

Public Law 104-303  
104th Congress

An Act

Oct. 12, 1996

[S. 640]

Water Resources  
Development Act  
of 1996.

33 USC 2201  
note.

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1996”.

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33 USC 2201  
note.

**SEC. 2. DEFINITION.**

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

**TITLE I—WATER RESOURCES  
PROJECTS**

**SEC. 101. PROJECT AUTHORIZATIONS.**

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

(1) **AMERICAN RIVER WATERSHED, CALIFORNIA.**—

(A) **IN GENERAL.**—The project for flood damage reduction, American and Sacramento Rivers, California: Report of the Chief of Engineers, dated June 27, 1996, at a total cost of \$56,900,000, with an estimated Federal cost of \$42,675,000 and an estimated non-Federal cost of \$14,225,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) **CREDIT TOWARD NON-FEDERAL SHARE.**—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) **INTERIM OPERATION.**—Until such time as a comprehensive flood damage reduction plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) **OTHER COSTS.**—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) 25 percent of the costs incurred for the variable flood control operation of the Folsom Dam and Reservoir during the 4-year period beginning on the date of the enactment of this Act and 100 percent of such costs thereafter.

(2) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of \$15,180,000, with an estimated Federal cost of \$10,000,000 and an estimated non-Federal cost of \$5,180,000.

(3) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of \$28,300,000, with an estimated Federal cost of \$18,400,000 and an estimated non-Federal cost of \$9,900,000.

(4) PORT OF LONG BEACH (DEEPENING), CALIFORNIA.—The project for navigation, Port of Long Beach (Deepening), California: Report of the Chief of Engineers, dated July 26, 1996, at a total cost of \$37,288,000, with an estimated Federal cost of \$14,318,000 and an estimated non-Federal cost of \$22,970,000.

(5) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$21,800,000, with an estimated Federal cost of \$10,900,000 and an estimated non-Federal cost of \$10,900,000 and habitat restoration, at a total cost of \$4,050,000, with an estimated Federal cost of \$3,040,000 and an estimated non-Federal cost of \$1,010,000.

(6) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of \$5,840,000, with an estimated Federal cost of \$4,670,000 and an estimated non-Federal cost of \$1,170,000.

(7) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1996, at a total cost of \$6,440,000, with an estimated Federal cost of \$4,220,000 and an estimated non-Federal cost of \$2,220,000.

(8) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of \$17,144,000, with an estimated Federal cost of \$12,858,000 and an estimated non-Federal cost of \$4,286,000.

(9) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of \$15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility, and the non-Federal interest shall assume ownership of the bridge.

(10) CEDAR HAMMOCK (WARES CREEK), FLORIDA.—The project for flood control, Cedar Hammock (Wares Creek), Manatee County, Florida: Report of the Chief of Engineers, dated August 23, 1996, at a total cost of \$13,846,000, with an estimated Federal cost of \$10,385,000 and an estimated non-Federal cost of \$3,461,000.

(11) LOWER SAVANNAH RIVER BASIN, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Georgia and South Carolina: Report of the Chief of Engineers, dated July 30, 1996, at a total cost of \$3,431,000, with an estimated Federal cost of \$2,573,000 and an estimated non-Federal cost of \$858,000.

(12) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of \$11,470,000, with an estimated Federal cost of \$7,460,000 and an estimated non-Federal cost of \$4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest—

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(13) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of \$393,200,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(14) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$16,080,000, with an estimated Federal cost of \$10,993,000 and an estimated non-Federal cost of \$5,087,000.

(15) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$53,763,000, with an estimated non-Federal cost of \$53,763,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(16) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—The project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995,

at a total cost of \$4,440,000, with an estimated Federal cost of \$2,300,000 and an estimated non-Federal cost of \$2,140,000.

(17) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of \$126,000,000, with an estimated Federal cost of \$82,200,000 and an estimated non-Federal cost of \$43,800,000.

(18) BLUE RIVER BASIN, KANSAS CITY, MISSOURI.—The project for flood control, Blue River Basin, Kansas City, Missouri: Report of the Chief of Engineers, dated September 5, 1996, at a total cost of \$17,082,000, with an estimated Federal cost of \$12,043,000 and an estimated non-Federal cost of \$5,039,000.

(19) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of \$11,800,000, with an estimated Federal cost of \$6,040,000 and an estimated non-Federal cost of \$5,760,000.

(20) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1996, at a total cost of \$8,278,000, with an estimated Federal cost of \$5,494,000 and an estimated non-Federal cost of \$2,784,000.

(21) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of \$72,091,000, with an estimated Federal cost of \$46,859,000 and an estimated non-Federal cost of \$25,232,000.

(22) CAPE FEAR—NORTHEAST (CAPE FEAR) RIVERS, NORTH CAROLINA.—The project for navigation, Cape Fear—Northeast (Cape Fear) Rivers, North Carolina: Report of the Chief of Engineers, dated September 9, 1996, at a total cost of \$221,735,000, with an estimated Federal cost of \$132,936,000 and an estimated non-Federal cost of \$88,799,000.

(23) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$23,953,000, with an estimated Federal cost of \$15,572,000 and an estimated non-Federal cost of \$8,381,000.

(24) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$15,947,000, with an estimated Federal cost of \$11,960,000 and an estimated non-Federal cost of \$3,987,000.

(25) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total Federal cost of \$38,000,000.

(26) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total

cost of \$19,951,000, with an estimated Federal cost of \$10,557,000 and an estimated non-Federal cost of \$9,394,000.

(27) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor Deepening and Widening, South Carolina: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of \$116,639,000, with an estimated Federal cost of \$71,940,000 and an estimated non-Federal cost of \$44,699,000.

(28) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$34,600,000, with an estimated Federal cost of \$25,900,000 and an estimated non-Federal cost of \$8,700,000.

(29) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of \$18,283,000, with an estimated Federal cost of \$18,283,000.

(30) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of \$298,334,000, with an estimated Federal cost of \$197,237,000 and an estimated non-Federal cost of \$101,097,000, and an average annual cost of \$786,000 for future environmental restoration over the 50-year life of the project, with an estimated annual Federal cost of \$590,000 and an estimated annual non-Federal cost of \$196,000. The removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(31) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$229,581,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(b) PROJECTS SUBJECT TO REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report (or in the case of the project described in paragraph (10), a Detailed Project Report) of the Corps of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of \$10,365,000, with an estimated Federal cost of \$4,282,000 and an estimated non-Federal cost of \$6,083,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of \$5,700,000, with an estimated



Federal cost of \$3,700,000 and an estimated non-Federal cost of \$2,000,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St. Paul Harbor, St. Paul, Alaska, at a total cost of \$18,981,000, with an estimated Federal cost of \$12,239,000 and an estimated non-Federal cost of \$6,742,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.—The project for bluff stabilization, Norco Bluffs, Riverside County, California, at a total cost of \$8,600,000, with an estimated Federal cost of \$6,450,000 and an estimated non-Federal cost of \$2,150,000.

(5) TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.—The project for flood control and water supply, Terminus Dam, Kaweah River, California, at a total cost of \$34,500,000, with an estimated Federal cost of \$20,200,000 and an estimated non-Federal cost of \$14,300,000.

(6) REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.—The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, at a total cost of \$9,423,000, with an estimated Federal cost of \$6,125,000 and an estimated non-Federal cost of \$3,298,000, and an estimated average annual cost of \$282,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$183,000 and an estimated annual non-Federal cost of \$99,000.

(7) BREVARD COUNTY, FLORIDA.—The project for shoreline protection, Brevard County, Florida, at a total cost of \$76,620,000, with an estimated Federal cost of \$36,006,000 and an estimated non-Federal cost of \$40,614,000, and an estimated average annual cost of \$2,341,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,109,000 and an estimated annual non-Federal cost of \$1,232,000.

(8) LAKE WORTH INLET, FLORIDA.—The project for navigation and shoreline protection, Lake Worth Inlet, Palm Beach Harbor, Florida, at a total cost of \$3,915,000.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Miami, Florida, at a total cost of \$3,221,000, with an estimated Federal cost of \$1,800,000 and an estimated non-Federal cost of \$1,421,000.

(10) NEW HARMONY, INDIANA.—The project for streambank erosion protection, Wabash River at New Harmony, Indiana, at a total cost of \$2,800,000, with an estimated Federal cost of \$2,100,000 and an estimated non-Federal cost of \$700,000.

(11) WESTWEGO TO HARVEY CANAL, LOUISIANA.—The project for hurricane damage prevention and flood control, West Bank Hurricane Protection (Lake Cataouatche Area), Jefferson Parish, Louisiana, at a total cost of \$14,375,000, with an estimated Federal cost of \$9,344,000 and an estimated non-Federal cost of \$5,031,000.

(12) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor Connecting Channels, Delaware and Maryland, at a total cost of \$82,800,000, with an estimated Federal cost of \$53,852,000 and an estimated non-Federal cost of \$28,948,000.

(13) ABSECON ISLAND, NEW JERSEY.—The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, at a total cost of \$52,000,000, with an estimated Federal cost of \$34,000,000 and an estimated non-Federal cost of \$18,000,000.

#### SEC. 102. SMALL FLOOD CONTROL PROJECTS.

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

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMONADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demonade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any),

the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) MALTA, MONTANA.—Project for flood control, Malta, Montana.

(15) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(16) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(17) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(18) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, village of Mohawk, New York.

(19) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, village of Frankfort, New York.

(20) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(21) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, village of Ilion, New York.

(22) WILLAMETTE RIVER, OREGON.—Project for non-structural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

#### SEC. 103. SMALL BANK STABILIZATION PROJECTS.

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

(1) ST. JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian access features.

(2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(3) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

#### SEC. 104. SMALL NAVIGATION PROJECTS.

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

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) ILLINOIS AND MICHIGAN CANAL, ILLINOIS.—Project for navigation, Illinois and Michigan Canal, Illinois, including marina development at Lock 14.

(3) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.



(4) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(5) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(6) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(7) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(9) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(10) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York, including enlargement of the existing harbor and bank stabilization measures.

(11) GLENN COVE CREEK, NEW YORK.—Project for navigation, Glenn Cove Creek, New York, including bulkheading.

(12) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

#### **SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.**

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056):

(1) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(2) SYLVAN BEACH BREAKWATER, VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach breakwater, Verona, Oneida County, New York.

#### **SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.**

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 3 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

#### **SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is appro-

priate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) **PINE FLAT DAM, CALIFORNIA.**—Project for fish and wildlife habitat restoration, Pine Flat Dam, Kings River, California, including construction of a turbine bypass.

(2) **UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.**—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(3) **WHITTIER NARROWS DAM, CALIFORNIA.**—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) **LOWER AMAZON CREEK, OREGON.**—Project for environmental restoration, Lower Amazon Creek, Oregon, consisting of environmental restoration measures relating to the flood reduction measures constructed by the Corps of Engineers and the related flood reduction measures constructed by the Natural Resources Conservation Service.

(5) **ASHLEY CREEK, UTAH.**—Project for fish and wildlife restoration, Ashley Creek near Vernal, Utah.

(6) **UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.**—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) **CONSTRUCTION.**—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat. 4082-4083) is amended—

(1) in paragraph (2) by striking the last sentence and inserting the following: “The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.”;

(2) in paragraph (3)—

(A) by inserting “and” after “rights-of-way,”;

(B) by striking “, and dredged material disposal areas”; and

(C) by inserting “, including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities” before the period at the end of such paragraph; and

(3) by adding at the end the following:

“(5) **DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.**—In this subsection, the term ‘general navigation features’ includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.”.

(b) **OPERATION AND MAINTENANCE.**—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting “(1) IN GENERAL.—” before “The Federal”;

(2) by indenting and moving paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right;

(3) by striking “pursuant to this Act” and inserting “by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act”; and

(4) by adding at the end the following:

“(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).”.

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 2211(e)(1); 100 Stat. 4083) is amended by striking “and to provide dredged material disposal areas and perform” and inserting “including those necessary for dredged material disposal facilities, and perform”.

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 2211; 100 Stat. 4082–4084) is amended by adding at the end the following:

“(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

“(1) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities in accordance with subsections (a) and (b);

“(2) funds expended for such construction are apportioned equitably in accordance with regional needs; and

“(3) use of a dredged material disposal facility designed, constructed, managed, or operated by a private entity is not precluded if, consistent with economic and environmental considerations, the facility is the least-cost alternative.”.

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2) of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended—

(1) in subparagraph (A)—

(A) by inserting “Federal” after “means all”;

(B) by inserting “(i)” after “including”; and

(C) by inserting before the period at the end the following: “; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities”; and

(2) in subparagraph (C) by striking “rights-of-way, or dredged material disposal areas,” and inserting “or rights-of-way, .

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before that date.

33 USC 2211  
note.

(g) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by this section) shall increase, or result in the increase of, the non-Federal share of the costs of—

33 USC 2211  
note.

(1) expanding any confined dredged material disposal facility that is operated by the Secretary and that is authorized for cost recovery through the collection of tolls;

(2) any confined dredged material disposal facility for which the invitation for bids for construction was issued before the date of the enactment of this Act; and

(3) expanding any confined dredged material disposal facility constructed under section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) if the capacity of the confined dredged material disposal facility was exceeded in less than 6 years.

## SEC. 202. FLOOD CONTROL POLICY.

(a) FLOOD CONTROL COST SHARING.—

(1) INCREASED NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—Subsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213 (a) and (b)) are each amended by striking “25 percent” each place it appears and inserting “35 percent”.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall apply to any project authorized after the date of the enactment of this Act and to any flood control project that is not specifically authorized by Congress for which a Detailed Project Report is approved after such date of enactment or, in the case of a project for which no Detailed Project Report is prepared, construction is initiated after such date of enactment.

33 USC 2213  
note.

(2) PHYSICAL CONSTRUCTION DEFINED.—Section 103(e)(1) of such Act (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: “For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.”.

(b) ABILITY TO PAY.—

(1) IN GENERAL.—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

“(m) ABILITY TO PAY.—

“(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

“(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 1 year after such date of enactment to reflect the requirements of paragraph (3).

“(3) REVISION OF CRITERIA AND PROCEDURES.—In revising criteria and procedures pursuant to paragraph (2), the Secretary—

“(A) shall consider—

“(i) per capita income data for the county or counties in which the project is to be located; and

“(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

“(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

“(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

“(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary may reduce the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under criteria and procedures in effect under paragraphs (1), (2), and (3).”

(2) APPLICABILITY.—

(A) GENERALLY.—Subject to subparagraph (C), the amendment made by paragraph (1) shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest enter into a project cooperation agreement after December 31, 1997.

(B) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) NON-FEDERAL OPTION.—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) FLOODPLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—Section 402 of such Act (33 U.S.C. 701b-12; 100 Stat. 4133) is amended to read as follows:

**“SEC. 402. FLOODPLAIN MANAGEMENT REQUIREMENTS.**

“(a) COMPLIANCE WITH FLOODPLAIN MANAGEMENT AND INSURANCE PROGRAMS.—Before construction of any project for local flood protection, or any project for hurricane or storm damage reduction, that involves Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal floodplain management and flood insurance programs.

“(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of floodplain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices, and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural floodplain values.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary or the Director of the Federal Emergency Management Agency.

“(d) TECHNICAL SUPPORT.—The Secretary may provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).”

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

33 USC 701b-12  
note.

(d) NONSTRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and techniques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying non-structural flood control measures as alternatives to structural measures.

33 USC 701b-11  
note.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings of the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: “, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor”.

(f) LEVEE OWNERS MANUAL.—Section 5 of such Act of August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

“(c) LEVEE OWNERS MANUAL.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary of the Army



shall prepare a manual describing the maintenance and upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 to carry out this subsection.

“(3) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) MAINTENANCE AND UPKEEP.—The term ‘maintenance and upkeep’ means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

“(B) REPAIR AND REHABILITATION.—The term ‘repair and rehabilitation’—

“(i) means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; but

“(ii) does not include—

“(I) any improvement to the structure; or

“(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.”.

(g) VEGETATION MANAGEMENT GUIDELINES.—

(1) REVIEW.—The Secretary shall undertake a comprehensive review of the current policy guidelines on vegetation management for levees. The review shall examine current policies in view of the varied interests in providing flood control, preserving, protecting, and enhancing natural resources, protecting the rights of Native Americans pursuant to treaty and statute, and such other factors as the Secretary considers appropriate.

(2) COOPERATION AND CONSULTATION.—The review under this section shall be undertaken in cooperation with interested Federal agencies and in consultation with interested representatives of State and local governments and the public.

(3) REVISION OF GUIDELINES.—Based upon the results of the review, the Secretary shall revise, not later than 270 days after the date of the enactment of this Act, the policy guidelines so as to provide a coherent and coordinated policy for vegetation management for levees. Such revised guidelines shall address regional variations in levee management and resource needs and shall be incorporated in the manual proposed under section 5(c) of such Act of August 18, 1941 (33 U.S.C. 701n).

(h) RISK-BASED ANALYSIS METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study of the Corps of Engineers’ use of risk-based analysis for the evaluation of hydrology, hydraulics, and economics in flood damage reduction studies. The study shall include—

33 USC 701n  
note.

33 USC 701b  
note.  
Contracts.

(A) an evaluation of the impact of risk-based analysis on project formulation, project economic justification, and minimum engineering and safety standards; and

(B) a review of studies conducted using risk-based analysis to determine—

(i) the scientific validity of applying risk-based analysis in these studies; and

(ii) the impact of using risk-based analysis as it relates to current policy and procedures of the Corps of Engineers.

(2) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under paragraph (1), as well as such recommendations as the Secretary considers appropriate.

(3) **LIMITATION ON USE OF METHODOLOGY.**—During the period beginning on the date of the enactment of this Act and ending 18 months after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in paragraph (1) for the evaluation and design of a project.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$250,000 to carry out this subsection.

#### **SEC. 203. COST SHARING FOR FEASIBILITY STUDIES.**

(a) **NON-FEDERAL SHARE.**—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **COST SHARING.**—

“(A) **IN GENERAL.**—The Secretary shall not initiate any feasibility study for a water resources project after November 17, 1986, until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the study.

“(B) **PAYMENT OF COST SHARE DURING PERIOD OF STUDY.**—During the period of the study, the non-Federal share of the cost of the study payable under subparagraph (A) shall be 50 percent of the sum of—

“(i) the cost estimate for the study as contained in the feasibility cost-sharing agreement; and

“(ii) any excess of the cost of the study over the cost estimate if the excess results from—

“(I) a change in Federal law; or

“(II) a change in the scope of the study requested by the non-Federal interests.

“(C) **PAYMENT OF COST SHARE ON AUTHORIZATION OF PROJECT OR TERMINATION OF STUDY.**—

“(i) **PROJECT TIMELY AUTHORIZED.**—Except as otherwise agreed to by the Secretary and the non-Federal interests and subject to clause (ii), the non-Federal share of any excess of the cost of the study over the cost estimate (excluding any excess cost described in subparagraph (B)(ii)) shall be payable on the date on which the Secretary and the non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j) with respect to the project.



“(ii) PROJECT NOT TIMELY AUTHORIZED.—If the project that is the subject of the study is not authorized by the date that is 5 years after the completion of the final report of the Chief of Engineers concerning the study or the date that is 2 years after the termination of the study, the non-Federal share of any excess of the cost of the study over the cost estimate (excluding any excess cost described in subparagraph (B)(ii)) shall be payable to the United States on that date.

“(D) AMENDMENT OF COST ESTIMATE.—The cost estimate referred to in subparagraph (B)(i) may be amended only by agreement of the Secretary and the non-Federal interests.

“(E) IN-KIND CONTRIBUTIONS.—Not more than ½ of the non-Federal share required under this paragraph may be satisfied by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.”; and

(2) in paragraph (2) by striking “(2) This subsection” and inserting the following:

“(2) APPLICABILITY.—This subsection”.

33 USC 2215  
note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement entered into by the Secretary and the non-Federal interests. On request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of the enactment of this Act so as to conform the agreements with the amendments.

33 USC 2215  
note.

(c) NO REQUIREMENT OF REIMBURSEMENT.—Nothing in this section or any amendment made by this section requires the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

#### SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

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

(1) by striking “the operation of”; and

(2) by inserting before the period at the end the following: “and to determine if the operation of such projects has contributed to the degradation of the quality of the environment”.

(b) PROGRAM OF PROJECTS.—Section 1135(b) of such Act is amended by striking the last 2 sentences.

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—Section 1135 of such Act is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following:

“(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that construction of a water resources project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction

or operation of the project, if such measures do not conflict with the authorized project purposes.

**“(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.**—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. Not more than \$5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.”; and

(3) in subsection (f) (as so redesignated) by striking “program conducted under subsection (b)” and inserting “programs conducted under subsections (b) and (c)”.

**(d) DEFINITION.**—Section 1135 of such Act (as amended by subsection (c)(1) of this section) is amended by adding at the end the following:

**“(h) DEFINITION.**—In this section, the term ‘water resources project constructed by the Secretary’ includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).”.

#### **SEC. 205. ENVIRONMENTAL DREDGING.**

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note; 104 Stat. 4639–4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting “and remediate” after “remove” each place it appears;

(2) in subsection (b)—

(A) in paragraph (1) by inserting “and remediation” after “removal” each place it appears; and

(B) in paragraph (2) by striking “\$10,000,000” and inserting “\$20,000,000”; and

(3) by striking subsection (f) and inserting the following:

**“(f) PRIORITY WORK.**—In carrying out this section, the Secretary shall give priority to work in the following areas:

“(1) Brooklyn Waterfront, New York.

“(2) Buffalo Harbor and River, New York.

“(3) Ashtabula River, Ohio.

“(4) Mahoning River, Ohio.

“(5) Lower Fox River, Wisconsin.”.

#### **SEC. 206. AQUATIC ECOSYSTEM RESTORATION.**

22 USC 2330.

**(a) GENERAL AUTHORITY.**—The Secretary may carry out an aquatic ecosystem restoration and protection project if the Secretary determines that the project—

(1) will improve the quality of the environment and is in the public interest; and

(2) is cost-effective.

**(b) COST SHARING.**—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

**(c) AGREEMENTS.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement

and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

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

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

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

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326; 106 Stat. 4826) is amended—

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

(2) by inserting after subsection (d) the following:

“(e) **SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.**—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).”

#### **SEC. 208. RECREATION POLICY AND USER FEES.**

(a) **RECREATION POLICY.**—

(1) **IN GENERAL.**—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) **USER FEES.**—

(1) **IN GENERAL.**—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the period at the end the following: “and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of such Act at the water resources development project at which the fees were collected”.

(2) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal years 1995 and 1996, on—

(A) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) at each water resources development project; and

(B) the administrative costs associated with the collection of the day-use fees at each water resources development project.

(c) **ALTERNATIVE TO ANNUAL PASSES.**—

(1) **IN GENERAL.**—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

16 USC 460d  
note.

16 USC 460d-3  
note.

(2) **ANNUAL PASS.**—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs \$10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.

(3) **REPORT.**—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

(4) **EXPIRATION OF AUTHORITY.**—The authority to establish an annual pass under paragraph (2) shall expire on the later of December 31, 1999, or the date of transmittal of the report under paragraph (3).

#### **SEC. 209. RECOVERY OF COSTS.**

42 USC 9607  
note.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Department of the Army and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Department of the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

#### **SEC. 210. COST SHARING FOR ENVIRONMENTAL PROJECTS.**

(a) **IN GENERAL.**—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c); 100 Stat. 4085) is amended—

- (1) by striking “and” at the end of paragraph (5);
- (2) by striking the period at the end of paragraph (6) and inserting “; and”; and
- (3) by inserting after paragraph (6) the following:  
“(7) environmental protection and restoration: 35 percent; except that nothing in this paragraph shall affect or limit the applicability of section 906.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

33 USC 2213  
note.

#### **SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

33 USC 701b-13.

(a) **AUTHORITY.**—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) **STUDIES AND DESIGN ACTIVITIES.**—

(1) **BY NON-FEDERAL INTERESTS.**—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) **BY SECRETARY.**—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to provide to the United States funds for the studies and design

activities during the period in which the studies and design activities will be conducted.

(c) **COMPLETION OF STUDIES AND DESIGN ACTIVITIES.**—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary may complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) **AUTHORITY TO CARRY OUT IMPROVEMENT.**—

(1) **IN GENERAL.**—Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project, or separable element of a flood control project, based on the results of completed studies and design documents for the project or element may carry out the project or element if a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been filed for the project or element.

(2) **PERMITS.**—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority. Such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) **MONITORING.**—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) **REIMBURSEMENT.**—

(1) **GENERAL RULE.**—Subject to appropriations Acts, the Secretary may reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element of a flood control project, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) **SPECIAL RULES.**—

(A) **REIMBURSEMENT.**—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal



interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary considers appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—The Secretary may not make any reimbursement under this section until the Secretary determines that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) STOCKTON METROPOLITAN AREA, CALIFORNIA.—The project for flood control, Stockton Metropolitan Area, California.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control, Upper Guadalupe River, California.

(5) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803).

(6) BRAYS BAYOU, TEXAS.—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(7) HUNTING BAYOU, TEXAS.—The Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(8) WHITE OAK BAYOU, TEXAS.—The project for flood control, White Oak Bayou watershed, Texas.

(g) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

33 USC 2313a.

**SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.**

(a) SURVEYS, PLANS, AND STUDIES.—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports that may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1997 through 2000.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

33 USC 576b.

**SEC. 213. LEASE AUTHORITY.**

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199), under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

**SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

(a) FUNDING FROM OTHER FEDERAL SOURCES.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313; 102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting “civil works” before “mission”; and

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

“(e) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out this section.”

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Section 7 of such Act is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following:

“(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—

“(1) IN GENERAL.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

“(2) TREATMENT.—Any technology covered by this section that becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.”; and

(3) in subsection (d) (as so redesignated) by striking “(b)” and inserting “(c)”.

**SEC. 215. NATIONAL DAM SAFETY PROGRAM.**

(a) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is it the intent of this section to mandate State participation in the grant assistance program to be established under this section.

33 USC 467 note.

(b) EFFECT ON OTHER DAM SAFETY PROGRAMS.—Nothing in this section (including the amendments made by this section) shall preempt or otherwise affect any dam safety program of a Federal agency other than the Federal Emergency Management Agency, including any program that regulates, permits, or licenses any activity affecting a dam.

33 USC 467 note.

(c) DAM SAFETY PROGRAM.—The Act entitled “An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams”, approved August 8, 1972 (33 U.S.C. 467 et seq.; Public Law 92-367), is amended—

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

33 USC 467.

**“SECTION 1. SHORT TITLE.**

33 USC 467 note.

“This Act may be cited as the ‘National Dam Safety Program Act’.”;

(2) by striking sections 5 through 14;

33 USC

(3) by redesignating sections 2, 3, and 4 as sections 3,

467d-467m.

4, and 5, respectively;

33 USC

(4) by inserting after section 1 (as amended by paragraph

467a-467c.

(1) of this subsection) the following:



**“SEC. 2. DEFINITIONS.**

“In this Act, the following definitions apply:

“(1) **BOARD.**—The term ‘Board’ means a National Dam Safety Review Board established under section 8(h).

“(2) **DAM.**—The term ‘dam’—

“(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

“(i) is 25 feet or more in height from—

“(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

“(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

“(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

“(B) does not include—

“(i) a levee; or

“(ii) a barrier described in subparagraph (A) that—

“(I) is 6 feet or less in height regardless of storage capacity; or

“(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of FEMA.

“(4) **FEDERAL AGENCY.**—The term ‘Federal agency’ means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

“(5) **FEDERAL GUIDELINES FOR DAM SAFETY.**—The term ‘Federal Guidelines for Dam Safety’ means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

“(6) **FEMA.**—The term ‘FEMA’ means the Federal Emergency Management Agency.

“(7) **HAZARD REDUCTION.**—The term ‘hazard reduction’ means the reduction in the potential consequences to life and property of dam failure.

“(8) **ICODS.**—The term ‘ICODS’ means the Interagency Committee on Dam Safety established by section 7.

“(9) **PROGRAM.**—The term ‘Program’ means the national dam safety program established under section 8.

“(10) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

“(11) STATE DAM SAFETY AGENCY.—The term ‘State dam safety agency’ means a State agency that has regulatory authority over the safety of non-Federal dams.

“(12) STATE DAM SAFETY PROGRAM.—The term ‘State dam safety program’ means a State dam safety program approved and assisted under section 8(f).

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

(5) in section 3 (as redesignated by paragraph (3) of this subsection)— 33 USC 467a.

(A) by striking “SEC. 3. As” and inserting the following:

**“SEC. 3. INSPECTION OF DAMS.**

“(a) IN GENERAL.—As”; and

(B) by adding at the end the following:

“(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

“(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

“(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.”;

(6) in section 4 (as redesignated by paragraph (3) of this subsection) by striking “SEC. 4. As” and inserting the following: 33 USC 467b.

**“SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.**

“As”;

(7) in section 5 (as redesignated by paragraph (3) of this subsection) by striking “SEC. 5. For” and inserting the following: 33 USC 467c.

**“SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.**

“For”; and

(8) by inserting after section 5 (as redesignated by paragraph (3) of this subsection) the following:

**“SEC. 6. NATIONAL DAM INVENTORY.**

33 USC 467d.

“The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

**“SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.**

33 USC 467e.

“(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

“(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

“(2) chaired by the Director.

“(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

“(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

“(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

33 USC 467f.

**“SEC. 8. NATIONAL DAM SAFETY PROGRAM.**

“(a) **IN GENERAL.**—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

“(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

“(2) involve, to the extent appropriate, each Federal agency; and

“(3) include—

“(A) each of the components described in subsection (d);

“(B) the implementation plan described in subsection (e); and

“(C) assistance for State dam safety programs described in subsection (f).

“(b) **DUTIES.**—The Director shall—

“(1) not later than 270 days after the date of the enactment of this paragraph, develop the implementation plan described in subsection (e);

“(2) not later than 300 days after the date of the enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

“(3) by regulation, not later than 360 days after the date of the enactment of this paragraph—

“(A) develop and implement the Program;

“(B) establish goals, priorities, and target dates for implementation of the Program; and

“(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

“(c) **OBJECTIVES.**—The objectives of the Program are to—

“(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

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

“(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

“(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

“(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

“(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

“(d) **COMPONENTS.**—

Regulations.

“(1) IN GENERAL.—The Program shall consist of—

“(A) a Federal element and a non-Federal element;  
and

“(B) leadership activity, technical assistance activity,  
and public awareness activity.

“(2) ELEMENTS.—

“(A) FEDERAL.—The Federal element shall incorporate  
the activities and practices carried out by Federal agencies  
under section 7 to implement the Federal Guidelines for  
Dam Safety.

“(B) NON-FEDERAL.—The non-Federal element shall  
consist of—

“(i) the activities and practices carried out by  
States, local governments, and the private sector to  
safely build, regulate, operate, and maintain dams;  
and

“(ii) Federal activities that foster State efforts to  
develop and implement effective programs for the  
safety of dams.

“(3) FUNCTIONAL ACTIVITIES.—

“(A) LEADERSHIP.—The leadership activity shall be the  
responsibility of FEMA and shall be exercised by chairing  
ICODS to coordinate Federal efforts in cooperation with  
State dam safety officials.

“(B) TECHNICAL ASSISTANCE.—The technical assistance  
activity shall consist of the transfer of knowledge and tech-  
nical information among the Federal and non-Federal ele-  
ments described in paragraph (2).

“(C) PUBLIC AWARENESS.—The public awareness activ-  
ity shall provide for the education of the public, including  
State and local officials, in the hazards of dam failure,  
methods of reducing the adverse consequences of dam fail-  
ure, and related matters.

“(e) IMPLEMENTATION PLAN.—The Director shall—

“(1) develop an implementation plan for the Program that  
shall set, through fiscal year 2002, year-by-year targets that  
demonstrate improvements in dam safety; and

“(2) recommend appropriate roles for Federal agencies and  
for State and local units of government, individuals, and private  
organizations in carrying out the implementation plan.

“(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

“(1) IN GENERAL.—To encourage the establishment and  
maintenance of effective State programs intended to ensure  
dam safety, to protect human life and property, and to improve  
State dam safety programs, the Director shall provide assist-  
ance with amounts made available under section 12 to assist  
States in establishing and maintaining dam safety programs—

“(A) in accordance with the criteria specified in para-  
graph (2); and

“(B) in accordance with more advanced requirements  
and standards established by the Board and the Director  
with the assistance of established criteria such as the Model  
State Dam Safety Program published by FEMA, numbered  
123 and dated April 1987, and amendments to the Model  
State Dam Safety Program.

“(2) CRITERIA AND BUDGETING REQUIREMENT.—For a State  
to be eligible for primary assistance under this subsection,

a State dam safety program must be working toward meeting the following criteria and budgeting requirement, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and budgeting requirement and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

“(A) CRITERIA.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include substantially, at a minimum—

“(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

“(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

“(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

“(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

“(II) a procedure for more detailed and frequent safety inspections;

“(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

“(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

“(vii) regulations for carrying out the legislation of the State described in this subparagraph;

“(viii) provision for necessary funds—

“(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

“(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

“(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

“(x) an identification of—

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

“(II) the maximum area that could be flooded if the dam failed; and

“(III) necessary public facilities that would be affected by the flooding.

“(B) BUDGETING REQUIREMENT.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

“(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program to reach a level of program performance specified in the contract.

Contracts.

“(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the 2 fiscal years preceding the fiscal year.

“(5) APPROVAL OF PROGRAMS.—

“(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director for approval.

“(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to meet the requirements of paragraphs (1) through (3).

“(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

“(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

“(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

“(h) BOARD.—

“(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the ‘National Dam Safety Review Board’ to monitor State implementation of this section.

“(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

“(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

“(A) 1 member shall represent the Department of Agriculture;

“(B) 1 member shall represent the Department of Defense;



“(C) 1 member shall represent the Department of the Interior;

“(D) 1 member shall represent FEMA;

“(E) 1 member shall represent the Federal Energy Regulatory Commission;

“(F) 5 members shall be selected by the Director from among dam safety officials of States; and

“(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

“(4) COMPENSATION OF MEMBERS.—

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

“(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

“(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

“(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

33 USC 467g.

**“SEC. 9. RESEARCH.**

“(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

“(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

“(2) devices for the continued monitoring of the safety of dams.

“(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

33 USC 467h.

**“SEC. 10. REPORTS.**

“(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of the enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

“(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

“(1) describes the status of the Program;

“(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

“(3) describes the progress achieved in dam safety by States participating in the Program; and

“(4) includes any recommendations for legislative and other action that the Director considers necessary.

**“SEC. 11. STATUTORY CONSTRUCTION.**

33 USC 467i.

“Nothing in this Act and no action or failure to act under this Act shall—

“(1) create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act;

“(2) relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam; or

“(3) preempt any other Federal or State law.

**“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

33 USC 467j.

**“(a) NATIONAL DAM SAFETY PROGRAM.—**

“(1) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), \$1,000,000 for fiscal year 1998, \$2,000,000 for fiscal year 1999, \$4,000,000 for fiscal year 2000, \$4,000,000 for fiscal year 2001, and \$4,000,000 for fiscal year 2002.

**“(2) ALLOCATION.—**

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 8 shall be allocated among the States as follows:

“(i) One-third among States that qualify for assistance under section 8(f).

“(ii) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

“(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

“(II) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

“(B) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

“(C) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

“(b) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 \$500,000 for each fiscal year.

“(c) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) \$500,000 for each of fiscal years 1998 through 2002.

“(d) RESEARCH.—There is authorized to be appropriated to carry out section 9 \$1,000,000 for each of fiscal years 1998 through 2002.

“(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 \$400,000 for each of fiscal years 1998 through 2002.



“(f) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.”.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2); 108 Stat. 1560) is amended by striking “the first section of Public Law 92-367 (33 U.S.C. 467)” and inserting “section 2 of the National Dam Safety Program Act”.

33 USC 2321a.

**SEC. 216. HYDROELECTRIC POWER PROJECT UPRATING.**

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may take, to the extent funds are made available in appropriations Acts, such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

- (1) is economically justified and financially feasible;
- (2) will not result in any significant adverse effect on the other purposes for which the project is authorized;
- (3) will not result in significant adverse environmental impacts;
- (4) will not involve major structural or operational changes in the project; and
- (5) will not adversely affect the use, management, or protection of existing Federal, State, or tribal water rights.

(b) CONSULTATION.—Before proceeding with the proposed uprating under subsection (a), the Secretary shall provide affected State, tribal, and Federal agencies with a copy of the proposed determinations under subsection (a). If the agencies submit comments, the Secretary shall accept those comments or respond in writing to any objections those agencies raise to the proposed determinations.

(c) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1; 106 Stat. 3099).

33 USC 2326a.

**SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal interest may recover the costs assigned to the additional capacity through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fees shall be equal to the percentage of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section

shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

#### SEC. 218. OBSTRUCTION REMOVAL REQUIREMENT.

(a) **PENALTY.**—Section 16 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking “thirteen, fourteen, and fifteen” each place it appears and inserting “13, 14, 15, 19, and 20”; and

(2) by striking “not exceeding twenty-five hundred dollars nor less than five hundred dollars” and inserting “of up to \$25,000 per day”.

(b) **GENERAL AUTHORITY.**—Section 20 of such Act (33 U.S.C. 415) is amended—

(1) in subsection (a) by striking “expense” the 1st place it appears and inserting “actual expense, including administrative expenses,”;

(2) in subsection (b) by striking “cost” and inserting “actual cost, including administrative costs,”;

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following:

“(b) **REMOVAL REQUIREMENT.**—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal on an expedited basis, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).”.

#### SEC. 219. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 24, 1946 (33 U.S.C. 701r), is amended—

(1) by striking “\$12,500,000” and inserting “\$15,000,000”; and

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

#### SEC. 220. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended by striking the period at the end of the 1st sentence and inserting the following: “; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000.”.

**SEC. 221. PLANNING ASSISTANCE TO STATES.**

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

(1) in subsection (a) by inserting “, watersheds, or ecosystems” after “basins”;

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking “\$6,000,000” and inserting “\$10,000,000”; and

(B) by striking “\$300,000” and inserting “\$500,000”.

**SEC. 222. CORPS OF ENGINEERS EXPENSES.**

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

(1) by striking “continental limits of the”; and

(2) by striking the 2d colon and all that follows through “for this purpose”.

**SEC. 223. STATE AND FEDERAL AGENCY REVIEW PERIOD.**

Paragraph (a) of the 1st section of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved December 22, 1944 (33 U.S.C. 701-1(a); 58 Stat. 888), is amended—

(1) by striking “Within ninety” and inserting “Within 30”; and

(2) by striking “ninety-day period.” and inserting “30-day period.”.

**SEC. 224. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.**

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended—

(1) by striking “\$3,000,000” and inserting “\$5,000,000”; and

(2) by striking the final period.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the Authority an amount not to exceed a total of \$5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of the enactment of this Act.

**SEC. 225. MELALEUCA.**

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting “melaleuca,” after “milfoil,”.

**SEC. 226. SEDIMENTS DECONTAMINATION TECHNOLOGY.**

(a) PROJECT PURPOSE.—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

“(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot

scale demonstrating a capacity of at least 500,000 cubic yards per year.”

33 USC 2239  
note.

(b) AUTHORIZATION OF APPROPRIATIONS.—The 1st sentence of section 405(c) of such Act is amended to read as follows: “There is authorized to be appropriated to carry out this section \$10,000,000.”

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

“(d) REPORTS.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the purpose of the project set forth in subsection (a)(3).”

#### SEC. 227. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the 1st section of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e), is amended—

(1) by striking “damage to the shores” and inserting “damage to the shores and beaches”; and

(2) by striking “the following provisions” and all that follows through the period at the end of such subsection and inserting the following: “this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.”

(b) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking “(e) No” and inserting the following:

“(e) AUTHORIZATION OF PROJECTS.—

“(1) IN GENERAL.—No”;

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

“(2) STUDIES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

“(ii) conduct such studies as Congress requires under applicable laws; and

“(iii) report the results of the studies to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Reports.

**"(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—**

**"(i) IN GENERAL.—**The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

**"(ii) CONSIDERATIONS.—**In making recommendations, the Secretary shall consider the economic and ecological benefits of the shore protection project.

**"(C) COORDINATION OF PROJECTS.—**In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

**"(i)** determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

**"(ii)** if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

**"(3) SHORE PROTECTION PROJECTS.—**

**"(A) IN GENERAL.—**The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

**"(B) AGREEMENTS.—**

**"(i) REQUIREMENT.—**After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

**"(ii) TERMS.—**The agreement shall—

**"(I)** specify the life of the project; and

**"(II)** ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

**"(C) COORDINATION OF PROJECTS.—**In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C)."

**(c) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—**

**(1) SMALL SHORE PROTECTION PROJECTS.—**Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f), is amended—

**(A)** by striking "SEC. 2. The Secretary of the Army" and inserting the following:

**"SEC. 2. REIMBURSEMENTS.**

**"(a) IN GENERAL.—**The Secretary";

**(B)** in subsection (a) (as designated by subparagraph (A) of this paragraph)—

**(i)** by striking "local interests" and inserting "non-Federal interests";



- (ii) by inserting “or separable element of the project” after “project”; and
- (iii) by inserting “or separable elements” after “projects” each place it appears; and
- (C) by adding at the end the following:

“(b) AGREEMENTS.—

“(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

“(2) TERMS.—The agreement shall—

“(A) specify the life of the project; and

“(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.”.

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: “and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)”.

(d) STATE AND REGIONAL PLANS.—The Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, is amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

33 USC 426g-1.

“SEC. 4. STATE AND REGIONAL PLANS.

“The Secretary may—

“(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

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

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

(e) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM AND DEFINITIONS.—

(1) IN GENERAL.—The Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e et seq.), is amended by striking section 5 (as redesignated by subsection (d)(1) of this section) and inserting the following:

33 USC 426h.

“SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

“(a) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 6 years beginning on the date that funds are made available to carry out this section.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The erosion control program shall include provisions for—

“(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 3 years of the erosion control program;

“(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

“(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

“(D) technology transfers to private property owners and State and local entities.

“(2) EMPHASIS.—The projects carried out under the erosion control program shall emphasize, to the extent practicable—

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

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

“(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

“(D) the avoidance of negative impacts to adjacent shorefront communities;

“(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

“(F) the potential for long-term protection afforded by the technology; and

“(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962d-5 note; 88 Stat. 26), including—

“(i) adequate consideration of the subgrade;

“(ii) proper filtration;

“(iii) durable components;

“(iv) adequate connection between units; and

“(v) consideration of additional relevant information.

“(3) SITES.—

“(A) IN GENERAL.—Each project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

“(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the projects, including—

“(i) a variety of geographical and climatic conditions;

“(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

“(iii) the rate of erosion;

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

“(v) significant threatened historic structures or landmarks.

“(C) AREAS.—Projects under the erosion control program shall be carried out at not fewer than—

“(i) 2 sites on each of the shorelines of the Atlantic and Pacific coasts;

“(ii) 2 sites on the shoreline of the Great Lakes; and

“(iii) 1 site on the shoreline of the Gulf of Mexico.

“(4) DETERMINATION OF FEASIBILITY.—Implementation of a project under this section is contingent upon a determination by the Secretary that such project is feasible.

“(c) CONSULTATION.—

“(1) PARTIES.—The Secretary shall carry out the erosion control program in consultation with—

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

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

“(C) private organizations;

“(D) the Coastal Engineering Research Center established under the 1st section of the Act entitled ‘An Act to make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes’, approved November 7, 1963 (33 U.S.C. 426-1); and

“(E) university research facilities.

“(2) AGREEMENTS.—The consultation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (b)(1) when appropriate.

“(d) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

“(e) FUNDING.—

“(1) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$21,000,000 to carry out this section.

#### “SEC. 6. DEFINITIONS.

“In this Act, the following definitions apply:

“(1) EROSION CONTROL PROGRAM.—The term ‘erosion control program’ means the national shoreline erosion control development and demonstration program established under this section.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army.

“(3) SEPARABLE ELEMENT.—The term ‘separable element’ has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

“(4) SHORE.—The term ‘shore’ includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

“(5) SHORE PROTECTION PROJECT.—The term ‘shore protection project’ includes a project for beach nourishment, including the replacement of sand.”

(2) CONFORMING AMENDMENTS.—The Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the 1st section (33 U.S.C. 426e(b)(3))—

(i) by striking “of the Army, acting through the Chief of Engineers,”; and

(ii) by striking the final period;

(B) in subsection (e) of the 1st section by striking “section 3” and inserting “section 3 or 5”; and

(C) in section 3 (33 U.S.C. 426g) by striking “Secretary of the Army” and inserting “Secretary”.

(f) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2; 84 Stat. 1829) is amended by inserting “(including shore protection projects such as projects for beach nourishment, including the replacement of sand)” after “water resource projects”.

#### SEC. 228. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2); 100 Stat. 4201) is amended—

(1) in the 1st sentence by striking “10” and inserting “7”;

(2) in the 2d sentence by striking “Before” and inserting “Upon”; and

(3) in the last sentence by inserting “the planning, design, or” before “construction”.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

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

(3) in subsection (d) (as so redesignated) by striking “or subsection (a) of this section”.

#### SEC. 229. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

33 USC 2313b.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—With respect to contracts for research and development, the Secretary may include requirements

that have potential commercial application and may use such potential application as an evaluation factor where appropriate.

33 USC 2284a.

**SEC. 230. BENEFITS TO NAVIGATION.**

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

**SEC. 231. LOSS OF LIFE PREVENTION.**

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281; 100 Stat. 4185) is amended by inserting “and information regarding potential loss of human life that may be associated with flooding and coastal storm events,” after “unquantifiable.”

33 USC 2284b.

**SEC. 232. SCENIC AND AESTHETIC CONSIDERATIONS.**

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

**SEC. 233. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.**

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking “(b) PUBLIC PARTICIPATION.—”; and

(B) by striking “subsection” each place it appears and inserting “section”.

33 USC 2323a.

**SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**

(a) **IN GENERAL.**—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States.

(b) **CONSULTATION.**—The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State.

(c) **USE OF CORPS’ EXPERTISE.**—The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(d) **FUNDING.**—There is authorized to be appropriated \$1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

33 USC 2201  
note.

**SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

**SEC. 236. TECHNICAL CORRECTIONS.**

(a) **CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.**—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b); 106 Stat. 4826) is amended by striking “(8662)” and inserting “(8862)”.

(b) **CHALLENGE COST-SHARING PROGRAM.**—The 2d sentence of section 225(c) of such Act (33 U.S.C. 2328(c); 106 Stat. 4838) is amended by striking “(8662)” and inserting “(8862)”.

**SEC. 237. HOPPER DREDGES.**

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

“(c) **PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.**—

“(1) **INITIATION.**—The Secretary shall initiate a program to increase the use of private-industry hopper dredges for the construction and maintenance of Federal navigation channels.

“(2) **READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.**—In order to carry out this subsection, the Secretary shall place the Federal hopper dredge Wheeler in a ready reserve status not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 563 of the Water Resources Development Act of 1996 or October 1, 1997.

“(3) **TESTING AND USE OF READY RESERVE HOPPER DREDGE.**—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under paragraph (2) to ensure the vessel’s ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only if the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

“(4) **REPAIR AND REHABILITATION.**—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed in active status as provided in paragraph (3).

“(5) **PROCEDURES.**—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

“(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

“(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

“(6) **REPORT.**—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status under paragraph (2) is needed to be returned to active



status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

“(7) LIMITATIONS.—

“(A) REDUCTIONS IN STATUS.—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years that the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

“(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in active status than was assigned to that vessel in the average of the 3 prior fiscal years.

“(C) REMAINING DREDGES.—In carrying out the program under this section, the Secretary shall not reduce the availability and utilization of Federal hopper dredge vessels stationed on the Pacific and Atlantic coasts below that which occurred in fiscal year 1996 to meet the navigation dredging needs of the ports on those coasts.

“(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—The Secretary may enter into a contract for the maintenance and crewing of any Federal hopper dredge retained in a ready reserve status. The capital costs (including depreciation costs) of any dredge retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the dredge is specifically used in connection with that project.”

## TITLE III—PROJECT-RELATED PROVISIONS

### SEC. 301. PROJECT MODIFICATIONS.

#### (a) PROJECTS WITH REPORTS.—

(1) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—The project for flood control, San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated May 28, 1996, at a total cost of \$21,100,000, with an estimated Federal cost of \$13,800,000 and an estimated non-Federal cost of \$7,300,000.

(2) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified to direct the Secretary—

(A) to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project; and

(B) to carry out the combined project substantially in accordance with the plans and subject to the conditions recommended in the report of the Corps of Engineers dated

July 15, 1994, at a total cost of \$90,850,000, with an estimated Federal cost of \$59,150,000 and an estimated non-Federal cost of \$31,700,000.

The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

(3) **SAN LUIS REY, CALIFORNIA.**—The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5; 79 Stat. 1073-1074), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated May 23, 1996, at a total cost of \$81,600,000, with an estimated Federal cost of \$61,100,000 and an estimated non-Federal cost of \$20,500,000.

(4) **POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.**—The project for flood control, Potomac River, Washington, District of Columbia, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (49 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of \$1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

(5) **NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.**—The project for flood control, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary—

(A) to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 26, 1994, at a total cost of \$34,228,000, with an estimated Federal cost of \$20,905,000 and an estimated non-Federal cost of \$13,323,000; and

(B) to reimburse the city of Deerfield, Illinois, an amount not to exceed \$38,500 for a flood control study financed by the city if the Secretary determines that the study is necessary to address residual damages in areas upstream of Reservoir 29A.

(6) **HALSTEAD, KANSAS.**—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of \$11,100,000, with an estimated Federal cost of \$8,325,000 and an estimated non-Federal cost of \$2,775,000.

(7) **CAPE GIRARDEAU, MISSOURI.**—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118-4119), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated July 18, 1994, including implementation of nonstructural measures,

at a total cost of \$45,414,000, with an estimated Federal cost of \$33,030,000 and an estimated non-Federal cost of \$12,384,000.

(8) MOLLY ANN'S BROOK, NEW JERSEY.—The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of \$40,100,000, with an estimated Federal cost of \$22,600,000 and an estimated non-Federal cost of \$17,500,000.

(9) RAMAPO RIVER AT OAKLAND, NEW JERSEY.—The project for flood control, Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of \$11,300,000, with an estimated Federal cost of \$8,500,000 and an estimated non-Federal cost of \$2,800,000.

(10) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of \$52,041,000, with an estimated Federal cost of \$25,729,000 and an estimated non-Federal cost of \$26,312,000.

(11) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000.

(12) SAN JUAN HARBOR, PUERTO RICO.—The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as described in the General Reevaluation Report and Environmental Assessment dated March 1994, at a total cost of \$45,085,000, with an estimated Federal cost of \$28,244,000 and an estimated non-Federal cost of \$16,841,000.

(13) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for navigation, India Point Railroad Bridge, Seekonk River, Providence, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (100 Stat. 4258), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report dated August 1994 at a total cost of \$1,300,000, with an estimated Federal cost of \$650,000 and an estimated non-Federal cost of \$650,000.

(14) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the General Design Memorandum for the project dated March 1994, and the Post Authorization Change Report for the project dated April 1994, at a total cost of \$12,870,000, with an estimated Federal cost of \$8,580,000 and an estimated non-Federal cost of \$4,290,000.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a report by the Corps of Engineers finding that such work is technically sound, environmentally acceptable, and economic, as applicable:

(1) ALAMO DAM, ARIZONA.—The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

(2) PHOENIX, ARIZONA.—The project for flood control and water quality improvement, Phoenix, Arizona, authorized by section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848), is modified—

(A) to make ecosystem restoration a project purpose; and

(B) to authorize the Secretary to construct the project at a total cost of \$17,500,000.

(3) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled “An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes”, approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modified to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of \$14,200,000.

(4) TYBEE ISLAND, GEORGIA.—The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5; 79 Stat. 1073-1074), is modified to include as an integral part of the project the portion of Tybee Island located south of the existing south terminal groin between 18th and 19th Streets, including the east bank of Tybee Creek up to Horse Pen Creek.

(5) COMITE RIVER, LOUISIANA.—The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802-4803), is modified to authorize the Secretary to

construct the project at a total cost of \$121,600,000, with an estimated Federal cost of \$70,577,000 and an estimated non-Federal cost of \$51,023,000.

(6) GRAND ISLE AND VICINITY, LOUISIANA.—The project for hurricane damage prevention, flood control, and beach erosion along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of \$17,000,000.

(7) RED RIVER WATERWAY, LOUISIANA.—The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), is further modified—

(A) to authorize the Secretary to carry out the project at a total cost of \$10,500,000; and

(B) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

(8) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of the enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(9) STILLWATER, MINNESOTA.—The project for flood control, Stillwater, Minnesota, authorized by section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861-4862), is modified—

(A) to authorize the Secretary to expand the flood wall system if the Secretary determines that the expansion is feasible; and

(B) to authorize the Secretary to construct the project at a total cost of \$11,600,000, with an estimated Federal cost of \$8,700,000 and an estimated non-Federal cost of \$2,900,000.

(10) JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.—The streambank restoration element of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) and known as the “Joseph G. Minish Passaic River Waterfront Park and Historic Area, New Jersey”, is modified—

(A) to authorize the Secretary to construct such element at a total cost of \$75,000,000;

(B) to provide that construction of such element may be undertaken before implementation of the remainder of the Passaic River Main Stem project; and

(C) to provide that such element shall be treated, for the purpose of economic analysis, as an integral part of



the Passaic River Main Stem project and shall be completed in the initial phase of the Passaic River Main Stem project.

(11) ARTHUR KILL, NEW YORK AND NEW JERSEY.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet, at a total cost of \$83,000,000.

(12) KILL VAN KULL, NEW YORK AND NEW JERSEY.—

(A) COST INCREASE.—The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of \$750,000,000.

(B) CONTINUATION OF ENGINEERING AND DESIGN.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313) and section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095).

#### **SEC. 302. MOBILE HARBOR, ALABAMA.**

The undesignated paragraph under the heading “MOBILE HARBOR, ALABAMA” in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the 1st semicolon and all that follows and inserting a period and the following: “In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.”.

#### **SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with subsections (k) and (m) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and to direct the Secretary to enter into negotiations with non-Federal interests pursuant to section 103(l) of such Act concerning the timing of the initial payment of the non-Federal contribution.

#### **SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

The project for flood control and power generation at White River Basin, Arkansas and Missouri, authorized by section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the additional purposes do not adversely affect flood control, power generation, or other authorized purposes of the project.



**SEC. 305. CHANNEL ISLANDS HARBOR, CALIFORNIA.**

The project for navigation and shore protection, Channel Islands Harbor, Port of Hueneme, California, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252), is modified to authorize biennial dredging and sand bypassing at an annual downcoast replenishment rate to establish and maintain a littoral sediment balance which is estimated at 1,254,000 cubic yards per year. The cost of such dredging and sand bypassing shall be 100 percent Federal as long as Federal ownership of the entrance channel and jetties of the Port of Hueneme necessitates restoration and maintenance of the downcoast shoreline.

**SEC. 306. LAKE ELSINORE, CALIFORNIA.**

(a) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project for flood control, Lake Elsinore, Riverside County, California, shall be \$7,500,000.

(b) **REVISION OF PROJECT COOPERATION AGREEMENT.**—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

(c) **COST SHARING.**—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under the Water Resources Development Act of 1986.

(d) **STUDY.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the project for flood control, Lake Elsinore, Riverside County, California, to permit water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

Reports.

**SEC. 307. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.**

The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of such Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately \$12,000,000 shall be considered to be a relocation. The cost of such relocation shall be credited as a payment provided by the non-Federal interest.

**SEC. 308. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.**

The non-Federal share for a project to add water conservation to the existing Los Angeles County Drainage Area, California, project, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

**SEC. 309. PRADO DAM, CALIFORNIA.****(a) REVIEW.—**

(1) **SEPARABLE ELEMENT DETERMINATION.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element (as defined in section 103(f) of such Act (33 U.S.C. 2213(f))).

(2) **MODIFICATION OF COST-SHARING REQUIREMENT.**—If the Prado Dam feature is determined to be a separable element under this subsection, the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of such Act and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) **SAFETY IMPROVEMENTS.**—The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project referred to in subsection (a)(1).

**SEC. 310. QUEENSWAY BAY, CALIFORNIA.**

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following: "In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of \$5,000,000. The Secretary shall coordinate with Federal and State agencies the establishment of suitable dredged material disposal areas."

**SEC. 311. SEVEN OAKS DAM, CALIFORNIA.**

The non-Federal share for a project to add water conservation to the Seven Oaks Dam, authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

**SEC. 312. THAMES RIVER, CONNECTICUT.**

(a) **MODIFICATION.**—The project for navigation, Thames River, Connecticut, authorized by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: Beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06

feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) **PAYMENT FOR INITIAL DREDGING.**—Any required initial dredging of the widened portions identified in subsection (a) shall be carried out at no cost to the Federal Government.

(c) **DEAUTHORIZATION.**—The portions of the turning basin that are not included in the reconfigured turning basin described in subsection (a) are not authorized after the date of the enactment of this Act.

#### **SEC. 313. CANAVERAL HARBOR, FLORIDA.**

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

#### **SEC. 314. CAPTIVA ISLAND, FLORIDA.**

The project for shoreline protection, Captiva Island, Lee County, Florida, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5; 79 Stat. 1073), is modified to direct the Secretary to reimburse the non-Federal interest for beach nourishment work carried out by such interest as if such work occurred after execution of the agreement entered into pursuant to section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a) with respect to such project if the Secretary determines that such work is compatible with the project.

#### **SEC. 315. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.**

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this section shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

**SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 111.**

(a) **IN GENERAL.**—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled “Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida”, dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) **SECRETARY OF INTERIOR RESPONSIBILITY.**—The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Secretary of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent; except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

**SEC. 317. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.**

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139–4140), is modified to direct the Secretary to carry out a project for mitigation consisting of measures for flow and circulation improvement within Mill Cove, at an estimated total Federal cost of \$2,000,000.

**SEC. 318. PANAMA CITY BEACHES, FLORIDA.**

(a) **IN GENERAL.**—The project for shoreline protection, Panama City Beaches, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133), is modified to direct the Secretary to enter into an agreement with the non-Federal interest for carrying out such project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1).

(b) **REPORTS.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the progress made in carrying out this section and a report on implementation of section 206 of the Water Resources Development Act of 1992.

**SEC. 319. CHICAGO, ILLINOIS.**

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project to not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the

vicinity of McCook, Illinois, and to provide that the reservoir project may be constructed only on the basis of a specific plan that has been evaluated by the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 320. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.**

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311), and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137), is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary may carry out such repairs and installations as are necessary following completion of the study.

**SEC. 321. KASKASKIA RIVER, ILLINOIS.**

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

**SEC. 322. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.**

Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

(1) by striking “, that requires no separable project lands and” and inserting “on project lands and other contiguous non-project lands, including those lands referred to as the Alton Commons. The recreational development”;

(2) by inserting “shall be” before “at a Federal construction”; and

(3) by striking “. The recreational development” and inserting “, and”.

**SEC. 323. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of \$85,975,000, with an estimated Federal cost of \$39,975,000 and an estimated non-Federal cost of \$46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February 15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

**SEC. 324. BAPTISTE COLLETTE BAYOU, LOUISIANA.**

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette



Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of \$80,000, including \$4,000 for surveys and \$76,000 for Coast Guard aids to navigation.

**SEC. 325. LAKE PONTCHARTRAIN, LOUISIANA.**

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

**SEC. 326. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.**

Section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended by adding at the end the following:

“(c) **COMMUNITY IMPACT MITIGATION PLAN.**—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).”.

**SEC. 327. TOLCHESTER CHANNEL, MARYLAND.**

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

**SEC. 328. CROSS VILLAGE HARBOR, MICHIGAN.**

(a) **GENERAL RULE.**—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405), shall remain authorized to be carried out by the Secretary.

(b) **LIMITATION.**—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

**SEC. 329. SAGINAW RIVER, MICHIGAN.**

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311), is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of \$500,000.

**SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.**

(a) **IN GENERAL.**—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149



of the Water Resources Development Act of 1986 (100 Stat. 4254-4255), is modified as follows:

(1) **PAYMENT OF NON-FEDERAL SHARE.**—The non-Federal share of the cost of the project shall be paid as follows:

(A) That portion of the non-Federal share that the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(B) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(2) **PAYMENT TERM OF ADDITIONAL PERCENTAGE.**—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(b) **GREAT LAKES STATES DEFINED.**—In this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

**SEC. 331. ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.**

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

**SEC. 332. LOST CREEK, COLUMBUS, NEBRASKA.**

(a) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be allotted for the project for flood control, Lost Creek, Columbus, Nebraska, shall be \$5,500,000.

(b) **REVISION OF PROJECT COOPERATION AGREEMENT.**—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

**SEC. 333. PASSAIC RIVER, NEW JERSEY.**

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

**“SEC. 1148. PASSAIC RIVER BASIN.**

“(a) **ACQUISITION OF LANDS.**—The Secretary may acquire from willing sellers lands on which residential structures are located and that are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of \$194,000,000.

“(b) **RETENTION OF LANDS FOR FLOOD PROTECTION.**—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

“(c) **COST SHARING.**—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of subsection (d).

“(d) **APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.**—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c), to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.”.

**SEC. 334. ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.**

The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended by inserting before the period at the end the following: “; except that the Federal share of reconnaissance studies carried out by the Secretary under this section shall be 100 percent”.

**SEC. 335. JONES INLET, NEW YORK.**

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel to the extent that such work is necessary to mitigate the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

**SEC. 336. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA.**

(a) **ACQUISITION OF EASEMENTS.**—

(1) **IN GENERAL.**—The Secretary may acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T-152-N, R-104-W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) **SCOPE.**—Any easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) **PAYMENT.**—In acquiring easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) **CONVEYANCE OF DRAINAGE PUMPS.**—The Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of \$60,000 for power requirements associated with the operation of the drainage pumps.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$34,000,000.

**SEC. 337. RENO BEACH-HOWARDS FARM, OHIO.**

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), is modified to provide that the value of lands, easements, rights-of-way, and disposal areas that are necessary to carry out the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

**SEC. 338. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.**

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

**SEC. 339. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.**

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

**SEC. 340. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.**

(a) **IN GENERAL.**—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated

as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary determines, at the time of the proposed conveyance, that the Department of the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Department of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(6) Such easements as the Secretary considers necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) **TIME PERIOD FOR CONVEYANCES.**—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) **PURPOSE.**—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) **ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.**—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States arising out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) **RELEASE BY ATTORNEY GENERAL.**—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, affirmed in part and reversed in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988), including any interest thereon.

(f) **ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS.**—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgement that all entitlements under

such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this section.

(g) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

#### **SEC. 341. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.**

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington, and Portland, Oregon, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes", approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed \$2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

#### **SEC. 342. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**

(a) IN GENERAL.—The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project.

(b) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

#### **SEC. 343. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.**

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking "\$3,000,000" and inserting "\$5,000,000".

#### **SEC. 344. SCHUYLKILL RIVER, PENNSYLVANIA.**

The navigation project for the Schuylkill River, Pennsylvania, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to provide for a depth of 6 feet within portions of the Fairmount pool between



the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

**SEC. 345. SOUTH CENTRAL PENNSYLVANIA.**

(a) **COST SHARING.**—Section 313(d)(3)(A) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended to read as follows:

“(A) **IN GENERAL.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be provided in the form of grants or reimbursements of project costs. The non-Federal interests shall receive credit—

“(i) for design and construction services and other in-kind work, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary; and

“(ii) for grants and the value of work performed on behalf of such interests by State and local agencies, as determined by the Secretary.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 313(g)(1) of such Act (106 Stat. 4846) is amended by striking “\$50,000,000” and inserting “\$80,000,000”.

(c) **SECTION HEADING.**—The heading to section 313 of such Act is amended to read as follows:

“**SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENT IMPROVEMENT PROGRAM.**”.

**SEC. 346. WYOMING VALLEY, PENNSYLVANIA.**

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary would otherwise be authorized to carry out, but for the General Design Memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, providing that such measures are to be carried out for credit by the non-Federal interest.

**SEC. 347. ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.**

The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of \$350,000, with an estimated Federal cost of \$262,500 and an estimated non-Federal cost of \$87,500.

**SEC. 348. NARRAGANSETT, RHODE ISLAND.**

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

(1) by striking “\$200,000” and inserting “\$1,900,000”;

(2) by striking “\$150,000” and inserting “\$1,425,000”; and

(3) by striking “\$50,000” and inserting “\$475,000”.



**SEC. 349. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.**

(a) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) **USE OF TRANSFERRED LAND.**—The land transferred under subsection (a) shall be used by the Department of the Army as a dredged material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) **COST SHARING.**—Operation and maintenance, including rehabilitation, of the dredged material disposal area transferred under this section shall be carried out in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

**SEC. 350. BUFFALO BAYOU, TEXAS.**

The non-Federal interest for the projects for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to \$5,000,000 or may receive a credit of up to \$5,000,000 toward required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with 1 or more of the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

**SEC. 351. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.**

(a) **IN GENERAL.**—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs.

(b) **DETERMINATION OF AMOUNT.**—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit credit only for that portion of the work performed by the non-Federal interests that is compatible with the project referred to in subsection (a), including any modification thereof, and that is required for construction of such project.

(c) **CASH CONTRIBUTION.**—Nothing in this section shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project referred to in subsection (a).

**SEC. 352. GRUNDY, VIRGINIA.**

The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland

River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

**SEC. 353. HAYSI LAKE, VIRGINIA.**

The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized pursuant to section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m); 100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features constructed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

**SEC. 354. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.**

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

**SEC. 355. VIRGINIA BEACH, VIRGINIA.**

(a) **ADJUSTMENT OF NON-FEDERAL SHARE.**—Notwithstanding any other provision of law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by \$3,120,803 or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) **EXTENSION OF FEDERAL PARTICIPATION.**—

(1) **IN GENERAL.**—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (106 Stat. 4810).

#### SEC. 356. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West Waterways, Seattle Harbor, Washington, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1919 (40 Stat. 1285), is modified to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance.

In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

#### SEC. 357. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting after "project," the 1st place it appears "except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project,".

#### SEC. 358. MOOREFIELD, WEST VIRGINIA.

(a) REVIEW.—The Secretary, as part of the implementation of the project for flood control, Moorefield, West Virginia, shall conduct a review of the activities of the Corps of Engineers to determine whether the failure of the Corps of Engineers to complete land acquisition for the project by May 1, 1996, contributed to any flood damages at the town of Moorefield during 1996.

(b) REDUCTION OF NON-FEDERAL SHARE.—To the extent the Secretary determines under subsection (a) that the activities of the Corps of Engineers contributed to any flood damages, the Secretary shall reduce the non-Federal share of the flood control project by up to \$700,000. Such costs shall become a Federal responsibility for carrying out the flood control project.

#### SEC. 359. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

“(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

“(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

“(D) CREDIT FOR LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

“(E) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.”

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking “\$5,000,000” and inserting “\$20,000,000”.

#### **SEC. 360. WEST VIRGINIA TRAILHEAD FACILITIES.**

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840-4841) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) INTERAGENCY AGREEMENT.—The Secretary shall enter into an interagency agreement with the Federal entity that provided assistance in the preparation of the study for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the plan developed under this section. The Federal entity shall provide such assistance and oversight.”

#### **SEC. 361. KICKAPOO RIVER, WISCONSIN.**

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States to lands that are cul-

turally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be described in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) **LAND DESCRIPTION.**—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) **TERMS AND CONDITIONS.**—

(A) **HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.**—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) **IN GENERAL.**—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))) of the Ho-Chunk Nation.

(C) **MEMORANDUM OF UNDERSTANDING.**—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions to the plan in order to address changed circumstances on



the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the United States of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(v) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation if public disclosure would jeopardize the cultural or religious integrity of the site.

(5) **ADMINISTRATION OF LANDS.**—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under paragraph (4), or under any revision of such memorandum of understanding, shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) **TRANSFER OF FLOWAGE EASEMENTS.**—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) **DEAUTHORIZATION.**—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) **INTERIM MANAGEMENT AND MAINTENANCE.**—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this subsection.

(c) **COMPLETION OF PROJECT FEATURES.**—

(1) **REQUIREMENT.**—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(2) **ADDITIONAL REQUIREMENTS.**—All activities undertaken pursuant to this subsection shall comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and any subsequent Federal law enacted relating to cultural artifacts, human remains, or historic preservation.

(3) **PARTICIPATION BY STATE OF WISCONSIN AND THE HO-CHUNK NATION.**—In undertaking completion of the features under paragraph (1), the Secretary shall consult with the State

Native  
Americans.



of Wisconsin and the Ho-Chunk Nation on the location of each feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section \$17,000,000.

#### SEC. 362. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking “: *Provided, That*” and inserting “; except that”;

(2) by striking “in cash or materials” and inserting “, through providing in-kind services or cash or materials,”; and

(3) by adding at the end the following: “In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.”.

#### SEC. 363. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary; except that the scope of the project includes ground water protection and conservation, agricultural water supply, and waterfowl management if the Secretary determines that the change in the scope of the project is technically sound, environmentally acceptable, and economic, as applicable.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4044), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001(b) of the Water

Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

#### SEC. 364. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the 1st section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described as follows: Beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—

(A) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam.

(B) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the 1st section of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77.

(3) GUILFORD HARBOR, CONNECTICUT.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the following description of the realigned channel: Beginning at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence

turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the 1st section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 4, 1913 (37 Stat. 802): Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(5) NORWALK HARBOR, CONNECTICUT.—

(A) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut:

(i) The portion authorized by the 1st section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(ii) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in subparagraph (B).

(B) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in subparagraph (A)(ii) is described as follows: Beginning at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of the enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly

direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(6) PATCHOGUE RIVER, WESTBROOK, CONNECTICUT.—

(A) IN GENERAL.—The following portion of the project for navigation, Patchogue River, Connecticut, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249): A portion of the 8-foot deep channel that lies northwesterly of a line whose coordinates are N161108.83, E676901.34 and N161246.53, E677103.75. The perimeter of this area starts at a point with coordinates N161108.83, E676901.34, thence running north 7 degrees, 50 minutes, 44.2 seconds west 27.91 feet to a point N161136.48, E676897.53, thence running north 55 degrees, 46 minutes, 23.3 seconds east 190.05 feet to a point N161243.38, E677054.67, thence running north 86 degrees, 19 minutes, 39.9 seconds east 49.18 feet to a point N161246.53, E677103.75, thence running south 55 degrees, 46 minutes, 20.8 seconds west 244.81 feet to the point of origin.

(B) REDESIGNATION.—The portion of the project for navigation, Patchogue River, Connecticut, referred to in subparagraph (A), which is now part of the 8-foot deep anchorage lying northwesterly of a line whose coordinates are N161067.46, E676982.76 and N161173.63, E677138.81, is redesignated as part of the 8-foot deep channel. The perimeter of this area starts at a point with coordinates N161067.46, E676982.76, thence running north 7 degrees, 48 minutes, 40.7 seconds west 5.59 feet to a point N161073.00, E676982.00, thence running north 55 degrees, 46 minutes, 25.1 seconds east 177.79 feet to a point N161173.00, E677129.00, thence running north 86 degrees, 19 minutes, 31.8 seconds east 9.83 feet to a point N161173.63, E677138.81, thence running south 55 degrees, 46 minutes, 12.9 seconds west 188.74 feet to the point of origin.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates

of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The portion of the project referred to in subparagraph (A) that is remaining after the deauthorization made by subparagraph (A) and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(8) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin: Beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(9) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the 1st section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 25, 1910 (36 Stat. 657), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909, on the plan entitled, “East Boothbay Harbor, Maine, examination, 8-foot area”, and dated August 9, 1955, Drawing Number F1251 D-6-2, that point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381.

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point.

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point.

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point.

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point.

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point.

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point.

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(10) KENNEBUNK RIVER, MAINE.—The portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and consisting of a 6-foot deep channel that lies northerly of a line the coordinates of which are N191412.53, E417265.28 and N191445.83, E417332.48.

(11) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480):



(A) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(B) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(12) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(13) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), and authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42



minutes 33.8 seconds east 31.28 feet to the point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(14) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(ii) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation, Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(15) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(16) RESERVED CHANNEL, BOSTON, MASSACHUSETTS.—The portion of the project for navigation, Reserved Channel, Boston,

Massachusetts, authorized by section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N489391.22, E728246.54, thence running northerly about 54 feet to a point, N489445.53, E728244.97, thence running easterly about 2,926 feet to a point, N489527.38, E731170.41, thence running southeasterly about 81 feet to a point, N489474.87, E731232.55, thence running westerly about 2,987 feet to the point of origin.

(17) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15- and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point N457303.40, E739208.96, thence running southwestwardly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(18) COCHECO RIVER, NEW HAMPSHIRE.—

(A) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the 1st section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01.

(B) MAINTENANCE DREDGING.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in subparagraph (A) to restore authorized channel dimensions.

(19) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the 1st section of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended.

(20) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel of the project for navigation,

Ogdensburg Harbor, New York, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 635), and modified by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1037), that is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(21) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 653).

(22) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio, and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, that point being known as United States Corps of Engineers Monument No. 203 (N658012.20, E208953.88).

Thence, in a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N658109.73, E2089163.47). This point is hereinafter in this paragraph referred to as the "principal point of beginning".

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N658136.05, E2089120.96).

Thence, south 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N657885.00, E2088505.00).

Thence, north 88 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N657902.02, E2087953.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to a point (N658001.60, E2088009.75).

Thence, south 88 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N657986.57, E2088486.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 601.95 feet to a point (N658210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.58 feet to a point (N658283.47, E2089096.98).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 186.03 feet to the principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(23) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), consisting of the 6-foot deep channel: Beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(24) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the 1st section of the Act entitled "An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June thirtieth, eighteen hundred and seventy-one", approved July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of the project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, the point of beginning.

#### **SEC. 365. 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), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area. The credit shall be subject to such terms and conditions as the Secretary deems necessary and shall not exceed \$7,500,000.

#### **SEC. 366. MONONGAHELA RIVER, PENNSYLVANIA.**

The Secretary may make available to the Southwestern Pennsylvania Growth Fund (a regional industrial development corporation) at no additional cost to the United States, dredged and

excavated materials resulting from construction of the new gated dam at Braddock, Pennsylvania, as part of the Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania, navigation project, to support environmental restoration of the former United States Steel Duquesne Works brownfield site—

(1) if the Pennsylvania Department of Environmental Protection issues a “no further action” decision or a mitigation plan for the site prior to a determination by the District Engineer, Pittsburgh District, that the dredged and excavated materials are available; and

(2) if the Southwestern Pennsylvania Growth Fund agrees to hold and save the United States free from damages in connection with use of the dredged and excavated materials, except for damages due to the fault or negligence of the United States or its contractors.

## TITLE IV—STUDIES

Reports.  
33 USC 1263  
note.

### SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to Congress on the advisability and capability of the Corps of Engineers to implement rural sanitation projects for rural and Native villages in Alaska.

### SEC. 402. RED RIVER, ARKANSAS.

The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

### SEC. 403. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit toward the non-Federal share of the cost of the feasibility study on the McDowell Mountain, Arizona, project an amount equal to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

### SEC. 404. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

### SEC. 405. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.



**SEC. 406. MUGU LAGOON, CALIFORNIA.**

(a) **STUDY.**—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, floodflows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) **CONSULTATION AND COORDINATION.**—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to ensure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

**SEC. 407. MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.**

The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

**SEC. 408. PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.**

The Secretary shall study the advisability of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

**SEC. 409. SANTA YNEZ, CALIFORNIA.**

(a) **PLANNING.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long-term ecological, economic, and flood control needs of the Santa Ynez River Basin, California. In preparing such plan, the Secretary shall consult with the Santa Barbara Flood Control District and other affected local governmental entities.

(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

**SEC. 410. SOUTHERN CALIFORNIA INFRASTRUCTURE.**

(a) **ASSISTANCE.**—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4623) is amended—

(1) in the heading of paragraph (1) by inserting “AND ASSISTANCE” after “STUDY”; and

(2) by adding at the end the following: “In addition, the Secretary shall provide technical assistance to non-Federal interests in developing potential infrastructure projects. The non-Federal share of the cost of the technical assistance shall be 25 percent.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 116(d)(3) of such Act is amended by striking “\$1,500,000” and inserting “\$3,000,000”.



**SEC. 411. STOCKTON, CALIFORNIA.**

(a) **BEAR CREEK DRAINAGE AND MORMON SLOUGH/CALAVERAS RIVER.**—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, and the Mormon Slough/Calaveras River, California, projects for flood control authorized by section 10 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) **FARMINGTON DAM, CALIFORNIA.**—

(1) **CONJUNCTIVE USE STUDY.**—The Secretary shall continue participation in the Stockton, California, Metropolitan Area Flood Control Study, including an evaluation of the feasibility of storage of water at Farmington Dam and implementation of a conjunctive use plan.

(2) **CONSULTATION.**—In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam.

(3) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress—

(A) concerning the feasibility of a conjunctive use plan using Farmington Dam for water storage; and

(B) containing recommendations on facility transfers and operational alternatives.

(4) **WITHOUT PROJECT CONDITION.**—In conducting the Stockton, California, Metropolitan Area Flood Control Study, the Secretary shall consider the physical flood control and water supply facilities as they existed in January 1996 as the “without project” condition.

**SEC. 412. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.**

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

**SEC. 413. WEST DADE, FLORIDA.**

The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to improve water quality in, and increase the supply of surface water to, the Everglades in order to enhance fish and wildlife habitat.

**SEC. 414. SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(b) **SCOPE.**—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works mission of the Corps of Engineers.

(c) COORDINATION.—Notwithstanding subsection (b), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study of the Savannah River Basin by the Agency.

**SEC. 415. CHAIN OF ROCKS CANAL, ILLINOIS.**

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, consistent with the authorized purposes of that project, to include evacuation of waters collecting on the land side of the Chain of Rocks Canal East Levee.

**SEC. 416. QUINCY, ILLINOIS.**

(a) STUDY.—The Secretary shall study and evaluate the critical water infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

- (1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;
- (2) to develop a definition of critical water infrastructure;
- (3) to develop evaluation criteria; and
- (4) to enhance existing geographic information system databases to encompass relevant data that identify critical water infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the objectives of the study described in paragraphs (1) through (4) of subsection (a).

**SEC. 417. SPRINGFIELD, ILLINOIS.**

The Secretary shall provide assistance to the city of Springfield, Illinois, in developing—

- (1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and
- (2) an evaluation of the technical, economic, and environmental impacts of such development.

**SEC. 418. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.**

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

**SEC. 419. GRAND CALUMET RIVER, HAMMOND, INDIANA.**

(a) STUDY.—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

**SEC. 420. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.**

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 657).

**SEC. 421. KOONTZ LAKE, INDIANA.**

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

**SEC. 422. LITTLE CALUMET RIVER, INDIANA.**

(a) **STUDY.**—The Secretary shall conduct a study of the impacts of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) **FEDERAL SHARE.**—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

**SEC. 423. TIPPECANOE RIVER WATERSHED, INDIANA.**

(a) **STUDY.**—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) **ASSISTANCE.**—The Secretary shall provide technical, planning, and design assistance to the Shafer and Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined appropriate as a result of the study conducted under subsection (a).

**SEC. 424. CALCASIEU RIVER, HACKBERRY, LOUISIANA.**

The Secretary shall incorporate the portion of the Calcasieu River in the vicinity of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

**SEC. 425. MORGANZA, LOUISIANA, TO GULF OF MEXICO.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study of the environmental, flood control, and navigational impacts asso-

ciated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study being conducted under the Morganza, Louisiana, to the Gulf of Mexico feasibility study.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document dated February 1994; and

(B) evaluate the findings of the Louisiana Coastal Wetlands Conservation and Restoration Task Force, established under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), relating to the lock structure.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for immediate implementation of the study.

#### **SEC. 426. HURON RIVER, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of and need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

#### **SEC. 427. CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.**

The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Clark County, Nevada, for the purpose of flood control.

#### **SEC. 428. LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.**

The Secretary shall conduct a study to determine the advisability of wetland restoration and the feasibility of erosion control in the Lower Las Vegas Wash, Nevada.

#### **SEC. 429. NORTHERN NEVADA.**

The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

- (1) the Humboldt River and its tributaries and outlets;
- (2) the Truckee River and its tributaries and outlets;
- (3) the Carson River and its tributaries and outlets; and
- (4) the Walker River and its tributaries and outlets,

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

#### **SEC. 430. SACO RIVER, NEW HAMPSHIRE.**

The Secretary shall conduct a study of flooding problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures. In conducting the study, the Secretary shall also consider other alternatives for flood damage reduction.

**SEC. 431. BUFFALO RIVER GREENWAY, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study may include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

**SEC. 432. COEYMANS, NEW YORK.**

The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Corps of Engineers.

**SEC. 433. NEW YORK BIGHT AND HARBOR STUDY.**

33 USC 2267  
note.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "\$1,000,000" and inserting "\$3,000,000".

**SEC. 434. PORT OF NEWBURGH, NEW YORK.**

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

**SEC. 435. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.**

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

**SEC. 436. SHINNECOCK INLET, NEW YORK.**

Not later than 2 years after the date of the enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the feasibility of constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in its natural east-to-west pattern and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

**SEC. 437. CHAGRIN RIVER, OHIO.**

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

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

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

**SEC. 439. COLUMBIA SLOUGH, OREGON.**

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon.

**SEC. 440. CHARLESTON, SOUTH CAROLINA.**

The Secretary shall conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

**SEC. 441. OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.**

The Secretary shall investigate potential solutions to the recurring flooding and related problems in the vicinity of Pierre and Ft. Pierre, South Dakota, caused by sedimentation in Lake Sharpe. The potential solutions to be investigated shall include lowering of the lake level and sediment agitation to allow for resuspension and movement of the sediment. The investigation shall include development of a comprehensive solution which includes consideration of structural and nonstructural measures upstream from the lake consisting of land treatment, sediment retention structures, and such other measures as the Secretary determines to be appropriate.

**SEC. 442. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.**

The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

**SEC. 443. PRINCE WILLIAM COUNTY, VIRGINIA.**

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetland protection, erosion control, and flood damage reduction needs of the county.

**SEC. 444. PACIFIC REGION.**

The Secretary may conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

**SEC. 445. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.**

(a) **STUDY.**—The Secretary shall study the feasibility of alternative financing mechanisms for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) **MECHANISMS TO BE STUDIED.**—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).



**SEC. 446. EVALUATION OF BEACH MATERIAL.**

(a) **IN GENERAL.**—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) **CONSULTATION.**—In conducting the evaluation under this section, the Secretaries shall consult with appropriate Federal and State agencies.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

(d) **EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.**—Nothing in this section is intended to affect the authority of the Secretary of the Interior under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)).

**TITLE V—MISCELLANEOUS PROVISIONS****SEC. 501. LAND CONVEYANCES.**

(a) **VILLAGE CREEK, ALABAMA.**—

(1) **IN GENERAL.**—Upon a determination by the Secretary that construction of facilities associated with a commercial enterprise is not inconsistent with the operation of the project for flood control, Village Creek, Alabama, authorized by section 410(a) of the Water Resources Development Act of 1986 (100 Stat. 4111), the non-Federal interest with respect to the project may sell to private interests a parcel of land consisting of approximately 18 acres for the purpose of constructing facilities associated with a commercial enterprise.

(2) **LAND DESCRIPTION.**—The land to be conveyed under paragraph (1) shall consist of approximately 43 individual tracts that are bounded on the west by Coosa Street, on the south by 16th Avenue North, on the east by Tallapoosa Street, and on the north by the northern boundary of lands acquired for the project.

(3) **FACILITIES.**—The facilities shall be constructed in accordance with local floodplain ordinances and shall not increase flood risks of other residents in the Village Creek floodplain.

(4) **REIMBURSEMENT.**—The non-Federal interest shall reimburse the Secretary the Federal cost of acquiring the lands to be conveyed, including relocation assistance, demolition of structures, and administrative costs.

(5) **REMAINING LANDS.**—All remaining lands acquired for the Village Creek flood control project shall remain in public ownership and shall be used solely for recreation purposes or maintained as open space.

(b) **OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.**—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following:

“(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal

Canal that are located within the boundaries of the city in which such canal rests. Such conveyance shall be at fair market value.”;

(2) by inserting after “right-of-way” the following: “or other rights considered necessary by the Secretary”; and

(3) by adding at the end the following: “The conveyances and processes involved shall be at no cost to the United States.”.

(c) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, at fair market value all right, title, and interest of the United States in and to a parcel of land (including improvements to the parcel) under the jurisdiction of the Corps of Engineers, known as the “Ohio River Division Laboratory”, and described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder’s Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor’s Office.

Thence with said northerly right-of-way line south 70 degrees, 10 minutes, 13 seconds west 258.52 feet to a point.

Thence leaving the northerly right-of-way of the Norfolk and Western Railway Company north 18 degrees, 22 minutes, 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue.

Thence along said south line north 72 degrees, 34 minutes, 35 seconds east 167.50 feet to a point.

Thence leaving the south line of Mariemont Avenue north 17 degrees, 25 minutes, 25 seconds west 49.00 feet to a point.

Thence north 72 degrees, 34 minutes, 35 seconds east 100.00 feet to a point.

Thence south 17 degrees, 25 minutes, 25 seconds east 49.00 feet to a point.

Thence north 72 degrees, 34 minutes, 35 seconds east 238.90 feet to a point.

Thence south 00 degrees, 52 minutes, 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company.

Thence with said northerly right-of-way south 70 degrees, 10 minutes, 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(d) PIKE ISLAND LOCKS AND DAM, OHIO.—

(1) IN GENERAL.—Subject to this subsection, the Secretary shall convey by quitclaim deed to the city of Steubenville, Ohio, all right, title, and interest of the United States in and to the approximately 12 acres of land located at the Pike Island Locks and Dam, together with any improvements on the land.

(2) TERMS AND CONDITIONS.—The conveyance by the United States under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the city of Steubenville. The city shall also be responsible for any other costs associated with the conveyance authorized by this subsection.

(4) CONSIDERATION OF CERTAIN PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation or other public purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation or other public purposes, title to such property shall revert to the Secretary.

(e) SHENANGO RIVER LAKE PROJECT, OHIO.—

(1) IN GENERAL.—Subject to this subsection, the Secretary shall convey by quitclaim deed to the Kinsman Township, Trumbull County, Ohio, all right, title, and interest of the United States in and to a parcel of land located at the Shenango River Lake project consisting of approximately 1 acre, together with any improvements on the land.

(2) TERMS AND CONDITIONS.—The conveyance by the United States under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Kinsman Township. The township shall also be responsible for any other costs associated with the conveyance authorized by this subsection.

(4) CONSIDERATION OF CERTAIN PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation or other public purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation or other public purposes, title to such property shall revert to the Secretary.

(f) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United

States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) **CONSIDERATION.**—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the surveys required under paragraphs (3) and (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) **LAND SURVEYS.**—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary. Such surveys shall be carried out to the satisfaction of the Secretary.

(4) **ENVIRONMENTAL BASELINE SURVEY.**—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) **CONDITIONS CONCERNING RIGHTS AND EASEMENT.**—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) **OTHER TERMS AND CONDITIONS.**—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(g) **BOARDMAN, OREGON.**—

(1) **IN GENERAL.**—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) **CONSIDERATION.**—

(A) **PARK AND RECREATION PROPERTIES.**—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to such property shall revert to the Secretary.

(B) **OTHER PROPERTIES.**—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of the properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(h) BENBROOK LAKE, TEXAS.—

(1) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to a parcel of real property located at Longhorn Park, also known as “Pecan Valley Park”, Benbrook Lake, Benbrook, Texas, consisting of approximately 50 acres.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the real property as determined by the Secretary. All costs associated with the conveyance under paragraph (1) and such other costs as the Secretary considers appropriate shall be borne by the purchaser.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(4) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under paragraph (1) as the Secretary considers appropriate to protect the interests of the United States.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.—Prior to the conveyance of property under paragraph (1), the Secretary shall ensure that the conveyance complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(i) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county that is designated “Area D” on Exhibit A to Army Lease No. DACW-68-1-81-43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(iii) the 20 acres of property commonly known as "Richland Bend", which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(iv) the 7.05 acres of property commonly known as "Taylor Flat", which is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(v) the 14.69 acres of property commonly known as "Byers Landing", which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property on which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Pasco, Washington, is—

(i) the property in the city of Pasco, Washington, that is leased pursuant to Army Lease No. DACW-68-1-77-10; and

(ii) all levees in the city, as of the date of the enactment of this Act, and the property on which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local government referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary



and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions, including payment of reasonable administrative costs, as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULE FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(i) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to such property shall revert to the Secretary.

(ii) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(i) CONTRACT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause

(ii) to determine, within 6 months after that date, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(ii) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of such local government

to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

(j) **APPLICABILITY OF OTHER LAWS.**—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and other environmental laws.

#### SEC. 502. NAMINGS.

(a) **MILT BRANDT VISITORS CENTER, CALIFORNIA.**—

(1) **DESIGNATION.**—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the “Milt Brandt Visitors Center”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the “Milt Brandt Visitors Center”.

(b) **CARR CREEK LAKE, KENTUCKY.**—

(1) **DESIGNATION.**—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as “Carr Creek Lake”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to “Carr Creek Lake”.

(c) **JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.**—

(1) **DESIGNATION.**—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the “John T. Myers Lock and Dam”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the “John T. Myers Lock and Dam”.

(d) **J. EDWARD ROUSH LAKE, INDIANA.**—

(1) **REDESIGNATION.**—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the “J. Edward Roush Lake”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the “J. Edward Roush Lake”.

(e) **RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.**—

(1) **DESIGNATION.**—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the “Russell B. Long Lock and Dam”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the “Russell B. Long Lock and Dam”.

## (f) LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATIONS.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(A) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(B) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(C) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(D) Lock A at Mile 371 designated as Amory Lock.

(E) Lock B at Mile 376 designated as Glover Wilkins Lock.

(F) Lock C at Mile 391 designated as Fulton Lock.

(G) Lock D at Mile 398 designated as John Rankin Lock.

(H) Lock E at Mile 407 designated as G.V. "Sonny" Montgomery Lock.

(I) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a lock, or lock and dam, referred to in paragraph (1) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in such paragraph.

#### SEC. 503. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

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

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Napa Valley watershed, California.

(6) Russian River watershed, California.

(7) Sacramento River watershed, California.

(8) San Pablo Bay watershed, California.

- (9) Santa Clara Valley watershed, California.
- (10) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.
- (11) Lower Platte River watershed, Nebraska.
- (12) Juniata River watershed, Pennsylvania, including Raystown Lake.
- (13) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000.

#### SEC. 504. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

- “(1) \$10,000,000 for the project described in subsection (c)(5);
- “(2) \$2,000,000 for the project described in subsection (c)(6);
- “(3) \$10,000,000 for the project described in subsection (c)(7);
- “(4) \$11,000,000 for the project described in subsection (c)(8);
- “(5) \$20,000,000 for the project described in subsection (c)(16); and
- “(6) \$20,000,000 for the project described in subsection (c)(17).”.

#### SEC. 505. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

- (1) by striking “\$5,000,000”; and inserting “\$7,000,000”; and
- (2) in paragraph (4) by inserting “and Virginia” after “Maryland”.

#### SEC. 506. PERIODIC BEACH NOURISHMENT.

(a) IN GENERAL.—The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of the project:

- (1) BROWARD COUNTY, FLORIDA.—Project for shoreline protection, segments II and III, Broward County, Florida.
- (2) FORT PIERCE, FLORIDA.—Project for shoreline protection, Fort Pierce, Florida.
- (3) PANAMA CITY BEACHES, FLORIDA.—Project for shoreline protection, Panama City Beaches, Florida.
- (4) TYBEE ISLAND, GEORGIA.—Project for beach erosion control, Tybee Island, Georgia.

(b) PERIODIC BEACH NOURISHMENT SUBJECT TO REVIEW.—

(1) REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete a review of potential periodic beach nourishment for each of the projects described in paragraph (3) in accordance with the procedures established under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f; 90 Stat. 2933).

(2) **AUTHORIZATION.**—If the Secretary determines under paragraph (1) that periodic beach nourishment is necessary for a project, the Secretary shall carry out periodic beach nourishment for the project for a period of 50 years beginning on the date of initiation of construction of the project.

(3) **PROJECTS.**—The projects referred to in paragraph (1) are as follows:

(A) **LEE COUNTY, FLORIDA.**—Project for shoreline protection, Lee County, Captiva Island segment, Florida.

(B) **PALM BEACH COUNTY, FLORIDA.**—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.

(C) **RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.**—Project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey.

(D) **FIRE ISLAND INLET, NEW YORK.**—Project for shoreline protection, Fire Island Inlet, New York, between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

#### **SEC. 507. DESIGN AND CONSTRUCTION ASSISTANCE.**

The Secretary shall provide design and construction assistance to non-Federal interests for each of the following projects if the Secretary determines that the project is feasible:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of \$2,500,000.

(2) Construction of a multipurpose dam and reservoir, Bear Valley Dam, Franklin County, Pennsylvania, at an estimated total cost of \$15,000,000.

(3) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calfpasture River, Virginia, at an estimated total cost of \$6,000,000.

#### **SEC. 508. LAKES PROGRAM.**

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

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

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

“(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

“(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

“(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

“(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

“(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion.”.

**SEC. 509. MAINTENANCE OF NAVIGATION CHANNELS.**

(a) **IN GENERAL.**—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) East Fork, Calcasieu Pass, Louisiana.

(4) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(5) Greenville Inner Harbor Channel, Mississippi.

(6) New Madrid Harbor, Missouri. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(7) Providence Harbor Shipping Channel, Rhode Island, from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(8) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(9) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(10) Brazos Island Harbor, Texas, connecting channel to Mexico.

(11) Blair Waterway, Tacoma Harbor, Washington.

(b) **COMPLETION OF ASSESSMENT.**—Not later than 6 months after receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

**SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) **FORM.**—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.



(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—Except as provided in paragraph

(2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(e) **COOPERATION.**—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies, including—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(4) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) **PROJECT.**—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania.

(g) **PROTECTION OF RESOURCES.**—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

State listing.

(h) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

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

**SEC. 511. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.**

16 USC 3301  
note.

(a) **SALMON SURVIVAL ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) **ACCELERATED ACTIVITIES.**—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

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

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) **ADDITIONAL ACTIVITIES.**—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) **COORDINATION.**—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

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

(b) **ADVANCED TURBINE DEVELOPMENT.**—

(1) **IN GENERAL.**—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower tur-

bines, including design of “fish-friendly” turbines, for use on the Columbia River hydrosystem.

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

(c) **IMPLEMENTATION.**—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

#### **SEC. 512. COLUMBIA RIVER TREATY FISHING ACCESS.**

Section 401(a) of the Act entitled “An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)”, approved November 1, 1988 (102 Stat. 2944), is amended—

(1) by striking “(a) All Federal” and all that follows through “Columbia River Gorge Commission” and inserting the following:

“(a) **EXISTING FEDERAL LANDS.**—

“(1) **IN GENERAL.**—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Corps of Engineers entitled ‘Columbia River Treaty Fishing Access Sites Post Authorization Change Report’, dated April 1995,”; and

(2) by adding at the end the following:

“(2) **BOUNDARY ADJUSTMENTS.**—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.”.

33 USC 1293a  
note.

#### **SEC. 513. GREAT LAKES CONFINED DISPOSAL FACILITIES.**

(a) **ASSESSMENT.**—Pursuant to the responsibilities of the Secretary under section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a), the Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

#### **SEC. 514. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.**

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

**SEC. 515. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.**

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644) is amended to read as follows:

**"SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.****"(a) GREAT LAKES REMEDIAL ACTION PLANS.—**

"(1) **IN GENERAL.**—The Secretary may provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by a State or local government in the development and implementation of remedial action plans for Areas of Concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

"(2) **NON-FEDERAL SHARE.**—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

**"(b) SEDIMENT REMEDIATION PROJECTS.—**

"(1) **IN GENERAL.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale projects of promising technologies to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary shall conduct not fewer than 3 full-scale projects under this subsection.

"(2) **SITE SELECTION FOR PROJECTS.**—In selecting the sites for the technology projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth-Superior Harbor, Minnesota and Wisconsin.

State listing.

"(3) **DEADLINE FOR IDENTIFICATIONS.**—The Secretary shall—

"(A) not later than 18 months after the date of the enactment of this paragraph, identify the sites and technologies for projects under this subsection; and

"(B) not later than 3 years after that date, complete each such full-scale project.

"(4) **NON-FEDERAL SHARE.**—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2000."

**SEC. 516. SEDIMENT MANAGEMENT.**

33 USC 2326b.

(a) **IN GENERAL.**—The Secretary may enter into cooperation agreements with non-Federal interests with respect to navigation projects, or other appropriate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

(b) **CONTENTS OF STRATEGIES.**—Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) **CONSULTATION.**—In developing strategies under subsection (a), the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

(d) **DREDGED MATERIAL DISPOSAL.**—

(1) **STUDY.**—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 250,000 cubic yards of dredged material for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(2) **REPORT.**—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a).

(e) **GREAT LAKES TRIBUTARY MODEL.**—

(1) **IN GENERAL.**—In consultation and coordination with the Great Lakes States, the Secretary shall develop a tributary sediment transport model for each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a).

(2) **REQUIREMENTS FOR MODELS.**—In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries.

(f) **GREAT LAKES STATES DEFINED.**—In this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2001.

33 USC 653a.

**SEC. 517. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.**

The jurisdiction of the Mississippi River Commission, established by the 1st section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf

of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

**SEC. 518. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.**

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

**SEC. 519. RECREATION PARTNERSHIP INITIATIVE.**

33 USC 2328  
note.

(a) **IN GENERAL.**—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) **INFRASTRUCTURE IMPROVEMENTS.**—

(1) **RECREATION INFRASTRUCTURE IMPROVEMENTS.**—In determining the feasibility of the public-private cooperative under subsection (a), the Secretary shall provide such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) **AGREEMENT.**—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

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

(c) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

**SEC. 520. FIELD OFFICE HEADQUARTERS FACILITIES.**

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

**SEC. 521. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXPANSION.**

Using existing resources, the Secretary shall expand the Earthquake Preparedness Center of Expertise to address issues in the



central United States by providing the necessary capability at an existing district office of the Corps of Engineers near the New Madrid fault.

**SEC. 522. JACKSON COUNTY, ALABAMA.**

(a) **IN GENERAL.**—The Secretary may provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson.

(b) **COST SHARING.**—The Federal cost of assistance provided under this section may not exceed \$3,000,000. The non-Federal share of assistance provided under this section shall be 25 percent.

**SEC. 523. BENTON AND WASHINGTON COUNTIES, ARKANSAS.**

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following:

“(c) **USE OF FEDERAL FUNDS.**—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.”.

**SEC. 524. HEBER SPRINGS, ARKANSAS.**

Contracts.

(a) **IN GENERAL.**—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) **NECESSARY FACILITIES.**—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) **ADDITIONAL WATER SUPPLY STORAGE.**—Any additional water supply storage required after the date of the enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

**SEC. 525. MORGAN POINT, ARKANSAS.**

The Secretary shall accept as in-kind contributions for the project for creation of fish and wildlife habitat at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Bendway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project; if the Secretary determines that the items and activities are compatible with the project.

**SEC. 526. CALAVERAS COUNTY, CALIFORNIA.**

(a) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to non-Federal interests, in cooperation with Federal and State agencies, for reclamation and water quality protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelumne River in Calaveras County, California.

(b) **CONSULTATION WITH FEDERAL ENTITIES.**—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) **FEDERAL SHARE.**—The Federal share of the cost of the activities conducted under subsection (a) shall be 50 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

(d) **EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.**—Nothing in this section is intended to affect the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

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

#### **SEC. 527. FAULKNER ISLAND, CONNECTICUT.**

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of \$4,500,000.

#### **SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CENTRAL AND SOUTHERN FLORIDA PROJECT.**—The term “Central and Southern Florida Project” means the project for Central and Southern Florida authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(2) **COMMISSION.**—The term “Commission” means the Governor’s Commission for a Sustainable South Florida, established by Executive Order of the Governor dated March 3, 1994.

(3) **GOVERNOR.**—The term “Governor” means the Governor of the State of Florida.

(4) **SOUTH FLORIDA ECOSYSTEM.**—The term “South Florida ecosystem” means the area consisting of the lands and waters within the boundary of the South Florida Water Management District, including the Everglades, the Florida Keys, and the contiguous near-shore coastal waters of South Florida.

(5) **TASK FORCE.**—The term “Task Force” means the South Florida Ecosystem Restoration Task Force established by subsection (f).

(b) **RESTORATION ACTIVITIES.**—

(1) **COMPREHENSIVE PLAN.**—

(A) **DEVELOPMENT.**—

(i) **PURPOSE.**—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem. The comprehensive plan shall provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades. The comprehensive plan shall include such features as are necessary to provide for the water-related needs of the region, including flood control, the enhancement of water supplies, and

other objectives served by the Central and Southern Florida Project.

(ii) CONSIDERATIONS.—The comprehensive plan shall—

(I) be developed by the Secretary in cooperation with the non-Federal project sponsor and in consultation with the Task Force; and

(II) consider the conceptual framework specified in the report entitled “Conceptual Plan for the Central and Southern Florida Project Restudy”, published by the Commission and approved by the Governor.

(B) SUBMISSION.—Not later than July 1, 1999, the Secretary shall—

(i) complete the feasibility phase of the Central and Southern Florida Project comprehensive review study as authorized by section 309(l) of the Water Resources Development Act of 1992 (106 Stat. 4844), and by 2 resolutions of the Committee on Public Works and Transportation of the House of Representatives, dated September 24, 1992; and

(ii) submit to Congress the plan developed under subparagraph (A)(i) consisting of a feasibility report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(C) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the completion of the feasibility report under subparagraph (B), the Secretary shall continue to conduct such studies and analyses as are necessary, consistent with subparagraph (A)(i).

(2) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED PROJECT FEATURES.—The Secretary shall design and construct any features of the Central and Southern Florida Project that are authorized on the date of the enactment of this Act or that may be implemented in accordance with the Secretary's authority to modify an authorized project, including features authorized under sections 315 and 316, with funds that are otherwise available, if the Secretary determines that the design and construction—

(A) will accelerate the restoration, preservation, and protection of the South Florida ecosystem;

(B) will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II); and

(C) will be compatible with the overall authorized purposes of the Central and Southern Florida Project.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—In addition to the activities described in paragraphs (1) and (2), if the Secretary, in cooperation with the non-Federal project sponsor and the Task Force, determines that a restoration project for the South Florida ecosystem will produce independent, immediate, and substantial restoration, preservation, and protection benefits, and will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II), the Secretary shall proceed expeditiously with the implementation of the restoration project.

Reports.

(B) INITIATION OF PROJECTS.—After September 30, 1999, no new projects may be initiated under subparagraph (A).

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) \$75,000,000 for the period consisting of fiscal years 1997 through 1999.

(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than \$25,000,000.

(4) GENERAL PROVISIONS.—

(A) WATER QUALITY.—In carrying out activities described in this subsection and sections 315 and 316, the Secretary—

(i) shall take into account the protection of water quality by considering applicable State water quality standards; and

(ii) may include in projects such features as are necessary to provide water to restore, preserve, and protect the South Florida ecosystem.

(B) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this subsection and subsection (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) PUBLIC PARTICIPATION.—In developing the comprehensive plan under paragraph (1) and carrying out the activities described in this subsection and subsection (c), the Secretary shall provide for public review and comment on the activities in accordance with applicable Federal law.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out activities described in subsection (b), the Secretary shall integrate such activities with ongoing Federal and State projects and activities, including—

(A) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4802);

(B) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8);

(C) activities under the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 104 Stat. 3089); and

(D) the Everglades Construction Project of the State of Florida.

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided in this section, nothing in this section affects any authority in effect on the date of the enactment of this Act, or any requirement of the authority, relating to participation in restoration activities in the South Flor-

ida ecosystem, including the projects and activities specified in paragraph (1), by—

- (i) the Department of the Interior;
- (ii) the Department of Commerce;
- (iii) the Department of the Army;
- (iv) the Environmental Protection Agency;
- (v) the Department of Agriculture;
- (vi) the State of Florida; and
- (vii) the South Florida Water Management District.

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

(d) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out the activities to restore, preserve, and protect the South Florida ecosystem described in subsection (b), the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the South Florida ecosystem.

(e) COST SHARING.—

(1) IN GENERAL.—Except as provided in sections 315 and 316 and paragraph (2), the non-Federal share of the cost of activities described in subsection (b) shall be 50 percent.

(2) WATER QUALITY FEATURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the cost of project features to improve water quality described in subsection (b) shall be 100 percent.

(B) EXCEPTION.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that a project feature to improve water quality is essential to Everglades restoration, the non-Federal share of the cost of the feature shall be 50 percent.

(ii) APPLICABILITY.—Clause (i) shall not apply to any feature of the Everglades Construction Project of the State of Florida.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

(4) CREDIT.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity described in subsection (b) shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(f) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(I) 1 representative of the Seminole Tribe of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(J) 2 representatives of the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(K) 1 representative of the South Florida Water Management District, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(L) 2 representatives of local government in the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration, preservation, and protection of the South Florida ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem restoration and maintenance;

(D) shall establish a Florida-based working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing the policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may, and the working group described in subparagraph (D), may—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties, including public policy and scientific issues; and

(ii) select as an advisory body any entity, such as the Commission, that represents a broad variety of private and public interests;



(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the restoration of the South Florida ecosystem among agencies and entities represented on the Task Force;

(G) shall coordinate scientific and other research associated with the restoration of the South Florida ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the restoration, preservation, and protection of the South Florida ecosystem; and

(J) shall submit a biennial report to Congress that summarizes—

(i) the activities of the Task Force;

(ii) the policies, strategies, plans, programs, projects, activities, and priorities planned, developed, or implemented for the restoration of the South Florida ecosystem; and

(iii) progress made toward the restoration.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary of the Interior shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUP.—The Task Force or the working group described in paragraph (2)(D) may seek advice and input from any interested, knowledgeable, or affected party as the Task Force or working group, respectively, determines necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(i) TASK FORCE AND WORKING GROUP.—The Task Force and the working group shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(ii) ADVISORS.—Seeking advice and input under subparagraph (B) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the

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Task Force shall be paid by the agency, tribe, or government that the member represents.

**SEC. 529. TAMPA, FLORIDA.**

The Secretary may enter into a cooperative agreement under section 229 with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of \$500,000.

**SEC. 530. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.**

(a) **DEVELOPMENT.**—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, including Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) **CONTENTS.**—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including—

- (1) sediment flow into Deep River, Turkey Creek, and other tributaries;
- (2) control of sediment quality in Lake George;
- (3) flooding problems;
- (4) the safety of the Lake George Dam; and
- (5) watershed management.

**SEC. 531. SOUTHERN AND EASTERN KENTUCKY.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **PROJECT COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entering into the agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHERN AND EASTERN KENTUCKY DEFINED.—In this section, the term "southern and eastern Kentucky" means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

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

#### SEC. 532. COASTAL WETLANDS RESTORATION PROJECTS, LOUISIANA.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782-4783) is amended—

(1) in paragraph (4) by striking "and (3)" and inserting "(3), and (5)"; and

(2) by adding at the end the following:

"(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), upon approval of the conservation plan under section 304 and a determination by the Secretary that a reduction in the non-Federal share is warranted, amounts made available in accordance with section

306 to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.”.

**SEC. 533. SOUTHEAST LOUISIANA.**

(a) **FLOOD CONTROL.**—The Secretary shall proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefunct, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, July 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) **COST SHARING.**—The cost of any work performed by the non-Federal interests subsequent to the dates of the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) **FUNDING.**—There is authorized to be appropriated \$100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

(d) **ADDITIONAL OBLIGATIONS.**—No funds may be obligated in excess of the amount authorized by subsection (c) for the projects for flood control and improvements to rainfall drainage systems authorized by subsection (a) until the Corps of Engineers determines that the additional work to be carried out with such funds is technically sound, environmentally acceptable, and economic, as applicable.

**SEC. 534. ASSATEAGUE ISLAND, MARYLAND AND VIRGINIA.**

(a) **PROJECT TO MITIGATE SHORE DAMAGE.**—The Secretary shall expedite the Assateague Island restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal navigation project has contributed to degradation of the shoreline, the Secretary shall carry out the shoreline restoration feature. The Secretary shall allocate costs for the project feature pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i; 82 Stat. 735).

(b) **COORDINATION.**—In carrying out the project under this section, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of the project costs.

(c) **FUNDING.**—There is authorized to be appropriated to carry out this section \$35,000,000.

**SEC. 535. CUMBERLAND, MARYLAND.**

The Secretary may provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

**SEC. 536. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.**

The Secretary shall transfer up to \$600,000 to the State of Maryland for use by the State in constructing an access road

to the William Jennings Randolph Lake in Garrett County, Maryland.

**SEC. 537. POPLAR ISLAND, MARYLAND.**

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, substantially in accordance with, and subject to the conditions described in, the report of the Secretary dated September 3, 1996, at a total cost of \$307,000,000, with an estimated Federal cost of \$230,000,000 and an estimated non-Federal cost of \$77,000,000. The project shall be carried out under the policies and cooperative agreement requirements of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), except that subsection (e) of such section shall not apply to the project authorized by this section.

**SEC. 538. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.**

(a) **IN GENERAL.**—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of \$450,000.

(b) **IMPLEMENTATION ON EMERGENCY BASIS.**—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) **COST SHARING.**—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

**SEC. 539. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.**

(a) **IN GENERAL.**—

(1) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to non-Federal interests, in cooperation with Federal and State agencies, for reclamation and water quality protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) **ADDITIONAL MEASURES.**—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) **CONSULTATION WITH FEDERAL ENTITIES.**—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) **FEDERAL SHARE.**—The Federal share of the cost of the activities conducted under subsection (a)(1) shall be 50 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

(c) **EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.**—Nothing in this section is intended to affect the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,500,000 for projects

undertaken under subsection (a)(1)(A) and \$1,500,000 for projects undertaken under subsection (a)(1)(B).

**SEC. 540. CONTROL OF AQUATIC PLANTS, MICHIGAN, PENNSYLVANIA, AND VIRGINIA AND NORTH CAROLINA.**

The Secretary shall carry out under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610)—

- (1) a program to control aquatic plants in Lake St. Clair, Michigan;
- (2) a program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania; and
- (3) a program to control aquatic plants in Lake Gaston, Virginia and North Carolina.

**SEC. 541. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.**

(a) **PROJECT AUTHORIZATION.**—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

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

**SEC. 542. LAKE SUPERIOR CENTER, MINNESOTA.**

(a) **CONSTRUCTION.**—The Secretary shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) **PUBLIC OWNERSHIP.**—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the construction of the facility under subsection (a) \$10,000,000.

**SEC. 543. REDWOOD RIVER BASIN, MINNESOTA.**

(a) **STUDY AND STRATEGY DEVELOPMENT.**—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and non-structural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of \$4,000,000.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) **COOPERATION AGREEMENTS.**—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.



(d) **IMPLEMENTATION.**—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

**SEC. 544. COLDWATER RIVER WATERSHED, MISSISSIPPI.**

Not later than 6 months after the date of the enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by the Act entitled “An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes”, approved March 24, 1983 (97 Stat. 13).

**SEC. 545. NATCHEZ BLUFFS, MISSISSIPPI.**

The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with the Natchez Bluffs Study, dated September 1985, the Natchez Bluffs Study: Supplement I, dated June 1990, and the Natchez Bluffs Study: Supplement II, dated December 1993, at a total cost of \$17,200,000, with an estimated Federal cost of \$12,900,000 and an estimated non-Federal cost of \$4,300,000. The project shall be carried out in the portions of the bluffs described in the studies specified in the preceding sentence as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4.

**SEC. 546. SARDIS LAKE, MISSISSIPPI.**

(a) **MANAGEMENT.**—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) **FLOOD CONTROL STORAGE.**—The Secretary shall review the study conducted by the city of Sardis, Mississippi, regarding the impact of the Sardis Lake Recreation and Tourism Master Plan prepared by the city on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary’s review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

**SEC. 547. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law (including any regulation), no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) suspended, revoked, or otherwise affected solely due to that county’s or community’s permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) PERMITS.—The permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) numbered P-1972, authorizing the reshaping and realignment of an existing levee, shall be considered adequate to allow the raising of levees under subsection (a).

**SEC. 548. ST. LOUIS, MISSOURI.**

The Secretary shall not reassign the St. Louis District of the Corps of Engineers from the operational control of the Lower Mississippi Valley Division.

**SEC. 549. LIBBY DAM, MONTANA.**

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$16,000,000. Such sums shall remain available until expended.

**SEC. 550. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

“(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.”.

**SEC. 551. HUDSON RIVER HABITAT RESTORATION, NEW YORK.**

(a) HABITAT RESTORATION.—The Secretary shall expedite the feasibility study of the Hudson River Habitat Restoration, Hudson River Basin, New York, and may carry out not fewer than 4 projects for habitat restoration in the Hudson River Basin, to the extent the Secretary determines such work to be advisable and technically feasible. Such projects shall be designed to—

(1) assess and improve habitat value and environmental outputs of recommended projects;

(2) evaluate various restoration techniques for effectiveness and cost;

(3) fill an important local habitat need within a specific portion of the study area; and

(4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) NON-FEDERAL SHARE.—Non-Federal interests shall provide 25 percent of the cost of each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

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

**SEC. 552. NEW YORK CITY WATERSHED.**

(a) ENVIRONMENTAL ASSISTANCE PROGRAM.—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) **FORM OF ASSISTANCE.**—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **ELIGIBLE PROJECTS.**—

(1) **CERTIFICATION.**—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) **SPECIAL CONSIDERATION.**—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the New York City Watershed.

(3) **PROJECT DESCRIPTIONS.**—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the communities in the New York City Watershed and protect and enhance water quality.

(d) **COOPERATION AGREEMENTS.**—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(2) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project.

(3) **CREDIT FOR INTEREST.**—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest

costs incurred to provide the non-Federal share of a project's cost.

(4) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including direct costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(5) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) **REPORT.**—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) **NEW YORK CITY WATERSHED DEFINED.**—In this section, the term "New York City Watershed" means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Dutchess, New York, that contributes water to the water supply system of New York City.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$22,500,000.

#### **SEC. 553. NEW YORK STATE CANAL SYSTEM.**

(a) **IN GENERAL.**—The Secretary may make capital improvements to the New York State Canal System.

(b) **AGREEMENTS.**—The Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trails facilities and other recreational projects along the waterways of the canal system.

(c) **NEW YORK STATE CANAL SYSTEM DEFINED.**—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) **FEDERAL SHARE.**—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$8,000,000.

#### **SEC. 554. ORCHARD BEACH, BRONX, NEW YORK.**

The Secretary shall conduct a study for a project for shoreline protection, Orchard Beach, Bronx, New York, and, if the Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of \$5,200,000.

#### **SEC. 555. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK-NEW JERSEY.**

(a) **IN GENERAL.**—The Secretary may construct, operate, and maintain a dredged material containment facility with a capacity

commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York-New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront.

(b) **COST SHARING.**—The costs associated with feasibility studies, design, engineering, and construction under this section shall be shared with the non-Federal interest in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) **PUBLIC BENEFIT.**—After the facility constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

33 USC 59c-3.

**SEC. 556. QUEENS COUNTY, NEW YORK.**

(a) **DESCRIPTION OF NONNAVIGABLE AREA.**—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) as of the date of the enactment of this Act, lies between the southerly high water line of Anable Basin (also known as the “11th Street Basin”) and the northerly high water line of Newtown Creek; and

(3) extends from the high water line (as of such date of enactment) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) **REQUIREMENT THAT AREA BE IMPROVED.**—

Applicability.

(1) **IN GENERAL.**—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) **APPLICABILITY OF FEDERAL LAW.**—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) **EXPIRATION DATE.**—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of the enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.



**SEC. 557. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.**

(a) **REVISIONS TO WATER CONTROL MANUALS.**—In consultation with the States of North Dakota and South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in North Dakota and South Dakota.

(b) **FEASIBILITY STUDY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

Reports.

(2) **CONSIDERATIONS.**—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

**SEC. 558. NORTHEASTERN OHIO.**

The Secretary may provide technical assistance to local interests for establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 50 percent.

**SEC. 559. OHIO RIVER GREENWAY.**

Indiana.

(a) **EXPEDITED COMPLETION OF STUDY.**—The Secretary shall expedite the completion of the study for a project for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) **CONSTRUCTION.**—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) **COST SHARING.**—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY.**—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) **CREDIT.**—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

**SEC. 560. GRAND LAKE, OKLAHOMA.**

(a) **STUDY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall carry out and complete a study of flooding in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands that the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) **ACQUISITION OF REAL PROPERTY.**—Upon completion of the study and subject to advance appropriations, the Secretary may



acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) **IMPLEMENTATION REPORTS.**—The Secretary shall transmit to Congress reports on the operation of Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as “preoccupancy releases”), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$25,000,000.

(2) **MAXIMUM FUNDING FOR STUDY.**—Of amounts appropriated to carry out this section, not to exceed \$1,500,000 shall be available for carrying out the study under subsection (a).

#### **SEC. 561. BROAD TOP REGION OF PENNSYLVANIA.**

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

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

“(b) **COST SHARING.**—

“(1) **FEDERAL SHARE.**—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a)—

“(A) shall be 75 percent; and

“(B) may be in the form of grants or reimbursements of project costs.

“(2) **NON-FEDERAL SHARE.**—The non-Federal share of project costs may be provided in the form of design and construction services and other in-kind work provided by the non-Federal interests, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. Non-Federal interests shall receive credit for grants and the value of work performed on behalf of such interests by State and local agencies, as determined by the Secretary.”; and

(2) in subsection (c) by striking “\$5,500,000” and inserting “\$11,000,000”.

#### **SEC. 562. CURWENSVILLE LAKE, PENNSYLVANIA.**

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such modification will provide environmental restoration benefits in meeting instream flow needs in the Susquehanna River basin.

#### **SEC. 563. HOPPER DREDGE MCFARLAND.**

(a) **PROJECT AUTHORIZATION.**—

(1) **DETERMINATION.**—The Secretary shall determine the advisability and necessity of making modernization and efficiency improvements to the hopper dredge McFarland. In making such determination, the Secretary shall—

(A) assess the need for returning the dredge to active service;

(B) determine whether the McFarland should be returned to active service or the reserve fleet after the potential improvements are completed and paid for; and

(C) establish minimum standards of dredging service to be met in areas served by the McFarland while the dredge is undergoing improvements.

(2) **AUTHORIZATION.**—If the Secretary determines under paragraph (1) that such modernization and efficiency improvements are advisable and necessary, the Secretary may carry out the modernization and efficiency improvements. The Secretary may carry out such improvements only at the Philadelphia Naval Shipyard, Pennsylvania.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000.

**SEC. 564. PHILADELPHIA, PENNSYLVANIA.**

Reports.

(a) **WATER WORKS RESTORATION.**—

(1) **IN GENERAL.**—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania, Water Works.

(2) **COORDINATION.**—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) **FUNDING.**—There is authorized to be appropriated to carry out this subsection \$1,000,000.

(b) **COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.**—

(1) **IN GENERAL.**—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) **LIMITATION ON FEDERAL SHARE.**—The Federal share of the cost of the rehabilitation under paragraph (1) shall not exceed \$300,000 for each fiscal year.

(3) **AREA INCLUDED.**—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) **SCHUYLKILL RIVER PARK.**—

(1) **ASSISTANCE.**—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary may provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) **FUNDING.**—There is authorized to be appropriated to carry out this subsection \$2,700,000.

(d) **PENNYPACK PARK.**—

(1) **ASSISTANCE.**—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary may provide technical, design, construction, and financial assistance for measures for the improvement and restoration

of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) COOPERATION AGREEMENTS.—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection \$15,000,000.

(e) FRANKFORD DAM.—

(1) COOPERATION AGREEMENTS.—The Secretary may enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) FUNDING.—There is authorized to be appropriated to carry out this subsection \$900,000.

**SEC. 565. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.**

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

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

**SEC. 566. SOUTHEASTERN PENNSYLVANIA.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHEASTERN PENNSYLVANIA DEFINED.—In this section, the term "southeastern Pennsylvania" means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000.

**SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) The Juniata River watershed, Pennsylvania, at an estimated Federal cost of \$8,000,000.

(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of \$5,000,000.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) **COOPERATION AGREEMENTS.**—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(d) **IMPLEMENTATION.**—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

**SEC. 568. WILLS CREEK, HYNDMAN, PENNSYLVANIA.**

The Secretary may carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of \$5,000,000.

**SEC. 569. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.**

(a) **IN GENERAL.**—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island and Massachusetts.

(b) **FEDERAL SHARE.**—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

**SEC. 570. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF PROVIDENCE, RHODE ISLAND.**

(a) **IN GENERAL.**—The Secretary may construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of Providence, Rhode Island.

(b) **COST SHARING.**—The costs associated with feasibility studies, design, engineering, and construction shall be shared with the non-Federal interest in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) **PUBLIC BENEFIT.**—After the facility constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

**SEC. 571. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of \$1,350,000, with an estimated Federal cost of \$1,012,500 and an estimated non-Federal cost of \$337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of \$300,000, with an estimated Federal cost of \$225,000 and an estimated non-Federal cost of \$75,000.

**SEC. 572. EAST RIDGE, TENNESSEE.**

The Secretary shall conduct a limited reevaluation of the flood management study for the East Ridge and Hamilton County area, Tennessee, undertaken by the Tennessee Valley Authority and may carry out the project at an estimated total cost of up to \$25,000,000.

**SEC. 573. MURFREESBORO, TENNESSEE.**

The Secretary may carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

**SEC. 574. TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.**

The Secretary shall conduct a study for a project for bank stabilization, Tennessee River, Hamilton County, Tennessee, and, if the Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of \$7,500,000.

**SEC. 575. HARRIS COUNTY, TEXAS.**

(a) **IN GENERAL.**—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) **SPECIFIC PROJECTS.**—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258);

(2) the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610); and

(3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

**SEC. 576. NEABSCO CREEK, VIRGINIA.**

The Secretary shall carry out a project for flood control, Neabsco Creek Watershed, Prince William County, Virginia, at an estimated total cost of \$1,500,000.

**SEC. 577. TANGIER ISLAND, VIRGINIA.**

(a) **IN GENERAL.**—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of \$1,200,000, with an estimated Federal cost of \$900,000 and an estimated non-Federal cost of \$300,000.

(b) **COST-BENEFIT RATIO.**—Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

**SEC. 578. PIERCE COUNTY, WASHINGTON.**

(a) **PROVISION OF TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to ensure that non-Federal



levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650).

(b) **PURPOSE OF ASSISTANCE.**—The purpose of the assistance under this section shall be to provide a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (25 U.S.C. 1773 et seq.; 103 Stat. 83) and standards for project maintenance and vegetation management used by the Secretary in order to determine eligibility for levee rehabilitation assistance and, if appropriate, to amend such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

**SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.**

(a) **IN GENERAL.**—The Secretary may design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte, and Alderson as generally presented in the District Engineer's draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford such communities a level of protection against flooding sufficient to reduce future losses to such communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) **FLOOD PROTECTION MEASURES.**—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a):

(1) Local protection projects such as levees, floodwalls, channelization, small tributary stream impoundments, and non-structural measures such as individual floodproofing.

(2) Floodplain relocations and resettlement site developments, floodplain evacuations, and a comprehensive river corridor and watershed management plan generally in accordance with the District Engineer's draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

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

**SEC. 580. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

The Secretary shall conduct a limited reevaluation of the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia, by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and may carry out the project.

**SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

(a) **IN GENERAL.**—The Secretary may design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehanna, and Juniata River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding such as occurred in January 1996, but no less than a 100-year level of flood protection.

(b) **PRIORITY COMMUNITIES.**—In carrying out this section, the Secretary shall give priority to the communities of—

(1) Parsons and Rowlesburg, West Virginia, in the Cheat River Basin;

(2) Bellington and Phillipi, West Virginia, in the Tygart River Basin;

(3) Connellsville, Pennsylvania, in the Lower Monongahela River Basin;

(4) Benson, Hooversville, Clymer, and New Bethlehem, Pennsylvania, in the Lower Allegheny River Basin;

(5) Patton, Barnesboro, Coalport, and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin; and

(6) Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

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

#### **SEC. 582. SITE DESIGNATION.**

California.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended—

(1) by inserting after “for a site” the following: “(other than the site located off the coast of Newport Beach, California, which is known as ‘LA-3’); and

(2) by adding at the end the following: “Beginning January 1, 2000, no permit for dumping pursuant to this Act or authorization for dumping under section 103(e) shall be issued for the site located off the coast of Newport Beach, California, which is known as ‘LA-3’, unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 103(b).”

Effective date.

#### **SEC. 583. LONG ISLAND SOUND.**

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended by striking “1996” each place it appears and inserting “2001”.

#### **SEC. 584. WATER MONITORING STATION.**

Montana.

(a) **ASSISTANCE.**—The Secretary shall provide assistance to non-Federal interests for reconstruction of the water monitoring station on the North Fork of the Flathead River, Montana.

(b) **FUNDING.**—There is authorized to be appropriated to carry out this section \$50,000.

#### **SEC. 585. OVERFLOW MANAGEMENT FACILITY.**

Rhode Island.

(a) **ASSISTANCE.**—The Secretary shall provide assistance to the Narragansett Bay Commission for the construction of a combined river overflow management facility in Rhode Island.

(b) **FUNDING.**—There is authorized to be appropriated to carry out this section \$30,000,000.

#### **SEC. 586. PRIVATIZATION OF INFRASTRUCTURE ASSETS.**

33 USC 1281 note.

(a) **IN GENERAL.**—Notwithstanding the provisions of title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.), Executive Order 12803, or any other law or authority, an entity that received Federal grant assistance for an infrastructure asset under the Federal Water Pollution Control Act shall not be required to repay any portion of the grant upon the lease or concession of the asset only if—

(1) ownership of the asset remains with the entity that received the grant; and

(2) the Administrator of the Environmental Protection Agency determines that the lease or concession furthers the purposes of such Act and approves the lease or concession.

(b) LIMITATION.—The Administrator shall not approve a total of more than 5 leases and concessions under this section.

## **TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND**

### **SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.**

26 USC 9505.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

“(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),”.

Approved October 12, 1996.

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#### **LEGISLATIVE HISTORY—S. 640 (H.R. 3592):**

HOUSE REPORTS: Nos. 104-695 accompanying H.R. 3592 (Comm. on Transportation and Infrastructure) and 104-843 (Comm. on Conference).

SENATE REPORTS: No. 104-170 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 11, considered and passed Senate.

July 30, H.R. 3592 considered and passed House; S. 640, amended, passed in lieu.

Sept. 26, House agreed to conference report.

Sept. 27, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Oct. 12, Presidential statement.