundation of each
12 property by flood risk in the floodplain. The maps shall
13 be produced in a high resolution format and shall be made
14 available to all flood prone areas along the Little Calumet
15 River, Chicago, Illinois, in an electronic format.

16 (c) PARTICIPATION OF FEMA.—The Secretary and
17 the non-Federal interests for the project shall work with
18 the Director of the Federal Emergency Management
19 Agency to ensure the validity of the maps developed under
20 the project for flood insurance purposes.

21 (d) FORMS OF ASSISTANCE.—In carrying out the
22 project, the Secretary may enter into contracts or coopera-
23 tive agreements with the non-Federal interests or provide
24 reimbursements of project costs.

1 (e) FEDERAL SHARE.—The Federal share of the cost
2 of the project shall be 50 percent.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$2,000,000.

6 **SEC. 5067. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**
7 **NOIS.**

8 (a) REVIEW.—

9 (1) IN GENERAL.—The Secretary may carry out
10 a third-party review of the Promontory Point project
11 along the Chicago Shoreline, Chicago, Illinois, at a
12 cost not to exceed \$450,000.

13 (2) JOINT REVIEW.—The Buffalo and Seattle
14 districts of the Corps of Engineers shall jointly con-
15 duct the review.

16 (3) STANDARDS.—The review shall be based on
17 the standards under part 68 of title 36, Code of
18 Federal Regulations, for implementation by the non-
19 Federal sponsor for the Chicago Shoreline, Chicago,
20 Illinois, project.

21 (b) CONTRIBUTIONS.—The Secretary shall accept
22 from a State or political subdivision of a State voluntarily
23 contributed funds to initiate the third-party review under
24 subsection (a).

1 (c) EFFECT OF SECTION.—Nothing in this section af-
2 fects the authorization for the project for the Chicago
3 Shoreline, Chicago, Illinois.

4 **SEC. 5068. SOUTHWEST ILLINOIS.**

5 (a) SOUTHWEST ILLINOIS DEFINED.—In this sec-
6 tion, the term “Southwest Illinois” means the counties of
7 Madison, St. Clair, Monroe, Randolph, Perry, Franklin,
8 Jackson, Union, Alexander, Pulaski, and Williamson, Illi-
9 nois.

10 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
11 may establish a program to provide environmental assist-
12 ance to non-Federal interests in Southwest Illinois.

13 (c) FORM OF ASSISTANCE.—Assistance under this
14 section may be in the form of design and construction as-
15 sistance for water-related environmental infrastructure
16 and resource protection and development projects in
17 Southwest Illinois, including projects for wastewater treat-
18 ment and related facilities, water supply and related facili-
19 ties, and surface water resource protection and develop-
20 ment.

21 (d) OWNERSHIP REQUIREMENT.—The Secretary may
22 provide assistance for a project under this section only if
23 the project is publicly owned.

24 (e) PARTNERSHIP AGREEMENTS.—

1 (1) IN GENERAL.—Before providing assistance
2 under this section, the Secretary shall enter into a
3 partnership agreement with a non-Federal interest
4 to provide for design and construction of the project
5 to be carried out with the assistance.

6 (2) REQUIREMENTS.—Each partnership agree-
7 ment entered into under this subsection shall provide
8 for the following:

9 (A) PLAN.—Development by the Secretary,
10 in consultation with appropriate Federal and
11 State officials, of a facilities or resource protec-
12 tion and development plan, including appro-
13 priate engineering plans and specifications.

14 (B) LEGAL AND INSTITUTIONAL STRUC-
15 TURES.—Establishment of such legal and insti-
16 tutional structures as are necessary to ensure
17 the effective long-term operation of the project
18 by the non-Federal interest.

19 (3) COST SHARING.—

20 (A) IN GENERAL.—The Federal share of
21 the project costs under each partnership agree-
22 ment entered into under this subsection shall be
23 75 percent. The Federal share may be in the
24 form of grants or reimbursements of project
25 costs.

1 (B) CREDIT FOR WORK.—The non-Federal
2 interests shall receive credit for the reasonable
3 cost of design work on a project completed by
4 the non-Federal interest before entering into a
5 partnership agreement with the Secretary for
6 such project.

7 (C) CREDIT FOR INTEREST.—In case of a
8 delay in the funding of the non-Federal share
9 of a project that is the subject of an agreement
10 under this section, the non-Federal interest
11 shall receive credit for reasonable interest in-
12 curred in providing the non-Federal share of
13 the project's costs.

14 (D) LAND, EASEMENTS, AND RIGHTS-OF-
15 WAY CREDIT.—The non-Federal interest shall
16 receive credit for land, easements, rights-of-
17 way, and relocations toward the non-Federal
18 share of project costs (including all reasonable
19 costs associated with obtaining permits nec-
20 essary for the construction, operation, and
21 maintenance of the project on publicly owned or
22 controlled land), but not to exceed 25 percent
23 of total project costs.

24 (E) OPERATION AND MAINTENANCE.—The
25 non-Federal share of operation and mainte-

1 nance costs for projects constructed with assist-
2 ance provided under this section shall be 100
3 percent.

4 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
5 LAWS.—Nothing in this section waives, limits, or other-
6 wise affects the applicability of any provision of Federal
7 or State law that would otherwise apply to a project to
8 be carried out with assistance provided under this section.

9 (g) NONPROFIT ENTITIES.—Notwithstanding section
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.
11 1962d-5b(b)), for any project undertaken under this sec-
12 tion, a non-Federal interest may include a nonprofit enti-
13 ty.

14 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
15 of the amounts appropriated to carry out this section may
16 be used by the Corps of Engineers district offices to ad-
17 minister projects under this section at Federal expense.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$40,000,000. Such sums shall remain available until ex-
21 pended.

22 **SEC. 5069. BURNS WATERWAY HARBOR, INDIANA.**

23 The Secretary shall conduct a study of shoaling in
24 the vicinity of Burns Waterway Harbor, Indiana, to deter-
25 mine if the shoaling is the result of a Federal navigation

1 project, and, if the Secretary determines that the shoaling
2 is the result of a Federal navigation project, the Secretary
3 shall carry out a project to mitigate the shoaling under
4 section 111 of the River and Harbor Act of 1968 (33
5 U.S.C. 426).

6 **SEC. 5070. CALUMET REGION, INDIANA.**

7 Section 219(f)(12) of the Water Resources Develop-
8 ment Act of 1992 (113 Stat. 335; 117 Stat. 1843) is
9 amended—

10 (1) by striking “\$30,000,000” and inserting the
11 following:

12 “(A) IN GENERAL.—\$100,000,000”;

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

14 “(B) CREDIT.—The Secretary shall credit
15 toward the non-Federal share of the cost of the
16 project the cost of planning and design work
17 carried out by the non-Federal interest before,
18 on, or after the date of the partnership agree-
19 ment for the project if the Secretary determines
20 that the work is integral to the project.”; and

21 (3) by aligning the remainder of the text of
22 subparagraph (A) (as designated by paragraph (1)
23 of this section) with subparagraph (B) (as added by
24 paragraph (2) of this section).

1 **SEC. 5071. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

2 (a) IN GENERAL.—The Secretary shall provide as-
3 sistance for a project to develop maps identifying 100- and
4 500-year flood inundation areas in the State of Iowa,
5 along the Missouri River.

6 (b) REQUIREMENTS.—Maps developed under the
7 project shall include hydrologic and hydraulic information
8 and shall accurately portray the flood hazard areas in the
9 floodplain. The maps shall be produced in a high resolu-
10 tion format and shall be made available to the State of
11 Iowa in an electronic format.

12 (c) PARTICIPATION OF FEMA.—The Secretary and
13 the non-Federal interests for the project shall work with
14 the Director of the Federal Emergency Management
15 Agency to ensure the validity of the maps developed under
16 the project for flood insurance purposes.

17 (d) FORMS OF ASSISTANCE.—In carrying out the
18 project, the Secretary may enter into contracts or coopera-
19 tive agreements with the non-Federal interests or provide
20 reimbursements of project costs.

21 (e) FEDERAL SHARE.—The Federal share of the cost
22 of the project shall be 50 percent.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$3,000,000.

1 **SEC. 5072. PADUCAH, KENTUCKY.**

2 The Secretary shall complete a feasibility report for
3 rehabilitation of the project for flood damage reduction,
4 Paducah, Kentucky, authorized by section 4 of the Flood
5 Control Act of June 28, 1938 (52 Stat. 1217) and, if the
6 Secretary determines that the project is feasible, the Sec-
7 retary shall carry out the project at a total cost of
8 \$3,000,000.

9 **SEC. 5073. SOUTHERN AND EASTERN KENTUCKY.**

10 Section 531 of the Water Resources Development Act
11 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)
12 is amended by adding the following:

13 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
14 of the amounts appropriated to carry out this section may
15 be used by the Corps of Engineers district offices to ad-
16 minister projects under this section at Federal expense.”.

17 **SEC. 5074. WINCHESTER, KENTUCKY.**

18 Section 219(c) of the Water Resources Development
19 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is
20 amended by adding at the end the following:

21 “(41) WINCHESTER, KENTUCKY.—Wastewater
22 infrastructure, Winchester, Kentucky.”.

23 **SEC. 5075. BATON ROUGE, LOUISIANA.**

24 Section 219(f)(21) of the Water Resources Develop-
25 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)

1 is amended by striking “\$20,000,000” and inserting
2 “\$35,000,000”.

3 **SEC. 5076. CALCASIEU SHIP CHANNEL, LOUISIANA.**

4 The Secretary shall expedite completion of a dredged
5 material management plan for the Calcasieu Ship Chan-
6 nel, Louisiana, and may take interim measures to increase
7 the capacity of existing disposal areas, or to construct new
8 confined or beneficial use disposal areas, for the channel.

9 **SEC. 5077. EAST ATCHAFALAYA BASIN AND AMITE RIVER**
10 **BASIN REGION, LOUISIANA.**

11 (a) EAST ATCHAFALAYA BASIN AND AMITE RIVER
12 BASIN REGION DEFINED.—In this section, the term
13 “East Atchafalaya Basin and Amite River Basin Region”
14 means the following parishes and municipalities in the
15 State of Louisiana: Ascension, East Baton Rouge, East
16 Feliciana, Iberville, Livingston, Pointe Coupee, St. Hel-
17 ena, West Baton Rouge, and West Feliciana.

18 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
19 may establish a program to provide environmental assist-
20 ance to non-Federal interests in the East Atchafalaya
21 Basin and Amite River Basin Region.

22 (c) FORM OF ASSISTANCE.—Assistance under this
23 section may be in the form of design and construction as-
24 sistance for water-related environmental infrastructure
25 and resource protection and development projects in the

1 East Atchafalaya Basin and Amite River Basin Region,
2 including projects for wastewater treatment and related
3 facilities, water supply and related facilities, environ-
4 mental restoration, and surface water resource protection
5 and development.

6 (d) OWNERSHIP REQUIREMENT.—The Secretary may
7 provide assistance for a project under this section only if
8 the project is publicly owned.

9 (e) PARTNERSHIP AGREEMENTS.—

10 (1) IN GENERAL.—Before providing assistance
11 under this section, the Secretary shall enter into a
12 partnership agreement with a non-Federal interest
13 to provide for design and construction of the project
14 to be carried out with the assistance.

15 (2) REQUIREMENTS.—Each partnership agree-
16 ment of a project entered into under this subsection
17 shall provide for the following:

18 (A) PLAN.—Development by the Secretary,
19 in consultation with appropriate Federal and
20 State officials, of a facilities or resource protec-
21 tion and development plan, including appro-
22 priate engineering plans and specifications.

23 (B) LEGAL AND INSTITUTIONAL STRUC-
24 TURES.—Establishment of such legal and insti-
25 tutional structures as are necessary to ensure

1 the effective long-term operation of the project
2 by the non-Federal interest.

3 (3) COST SHARING.—

4 (A) IN GENERAL.—The Federal share of
5 the project costs under each partnership agree-
6 ment entered into under this subsection shall be
7 75 percent. The Federal share may be provided
8 in the form of grants or reimbursements of
9 project costs.

10 (B) CREDIT FOR WORK.—The non-Federal
11 interests shall receive credit for the reasonable
12 cost of design work on a project completed by
13 the non-Federal interest before entering into a
14 partnership agreement with the Secretary for
15 such project.

16 (C) CREDIT FOR INTEREST.—In case of a
17 delay in the funding of the non-Federal share
18 of a project that is the subject of an agreement
19 under this section, the non-Federal interest
20 shall receive credit for reasonable interest in-
21 curred in providing the non-Federal share of
22 the project's costs.

23 (D) LAND, EASEMENTS, AND RIGHTS-OF-
24 WAY CREDIT.—The non-Federal interest shall
25 receive credit for land, easements, rights-of-

1 way, and relocations toward the non-Federal
2 share of project costs (including all reasonable
3 costs associated with obtaining permits nec-
4 essary for the construction, operation, and
5 maintenance of the project on publicly owned or
6 controlled land), but such credit may not exceed
7 25 percent of total project costs.

8 (E) OPERATION AND MAINTENANCE.—The
9 non-Federal share of operation and mainte-
10 nance costs for projects constructed with assist-
11 ance provided under this section shall be 100
12 percent.

13 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
14 LAWS.—Nothing in this section waives, limits, or other-
15 wise affects the applicability of any provision of Federal
16 or State law that would otherwise apply to a project to
17 be carried out with assistance provided under this section.

18 (g) NONPROFIT ENTITIES.—Notwithstanding section
19 221(b) of the Flood Control Act of 1970 (42 U.S.C.
20 1962d-5b(b)), for any project undertaken under this sec-
21 tion, a non-Federal interest may include a nonprofit enti-
22 ty.

23 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
24 of the amounts appropriated to carry out this section may

1 be used by the Corps of Engineers district offices to ad-
2 minister projects under this section at Federal expense.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$40,000,000. Such sums shall remain available until ex-
6 pended.

7 **SEC. 5078. WEST BATON ROUGE PARISH, LOUISIANA.**

8 (a) MODIFICATION OF STUDY.—The study for water-
9 front and riverine preservation, restoration, and enhance-
10 ment, Mississippi River, West Baton Rouge Parish, Lou-
11 isiana, being carried out under Committee Resolution
12 2570 of the Committee on Transportation and Infrastruc-
13 ture of the House of Representatives adopted July 23,
14 1998, is modified—

15 (1) to add West Feliciana Parish and East
16 Baton Rouge Parish to the geographic scope of the
17 study; and

18 (2) to direct the Secretary to credit toward the
19 non-Federal share the cost of the study and the non-
20 Federal share of the cost of any project authorized
21 by law as a result of the study the cost of work car-
22 ried out by the non-Federal interest before the date
23 of the partnership agreement for the project if the
24 Secretary determines that the work is integral to the
25 study or project, as the case may be.

1 (b) EXPEDITED CONSIDERATION.—Section 517(5) of
2 the Water Resources Development Act of 1999 (113 Stat.
3 345) is amended to read as follows:

4 “(5) Mississippi River, West Baton Rouge,
5 West Feliciana, and East Baton Rouge Parishes,
6 Louisiana, project for waterfront and riverine pres-
7 ervation, restoration, and enhancement modifica-
8 tions.”.

9 **SEC. 5079. CHARLESTOWN, MARYLAND.**

10 (a) IN GENERAL.—The Secretary may carry out a
11 project for nonstructural flood damage reduction and eco-
12 system restoration at Charlestown, Maryland.

13 (b) LAND ACQUISITION.—The flood damage reduc-
14 tion component of the project may include the acquisition
15 of private property from willing sellers.

16 (c) JUSTIFICATION.—Any nonstructural flood dam-
17 age reduction project to be carried out under this section
18 that will result in the conversion of property to use for
19 ecosystem restoration and wildlife habitat shall be justified
20 based on national ecosystem restoration benefits.

21 (d) USE OF ACQUIRED PROPERTY.—Property ac-
22 quired under this section shall be maintained in public
23 ownership for ecosystem restoration and wildlife habitat.

24 (e) ABILITY TO PAY.—In determining the appro-
25 priate non-Federal cost share for the project, the Sec-

1 retary shall determine the ability of Cecil County, Mary-
2 land, to participate as a cost-sharing non-Federal interest
3 in accordance with section 103(m) of the Water Resources
4 Development Act of 1986 (33 U.S.C. 2213(m)).

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$2,000,000 to carry out this
7 section.

8 **SEC. 5080. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
9 **MARYLAND.**

10 (a) COMPREHENSIVE ACTION PLAN.—Not later than
11 one year after the date of enactment of this Act, the Sec-
12 retary, in coordination with the Mayor of the District of
13 Columbia, the Governor of Maryland, the county execu-
14 tives of Montgomery County and Prince George’s County,
15 Maryland, and other interested entities, shall develop and
16 make available to the public a 10-year comprehensive ac-
17 tion plan to provide for the restoration and protection of
18 the ecological integrity of the Anacostia River and its trib-
19 utaries.

20 (b) PUBLIC AVAILABILITY.—On completion of the
21 comprehensive action plan under subsection (a), the Sec-
22 retary shall make the plan available to the public, includ-
23 ing on the Internet.

1 **SEC. 5081. 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
6 Program established under subtitle G of title II of the
7 Farm Security and Rural Investment Act of 2002 (16
8 U.S.C. 3801 note; 116 Stat. 275).

9 (b) COORDINATION AND INTEGRATION.—In carrying
10 out water resources projects in Delaware and Maryland
11 on the Delmarva Peninsula, the Secretary shall coordinate
12 and integrate those projects, to the maximum extent prac-
13 ticable, with any activities carried out to implement a con-
14 servation corridor plan approved by the Secretary of Agri-
15 culture under section 2602 of the Farm Security and
16 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116
17 Stat. 275).

18 **SEC. 5082. MASSACHUSETTS DREDGED MATERIAL DIS-**
19 **POSAL SITES.**

20 The Secretary may cooperate with Massachusetts in
21 the management and long-term monitoring of aquatic
22 dredged material disposal sites within the State, and is
23 authorized to accept funds from the State to carry out
24 such activities.

1 **SEC. 5083. ONTONAGON HARBOR, MICHIGAN.**

2 The Secretary shall conduct a study of shore damage
3 in the vicinity of the project for navigation, Ontonagon
4 Harbor, Ontonagon County, Michigan, authorized by sec-
5 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.
6 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if
7 the damage is the result of a Federal navigation project,
8 and, if the Secretary determines that the damage is the
9 result of a Federal navigation project, the Secretary shall
10 carry out a project to mitigate the damage under section
11 111 of the River and Harbor Act of 1968 (33 U.S.C.
12 426i).

13 **SEC. 5084. CROOKSTON, MINNESOTA.**

14 The Secretary shall conduct a study for a project for
15 emergency streambank protection along the Red Lake
16 River in Crookston, Minnesota, and, if the Secretary de-
17 termines that the project is feasible, the Secretary may
18 carry out the project under section 14 of the Flood Control
19 Act of 1946 (33 U.S.C. 701r); except that the maximum
20 amount of Federal funds that may be expended for the
21 project shall be \$6,500,000.

22 **SEC. 5085. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

23 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of
24 the Water Resources Development Act of 1992 (114 Stat.
25 2763A–221) is amended—

1 (1) in the paragraph heading by striking “AND
 2 KATHIO TOWNSHIP” and inserting “, CROW WING
 3 COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN
 4 RESERVATION, AND KATHIO TOWNSHIP”;

5 (2) by striking “\$11,000,000” and inserting
 6 “\$17,000,000”;

7 (3) by inserting “, Crow Wing County, Mille
 8 Lacs County, Mille Lacs Indian Reservation (10
 9 Stat. 1165),” after “Garrison”; and

10 (4) by adding at the end the following: “Such
 11 assistance shall be provided directly to the Garrison-
 12 Kathio-West Mille Lacs Lake Sanitary District,
 13 Minnesota, except for assistance provided directly to
 14 the Mille Lacs Band of Ojibwe at the discretion of
 15 the Secretary.”.

16 (b) PROCEDURES.—In carrying out the project au-
 17 thorized by such section 219(f)(61), the Secretary may use
 18 the cost sharing and contracting procedures available to
 19 the Secretary under section 569 of the Water Resources
 20 Development Act of 1999 (113 Stat. 368).

21 **SEC. 5086. ITASCA COUNTY, MINNESOTA.**

22 The Secretary shall carry out a project for flood dam-
 23 age reduction, Trout Lake and Canisteo Pit, Itasca Coun-
 24 ty, Minnesota, irrespective of normal policy considerations.

1 **SEC. 5087. MINNEAPOLIS, MINNESOTA.**

2 (a) CONVEYANCE.—The Secretary shall convey to the
3 city of Minneapolis by quitclaim deed and without consid-
4 eration all right, title, and interest of the United States
5 to the property known as the War Department (Fort
6 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

7 (b) APPLICABILITY OF PROPERTY SCREENING PRO-
8 VISIONS.—Section 2696 of title 10, United States Code,
9 shall not apply to the conveyance under this section.

10 **SEC. 5088. NORTHEASTERN MINNESOTA.**

11 (a) IN GENERAL.—Section 569 of the Water Re-
12 sources Development Act of 1999 (113 Stat. 368) is
13 amended—

14 (1) in subsection (a) by striking “Benton,
15 Sherburne,” and inserting “Beltrami, Hubbard,
16 Wadena,”;

17 (2) by striking the last sentence of subsection
18 (e)(3)(B);

19 (3) by striking subsection (g) and inserting the
20 following:

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

25 (4) in subsection (h) by striking “\$40,000,000”
26 and inserting “\$54,000,000”; and

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

2 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
3 of the amounts appropriated to carry out this section may
4 be used by the Corps of Engineers district offices to ad-
5 minister projects under this section at Federal expense.”.

6 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
7 imburse the non-Federal interest for the project for envi-
8 ronmental infrastructure, Biwabik, Minnesota, carried out
9 under section 569 of the Water Resources Development
10 Act of 1999 (113 Stat. 368), for planning, design, and
11 construction costs that were incurred by the non-Federal
12 interest with respect to the project before the date of the
13 partnership agreement for the project and that were in
14 excess of the non-Federal share of the cost of the project
15 if the Secretary determines that the costs are appropriate.

16 **SEC. 5089. WILD RICE RIVER, MINNESOTA.**

17 The Secretary shall expedite the completion of the
18 general reevaluation report, authorized by section 438 of
19 the Water Resources Development Act of 2000 (114 Stat.
20 2640), for the project for flood protection, Wild Rice
21 River, Minnesota, authorized by section 201 of the Flood
22 Control Act of 1970 (84 Stat. 1825), to develop alter-
23 natives to the Twin Valley Lake feature, and upon the
24 completion of such report, shall construct the project at
25 a total cost of \$20,000,000.

1 **SEC. 5090. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
2 **MISSISSIPPI.**

3 In carrying out projects for the protection, restora-
4 tion, and creation of aquatic and ecologically related habi-
5 tats located in Harrison, Hancock, and Jackson Counties,
6 Mississippi, under section 204 of the Water Resources De-
7 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
8 shall accept any portion of the non-Federal share of the
9 cost of the project in the form of in-kind services and ma-
10 terials.

11 **SEC. 5091. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.**

12 As a part of the operation and maintenance of the
13 project for the Mississippi River (Regulating Works), be-
14 tween the Ohio and Missouri Rivers, Missouri and Illinois,
15 authorized by the first section of an Act entitled “Making
16 appropriations for the construction, repair, and preserva-
17 tion of certain public works on rivers and harbors, and
18 for other purposes”, approved June 25, 1910, the Sec-
19 retary may carry out activities necessary to restore and
20 protect fish and wildlife habitat in the middle Mississippi
21 River system. Such activities may include modification of
22 navigation training structures, modification and creation
23 of side channels, modification and creation of islands, and
24 studies and analysis necessary to apply adaptive manage-
25 ment principles in design of future work.

1 **SEC. 5092. ST. LOUIS, MISSOURI.**

2 Section 219(f)(32) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 337) is amended—

4 (1) by striking “project” and inserting
5 “projects”;

6 (2) by striking “\$15,000,000” and inserting
7 “\$35,000,000”; and

8 (3) by inserting “and St. Louis County” before
9 “, Missouri”.

10 **SEC. 5093. HACKENSACK MEADOWLANDS AREA, NEW JER-**
11 **SEY.**

12 Section 324 of the Water Resources Development Act
13 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

14 (1) in subsection (a)—

15 (A) by striking “design” and inserting
16 “planning, design,”; and

17 (B) by striking “Hackensack Meadowlands
18 Development” and all that follows through
19 “Plan for” and inserting “New Jersey
20 Meadowlands Commission for the development
21 of an environmental improvement program for”;

22 (2) in subsection (b)—

23 (A) in the subsection heading by striking
24 “REQUIRED”;

25 (B) by striking “shall” and inserting
26 “may”;

1 (C) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) Restoration and acquisitions of significant
4 wetlands and aquatic habitat that contribute to the
5 Meadowlands ecosystem.”;

6 (D) in paragraph (2) by inserting “and
7 aquatic habitat” before the period at the end;
8 and

9 (E) by striking paragraph (7) and insert-
10 ing the following:

11 “(7) Research, development, and implementa-
12 tion for a water quality improvement program, in-
13 cluding restoration of hydrology and tidal flows and
14 remediation of hot spots and other sources of con-
15 taminants that degrade existing or planned sites.”;

16 (3) in subsection (c) by inserting before the last
17 sentence the following: “The non-Federal sponsor
18 may also provide in-kind services, not to exceed the
19 non-Federal share of the total project cost, and may
20 also receive credit for reasonable cost of design work
21 completed prior to entering into the partnership
22 agreement with the Secretary for a project to be car-
23 ried out under the program developed under sub-
24 section (a).”; and

1 (4) in subsection (d) by striking “\$5,000,000”
2 and inserting “\$35,000,000”.

3 **SEC. 5094. ATLANTIC COAST OF NEW YORK.**

4 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of
5 the Water Resources Development Act of 1992 (106 Stat.
6 4863) is amended—

7 (1) by striking “processes” and inserting “and
8 related environmental processes”;

9 (2) by inserting after “Atlantic Coast” the fol-
10 lowing: “(and associated back bays)”;

11 (3) by inserting after “actions” the following: “,
12 environmental restoration or conservation measures
13 for coastal and back bays,”; and

14 (4) by adding at the end the following: “The
15 plan for collecting data and monitoring information
16 included in such annual report shall be fully coordi-
17 nated with and agreed to by appropriate agencies of
18 the State of New York.”.

19 (b) ANNUAL REPORTS.—Section 404(b) of such Act
20 is amended—

21 (1) by striking “INITIAL PLAN.—Not later than
22 12 months after the date of the enactment of this
23 Act, the” and inserting “ANNUAL REPORTS.—The”;

1 (2) by striking “initial plan for data collection
2 and monitoring” and inserting “annual report of
3 data collection and monitoring activities”; and
4 (3) by striking the last sentence.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 404(c) of such Act (113 Stat. 341) is amended by striking
7 “and an additional total of \$2,500,000 for fiscal years
8 thereafter” and inserting “\$2,500,000 for fiscal years
9 2000 through 2004, and \$7,500,000 for fiscal years begin-
10 ning after September 30, 2004,”.

11 (d) TSUNAMI WARNING SYSTEM.—Section 404 of the
12 Water Resources Development Act of 1992 (106 Stat.
13 4863) is amended by adding at the end the following:

14 “(d) TSUNAMI WARNING SYSTEM.—There is author-
15 ized to be appropriated \$800,000 for the Secretary to
16 carry out a project for a tsunami warning system, Atlantic
17 Coast of New York.”.

18 **SEC. 5095. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

19 In carrying out section 312 of the Water Resources
20 Development Act of 1990 (104 Stat. 4639), the Secretary
21 shall give priority to work in College Point, New York
22 City, New York.

1 **SEC. 5096. FLUSHING BAY AND CREEK, NEW YORK CITY,**
2 **NEW YORK.**

3 The Secretary shall credit toward the non-Federal
4 share of the cost of the project for ecosystem restoration,
5 Flushing Bay and Creek, New York City, New York, the
6 cost of design and construction work carried out by the
7 non-Federal interest before the date of the partnership
8 agreement for the project if the Secretary determines that
9 the work is integral to the project.

10 **SEC. 5097. HUDSON RIVER, NEW YORK.**

11 The Secretary may participate with the State of New
12 York, New York City, and the Hudson River Park Trust
13 in carrying out activities to restore critical marine habitat,
14 improve safety, and protect and rehabilitate critical infra-
15 structure. There is authorized to be appropriated
16 \$5,000,000 to carry out this section.

17 **SEC. 5098. MOUNT MORRIS DAM, NEW YORK.**

18 As part of the operation and maintenance of the
19 Mount Morris Dam, New York, the Secretary may make
20 improvements to the access road for the dam to provide
21 safe access to a Federal visitor's center.

22 **SEC. 5099. JOHN H. KERR DAM AND RESERVOIR, NORTH**
23 **CAROLINA.**

24 The Secretary shall expedite the completion of the
25 calculations necessary to negotiate and execute a revised,
26 permanent contract for water supply storage at John H.

1 Kerr Dam and Reservoir, North Carolina, among the Sec-
2 retary and the Kerr Lake Regional Water System and the
3 city of Henderson, North Carolina.

4 **SEC. 5100. STANLY COUNTY, NORTH CAROLINA.**

5 Section 219(f)(64) of the Water Resources Develop-
6 ment Act of 1992 (114 Stat. 2763A–221) is amended by
7 inserting “water and” before “wastewater”.

8 **SEC. 5101. CINCINNATI, OHIO.**

9 (a) IN GENERAL.—The Secretary is authorized to
10 undertake the ecosystem restoration and recreation com-
11 ponents of the Central Riverfront Park Master Plan,
12 dated December 1999, at a total cost of \$25,000,000.

13 (b) CREDIT.—The Secretary shall credit toward the
14 non-Federal share of the cost of the project the cost of
15 planning, design, and construction work carried out by the
16 non-Federal interest before the date of the partnership
17 agreement for the project if the Secretary determines that
18 the work is integral to the project.

19 **SEC. 5102. TOUSSAINT RIVER, OHIO.**

20 (a) IN GENERAL.—The project for navigation, Tous-
21 saint River, Carroll Township, Ohio, authorized by section
22 107 of the River and Harbor Act of 1960 (33 U.S.C. 577),
23 is modified to authorize the Secretary to enter into an
24 agreement with the non-Federal interest under which the
25 Secretary may—

1 (1) acquire, and transfer to the non-Federal in-
2 terest, a dredge and associated equipment with the
3 capacity to perform operation and maintenance of
4 the project; and

5 (2) provide the non-Federal interest with a
6 lump-sum payment to cover all future costs of oper-
7 ation and maintenance of the project.

8 (b) AGREEMENT.—The Secretary may carry out sub-
9 section (a)(1) by entering into an agreement with the non-
10 Federal interest under which the non-Federal interest may
11 acquire the dredge and associated equipment directly and
12 be reimbursed by the Secretary.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$1,800,000 to carry out this
15 section. Of such funds, \$500,000 may be used to carry
16 out subsection (a)(1).

17 (d) RELEASE.—Upon the acquisition and transfer of
18 a dredge and associated equipment under subsection
19 (a)(1), and the payment of funds under subsection (a)(2),
20 all future Federal responsibility for operation and mainte-
21 nance of the project is extinguished.

22 **SEC. 5103. EUGENE, OREGON.**

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study to determine the feasibility of restoring the millrace
25 in Eugene, Oregon, and, if the Secretary determines that

1 the restoration is feasible, the Secretary shall carry out
2 the restoration.

3 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—

4 In determining the feasibility of restoring the millrace, the
5 Secretary shall include noneconomic benefits associated
6 with the historical significance of the millrace and associ-
7 ated with preservation and enhancement of resources.

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

11 **SEC. 5104. FERN RIDGE DAM, OREGON.**

12 The Secretary may treat all work carried out for
13 emergency corrective actions to repair the embankment
14 dam at the Fern Ridge Lake project, Oregon, as a dam
15 safety project. The cost of work carried out may be recov-
16 ered in accordance with section 1203 of the Water Re-
17 sources Development Act of 1986 (33 U.S.C. 467n; 100
18 Stat. 4263).

19 **SEC. 5105. ALLEGHENY COUNTY, PENNSYLVANIA.**

20 Section 219(f)(66) of the Water Resources Develop-
21 ment Act of 1992 (114 Stat. 2763A–221) is amended—

22 (1) by striking “\$20,000,000” and inserting the
23 following:

24 “(A) IN GENERAL.—\$20,000,000”;

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

1 “(B) CREDIT.—The Secretary shall credit
 2 toward the non-Federal share of the cost of the
 3 project the cost of work carried out by the non-
 4 Federal interest before the date of the partner-
 5 ship agreement for the project if the Secretary
 6 determines that the work is integral to the
 7 project.”; and

8 (3) by aligning the remainder of the text of
 9 subparagraph (A) (as designated by paragraph (1)
 10 of this section) with subparagraph (B) (as added by
 11 paragraph (2) of this section).

12 **SEC. 5106. CLINTON COUNTY, PENNSYLVANIA.**

13 Section 219(f)(13) of the Water Resources Develop-
 14 ment Act of 1992 (113 Stat. 335) is amended by striking
 15 “\$1,000,000” and inserting “\$2,000,000”.

16 **SEC. 5107. KEHLY RUN DAMS, PENNSYLVANIA.**

17 Section 504(a)(2) of the Water Resources Develop-
 18 ment Act of 1999 (113 Stat. 338; 117 Stat. 1842) is
 19 amended by striking “Dams” and inserting “Dams No.
 20 1–5”.

21 **SEC. 5108. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.**

23 The Secretary shall use existing water quality data
 24 to model the effects of the Francis E. Walter Dam, at
 25 different water levels, to determine its impact on water

1 and related resources in and along the Lehigh River in
 2 Lehigh County, Pennsylvania. There is authorized to be
 3 appropriated \$500,000 to carry out this section.

4 **SEC. 5109. NORTHEAST PENNSYLVANIA.**

5 Section 219(f)(11) of the Water Resources Develop-
 6 ment Act of 1992 (113 Stat. 335) is amended by striking
 7 “and Monroe” and inserting “Northumberland, Union,
 8 Snyder, Luzerne, and Monroe”.

9 **SEC. 5110. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 10 **VANIA AND NEW YORK.**

11 (a) STUDY AND STRATEGY DEVELOPMENT.—Section
 12 567(a) of the Water Resources Development Act of 1996
 13 (110 Stat. 3787; 114 Stat. 2662) is amended—

14 (1) in the matter preceding paragraph (1) by
 15 inserting “and carry out” after “develop”; and

16 (2) in paragraph (2) by striking
 17 “\$10,000,000.” and inserting “\$20,000,000, of
 18 which the Secretary may utilize not more than
 19 \$5,000,000 to design and construct feasible pilot
 20 projects during the development of the strategy to
 21 demonstrate alternative approaches for the strategy.
 22 The total cost for any single pilot project may not
 23 exceed \$500,000. The Secretary shall evaluate the
 24 results of the pilot projects and consider the results
 25 in the development of the strategy.”.

1 (b) COOPERATIVE AGREEMENTS.—Section 567(c) of
2 such Act (114 Stat. 2662) is amended—

3 (1) in the subsection heading by striking “Co-
4 OPERATION” and inserting “COOPERATIVE”; and

5 (2) in the first sentence—

6 (A) by inserting “and carrying out” after
7 “developing”; and

8 (B) by striking “cooperation” and insert-
9 ing “cost-sharing and cooperative”.

10 (c) IMPLEMENTATION OF STRATEGY.—Section
11 567(d) of such Act (114 Stat. 2663) is amended—

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

14 “(1) IN GENERAL.—The Secretary”;

15 (2) in the second sentence of paragraph (1) (as
16 so designated)—

17 (A) by striking “implement” and inserting
18 “carry out”; and

19 (B) by striking “implementing” and insert-
20 ing “carrying out”;

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

22 “(2) PRIORITY PROJECT.—In carrying out
23 projects to implement the strategy, the Secretary
24 shall give priority to the project for ecosystem res-
25 toration, Cooperstown, New York, described in the

1 Upper Susquehanna River Basin—Cooperstown
2 Area Ecosystem Restoration Feasibility Study, dated
3 December 2004, prepared by the Corps of Engineers
4 and the New York State Department of Environ-
5 mental Conservation.”; and

6 (4) by aligning the remainder of the text of
7 paragraph (1) (as designated by paragraph (1) of
8 this subsection) with paragraph (2) (as added by
9 paragraph (3) of this subsection).

10 (d) CREDIT.—Section 567 of such Act (110 Stat.
11 3787; 114 Stat. 2662) is amended by adding at the end
12 the following:

13 “(e) CREDIT.—The Secretary shall credit toward the
14 non-Federal share of the cost of a project under this sec-
15 tion—

16 “(1) the cost of design and construction work
17 carried out by the non-Federal interest before the
18 date of the partnership agreement for the project if
19 the Secretary determines that the work is integral to
20 the project; and

21 “(2) the cost of in-kind services and materials
22 provided for the project by the non-Federal inter-
23 est.”.

1 **SEC. 5111. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

2 The Secretary shall review a report prepared by the
3 non-Federal interest concerning flood protection and envi-
4 ronmental restoration for Cano Martin Pena, San Juan,
5 Puerto Rico, and, if the Secretary determines that the re-
6 port meets the evaluation and design standards of the
7 Corps of Engineers and that the project is feasible, the
8 Secretary may carry out the project at a total cost of
9 \$130,000,000, with an estimated Federal cost of
10 \$85,000,000 and an estimated non-Federal cost of
11 \$45,000,000.

12 **SEC. 5112. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
13 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
14 **HABITAT RESTORATION, SOUTH DAKOTA.**

15 (a) DISBURSEMENT PROVISIONS OF THE STATE OF
16 SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX
17 TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-
18 TRIAL WILDLIFE HABITAT RESTORATION TRUST
19 FUNDS.—Section 602(a)(4) of the Water Resources De-
20 velopment Act of 1999 (113 Stat. 386) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i) by inserting “and the Sec-
23 retary of the Treasury” after “Secretary”; and

24 (B) by striking clause (ii) and inserting the
25 following:

1 “(ii) AVAILABILITY OF FUNDS.—On
2 notification in accordance with clause (i),
3 the Secretary of the Treasury shall make
4 available to the State of South Dakota
5 funds from the State of South Dakota Ter-
6 restrial Wildlife Habitat Restoration Trust
7 Fund established under section 603, to be
8 used to carry out the plan for terrestrial
9 wildlife habitat restoration submitted by
10 the State of South Dakota after the State
11 certifies to the Secretary of the Treasury
12 that the funds to be disbursed will be used
13 in accordance with section 603(d)(3) and
14 only after the Trust Fund is fully capital-
15 ized.”; and

16 (2) in subparagraph (B) by striking clause (ii)
17 and inserting the following:

18 “(ii) AVAILABILITY OF FUNDS.—On
19 notification in accordance with clause (i),
20 the Secretary of the Treasury shall make
21 available to the Cheyenne River Sioux
22 Tribe and the Lower Brule Sioux Tribe
23 funds from the Cheyenne River Sioux Ter-
24 restrial Wildlife Habitat Restoration Trust
25 Fund and the Lower Brule Sioux Terres-

1 trial Wildlife Habitat Restoration Trust
2 Fund, respectively, established under sec-
3 tion 604, to be used to carry out the plans
4 for terrestrial wildlife habitat restoration
5 submitted by the Cheyenne River Sioux
6 Tribe and the Lower Brule Sioux Tribe,
7 respectively, to after the respective tribe
8 certifies to the Secretary of the Treasury
9 that the funds to be disbursed will be used
10 in accordance with section 604(d)(3) and
11 only after the Trust Fund is fully capital-
12 ized.”.

13 (b) INVESTMENT PROVISIONS OF THE STATE OF
14 SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION
15 TRUST FUND.—Section 603 of the Water Resources De-
16 velopment Act of 1999 (113 Stat. 388; 114 Stat. 2664)
17 is amended—

18 (1) by striking subsection (c) and inserting the
19 following:

20 “(c) INVESTMENTS.—

21 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
22 standing any other provision of law, the Secretary of
23 the Treasury shall invest the amounts deposited
24 under subsection (b) and the interest earned on

1 those amounts only in interest-bearing obligations of
2 the United States issued directly to the Fund.

3 “(2) INVESTMENT REQUIREMENTS.—

4 “(A) IN GENERAL.—The Secretary of the
5 Treasury shall invest the amounts in the Fund
6 in accordance with 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 the 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 the Fund shall be
19 transferred to a separate account within
20 the Fund (referred to in this paragraph as
21 the ‘interest account’) and invested as pro-
22 vided in subparagraph (D).

23 “(iii) CREDITING.—The interest
24 earned from investing amounts in the in-

1 interest account of the Fund shall be cred-
2 ited to the interest account.

3 “(C) INVESTMENT OF PRINCIPAL AC-
4 COUNT.—

5 “(i) INITIAL INVESTMENT.—Each
6 amount deposited in the principal account
7 of the Fund shall be invested initially in el-
8 igible obligations having the shortest matu-
9 rity then available until the date on which
10 the amount is divided into 3 substantially
11 equal portions and those portions are in-
12 vested in eligible obligations that are iden-
13 tical (except for transferability) to the
14 next-issued publicly issued Treasury obli-
15 gations 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
20 obligation matures, the principal of the
21 maturing eligible obligation shall also be
22 invested initially in the shortest-maturity
23 eligible obligation then available until the
24 principal is reinvested substantially equally
25 in the eligible obligations that are identical

(except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

“(D) INVESTMENT OF INTEREST ACCOUNT.—

“(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent prac-

1 ticable, with the date on which the Fund
2 is expected to be fully capitalized.

3 “(ii) AFTER FULL CAPITALIZATION.—

4 On and after the date on which the 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 ob-
19 ligations having the same maturity and pur-
20 chase price, the obligation to be purchased shall
21 be the obligation having the highest yield.

22 “(G) HOLDING TO MATURITY.—Eligible
23 obligations 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 State of South Dakota the results of the invest-
5 ment activities and financial status of the Fund dur-
6 ing the preceding 12-month period.

7 “(4) AUDITS.—

8 “(A) IN GENERAL.—The activities of the
9 State of South Dakota (referred to in this sub-
10 section as the ‘State’) in carrying out the plan
11 of the State for terrestrial wildlife habitat res-
12 toration under section 602(a) shall be audited
13 as part of the annual audit that the State is re-
14 quired to prepare under the Office of Manage-
15 ment and Budget Circular A–133 (or a suc-
16 cessor 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 State under this section during the
22 period covered by the audit were used to
23 carry out the plan of the State in accord-
24 ance 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 State regarding the proposed modification.”;

18 (2) in subsection (d)(2) by inserting “of the
19 Treasury” after “Secretary”; and

20 (3) by striking subsection (f) and inserting the
21 following:

22 “(f) ADMINISTRATIVE EXPENSES.—There are au-
23 thorized to be appropriated to the Secretary of the Treas-
24 ury to pay expenses associated with investing the Fund

1 and auditing the uses of amounts withdrawn from the
2 Fund—

3 “(1) \$500,000 for each of fiscal years 2006 and
4 2007; and

5 “(2) such sums as are necessary for each subse-
6 quent fiscal year.”.

7 (c) INVESTMENT PROVISIONS FOR THE CHEYENNE
8 RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE
9 TRUST FUNDS.—Section 604 of the Water Resources De-
10 velopment Act of 1999 (113 Stat. 389; 114 Stat. 2665)
11 is amended—

12 (1) by striking subsection (c) and inserting the
13 following:

14 “(c) INVESTMENTS.—

15 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
16 standing any other provision of law, the Secretary of
17 the Treasury shall invest the amounts deposited
18 under subsection (b) and the interest earned on
19 those amounts only in interest-bearing obligations of
20 the United States issued directly to the Funds.

21 “(2) INVESTMENT REQUIREMENTS.—

22 “(A) IN GENERAL.—The Secretary of the
23 Treasury shall invest the amounts in each of
24 the Funds in accordance with the requirements
25 of this paragraph.

1 “(B) SEPARATE INVESTMENTS OF PRIN-
2 CIPAL AND INTEREST.—

3 “(i) PRINCIPAL ACCOUNT.—The
4 amounts deposited in each Fund under
5 subsection (b) shall be credited to an ac-
6 count within the Fund (referred to in this
7 paragraph as the ‘principal account’) and
8 invested as provided in subparagraph (C).

9 “(ii) INTEREST ACCOUNT.—The inter-
10 est earned from investing amounts in the
11 principal account of each Fund shall be
12 transferred to a separate account within
13 the Fund (referred to in this paragraph as
14 the ‘interest account’) and invested as pro-
15 vided in subparagraph (D).

16 “(iii) CREDITING.—The interest
17 earned from investing amounts in the in-
18 terest account of each Fund shall be cred-
19 ited to the interest account.

20 “(C) INVESTMENT OF PRINCIPAL AC-
21 COUNT.—

22 “(i) INITIAL INVESTMENT.—Each
23 amount deposited in the principal account
24 of each Fund shall be invested initially in
25 eligible obligations having the shortest ma-

1 turity then available until the date on
2 which the amount is divided into 3 sub-
3 stantially equal portions and those portions
4 are invested in eligible obligations that are
5 identical (except for transferability) to the
6 next-issued publicly issued Treasury obli-
7 gations having a 2-year maturity, a 5-year
8 maturity, and a 10-year maturity, respec-
9 tively.

10 “(ii) SUBSEQUENT INVESTMENT.—As
11 each 2-year, 5-year, and 10-year eligible
12 obligation matures, the principal of the
13 maturing eligible obligation shall also be
14 invested initially in the shortest-maturity
15 eligible obligation then available until the
16 principal is reinvested substantially equally
17 in the eligible obligations that are identical
18 (except for transferability) to the next-
19 issued publicly issued Treasury obligations
20 having 2-year, 5-year, and 10-year matu-
21 rities.

22 “(iii) DISCONTINUATION OF ISSUANCE
23 OF OBLIGATIONS.—If the Department of
24 the Treasury discontinues issuing to the
25 public obligations having 2-year, 5-year, or

1 10-year maturities, the principal of any
2 maturing eligible obligation shall be rein-
3 vested substantially equally in eligible obli-
4 gations that are identical (except for trans-
5 ferability) to the next-issued publicly
6 issued Treasury obligations of the matu-
7 rities longer than 1 year then available.

8 “(D) INVESTMENT OF THE INTEREST AC-
9 COUNT.—

10 “(i) BEFORE FULL CAPITALIZA-
11 TION.—Until the date on which each Fund
12 is fully capitalized, amounts in the interest
13 account of the Fund shall be invested in el-
14 igible obligations that are identical (except
15 for transferability) to publicly issued
16 Treasury obligations that have maturities
17 that coincide, to the maximum extent prac-
18 ticable, with the date on which the Fund
19 is expected to be fully capitalized.

20 “(ii) AFTER FULL CAPITALIZATION.—
21 On and after the date on which each Fund
22 is fully capitalized, amounts in the interest
23 account of the Fund shall be invested and
24 reinvested in eligible obligations having the
25 shortest maturity then available until the

1 amounts are withdrawn and transferred to
2 fund the activities authorized under sub-
3 section (d)(3).

4 “(E) PAR PURCHASE PRICE.—The price to
5 be paid for eligible obligations purchased as in-
6 vestments of the principal account shall not ex-
7 ceed the par value of the obligations so that the
8 amount of the principal account shall be pre-
9 served in perpetuity.

10 “(F) HIGHEST YIELD.—Among eligible ob-
11 ligations having the same maturity and pur-
12 chase price, the obligation to be purchased shall
13 be the obligation having the highest yield.

14 “(G) HOLDING TO MATURITY.—Eligible
15 obligations purchased shall generally be held to
16 their maturities.

17 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
18 TIES.—Not less frequently than once each calendar
19 year, the Secretary of the Treasury shall review with
20 the Cheyenne River Sioux Tribe and the Lower
21 Brule Sioux Tribe (referred to in this subsection as
22 the ‘Tribes’) the results of the investment activities
23 and financial status of the Funds during the pre-
24 ceding 12-month period.

25 “(4) AUDITS.—

1 “(A) IN GENERAL.—The activities of the
2 Tribes in carrying out the plans of the Tribes
3 for terrestrial wildlife habitat restoration under
4 section 602(a) shall be audited as part of the
5 annual audit that the Tribes are required to
6 prepare under the Office of Management and
7 Budget Circular A–133 (or a successor circula-
8 tion).

9 “(B) DETERMINATION BY AUDITORS.—An
10 auditor that conducts an audit under subpara-
11 graph (A) shall—

12 “(i) determine whether funds received
13 by the Tribes under this section during the
14 period covered by the audit were used to
15 carry out the plan of the appropriate Tribe
16 in accordance with this section; and

17 “(ii) include the determination under
18 clause (i) in the written findings of the
19 audit.

20 “(5) MODIFICATION OF INVESTMENT REQUIRE-
21 MENTS.—

22 “(A) IN GENERAL.—If the Secretary of the
23 Treasury determines that meeting the require-
24 ments under paragraph (2) with respect to the
25 investment of a Fund is not practicable, or

1 would result in adverse consequences for the
2 Fund, the Secretary shall modify the require-
3 ments, as the Secretary determines to be nec-
4 essary.

5 “(B) CONSULTATION.—Before modifying a
6 requirement under subparagraph (A), the Sec-
7 retary of the Treasury shall consult with the
8 Tribes regarding the proposed modification.”;
9 and

10 (2) by striking subsection (f) and inserting the
11 following:

12 “(f) ADMINISTRATIVE EXPENSES.—There are au-
13 thorized to be appropriated to the Secretary of the Treas-
14 ury to pay expenses associated with investing the Funds
15 and auditing the uses of amounts withdrawn from the
16 Funds—

17 “(1) \$500,000 for each of fiscal years 2006 and
18 2007; and

19 “(2) such sums as are necessary for each subse-
20 quent fiscal year.”.

21 **SEC. 5113. EAST TENNESSEE.**

22 (a) EAST TENNESSEE DEFINED.—In this section,
23 the term “East Tennessee” means the counties of Blount,
24 Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

1 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
2 may establish a program to provide environmental assist-
3 ance to non-Federal interests in East Tennessee.

4 (c) FORM OF ASSISTANCE.—Assistance under this
5 section may be in the form of design and construction as-
6 sistance for water-related environmental infrastructure
7 and resource protection and development projects in East
8 Tennessee, including projects for wastewater treatment
9 and related facilities, water supply and related facilities,
10 environmental restoration, and surface water resource pro-
11 tection and development.

12 (d) OWNERSHIP REQUIREMENT.—The Secretary may
13 provide assistance for a project under this section only if
14 the project is publicly owned.

15 (e) PARTNERSHIP AGREEMENTS.—

16 (1) IN GENERAL.—Before providing assistance
17 under this section, the Secretary shall enter into a
18 partnership agreement with a non-Federal interest
19 to provide for design and construction of the project
20 to be carried out with the assistance.

21 (2) REQUIREMENTS.—Each partnership agree-
22 ment entered into under this subsection shall provide
23 for the following:

24 (A) PLAN.—Development by the Secretary,
25 in consultation with appropriate Federal and

1 State officials, of a facilities or resource protec-
2 tion and development plan, including appro-
3 priate engineering plans and specifications.

4 (B) LEGAL AND INSTITUTIONAL STRUC-
5 TURES.—Establishment of such legal and insti-
6 tutional structures as are necessary to ensure
7 the effective long-term operation of the project
8 by the non-Federal interest.

9 (3) COST SHARING.—

10 (A) IN GENERAL.—The Federal share of
11 the project cost under each partnership agree-
12 ment entered into under this subsection shall be
13 75 percent. The Federal share may be in the
14 form of grants or reimbursements of project
15 costs.

16 (B) CREDIT FOR WORK.—The non-Federal
17 interests shall receive credit for the reasonable
18 cost of design work on a project completed by
19 the non-Federal interest before entering into a
20 partnership agreement with the Secretary for
21 such project.

22 (C) CREDIT FOR INTEREST.—In case of a
23 delay in the funding of the non-Federal share
24 of a project that is the subject of an agreement
25 under this section, the non-Federal interest

1 shall receive credit for reasonable interest in-
2 curred in providing the non-Federal share of
3 the project cost.

4 (D) LAND, EASEMENTS, AND RIGHTS-OF-
5 WAY CREDIT.—The non-Federal interest shall
6 receive credit for land, easements, rights-of-
7 way, and relocations toward the non-Federal
8 share of project cost (including all reasonable
9 costs associated with obtaining permits nec-
10 essary for the construction, operation, and
11 maintenance of the project on publicly owned or
12 controlled land), but not to exceed 25 percent
13 of total project cost.

14 (E) OPERATION AND MAINTENANCE.—The
15 non-Federal share of operation and mainte-
16 nance costs for projects constructed with assist-
17 ance provided under this section shall be 100
18 percent.

19 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
20 LAWS.—Nothing in this section waives, limits, or other-
21 wise affects the applicability of any provision of Federal
22 or State law that would otherwise apply to a project to
23 be carried out with assistance provided under this section.

24 (g) NONPROFIT ENTITIES.—Notwithstanding section
25 221(b) of the Flood Control Act of 1970 (42 U.S.C.

1 1962d-5b(b)), for any project undertaken under this sec-
2 tion, a non-Federal interest may include a nonprofit entity
3 with the consent of the affected local government.

4 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
5 of the amounts appropriated to carry out this section may
6 be used by the Corps of Engineers district offices to ad-
7 minister projects under this section at Federal expense.

8 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$40,000,000. Such sums shall remain available until ex-
11 pended.

12 **SEC. 5114. FRITZ LANDING, TENNESSEE.**

13 The Secretary shall—

14 (1) conduct a study of the Fritz Landing Agri-
15 cultural Spur Levee, Tennessee, to determine the ex-
16 tent of levee modifications that would be required to
17 make the levee and associated drainage structures
18 consistent with Federal standards;

19 (2) design and construct such modifications;
20 and

21 (3) after completion of such modifications, in-
22 corporate the levee into the project for flood control,
23 Mississippi River and Tributaries, authorized by the
24 Act entitled “An Act for the control of floods on the
25 Mississippi River and its tributaries, and for other

1 purposes”, approved May 15, 1928 (45 Stat. 534–
2 539), commonly known as the “Flood Control Act of
3 1928”.

4 **SEC. 5115. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**
5 **NESSEE.**

6 The Secretary shall plan, design, and construct a trail
7 system at the J. Percy Priest Dam and Reservoir, Ten-
8 nessee, authorized by section 4 of the Act entitled “An
9 Act authorizing the construction of certain public works
10 on rivers and harbors for flood control, and for other pur-
11 poses”, approved June 28, 1938 (52 Stat. 1217), and ad-
12 jacent public property, including design and construction
13 of support facilities. In carrying out such improvements,
14 the Secretary is authorized to use funds made available
15 by the State of Tennessee from any Federal or State
16 source, or both.

17 **SEC. 5116. TOWN CREEK, LENOIR CITY, TENNESSEE.**

18 The Secretary shall design and construct the project
19 for flood damage reduction designated as Alternative 4 in
20 the Town Creek, Lenoir City, Loudon County, Tennessee,
21 feasibility report of the Nashville district engineer, dated
22 November 2000, under the authority of section 205 of the
23 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-
24 standing section 1 of the Flood Control Act of June 22,
25 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal

1 share of the cost of the project shall be subject to section
2 103(m) of the Water Resources Development Act of 1986
3 (33 U.S.C. 2213(m)).

4 **SEC. 5117. TENNESSEE RIVER PARTNERSHIP.**

5 (a) IN GENERAL.—As part of the operation and
6 maintenance of the project for navigation, Tennessee
7 River, Tennessee, Alabama, Mississippi, and Kentucky,
8 authorized by the first section of the River and Harbor
9 Act of July 3, 1930 (46 Stat. 927), the Secretary may
10 enter into a partnership with a nonprofit entity to remove
11 debris from the Tennessee River in the vicinity of Knox-
12 ville, Tennessee, by providing a vessel to such entity, at
13 Federal expense, for such debris removal purposes.

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

17 **SEC. 5118. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**
18 **ARKANSAS, AND MISSISSIPPI.**

19 The Secretary may participate with non-Federal and
20 nonprofit entities to address issues concerning managing
21 groundwater as a sustainable resource through the Upper
22 Mississippi Embayment, Tennessee, Arkansas, and Mis-
23 sissippi, and coordinating the protection of groundwater
24 supply and groundwater quality with local surface water

1 protection programs. There is authorized to be appro-
2 priated \$5,000,000 to carry out this section.

3 **SEC. 5119. BOSQUE RIVER WATERSHED, TEXAS.**

4 (a) COMPREHENSIVE PLAN.—The Secretary, in con-
5 sultation with appropriate Federal, State, and local enti-
6 ties, shall develop, as expeditiously as practicable, a com-
7 prehensive plan for development of new technologies and
8 innovative approaches for restoring, preserving, and pro-
9 tecting the Bosque River watershed within Bosque, Ham-
10 ilton, McLennan, and Erath Counties, Texas. The Sec-
11 retary, in cooperation with the Secretary of Agriculture,
12 may carry out activities identified in the comprehensive
13 plan to demonstrate practicable alternatives for stabiliza-
14 tion and enhancement of land and water resources in the
15 basin.

16 (b) SERVICES OF PUBLIC NON-PROFIT INSTITU-
17 TIONS AND OTHER ENTITIES.—In carrying out subsection
18 (a), the Secretary may utilize, through contracts or other
19 means, the services of public non-profit institutions and
20 such other entities as the Secretary considers appropriate.

21 (c) NON-FEDERAL SHARE.—

22 (1) CREDIT.—The Secretary shall credit toward
23 the non-Federal share of the cost of activities car-
24 ried out under this section the cost of planning, de-
25 sign, and construction work completed by or on be-

1 half of the non-Federal interests for implementation
2 of measures constructed with assistance provided
3 under this section. The amount of such credit shall
4 not exceed the non-Federal share of the cost of such
5 activities.

6 (2) OPERATION AND MAINTENANCE.—The non-
7 Federal share of the cost of operation and mainte-
8 nance for measures constructed with assistance pro-
9 vided under this section shall be 100 percent.

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

13 **SEC. 5120. DALLAS COUNTY REGION, TEXAS.**

14 (a) DALLAS COUNTY REGION DEFINED.—In this sec-
15 tion, the term “Dallas County region” means the city of
16 Dallas, and the municipalities of DeSoto, Duncanville,
17 Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill,
18 Glenn Heights, and Ferris, Texas.

19 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
20 may establish a program to provide environmental assist-
21 ance to non-Federal interests in the Dallas County region.

22 (c) FORM OF ASSISTANCE.—Assistance under this
23 section may be in the form of design and construction as-
24 sistance for water-related environmental infrastructure
25 and resource protection and development projects in the

1 Dallas County region, including projects for wastewater
2 treatment and related facilities, water supply and related
3 facilities, environmental restoration, and surface water re-
4 source protection and development.

5 (d) OWNERSHIP REQUIREMENT.—The Secretary may
6 provide assistance for a project under this section only if
7 the project is publicly owned.

8 (e) PARTNERSHIP AGREEMENTS.—

9 (1) IN GENERAL.—Before providing assistance
10 under this section, the Secretary shall enter into a
11 partnership agreement with a non-Federal interest
12 to provide for design and construction of the project
13 to be carried out with the assistance.

14 (2) REQUIREMENTS.—Each partnership agree-
15 ment entered into under this subsection shall provide
16 for the following:

17 (A) PLAN.—Development by the Secretary,
18 in consultation with appropriate Federal and
19 State officials, of a facilities or resource protec-
20 tion and development plan, including appro-
21 priate engineering plans and specifications.

22 (B) LEGAL AND INSTITUTIONAL STRUC-
23 TURES.—Establishment of such legal and insti-
24 tutional structures as are necessary to ensure

1 the effective long-term operation of the project
2 by the non-Federal interest.

3 (3) COST SHARING.—

4 (A) IN GENERAL.—The Federal share of
5 the project costs under each partnership agree-
6 ment entered into under this subsection shall be
7 75 percent. The Federal share may be in the
8 form of grants or reimbursements of project
9 costs.

10 (B) CREDIT FOR WORK.—The non-Federal
11 interests shall receive credit for the reasonable
12 cost of design work on a project completed by
13 the non-Federal interest before entering into a
14 partnership agreement with the Secretary for
15 such project.

16 (C) CREDIT FOR INTEREST.—In case of a
17 delay in the funding of the non-Federal share
18 of a project that is the subject of an agreement
19 under this section, the non-Federal interest
20 shall receive credit for reasonable interest in-
21 curred in providing the non-Federal share of
22 the project's costs.

23 (D) LAND, EASEMENTS, AND RIGHTS-OF-
24 WAY CREDIT.—The non-Federal interest shall
25 receive credit for land, easements, rights-of-

1 way, and relocations toward the non-Federal
2 share of project costs (including all reasonable
3 costs associated with obtaining permits nec-
4 essary for the construction, operation, and
5 maintenance of the project on publicly owned or
6 controlled land), but such credit may not exceed
7 25 percent of total project costs.

8 (E) OPERATION AND MAINTENANCE.—The
9 non-Federal share of operation and mainte-
10 nance costs for projects constructed with assist-
11 ance provided under this section shall be 100
12 percent.

13 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
14 LAWS.—Nothing in this section waives, limits, or other-
15 wise affects the applicability of any provision of Federal
16 or State law that would otherwise apply to a project to
17 be carried out with assistance provided under this section.

18 (g) NONPROFIT ENTITIES.—Notwithstanding section
19 221(b) of the Flood Control Act of 1970 (42 U.S.C.
20 1962d-5b(b)), for any project undertaken under this sec-
21 tion, a non-Federal interest may include a nonprofit enti-
22 ty.

23 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
24 of the amounts appropriated to carry out this section may

1 be used by the Corps of Engineers district offices to ad-
2 minister projects under this section at Federal expense.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$40,000,000. Such sums shall remain available until ex-
6 pended.

7 **SEC. 5121. DALLAS FLOODWAY, DALLAS TEXAS.**

8 (a) IN GENERAL.—The project for flood control,
9 Trinity River and tributaries, Texas, authorized by section
10 2 of the Act entitled, “An Act authorizing the construc-
11 tion, repair, and preservation of certain public works on
12 rivers and harbors, and for other purposes”, approved
13 March 2, 1945 (59 Stat. 18), is modified to—

14 (1) direct the Secretary to review the Balanced
15 Vision Plan for the Trinity River Corridor, Dallas,
16 Texas, dated December 2003 and amended in March
17 2004, prepared by the non-Federal interest for the
18 project;

19 (2) direct the Secretary to review the Interior
20 Levee Drainage Study Phase-I report, Dallas,
21 Texas, dated September 2006, prepared by the non-
22 Federal interest; and

23 (3) if the Secretary determines that the project
24 is technically sound and environmentally acceptable,
25 authorize the Secretary to construct the project at a

1 total cost of \$459,000,000, with an estimated Fed-
2 eral cost of \$298,000,000 and an estimated non-
3 Federal cost of \$161,000,000.

4 (b) CREDIT.—

5 (1) IN-KIND CONTRIBUTIONS.—The Secretary
6 shall credit toward the non-Federal share of the cost
7 of the project the cost of planning, design, and con-
8 struction work carried out by the non-Federal inter-
9 est before the date of the partnership agreement for
10 the project if the Secretary determines that the work
11 is integral to the project.

12 (2) CASH CONTRIBUTIONS.—The Secretary
13 shall accept funds provided by the non-Federal inter-
14 est for use in carrying out planning, engineering,
15 and design for the project. The Federal share of
16 such planning, engineering, and design carried out
17 with non-Federal contributions shall be credited
18 against the non-Federal share of the cost of the
19 project.

20 **SEC. 5122. HARRIS COUNTY, TEXAS.**

21 (a) IN GENERAL.—Section 575(a) of the Water Re-
22 sources Development Act of 1996 (110 Stat. 3789; 113
23 Stat. 311) is amended by inserting before the period at
24 the end the following: “, whether or not such works or
25 actions are partially funded under the hazard mitigation

1 grant program of the Federal Emergency Management
2 Agency”.

3 (b) SPECIFIC PROJECTS.—Section 575(b) of such
4 Act (110 Stat. 3789; 113 Stat. 311) is amended—

5 (1) in paragraph (3) by striking “and” at the
6 end;

7 (2) in paragraph (4) by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding the following:

10 “(5) the project for flood control, Upper White
11 Oak Bayou, Texas, authorized by section 401(a) of
12 the Water Resources Development Act of 1986 (100
13 Stat. 4125).”.

14 **SEC. 5123. JOHNSON CREEK, ARLINGTON, TEXAS.**

15 (a) IN GENERAL.—The project for flood damage re-
16 duction, environmental restoration, and recreation, John-
17 son Creek, Arlington, Texas, authorized by section
18 101(b)(14) of the Water Resources Development Act of
19 1999 (113 Stat 280), is modified to authorize the Sec-
20 retary to construct the project substantially in accordance
21 with the report entitled “Johnson Creek: A Vision of Con-
22 servation”, dated March 30, 2006, at a total cost of
23 \$80,000,000, with an estimated Federal cost of
24 \$52,000,000 and an estimated non-Federal cost of

1 \$28,000,000, if the Secretary determines that the project
2 is feasible.

3 (b) NON-FEDERAL SHARE.—

4 (1) IN GENERAL.—The non-Federal share of
5 the cost of the project may be provided in cash or
6 in the form of in-kind services or materials.

7 (2) CREDIT.—The Secretary shall credit toward
8 the non-Federal share of the cost of the project the
9 cost of planning, design, and construction work car-
10 ried out by the non-Federal interest for implementa-
11 tion of the project, if the Secretary determines that
12 the work is integral to the project.

13 (c) SPECIAL RULE.—In evaluating and implementing
14 the project, the Secretary shall allow the non-Federal in-
15 terest to participate in the financing of the project in ac-
16 cordance with section 903(c) of the Water Resources De-
17 velopment Act of 1986 (100 Stat. 4184).

18 (d) CONFORMING AMENDMENT.—Section 134 of the
19 Energy and Water Development Appropriations Act, 2006
20 (119 Stat. 2263) is repealed.

21 **SEC. 5124. ONION CREEK, TEXAS.**

22 In carrying out the study for the project for flood
23 damage reduction, recreation, and ecosystem restoration,
24 Onion Creek, Texas, the Secretary shall include the costs
25 and benefits associated with the relocation of flood-prone

1 residences in the study area for the project in the period
2 beginning 2 years before the date of initiation of the study
3 and ending on the date of execution of the partnership
4 agreement for construction of the project to the extent the
5 Secretary determines such relocations are compatible with
6 the project. The Secretary shall credit toward the non-
7 Federal share of the cost of the project the cost of reloca-
8 tion of such flood-prone residences incurred by the non-
9 Federal interest before the date of the partnership agree-
10 ment for the project if the Secretary determines that the
11 relocation of such residences is integral to the project.

12 **SEC. 5125. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

13 Section 219(f)(10) of the Water Resources Develop-
14 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335) is
15 amended—

16 (1) by striking “\$20,000,000 for water supply
17 and wastewater infrastructure” and inserting the
18 following:

19 “(A) IN GENERAL.—\$20,000,000 for water
20 supply, wastewater infrastructure, and environ-
21 mental restoration”;

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

23 “(B) CREDIT.—The Secretary shall credit
24 toward the non-Federal share of the cost of the
25 project the cost of work carried out by the non-

1 Federal interest before the date of the partner-
2 ship agreement for the project if the Secretary
3 determines that the work is integral to the
4 project.”; and

5 (3) by aligning the remainder of the text of
6 subparagraph (A) (as designated by paragraph (1)
7 of this section) with subparagraph (B) (as added by
8 paragraph (2) of this section).

9 **SEC. 5126. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

10 The Secretary shall accept funds from the National
11 Park Service to restore Dyke Marsh, Fairfax County, Vir-
12 ginia.

13 **SEC. 5127. BAKER BAY AND ILWACO HARBOR, WASH-**
14 **INGTON.**

15 The Secretary shall conduct a study of increased sil-
16 tation in Baker Bay and Ilwaco Harbor, Washington, to
17 determine if the siltation is the result of a Federal naviga-
18 tion project (including diverted flows from the Columbia
19 River) and, if the Secretary determines that the siltation
20 is the result of a Federal navigation project, the Secretary
21 shall carry out a project to mitigate the siltation as part
22 of maintenance of the Federal navigation project.

1 **SEC. 5128. HAMILTON ISLAND CAMPGROUND, WASH-**
2 **INGTON.**

3 The Secretary is authorized to plan, design, and con-
4 struct a campground for Bonneville Lock and Dam at
5 Hamilton Island (also know as “Strawberry Island”) in
6 Skamania County, Washington.

7 **SEC. 5129. PUGET ISLAND, WASHINGTON.**

8 The Secretary is directed to place dredged and other
9 suitable material along portions of the Columbia River
10 shoreline of Puget Island, Washington, between river miles
11 38 to 47 in order to protect economic and environmental
12 resources in the area from further erosion, at a Federal
13 cost of \$1,000,000. This action shall be coordinated with
14 appropriate resource agencies and comply with applicable
15 Federal laws.

16 **SEC. 5130. WILLAPA BAY, WASHINGTON.**

17 Section 545 of the Water Resources Development Act
18 of 2000 (114 Stat. 2675) is amended—

19 (1) in subsection (b)(1) by striking “may con-
20 struct” and inserting “shall construct”; and

21 (2) by inserting “and ecosystem restoration”
22 after “erosion protection” each place it appears.

23 **SEC. 5131. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
24 **CONTROL.**

25 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
26 GINIA.—Section 581(a)(1) of the Water Resources Devel-

1 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
2 amended—

3 (1) by striking “flood control measures” and in-
4 serting “structural and nonstructural flood control,
5 streambank protection, stormwater management,
6 and channel clearing and modification measures”;
7 and

8 (2) by inserting “with respect to measures that
9 incorporate levees or floodwalls” before the semi-
10 colon.

11 (b) PRIORITY COMMUNITIES.—Section 581(b) of the
12 Water Resources Development Act of 1996 (110 Stat.
13 3791) is amended—

14 (1) by striking “and” at the end of paragraph
15 (5);

16 (2) by striking the period at the end of para-
17 graph (6) and inserting a semicolon; and

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

19 “(7) Etna, Pennsylvania, in the Pine Creek wa-
20 tershed; and

21 “(8) Millvale, Pennsylvania, in the Girty’s Run
22 River basin.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
24 581(c) of the Water Resources Development Act of 1996

1 (110 Stat. 3791) is amended by striking “\$12,000,000”
2 and inserting “\$90,000,000”.

3 **SEC. 5132. CENTRAL WEST VIRGINIA.**

4 Section 571 of the Water Resources Development Act
5 of 1999 (113 Stat. 371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “Nicholas,”; and

8 (B) by striking “Gilmer,”;

9 (2) in subsection (h) by striking “\$10,000,000”
10 and inserting “\$20,000,000”; and

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

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

17 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
18 of the amounts appropriated to carry out this section may
19 be used by the Corps of Engineers district offices to ad-
20 minister projects under this section at Federal expense.”.

21 **SEC. 5133. SOUTHERN WEST VIRGINIA.**

22 (a) CORPS OF ENGINEERS.—Section 340 of the
23 Water Resources Development Act of 1992 (106 Stat.
24 4856; 113 Stat. 320) is amended by adding at the end
25 the following:

1 “(h) CORPS OF ENGINEERS.—Ten percent of the
2 amounts appropriated to carry out this section may be
3 used by the Corps of Engineers district offices to admin-
4 ister projects under this section at Federal expense.”.

5 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
6 340(f) of such Act is amended by inserting “Nicholas,”
7 after “Greenbrier,”.

8 (c) NONPROFIT ENTITIES.—Section 340 of the
9 Water Resources Development Act of 1992 (106 Stat.
10 4856) is further amended by adding at the end the fol-
11 lowing:

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

17 **SEC. 5134. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
18 **BY NON-FEDERAL INTERESTS.**

19 Section 211(f) of the Water Resources Development
20 Act of 1996 (33 U.S.C. 701b–13) is amended by adding
21 at the end the following:

22 “(12) PERRIS, CALIFORNIA.—The project for
23 flood control, Perris, California.

1 “(13) THORNTON RESERVOIR, COOK COUNTY,
2 ILLINOIS.—An element of the project for flood con-
3 trol, Chicagoland Underflow Plan, Illinois.

4 “(14) LAROSE TO GOLDEN MEADOW, LOU-
5 ISIANA.—The project for flood control, Larose to
6 Golden Meadow, Louisiana.

7 “(15) BUFFALO BAYOU, TEXAS.—A project for
8 flood control, Buffalo Bayou, Texas, to provide an
9 alternative to the project authorized by the first sec-
10 tion of the River and Harbor Act of June 20, 1938
11 (52 Stat. 804) and modified by section 3a of the
12 Flood Control Act of August 11, 1939 (53 Stat.
13 1414).

14 “(16) HALLS BAYOU, TEXAS.—A project for
15 flood control, Halls Bayou, Texas, to provide an al-
16 ternative to the project for flood control, Buffalo
17 Bayou and tributaries, Texas, authorized by section
18 101(a)(21) of the Water Resources Development Act
19 of 1990 (104 Stat. 4610).”.

20 **SEC. 5135. WAGE SURVEYS.**

21 Employees of the United States Army Corps of Engi-
22 neers who are paid wages determined under the last un-
23 designated paragraph under the heading “Administrative
24 Provisions” of chapter V of the Supplemental Appropria-
25 tions Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall

1 be allowed, through appropriate employee organization
2 representatives, to participate in wage surveys under such
3 paragraph to the same extent as are prevailing rate em-
4 ployees under subsection (c)(2) of section 5343 of title 5,
5 United States Code. Nothing in such section 5343 shall
6 be considered to affect which agencies are to be surveyed
7 under such paragraph.

8 **SEC. 5136. ADDITIONAL ASSISTANCE FOR CRITICAL**
9 **PROJECTS.**

10 Section 219(f) of the Water Resources Development
11 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114
12 Stat. 2763A–220–221) is amended—

13 (1) by striking the undesignated paragraph re-
14 lating to Charleston, South Carolina, and inserting
15 the following:

16 “(72) CHARLESTON, SOUTH CAROLINA.—
17 \$10,000,000 for wastewater infrastructure, including
18 wastewater collection systems, and stormwater sys-
19 tem improvements, Charleston, South Carolina.”;

20 (2) by redesignating the paragraph (71) relat-
21 ing to Placer and El Dorado Counties, California, as
22 paragraph (73);

23 (3) by redesignating the paragraph (72) relat-
24 ing to Lassen, Plumas, Butte, Sierra, and Nevada
25 Counties, California, as paragraph (74);

1 (4) by striking the paragraph (71) relating to
2 Indianapolis, Indiana, and inserting the following:

3 “(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for
4 environmental infrastructure for Indianapolis, Indi-
5 ana.”;

6 (5) by redesignating the paragraph (73) relat-
7 ing to St. Croix Falls, Wisconsin, as paragraph (76);
8 and

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

10 “(77) ST. CLAIR COUNTY, ALABAMA.—
11 \$5,000,000 for water related infrastructure, St.
12 Clair County, Alabama.

13 “(78) CRAWFORD COUNTY, ARKANSAS.—
14 \$35,000,000 for water supply infrastructure,
15 Crawford County, Arkansas.

16 “(79) ALAMEDA AND CONTRA COSTA COUNTIES,
17 CALIFORNIA.—\$25,000,000 for recycled water treat-
18 ment facilities within the East Bay Municipal Utility
19 District service area, Alameda and Contra Costa
20 Counties, California.

21 “(80) ARCADIA, SIERRA MADRE, AND UPLAND,
22 CALIFORNIA.—\$33,000,000 for water and waste-
23 water infrastructure, Arcadia, Sierra Madre, and
24 Upland, California, including \$13,000,000 for
25 stormwater infrastructure for Upland, California.

1 “(81) BIG BEAR AREA REGIONAL WASTEWATER
2 AGENCY, CALIFORNIA.—\$15,000,000 for water rec-
3 lamation and distribution, Big Bear Area Regional
4 Wastewater Agency, California.

5 “(82) BRAWLEY COLONIA, IMPERIAL COUNTY,
6 CALIFORNIA.—\$1,400,000 for water infrastructure
7 to improve water quality in the Brawley Colonia
8 Water District, Imperial County, California.

9 “(83) CONTRA COSTA WATER DISTRICT, CALI-
10 FORNIA.—\$23,000,000 for water and wastewater in-
11 frastructure for the Contra Costa Water District,
12 California.

13 “(84) EAST BAY, SAN FRANCISCO, AND SANTA
14 CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-
15 salination project to serve the East Bay, San Fran-
16 cisco, and Santa Clara areas, California.

17 “(85) IMPERIAL COUNTY, CALIFORNIA.—
18 \$10,000,000 for wastewater infrastructure, including
19 a wastewater disinfection facility and polishing sys-
20 tem, to improve water quality in the vicinity of
21 Calexico, California, on the southern New River, Im-
22 perial County, California.

23 “(86) LOS ANGELES COUNTY, CALIFORNIA.—
24 \$3,000,000 for wastewater and water related infra-

1 structure, Diamond Bar, La Habra Heights, and
2 Rowland Heights, Los Angeles County, California.

3 “(87) NEW RIVER, CALIFORNIA.—\$10,000,000
4 for wastewater infrastructure to improve water qual-
5 ity in the New River, California.

6 “(88) ORANGE COUNTY, CALIFORNIA.—
7 \$15,000,000 for wastewater and water related infra-
8 structure, Anaheim, Brea, La Habra, Mission Viejo,
9 Rancho Santa Margarita, and Yorba Linda, Orange
10 County, California.

11 “(89) SAN BERNARDINO COUNTY, CALI-
12 FORNIA.—\$9,000,000 for wastewater and water re-
13 lated infrastructure, Chino and Chino Hills, San
14 Bernardino County, California.

15 “(90) SANTA CLARA COUNTY, CALIFORNIA.—
16 \$5,500,000 for an advanced recycling water treat-
17 ment plant in Santa Clara County, California.

18 “(91) SOUTHERN LOS ANGELES COUNTY, CALI-
19 FORNIA.—\$15,000,000 for environmental infrastruc-
20 ture for the groundwater basin optimization pipeline,
21 Southern Los Angeles County, California.

22 “(92) STOCKTON, CALIFORNIA.—\$33,000,000
23 for water treatment and distribution infrastructure,
24 Stockton, California.

1 “(93) SWEETWATER RESERVOIR, SAN DIEGO
2 COUNTY, CALIFORNIA.—\$375,000 to improve water
3 quality, and remove nonnative aquatic species from
4 the Sweetwater Reservoir, San Diego County, Cali-
5 fornia.

6 “(94) WHITTIER, CALIFORNIA.—\$8,000,000 for
7 water, wastewater, and water related infrastructure,
8 Whittier, California.

9 “(95) MONTEZUMA AND LA PLATA COUNTIES,
10 COLORADO.—\$1,000,000 for water and wastewater
11 related infrastructure for the Ute Mountain project,
12 Montezuma and La Plata Counties, Colorado.

13 “(96) OTERO, BENT, CROWLEY, KIOWA, AND
14 PROWERS COUNTIES, COLORADO.—\$35,000,000 for
15 water transmission infrastructure, Otero, Bent,
16 Crowley, Kiowa, and Prowers Counties, Colorado.

17 “(97) PUEBLO AND OTERO COUNTIES, COLO-
18 RADO.—\$34,000,000 for water transmission infra-
19 structure, Pueblo and Otero Counties, Colorado.

20 “(98) LEDYARD AND MONTVILLE, CON-
21 NECTICUT.—\$7,113,000 for water infrastructure,
22 Ledyard and Montville, Connecticut.

23 “(99) ANACOSTIA RIVER, DISTRICT OF COLUM-
24 BIA AND MARYLAND.—\$20,000,000 for environ-
25 mental infrastructure and resource protection and

1 development to enhance water quality and living re-
2 sources in the Anacostia River watershed, District of
3 Columbia and Maryland.

4 “(100) WASHINGTON, DISTRICT OF COLUM-
5 BIA.—\$35,000,000 for implementation of a com-
6 bined sewer overflow long-term control plan, Wash-
7 ington, District of Columbia.

8 “(101) CHARLOTTE COUNTY, FLORIDA.—
9 \$3,000,000 for water supply infrastructure, Char-
10 lotte County, Florida.

11 “(102) CHARLOTTE, LEE, AND COLLIER COUN-
12 TIES, FLORIDA.—\$20,000,000 for water supply
13 interconnectivity infrastructure, Charlotte, Lee, and
14 Collier Counties, Florida.

15 “(103) COLLIER COUNTY, FLORIDA.—
16 \$5,000,000 for water infrastructure to improve
17 water quality in the vicinity of the Gordon River,
18 Collier County, Florida.

19 “(104) JACKSONVILLE, FLORIDA.—\$25,000,000
20 for wastewater related infrastructure, including sep-
21 tic tank replacements, Jacksonville, Florida.

22 “(105) SARASOTA COUNTY, FLORIDA.—
23 \$10,000,000 for water and wastewater infrastruc-
24 ture in Sarasota County, Florida.

1 “(106) SOUTH SEMINOLE AND NORTH ORANGE
2 COUNTY, FLORIDA.—\$30,000,000 for wastewater in-
3 frastructure for the South Seminole and North Or-
4 ange Wastewater Transmission Authority, Florida.

5 “(107) FAYETTEVILLE, GRANTVILLE, LA-
6 GRANGE, PINE MOUNTAIN (HARRIS COUNTY),
7 DOUGLASVILLE, AND CARROLLTON, GEORGIA.—
8 \$24,500,000 for water and wastewater infrastruc-
9 ture, Fayetteville, Grantville, LaGrange, Pine Moun-
10 tain (Harris County), Douglasville, and Carrollton,
11 Georgia.

12 “(108) MERIWETHER AND SPALDING COUN-
13 TIES, GEORGIA.—\$7,000,000 for water and waste-
14 water infrastructure, Meriwether and Spalding
15 Counties, Georgia.

16 “(109) NORTH VERNON AND BUTLERVILLE, IN-
17 DIANA.—\$1,700,000 for wastewater infrastructure,
18 North Vernon and Butlerville, Indiana.

19 “(110) SALEM, WASHINGTON COUNTY, INDI-
20 ANA.—\$3,200,000 for water supply infrastructure,
21 Salem, Washington County, Indiana.

22 “(111) CENTRAL KENTUCKY.—\$10,000,000 for
23 water related infrastructure and resource protection
24 and development, Scott, Franklin, Woodford, Ander-
25 son, Fayette, Mercer, Jessamine, Boyle, Lincoln,

1 Garrard, Madison, Estill, Powell, Clark, Mont-
2 gomery, and Bourbon Counties, Kentucky.

3 “(112) PLAQUEMINE, LOUISIANA.—\$7,000,000
4 for sanitary sewer and wastewater infrastructure,
5 Plaquemine, Louisiana.

6 “(113) SHREVEPORT, LOUISIANA.—
7 \$20,000,000 for water supply infrastructure in
8 Shreveport, Louisiana.

9 “(114) CENTRAL IRON RANGE SANITARY
10 SEWER DISTRICT, MINNESOTA.—\$12,000,000 for
11 wastewater infrastructure for the Central Iron
12 Range Sanitary Sewer District to serve the cities of
13 Hibbing, Chisholm, Buhl, and Kinney, and Balkan
14 and Great Scott Townships, Minnesota.

15 “(115) GRAND RAPIDS, MINNESOTA.—
16 \$5,000,000 for wastewater infrastructure, Grand
17 Rapids, Minnesota.

18 “(116) CITY OF BILOXI, CITY OF GULFPORT,
19 AND HARRISON COUNTY, MISSISSIPPI.—\$15,000,000
20 for water and wastewater related infrastructure, city
21 of Biloxi, city of Gulfport, and Harrison County,
22 Mississippi.

23 “(117) JACKSON, MISSISSIPPI.—\$25,000,000
24 for water and wastewater infrastructure, Jackson,
25 Mississippi.

1 “(118) CLARK COUNTY, NEVADA.—\$30,000,000
2 for wastewater infrastructure, Clark County, Ne-
3 vada.

4 “(119) HENDERSON, NEVADA.—\$5,000,000 for
5 wastewater infrastructure, Henderson, Nevada.

6 “(120) PATERSON, NEW JERSEY.—\$35,000,000
7 for wastewater infrastructure, Paterson, New Jer-
8 sey.

9 “(121) ELLICOTTVILLE, NEW YORK.—
10 \$2,000,000 for water supply, water, and wastewater
11 infrastructure in Ellicottville, New York.

12 “(122) SENNETT, NEW YORK.—\$1,500,000 for
13 water infrastructure, Town of Sennett, New York.

14 “(123) WELLSVILLE, NEW YORK.—\$2,000,000
15 for water supply, water, and wastewater infrastruc-
16 ture in Wellsville, New York.

17 “(124) SPRINGPORT AND FLEMING, NEW
18 YORK.—\$10,000,000 for water related infrastruc-
19 ture, including water mains, pump stations, and
20 water storage tanks, Springport and Fleming, New
21 York.

22 “(125) CABARRUS COUNTY, NORTH CARO-
23 LINA.—\$4,500,000 for water related infrastructure,
24 Cabarrus County, North Carolina.

1 “(126) CHARLOTTE, NORTH CAROLINA.—
2 \$11,000,000 for phase II of the Briar Creek waste-
3 water project, Charlotte, North Carolina.

4 “(127) RICHMOND COUNTY, NORTH CARO-
5 LINA.—\$13,500,000 for water related infrastructure,
6 Richmond County, North Carolina.

7 “(128) UNION COUNTY, NORTH CAROLINA.—
8 \$6,000,000 for wastewater infrastructure, Union
9 County, North Carolina.

10 “(129) SAIPAN, NORTHERN MARIANA IS-
11 LANDS.—\$20,000,000 for water related infrastruc-
12 ture, Saipan, Northern Mariana Islands.

13 “(130) LAKE COUNTY, OHIO.—\$1,500,000 for
14 wastewater infrastructure, Lake County, Ohio.

15 “(131) MENTOR-ON-LAKE, OHIO.—\$625,000
16 for water and wastewater infrastructure, Mentor-on-
17 Lake, Ohio.

18 “(132) WILLOWICK, OHIO.—\$665,000 for water
19 and wastewater infrastructure, Willowick, Ohio.

20 “(133) ALBANY, OREGON.—\$35,000,000 for
21 wastewater infrastructure to improve habitat res-
22 toration, Albany, Oregon.

23 “(134) BOROUGH OF STOCKERTON, BOROUGH
24 OF TATAMY, AND PALMER TOWNSHIP, PENNSYLV-
25 VANIA.—\$10,000,000 for stormwater control meas-

1 ures, particularly to address sinkholes, in the vicinity
2 of the Borough of Stockerton, the Borough of
3 Tatamy, and Palmer Township, Pennsylvania.

4 “(135) HATFIELD BOROUGH, PENNSYLVANIA.—
5 \$310,000 for wastewater related infrastructure for
6 Hatfield Borough, Pennsylvania.

7 “(136) LEHIGH COUNTY, PENNSYLVANIA.—
8 \$5,000,000 for stormwater control measures and
9 storm sewer improvements, Lehigh County, Pennsyl-
10 vania.

11 “(137) NORTH WALES BOROUGH, PENNSYL-
12 VANIA.—\$1,516,584 for wastewater related infra-
13 structure for North Wales Borough, Pennsylvania.

14 “(138) PEN ARGYL, PENNSYLVANIA.—
15 \$5,250,000 for wastewater infrastructure, Pen
16 Argyl, Pennsylvania.

17 “(139) PHILADELPHIA, PENNSYLVANIA.—
18 \$1,600,000 for wastewater related infrastructure for
19 Philadelphia, Pennsylvania.

20 “(140) VERA CRUZ, PENNSYLVANIA.—
21 \$5,500,000 for wastewater infrastructure, Vera
22 Cruz, Pennsylvania.

23 “(141) COMMONWEALTH OF PUERTO RICO.—
24 \$35,000,000 for water and wastewater infrastruc-
25 ture in the Commonwealth of Puerto Rico.

1 “(142) CHARLESTON, SOUTH CAROLINA.—
2 \$1,000,000 for stormwater control measures and
3 storm sewer improvements, Spring Street/Fishburne
4 Street drainage project, Charleston, South Carolina.

5 “(143) CROOKED CREEK, MARLBORO COUNTY,
6 SOUTH CAROLINA.—\$25,000,000 for a project for
7 water storage and water supply infrastructure on
8 Crooked Creek, Marlboro County, South Carolina.

9 “(144) MYRTLE BEACH, SOUTH CAROLINA.—
10 \$8,000,000 for environmental infrastructure, includ-
11 ing ocean outfalls, Myrtle Beach, South Carolina.

12 “(145) NORTH MYRTLE BEACH, SOUTH CARO-
13 LINA.—\$8,000,000 for environmental infrastructure,
14 including ocean outfalls, North Myrtle Beach, South
15 Carolina.

16 “(146) SURFSIDE, SOUTH CAROLINA.—
17 \$8,000,000 for environmental infrastructure, includ-
18 ing stormwater system improvements and ocean out-
19 falls, Surfside, South Carolina.

20 “(147) ATHENS, TENNESSEE.—\$16,000,000 for
21 wastewater infrastructure, Athens, Tennessee.

22 “(148) CENTRAL TEXAS.—\$20,000,000 for
23 water and wastewater infrastructure in Bosque,
24 Brazos, Burleson, Grimes, Hill, Hood, Johnson,

1 Madison, McLennan, Limestone, Robertson, and
2 Somervell Counties, Texas.

3 “(149) EL PASO COUNTY, TEXAS.—
4 \$25,000,000 for water related infrastructure and re-
5 source protection, including stormwater manage-
6 ment, and development, El Paso County, Texas.

7 “(150) FT. BEND COUNTY, TEXAS.—
8 \$20,000,000 for water and wastewater infrastruc-
9 ture, Ft. Bend County, Texas.

10 “(151) DUCHESNE, IRON, AND UINTAH COUN-
11 TIES, UTAH.—\$10,800,000 for water related infra-
12 structure, Duchesne, Iron, and Uintah Counties,
13 Utah.

14 “(152) NORTHERN WEST VIRGINIA.—
15 \$20,000,000 for water and wastewater infrastruc-
16 ture in Hancock, Ohio, Marshall, Wetzel, Tyler,
17 Pleasants, Wood, Doddridge, Monongalia, Marion,
18 Harrison, Taylor, Barbour, Preston, Tucker, Min-
19 eral, Grant, Gilmer, Brooke, Ritchie Counties, West
20 Virginia.

21 “(153) UNITED STATES VIRGIN ISLANDS.—
22 \$25,000,000 for wastewater infrastructure for the
23 St. Croix Anguilla wastewater treatment plant and
24 the St. Thomas Charlotte Amalie wastewater treat-
25 ment plant, United States Virgin Islands.

1 “(154) CHEYENNE RIVER SIOUX RESERVATION
 2 (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND
 3 MEADE COUNTIES, SOUTH DAKOTA.—\$25,000,000
 4 for water supply infrastructure for the Cheyenne
 5 River Sioux Reservation in Dewey and Ziebach
 6 Counties, and for communities in Perkins and
 7 Meade Counties, South Dakota.”.

8 **TITLE VI—FLORIDA** 9 **EVERGLADES**

10 **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-** 11 **IDA.**

12 (a) MODIFICATION.—The project for Hillsboro and
 13 Okeechobee Aquifer, Florida, authorized by section
 14 101(a)(16) of the Water Resources Development Act of
 15 1999 (113 Stat. 276), is modified to authorize the Sec-
 16 retary to carry out the project at a total cost of
 17 \$42,500,000.

18 (b) TREATMENT.—Section 601(b)(2)(A) of the Water
 19 Resources Development Act of 2000 (114 Stat. 2681) is
 20 amended—

21 (1) in clause (i) by adding at the end the fol-
 22 lowing: “The project for aquifer storage and recov-
 23 ery, Hillsboro and Okeechobee Aquifer, Florida, au-
 24 thorized by section 101(a)(16) of the Water Re-
 25 sources Development Act of 1999 (113 Stat. 276),

1 shall be treated for purposes of this section as being
2 in the Plan, except that operation and maintenance
3 costs of the project shall remain a non-Federal re-
4 sponsibility.”; and

5 (2) in clause (iii) by inserting after “subpara-
6 graph (B)” the following: “and the project for aqui-
7 fer storage and recovery, Hillsboro and Okeechobee
8 Aquifer”.

9 **SEC. 6002. PILOT PROJECTS.**

10 Section 601(b)(2)(B) of the Water Resources Devel-
11 opment Act of 2000 (114 Stat. 2681) is amended—

12 (1) in the matter preceding clause (i)—

13 (A) by striking “\$69,000,000” and insert-
14 ing “\$71,200,000”; and

15 (B) by striking “\$34,500,000” each place
16 it appears and inserting “\$35,600,000”; and

17 (2) in clause (i)—

18 (A) by striking “\$6,000,000” and inserting
19 “\$8,200,000”; and

20 (B) by striking “\$3,000,000” each place it
21 appears and inserting “\$4,100,000”.

22 **SEC. 6003. INITIAL PROJECTS.**

23 Section 601(b)(2)(C) of the Water Resources Devel-
24 opment Act of 2000 (114 Stat. 2682) is amended—

1 (1) in the matter preceding clause (i) by strik-
2 ing “at a total cost of \$1,100,918,000” and all that
3 follows before the colon;

4 (2) in clause (iv)—

5 (A) by striking “\$100,335,000” and in-
6 serting “\$162,630,000”; and

7 (B) by striking “\$50,167,500” each place
8 it appears and inserting “\$81,315,000”;

9 (3) in clause (v)—

10 (A) by striking “\$124,837,000” and in-
11 serting “\$385,010,000”; and

12 (B) by striking “\$62,418,500” each place
13 it appears and inserting “\$192,505,000”; and

14 (4) in clause (vi)—

15 (A) by striking “\$89,146,000” and insert-
16 ing “\$199,340,000”; and

17 (B) by striking “\$44,573,000” each place
18 it appears and inserting “\$99,670,000”.

19 **SEC. 6004. MAXIMUM COSTS.**

20 (a) **MAXIMUM COST OF PROJECTS.**—Section
21 601(b)(2)(E) of the Water Resources Development Act of
22 2000 (114 Stat. 2683) is amended by inserting “and sec-
23 tion (d)” before the period at the end.

1 (b) MAXIMUM COST OF PROGRAM AUTHORITY.—Sec-
2 tion 601(c)(3) of such Act (114 Stat. 2684) is amended
3 by adding at the end the following:

4 “(C) MAXIMUM COST OF PROGRAM AU-
5 THORITY.—Section 902 of the Water Resources
6 Development Act of 1986 (33 U.S.C. 2280)
7 shall apply to the individual project funding
8 limits in subparagraph (A) and the aggregate
9 cost limits in subparagraph (B).”.

10 **SEC. 6005. PROJECT AUTHORIZATION.**

11 Section 601(d) of the Water Resources Development
12 Act of 2000 (114 Stat. 2684) is amended by adding at
13 the end the following:

14 “(3) PROJECT AUTHORIZATION.—The following
15 project for water resources development and con-
16 servation and other purposes is authorized to be car-
17 ried out by the Secretary substantially in accordance
18 with the plans, and subject to the conditions, de-
19 scribed in the report designated in this paragraph:

20 “(A) INDIAN RIVER LAGOON SOUTH, FLOR-
21 IDA.—The project for ecosystem restoration,
22 water supply, flood damage reduction, and pro-
23 tection of water quality, Indian River Lagoon
24 South, Florida: Report of the Chief of Engi-
25 neers dated August 6, 2004, at a total cost of

1 \$1,365,000,000, with an estimated Federal cost
2 of \$682,500,000 and an estimated non-Federal
3 cost of \$682,500,000.

4 “(B) PICAYUNE STRAND, FLORIDA.—The
5 project for environmental restoration, Picayune
6 Strand, Florida: Report of the Chief of Engi-
7 neers dated September 15, 2005, at a total cost
8 of \$375,330,000, with an estimated Federal
9 cost of \$187,665,000 and an estimated non-
10 Federal cost of \$187,665,000.

11 “(C) SITE 1 IMPOUNDMENT, FLORIDA.—
12 The project for environmental restoration, Site
13 1 Impoundment, Florida: Report of the Chief of
14 Engineers dated December 19, 2006, at a total
15 cost of \$80,840,000, with an estimated Federal
16 cost of \$40,420,000 and an estimated non-Fed-
17 eral cost of \$40,420,000.”.

18 **SEC. 6006. CREDIT.**

19 Section 601(e)(5)(B) of the Water Resources Devel-
20 opment Act of 2000 (114 Stat. 2685) is amended—

21 (1) in clause (i)—

22 (A) by striking “or” at the end of sub-
23 clause (I);

24 (B) by adding “or” at the end of subclause
25 (II); and

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

2 “(III) the credit is provided for work
3 carried out before the date of the partner-
4 ship agreement between the Secretary and
5 the non-Federal sponsor, as defined in an
6 agreement between the Secretary and the
7 non-Federal sponsor providing for such
8 credit;”; and

9 (2) in clause (ii)—

10 (A) by striking “design agreement or the
11 project cooperation”; and

12 (B) by inserting before the semicolon the
13 following: “, including in the case of credit pro-
14 vided under clause (i)(III) conditions relating to
15 design and construction”.

16 **SEC. 6007. OUTREACH AND ASSISTANCE.**

17 Section 601(k) of the Water Resources Development
18 Act of 2000 (114 Stat. 2691) is amended by adding at
19 the end the following:

20 “(3) MAXIMUM EXPENDITURES.—The Sec-
21 retary may expend up to \$3,000,000 per fiscal year
22 for fiscal years beginning after September 30, 2004,
23 to carry out this subsection.”.

1 **SEC. 6008. CRITICAL RESTORATION PROJECTS.**

2 Section 528(b)(3)(C) of the Water Resources Devel-
3 opment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is
4 amended—

5 (1) in clause (i) by striking “\$75,000,000” and
6 all that follows through “2003” and inserting
7 “\$95,000,000”; and

8 (2) in clause (ii) by striking “\$25,000,000” and
9 inserting “\$30,000,000”.

10 **SEC. 6009. MODIFIED WATER DELIVERIES.**

11 (a) IN GENERAL.—The project, Modified Water De-
12 liveries to Everglades National Park, authorized by section
13 104 of the Everglades National Park Protection and Ex-
14 pansion Act of 1989 (16 U.S.C. 410r-8), as described in
15 the General Design Memorandum and Environmental Im-
16 pact Statement for Modified Water Deliveries to Ever-
17 glades National Park, June 1992, is modified to authorize
18 the Secretary to construct the project substantially in ac-
19 cordance with the Revised General Reevaluation Report/
20 Second Supplemental Environmental Impact Statement
21 for the Tamiami Trail Modifications, Modified Water De-
22 liveries to Everglades National Park, August 2005, at a
23 total cost of \$144,131,000.

24 (b) USE OF FUNDS.—Funds made available under
25 section 102(f) of the Everglades National Park Protection
26 and Expansion Act of 1989 (16 U.S.C. 410r-6), may be

1 used to carry out the project modification under sub-
2 section (a).

3 (c) SOURCE AND ALLOCATION OF FUNDS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), Federal costs incurred for construction of
6 the project modification under subsection (a) on or
7 after October 1, 2004, shall be shared equally be-
8 tween the Secretary and the Secretary of the Inte-
9 rior.

10 (2) ACCEPTANCE AND USE OF FUNDS.—The
11 Secretary may accept and expend funds, without
12 further appropriation, provided from another Fed-
13 eral agency or from non-Federal interests for con-
14 struction of the project modification under sub-
15 section (a) or for carrying out such other work that
16 the Secretary determines to be appropriate and con-
17 sistent with authorized purposes of the modified
18 project.

19 **SEC. 6010. DEAUTHORIZATIONS.**

20 The following projects are not authorized after the
21 date of enactment of this Act:

22 (1) The uncompleted portions of the project for
23 the C-44 Basin Storage Reservoir of the Com-
24 prehensive Everglades Restoration Plan, authorized
25 by section 601(b)(2)(C)(i) of the Water Resources

1 Development Act of 2000 (114 Stat. 2682), at a
2 total cost of \$147,800,000, with an estimated Fed-
3 eral cost of \$73,900,000 and an estimated non-Fed-
4 eral cost of \$73,900,000.

5 (2) The uncompleted portions of the Martin
6 County, Florida, modifications to the project for
7 Central and Southern Florida, authorized by section
8 203 of the Flood Control Act of 1968 (82 Stat.
9 740), at a total cost of \$15,471,000, with an esti-
10 mated Federal cost of \$8,073,000 and an estimated
11 non-Federal cost of \$7,398,000.

12 (3) The uncompleted portions of the East Coast
13 Backpumping, St. Lucie–Martin County, Spillway
14 Structure S–311 modifications to the project for
15 Central and Southern Florida, authorized by section
16 203 of the Flood Control Act of 1968 (82 Stat.
17 740), at a total cost of \$77,118,000, with an esti-
18 mated Federal cost of \$55,124,000 and an esti-
19 mated non-Federal cost of \$21,994,000.

20 **SEC. 6011. REGIONAL ENGINEERING MODEL FOR ENVIRON-**
21 **MENTAL RESTORATION.**

22 (a) IN GENERAL.—The Secretary shall complete the
23 development and testing of the regional engineering model
24 for environmental restoration as expeditiously as prac-
25 ticable.

1 (b) USAGE.—The Secretary shall consider using, as
2 appropriate, the regional engineering model for environ-
3 mental restoration in the development of future water re-
4 source projects, including projects developed pursuant to
5 section 601 of the Water Resources Development Act of
6 2000 (114 Stat. 2680).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$10,000,000 to carry out
9 subsection (a).

10 **TITLE VII—LOUISIANA COASTAL** 11 **AREA**

12 **SEC. 7001. DEFINITIONS.**

13 In this title, the following definitions apply:

14 (1) COASTAL LOUISIANA ECOSYSTEM.—The
15 term “coastal Louisiana ecosystem” means the
16 coastal area of Louisiana from the Sabine River on
17 the west to the Pearl River on the east, including
18 those parts of the Deltaic Plain and the Chenier
19 Plain included within the study area of the Plan.

20 (2) GOVERNOR.—The term “Governor” means
21 the Governor of the State of Louisiana.

22 (3) PLAN.—The term “Plan” means the report
23 of the Chief of Engineers for ecosystem restoration
24 for the Louisiana Coastal Area dated January 31,
25 2005.

1 (4) TASK FORCE.—The term “Task Force”
2 means the Coastal Louisiana Ecosystem Protection
3 and Restoration Task Force established by section
4 7003.

5 **SEC. 7002. COMPREHENSIVE PLAN.**

6 (a) IN GENERAL.—The Secretary, in coordination
7 with the Governor, shall develop a comprehensive plan for
8 protecting, preserving, and restoring the coastal Louisiana
9 ecosystem.

10 (b) INTEGRATION OF PLAN INTO COMPREHENSIVE
11 HURRICANE PROTECTION STUDY.—In developing the
12 comprehensive plan, the Secretary shall integrate the plan
13 into the analysis and design of the comprehensive hurri-
14 cane protection study authorized by title I of the Energy
15 and Water Development Appropriations Act, 2006 (Public
16 Law 109–103; 119 Stat. 2247).

17 (c) CONSISTENCY WITH COMPREHENSIVE COASTAL
18 PROTECTION MASTER PLAN.—In developing the com-
19 prehensive plan, the Secretary shall ensure that the plan
20 is consistent with the goals, analysis, and design of the
21 comprehensive coastal protection master plan authorized
22 and defined pursuant to Act 8 of the First Extraordinary
23 Session of the Louisiana State Legislature, 2005, includ-
24 ing—

1 (1) investigation and study of the maximum ef-
2 fective use of the water and sediment of the Mis-
3 sissippi and Atchafalaya Rivers for coastal restora-
4 tion purposes consistent with flood control and navi-
5 gation;

6 (2) a schedule for the design and implementa-
7 tion of large-scale water and sediment reintroduction
8 projects and an assessment of funding needs from
9 any source; and

10 (3) an investigation and assessment of alter-
11 ations in the operation of the Old River Control
12 Structure, consistent with flood control and naviga-
13 tion purposes.

14 (d) INCLUSIONS.—The comprehensive plan shall in-
15 clude a description of—

16 (1) the framework of a long-term program inte-
17 grated with hurricane and storm damage reduction,
18 flood damage reduction, and navigation activities
19 that provide for the comprehensive protection, con-
20 servation, and restoration of the wetlands, estuaries
21 (including the Barataria-Terrebonne estuary), bar-
22 rier islands, shorelines, and related land and fea-
23 tures of the coastal Louisiana ecosystem, including
24 protection of critical resources, habitat, and infra-

1 structure from the effects of a coastal storm, a hur-
2 ricane, erosion, or subsidence;

3 (2) the means by which a new technology, or an
4 improved technique, can be integrated into the pro-
5 gram referred to in paragraph (1);

6 (3) the role of other Federal and State agencies
7 and programs in carrying out such program;

8 (4) specific, measurable ecological success cri-
9 teria by which success of the plan will be measured;
10 and

11 (5) proposed projects in order of priority as de-
12 termined by their respective potential to contribute
13 to—

14 (A) creation of coastal wetlands; and

15 (B) flood protection of communities ranked
16 by population density and level of protection.

17 (e) CONSIDERATIONS.—In developing the comprehen-
18 sive plan, the Secretary shall consider the advisability of
19 integrating into the program referred to in subsection
20 (d)(1)—

21 (1) any related Federal or State project being
22 carried out on the date on which the plan is devel-
23 oped;

24 (2) any activity in the Plan; or

25 (3) any other project or activity identified in—

1 (A) the Mississippi River and Tributaries
2 program;

3 (B) the Louisiana Coastal Wetlands Con-
4 servation Plan;

5 (C) the Louisiana Coastal Zone Manage-
6 ment Plan; or

7 (D) the plan of the State of Louisiana en-
8 titled “Integrated Ecosystem Restoration and
9 Hurricane Protection—Louisiana’s Comprehen-
10 sive Master Plan for a Sustainable Coast”.

11 (f) REPORTS TO CONGRESS.—

12 (1) INITIAL REPORT.—Not later than 1 year
13 after the date of enactment of this Act, the Sec-
14 retary shall submit to Congress a report containing
15 the comprehensive plan.

16 (2) UPDATES.—Not later than 5 years after the
17 date of submission of a report under paragraph (1),
18 and at least once every 5 years thereafter until im-
19 plementation of the comprehensive plan is complete,
20 the Secretary shall submit to Congress a report con-
21 taining an update of the plan and an assessment of
22 the progress made in implementing the plan.

23 **SEC. 7003. LOUISIANA COASTAL AREA.**

24 (a) IN GENERAL.—The Secretary may carry out a
25 program for ecosystem restoration, Louisiana Coastal

1 Area, Louisiana, substantially in accordance with the re-
2 port of the Chief of Engineers, dated January 31, 2005.

3 (b) PRIORITIES.—

4 (1) IN GENERAL.—In carrying out the program
5 under subsection (a), the Secretary shall give pri-
6 ority to—

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

10 (B) any Mississippi River diversion project
11 that—

12 (i) will protect a major population
13 area of the Pontchartrain, Pearl, Breton
14 Sound, Barataria, or Terrebonne basins;
15 and

16 (ii) will produce an environmental
17 benefit to the coastal Louisiana ecosystem;

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

20 (i) will be carried out in conjunction
21 with a Mississippi River diversion project;
22 and

23 (ii) will protect a major population
24 area;

1 (D) any project that will reduce storm
2 surge and prevent or reduce the risk of loss of
3 human life and the risk to public safety; and

4 (E) a project to physically modify the Mis-
5 sissippi River-Gulf outlet and to restore the
6 areas affected by the Mississippi River-Gulf
7 outlet in accordance with the comprehensive
8 plan to be developed under section 7002(a),
9 subject to the conditions and recommendations
10 in a final report of the Chief of Engineers.

11 **SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
12 **AND RESTORATION TASK FORCE.**

13 (a) ESTABLISHMENT.—There is established a task
14 force to be known as the Coastal Louisiana Ecosystem
15 Protection and Restoration Task Force (in this section re-
16 ferred to as the “Task Force”).

17 (b) MEMBERSHIP.—The Task Force shall consist of
18 the following members (or, in the case of the head of a
19 Federal agency, a designee at the level of Assistant Sec-
20 retary or an equivalent level):

21 (1) The Secretary.

22 (2) The Secretary of the Interior.

23 (3) The Secretary of Commerce.

24 (4) The Administrator of the Environmental
25 Protection Agency.

1 (5) The Secretary of Agriculture.

2 (6) The Secretary of Transportation.

3 (7) The Secretary of Energy.

4 (8) The Director of the Federal Emergency
5 Management Agency.

6 (9) The Commandant of the Coast Guard.

7 (10) The Coastal Advisor to the Governor.

8 (11) The Secretary of the Louisiana Depart-
9 ment of Natural Resources.

10 (12) A representative of the Governor's Advi-
11 sory Commission on Coastal Restoration and Con-
12 servation.

13 (c) DUTIES.—The Task Force shall make rec-
14 ommendations to the Secretary regarding—

15 (1) policies, strategies, plans, programs,
16 projects, and activities for addressing conservation,
17 protection, restoration, and maintenance of the
18 coastal Louisiana ecosystem;

19 (2) financial participation by each agency rep-
20 resented on the Task Force in conserving, pro-
21 tecting, restoring, and maintaining the coastal Lou-
22 isiana ecosystem, including recommendations—

23 (A) that identify funds from current agen-
24 cy missions and budgets; and

1 (B) for coordinating individual agency
2 budget requests; and

3 (3) the comprehensive plan to be developed
4 under section 7002(a).

5 (d) REPORT.—The Task Force shall submit to Con-
6 gress a biennial report that summarizes the activities of
7 the Task Force.

8 (e) WORKING GROUPS.—

9 (1) GENERAL AUTHORITY.—The Task Force
10 may establish such working groups as the Task
11 Force determines to be necessary to assist the Task
12 Force in carrying out this section.

13 (2) HURRICANES KATRINA AND RITA.—

14 (A) IN GENERAL.—The Task Force may
15 establish a working group for the purpose of
16 advising the Task Force of opportunities to in-
17 tegrate the planning, engineering, design, im-
18 plementation, and performance of Corps of En-
19 gineers projects for hurricane and storm dam-
20 age reduction, flood damage reduction, eco-
21 system restoration, and navigation in those
22 areas in Louisiana for which a major disaster
23 has been declared by the President as a result
24 of Hurricane Katrina or Rita.

1 (B) EXPERTISE; REPRESENTATION.—In
2 establishing the working group under subpara-
3 graph (A), the Task Force shall ensure that the
4 group—

5 (i) has expertise in coastal estuaries,
6 diversions, coastal restoration and wetlands
7 protection, ecosystem restoration, hurri-
8 cane protection, storm damage reduction
9 systems, navigation, and ports; and

10 (ii) represents the State of Louisiana
11 and local governments in south Louisiana.

12 (f) COMPENSATION.—Members of the Task Force
13 and members of a working group established by the Task
14 Force may not receive compensation for their services as
15 members of the Task Force or working group, as the case
16 may be.

17 (g) TRAVEL EXPENSES.—Travel expenses incurred
18 by members of the Task Force and members of a working
19 group established by the Task Force, in the performance
20 of their service on the Task Force or working group, as
21 the case may be, shall be paid by the agency or entity
22 that the member represents.

23 (h) NONAPPLICABILITY OF FACA.—The Federal Ad-
24 visory Committee Act (5 U.S.C. App.) shall not apply to

1 the Task Force or any working group established by the
2 Task Force.

3 **SEC. 7005. PROJECT MODIFICATIONS.**

4 (a) REVIEW.—The Secretary, in cooperation with the
5 non-Federal interest of the project involved, shall review
6 each Federally-authorized water resources project in the
7 coastal Louisiana ecosystem being carried out or com-
8 pleted as of the date of enactment of this Act to determine
9 whether the project needs to be modified—

10 (1) under the program authorized by section
11 7003; or

12 (2) to contribute to ecosystem restoration under
13 section 7003.

14 (b) MODIFICATIONS.—Subject to subsections (c) and
15 (d), the Secretary may carry out the modifications de-
16 scribed in subsection (a).

17 (c) PUBLIC NOTICE AND COMMENT.—Before com-
18 pleting the report required under subsection (d), the Sec-
19 retary shall provide an opportunity for public notice and
20 comment.

21 (d) REPORT.—

22 (1) IN GENERAL.—Before modifying an oper-
23 ation or feature of a project under subsection (b),
24 the Secretary shall submit to the Committee on
25 Transportation and Infrastructure of the House of

1 Representatives and the Committee on Environment
2 and Public Works of the Senate a report describing
3 the modification.

4 (2) INCLUSION.—A report describing a modi-
5 fication under paragraph (1) shall include such in-
6 formation relating to the timeline for and cost of the
7 modification, as the Secretary determines to be rel-
8 evant.

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

12 **SEC. 7006. CONSTRUCTION.**

13 (a) SCIENCE AND TECHNOLOGY.—

14 (1) IN GENERAL.—The Secretary shall carry
15 out a coastal Louisiana ecosystem program substan-
16 tially in accordance with the Plan, at a total cost of
17 \$100,000,000.

18 (2) PURPOSES.—The purposes of the program
19 under paragraph (1) shall be—

20 (A) to identify any uncertainty relating to
21 the physical, chemical, geological, biological,
22 and cultural baseline conditions in coastal Lou-
23 isiana ecosystem;

24 (B) to improve knowledge of the physical,
25 chemical, geological, biological, and cultural

1 baseline conditions in coastal Louisiana eco-
2 system; and

3 (C) to identify and develop technologies,
4 models, and methods to carry out this sub-
5 section.

6 (3) WORKING GROUPS.—The Secretary may es-
7 tablish such working groups as the Secretary deter-
8 mines to be necessary to assist the Secretary in car-
9 rying out this subsection.

10 (4) CONTRACTS AND COOPERATIVE AGREE-
11 MENTS.—In carrying out this subsection, the Sec-
12 retary may enter into a contract or cooperative
13 agreement with an individual or entity (including a
14 consortium of academic institutions in Louisiana)
15 with scientific or engineering expertise in the res-
16 toration of aquatic and marine ecosystems for coast-
17 al restoration and enhancement through science and
18 technology.

19 (5) APPLICABILITY OF THE FEDERAL ADVISORY
20 COMMITTEE ACT.—A working group established
21 under this subsection shall not be considered to be
22 an advisory committee under the Federal Advisory
23 Committee Act (5 U.S.C. App.).

24 (b) DEMONSTRATION PROJECTS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary may carry out demonstration projects
3 substantially in accordance with the Plan and within
4 the coastal Louisiana ecosystem for the purpose of
5 resolving critical areas of scientific or technological
6 uncertainty related to the implementation of the
7 comprehensive plan to be developed under section
8 7002(a).

9 (2) MAXIMUM COST.—

10 (A) TOTAL COST.—The total cost for plan-
11 ning, design, and construction of all projects
12 under this subsection shall not exceed
13 \$100,000,000.

14 (B) INDIVIDUAL PROJECT.—The total cost
15 of an individual project under this subsection
16 shall not exceed \$25,000,000.

17 (c) INITIAL PROJECTS.—

18 (1) IN GENERAL.—The Secretary is authorized
19 to carry out the following projects substantially in
20 accordance with the Plan:

21 (A) Mississippi River Gulf Outlet environ-
22 mental restoration at a total cost of
23 \$105,300,000.

24 (B) Small diversion at Hope Canal at a
25 total cost of \$68,600,000.

1 (C) Barataria basin barrier shoreline res-
2 toration at a total cost of \$242,600,000.

3 (D) Small Bayou Lafourche reintroduction
4 at a total cost of \$133,500,000.

5 (E) Medium diversion at Myrtle Grove
6 with dedicated dredging at a total cost of
7 \$278,300,000.

8 (2) MODIFICATIONS.—

9 (A) IN GENERAL.—In carrying out each
10 project under paragraph (1), the Secretary shall
11 carry out such modifications as may be nec-
12 essary to the ecosystem restoration features
13 identified in the Plan to address the impacts of
14 Hurricanes Katrina and Rita on the areas of
15 the project.

16 (B) INTEGRATION.—The Secretary shall
17 ensure that each modification under subpara-
18 graph (A) is taken into account in conducting
19 the study of comprehensive hurricane protection
20 authorized by title I of the Energy and Water
21 Development Appropriations Act, 2006 (119
22 Stat. 2247).

23 (3) CONSTRUCTION REPORTS.—Before the Sec-
24 retary may begin construction of any project under
25 this subsection, the Secretary shall submit a report

1 documenting any modifications to the project, in-
2 cluding cost changes, to the Committee on Transpor-
3 tation and Infrastructure of the House of Represent-
4 atives and the Committee on Environment and Pub-
5 lic Works of the Senate.

6 (4) APPLICABILITY OF OTHER PROVISIONS.—
7 Notwithstanding section 902 of the Water Resources
8 Development Act of 1986 (33 U.S.C. 2280), the cost
9 of a project described in paragraph (1) and any
10 modifications to the project shall not exceed 150
11 percent of the cost of such project set forth in para-
12 graph (1).

13 (d) BENEFICIAL USE OF DREDGED MATERIAL.—The
14 Secretary, substantially in accordance with the Plan, shall
15 implement in the coastal Louisiana ecosystem a program
16 for the beneficial use of material dredged from federally
17 maintained waterways at a total cost of \$100,000,000.

18 (e) ADDITIONAL PROJECTS.—

19 (1) IN GENERAL.—The Secretary is authorized
20 to carry out a project for ecosystem restoration for
21 the Chenier Plain, Louisiana, and the following
22 projects referred to in the Plan if the Secretary de-
23 termines such projects are feasible:

1 (A) Land Bridge between Caillou Lake and
2 the Gulf of Mexico at a total cost of
3 \$56,300,000.

4 (B) Gulf Shoreline at Point Au Fer Island
5 at a total cost of \$43,400,000.

6 (C) Modification of Caernarvon Diversion
7 at a total cost of \$20,700,000.

8 (D) Modification of Davis Pond Diversion
9 at a total cost of \$64,200,000.

10 (2) REPORTS.—Not later than December 31,
11 2009, the Secretary shall submit feasibility reports
12 on the projects described in paragraph (1) to the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on
15 Environment and Public Works of the Senate.

16 (3) CONSTRUCTION.—No appropriations shall
17 be made to construct any project under this sub-
18 section if the report under paragraph (2) has not
19 been approved by resolutions adopted by the Com-
20 mittee on Transportation and Infrastructure of the
21 House of Representatives and the Committee on En-
22 vironment and Public Works of the Senate.

23 **SEC. 7007. NON-FEDERAL COST SHARE.**

24 (a) CREDIT.—The Secretary shall credit toward the
25 non-Federal share of the cost of a study or project under

1 this title the cost of work carried out in the coastal Lou-
2 isiana ecosystem by the non-Federal interest before the
3 date of the execution of the partnership agreement for the
4 study or project if the Secretary determines that the work
5 is integral to the study or project.

6 (b) SOURCES OF FUNDS.—The non-Federal interest
7 may use, and the Secretary shall accept, funds provided
8 under any other Federal program to satisfy, in whole or
9 in part, the non-Federal share of the construction of any
10 project carried out under this title if such funds are au-
11 thorized to be used to carry out such project.

12 (c) TREATMENT OF CREDIT BETWEEN PROJECTS.—
13 Any credit provided under this section toward the non-
14 Federal share of the cost of a study or project under this
15 title may be applied toward the non-Federal share of the
16 cost of any other study or project under this title.

17 (d) PERIODIC MONITORING.—

18 (1) IN GENERAL.—To ensure that the contribu-
19 tions of the non-Federal interest equal the non-Fed-
20 eral share of the cost of a study or project under
21 this title during each 5-year period beginning after
22 the date of commencement of the first study or
23 project under this title, the Secretary shall—

24 (A) monitor for each study or project
25 under this title the non-Federal provision of

1 cash, in-kind services and materials, and land,
2 easements, rights-of-way, relocations, and dis-
3 posal areas; and

4 (B) manage the requirement of the non-
5 Federal interest to provide for each such study
6 or project cash, in-kind services and materials,
7 and land, easements, rights-of-way, relocations,
8 and disposal areas.

9 (2) OTHER MONITORING.—The Secretary shall
10 conduct monitoring separately for the study phase,
11 construction phase, preconstruction engineering and
12 design phase, and planning phase for each project
13 authorized on or after date of enactment of this Act
14 for all or any portion of the coastal Louisiana eco-
15 system.

16 (e) AUDITS.—Credit for land, easements, rights-of-
17 way, relocations, and disposal areas (including land value
18 and incidental costs) provided under this section, and the
19 cost of work provided under this section, shall be subject
20 to audit by the Secretary.

21 **SEC. 7008. PROJECT JUSTIFICATION.**

22 (a) IN GENERAL.—Notwithstanding section 209 of
23 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
24 other provision of law, in carrying out any project or activ-
25 ity under this title or any other provision of law to protect,

1 conserve, and restore the coastal Louisiana ecosystem, the
2 Secretary may determine that—

3 (1) the project or activity is justified by the en-
4 vironmental benefits derived by the coastal Lou-
5 isiana ecosystem; and

6 (2) no further economic justification for the
7 project or activity is required if the Secretary deter-
8 mines that the project or activity is cost effective.

9 (b) LIMITATION ON APPLICABILITY.—Subsection (a)
10 shall not apply to any separable element of a project in-
11 tended to produce benefits that are predominantly unre-
12 lated to the protection, preservation, and restoration of the
13 coastal Louisiana ecosystem.

14 **SEC. 7009. INDEPENDENT REVIEW.**

15 The Secretary shall establish the Louisiana Water
16 Resources Council which shall serve as the exclusive peer
17 review panel for projects under this title as required by
18 section 2037 of this Act.

19 **SEC. 7010. EXPEDITED REPORTS.**

20 The Secretary shall expedite completion of the re-
21 ports for the following projects and, if the Secretary deter-
22 mines that a project is justified in the completed report,
23 proceed directly to project preconstruction engineering
24 and design:

1 (1) The projects identified in the study of com-
2 prehensive hurricane protection authorized by title I
3 of the Energy and Water Development Appropria-
4 tions Act, 2006 (119 Stat. 2447).

5 (2) A project for ecosystem restoration for the
6 Chenier Plain, Louisiana.

7 (3) The project for Multipurpose Operation of
8 Houma Navigation Lock.

9 (4) The project for Terrebonne Basin Barrier
10 Shoreline Restoration.

11 (5) The project for Small Diversion at Convent/
12 Blind River.

13 (6) The project for Amite River Diversion
14 Canal Modification.

15 (7) The project for Medium Diversion at
16 White's Ditch.

17 (8) The project to convey Atchafalaya River
18 Water to Northern Terrebonne Marshes.

19 (9) The projects identified in the Southwest
20 Coastal Louisiana hurricane and storm damage re-
21 duction study authorized by the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives on December 7, 2005.

1 **SEC. 7011. REPORTING.**

2 (a) IN GENERAL.—Not later than 6 years after the
3 date of enactment of this Act, the Secretary shall submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Environment and Public Works of the Senate a report in-
7 cluding a description of—

8 (1) the projects authorized and undertaken
9 under this title;

10 (2) the construction status of the projects;

11 (3) the cost to date and the expected final cost
12 of each project undertaken under this title; and

13 (4) the benefits and environmental impacts of
14 the projects.

15 (b) EXTERNAL REVIEW.—The Secretary shall enter
16 into a contract with the National Academy of Sciences
17 under which the National Academy of Sciences shall per-
18 form and submit to the Committee on Transportation and
19 Infrastructure of the House of Representatives and the
20 Committee on Environment and Public Works of the Sen-
21 ate an external review of the demonstration program au-
22 thorized by subsection 7006(b).

23 **SEC. 7012. NEW ORLEANS AND VICINITY.**

24 (a) IN GENERAL.—The Secretary is authorized to—

25 (1) raise levee heights where necessary and oth-
26 erwise enhance the Lake Pontchartrain and Vicinity

1 Project and the West Bank and Vicinity Project to
2 provide the levels of protection necessary to achieve
3 the certification required for participation in the na-
4 tional flood insurance program under the National
5 Flood Insurance Act of 1965 (42 U.S.C. 2001 et
6 seq.);

7 (2) modify the 17th Street, Orleans Avenue,
8 and London Avenue drainage canals and install
9 pumps and closure structures at or near the lake-
10 front at Lake Pontchartrain;

11 (3) armor critical elements of the New Orleans
12 hurricane and storm damage reduction system;

13 (4) modify the Inner Harbor Navigation Canal
14 to increase the reliability of the flood protection sys-
15 tem for the city of New Orleans;

16 (5) replace or modify certain non-Federal levees
17 in Plaquemines Parish to incorporate the levees into
18 the New Orleans to Venice Hurricane Protection
19 Project;

20 (6) reinforce or replace flood walls in the exist-
21 ing Lake Pontchartrain and Vicinity Project and the
22 existing West Bank and Vicinity Project to improve
23 performance of the flood and storm damage reduc-
24 tion systems;

1 (7) perform one time stormproofing of interior
2 pump stations to ensure the operability of the sta-
3 tions during hurricanes, storms, and high water
4 events;

5 (8) repair, replace, modify and improve non-
6 Federal levees and associated protection measures in
7 Terrebonne Parish; and

8 (9) reduce the risk of storm damage to the
9 greater New Orleans metropolitan area by restoring
10 the surrounding wetlands through measures to begin
11 to reverse wetland losses in areas affected by naviga-
12 tion, oil and gas, and other channels and through
13 modification of the Caernarvon Freshwater Diver-
14 sion structure or its operations.

15 (b) FUNDING AUTHORITY.—Activities authorized by
16 subsection (a) and section 7013 shall be carried out in
17 a manner that is consistent with the cost-sharing require-
18 ments specified in the Emergency Supplemental Appro-
19 priations Act for Defense, the Global War on Terror, and
20 Hurricane Recovery, 2006 (Public Law 109–234).

21 (c) CONDITIONS.—The Secretary shall notify the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Environ-
24 ment and Public Works of the Senate if estimates for the
25 expenditure of funds on any single project or activity iden-

1 tified in subsection (a) exceeds the amount specified for
2 that project or activity in the Emergency Supplemental
3 Appropriations Act for Defense, the Global War on Ter-
4 ror, and Hurricane Recovery, 2006 (Public Law 109–
5 234). No appropriation in excess of 25 percent above the
6 amount specified for a project or activity in such Act shall
7 be made until an increase in the level of expenditure has
8 been approved by resolutions adopted by the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives and the Committee on Environment and
11 Public Works of the Senate.

12 **SEC. 7013. MISSISSIPPI RIVER GULF OUTLET.**

13 (a) DEAUTHORIZATION.—

14 (1) IN GENERAL.—The navigation channel por-
15 tion of the project for navigation, Mississippi River-
16 Gulf outlet, authorized by the Act entitled, “An Act
17 to authorize construction of the Mississippi River-
18 Gulf outlet”, approved March 29, 1956 (70 Stat.
19 65), as modified by section 844 of the Water Re-
20 sources Development Act of 1986 (100 Stat. 4177),
21 and further modified by section 326 of the Water
22 Resources Development Act of 1996 (110 Stat.
23 3717), which extends from the Gulf of Mexico to
24 mile 60 at the southern bank of the Gulf Intra-
25 coastal Waterway is not authorized.

1 (2) SCOPE.—Paragraph (1) shall not be con-
2 strued to modify or deauthorize the Inner Harbor
3 Navigation Canal Replacement Project, authorized
4 by the Act referred to in paragraph (1).

5 (b) PLAN FOR CLOSURE AND RESTORATION.—The
6 Secretary shall carry out a study and implement a project
7 to physically modify the Mississippi River-Gulf outlet and
8 to restore the areas affected by the Mississippi River-Gulf
9 outlet in accordance with the plan to be developed under
10 section 7002(a), subject to the conditions and rec-
11 ommendations in a final report of the Chief of Engineers
12 if a favorable report of the Chief is completed not later
13 than 180 days after the date of enactment of this Act.
14 The plan shall incorporate the recommendations of the In-
15 terim Mississippi River Gulf Outlet Deep-Draft De-Au-
16 thorization Report submitted to Congress in December
17 2006.

18 (c) REPORT TO CONGRESS.—Not later than 180 days
19 after the date of enactment of this Act, the Secretary shall
20 submit to the Committee on Transportation and Infra-
21 structure of the House of Representatives and the Com-
22 mittee on Environment and Public Works of the Senate
23 a report on the project described in subsection (b).

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated \$5,000,000 for the costs of

1 carrying out the study and developing the report of the
2 Chief of Engineers required by subsection (b). Such costs
3 shall be a Federal expense.

4 **TITLE VIII—UPPER MISSISSIPPI**
5 **RIVER AND ILLINOIS WATER-**
6 **WAY SYSTEM**

7 **SEC. 8001. DEFINITIONS.**

8 In this title, the following definitions apply:

9 (1) PLAN.—The term “Plan” means the project
10 for navigation and ecosystem improvements for the
11 Upper Mississippi River and Illinois Waterway Sys-
12 tem: Report of the Chief of Engineers, dated Decem-
13 ber 15, 2004.

14 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS
15 WATERWAY SYSTEM.—The term “Upper Mississippi
16 River and Illinois Waterway System” means the
17 projects for navigation and ecosystem restoration au-
18 thorized by Congress for—

19 (A) the segment of the Mississippi River
20 from the confluence with the Ohio River, River
21 Mile 0.0, to Upper St. Anthony Falls Lock in
22 Minneapolis-St. Paul, Minnesota, River Mile
23 854.0; and

24 (B) the Illinois Waterway from its con-
25 fluence with the Mississippi River at Grafton,

1 Illinois, River Mile 0.0, to T.J. O'Brien Lock in
2 Chicago, Illinois, River Mile 327.0.

3 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**
4 **TION.**

5 Except as modified by this title, the Secretary shall
6 undertake navigation improvements and restoration of the
7 ecosystem for the Upper Mississippi River and Illinois
8 Water System substantially in accordance with the Plan
9 and subject to the conditions described therein.

10 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**
11 **TION IMPROVEMENTS.**

12 (a) SMALL SCALE AND NONSTRUCTURAL MEAS-
13 URES.—

14 (1) IN GENERAL.—The Secretary shall—

15 (A) construct mooring facilities at Locks
16 12, 14, 18, 20, 22, 24, and LaGrange Lock or
17 other alternative locations that are economically
18 and environmentally feasible;

19 (B) provide switchboats at Locks 20
20 through 25; and

21 (C) conduct development and testing of an
22 appointment scheduling system.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 The total cost of projects authorized under this sub-
25 section shall be \$235,000,000. Such costs are to be

1 paid ½ from amounts appropriated from the general
2 fund of the Treasury and ½ from amounts appro-
3 priated from the Inland Waterways Trust Fund.
4 Such sums shall remain available until expended.

5 (b) NEW LOCKS.—

6 (1) IN GENERAL.—The Secretary shall con-
7 struct new 1,200-foot locks at Locks 20, 21, 22, 24,
8 and 25 on the Upper Mississippi River and at La-
9 Grange Lock and Peoria Lock on the Illinois Water-
10 way.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 The total cost of projects authorized under this sub-
13 section shall be \$1,795,000,000. Such costs are to
14 be paid ½ from amounts appropriated from the gen-
15 eral fund of the Treasury and ½ from amounts ap-
16 propriated from the Inland Waterways Trust Fund.
17 Such sums shall remain available until expended.

18 (c) CONCURRENCE.—The mitigation required for the
19 projects authorized under subsections (a) and (b), includ-
20 ing any acquisition of lands or interests in lands, shall be
21 undertaken or acquired concurrently with lands and inter-
22 ests in lands for the projects authorized under subsections
23 (a) and (b), and physical construction required for the
24 purposes of mitigation shall be undertaken concurrently
25 with the physical construction of such projects.

1 **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

2 (a) OPERATION.—To ensure the environmental sus-
3 tainability of the existing Upper Mississippi River and Illi-
4 nois Waterway System, the Secretary shall modify, con-
5 sistent with requirements to avoid adverse effects on navi-
6 gation, the operation of the Upper Mississippi River and
7 Illinois Waterway System to address the cumulative envi-
8 ronmental impacts of operation of the system and improve
9 the ecological integrity of the Upper Mississippi River and
10 Illinois River.

11 (b) ECOSYSTEM RESTORATION PROJECTS.—

12 (1) IN GENERAL.—The Secretary shall carry
13 out, consistent with requirements to avoid adverse
14 effects on navigation, ecosystem restoration projects
15 to attain and maintain the sustainability of the eco-
16 system of the Upper Mississippi River and Illinois
17 River in accordance with the general framework out-
18 lined in the Plan.

19 (2) PROJECTS INCLUDED.—Ecosystem restora-
20 tion projects may include—

21 (A) island building;

22 (B) construction of fish passages;

23 (C) floodplain restoration;

24 (D) water level management (including
25 water drawdown);

26 (E) backwater restoration;

1 (F) side channel restoration;

2 (G) wing dam and dike restoration and
3 modification;

4 (H) island and shoreline protection;

5 (I) topographical diversity;

6 (J) dam point control;

7 (K) use of dredged material for environ-
8 mental purposes;

9 (L) tributary confluence restoration;

10 (M) spillway, dam, and levee modification
11 to benefit the environment; and

12 (N) land and easement acquisition.

13 (3) COST SHARING.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraphs (B) and (C), the Federal share
16 of the cost of carrying out an ecosystem res-
17 toration project under this subsection shall be
18 65 percent.

19 (B) EXCEPTION FOR CERTAIN RESTORA-
20 TION PROJECTS.—In the case of a project
21 under this section for ecosystem restoration, the
22 Federal share of the cost of carrying out the
23 project shall be 100 percent if the project—

24 (i) is located below the ordinary high
25 water mark or in a connected backwater;

1 (ii) modifies the operation of struc-
2 tures for navigation; or

3 (iii) is located on federally owned
4 land.

5 (C) SAVINGS CLAUSE.—Nothing in this
6 subsection affects the applicability of section
7 906(e) of the Water Resources Development
8 Act of 1986 (33 U.S.C. 2283(e)).

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

16 (4) LAND ACQUISITION.—The Secretary may
17 acquire land or an interest in land for an ecosystem
18 restoration project from a willing seller through con-
19 veyance of—

20 (A) fee title to the land; or

21 (B) a flood plain conservation easement.

22 (c) MONITORING.—The Secretary shall carry out a
23 long term resource monitoring, computerized data inven-
24 tory and analysis, and applied research program for the
25 Upper Mississippi River and Illinois River to determine

1 trends in ecosystem health, to understand systemic
2 changes, and to help identify restoration needs. The pro-
3 gram shall adopt and continue the monitoring program es-
4 tablished under section 1103(e)(1)(A)(ii) of the Water Re-
5 sources Development Act of 1986 (33 U.S.C.
6 652(e)(1)(A)(ii)).

7 (d) ECOSYSTEM RESTORATION PRECONSTRUCTION
8 ENGINEERING AND DESIGN.—

9 (1) RESTORATION DESIGN.—Before initiating
10 the construction of any individual ecosystem restora-
11 tion project, the Secretary shall—

12 (A) establish ecosystem restoration goals
13 and identify specific performance measures de-
14 signed to demonstrate ecosystem restoration;

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

17 (C) for each separable element of the eco-
18 system restoration, identify specific target goals
19 for each performance indicator.

20 (2) OUTCOMES.—Performance measures identi-
21 fied under paragraph (1)(A) shall include specific
22 measurable environmental outcomes, such as
23 changes in water quality, hydrology, or the well-
24 being of indicator species the population and dis-
25 tribution of which are representative of the abun-

1 dance and diversity of ecosystem-dependent aquatic
2 and terrestrial species.

3 (3) RESTORATION DESIGN.—Restoration design
4 carried out as part of ecosystem restoration shall in-
5 clude a monitoring plan for the performance meas-
6 ures identified under paragraph (1)(A), including—

7 (A) a timeline to achieve the identified tar-
8 get goals; and

9 (B) a timeline for the demonstration of
10 project completion.

11 (e) CONSULTATION AND FUNDING AGREEMENTS.—

12 (1) IN GENERAL.—In carrying out the environ-
13 mental sustainability, ecosystem restoration, and
14 monitoring activities authorized in this section, the
15 Secretary shall consult with the Secretary of the In-
16 terior and the States of Illinois, Iowa, Minnesota,
17 Missouri, and Wisconsin.

18 (2) FUNDING AGREEMENTS.—The Secretary is
19 authorized to enter into agreements with the Sec-
20 retary of the Interior, the Upper Mississippi River
21 Basin Association, and natural resource and con-
22 servation agencies of the States of Illinois, Iowa,
23 Minnesota, Missouri, and Wisconsin to provide for
24 the direct participation of and transfer of funds to
25 such entities for the planning, implementation, and

1 evaluation of projects and programs established by
2 this section.

3 (f) SPECIFIC PROJECTS AUTHORIZATION.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this subsection
6 \$1,580,000,000, of which not more than
7 \$226,000,000 shall be available for projects de-
8 scribed in subsection (b)(2)(B) and not more than
9 \$43,000,000 shall be available for projects described
10 in subsection (b)(2)(J). Such sums shall remain
11 available until expended.

12 (2) LIMITATION ON AVAILABLE FUNDS.—Of the
13 amounts made available under paragraph (1), not
14 more than \$35,000,000 in any fiscal year may be
15 used for land acquisition under subsection (b)(4).

16 (3) INDIVIDUAL PROJECT LIMIT.—Other than
17 for projects described in subparagraphs (B) and (J)
18 of subsection (b)(2), the total cost of any single
19 project carried out under this subsection shall not
20 exceed \$25,000,000.

21 (4) MONITORING.—In addition to amounts au-
22 thorized under paragraph (1), there are authorized
23 \$10,420,000 per fiscal year to carry out the moni-
24 toring program under subsection (c) if such sums
25 are not appropriated pursuant to section 1103(e)(4)

1 the Water Resources Development Act of 1986 (33
2 U.S.C. 652(e)(4)).

3 (g) IMPLEMENTATION REPORTS.—

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

10 (A) includes baselines, milestones, goals,
11 and priorities for ecosystem restoration
12 projects; and

13 (B) measures the progress in meeting the
14 goals.

15 (2) ADVISORY PANEL.—

16 (A) IN GENERAL.—The Secretary shall ap-
17 point and convene an advisory panel to provide
18 independent guidance in the development of
19 each implementation report under paragraph
20 (1).

21 (B) PANEL MEMBERS.—Panel members
22 shall include—

23 (i) one representative of each of the
24 State resource agencies (or a designee of
25 the Governor of the State) from each of

1 the States of Illinois, Iowa, Minnesota,
2 Missouri, and Wisconsin;

3 (ii) one representative of the Depart-
4 ment of Agriculture;

5 (iii) one representative of the Depart-
6 ment of Transportation;

7 (iv) one representative of the United
8 States Geological Survey;

9 (v) one representative of the United
10 States Fish and Wildlife Service;

11 (vi) one representative of the Environ-
12 mental Protection Agency;

13 (vii) one representative of affected
14 landowners;

15 (viii) two representatives of conserva-
16 tion and environmental advocacy groups;
17 and

18 (ix) two representatives of agriculture
19 and industry advocacy groups.

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

22 (D) APPLICATION OF FEDERAL ADVISORY
23 COMMITTEE ACT.—The Advisory Panel and any
24 working group established by the Advisory
25 Panel shall not be considered an advisory com-

1 mittee under the Federal Advisory Committee
2 Act (5 U.S.C. App.).

3 (h) RANKING SYSTEM.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Advisory Panel, shall develop a system
6 to rank proposed projects.

7 (2) PRIORITY.—The ranking system shall give
8 greater weight to projects that restore natural river
9 processes, including those projects listed in sub-
10 section (b)(2).

11 **SEC. 8005. COMPARABLE PROGRESS.**

12 (a) IN GENERAL.—As the Secretary conducts pre-en-
13 gineering, design, and construction for projects authorized
14 under this title, the Secretary shall—

15 (1) select appropriate milestones;

16 (2) determine, at the time of such selection,
17 whether the projects are being carried out at com-
18 parable rates; and

19 (3) make an annual report to Congress, begin-
20 ning in fiscal year 2008, regarding whether the
21 projects are being carried out at a comparable rate.

22 (b) NO COMPARABLE RATE.—If the Secretary or
23 Congress determines under subsection (a)(2) that projects
24 authorized under this title are not moving toward comple-
25 tion at a comparable rate, annual funding requests for the

- 1 projects shall be adjusted to ensure that the projects move
- 2 toward completion at a comparable rate in the future.

Passed the House of Representatives April 19, 2007.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 128

110TH CONGRESS
1ST Session

H. R. 1495

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.

APRIL 30, 2007

Read twice and placed on the calendar