

108TH CONGRESS
2D SESSION

S. 2554

To provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2004

Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Development Act of 2004”.

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

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

TITLE I—GENERAL PROVISIONS

- Sec. 1001. Credit for in-kind contributions.
 Sec. 1002. Interagency and international support authority.
 Sec. 1003. Training funds.
 Sec. 1004. Recreation user fees.
 Sec. 1005. Corps of Engineers River Stewardship Commission.
 Sec. 1006. Improvement of water management at Corps of Engineers reservoirs.
 Sec. 1007. Fiscal transparency report.
 Sec. 1008. Planning.
 Sec. 1009. Water Resources Planning Council.
 Sec. 1010. Independent reviews.
 Sec. 1011. Fish and wildlife.

TITLE II—NAVIGATION

Subtitle A—Inland Waterways

CHAPTER 1—STUDY AUTHORIZATIONS

- Sec. 2101. Middle Bass Island State Park, Middle Bass Island, Ohio.

CHAPTER 2—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

- Sec. 2121. Deep Creek, Chesapeake, Virginia.

SUBCHAPTER B—MODIFICATIONS

- Sec. 2131. Black Warrior-Tombigbee Rivers, Alabama.
 Sec. 2132. Larkspur Ferry Channel, California.
 Sec. 2133. Redwood city navigation project, California.
 Sec. 2134. St. George's Bridge, Delaware.
 Sec. 2135. Chicago River, Illinois.
 Sec. 2136. Red River (J. Bennett Johnston) Waterway, Louisiana.
 Sec. 2137. Fall River Harbor, Massachusetts and Rhode Island.
 Sec. 2138. Cooper River bridge demolition, Charleston, South Carolina.
 Sec. 2139. Plant Replacement and Improvement Program, Corps of Engineers Charleston District Equipment and Storage Yard, South Carolina.
 Sec. 2140. Old Hickory Lock and Dam, Cumberland River, Tennessee.
 Sec. 2141. McNary Lock and Dam, McNary National Wildlife Refuge, Washington.
 Sec. 2142. Marmet Lock, Kanawha River, West Virginia.
 Sec. 2143. Navigation capacity improvements.
 Sec. 2144. Pilot program, Middle Mississippi River.

SUBCHAPTER C—DEAUTHORIZATIONS

- Sec. 2161. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
 Sec. 2162. Mayo's Bar lock and dam, Coosa River, Rome, Georgia.

- Sec. 2163. Mississippi River, Muscatine, Iowa.
- Sec. 2164. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
- Sec. 2165. Eisenhower and Snell locks, New York.
- Sec. 2166. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
- Sec. 2167. Schuylkill River, Pennsylvania.
- Sec. 2168. Lake of the Pines, Texas.
- Sec. 2169. Tennessee Colony Lake, Texas.
- Sec. 2170. City Waterway, Tacoma, Washington.

Subtitle B—Ports and Harbors

CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

- Sec. 2211. Small river and harbor improvement projects.

CHAPTER 2—PROJECTS

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- Sec. 2221. Akutan Harbor, Akutan, Alaska.
- Sec. 2222. Haines Small Boat Harbor, Haines, Alaska.
- Sec. 2223. Unalaska Small Boat Harbor, Unalaska, Alaska.
- Sec. 2224. Miami Harbor, Miami, Florida.
- Sec. 2225. Port of Iberia, Louisiana.
- Sec. 2226. Corpus Christi Ship Channel, Corpus Christi, Texas.
- Sec. 2227. AIWW—bridge replacement at Deep Creek, Virginia.

SUBCHAPTER B—MODIFICATIONS

- Sec. 2241. Sitka, Alaska.
- Sec. 2242. LA-3 dredged material ocean disposal site designation, California.
- Sec. 2243. Conditional declaration of nonnavigability, Port of San Francisco, California.
- Sec. 2244. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 2245. Anchorage area, New London Harbor, Connecticut.
- Sec. 2246. Norwalk Harbor, Connecticut.
- Sec. 2247. Jacksonville Harbor, Florida.
- Sec. 2248. Land conveyance, Richard B. Russell dam and lake, Georgia and South Carolina.
- Sec. 2249. Port of Lewiston, Idaho.
- Sec. 2250. Chicago River and Harbor, Chicago, Illinois.
- Sec. 2251. Camp Ellis, Saco, Maine.
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- Sec. 2253. Duluth Harbor, Minnesota.
- Sec. 2254. New York Harbor, New York, New York.
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- Sec. 2256. Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas.
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- Sec. 2258. Tangier Island seawall, Virginia.
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- Sec. 2276. Tenants Harbor, Maine.
- Sec. 2277. Grand Haven Harbor, Michigan.
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- Sec. 2382. Manteo Bay, North Carolina.
- Sec. 2383. Cleveland Harbor 1958 Act, Ohio.
- Sec. 2384. Cleveland Harbor 1960 Act, Ohio.
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- Sec. 2386. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 2387. Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey.
- Sec. 2388. Narragansett Town Beach, Narragansett, Rhode Island.
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- Sec. 3001. Protection and restoration due to emergencies at shores and streambanks (PRESS).

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- Sec. 3101. Review of St. Helena comprehensive flood protection project, California.

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- Sec. 3201. Tanque Verde Creek Project, Pima County, Arizona.
- Sec. 3202. Hamilton City, California.
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- Sec. 3204. Indian River Lagoon, South Florida.
- Sec. 3205. Picayune Strand Ecosystem Restoration, Collier County, Florida.
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- Sec. 3213. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3214. Red-Ouachita River Basin, Arkansas.
- Sec. 3215. Cache Creek Basin, California.
- Sec. 3216. Llagas Creek, California.
- Sec. 3217. Sacramento and American Rivers flood control, California.
- Sec. 3218. Upper Guadalupe River, California.
- Sec. 3219. Yuba River Basin Project, California.
- Sec. 3220. Dworshak Reservoir improvements, Idaho.
- Sec. 3221. Cache River Levee, Illinois.

- Sec. 3222. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3223. Spunky Bottom, Illinois.
- Sec. 3224. Cumberland, Maryland.
- Sec. 3225. Land exchange, Pike County, Missouri.
- Sec. 3226. Lake Girard Lake Dam, Ohio.
- Sec. 3227. University of Oregon Museum of Natural History, Oregon.
- Sec. 3228. Tioga Township, Pennsylvania.
- Sec. 3229. Harris Fork Creek, Tennessee and Kentucky.
- Sec. 3230. Nonconnah Weir, Memphis, Tennessee.
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- Sec. 3242. Winslow, Arizona.
- Sec. 3243. Goleta and vicinity, California.
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- Sec. 3245. Brevoort, Indiana.
- Sec. 3246. Middle Wabash, Greenfield Bayou, Indiana.
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- Sec. 3248. Green Bay Levee and Drainage District No. 2, Iowa.
- Sec. 3249. Eagle Creek Lake, Kentucky.
- Sec. 3250. Hazard, Kentucky.
- Sec. 3251. Taylorsville Lake, Kentucky.
- Sec. 3252. West Kentucky Tributaries, Kentucky.
- Sec. 3253. Bayou Cocodrie and Tributaries, Louisiana.
- Sec. 3254. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
- Sec. 3255. Platte River flood and related streambank erosion control, Nebraska.
- Sec. 3256. Sugar Creek Basin, North Carolina and South Carolina.
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- Sec. 3261. Tioga-Hammond Lakes, Pennsylvania.
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- Sec. 3263. Arroyo Colorado, Texas.
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- Sec. 3268. Cabin Creek, West Virginia.
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- Sec. 3301. Shore protection and beach renourishment projects.

- Sec. 3302. Regional sediment management.
- Sec. 3303. America's wetland—Coastal Louisiana ecosystem protection and restoration.

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- Sec. 3311. Oceanside, California, shoreline special study.
- Sec. 3312. Coastal wetland conservation project funding.

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- Sec. 3322. New Jersey Shore protection, Manasquan Inlet to Barnegat Inlet, New Jersey.
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SUBCHAPTER B—MODIFICATIONS

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- Sec. 3332. Imperial Beach, California.
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TITLE IV—ECOSYSTEM RESTORATION AND ENVIRONMENTAL REMEDIATION PROGRAM

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- Sec. 4001. Statement of policy.
- Sec. 4002. Ecosystem restoration benefits.

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- Sec. 4101. Chicago Sanitary and Ship Canal Dispersal Barriers Project, Illinois.
- Sec. 4102. Upper Connecticut River Basin Ecosystem Restoration, New Hampshire and Vermont.
- Sec. 4103. Study of water resource needs and development of a hydrologic model of the Connecticut River Basin, Vermont, New Hampshire, Massachusetts, and Connecticut.
- Sec. 4104. Upper Connecticut River Basin Wetland Restoration, New Hampshire and Vermont.
- Sec. 4105. Upper Willamette River Watershed Ecosystem Restoration, Oregon.
- Sec. 4106. Lake Champlain Canal study, Vermont and New York.
- Sec. 4107. Lake Champlain Watershed, Vermont and New York.
- Sec. 4108. Environmental remediation, Front Royal, Virginia.
- Sec. 4109. Restoration of the environment for protection of aquatic and riparian ecosystems program.

- Sec. 4110. Environmental modification of projects for improvement and restoration of ecosystems program.
- Sec. 4111. Projects to enhance estuaries and coastal habitats.

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- Sec. 4301. Matilija Dam, Ventura County, California.
- Sec. 4302. Napa River Salt Marsh, California.
- Sec. 4303. Pine Flat Dam fish and wildlife habitat, California.
- Sec. 4304. South Platte River, Denver, Colorado.
- Sec. 4305. Smith Island, Maryland.
- Sec. 4306. Jamaica Bay, Marine Park and Plumb Beach, Queens and Brooklyn, New York.
- Sec. 4307. Riverside Oxbow, Fort Worth, Texas.

SUBCHAPTER B—MODIFICATIONS

- Sec. 4321. Hamilton Airfield, California.
- Sec. 4322. Implementation of projects funded by the Southern Nevada Public Lands Management Act, Lake Tahoe Basin, California and Nevada.
- Sec. 4323. Delmarva Conservation Corridor, Delaware.
- Sec. 4324. Allatoona Lake, Georgia.
- Sec. 4325. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 4326. Missouri River restoration, North Dakota.
- Sec. 4327. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 4328. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds, South Dakota.
- Sec. 4329. Missouri River restoration.
- Sec. 4330. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 4331. Lake Champlain Eurasian Milfoil and water chestnut control, Vermont.
- Sec. 4332. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. 4333. Lakes program.

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- Sec. 4351. Deauthorization of projects.
- Sec. 4352. Dog River pilot project, Alabama.
- Sec. 4353. Central and southern Florida, Everglades National Park, Florida.

Subtitle B—Environmental Remediation

- Sec. 4401. Remediation of abandoned mine sites.

TITLE V—WATER STORAGE AND WATER QUALITY

Subtitle A—Water Storage Program

CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

- Sec. 5201. Mississippi River headwaters reservoirs.
- Sec. 5202. Union Lake, Missouri.

Sec. 5203. Small projects for the rehabilitation or removal of dams.

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Sec. 5301. Duluth Harbor, McQuade Road, Minnesota.

Sec. 5302. Arcadia Lake, Oklahoma.

Sec. 5303. Waurika Lake, Oklahoma.

SUBCHAPTER B—DEAUTHORIZATIONS

Sec. 5321. Big South Fork National River and Recreational Area, Kentucky and Tennessee.

Sec. 5322. Libby Dam, Montana.

Subtitle B—Water Quality

CHAPTER 1—GENERAL PROVISIONS

Sec. 5401. Funding to expedite the evaluation and processing of permits.

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Sec. 5421. Bridgeport, Connecticut.

Sec. 5422. Hartford, Connecticut.

Sec. 5423. New Haven, Connecticut.

Sec. 5424. Casco Bay, Portland, Maine.

Sec. 5425. Penobscot River, Bangor, Maine.

Sec. 5426. Saint John River Basin, Maine.

Sec. 5427. Epping, New Hampshire.

Sec. 5428. Manchester, New Hampshire.

Subtitle C—Watershed Planning Program

Sec. 5451. Delmarva Conservation Corridor, Delaware and Maryland.

Sec. 5452. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

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

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

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 1001. CREDIT FOR IN-KIND CONTRIBUTIONS.**

6 Section 103(j) of the Water Resources Development
7 Act of 1986 (33 U.S.C. 2213(j)) is amended by adding
8 at the end the following:

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

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

8 “(i) the costs of planning (including
9 data collection), design, management, miti-
10 gation, construction, and construction serv-
11 ices that are provided by the non-Federal
12 interest for implementation of the project;
13 and

14 “(ii) the value of materials or services
15 provided before execution of an agreement
16 for the project, including—

17 “(I) efforts on constructed ele-
18 ments incorporated into the project;
19 and

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

22 “(B) CONDITION.—The Secretary shall
23 credit an in-kind contribution under subpara-
24 graph (A) if the Secretary determines that the

property or service provided as an in-kind contribution is integral to the project.

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

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

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

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

**SEC. 1002. INTERAGENCY AND INTERNATIONAL SUPPORT
AUTHORITY.**

(a) FINDINGS.—Congress finds that—

(1) the Corps of Engineers makes a valuable contribution to the United States by using its talents to support the programs and interests of—

(A) other Federal agencies;

(B) State, tribal, and local governments;

(C) international organizations; and

1 (D) friendly foreign countries;

2 (2) the Corps of Engineers assists those entities
3 in executing programs in a cost-effective, sustainable
4 manner;

5 (3) the interagency and international services
6 provided by the Corps of Engineers—

7 (A) make a significant contribution to the
8 national security of the United States by assist-
9 ing in the development of secure, stable, and
10 sustainable economies, governments, and insti-
11 tutions around the world;

12 (B) supporting the economic well-being of
13 the United States; and

14 (C) protecting the environment in the
15 United States.

16 (b) SUPPORT AUTHORITY.—Section 234 of the Water
17 Resources Development Act of 1996 (33 U.S.C. 2323a)
18 is amended—

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

21 “(a) IN GENERAL.—The Secretary may engage in ac-
22 tivities (including contracting) in support of other Federal
23 agencies, international organizations engaged in inter-
24 national activities, or foreign governments to address
25 problems of national significance to the United States.”;

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

3 (3) in subsection (d), by striking “\$250,000 for
4 fiscal year 2001” and inserting “\$1,000,000 for fis-
5 cal year 2005”.

6 (c) NECESSARY SERVICES.—The Secretary may pro-
7 vide necessary services for projects and activities for each
8 of the following locations:

9 (1) Lake Wappanoca, Arkansas.

10 (2) Arkansas Valley Conduit, Colorado.

11 (3) Egmont Key, Florida.

12 (4) Wind River Irrigation Project, Wyoming.

13 **SEC. 1003. TRAINING FUNDS.**

14 (a) IN GENERAL.—The Secretary may include indi-
15 viduals from the private sector in training classes or
16 courses offered by the Corps of Engineers in any case in
17 which the Secretary determines that it is in the best inter-
18 est of the Federal Government to include those individuals
19 as participants.

20 (b) EXPENSES.—

21 (1) IN GENERAL.—An individual from the pri-
22 vate sector attending a training class or course de-
23 scribed in subsection (a) shall pay the full cost of
24 the training provided to the individual.

1 (2) PAYMENTS.—Payments made for training
2 by an individual under paragraph (1), up to the ac-
3 tual cost of the training—

4 (A) may be retained by the Secretary;

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

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

10 (3) EXCESS AMOUNTS.—Any payments received
11 under paragraph (2) that are in excess of the actual
12 cost of training provided shall be credited as mis-
13 cellaneous receipts to the Treasury of the United
14 States.

15 **SEC. 1004. RECREATION USER FEES.**

16 Section 225 of the Water Resources Development Act
17 of 1999 (16 U.S.C. 460l–6a; Public Law 106–53) is
18 amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “above a
21 baseline of \$34,000,000 per each fiscal year”;
22 and

23 (B) in paragraph (3), by striking “Sep-
24 tember 30, 2005” and inserting “expended”;

25 (2) in subsection (b)—

1 (A) in paragraph (7), by striking “and” at
2 the end;

3 (B) in paragraph (8), by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(9) planning.”;

7 (3) in subsection (c)—

8 (A) by striking “Each” and inserting
9 “Eighty percent of each”; and

10 (B) by striking “project from which the
11 amount, above baseline,” and inserting “Dis-
12 trict”; and

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

14 “(d) RECREATION USER FEE PROGRAM.—

15 “(1) IN GENERAL.—The Secretary shall carry
16 out a recreation user fee program to attempt to re-
17 cover from users the costs of operating and main-
18 taining recreation areas or sites on project land.

19 “(2) ADMISSION AND USER FEES.—

20 “(A) IN GENERAL.—In carrying out the
21 program, the Secretary shall charge and collect
22 fees, in an amount determined under subpara-
23 graph (B), for—

24 “(i) admission to the recreation area
25 or site by individuals or groups; or

1 “(ii) the use of outdoor recreation
2 sites, facilities, visitor centers, equipment,
3 and services by individuals and groups.

4 “(B) AMOUNT.—The Secretary shall deter-
5 mine the amount of fees charged and collected
6 under subparagraph (A), which, to maximize
7 the recreation benefits of the projects, shall be
8 based on the fair market value of the admission
9 or use.

10 “(C) CONTRACT.—The Secretary may—

11 “(i) enter into a contract (including a
12 contract that provides for reasonable com-
13 missions) with any public or private entity
14 to provide visitor services for the recreation
15 area or site, including taking reservations
16 and providing information on the recre-
17 ation area or site; and

18 “(ii) accept the services of volunteers
19 to collect the fees charged under subpara-
20 graph (A).

21 “(3) LEASES.—

22 “(A) IN GENERAL.—The Secretary shall
23 charge and collect rents for any lease entered
24 into between the Secretary and a non-Federal
25 entity relating to project land.

1 “(B) TERM.—A lease entered into under
2 subparagraph (A)—

3 “(i) shall be for an initial period of
4 not more than 25 years; and

5 “(ii) may be renewed for additional
6 25-year terms.

7 “(C) TERMINATION.—A lease entered into
8 under subparagraph (A) shall provide that the
9 lease shall be terminated if the Secretary deter-
10 mines that the project land subject to the lease
11 has not been used by the non-Federal entity for
12 recreation or any other purposes specified in
13 the lease.

14 “(D) PAYMENTS IN LIEU OF TAXES.—
15 Land leased to non-Federal entities for rec-
16 reational purposes shall be subject to chapter
17 69 of title 31, United States Code.

18 “(4) OTHER FEES.—Fees charged and collected
19 under this section shall be in lieu of fees charged
20 under any other provision of law.”.

21 **SEC. 1005. CORPS OF ENGINEERS RIVER STEWARDSHIP**
22 **COMMISSION.**

23 (a) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
 2 means the Corps of Engineers River Stewardship
 3 Commission established under subsection (b)(1).

4 (2) INDIAN TRIBE.—The term “Indian tribe”
 5 has the meaning given the term in section 4 of the
 6 Indian Self-Determination and Education Assistance
 7 Act (25 U.S.C. 450b).

8 (3) SESSION DAY.—The term “session day”
 9 means a day on which both Houses of Congress are
 10 in session.

11 (b) ESTABLISHMENT OF COMMISSION.—

12 (1) IN GENERAL.—There is established a com-
 13 mission to be known as the “Corps of Engineers
 14 River Stewardship Commission”.

15 (2) MEMBERSHIP.—

16 (A) IN GENERAL.—The Commission shall
 17 be composed of 23 members, consisting of—

18 (i) 20 members, 5 members appointed
 19 by each of the Majority Leader and Minor-
 20 ity Leader of the Senate and the Speaker
 21 and Minority Leader of the House of Rep-
 22 resentatives, that—

23 (I) represent the various interests
 24 of the public; and

1 (II) include individuals rep-
 2 resenting—

3 (aa) environmental groups;

4 (bb) the hydroelectric power
 5 industry;

6 (cc) recreation user groups;

7 (dd) flood control interests;

8 (ee) navigation interests;

9 (ff) State governments, in-
 10 cluding wildlife and natural re-
 11 source agencies;

12 (gg) Indian tribal govern-
 13 ments; and

14 (hh) other affected interests;

15 (ii) the Administrator of the Environ-
 16 mental Protection Agency;

17 (iii) the Assistant Secretary of the
 18 Army for Civil Works; and

19 (iv) the Director of the United States
 20 Fish and Wildlife Service.

21 (B) DATE OF APPOINTMENTS.—The ap-
 22 pointment of a member of the Commission shall
 23 be made not later than 90 days after the date
 24 of enactment of this Act.

25 (3) TERM; VACANCIES.—

1 (A) TERM.—A member shall be appointed
2 for the life of the Commission.

3 (B) VACANCIES.—A vacancy on the Com-
4 mission—

5 (i) shall not affect the powers of the
6 Commission; and

7 (ii) shall be filled in the same manner
8 as the original appointment was made.

9 (4) INITIAL MEETING.—Not later than 30 days
10 after the date on which all members of the Commis-
11 sion have been appointed, the Commission shall hold
12 the initial meeting of the Commission.

13 (5) MEETINGS.—The Commission shall meet at
14 the call of the Chairperson.

15 (6) QUORUM.—A majority of the members of
16 the Commission shall constitute a quorum, but a
17 lesser number of members may hold hearings.

18 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

19 (A) IN GENERAL.—The Commission shall
20 select a Chairperson and Vice Chairperson from
21 among the members of the Commission.

22 (B) NO CORPS REPRESENTATIVE.—The
23 Chairperson and the Vice Chairperson shall not
24 be representatives of the Department of the
25 Army (including the Corps of Engineers).

1 (c) INVESTIGATION OF CORPS OF ENGINEERS.—Not
2 later than 2 years after the date of enactment of this Act,
3 the Commission shall complete an investigation and sub-
4 mit to Congress a report on the management of rivers in
5 the United States by the Corps of Engineers, with empha-
6 sis on—

7 (A) compliance with environmental laws in
8 the design and operation of river management
9 projects, including—

10 (i) the Fish and Wildlife Coordination
11 Act (16 U.S.C. 661 et seq.);

12 (ii) the Endangered Species Act of
13 1973 (16 U.S.C. 1531 et seq.);

14 (iii) the National Environmental Pol-
15 icy Act of 1969 (42 U.S.C. 4321 et seq.);
16 and

17 (iv) the Federal Water Pollution Con-
18 trol Act (33 U.S.C. 1251 et seq.);

19 (B) compliance with the cultural resource
20 laws that protect Native American graves, tra-
21 ditional cultural properties, and Native Amer-
22 ican sacred sites in the design and operation of
23 river management projects, including—

24 (i) the National Historic Preservation
25 Act (16 U.S.C. 470 et seq.);

1 (ii) the Archaeological Resources Pro-
2 tection Act of 1979 (16 U.S.C. 470aa et
3 seq.);

4 (iii) the Native American Graves Pro-
5 tection and Repatriation Act (25 U.S.C.
6 3001 et seq.);

7 (iv) Executive Order No. 13007 (61
8 Fed. Reg. 26771; relating to Indian sacred
9 sites);

10 (v) identification of opportunities for
11 developing tribal cooperative management
12 agreements for erosion control, habitat res-
13 toration, cultural resource protection, and
14 enforcement;

15 (vi) review of policy and guidance con-
16 cerning nondisclosure of sensitive informa-
17 tion on the character, nature, and location
18 of traditional cultural properties and sa-
19 cred sites; and

20 (vii) review of the effectiveness of gov-
21 ernment-to-government consultation by the
22 Corps of Engineers with Indian tribes and
23 members of Indian tribes in cases in which
24 the river management functions and activi-
25 ties of the Corps of Engineers affect In-

1 dian land and Native American natural
2 and cultural resources;

3 (C) the quality and objectivity of scientific,
4 environmental, and economic analyses by the
5 Corps of Engineers, including—

6 (i) the use of independent reviewers of
7 analyses performed by the Corps of Engi-
8 neers; and

9 (ii) the implementation of rec-
10 ommendations made by those reviewers;

11 (D) the extent of coordination and co-
12 operation by the Corps of Engineers with Fed-
13 eral and State agencies (such as the United
14 States Fish and Wildlife Service) and Indian
15 tribes in carrying out river management respon-
16 sibilities, including the implementation of any
17 recommendations of those agencies and Indian
18 tribes;

19 (E) the extent to which river management
20 studies conducted by the Corps of Engineers
21 fairly and effectively balance the goals of public
22 and private interests, such as wildlife, recre-
23 ation, navigation, and hydropower interests;

24 (F) whether river planning laws (including
25 regulations) should be amended; and

1 (G) whether the river management func-
2 tions of the Corps of Engineers should be trans-
3 ferred from the Department of the Army to a
4 Federal civilian agency.

5 (d) POWERS.—

6 (1) HEARINGS.—The Commission may hold
7 such hearings, sit and act at such times and places,
8 take such testimony, and receive such evidence as
9 the Commission considers advisable to carry out this
10 section.

11 (2) INFORMATION FROM FEDERAL AGENCIES.—

12 (A) IN GENERAL.—The Commission may
13 secure directly from a Federal department or
14 agency such information as the Commission
15 considers necessary to carry out this section.

16 (B) PROVISION OF INFORMATION.—On re-
17 quest of the Chairperson of the Commission,
18 the head of the department or agency shall pro-
19 vide the information to the Commission.

20 (3) POSTAL SERVICES.—The Commission may
21 use the United States mails in the same manner and
22 under the same conditions as other departments and
23 agencies of the Federal Government.

1 (4) GIFTS.—The Commission may accept, use,
2 and dispose of gifts or donations of services or per-
3 sonal property.

4 (e) COMMISSION PERSONNEL MATTERS.—

5 (1) COMPENSATION OF MEMBERS.—

6 (A) NON-FEDERAL EMPLOYEES.—A mem-
7 ber of the Commission who is not an officer or
8 employee of the Federal Government shall be
9 compensated at a rate equal to the daily equiva-
10 lent of the annual rate of basic pay prescribed
11 for level IV of the Executive Schedule under
12 section 5315 of title 5, United States Code, for
13 each day (including travel time) during which
14 the member is engaged in the performance of
15 the duties of the Commission.

16 (B) FEDERAL EMPLOYEES.—A member of
17 the Commission who is an officer or employee
18 of the Federal Government shall serve without
19 compensation in addition to the compensation
20 received for the services of the member as an
21 officer or employee of the Federal Government.

22 (2) TRAVEL EXPENSES.—A member of the
23 Commission shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates author-
25 ized for an employee of an agency under subchapter

1 I of chapter 57 of title 5, United States Code, while
2 away from the home or regular place of business of
3 the member in the performance of the duties of the
4 Commission.

5 (3) STAFF.—

6 (A) IN GENERAL.—The Chairperson of the
7 Commission may, without regard to the civil
8 service laws (including regulations), appoint
9 and terminate an executive director and such
10 other additional personnel as are necessary to
11 enable the Commission to perform the duties of
12 the Commission.

13 (B) CONFIRMATION OF EXECUTIVE DIREC-
14 TOR.—The employment of an executive director
15 shall be subject to confirmation by the Commis-
16 sion.

17 (C) COMPENSATION.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), the Chairperson of the Com-
20 mission may fix the compensation of the
21 executive director and other personnel
22 without regard to the provisions of chapter
23 51 and subchapter III of chapter 53 of
24 title 5, United States Code, relating to

1 classification of positions and General
2 Schedule pay rates.

3 (ii) MAXIMUM RATE OF PAY.—The
4 rate of pay for the executive director and
5 other personnel may not exceed the rate
6 payable for level V of the Executive Sched-
7 ule under section 5316 of title 5, United
8 States Code.

9 (4) DETAIL OF FEDERAL GOVERNMENT EM-
10 PLOYEES.—

11 (A) IN GENERAL.—An employee of the
12 Federal Government may be detailed to the
13 Commission without reimbursement.

14 (B) CIVIL SERVICE STATUS.—The detail of
15 the employee shall be without interruption or
16 loss of civil service status or privilege.

17 (5) PROCUREMENT OF TEMPORARY AND INTER-
18 MITTENT SERVICES.—The Chairperson of the Com-
19 mission may procure temporary and intermittent
20 services in accordance with section 3109(b) of title
21 5, United States Code, at rates for individuals that
22 do not exceed the daily equivalent of the annual rate
23 of basic pay prescribed for level V of the Executive
24 Schedule under section 5316 of that title.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$5,000,000 for each of fiscal years 2005 through 2007,
 4 to remain available until expended.

5 (g) TERMINATION OF COMMISSION.—The Commis-
 6 sion shall terminate on the date on which the Commission
 7 submits the report to Congress under subsection (c).

8 **SEC. 1006. IMPROVEMENT OF WATER MANAGEMENT AT**
 9 **CORPS OF ENGINEERS RESERVOIRS.**

10 (a) IN GENERAL.—As part of the operation and
 11 maintenance of reservoirs in existence as of the date of
 12 enactment of this Act by the Corps of Engineers, the Sec-
 13 retary shall carry out measures to more effectively and
 14 efficiently meet the water resource needs of areas im-
 15 pacted by the reservoirs.

16 (b) COOPERATION.—The Secretary shall carry out
 17 the measures in cooperation and coordination with States,
 18 tribal governments, and local governments.

19 (c) MEASURES.—In carrying out this section, the
 20 Secretary may—

- 21 (1) conduct studies to identify unused or addi-
 22 tional water storage capacity at reservoirs;
- 23 (2) review operational plans and implement
 24 changes to improve water storage capacity and deliv-
 25 ery to users;

1 (3) improve data collection systems and forecast
2 models that enhance storage and delivery; and

3 (4) conduct sediment studies and implement
4 sediment management or removal measures.

5 (d) REVENUES.—

6 (1) IN GENERAL.—All revenues collected in con-
7 nection with reservoirs operated by the Corps of En-
8 gineers for navigation, flood control, or multiple pur-
9 pose projects, except revenues collected for the pur-
10 poses of recreation, shall be credited to the revolving
11 fund established under section 101 of the Civil
12 Functions Appropriations Act, 1954 (33 U.S.C.
13 701b–10).

14 (2) AVAILABILITY.—

15 (A) DISTRICT FROM WHICH REVENUE IS
16 RECEIVED.—

17 (i) IN GENERAL.—Subject to clause
18 (ii), 80 percent of the revenue received
19 from each District of the Corps of Engi-
20 neers shall be available for defraying the
21 costs of planning, operation, maintenance,
22 replacements, and upgrades of, and emer-
23 gency expenditures for, all facilities of the
24 Corps of Engineers projects within that
25 District.

1 (ii) SOURCE OF PAYMENTS.—With re-
 2 spect to each project described in clause
 3 (i), costs of planning, operation, mainte-
 4 nance, replacements, and upgrades of fa-
 5 cilities of the Corps of Engineers for the
 6 project shall be paid from available reve-
 7 nues received from the project.

8 (B) AGENCY-WIDE.—20 percent of the rev-
 9 enue received from each District of the Corps of
 10 Engineers shall be available agency-wide for de-
 11 fraying the costs of planning, operation, main-
 12 tenance, replacements, and upgrades of, and
 13 emergency expenditures for, all Corps of Engi-
 14 neers projects.

15 (e) HYDROELECTRIC MAINTENANCE FEES.—Power
 16 marketing administrators receiving electricity from
 17 projects operated by the Corps of Engineers shall pay 0.22
 18 cents per kilowatt-hour as reimbursement for the oper-
 19 ation and maintenance expense associated with the project
 20 for fiscal years 2005 through 2010.

21 (f) STUDY.—On September 1, 2009, the Secretary
 22 shall submit to the Committee on Environment and Public
 23 Works of the Senate and the Committee on Transpor-
 24 tation and Infrastructure of the House of Representatives
 25 a report that—

1 (1) details the estimated cost of operation and
 2 maintenance associated with hydroelectric facilities;
 3 and

4 (2) recommends an appropriate reimbursement
 5 rate calculated on a per-kilowatt basis.

6 **SEC. 1007. FISCAL TRANSPARENCY REPORT.**

7 (a) IN GENERAL.—On the third Tuesday of January
 8 of each year beginning January 18, 2005, the Chief on
 9 Engineers shall submit to the Committee on Environment
 10 and Public Works of the United States Senate and the
 11 Transportation and Infrastructure Committee of the
 12 House of Representatives a report on the expenditures for
 13 the preceding fiscal year and estimated expenditures for
 14 the current fiscal year.

15 (b) CONTENTS.—In addition to the information de-
 16 scribed in subsection (a), the report shall contain a de-
 17 tailed accounting of the following information:

18 (1) With respect to general construction, infor-
 19 mation on—

20 (A) projects currently under construction,
 21 including—

22 (i) allocations to date;

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

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

4 (iv) a list of projects the Corps of En-
 5 gineers anticipates completing during the
 6 current fiscal year; and

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

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

12 (ii) estimated annual Federal cost to
 13 maintain that construction schedule.

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

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

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

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

25 (A) the number of active studies;

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

3 (C) the number of initiated studies; and

4 (D) the number of studies expected to be
5 complete during the fiscal year.

6 (4) Funding received and estimates of funds to
7 be received for interagency and international support
8 activities under section 318(a) of the Water Re-
9 sources Development Act of 1990 (33 U.S.C.
10 2323(a)).

11 (5) Recreation fees and lease payments.

12 (6) Hydropower and water supply fees.

13 (7) Deposits into the Inland Waterway Trust
14 Fund and the Harbor Maintenance Trust Fund.

15 (8) Other revenues and fees collected.

16 (9) With respect to permit applications and no-
17 tifications, a list of individual permit applications
18 and nationwide permit notifications, including—

19 (A) the date each permit application is
20 filed;

21 (B) the date each permit application is de-
22 termined to be complete; and

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

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

5 (A) the authorization date;

6 (B) the last allocation date;

7 (C) the percentage of construction com-
 8 pleted;

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

11 (E) a brief explanation for the reasons the
 12 delay.

13 **SEC. 1008. PLANNING.**

14 (a) MATTERS TO BE ADDRESSED IN PLANNING.—
 15 Section 904 of the Water Resources Development Act of
 16 1986 (33 U.S.C. 2281) is amended by adding at the end
 17 the following: “The Secretary shall also assess whether the
 18 water resources project and each project increment is cost-
 19 effective, and whether the water resources project complies
 20 with local, State, and national laws, regulations, and pub-
 21 lic policies.”.

22 (b) FEASIBILITY REPORTS.—Section 905 of the
 23 Water Resources Development Act of 1986 (33 U.S.C.
 24 2282) is amended—

1 (1) in subsection (a), by inserting before “This
2 subsection shall not apply” the following: “The Sec-
3 retary shall, in collaboration with the Water Re-
4 sources Planning Council, revise the planning guide-
5 lines, regulation, and circulars of the Corps of Engi-
6 neers not later than 18 months after the date of en-
7 actment and once every 5 years thereafter to im-
8 prove the analysis of water resources projects, in-
9 cluding the integration of new and existing analyt-
10 ical techniques that properly reflect the probability
11 of project benefits and costs.”; and

12 (2) by striking subsection (c) and inserting the
13 following:

14 “(c) COST-BENEFIT ANALYSIS.—A feasibility study
15 shall include an analysis of the benefits and costs, both
16 quantified and unquantified. This analysis shall—

17 “(1) identify areas of risk and uncertainty in
18 the analysis; and

19 “(2) clearly describe the degree of reliability of
20 the estimated benefits and costs of the effectiveness
21 of alternative plans, including an assessment of the
22 credibility of the project construction schedule as it
23 affects the estimated benefits and costs;

24 “(3) identify local, regional, and national eco-
25 nomic costs and benefits;

1 “(4) identify environmental costs and benefits,
2 including the costs and benefits of protecting or de-
3 grading natural systems;

4 “(5) identify social costs and benefits, including
5 a risk analysis regarding potential loss of life that
6 may result from flooding and storm damage;

7 “(6) identify cultural and historical costs and
8 benefits;

9 “(7) exclude from the estimate of benefits and
10 costs any increase in direct Federal payments or
11 subsidies; and

12 “(8) exclude as a benefit—

13 “(A) any increase in direct Federal pay-
14 ments or subsidies; and

15 “(B) any project benefit attributable to
16 any change in, or intensification of, land use
17 arising from the draining, reduction, or elimi-
18 nation of wetlands; and

19 “(9) apply a discount rate consistent with that
20 used by other Federal agencies for water resources
21 projects.”.

22 **SEC. 1009. WATER RESOURCES PLANNING COUNCIL.**

23 (a) ESTABLISHMENT.—The Secretary shall establish
24 within civil works function a Water Resource Planning
25 Council to integrate planning policies that guide the use

1 of economics, environmental, engineering, scientific, and
 2 technical information to support the recommendations of
 3 the Chief of Engineers for implementation of water re-
 4 sources projects including peer review of such information.
 5 The Council will advise the Chief of Engineers in address-
 6 ing the concerns that may be over the integration of policy
 7 and science in decisionmaking. The Water Resource Plan-
 8 ning Council will be comprised of representatives of the
 9 following:

- 10 (1) Non-Federal sponsors from various water
 11 resource project purposes.
- 12 (2) States resource agencies.
- 13 (3) Department of Interior.
- 14 (4) Department of Agriculture.
- 15 (5) Council on Environmental Quality.

16 (b) DUTIES.—The Council shall have the following
 17 duties:

- 18 (1) Providing technical and managerial assist-
 19 ance to district engineers for project planning, devel-
 20 opment, and implementation.
- 21 (2) Providing external peer reviews of new
 22 major scientific, engineering, or economic methods,
 23 models or analyses that will be used to support deci-
 24 sions of the Secretary with respect to feasibility
 25 studies.

1 (3) Performing such other duties as prescribed
2 by the Secretary.

3 (c) WATER RESOURCES PLANNING PROCESS IM-
4 PROVEMENTS.—The Council shall—

5 (1) identify, review, and certify all critical
6 methods, models and procedures utilized in the
7 Corps of Engineers planning process to formulate
8 and evaluate water resources projects;

9 (2) identify other existing or new methods,
10 models, or procedures that may enhance the water
11 resources planning process;

12 (3) establish a systematic process and define
13 criteria for evaluating and validating the effective-
14 ness and efficiency of all methods, models, and pro-
15 cedures;

16 (4) develop and maintain a set of approved
17 methods, models, and procedures to be applied to
18 the water resources planning process across the
19 Corps of Engineers;

20 (5) develop and maintain effective systems for
21 technology transfer and support to provide state of
22 the art skills and knowledge to the workforce;

23 (6) identify the discrete elements of studies and
24 establish benchmarks for the resources required to
25 implement elements to improve the timeliness and

1 effectiveness of the water resources planning proc-
2 ess;

3 (7) develop and maintain procedures for risk
4 analysis for estimating projects costs to ensure accu-
5 rate cost forecasting and minimize cost overruns;
6 and

7 (8) assist the Corps of Engineers in accom-
8 plishing such improvements.

9 (d) REPORTS TO CONGRESS.—

10 (1) INITIAL REPORT.—The Council shall pro-
11 vide a report to Congress 2 years after the date of
12 enactment of this Act that includes—

13 (A) the set of approved methods, models,
14 and procedures to be applied to the water re-
15 sources planning process across the Corps of
16 Engineers; and

17 (B) the benchmarks developed to measure
18 the timeliness and effectiveness of the water re-
19 sources planning process.

20 (2) ADDITIONAL REPORTS.—The Council shall
21 provide a report to congress every 5 years thereafter
22 that describes—

23 (A) the effectiveness of the water resources
24 planning process in comparison to the estab-
25 lished benchmarks;

1 (B) any peer reviewed changes to the
2 methods, models, and procedures used; and

3 (C) a discussion of any planned changes to
4 the established benchmarks, including reasons
5 the changes are necessary.

6 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
7 Council is not subject to the Federal Advisory Committee
8 Act (5 U.S.C. App.).

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out this section at full Federal expense.

12 **SEC. 1010. INDEPENDENT REVIEWS.**

13 (a) PEER REVIEW.—Prior to the submission of a
14 project study or report required to be submitted to Con-
15 gress for authorization, the Inspector General of the
16 Army, shall convene an independent peer review panel,
17 which shall be sufficiently broad and diverse to fairly rep-
18 resent the relevant scientific perspectives and fields of
19 knowledge.

20 (b) MEMBERSHIP.—

21 (1) IN GENERAL.—A panel shall be composed
22 of not less than 3 nor more than 7 independent peer
23 reviewers.

24 (2) PEER REVIEW.—Peer reviewers shall not be
25 employed by the Corps of Engineers nor have par-

1 ticipated in development of the work product under
2 review. Peer reviewers shall be selected on the basis
3 of necessary technical or scientific expertise, includ-
4 ing education and relevant experience, peer recogni-
5 tion, and contributions to the profession. In addi-
6 tion, the reviewer must have significant experience
7 in the geographic area or in the type of ecologic con-
8 ditions in the area that is being reviewed. The In-
9 spector General of the Army shall not appoint an in-
10 dividual to serve on a panel of experts for a project
11 if the individual has a financial interest in or close
12 professional association with any entity with a finan-
13 cial interest in the project. The Inspector General of
14 the Army shall consult with the Institute for Water
15 Resources, National Academy of Sciences, American
16 Society of Civil Engineers, and other appropriate
17 academic, scientific, and engineering organizations
18 in developing candidates to serve on panels of ex-
19 perts under this section.

20 (c) DUTIES.—A panel of experts established for a
21 water resources project under this section shall—

22 (1) review each project study prepared for the
23 project;

1 (2) assess the adequacy of the economic, sci-
2 entific, and environmental models used by the Sec-
3 retary in reviewing the project to ensure that—

4 (A) appropriate and applicable economic
5 and scientific methods of analysis have been
6 used; and

7 (B) the best available economic, scientific,
8 and environmental data have been used; and

9 (3) address specific technical questions as di-
10 rected by the Inspector General of the Army; and

11 (4) not later than the deadline established
12 under subsection (h), submit to the Secretary a re-
13 port concerning the economic, engineering, and envi-
14 ronmental analyses of the project, including the con-
15 clusions of the panel, on areas of public controversy,
16 with respect to the project study or report required
17 to be submitted to Congress for authorization.

18 (d) SUPPORT FROM THE CORPS OF ENGINEERS.—
19 The Corps shall provide the review panel with sufficient
20 information (including background information about key
21 studies or models, public written and oral comments con-
22 cerning the project) to enable the panel to understand the
23 data, analytic procedures, and assumptions used to sup-
24 port the key findings or conclusions of the draft assess-
25 ment. The Corps of Engineers shall provide the review

1 panel with any other information requested by the inde-
2 pendent peer review panel.

3 (e) PUBLIC PARTICIPATION.—The Corps of Engi-
4 neers shall provide public written and oral comments re-
5 ceived concerning the project to the independent peer re-
6 view panel.

7 (f) REPORT.—The review panel shall prepare a report
8 that describes the nature of their review and their findings
9 and conclusions, with particular emphasis on areas of pub-
10 lic controversy with respect to the study or report requir-
11 ing Congressional authorization to proceed. The peer re-
12 view report shall also disclose the names, organizational
13 affiliations, and a short paragraph on the credentials and
14 relevant experiences of each peer reviewer.

15 (g) CORPS OF ENGINEERS RESPONSE TO REPORT.—

16 (1) IN GENERAL.—If the Corps of Engineers
17 receives a report from a panel of experts under this
18 section by the applicable deadlines at least 14 days
19 before submitting to Congress a project study or re-
20 port required to be submitted to Congress for au-
21 thorization, the Secretary shall take into consider-
22 ation any recommendations contained in the report.

23 (2) RESPONSE.—The Corps of Engineers shall
24 prepare a written response to the peer review report
25 explaining—

1 (A) the Corps of Engineers' agreement or
2 disagreement;

3 (B) any changes made to the feasibility
4 study in response to the report; and

5 (C) if applicable, the reasons the Corps of
6 Engineers believes those actions satisfy any key
7 concerns or recommendations in the report.

8 (3) DISSEMINATION.—The Corps of Engineers
9 shall disseminate the final peer review report and its
10 written statement of response on the Corps of Engi-
11 neers website, and all the materials relating to the
12 peer review (review criteria, peer review report, and
13 agency response) shall be included with the submis-
14 sion of the Chief of Engineers to Congress of the
15 study or report requiring congressional authoriza-
16 tion.

17 (h) DEADLINE FOR REPORTS.—

18 (1) IN GENERAL.—A panel shall complete its
19 peer review for a project study and submit the initial
20 report to the Chief of Engineers within 180 days
21 after the panel received the draft project study or
22 report. The Inspector General of the Army may
23 grant a 30-day extension for the panel.

24 (2) REVIEW NOT COMPLETED.—If any inde-
25 pendent peer review panel does not complete its re-

1 view of a project study and submit a report to the
 2 Inspector General of the Army on or before the
 3 deadline established by paragraph (1) for the inde-
 4 pendent peer review report, the Chief of Engineers
 5 may submit the project study or report required to
 6 be submitted to Congress for authorization that is
 7 the subject of review by the panel to Congress as
 8 scheduled.

9 (i) **APPLICABILITY OF FEDERAL ADVISORY COM-**
 10 **MITTEE ACT.**—The Federal Advisory Committee Act (5
 11 U.S.C. App.) shall not apply to any peer review panel es-
 12 tablished by the Chief of Engineers under this section.

13 (j) **SAVINGS CLAUSE.**—Nothing in this section shall
 14 be construed to affect any authority of the Chief of Engi-
 15 neers to cause or conduct a peer review of the engineering,
 16 science, or technical basis for any water resources project
 17 existing on the date of enactment of this section.

18 **SEC. 1011. FISH AND WILDLIFE.**

19 (a) **FULL MITIGATION.**—Section 906(d) of the Water
 20 Resources Development Act of 1986 (33 U.S.C. 2283(d))
 21 is amended by adding at the end the following:

22 “(3) **STANDARDS FOR MITIGATION.**—

23 “(A) **IN GENERAL.**—To mitigate losses to
 24 fish and wildlife resulting from a water re-
 25 sources project, the Secretary shall, at a min-

1 imum, acquire and restore the same number of
2 equivalent habitat units or similar measure to
3 replace each habitat unit or similar measure of
4 habitat for fish and wildlife adversely affected
5 by the project.

6 “(B) MITIGATION PLAN.—

7 “(i) IN GENERAL.—The specific miti-
8 gation plan for a water resources project
9 under paragraph (1) shall include, at a
10 minimum—

11 “(I) the recommended plan to
12 mitigate the impacts of the project as
13 identified in paragraph (1), including
14 sufficient detail to permit a thorough
15 evaluation of the plan’s likelihood of
16 meeting the success criteria estab-
17 lished in subclause (II);

18 “(II) specific time-dependent suc-
19 cess criteria, prepared in consultation
20 with the United States Fish and Wild-
21 life Service, by which the mitigation
22 will be evaluated and determined to be
23 successful, including the habitat unit
24 replacement described in subpara-
25 graph (A);

1 “(III) a description, in the Real
 2 Estate Plan, of the land and interests
 3 in land to be used for mitigation and
 4 of the basis for a determination that
 5 land and interests will be available at
 6 the time required;

7 “(IV) a schedule for—

8 “(aa) monitoring attempted
 9 mitigation implementation; and

10 “(bb) evaluating the degree
 11 to which the attempted mitiga-
 12 tion does or does not meet the
 13 success criteria established for
 14 the mitigation plan under sub-
 15 clause (II) until attempted miti-
 16 gation meets the success criteria;
 17 and

18 “(V) taking corrective actions
 19 where mitigation efforts are not
 20 achieving the success criteria.

21 “(ii) COST SHARING.—Monitoring
 22 under clause (i)(IV)—

23 “(I) shall be cost-shared in ac-
 24 cordance with the original construc-

1 tion project for a maximum of 10
2 years; and

3 “(II) after 10 years, shall be 100
4 percent non-Federal.

5 “(C) APPLICABLE LAW.—A time period for
6 mitigation monitoring or for the implementation
7 and monitoring of contingency plan actions
8 shall not be subject to the deadlines described
9 in subsection (b).

10 “(4) DETERMINATION OF MITIGATION SUC-
11 CESS.—

12 “(A) IN GENERAL.—Mitigation shall be
13 considered to be successful at the time at which
14 monitoring demonstrates that the mitigation
15 has met the success criteria established in the
16 mitigation plan under paragraph (3)(B).

17 “(B) REQUIREMENTS FOR SUCCESS.—To
18 ensure the success of any attempted mitigation,
19 the Secretary shall—

20 “(i) consult annually with the United
21 States Fish and Wildlife Service on each
22 water resource project requiring mitigation
23 to determine whether mitigation moni-
24 toring for that project demonstrates that
25 the project is achieving, or has achieved,

1 the success criteria established in the miti-
 2 gation plan under paragraph (3); and

3 “(ii) ensure that implementation of
 4 correction actions be initiated under para-
 5 graph (3)(B)(i)(V) beginning not later
 6 than 30 days after a finding by the Sec-
 7 retary, either alone or in consultation with
 8 the United States Fish and Wildlife Serv-
 9 ice, that the original mitigation efforts
 10 likely will not result in, or have not re-
 11 sulted in, meeting the success criteria es-
 12 tablished in the mitigation plan under
 13 paragraph (3)(B).”.

14 (b) CONCURRENT MITIGATION.—Section 906(a) of
 15 the Water Resources Development Act of 1986 (33 U.S.C.
 16 2283(a)) is amended—

17 (1) by striking “(a)(1) In the case” and insert-
 18 ing the following:

19 “(a) MITIGATION.—

20 “(1) IN GENERAL.—In the case”;

21 (2) in paragraph (1) (as designated by para-
 22 graph (1)), by striking “interests—” and all that
 23 follows through “appropriate,” and inserting the fol-
 24 lowing: “interests, whichever the Secretary deter-

1 mines is appropriate, shall be undertaken or ac-
 2 quired—

3 “(A) before any construction of the project
 4 (other than such acquisition) commences; or

5 “(B) concurrently with the acquisition of
 6 land and interests in land for project purposes
 7 (other than mitigation of fish and wildlife
 8 losses);”;

9 (3) in paragraph (2), by striking “(2) For the
 10 purposes” and inserting the following:

11 “(2) COMMENCEMENT OF CONSTRUCTION.—
 12 For the purpose”; and

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

14 “(3) IMPLEMENTATION.—

15 “(A) IN GENERAL.—Except as provided in
 16 subparagraph (B), to ensure concurrent mitiga-
 17 tion, the Secretary shall—

18 “(i) construct 100 percent of required
 19 on-site mitigation before 50 percent of con-
 20 struction of a project is completed; and

21 “(ii) complete required on-site mitiga-
 22 tion as expeditiously as practicable, but not
 23 later than the last day of construction of
 24 the project or separable element of the
 25 project.

1 “(B) EXCEPTION FOR PHYSICAL IMPRAC-
 2 TICABILITY.—In a case in which the Secretary
 3 determines that it is physically impracticable to
 4 meet the requirements of subparagraph (A), the
 5 Secretary shall reserve or reprogram sufficient
 6 funds to ensure that mitigation implementation
 7 is completed as expeditiously as practicable, but
 8 in no case later than the end of the next fiscal
 9 year immediately following the last day of con-
 10 struction of the project or separable element of
 11 the project.

12 “(4) USE OF FUNDS.—Funds made available
 13 for preconstruction engineering and design, con-
 14 struction, or operations and maintenance shall be
 15 available for use in carrying out this section.”.

16 (c) MITIGATION TRACKING SYSTEM.—

17 (1) IN GENERAL.—Not later than 180 days
 18 after the date of enactment of this Act, the Sec-
 19 retary shall establish a recordkeeping system to
 20 track, for each water resource project constructed,
 21 operated, or maintained by the Secretary and for
 22 each permit issued under section 404 of the Federal
 23 Water Pollution Control Act (33 U.S.C. 1344)—

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

4 (B) the quantity and type of mitigation re-
5 quired for the project, project operation or per-
6 mitted activity;

7 (C) the quantity and type of mitigation
8 that has been completed for the project, project
9 operation or permitted activity; and

10 (D) the status of monitoring for the miti-
11 gation carried out for the project, project oper-
12 ation or permitted activity.

13 (2) REQUIRED INFORMATION AND ORGANIZA-
14 TION.—The recordkeeping system shall—

15 (A) include information on impacts and
16 mitigation described in paragraphs (3) and (4)
17 of section 906(d) of the Water Resources Devel-
18 opment Act of 1986 (33 U.S.C. 2283(d)) (as
19 added by subsection (a)) that occur after De-
20 cember 31, 1986; and

21 (B) be organized by watershed, project,
22 permit application, and zip code.

23 (3) AVAILABILITY OF INFORMATION.—The Sec-
24 retary shall make information contained in the rec-

1 ordkeeping system available to the public on the
2 Internet.

3 **TITLE II—NAVIGATION**

4 **Subtitle A—Inland Waterways**

5 **CHAPTER 1—STUDY AUTHORIZATIONS**

6 **SEC. 2101. MIDDLE BASS ISLAND STATE PARK, MIDDLE** 7 **BASS ISLAND, OHIO.**

8 The Secretary shall—

9 (1) study the feasibility of undertaking a
10 project to provide navigation improvements and
11 shoreline protection and other related assistance,
12 and to rehabilitate the harbor basin, including—

13 (A) entrance breakwaters;

14 (B) interior shoreline protection;

15 (C) dredging; and

16 (D) the development of a public launch
17 ramp facility for Middle Bass Island, Middle
18 Bass, Ohio; and

19 (2) if the Secretary determines the project to be
20 feasible, carry out the project at a total cost of
21 \$6,000,000.

CHAPTER 2—PROJECTS

Subchapter A—Authorizations

SEC. 2121. DEEP CREEK, CHESAPEAKE, VIRGINIA.

The Secretary may carry out the project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia, as described in the Report of the Chief of Engineers, dated March 3, 2003, at a total cost of \$29,287,000.

Subchapter B—Modifications

SEC. 2131. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

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

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) \$32,000,000.

1 **SEC. 2132. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

2 (a) REPORT.—The project for navigation, Larkspur
3 Ferry Channel, Larkspur, California, authorized by sec-
4 tion 601(d) of the Water Resources Development Act of
5 1986 (100 Stat. 4148), is modified to direct the Secretary
6 to prepare a limited reevaluation report to determine
7 whether maintenance of the project is feasible.

8 (b) AUTHORIZATION OF PROJECT.—If the Secretary
9 determines that maintenance of the project is feasible, the
10 Secretary shall carry out the maintenance.

11 **SEC. 2133. REDWOOD CITY NAVIGATION PROJECT, CALI-**
12 **FORNIA.**

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

16 **SEC. 2134. ST. GEORGE’S BRIDGE, DELAWARE.**

17 Section 102(g) of the Water Resources Development
18 Act of 1990 (104 Stat. 4612) is amended by adding at
19 the end the following: “The Secretary shall assume owner-
20 ship responsibility for the replacement bridge not later
21 than the date on which the construction of the bridge is
22 completed and the contractors are released of their respon-
23 sibility by the State. Further, the Secretary may not un-
24 dertake any action to close or remove the St. George’s
25 Bridge, Delaware, without specific congressional author-
26 ization.”

1 **SEC. 2135. CHICAGO RIVER, ILLINOIS.**

2 The Federal navigation channel for the North Branch
3 Channel portion of the Chicago River authorized by sec-
4 tion 22 of the Act of March 3, 1899 (30 Stat. 1156, chap-
5 ter 425), extending from 100 feet downstream of the Hal-
6 sted Street Bridge to 100 feet upstream of the Division
7 Street Bridge, Chicago, Illinois, is redefined to be no wider
8 than 66 feet.

9 **SEC. 2136. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**
10 **LOUISIANA.**

11 The project for mitigation of fish and wildlife losses,
12 Red River Waterway, Louisiana, authorized by section
13 601(a) of the Water Resources Development Act of 1986
14 (100 Stat. 4142) and modified by section 4(h) of the
15 Water Resources Development Act of 1988 (102 Stat.
16 4016), section 102(p) of the Water Resources Develop-
17 ment Act of 1990 (104 Stat. 4613), section 301(b)(7) of
18 the Water Resources Development Act of 1996 (110 Stat.
19 3710), and section 316 of the Water Resources Develop-
20 ment Act of 2000 (114 Stat. 2604), is further modified—

21 (1) to permit the purchase of marginal farm-
22 land for reforestation (in addition to the purchase of
23 bottomland hardwood); and

24 (2) to incorporate wildlife and forestry manage-
25 ment practices to improve species diversity on miti-
26 gation land that meets habitat goals and objectives

1 of the Corps of Engineers and the State of Lou-
2 isiana.

3 **SEC. 2137. FALL RIVER HARBOR, MASSACHUSETTS AND**
4 **RHODE ISLAND.**

5 (a) IN GENERAL.—Notwithstanding section
6 1001(b)(2) of the Water Resources Development Act of
7 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,
8 Fall River Harbor, Massachusetts and Rhode Island, au-
9 thorized by section 101 of the River and Harbor Act of
10 1968 (82 Stat. 731), shall remain authorized to be carried
11 out by the Secretary, except that the authorized depth of
12 that portion of the project extending riverward of the
13 Charles M. Braga, Jr. Memorial Bridge, Fall River and
14 Somerset, Massachusetts, shall not exceed 35 feet.

15 (b) FEASIBILITY.—The Secretary shall conduct a
16 study to determine the feasibility of deepening that por-
17 tion of the navigation channel of the navigation project
18 for Fall River Harbor, Massachusetts and Rhode Island,
19 authorized by section 101 of the River and Harbor Act
20 of 1968 (82 Stat. 731), seaward of the Charles M. Braga,
21 Jr. Memorial Bridge Fall River and Somerset, Massachu-
22 setts.

23 (c) LIMITATION.—The project described in subsection
24 (a) shall not be authorized for construction after the last
25 day of the 5-year period beginning on the date of enact-

1 ment of this Act unless, during that period, funds have
 2 been obligated for construction (including planning and
 3 design) of the project.

4 **SEC. 2138. COOPER RIVER BRIDGE DEMOLITION, CHARLES-**
 5 **TON, SOUTH CAROLINA.**

6 (a) IN GENERAL.—The Secretary, at full Federal ex-
 7 pense, may carry out all planning, design, and construc-
 8 tion for—

9 (1) the demolition and removal of the Grace
 10 and Pearman Bridges over the Cooper River, South
 11 Carolina; and

12 (2) using the remnants from that demolition
 13 and removal, the development of an aquatic reef off
 14 the shore of South Carolina.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated to carry out this section
 17 \$39,000,000.

18 **SEC. 2139. PLANT REPLACEMENT AND IMPROVEMENT PRO-**
 19 **GRAM, CORPS OF ENGINEERS CHARLESTON**
 20 **DISTRICT EQUIPMENT AND STORAGE YARD,**
 21 **SOUTH CAROLINA.**

22 (a) IN GENERAL.—The Secretary may convey or
 23 transfer, as part of the Plant Replacement and Improve-
 24 ment Program, in a direct conveyance or a land exchange
 25 for any suitable property or facilities, the property of the

1 Corps of Engineers known as the “Equipment and Stor-
2 age Yard,” located on Meeting Street in Charleston, South
3 Carolina, in as-is condition for fair market value.

4 (b) PARTIAL DONATION.—As part of a land exchange
5 under subsection (a), the Secretary may—

6 (1) accept a partial donation of land if the fair
7 market value of the Division Engineer, South Atlan-
8 tic Division is equal to or exceeds the fair market
9 value of the land to be transferred by the Secretary
10 under subsection (a); and

11 (2) execute the deeds of conveyance and accept
12 property, including any partial donation of land or
13 funds on behalf of the United States.

14 (c) PROCEEDS.—Notwithstanding any requirements
15 that may be contained in the Plant Replacement and Im-
16 provement Program, or balances in existence under that
17 program as of the date of enactment of this Act, proceeds
18 from a conveyance under this section, whether by disposal
19 or land exchange, shall be used for costs for the lease,
20 purchase, or construction of an office facility within the
21 boundaries of the tri-county area of Charleston, Berkeley,
22 and Dorchester Counties.

1 **SEC. 2140. OLD HICKORY LOCK AND DAM, CUMBERLAND**
2 **RIVER, TENNESSEE.**

3 (a) RELEASE OF RETAINED RIGHTS, INTERESTS,
4 RESERVATIONS.—With respect to land conveyed by the
5 Secretary to the Tennessee Society of Crippled Children
6 and Adults, Incorporated (commonly known as “Easter
7 Seals Tennessee”) at Old Hickory Lock and Dam, Cum-
8 berland River, Tennessee, under section 211 of the Flood
9 Control Act of 1965 (79 Stat. 1087), the reversionary in-
10 terests and the use restrictions relating to recreation and
11 camping purposes are extinguished.

12 (b) INSTRUMENT OF RELEASE.—As soon as prac-
13 ticable after the date of enactment of this Act, the Sec-
14 retary shall execute and file in the appropriate office a
15 deed of release, amended deed, or other appropriate in-
16 strument effectuating the release of interests required by
17 paragraph (1).

18 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
19 section affects any remaining right or interest of the Corps
20 of Engineers with respect to an authorized purpose of any
21 project.

22 **SEC. 2141. MCNARY LOCK AND DAM, MCNARY NATIONAL**
23 **WILDLIFE REFUGE, WASHINGTON.**

24 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
25 TION.—Administrative jurisdiction over the land acquired
26 for the McNary Lock and Dam Project and managed by

1 the United States Fish and Wildlife Service under Cooper-
2 ative Agreement Number DACW68-4-00-13 with the
3 Corps of Engineers, Walla Walla District, is transferred
4 from the Secretary to the Secretary of the Interior.

5 (b) EASEMENTS.—The transfer of administrative ju-
6 risdiction under subsection (a) shall be subject to ease-
7 ments in existence as of the date of enactment of this Act
8 on land subject to the transfer.

9 (c) RIGHTS OF SECRETARY.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (3), the Secretary shall retain rights described
12 in paragraph (2) with respect to the land for which
13 administrative jurisdiction is transferred under sub-
14 section (a).

15 (2) RIGHTS.—The rights of the Secretary re-
16 ferred to in paragraph (1) are the rights—

17 (A) to flood land described in subsection

18 (a) to the standard project flood elevation;

19 (B) to manipulate the level of the McNary
20 Project Pool;

21 (C) to access the land described in sub-
22 section (a) as may be required to install, main-
23 tain, and inspect sediment ranges and carry out
24 similar activities;

1 (D) to construct and develop wetland, ri-
2 parian habitat, or other environmental restora-
3 tion features authorized under section 1135 of
4 the Water Resources Development Act of 1986
5 (33 U.S.C. 2309a) and section 206 of the
6 Water Resources Development Act of 1996 (33
7 U.S.C. 2330);

8 (E) to dredge and deposit fill materials;
9 and

10 (F) to carry out management actions for
11 the purpose of reducing the take of juvenile
12 salmonids by avian colonies that inhabit, before,
13 on, or after the date of enactment of this Act,
14 any island included in the land described in
15 subsection (a).

16 (3) COORDINATION.—Before exercising a right
17 described in any of subparagraphs (C) through (F)
18 of paragraph (2), the Secretary shall coordinate the
19 exercise with the United States Fish and Wildlife
20 Service.

21 (d) MANAGEMENT.—

22 (1) IN GENERAL.—The land described in sub-
23 section (a) shall be managed by the Secretary of the
24 Interior as part of the McNary National Wildlife
25 Refuge.

1 (2) CUMMINS PROPERTY.—

2 (A) RETENTION OF CREDITS.—Habitat
3 unit credits described in the memorandum enti-
4 tled “Design Memorandum No. 6, LOWER
5 SNAKE RIVER FISH AND WILDLIFE
6 COMPENSATION PLAN, Wildlife Compensa-
7 tion and Fishing Access Site Selection, Letter
8 Supplement No. 15, SITE DEVELOPMENT
9 PLAN FOR THE WALLULA HMU” provided
10 for the Lower Snake River Fish and Wildlife
11 Compensation Plan through development of the
12 parcel of land formerly known as the “Cummins
13 property” shall be retained by the Secretary de-
14 spite any changes in management of the parcel
15 on or after the date of enactment of this Act.

16 (B) SITE DEVELOPMENT PLAN.—The
17 United States Fish and Wildlife Service shall
18 obtain prior approval of the Washington State
19 Department of Fish and Wildlife for any
20 change to the previously approved site develop-
21 ment plan for the parcel of land formerly
22 known as the “Cummins property”.

23 (3) MADAME DORIAN RECREATION AREA.—The
24 United States Fish and Wildlife Service shall con-

1 tinue operation of the Madame Dorian Recreation
2 Area for public use and boater access.

3 (e) ADMINISTRATIVE COSTS.—The United States
4 Fish and Wildlife Service shall be responsible for all sur-
5 vey, environmental compliance, and other administrative
6 costs required to implement the transfer of administrative
7 jurisdiction under subsection (a).

8 (f) SNAKE RIVER PROJECT, OREGON AND WASH-
9 INGTON.—The Fish and Wildlife Compensation Plan for
10 the Lower Snake River, Washington and Idaho, as author-
11 ized by section 101 of the Water Resources Development
12 Act of 1976 (90 Stat. 2921), is amended to authorize the
13 Secretary to conduct studies and implement aquatic and
14 riparian ecosystem restorations and improvements specifi-
15 cally for fisheries and wildlife for the land described in
16 subsection (a).

17 **SEC. 2142. MARMET LOCK, KANAWHA RIVER, WEST VIR-**
18 **GINIA.**

19 Section 101(a)(31) of the Water Resources Develop-
20 ment Act of 1996 (110 Stat. 3666), is amended by strik-
21 ing “\$229,581,000” and inserting “\$358,000,000”.

22 **SEC. 2143. NAVIGATION CAPACITY IMPROVEMENTS.**

23 (a) DEFINITIONS.—In this section:

24 (1) PLAN.—The term “Plan” means the pre-
25 ferred integrated plan contained in the document en-

1 titled “Integrated Feasibility Report and Pro-
 2 grammatic Environmental Impact Statement for the
 3 UMR–IWW System Navigation Feasibility System”
 4 and dated April 29, 2004.

5 (2) SECRETARY.—The term “Secretary” means
 6 the Secretary of the Army.

7 (3) UPPER MISSISSIPPI RIVER AND ILLINOIS
 8 WATERWAY SYSTEM.—The term “Upper Mississippi
 9 River and Illinois Waterway System” means the
 10 projects for navigation and ecosystem restoration au-
 11 thorized by Congress for—

12 (A) the segment of the Mississippi River
 13 from the confluence with the Ohio River, River
 14 Mile 0.0, to Upper St. Anthony Falls Lock in
 15 Minneapolis-St. Paul, Minnesota, River Mile
 16 854.0; and

17 (B) the Illinois Waterway from its con-
 18 fluence with the Mississippi River at Grafton,
 19 Illinois, River Mile 0.0, to T.J. O’Brien Lock in
 20 Chicago, Illinois, River Mile 327.0.

21 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-
 22 TION IMPROVEMENTS.—

23 (1) SMALL SCALE AND NONSTRUCTURAL MEAS-
 24 URES.—At a cost of \$24,000,000 in funds from the
 25 general fund of the Treasury, to be matched in an

1 equal amount from the Inland Waterways Trust
2 Fund (which is paid by private users), the Secretary
3 shall—

4 (A) construct mooring facilities at Locks
5 12, 14, 18, 20, 22, 24, and LaGrange Lock;

6 (B) provide switchboats at Locks 20
7 through 25 over 5 years for project operation;
8 and

9 (C) conduct development and testing of an
10 appointment scheduling system.

11 (2) NEW LOCKS.—At a cost of \$730,000,000 in
12 funds from the general fund of the Treasury, with
13 an equal matching amount provided from the Inland
14 Waterways Trust Fund (which is paid by the private
15 users), the Secretary shall construct new 1,200-foot
16 locks at Locks 20, 21, 22, 24, and 25 on the Upper
17 Mississippi River and at LaGrange Lock and Peoria
18 Lock on the Illinois Waterway.

19 (3) MITIGATION.—At a cost of \$100,000,000 in
20 funds from the general fund of the Treasury, with
21 an equal matching amount provided from the Inland
22 Waterway Trust Fund (which is paid by private
23 users), the Secretary shall conduct mitigation for
24 new locks and small scale and nonstructural meas-
25 ures authorized under paragraphs (1) and (2).

1 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

2 (1) OPERATION.—To ensure the environmental
3 sustainability of the existing Upper Mississippi River
4 and Illinois Waterway System, the Secretary shall,
5 consistent with requirements to avoid any adverse
6 effects on navigation, modify the operation of the
7 Upper Mississippi River and Illinois Waterway Sys-
8 tem to address the cumulative environmental im-
9 pacts of operation of the system and improve the ec-
10 ological integrity of the Upper Mississippi River and
11 Illinois River.

12 (2) ECOSYSTEM RESTORATION PROJECTS.—

13 (A) IN GENERAL.—The Secretary shall,
14 consistent with requirements to avoid any ad-
15 verse effects on navigation, carry out ecosystem
16 restoration projects to attain and maintain the
17 sustainability of the ecosystem of the Upper
18 Mississippi River and Illinois River in accord-
19 ance with the general framework outlined in the
20 Plan.

21 (B) PROJECTS INCLUDED.—Ecosystem
22 restoration projects may include—

- 23 (i) island building;
- 24 (ii) construction of fish passages;
- 25 (iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

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

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for eco-

1 system restoration, the Federal share of
 2 the cost of carrying out the project shall be
 3 100 percent if the project—

4 (I) is located below the ordinary
 5 high water mark or in a connected
 6 backwater;

7 (II) modifies the operation or
 8 structures for navigation; or

9 (III) is located on federally
 10 owned land.

11 (iii) NONGOVERNMENTAL ORGANIZA-
 12 TIONS.—Nongovernmental organizations
 13 shall be eligible to contribute the non-Fed-
 14 eral cost-sharing requirements applicable
 15 to projects under this subparagraph.

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

20 (i) fee title to the land; or

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

23 (3) SPECIFIC PROJECTS AUTHORIZATION.—

24 (A) IN GENERAL.—Subject to subpara-
 25 graph (A), the ecosystem restoration projects

1 described in paragraph (2) shall be carried out
 2 at a total construction cost of \$1,460,000,000.

3 (B) LIMITATION ON AVAILABLE FUNDS.—

4 Of the amounts made available under subpara-
 5 graph (A), not more than \$35,000,000 for each
 6 fiscal year shall be available for land acquisition
 7 under paragraph (2)(D).

8 (4) IMPLEMENTATION REPORTS.—

9 (A) IN GENERAL.—Not later than June
 10 30, 2005, and every 4 years thereafter, the Sec-
 11 retary shall submit to the Committee on Envi-
 12 ronment and Public Works of the Senate and
 13 the Committee on Transportation and Infra-
 14 structure of the House of Representatives an
 15 implementation report that—

16 (i) includes baselines, benchmarks,
 17 goals, and priorities for ecosystem restora-
 18 tion projects; and

19 (ii) measures the progress in meeting
 20 the goals.

21 (B) ADVISORY PANEL.—

22 (i) IN GENERAL.—The Secretary shall
 23 appoint and convene an advisory panel to
 24 provide independent guidance in the devel-

1 opment of each implementation report
2 under subparagraph (A).

3 (ii) PANELISTS.—Panelists shall in-
4 clude—

5 (I) 1 representative of each of
6 the State resource agencies (or a des-
7 ignee of the Governor of the State)
8 from each of the States of Illinois,
9 Iowa, Minnesota, Missouri, and Wis-
10 consin;

11 (II) 1 representative of the De-
12 partment of Agriculture;

13 (III) 1 representative of the De-
14 partment of Transportation;

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

17 (V) 1 representative of the
18 United States Fish and Wildlife Serv-
19 ice;

20 (VI) 1 representative of the Envi-
21 ronmental Protection Agency;

22 (VII) 1 representative of affected
23 landowners;

1 (VIII) 2 representatives of con-
2 servation and environmental advocacy
3 groups; and

4 (IX) 2 representatives of agri-
5 culture and industry advocacy groups.

6 (iii) CO-CHAIRPERSONS.—The Sec-
7 retary and the Secretary of the Interior
8 shall serve as co-chairpersons of the advi-
9 sory panel.

10 (5) RANKING SYSTEM.—

11 (A) IN GENERAL.—The Secretary, in con-
12 sultation with the National Academy of
13 Sciences, shall develop a system to rank pro-
14 posed projects.

15 (B) PRIORITY.—The ranking system shall
16 give greater weight to projects that restore nat-
17 ural river processes, including those projects
18 listed in paragraph (2)(B).

19 (d) COMPARABLE PROGRESS.—

20 (1) IN GENERAL.—As the projects authorized
21 under this subsection move through preengineering,
22 design, and construction phases—

23 (A) appropriate milestones will be selected;
24 and

1 (B) at that time of selection, a determina-
 2 tion will be made as to whether the projects are
 3 being carried out at comparable rates.

4 (2) NO COMPARABLE RATE.—If it is determined
 5 under paragraph (1)(B) that projects authorized
 6 under this subsection are not moving toward comple-
 7 tion at a comparable rate, annual funding for the
 8 projects will be adjusted to ensure that the projects
 9 move toward completion at a comparable rate in the
 10 future.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—Except
 12 as otherwise provided in this section—

13 (1) there are authorized to be appropriated
 14 such sums as are necessary to carry out this sub-
 15 section for fiscal years 2006 through 2020; and

16 (2) after fiscal year 2020—

17 (A) funds that have been made available
 18 under this section, but have not been expended,
 19 may be expended; and

20 (B) funds that have been authorized to be
 21 appropriated under this section, but have not
 22 been made available, may be made available.

23 **SEC. 2144. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.**

24 (a) IN GENERAL.—In accordance with the project for
 25 navigation, Mississippi River between the Ohio and Mis-

1 souri Rivers (Regulating Works), Missouri and Illinois,
 2 authorized by the Act of June 25, 1910 (36 Stat. 631,
 3 chapter 382) (commonly known as the “River and Harbor
 4 Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010,
 5 chapter 47) (commonly known as the “River and Harbor
 6 Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918),
 7 the Secretary shall carry out over at least a 10-year period
 8 a pilot program to restore and protect fish and wildlife
 9 habitat in the middle Mississippi River.

10 (b) AUTHORIZED ACTIVITIES.—

11 (1) IN GENERAL.—As part of the pilot program
 12 carried out under subsection (a), the Secretary shall
 13 conduct any activities that are necessary to improve
 14 navigation through the project referred to in sub-
 15 section (a) while restoring and protecting fish and
 16 wildlife habitat in the middle Mississippi River sys-
 17 tem.

18 (2) INCLUSIONS.—Activities authorized under
 19 paragraph (1) shall include—

20 (A) the modification of navigation training
 21 structures;

22 (B) the modification and creation of side
 23 channels;

24 (C) the modification and creation of is-
 25 lands;

1 (D) any studies and analysis necessary to
 2 develop adaptive management principles;

3 (E) the acquisition from a willing seller of
 4 any land associated with a riparian corridor
 5 needed to carry out the goals of the pilot pro-
 6 gram.

7 (c) COST-SHARING REQUIREMENT.—The cost-shar-
 8 ing requirement required under the Act of June 25, 1910
 9 (36 Stat. 631, chapter 382) (commonly known as the
 10 “River and Harbor Act of 1910”), the Act of January 1,
 11 1927 (44 Stat. 1010, chapter 47) (commonly known as
 12 the “River and Harbor Act of 1927”), and the Act of July
 13 3, 1930 (46 Stat. 918), for the project referred to in sub-
 14 section (a) shall apply to any activities carried out under
 15 this section.

16 **Subchapter C—Deauthorizations**

17 **SEC. 2161. INLAND WATERWAY FROM DELAWARE RIVER TO** 18 **CHESAPEAKE BAY, PART II, INSTALLATION** 19 **OF FENDER PROTECTION FOR BRIDGES,** 20 **DELAWARE AND MARYLAND.**

21 The project for the construction of bridge fenders for
 22 the Summit and St. Georges Bridge for the Inland Water-
 23 way of the Delaware River to the C & D Canal of the
 24 Chesapeake Bay authorized by the River and Harbor Act
 25 of 1954 (68 Stat. 1249) is not authorized.

1 **SEC. 2162. MAYO'S BAR LOCK AND DAM, COOSA RIVER,**
2 **ROME, GEORGIA.**

3 The project for navigation, Mayo's Bar Lock and
4 Dam, Coosa River, Rome, Georgia, authorized by section
5 528 of the Water Resources Development Act of 1999
6 (113 Stat. 347) is not authorized.

7 **SEC. 2163. MISSISSIPPI RIVER, MUSCATINE, IOWA.**

8 The Mississippi River project at Muscatine, Iowa, au-
9 thorized by section 101 of the River and Harbor Act of
10 1950 (64 Stat. 166) is not authorized.

11 **SEC. 2164. GULF INTERCOASTAL WATERWAY, LAKE**
12 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

13 The project for the construction of bulkheads and jet-
14 ties at Lake Borgne and Chef Menteur, Louisiana, as part
15 of the Gulf Intercoastal Waterway authorized by the first
16 section of the River and Harbor Act of 1946 (60 Stat.
17 635) is not authorized.

18 **SEC. 2165. EISENHOWER AND SNELL LOCKS, NEW YORK.**

19 The project for navigation, Eisenhower and Snell
20 Locks, New York, authorized by section 1163 of the Water
21 Resources Development Act of 1986 (100 Stat. 4258) is
22 not authorized.

23 **SEC. 2166. RED RIVER WATERWAY, SHREVEPORT, LOU-**
24 **ISIANA TO DAINGERFIELD, TEXAS.**

25 The project for the Red River Waterway, Shreveport,
26 Louisiana to Daingerfield, Texas, authorized by section

1 101 of the River and Harbor Act of 1968 (82 Stat. 731)
2 is not authorized.

3 **SEC. 2167. SCHUYLKILL RIVER, PENNSYLVANIA.**

4 The project for navigation, Schuylkill River (Mouth
5 to Penrose Avenue), Pennsylvania, authorized by the sec-
6 tion 344 of the Water Resources Development Act of 1996
7 (110 Stat. 3722) is not authorized.

8 **SEC. 2168. LAKE OF THE PINES, TEXAS.**

9 The project for navigation improvements affecting
10 Lake of the Pines, Texas, for the portion of the Red River
11 below Fulton, Arkansas, is not authorized.

12 **SEC. 2169. TENNESSEE COLONY LAKE, TEXAS.**

13 The project for navigation, Tennessee Colony Lake,
14 Trinity River, Texas, authorized by section 204 of the
15 River and Harbor Act of 1965 (79 Stat. 1091) is not au-
16 thorized.

17 **SEC. 2170. CITY WATERWAY, TACOMA, WASHINGTON.**

18 The portion of the project for navigation, City Water-
19 way, Tacoma, Washington, authorized by the first section
20 of the Act of June 13, 1902 (32 Stat. 347), consisting
21 of the last 1,000 linear feet of the inner portion of the
22 Waterway beginning at Station 70+00 and ending at Sta-
23 tion 80+00, is not authorized.

1 **Subtitle B—Ports and Harbors**

2 **CHAPTER 1—CONTINUING AUTHORITIES**

3 **PROGRAMS**

4 **SEC. 2211. SMALL RIVER AND HARBOR IMPROVEMENT**
 5 **PROJECTS.**

6 Section 107(b) of the River and Harbor Act of 1960
 7 (33 U.S.C. 577(b)) is amended by striking “\$4,000,000”
 8 and inserting “\$7,000,000”.

9 **CHAPTER 2—PROJECTS**

10 **Subchapter A—Authorizations**

11 **SEC. 2221. AKUTAN HARBOR, AKUTAN, ALASKA.**

12 The Secretary may carry out the Akutan Small Boat
 13 Harbor project for navigation, Akutan, Alaska, at a total
 14 estimated cost of \$19,013,000, with an estimated Federal
 15 cost of \$9,185,000 and an estimated non-Federal cost of
 16 \$9,828,000, substantially in accordance with the plans,
 17 and subject to the conditions, recommended in a final re-
 18 port of the Chief of Engineers, if a favorable final report
 19 of the Chief for the project is completed not later than
 20 December 31, 2004.

21 **SEC. 2222. HAINES SMALL BOAT HARBOR, HAINES, ALASKA.**

22 The Secretary may carry out the Haines Small Boat
 23 Harbor project for navigation, Haines, Alaska, at a total
 24 estimated cost of \$21,410,000, with an estimated Federal
 25 cost of \$9,590,000 and an estimated non-Federal cost of

1 \$11,820,000, substantially in accordance with the plans,
2 and subject to the conditions, recommended in a final re-
3 port of the Chief of Engineers, if a favorable final report
4 of the Chief for the project is completed not later than
5 December 31, 2004.

6 **SEC. 2223. UNALASKA SMALL BOAT HARBOR, UNALASKA,**
7 **ALASKA.**

8 The Secretary may carry out the Unalaska Small
9 Boat Harbor project for navigation, Unalaska, Alaska, at
10 a total estimated cost of \$23,200,000, with an estimated
11 Federal cost of \$11,500,000 and an estimated non-Fed-
12 eral cost of \$11,700,000, substantially in accordance with
13 the plans, and subject to the conditions, recommended in
14 a final report of the Chief of Engineers, if a favorable final
15 report of the Chief for the project is completed not later
16 than December 31, 2004.

17 **SEC. 2224. MIAMI HARBOR, MIAMI, FLORIDA.**

18 The Secretary may carry out the Miami Harbor,
19 Florida, project for navigation, Miami, Florida, at a total
20 estimated cost of \$157,310,000, with an estimated Fed-
21 eral cost of \$63,728,000 and an estimated non-Federal
22 cost of \$93,582,000, substantially in accordance with the
23 plans, and subject to the conditions, recommended in a
24 final report of the Chief of Engineers, if a favorable final

1 report of the Chief for the project is completed not later
2 than December 31, 2004.

3 **SEC. 2225. PORT OF IBERIA, LOUISIANA.**

4 The Secretary may carry out the project for naviga-
5 tion, Port of Iberia, Louisiana, at a total cost of
6 \$165,000,000, with an estimated Federal cost of
7 \$132,000,000 and an estimated non-Federal cost of
8 \$33,000,000, and at an estimated average annual Federal
9 cost of \$75,000,000 for periodic nourishment over the 50-
10 year life of the project, substantially in accordance with
11 the feasibility report and environmental impact statement
12 for the project, and subject to the conditions recommended
13 in a final report of the Chief of Engineers, if a favorable
14 final report of the Chief is completed by December 31,
15 2004.

16 **SEC. 2226. CORPUS CHRISTI SHIP CHANNEL, CORPUS**
17 **CHRISTI, TEXAS.**

18 The Secretary may carry out the project for naviga-
19 tion and environmental restoration, Corpus Christi Ship
20 Channel, Texas, substantially in accordance with the
21 plans, and subject to the conditions, described in the re-
22 port entitled “Channel Improvement Project: Report of
23 the Chief of Engineers”, dated June 2, 2003, at a total
24 cost of \$153,808,000, with an estimated Federal cost of

1 \$73,554,000 and an estimated non-Federal cost of
 2 \$80,254,000.

3 **SEC. 2227. AIWW—BRIDGE REPLACEMENT AT DEEP CREEK,**
 4 **VIRGINIA.**

5 The Secretary may construct the Atlantic Intra-
 6 coastal Waterway bridge replacement at Deep Creek, Vir-
 7 ginia, in accordance with the recommendations of the Re-
 8 port of the Chief of Engineers dated March 3, 2003, at
 9 a total cost of \$32,048,000, at full Federal expense.

10 **Subchapter B—Modifications**

11 **SEC. 2241. SITKA, ALASKA.**

12 The Thompson Harbor, Sitka, Alaska, element of the
 13 project for navigation, Southeast Alaska Harbors of Ref-
 14 uge, Alaska, authorized by section 101 of the Water Re-
 15 sources Development Act of 1992 (106 Stat. 4801), is
 16 modified to direct the Secretary to take such action as
 17 is necessary to correct design deficiencies in the element,
 18 at a Federal cost of \$6,300,000.

19 **SEC. 2242. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**
 20 **SITE DESIGNATION, CALIFORNIA.**

21 Section 102(c)(4) of the Marine Protection, Re-
 22 search, and Sanctuaries Act of 1972 (33 U.S.C.
 23 1412(c)(4)) is amended in the third sentence by striking
 24 “January 1, 2003” and inserting “January 1, 2006”.

1 **SEC. 2243. CONDITIONAL DECLARATION OF NONNAVIGA-**
2 **BILITY, PORT OF SAN FRANCISCO, CALI-**
3 **FORNIA.**

4 (a) CONDITIONAL DECLARATION OF NONNAVIGA-
5 BILITY.—If the Secretary determines, in consultation with
6 appropriate Federal and non-Federal entities, that
7 projects proposed to be carried out by non-Federal entities
8 within the portions of the San Francisco, California, wa-
9 terfront described in subsection (b) are not in the public
10 interest, the portions shall be declared not to be navigable
11 water of the United States for the purposes of section 9
12 of the Act of March 3, 1899 (33 U.S.C. 401) and the
13 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

14 (b) PORTIONS OF WATERFRONT.—The portions of
15 the San Francisco, California, waterfront referred to in
16 subsection (a) are those that are, or will be, bulkheaded,
17 filled, or otherwise occupied by permanent structures and
18 that are located as follows: beginning at the intersection
19 of the northeasterly prolongation of the portion of the
20 northwesterly line of Bryant Street lying between Beale
21 Street and Main Street with the southwesterly line of
22 Spear Street, which intersection lies on the line of jurisdic-
23 tion of the San Francisco Port Commission; following
24 thence southerly along said line of jurisdiction as described
25 in the State of California Harbor and Navigation Code
26 Section 1770, as amended in 1961, to its intersection with

1 the easterly line of Townsend Street along a line that is
2 parallel and distant 10 feet from the existing southern
3 boundary of Pier 40 to its point of intersection with the
4 United States Government pier-head line; thence northerly
5 along said pier-head line to its intersection with a line par-
6 allel with, and distant 10 feet easterly from, the existing
7 easterly boundary line of Pier 30–32; thence northerly
8 along said parallel line and its northerly prolongation, to
9 a point of intersection with a line parallel with, and distant
10 10 feet northerly from, the existing northerly boundary of
11 Pier 30–32, thence westerly along last said parallel line
12 to its intersection with the United States Government
13 pier-head line; to the northwesterly line of Bryan Street
14 northwesterly; thence southwesterly along said northwest-
15 erly line of Bryant Street to the point of beginning.

16 (c) REQUIREMENT THAT AREA BE IMPROVED.—If,
17 by the date that is 20 years after the date of enactment
18 of this Act, any portion of the San Francisco, California,
19 waterfront described in subsection (b) has not been bulk-
20 headed, filled, or otherwise occupied by 1 or more perma-
21 nent structures, or if work in connection with any activity
22 carried out pursuant to applicable Federal law requiring
23 a permit, including sections 9 and 10 of the Act of March
24 3, 1899 (33 U.S.C. 401), is not commenced by the date
25 that is 5 years after the date of issuance of such a permit,

1 the declaration of nonnavigability for the portion under
 2 this section shall cease to be effective.

3 **SEC. 2244. CHARLES HERVEY TOWNSHEND BREAKWATER,**
 4 **NEW HAVEN HARBOR, CONNECTICUT.**

5 The western breakwater for the project for naviga-
 6 tion, New Haven Harbor, Connecticut, authorized by the
 7 first section of the Act of September 19, 1890 (26 Stat.
 8 426), shall be known and designated as the “Charles
 9 Hervey Townshend Breakwater”.

10 **SEC. 2245. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**
 11 **NECTICUT.**

12 (a) IN GENERAL.—The portion of the project for
 13 navigation, New London Harbor, Connecticut, authorized
 14 by the Act of June 13, 1902 (32 Stat. 333), that consists
 15 of a 23-foot waterfront channel described in subsection
 16 (b), is redesignated as an anchorage area.

17 (b) DESCRIPTION OF CHANNEL.—The channel re-
 18 ferred to in subsection (a) may be described as beginning
 19 at a point along the western limit of the existing project,
 20 N. 188, 802.75, E. 779, 462.81, thence running north-
 21 easterly about 1,373.88 feet to a point N. 189, 554.87,
 22 E. 780, 612.53, thence running southeasterly about
 23 439.54 feet to a point N. 189, 319.88, E. 780, 983.98,
 24 thence running southwesterly about 831.58 feet to a point
 25 N. 188, 864.63, E. 780, 288.08, thence running south-

1 easterly about 567.39 feet to a point N. 188, 301.88, E.
 2 780, 360.49, thence running northwesterly about 1,027.96
 3 feet to the point of origin, is redesignated as an anchorage
 4 area.

5 **SEC. 2246. NORWALK HARBOR, CONNECTICUT.**

6 (a) IN GENERAL.—The portions of a 10-foot channel
 7 of the project for navigation, Norwalk Harbor, Con-
 8 necticut, authorized by the first section of the Act of
 9 March 2, 1919 (40 Stat. 1276) and described in sub-
 10 section (b), are not authorized.

11 (b) DESCRIPTION OF PORTIONS.—The portions of
 12 the channel referred to in subsection (a) are as follows:

13 (1) RECTANGULAR PORTION.—An approxi-
 14 mately rectangular-shaped section along the north-
 15 westerly terminus of the channel. The section is 35-
 16 feet wide and about 460-feet long and is further de-
 17 scribed as follows: Commencing at a point N.
 18 104,165.85, E. 417,662.71, thence running south
 19 $24^{\circ}06'55''$ E. 395.00 feet to a point N. 103,805.32,
 20 E. 417,824.10, thence running south $00^{\circ}38'06''$ E.
 21 87.84 feet to a point N. 103,717.49, E. 417,825.07,
 22 thence running north $24^{\circ}06'55''$ W. 480.00 feet, to
 23 a point N. 104,155.59, E. 417.628.96, thence run-
 24 ning north $73^{\circ}05'25''$ E. 35.28 feet to the point of
 25 origin.

1 (2) PARALLELOGRAM-SHAPED PORTION.—An
 2 area having the approximate shape of a parallelo-
 3 gram along the northeasterly portion of the channel,
 4 southeast of the area described in paragraph (1),
 5 approximately 20 feet wide and 260 feet long, and
 6 further described as follows: Commencing at a point
 7 N. 103,855.48, E. 417,849.99, thence running south
 8 33°07'30" E. 133.40 feet to a point N. 103,743.76,
 9 E. 417,922.89, thence running south 24°07'04" E.
 10 127.75 feet to a point N. 103,627.16, E.
 11 417,975.09, thence running north 33°07'30" W.
 12 190.00 feet to a point N. 103,786.28, E.
 13 417,871.26, thence running north 17°05'15" W.
 14 72.39 feet to the point of origin.

15 (c) MODIFICATION.—The 10-foot channel portion of
 16 the Norwalk Harbor, Connecticut navigation project de-
 17 scribed in subsection (a) is modified to authorize the Sec-
 18 retary to realign the channel to include, immediately north
 19 of the area described in subsection (b), a triangular sec-
 20 tion described as commencing at a point N. 103,968.35,
 21 E. 417,815.29, thence running S. 17°05'15" east 118.09
 22 feet to a point N. 103,855.48, E. 417,849.99, thence run-
 23 ning N. 33°07'30" west 36.76 feet to a point N.
 24 103,886.27, E. 417,829.90, thence running N. 10°05' 26"
 25 west 83.37 feet to the point of origin.

1 **SEC. 2247. JACKSONVILLE HARBOR, FLORIDA.**

2 The project for navigation, Jacksonville Harbor,
3 Florida, authorized by section 101(a)(17) of the Water
4 Resources Development Act of 1999 (113 Stat. 276), is
5 modified to authorize the Secretary to extend the naviga-
6 tion features in accordance with the Report of the Chief
7 of Engineers, dated July 22, 2003, at an additional total
8 cost of \$14, 658,000, with an estimated Federal cost of
9 \$9,636,000 and an estimated non-Federal cost of
10 \$5,022,000.

11 **SEC. 2248. LAND CONVEYANCE, RICHARD B. RUSSELL DAM**
12 **AND LAKE, GEORGIA AND SOUTH CAROLINA.**

13 (a) IN GENERAL.—The Secretary may convey as a
14 transfer or exchange, or both, by quitclaim deed to the
15 State of South Carolina all right, title, and interest of the
16 United States in and to the parcels of land described in
17 subsection (b)(1) that are being managed as of the date
18 of the enactment of this Act by the South Carolina De-
19 partment of Commerce for public recreation purposes for
20 the Richard B. Russell Dam and Lake, South Carolina,
21 project authorized by section 203 of the Flood Control Act
22 of 1966 (80 Stat. 1420).

23 (b) LAND DESCRIPTION.—

24 (1) IN GENERAL.—The parcels of land to be
25 conveyed are the portion of land described in Army

1 Lease No. DACW21-1-92-0500 that is determined
2 by the survey conducted under paragraph (3).

3 (2) LAND RETAINED BY UNITED STATES.—The
4 United States shall retain ownership of land in-
5 cluded in the Lease described in paragraph (1) that
6 is determined by the Secretary to be required for au-
7 thorized project purposes, including right-of-way
8 easements to remaining Federal land.

9 (3) SURVEY.—The exact acreage and legal de-
10 scription of the land to be conveyed shall be deter-
11 mined by a survey satisfactory to the Secretary, with
12 the cost of the survey borne by the State.

13 (c) TERMS AND CONDITIONS.—

14 (1) IN GENERAL.—The Secretary may require
15 that the conveyance under this section be subject to
16 such terms and conditions as the Secretary considers
17 appropriate and necessary to protect the interests of
18 the United States, including the terms and condi-
19 tions prescribed by this subsection.

20 (2) CONSIDERATION; USE OF PROCEEDS.—

21 (A) CONSIDERATION.—Fair market value
22 consideration, as determined by the United
23 States, shall be paid by the State for any land
24 included in the conveyance under this section.

1 (B) USE OF PROCEEDS.—Any monetary
 2 proceeds received from the conveyance may be
 3 used by the Corps of Engineers, Savannah Dis-
 4 trict, for any authorized activities for the Rich-
 5 ard B. Russell Dam and Lake project.

6 (3) MANAGEMENT POLICY.—The Corps of En-
 7 gineers Shoreline Management Policy (ER-1130-2-
 8 406) shall not be changed or altered for the pro-
 9 posed development.

10 (4) NEPA.—In carrying out this section, the
 11 Secretary and State shall comply with the National
 12 Environmental Policy Act of 1969 (42 U.S.C. 4321
 13 et seq.) (including public review) and other applica-
 14 ble Federal law.

15 (5) COST SHARING.—The Secretary and State
 16 shall share the cost of carrying out this section in
 17 accordance with the cost sharing agreement between
 18 the State and the Secretary in effect on the date of
 19 enactment of this Act.

20 (6) MANAGEMENT.—The State shall manage
 21 land conveyed under this section in accordance with
 22 the terms and conditions of Army Lease No.
 23 DACW21-1-92-0500 that apply to land not con-
 24 veyed under this section.

1 (7) RECREATION DEMANDS ANALYSIS.—Any
 2 conveyance under this section shall be supported by
 3 an updated recreation demands analysis, as deter-
 4 mined by the Secretary.

5 (d) COSTS OF CONVEYANCE.—

6 (1) IN GENERAL.—The State shall be respon-
 7 sible for all costs (including real estate transaction
 8 and environmental compliance costs) associated with
 9 the conveyance.

10 (2) ADMINISTRATIVE EXPENSES.—As deter-
 11 mined appropriate by the Secretary, the State may,
 12 in lieu of administrative expense compensation to the
 13 United States, perform certain environmental or real
 14 estate actions associated with this conveyance, if the
 15 actions are performed in close coordination and to
 16 the satisfaction of the United States.

17 (e) LIABILITY.—The State shall hold the United
 18 States harmless from any liability with respect to activities
 19 carried out, on or after the date of the conveyance, on
 20 land conveyed under this section.

21 **SEC. 2249. PORT OF LEWISTON, IDAHO.**

22 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
 23 ESTS AND USE RESTRICTIONS.—With respect to property
 24 covered by each deed described in subsection (b)—

1 (1) the reversionary interests and use restric-
 2 tions relating to industrial use purposes are extin-
 3 guished;

4 (2) the restriction that no activity shall be per-
 5 mitted that will compete with services and facilities
 6 offered by public marinas is extinguished;

7 (3) the human habitation or other building
 8 structure use restriction is extinguished in each area
 9 in which the elevation is above the standard project
 10 flood elevation; and

11 (4) the use of fill material to raise low areas
 12 above the standard project flood elevation is author-
 13 ized, except in any low area constituting wetland for
 14 which a permit under section 404 of the Federal
 15 Water Pollution Control Act (33 U.S.C. 1344) is re-
 16 quired.

17 (b) DEEDS.—The deeds referred to in subsection (a)
 18 are as follows:

19 (1) Auditor's Instrument No. 399218 of Nez
 20 Perce County, Idaho, 2.07 acres.

21 (2) Auditor's Instrument No. 487437 of Nez
 22 Perce County, Idaho, 7.32 acres.

23 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
 24 section affects the remaining rights and interests of the
 25 Corps of Engineers for authorized project purposes with

1 respect to property covered by deeds described in sub-
2 section (b).

3 **SEC. 2250. CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-**
4 **NOIS.**

5 (a) DEAUTHORIZATION.—As of the date of enactment
6 of this Act, the portions of the projects for navigation,
7 Chicago River and Chicago Harbor, Chicago, Illinois, au-
8 thorized by the Act of March 3, 1899 (30 Stat. 1129),
9 extending 50 feet riverward of the existing dock wall on
10 the south side of the channel from Lake Street to Franklin
11 Street and 25 feet riverward of the existing dock wall on
12 the south side of the channel from Franklin Street to Wa-
13 bash Avenue, and those areas within 20 feet of the bridge
14 abutments on the south side of the channel for the length
15 of the protection bridge piers from the Franklin Street
16 Bridge to the Michigan Avenue Bridge, are not author-
17 ized.

18 (b) MODIFICATION.—The projects for navigation,
19 Chicago River and Chicago Harbor, referred to in sub-
20 section (a) are modified to direct the Secretary to redefine
21 the Federal navigation channel for the North Branch
22 Canal portion extending from 100 feet downstream of the
23 Halsted Street Bridge to 100 feet upstream of the Divi-
24 sion Street Bridge to be not wider than 66 feet.

1 **SEC. 2251. CAMP ELLIS, SACO, MAINE.**

2 The maximum amount of Federal funds that may be
3 expended for the project being carried out under section
4 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
5 for the mitigation of shore damages attributable to the
6 project for navigation, Camp Ellis, Saco, Maine, shall be
7 \$20,000,000.

8 **SEC. 2252. UNION RIVER, MAINE.**

9 The project for navigation, Union River, Maine, au-
10 thorized by the first section of the Act of June 3, 1896
11 (29 Stat. 215, chapter 314), is modified by redesignating
12 as an anchorage area that portion of the project consisting
13 of a 6-foot turning basin and lying northerly of a line com-
14 mencing at a point N. 315,975.13, E. 1,004,424.86,
15 thence running N. 61° 27' 20.71" W. about 132.34 feet
16 to a point N. 316,038.37, E. 1,004,308.61.

17 **SEC. 2253. DULUTH HARBOR, MINNESOTA.**

18 (a) IN GENERAL.—Notwithstanding the cost limita-
19 tion described in section 107(b) of the River and Harbor
20 Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry
21 out the project for navigation, Duluth Harbor, Minnesota,
22 pursuant to the authority provided under that section at
23 a total Federal cost of \$9,000,000.

24 (b) PUBLIC ACCESS AND RECREATIONAL FACILI-
25 TIES.—Section 321 of the Water Resources Development
26 Act of 2000 (114 Stat. 2605) is amended by inserting “,

1 and to provide public access and recreational facilities”
 2 after “including any required bridge construction”.

3 **SEC. 2254. NEW YORK HARBOR, NEW YORK, NEW YORK.**

4 Section 101(a)(2) of the Water Resources Develop-
 5 ment Act of 2000 (114 Stat. 2576) is amended by adding
 6 at the end the following:

7 “(C) TEMPORARY DREDGED MATERIAL
 8 STORAGE FACILITY.—

9 “(i) IN GENERAL.—The Secretary
 10 may permit the non-Federal interest to
 11 construct a temporary dredged material
 12 storage facility to receive dredged material
 13 from the project if—

14 “(I) at least 180 days before the
 15 date of selection of the final site for
 16 the project, the non-Federal interest
 17 submits, in writing, a list of potential
 18 sites for the temporary storage facility
 19 to the Committee on Environment
 20 and Public Works of the Senate and
 21 the Committee on Transportation and
 22 Infrastructure of the House of Rep-
 23 resentatives; and

24 “(II) at least 70 percent of the
 25 dredged material generated in connec-

1 tion with the project that is suitable
 2 for beneficial reuse will be used at
 3 sites in the State of New Jersey (to
 4 the extent that there are sufficient
 5 sites available).

6 “(ii) CREDIT.—The Secretary shall
 7 credit toward the non-Federal share of the
 8 cost of the project the cost of construction
 9 of a temporary storage facility under
 10 clause (i) if the Secretary determines that
 11 the temporary storage facility is integral to
 12 the project.”.

13 **SEC. 2255. TOUSSANT RIVER NAVIGATION PROJECT, CAR-**
 14 **ROLL TOWNSHIP, OHIO.**

15 Increased operation and maintenance activities for
 16 the Toussaint River Federal Navigation Project, Carroll
 17 Township, Ohio, that are carried out in accordance with
 18 section 107 of the River and Harbor Act of 1960 (33
 19 U.S.C. 577) and relate directly to the presence of
 20 unexploded ordnance, shall be carried out at full Federal
 21 expense.

22 **SEC. 2256. GULF INTRACOASTAL WATERWAY, BRAZOS**
 23 **RIVER TO PORT O’CONNOR, TEXAS.**

24 The project for navigation, Gulf Intracoastal Water-
 25 way, Sabine River to Corpus Christi, Texas, authorized

1 by the first section of the Act of March 3, 1925 (43 Stat.
 2 1186, chapter 467) (commonly known as the “River and
 3 Harbor Act of 1925”), and the first section of the Act
 4 of January 1, 1927 (44 Stat. 1010, chapter 47) (com-
 5 monly known as the “River and Harbor Act of 1927”),
 6 is modified further to authorize the Secretary to construct
 7 the realignment of a portion of the channel from approxi-
 8 mately channel mile 454 to approximately channel mile
 9 473, Matagorda Bay, Gulf Intracoastal Waterway, Texas,
 10 to provide for safer navigation, substantially in accordance
 11 with the recommendations of the Report of the Chief of
 12 Engineers, GIWW, Brazos River to Port O’Connor,
 13 Matagorda Bay Reroute, Texas, dated December 24,
 14 2002, at a total cost of \$14,515,000, with a first Federal
 15 cost of \$14,515,000.

16 **SEC. 2257. GULF INTRACOASTAL WATERWAY, HIGH ISLAND**
 17 **TO BRAZOS RIVER, TEXAS.**

18 The project for navigation, Gulf Intracoastal Water-
 19 way, Sabine River to Corpus Christi, Texas, authorized
 20 by the first section of the Act of March 3, 1925 (43 Stat.
 21 1186, chapter 467) (commonly known as the “River and
 22 Harbor Act of 1925”), and the first section of the Act
 23 of January 1, 1927 (44 Stat. 1010, chapter 47) (com-
 24 monly known as the “River and Harbor Act of 1927”),
 25 is modified further to authorize the Secretary to construct

1 the realignment of the portion of the channel from High
 2 Island to Brazos River, Texas, substantially in accordance
 3 with the recommendations of the Report of the Chief of
 4 Engineers, dated April 16, 2004, at a total cost of
 5 \$12,236,000, with a first Federal cost of \$12,236,000.

6 **SEC. 2258. TANGIER ISLAND SEAWALL, VIRGINIA.**

7 Section 577(a) of the Water Resources Development
 8 Act of 1996 (110 Stat. 3789) is amended by striking “at
 9 a total cost of \$1,200,000, with an estimated Federal cost
 10 of \$900,000 and an estimated non-Federal cost of
 11 \$300,000.” and inserting “at a total cost of \$3,000,000,
 12 with an estimated Federal cost of \$2,400,000 and an esti-
 13 mated non-Federal cost of \$600,000.”.

14 **SEC. 2259. LOWER GRANITE POOL, WASHINGTON.**

15 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
 16 ESTS AND USE RESTRICTIONS.—With respect to property
 17 covered by each deed described in subsection (b)—

18 (1) the reversionary interests and use restric-
 19 tions relating to port or industrial purposes are ex-
 20 tinguished;

21 (2) the human habitation or other building
 22 structure use restriction is extinguished in each area
 23 in which the elevation is above the standard project
 24 flood elevation; and

1 (3) the use of fill material to raise low areas
 2 above the standard project flood elevation is author-
 3 ized, except in any low area constituting wetland for
 4 which a permit under section 404 of the Federal
 5 Water Pollution Control Act (33 U.S.C. 1344) would
 6 be required for the use of fill material.

7 (b) DEEDS.—The deeds referred to in subsection (a)
 8 are as follows:

9 (1) Auditor's File Numbers 432576, 443411,
 10 and 579771 of Whitman County, Washington.

11 (2) Auditor's File Numbers 125806, 138801,
 12 147888, 154511, 156928, and 176360 of Asotin
 13 County, Washington.

14 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
 15 section affects any remaining rights and interests of the
 16 Corps of Engineers for authorized project purposes in or
 17 to property covered by a deed described in subsection (b).

18 **Subchapter C—Deauthorizations**

19 **SEC. 2271. JACKSON PORT, JACKSON, ALABAMA.**

20 The project for navigation, Jackson Port, Jackson,
 21 Alabama, is not authorized.

22 **SEC. 2272. BRIDGEPORT HARBOR, CONNECTICUT.**

23 (a) IN GENERAL.—The portion of the project for
 24 navigation, Bridgeport Harbor, Connecticut, authorized
 25 by the Act of July 3, 1930 (46 Stat. 919), consisting of

1 an 18-foot channel in Yellow Mill River and described in
 2 subsection (b), is not authorized.

3 (b) DESCRIPTION OF PROJECT.—The project re-
 4 ferred to in subsection (a) is described as beginning at
 5 a point along the eastern limit of the existing project, N.
 6 123,649.75, E. 481,920.54, thence running northwesterly
 7 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,
 8 thence running northeasterly about 1,442.21 feet to a
 9 point N. 125,030.08, E. 482,394.96, thence running
 10 northeasterly about 139.52 feet to a point along the east
 11 limit of the existing channel, N. 125,133.87, E.
 12 482,488.19, thence running southwesterly about 1,588.98
 13 feet to the point of origin.

14 **SEC. 2273. MUSCATINE HARBOR, IOWA.**

15 The project for navigation at the Muscatine Harbor
 16 on the Mississippi River at Muscatine, Iowa, authorized
 17 by section 101 of the River and Harbor Act of 1950 (64
 18 Stat. 166), is not authorized.

19 **SEC. 2274. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
 20 **LOUISIANA.**

21 The project for navigation improvement for Bayou
 22 Lafourche and Lafourche Jump, Louisiana, authorized by
 23 the Act of August 30, 1935 (49 Stat. 1033, chapter 831)
 24 and the River and Harbor Act of 1960 (74 Stat. 481),
 25 is not authorized.

1 **SEC. 2275. NORTHEAST HARBOR, MAINE.**

2 The project for navigation, Northeast Harbor, Maine,
3 authorized by section 2 of the Act of March 2, 1945 (59
4 Stat. 12, chapter 19), is not authorized.

5 **SEC. 2276. TENANTS HARBOR, MAINE.**

6 The project for navigation, Tenants Harbor, Maine,
7 authorized by the first section of the Act of March 2, 1919
8 (40 Stat. 1275, chapter 95), is not authorized.

9 **SEC. 2277. GRAND HAVEN HARBOR, MICHIGAN.**

10 The project for navigation, Grand Haven Harbor,
11 Michigan, authorized by section 202(a) of the Water Re-
12 sources Development Act of 1986 (100 Stat. 4093) is not
13 authorized.

14 **SEC. 2278. GREENVILLE HARBOR, MISSISSIPPI.**

15 The project for navigation, Greenville Harbor, Mis-
16 sissippi, authorized by section 601(a) of the Water Re-
17 sources Development Act of 1986 (100 Stat. 4142) is not
18 authorized.

19 **SEC. 2279. NEW YORK HARBOR AND ADJACENT CHANNELS,**
20 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
21 **JERSEY.**

22 The project for navigation, New York Harbor and ad-
23 jacent channels, Claremont Terminal, Jersey City, New
24 Jersey, authorized by section 202(b) of the Water Re-
25 sources Development Act of 1986 (100 Stat. 4098), is not
26 authorized.

1 **SEC. 2380. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

2 The project for navigation, Olcott Harbor, Lake On-
3 tario, New York, authorized by section 601(a) of the
4 Water Resources Development Act of 1986 (100 Stat.
5 4143), is not authorized.

6 **SEC. 2381. OUTER HARBOR, BUFFALO, NEW YORK.**

7 The project for navigation, Outer Harbor, Buffalo,
8 New York, authorized by section 110 of the Water Re-
9 sources Development Act of 1992 (106 Stat. 4817), is not
10 authorized.

11 **SEC. 2382. MANTEO BAY, NORTH CAROLINA.**

12 The project for navigation, Manteo (Shallowbag)
13 Bay, North Carolina (Oregon Inlet), authorized by section
14 101 of the River and Harbor Act of 1970 (84 Stat. 1818),
15 is not authorized.

16 **SEC. 2383. CLEVELAND HARBOR 1958 ACT, OHIO.**

17 The project for navigation, Cleveland Harbor
18 (Uncompleted Portion), Ohio, authorized by section 101
19 of the River and Harbor Act of 1958 (72 Stat. 299), is
20 not authorized.

21 **SEC. 2384. CLEVELAND HARBOR 1960 ACT, OHIO.**

22 The project for navigation, Cleveland Harbor
23 (Uncompleted Portion), Ohio, authorized by section 101
24 of the River and Harbor Act of 1960 (74 Stat. 482), is
25 not authorized.

1 **SEC. 2385. CLEVELAND HARBOR, UNCOMPLETED PORTION**
2 **OF CUT #4, OHIO.**

3 The project for navigation, Cleveland Harbor
4 (Uncompleted Portion of Cut #4), Ohio, authorized by the
5 first section of the Act of July 24, 1946 (60 Stat. 636,
6 chapter 595), is not authorized.

7 **SEC. 2386. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
8 **MOND, OREGON.**

9 The project for the Columbia River, Seafarers Memo-
10 rial, Hammond, Oregon, authorized by title I of the En-
11 ergy and Water Development Appropriations Act, 1991
12 (104 Stat. 2078), is not authorized.

13 **SEC. 2387. DELAWARE RIVER, PHILADELPHIA, PENNSYL-**
14 **VANIA TO TRENTON, NEW JERSEY.**

15 The project for navigation, Delaware River, Philadel-
16 phia, Pennsylvania to Trenton, New Jersey (Tioga Marine
17 Terminal), as authorized by section 3(a)(12) of the Water
18 Resources Development Act of 1988 (102 Stat. 4014), is
19 not authorized.

20 **SEC. 2388. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**
21 **RHODE ISLAND.**

22 The project for navigation, Narragansett Town
23 Beach, Narragansett, Rhode Island, authorized by section
24 361 of the Water Resources Development Act of 1992
25 (106 Stat. 4861), is not authorized.

1 **SEC. 2389. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

2 The project for bulkhead repairs, Quonset Point-
3 Davisville, Rhode Island, authorized by section 571 of the
4 Water Resources Development Act of 1996 (110 Stat.
5 3788), is not authorized.

6 **TITLE III—FLOOD AND COASTAL**
7 **STORM DAMAGE REDUCTION**

8 **Subtitle A—Flood Damage**
9 **Reduction**

10 **CHAPTER 1—CONTINUING AUTHORITIES**
11 **PROGRAMS**

12 **SEC. 3001. PROTECTION AND RESTORATION DUE TO EMER-**
13 **GENCIES AT SHORES AND STREAMBANKS**
14 **(PRESS).**

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

17 (1) by striking “\$15,000,000” and inserting
18 “\$20,000,000”; and

19 (2) by striking “\$1,000,000” and inserting
20 “\$1,500,000”.

21 **CHAPTER 2—STUDIES**

22 **SEC. 3101. REVIEW OF ST. HELENA COMPREHENSIVE**
23 **FLOOD PROTECTION PROJECT, CALIFORNIA.**

24 (a) IN GENERAL.—The Secretary shall review the
25 project for flood control and environmental restoration at
26 St. Helena, California, generally in accordance with En-

1 hanced Minimum Plan A, as described in the Final Envi-
 2 ronmental Impact Report prepared by the city of St. Hel-
 3 ena, California, and certified by the city to be in compli-
 4 ance with the California Environmental Quality Act on
 5 February 24, 2004.

6 (b) COST SHARING.—Cost sharing for the project de-
 7 scribed in subsection (a) shall be carried out in accordance
 8 with section 103 of the Water Resources Development Act
 9 of 1986 (33 U.S.C. 2213).

10 **CHAPTER 3—PROJECTS**

11 **Subchapter A—Authorizations**

12 **SEC. 3201. TANQUE VERDE CREEK PROJECT, PIMA COUNTY,** 13 **ARIZONA.**

14 The Secretary may construct the project for flood
 15 control, bank protection, and habitat preservation and
 16 mitigation, Tanque Verde Creek, Rillito River and tribu-
 17 taries, Pima County, Arizona, at an estimated total cost
 18 of \$4,878,000, with an estimated Federal cost of
 19 \$3,170,700 and an estimated non-Federal cost of
 20 \$1,707,300, in accordance with the recommendations of
 21 the report of the Chief of Engineers dated July 22, 2003.

22 **SEC. 3202. HAMILTON CITY, CALIFORNIA.**

23 The Secretary may carry out the Hamilton City, Cali-
 24 fornia project for flood damage reduction and ecosystem
 25 restoration at a total cost of \$47,820,000, with an esti-

1 mated Federal cost of \$31,083,000 and estimated non-
 2 Federal cost of \$16,737,000, substantially in accordance
 3 with the plans, and subject to the conditions, rec-
 4 ommended in a final report of the Chief of Engineers, if
 5 a favorable report of the Chief for the project is completed
 6 not later than December 31, 2004.

7 **SEC. 3203. MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary may construct the
 9 project for flood damage reduction and ecosystem restora-
 10 tion and participate in critical restoration projects that
 11 will produce (consistent with Federal programs, projects,
 12 and activities) immediate and substantial ecosystem res-
 13 toration, preservation, and protection benefits in the fol-
 14 lowing subwatersheds of the Middle Creek watershed:

15 (1) Scott's Creek.

16 (2) Middle Creek.

17 (b) ASSISTANCE.—Participation in critical restora-
 18 tion projects under this section may include assistance for
 19 planning, design, or construction.

20 (c) NON-FEDERAL INTERESTS.—Notwithstanding
 21 section 221 of the Flood Control Act of 1970 (42 U.S.C.
 22 1962d–5b), a nonprofit entity may serve, with the consent
 23 of the affected local government, as a non-Federal sponsor
 24 for a project carried out under this section.

25 (d) TRUST TRANSFER.—

1 (1) IN GENERAL.—Notwithstanding any other
 2 provision of law, as part of the authorization of
 3 projects under this section, on request of the gov-
 4 erning body of the Robinson Rancheria Tribe of
 5 Pomo Indians, the Secretary of the Interior shall—

6 (A) accept the transfer from the Tribe to
 7 the Secretary of the interest of the Tribe in 2
 8 parcels of land located adjacent to Clear Lake
 9 in Lake County, California; and

10 (B) hold the land in trust for the benefit
 11 of the Tribe.

12 (2) RELATIONSHIP TO OTHER LAW.—Once
 13 transferred to the Secretary in trust for the benefit
 14 of the Tribe, the land shall not be subject to section
 15 20(a) of the Indian Gaming Regulatory Act (25
 16 U.S.C. 2719(a)).

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 18 authorized to be appropriated to carry out this section
 19 \$26,000,000.

20 **SEC. 3204. INDIAN RIVER LAGOON, SOUTH FLORIDA.**

21 (a) INDIAN RIVER LAGOON.—The Secretary may
 22 carry out the project for ecosystem restoration, water sup-
 23 ply, flood control, and protection of water quality, Indian
 24 River Lagoon, South Florida, at a total cost of
 25 \$1,207,288,000, with an estimated first Federal cost of

1 \$603,644,000 and an estimated first non-Federal cost of
2 \$603,644,000, in accordance with section 601 of the
3 Water Resources Development Act of 2000 (114 Stat.
4 2680), the project implementation report for the project,
5 and subject to a favorable report of the Chief of Engi-
6 neers, if such a report is issued by the Chief not later
7 than December 31, 2004.

8 (b) DEAUTHORIZATIONS.—As of the date of enact-
9 ment of this Act—

10 (1) the C-44 Basin Storage Reservoir of the
11 Comprehensive Everglades Restoration Plan author-
12 ized under section 601(b)(2)(C)(i) of the Water Re-
13 sources Development Act of 2000 (114 Stat. 2682)
14 is not authorized;

15 (2) the Martin County, Florida modifications to
16 the Central and South Florida Project authorized by
17 section 203 of the Flood Control Act of 1968 (82
18 Stat. 731) are not authorized; and

19 (3) spillway structure S-311 of the Central and
20 South Florida Project, authorized under the East
21 Coast Backpumping, St. Lucie-Martin County,
22 project authorized by section 203 of the Flood Con-
23 trol Act of 1968 (82 Stat. 731), is not authorized.

1 **SEC. 3205. PICAYUNE STRAND ECOSYSTEM RESTORATION,**
2 **COLLIER COUNTY, FLORIDA.**

3 The Secretary may carry out the project for eco-
4 system restoration, Southern Golden Gate Estates, Collier
5 County, Florida, at a total cost of \$362,612,000, with an
6 estimated Federal cost of \$181,306,000 and an estimated
7 non-Federal cost of \$181,306,000, in accordance with sec-
8 tion 601 of the Water Resources Development Act of 2000
9 (114 Stat. 2680) and subject to a favorable report of the
10 Chief of Engineers, if such a report is issued by the Chief
11 not later than December 31, 2004.

12 **SEC. 3206. SWOPE PARK INDUSTRIAL AREA, MISSOURI.**

13 The Secretary may construct the project for flood
14 damage reduction, Swope Park Industrial Area, Missouri,
15 in accordance with the recommendations of the report of
16 the Chief of Engineers dated December 30, 2003, at an
17 estimated cost of \$14,987,000, with an estimated Federal
18 cost of \$9,742,000 and an estimated non-Federal cost of
19 \$5,245,000.

20 **SEC. 3207. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEX-**
21 **ICO.**

22 The Secretary may carry out the project for flood
23 damage reduction, Southwest Valley, Albuquerque, New
24 Mexico, at a total cost of \$17,500,000, with an estimated
25 Federal cost of \$11,400,000 and an estimated non-Fed-
26 eral cost of \$6,100,000, substantially in accordance with

1 the plans, and subject to the conditions, recommended in
2 a final report of the Chief of Engineers, if a final favorable
3 report of the Chief for the project is completed not later
4 than December 31, 2004.

5 **Subchapter B—Modifications**

6 **SEC. 3211. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

7 (a) IN GENERAL.—The project for flood control, St.
8 Francis River Basin, Arkansas, and Missouri, authorized
9 the Act of June 15, 1936 (49 Stat. 1508, chapter 548),
10 as modified, is further modified to authorize the Secretary
11 to undertake out channel stabilization and sediment re-
12 moval measures on the St. Francis River and tributaries
13 as an integral part of the original project.

14 (b) NO SEPARABLE ELEMENT.—The measures car-
15 ried out under subsection (a) shall not be considered to
16 be a separable element of the project.

17 **SEC. 3212. AUGUSTA AND CLARENDON, ARKANSAS.**

18 The Secretary may carry out rehabilitation of author-
19 ized and completed levees on the White River between Au-
20 gusta and Clarendon, Arkansas, at a total estimated cost
21 of \$8,000,000, with an estimated Federal cost of
22 \$5,200,000 and an estimated non-Federal cost of
23 \$2,800,000.

1 **SEC. 3213. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**
2 **AND MISSOURI.**

3 (a) IN GENERAL.—The Secretary shall convey to the
4 State of Arkansas, without monetary consideration and
5 subject to subsection (b), all right, title, and interest to
6 land within the State acquired by the Federal Government
7 as mitigation land for the project for flood control, St.
8 Francis Basin, Arkansas and Missouri Project, authorized
9 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)
10 (commonly known as the “Flood Control Act of 1928”).

11 (b) TERMS AND CONDITIONS.—

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

15 (A) the condition that the State of Arkan-
16 sas (including the successors and assigns of the
17 State) agree to operate, maintain, and manage
18 the land at no cost or expense to the United
19 States and for fish and wildlife, recreation, and
20 environmental purposes; and

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

24 (2) REVERSION.—If the State (or a successor
25 or assign of the State) ceases to operate, maintain,
26 and manage the land in accordance with this sub-

1 section, all right, title, and interest in and to the
 2 property shall revert to the United States, at the op-
 3 tion of the Secretary.

4 **SEC. 3214. RED-OUACHITA RIVER BASIN, ARKANSAS.**

5 Section 204 of the Flood Control Act of 1950 (64
 6 Stat. 170) is amended in the matter under the heading
 7 “RED-OUACHITA RIVER BASIN” by inserting after “at
 8 Calion, Arkansas” the following: “(including authorization
 9 for the comprehensive flood-control project for Ouachita
 10 River and tributaries, incorporating in the project all flood
 11 control, drainage, and power improvements in the basin
 12 above the lower end of the left bank Ouachita River
 13 levee)”.

14 **SEC. 3215. CACHE CREEK BASIN, CALIFORNIA.**

15 (a) IN GENERAL.—The project for flood control,
 16 Cache Creek Basin, California, authorized by section
 17 401(a) of the Water Resources Development Act of 1986
 18 (100 Stat. 4112), is modified to direct the Secretary to
 19 mitigate the impacts of the new south levee of the Cache
 20 Creek settling basin on the storm drainage system of the
 21 city of Woodland, including all appurtenant features, ero-
 22 sion control measures, and environmental protection fea-
 23 tures.

24 (b) OBJECTIVES.—Mitigation under subsection (a)
 25 shall restore the pre-project capacity of the city (1,360

1 cubic feet per second) to release water to the Yolo Bypass,
2 including—

3 (1) channel improvements;

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

6 (3) a new low-flow cross channel to handle city
7 and county storm drainage and settling basin flows
8 (1,760 cubic feet per second) when the Yolo Bypass
9 is in a low-flow condition.

10 **SEC. 3216. LLAGAS CREEK, CALIFORNIA.**

11 The project for flood damage reduction, Llagas
12 Creek, California, authorized by section 501(a) of the
13 Water Resources Development Act of 1999 (113 Stat.
14 333), is modified to authorize the Secretary to complete
15 the project, in accordance with the requirements of local
16 cooperation as specified in section 5 of the Watershed Pro-
17 tection and Flood Prevention Act (16 U.S.C. 1005), at
18 a total remaining cost of \$95,000,000, with an estimated
19 remaining Federal cost of \$55,000,000, and an estimated
20 remaining non-Federal cost of \$40,000,000.

21 **SEC. 3217. SACRAMENTO AND AMERICAN RIVERS FLOOD**
22 **CONTROL, CALIFORNIA.**

23 (a) IN GENERAL.—The Secretary shall credit toward
24 that portion of the non-Federal share of the costs of the
25 flood damage reduction project authorized by section

1 101(a)(6)(A) of the Water Resources Development Act of
2 1999 (113 Stat. 274) that is to be paid by the Sacramento
3 Area Flood Control Agency an amount equal to the Fed-
4 eral share of the flood control project authorized by sec-
5 tion 9159 of the Department of Defense Appropriations
6 Act, 1993 (106 Stat. 1944).

7 (b) FEDERAL SHARE.—In determining the Federal
8 share of the project authorized by section 9159(b) of that
9 Act, the Secretary shall include all audit verified costs for
10 planning, engineering, construction, acquisition of project
11 land, easements, rights-of-way, relocations, and environ-
12 mental, mitigation for all project elements that the Sec-
13 retary determines to be cost-effective.

14 (c) AMOUNT CREDITED.—The amount credited shall
15 be equal to the Federal share determined under this sec-
16 tion, reduced by the total of all reimbursements paid to
17 the non-Federal sponsors for work under section 9159(b)
18 of that Act before the date of enactment of this Act.

19 **SEC. 3218. UPPER GUADALUPE RIVER, CALIFORNIA.**

20 The project for flood damage reduction and recre-
21 ation, Upper Guadalupe River, California, authorized by
22 section 101(a)(9) of the Water Resources Development
23 Act of 1999 (113 Stat. 275), is modified to authorize the
24 Secretary to construct the project at a total cost of

1 \$212,100,000, with an estimated Federal cost of
2 \$98,800,000 and a non-Federal cost of \$113,300,000.

3 **SEC. 3219. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

4 The project for flood damage reduction, Yuba River
5 Basin, California, authorized by section 101(a)(10) of the
6 Water Resources Development Act of 1999 (113 Stat.
7 275), is modified to authorize the Secretary to construct
8 the project at a total cost of \$107,700,000, with an esti-
9 mated Federal share of \$70,000,000 and a non-Federal
10 share of \$37,700,000.

11 **SEC. 3220. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

12 (a) IN GENERAL.—The Secretary shall carry out ad-
13 ditional general construction measures to allow for oper-
14 ation at lower pool levels to satisfy the recreation mission
15 at Dworshak Dam, Idaho.

16 (b) IMPROVEMENTS.—In carrying out subsection (a),
17 the Secretary shall provide for appropriate improvements
18 to—

19 (1) facilities that are operated by the Corps of
20 Engineers; and

21 (2) facilities that, as of the date of enactment
22 of this Act, are leased or out-granted.

23 (c) COST SHARING.—The Secretary shall carry out
24 this section through a cost-sharing program with Idaho
25 State Parks and Recreation Department, with a total esti-

1 mated project cost of \$5,300,000 and an estimated Fed-
 2 eral cost of \$3,900,000.

3 **SEC. 3221. CACHE RIVER LEVEE, ILLINOIS.**

4 The Cache River Levee created for flood control at
 5 the Cache River, Illinois, and authorized under the Act
 6 of June 28, 1938 (52 Stat. 1215, chapter 795), is modi-
 7 fied to add environmental restoration as a project purpose.

8 **SEC. 3222. MISSOURI AND ILLINOIS FLOOD PROTECTION**
 9 **PROJECTS RECONSTRUCTION PILOT PRO-**
 10 **GRAM.**

11 (a) DEFINITION OF RECONSTRUCTION.—In this sec-
 12 tion:

13 (1) IN GENERAL.—The term “reconstruction”
 14 means any action taken to address 1 or more major
 15 deficiencies of a project caused by long-term deg-
 16 radation of the foundation, construction materials,
 17 or engineering systems or components of the project,
 18 the results of which render the project at risk of not
 19 performing in compliance with the authorized pur-
 20 poses of the project.

21 (2) INCLUSIONS.—The term “reconstruction”
 22 includes the incorporation by the Secretary of cur-
 23 rent design standards and efficiency improvements
 24 in a project if the incorporation does not signifi-

1 cantly change the authorized scope, function, or pur-
2 pose of the project.

3 (b) PARTICIPATION BY SECRETARY.—The Secretary
4 may participate in the reconstruction of flood control
5 projects within Missouri and Illinois as a pilot program
6 if the Secretary determines that such reconstruction is not
7 required as a result of improper operation and mainte-
8 nance by the non-Federal interest.

9 (c) COST SHARING.—

10 (1) IN GENERAL.—Costs for reconstruction of a
11 project under this section shall be shared by the Sec-
12 retary and the non-Federal interest in the same per-
13 centages as the costs of construction of the original
14 project were shared.

15 (2) OPERATION, MAINTENANCE, AND REPAIR
16 COSTS.—The costs of operation, maintenance, re-
17 pair, and rehabilitation of a project carried out
18 under this section shall be a non-Federal responsi-
19 bility.

20 (d) CRITICAL PROJECTS.—In carrying out this sec-
21 tion, the Secretary shall give priority to the following
22 projects:

23 (1) Clear Creek Drainage and Levee District,
24 Illinois.

1 (2) Fort Chartres and Ivy Landing Drainage
2 District, Illinois.

3 (3) Wood River Drainage and Levee District,
4 Illinois.

5 (4) City of St. Louis, Missouri.

6 (5) Missouri River Levee Drainage District,
7 Missouri.

8 (e) ECONOMIC JUSTIFICATION.—Reconstruction ef-
9 forts and activities carried out under this section shall not
10 require economic justification.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$50,000,000, to remain available until expended.

14 **SEC. 3223. SPUNKY BOTTOM, ILLINOIS.**

15 (a) IN GENERAL.—The project for flood control, Illi-
16 nois and Des Plaines River Basin, between Beardstown,
17 Illinois, and the mouth of the Illinois River, authorized
18 by section 5 of the Act of June 22, 1936 (49 Stat. 1583,
19 chapter 688), is modified to authorize ecosystem restora-
20 tion as a project purpose.

21 (b) MODIFICATIONS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 notwithstanding the limitation on the expenditure of
24 Federal funds to carry out project modifications in
25 accordance with section 1135 of the Water Re-

1 sources Development Act of 1986 (33 U.S.C.
2 2309a), modifications to the project referred to in
3 subsection (a) shall be carried out at Spunky Bot-
4 toms, Illinois, in accordance with subsection (a).

5 (2) FEDERAL SHARE.—Not more than
6 \$7,500,000 in Federal funds may be expended under
7 this section to carry out modifications to the project
8 referred to in subsection (a).

9 (3) POST-CONSTRUCTION MONITORING AND
10 MANAGEMENT.—Of the Federal funds expended
11 under paragraph (2), not less than \$500,000 shall
12 remain available for a period of 5 years after the
13 date of completion of construction of the modifica-
14 tions for use in carrying out post-construction moni-
15 toring and adaptive management.

16 (c) EMERGENCY REPAIR ASSISTANCE.—Notwith-
17 standing any modifications carried out under subsection
18 (b), the project described in subsection (a) shall remain
19 eligible for emergency repair assistance under section 5
20 of the Act of August 18, 1941 (33 U.S.C. 701n), without
21 consideration of economic justification.

22 **SEC. 3224. CUMBERLAND, MARYLAND.**

23 Section 580(a) of the Water Resources Development
24 Act of 1999 (113 Stat. 375) is amended—

1 (1) by striking “\$15,000,000” and inserting
2 “\$25,750,000”;

3 (2) by striking “\$9,750,000” and inserting
4 “\$16,738,000”; and

5 (3) by striking “\$5,250,000” and inserting
6 “\$9,012,000”.

7 **SEC. 3225. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

8 (a) DEFINITIONS.—In this section:

9 (1) FEDERAL LAND.—The term “Federal land”
10 means the 2 parcels of Corps of Engineers land to-
11 taling approximately 42 acres, located on Buffalo Is-
12 land in Pike County, Missouri, and consisting of
13 Government Tract Numbers MIs–7 and a portion of
14 FM–46.

15 (2) NON-FEDERAL LAND.—The term “non-Fed-
16 eral land” means the approximately 42 acres of
17 land, subject to any existing flowage easements, situ-
18 ated in Pike County, Missouri, upstream and north-
19 west, about 200 feet from Drake Island (also known
20 as Grimes Island).

21 (b) LAND EXCHANGE.—Subject to subsection (c), on
22 conveyance by S.S.S., Inc., to the United States of all
23 right, title, and interest in and to the non-Federal land,
24 the Secretary shall convey to S.S.S., Inc., all right, title,

1 and interest of the United States in and to the Federal
2 land.

3 (c) CONDITIONS.—

4 (1) DEEDS.—

5 (A) NON-FEDERAL LAND.—The convey-
6 ance of the non-Federal land to the Secretary
7 shall be by a warranty deed acceptable to the
8 Secretary.

9 (B) FEDERAL LAND.—The conveyance of
10 the Federal land to S.S.S., Inc., shall be—

11 (i) by quitclaim deed; and

12 (ii) subject to any reservations, terms,
13 and conditions that the Secretary deter-
14 mines to be necessary to allow the United
15 States to operate and maintain the Mis-
16 sissippi River 9-Foot Navigation Project.

17 (C) LEGAL DESCRIPTIONS.—The Secretary
18 shall, subject to approval of S.S.S., Inc., pro-
19 vide a legal description of the Federal land and
20 non-Federal land for inclusion in the deeds re-
21 ferred to in subparagraphs (A) and (B).

22 (2) REMOVAL OF IMPROVEMENTS.—

23 (A) IN GENERAL.—The Secretary may re-
24 quire the removal of, or S.S.S., Inc., may volun-
25 tarily remove, any improvements to the non-

1 Federal land before the completion of the ex-
2 change or as a condition of the exchange.

3 (B) NO LIABILITY.—If S.S.S., Inc., re-
4 moves any improvements to the non-Federal
5 land under subparagraph (A)—

6 (i) S.S.S., Inc., shall have no claim
7 against the United States relating to the
8 removal; and

9 (ii) the United States shall not incur
10 or be liable for any cost associated with the
11 removal or relocation of the improvements.

12 (3) ADMINISTRATIVE COSTS.—The Secretary
13 shall require S.S.S., Inc. to pay reasonable adminis-
14 trative costs associated with the exchange.

15 (4) CASH EQUALIZATION PAYMENT.—If the ap-
16 praised fair market value, as determined by the Sec-
17 retary, of the Federal land exceeds the appraised
18 fair market value, as determined by the Secretary,
19 of the non-Federal land, S.S.S., Inc., shall make a
20 cash equalization payment to the United States.

21 (5) DEADLINE.—The land exchange under sub-
22 section (b) shall be completed not later than 2 years
23 after the date of enactment of this Act.

1 **SEC. 3226. LAKE GIRARD LAKE DAM, OHIO.**

2 Section 507(1) of the Water Resources Development
3 Act of 1996 (110 Stat. 3758) is amended—

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

6 (2) by adding before the period at the end the
7 following: “(which repair and rehabilitation may in-
8 clude lowering the crest of the Dam by not more
9 than 12.5 feet)”.

10 **SEC. 3227. UNIVERSITY OF OREGON MUSEUM OF NATURAL**
11 **HISTORY, OREGON.**

12 (a) IN GENERAL.—The Secretary shall pay not more
13 than \$2,500,000 to the provider of research and curation
14 support previously provided to the Federal Government as
15 a result of—

16 (1) the multipurpose project at John Day Lock
17 and Dam, Lake Umatilla, Oregon and Washington,
18 authorized by section 101 of the River and Harbor
19 Act of 1950 (64 Stat. 167); and

20 (2) the several navigation and flood damage re-
21 duction projects constructed on the Columbia River
22 and Lower Willamette River, Oregon and Wash-
23 ington.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section
26 \$2,500,000.

1 **SEC. 3228. TIOGA TOWNSHIP, PENNSYLVANIA.**

2 (a) IN GENERAL.—The Secretary shall convey by
3 quitclaim deed to Tioga Township, Pennsylvania, without
4 consideration, all right, title, and interest in and to the
5 parcel of real property located on the northeast end of
6 Tract No. 226, a portion of the Tioga-Hammond Lakes
7 Floods Control Project, Tioga County, Pennsylvania, to-
8 gether with any improvements on that property, in as-is
9 condition, for public ownership and use as the site of the
10 administrative offices and road maintenance complex for
11 the Township.

12 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
13 exact acreage and the legal description of the real property
14 described in subsection (a) shall be determined by a survey
15 that is satisfactory to the Secretary.

16 (c) RESERVATION OF INTERESTS.—The Secretary
17 shall reserve such rights and interests in and to the prop-
18 erty to be conveyed as the Secretary considers necessary
19 to preserve the operational integrity and security of the
20 Tioga-Hammond Lakes Flood Control Project.

21 (d) REVERSION.—If the Secretary determines that
22 the property conveyed under subsection (a) ceases to be
23 held in public ownership, or to be used as a site for the
24 Tioga Township administrative offices and road mainte-
25 nance complex or for related public purposes, all right,

1 title, and interest in and to the property shall revert to
 2 the United States, at the option of the United States.

3 **SEC. 3229. HARRIS FORK CREEK, TENNESSEE AND KEN-**
 4 **TUCKY.**

5 Notwithstanding section 1001(b)(1) of the Water Re-
 6 sources Development Act of 1986 (33 U.S.C. 579a), the
 7 project for flood control, Harris Fork Creek, Tennessee
 8 and Kentucky, authorized by section 102 of the Water Re-
 9 sources Development Act of 1976 (33 U.S.C. 701c note;
 10 90 Stat. 2920) shall remain authorized to be carried out
 11 by the Secretary for a period of 7 years beginning on the
 12 date of enactment of this Act.

13 **SEC. 3230. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

14 The project for flood control, Nonconnah Creek, Ten-
 15 nessee and Mississippi, authorized by section 401 of the
 16 Water Resources Development Act of 1986 (100 Stat.
 17 4124) and modified by the section 334 of the Water Re-
 18 sources Development Act of 2000 (114 Stat. 2611), is
 19 modified to authorize the Secretary—

20 (1) to reconstruct, at full Federal expense, the
 21 weir originally constructed in the vicinity of the
 22 mouth of Nonconnah Creek; and

23 (2) to make repairs and maintain the weir in
 24 the future so that the weir functions properly.

1 **SEC. 3231. CONNECTICUT RIVER DAMS, VERMONT.**

2 (a) IN GENERAL.—The Secretary shall evaluate, de-
 3 sign, and construct structural modifications at full Fed-
 4 eral cost to the Union Village Dam (Ompompanoosuc
 5 River), North Hartland Dam (Ottauquechee River), North
 6 Springfield Dam (Black River), Ball Mountain Dam (West
 7 River), and Townshend Dam (West River), Vermont, to
 8 regulate flow and temperature to mitigate downstream im-
 9 pacts on aquatic habitat and fisheries.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated to carry out this section
 12 \$30,000,000.

13 **SEC. 3232. DAM REMEDIATION, VERMONT.**

14 Section 543 of the Water Resources Development Act
 15 of 2000 (114 Stat. 2673) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2), by striking “and” at
 18 the end;

19 (B) in paragraph (3), by striking the pe-
 20 riod at the end and inserting “; and”; and

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

22 “(4) may carry out measures to restore, pro-
 23 tect, and preserve an ecosystem affected by a dam
 24 described in subsection (b).”; and

25 (2) in subsection (b), by adding at the end the
 26 following:

- 1 “(11) Camp Wapanacki, Hardwick.
- 2 “(12) Star Lake Dam, Mt. Holly.
- 3 “(13) Curtis Pond, Calais.
- 4 “(14) Weathersfield Reservoir, Springfield.
- 5 “(15) Burr Pond, Sudbury.
- 6 “(16) Maidstone Lake, Guildhall.
- 7 “(17) Upper and Lower Hurricane Dam.
- 8 “(18) Lake Fairlee.
- 9 “(19) West Charleston Dam.”.

10 **SEC. 3233. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

11 The project for flood control, Centralia, Washington,
 12 authorized by section 401(a) of the Water Resources De-
 13 velopment Act of 1986 (100 Stat. 4126) is modified to
 14 be carried out at a total cost of \$94,357,000, with a Fed-
 15 eral cost of \$56,467,000 and a non-Federal cost of
 16 \$37,890,000, and shall be carried out by the Secretary
 17 substantially in accordance with the plans, and subject to
 18 conditions, recommended in a final report of the Chief of
 19 Engineers, if a favorable final report of the Chief is com-
 20 pleted not later than December 31, 2004.

21 **SEC. 3234. EROSION CONTROL, PUGET ISLAND,**
 22 **WAHIAKUM COUNTY, WASHINGTON.**

23 (a) IN GENERAL.—The Lower Columbia River levees
 24 and bank protection works authorized by section 204 of
 25 the Flood Control Act of 1950 (64 Stat. 178) is modified

1 with regard to the Wahkiakum County diking districts No.
 2 1 and 3, but without regard to any cost ceiling authorized
 3 before the date of enactment of this Act, to direct the Sec-
 4 retary to provide a 1-time placement of dredged material
 5 along portions of the Columbia River shoreline of Puget
 6 Island, Washington, between river miles 38 to 47, to pro-
 7 tect economic and environmental resources in the area
 8 from further erosion.

9 (b) COORDINATION AND COST-SHARING REQUIRE-
 10 MENTS.—The Secretary shall carry out subsection (a)—

11 (1) in coordination with appropriate resource
 12 agencies;

13 (2) in accordance with all applicable Federal
 14 law (including regulations); and

15 (3) at full Federal expense.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 17 authorized to be appropriated to carry out this section
 18 \$1,000,000.

19 **SEC. 3235. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

20 The project for flood control at Milton, West Virginia,
 21 authorized by section 580 of the Water Resources Devel-
 22 opment Act of 1996 (110 Stat. 3790), as modified by sec-
 23 tion 340 of the Water Resources Development Act of 2000
 24 (114 Stat. 2612), is modified to authorize the Secretary
 25 to construct the project substantially in accordance with

1 the draft report of the Corps of Engineers dated March
2 2004, at an estimated total cost of \$45,500,000, with an
3 estimated Federal cost of \$34,125,000 and an estimated
4 non-Federal cost of \$11,375,000.

5 **Subchapter C—Deauthorizations**

6 **SEC. 3241. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

7 The project for flood damage reduction, Little Cove
8 Creek, Glencoe, Alabama, authorized by the Supplemental
9 Appropriations Act, 1985 (99 Stat. 312), is not author-
10 ized.

11 **SEC. 3242. WINSLOW, ARIZONA.**

12 The project for flood control, Little Colorado River,
13 Winslow, Arizona, authorized by section 204 of the Flood
14 Control Act of 1965 (79 Stat. 1083), is not authorized.

15 **SEC. 3243. GOLETA AND VICINITY, CALIFORNIA.**

16 The project for flood control, Goleta and Vicinity,
17 California, authorized by section 201 of the Flood Control
18 Act of 1970 (84 Stat. 1826), is not authorized.

19 **SEC. 3244. SHINGLE CREEK BASIN, FLORIDA.**

20 The project for flood control, Central and Southern
21 Florida Project, Shingle Creek Basin, Florida, authorized
22 by section 203 of the Flood Control Act of 1962 (76 Stat.
23 1182), is not authorized.

1 **SEC. 3245. BREVOORT, INDIANA.**

2 The project for flood control, Brevoort, Indiana, au-
3 thorized under section 5 of the Flood Control Act of 1936
4 (49 Stat. 1587), is not authorized.

5 **SEC. 3246. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

6 The project for flood control, Middle Wabash, Green-
7 field Bayou, Indiana, authorized by section 10 of the
8 Flood Control Act of 1946 (60 Stat. 649), is not author-
9 ized.

10 **SEC. 3247. LAKE GEORGE, HOBART, INDIANA.**

11 The project for flood damage reduction, Lake George,
12 Hobart, Indiana, authorized by section 602 of the Water
13 Resources Development Act of 1986 (100 Stat. 4148), is
14 not authorized.

15 **SEC. 3248. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

16 **2, IOWA.**

17 The project for flood damage reduction, Green Bay
18 Levee and Drainage District No. 2, Iowa, authorized by
19 section 401(a) of the Water Resources Development Act
20 of 1986 (100 Stat. 4115), deauthorized in fiscal year
21 1991, and reauthorized by section 115(a)(1) of the Water
22 Resources Development Act of 1992 (106 Stat. 4821), is
23 not authorized.

24 **SEC. 3249. EAGLE CREEK LAKE, KENTUCKY.**

25 The project for flood control and water supply, Eagle
26 Creek Lake, Kentucky, authorized by section 203 of the

1 Flood Control Act of 1962 (76 Stat. 1188), is not author-
2 ized.

3 **SEC. 3250. HAZARD, KENTUCKY.**

4 The project for flood damage reduction, Hazard,
5 Kentucky, authorized by section 3 of the Water Resources
6 Development Act of 1988 (102 Stat. 4014) and section
7 108 of the Water Resources Development Act of 1990
8 (104 Stat. 4621), is not authorized.

9 **SEC. 3251. TAYLORSVILLE LAKE, KENTUCKY.**

10 The recreation portion of the project for flood control,
11 Taylorsville Lake, Kentucky, authorized by section 203 of
12 the Flood Control Act of 1966 (80 Stat. 1421), is not au-
13 thorized.

14 **SEC. 3252. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

15 The project for flood control, West Kentucky Tribu-
16 taries, Kentucky, authorized by section 204 of the Flood
17 Control Act of 1965 (79 Stat. 1081), section 201 of the
18 Flood Control Act of 1970 (84 Stat. 1825), and section
19 401(b) of the Water Resources Development Act of 1986
20 (100 Stat. 4129), is not authorized.

21 **SEC. 3253. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
22 **ISIANA.**

23 The project for flood damage reduction, Bayou
24 Cocodrie and Tributaries, Louisiana, authorized by section
25 3 of the of the Act entitled “An Act authorizing the con-

1 struction of certain public works on rivers and harbors for
 2 flood control, and for other purposes”, approved August
 3 18, 1941 (55 Stat. 644), and section 1(a) of the Water
 4 Resources Development Act of 1974 (88 Stat. 12), is not
 5 authorized.

6 **SEC. 3254. EASTERN RAPIDES AND SOUTH-CENTRAL**
 7 **AVOYELLES PARISHES, LOUISIANA.**

8 The project for flood control, Eastern Rapides and
 9 South-Central Avoyelles Parishes, Louisiana, authorized
 10 by section 201 of the Flood Control Act of 1970 (84 Stat.
 11 1825), is not authorized.

12 **SEC. 3255. PLATTE RIVER FLOOD AND RELATED**
 13 **STREAMBANK EROSION CONTROL, NE-**
 14 **BRASKA.**

15 The project for flood damage reduction, Platte River
 16 Flood and Related Streambank Erosion Control, Ne-
 17 braska, authorized by section 603 of the Water Resources
 18 Development Act of 1986 (100 Stat. 4149), is not author-
 19 ized.

20 **SEC. 3256. SUGAR CREEK BASIN, NORTH CAROLINA AND**
 21 **SOUTH CAROLINA.**

22 The project for flood damage reduction, Sugar Creek
 23 Basin, North Carolina and South Carolina, authorized by
 24 section 401(a) of the Water Resources Development Act
 25 of 1986 (100 Stat. 4121), is not authorized.

1 **SEC. 3257. HOCKING RIVER, LOGAN, OHIO.**

2 The project for flood damage reduction, Hocking
3 River, Logan, Ohio, authorized by section 401(a) of the
4 Water Resources Development Act of 1986 (100 Stat.
5 4122), is not authorized.

6 **SEC. 3258. FAIRFIELD, OHIO.**

7 The project for flood control and recreation, Fair-
8 field, Ohio, authorized by section 401(a) of the Water Re-
9 sources Development Act of 1986 (100 Stat. 4122), is not
10 authorized.

11 **SEC. 3259. PARKER LAKE, MUDDY BOGGY CREEK, OKLA-**
12 **HOMA.**

13 The project for flood control and water supply,
14 Parker Lake, Muddy Boggy Creek, Oklahoma, authorized
15 by section 401(a) of the Water Resources Development
16 Act of 1986 (100 Stat. 4123), is not authorized.

17 **SEC. 3260. CHARTIERS CREEK, CANNONSBURG (HOUSTON**
18 **REACH UNIT 2B), PENNSYLVANIA.**

19 The project for flood control, Chartiers Creek,
20 Cannonsburg (Houston Reach Unit 2B), Pennsylvania,
21 authorized by section 204 of the Flood Control Act of
22 1965 (79 Stat. 1081), is not authorized.

23 **SEC. 3261. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

24 The project for flood control and recreation, Tioga-
25 Hammond Lakes, Mill Creek Recreation, Pennsylvania,

1 authorized by section 203 of the Flood Control Act of
2 1958 (72 Stat. 313), is not authorized.

3 **SEC. 3262. TAMAQUA, PENNSYLVANIA.**

4 The project for flood control, Tamaqua, Pennsyl-
5 vania, authorized by section 1(a) of the Water Resources
6 Development Act of 1974 (88 Stat. 14), is not authorized.

7 **SEC. 3263. ARROYO COLORADO, TEXAS.**

8 The project for flood damage reduction, Arroyo Colo-
9 rado, Texas, authorized by section 401(a) of the Water
10 Resources Development Act of 1986 (100 Stat. 4125), is
11 not authorized.

12 **SEC. 3264. CYPRESS CREEK-STRUCTURAL, TEXAS.**

13 The project for flood damage reduction, Cypress
14 Creek-Structural, Texas, authorized by section 3(a)(13) of
15 the Water Resources Development Act of 1988 (102 Stat.
16 4014), is not authorized.

17 **SEC. 3265. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
18 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
19 **TEXAS.**

20 The project for flood damage reduction, East Fork
21 Channel Improvement, Increment 2, East Fork of the
22 Trinity River, Texas, authorized by section 203 of the
23 Flood Control Act of 1962 (76 Stat. 1185), is not author-
24 ized.

1 **SEC. 3266. FALFURRIAS, TEXAS.**

2 The project for flood damage reduction, Falfurrias,
3 Texas, authorized by section 3(a)(14) of the Water Re-
4 sources Development Act of 1988 (102 Stat. 4014), is not
5 authorized.

6 **SEC. 3267. PECAN BAYOU LAKE, TEXAS.**

7 The project for flood control, Pecan Bayou Lake,
8 Texas, authorized by section 203 of the Flood Control Act
9 of 1968 (82 Stat. 742), is not authorized.

10 **SEC. 3268. CABIN CREEK, WEST VIRGINIA.**

11 The project for flood control, Cabin Creek, West Vir-
12 ginia, authorized by section 601(a) of the Water Resources
13 Development Act of 1986 (100 Stat. 4146), is not author-
14 ized.

15 **SEC. 3269. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

16 The project for bank erosion, Kanawha River,
17 Charleston, West Virginia, authorized by section
18 603(f)(13) of the Water Resources Development Act of
19 1986 (100 Stat. 4153), is not authorized.

20 **Subtitle B—Coastal Storm Damage**
21 **Reduction**

22 **CHAPTER 1—GENERAL PROVISIONS**

23 **SEC. 3301. SHORE PROTECTION AND BEACH RENOURISH-**
24 **MENT PROJECTS.**

25 (a) REVISION OF PLANNING GUIDELINES, REGULA-
26 TIONS AND CIRCULARS FOR BEACH RENOURISHMENT

1 PROJECTS.—Not later than 18 months after the date of
2 enactment of this Act, the Secretary, in collaboration with
3 the advisory committee established under subsection (c),
4 shall revise the planning guidelines, regulations, and circu-
5 lars of the Corps of Engineers for the consideration and
6 construction of beach replenishment projects involving
7 large dredge and fill activities.

8 (b) REQUIREMENTS.—Planning regulations of the
9 Corps of Engineers that are revised under subsection (a)
10 shall—

11 (1) ensure, to the maximum extent practicable,
12 that beach replenishment projects do not harm reefs
13 or other habitats identified as essential fish habitat
14 or habitat areas of particular concern under the Sus-
15 tainable Fisheries Act (16 U.S.C. 1801 et seq.);

16 (2) require the consideration of nonstructural
17 alternatives to large dredge and fill activities, includ-
18 ing sand bypass systems, relocation, and elevation;

19 (3) establish standards for the timing of beach
20 replenishment projects that are designed to avoid,
21 and subsequently minimize, impacts to wildlife and
22 habitat quality;

23 (4) establish standards that ensure that sand
24 deposited on replenished beaches features compatible

1 grain size, shell content, and other geological charac-
2 teristics of a natural beach;

3 (5) ensure that those standards are not lowered
4 as the availability of compatible sand decreases;

5 (6) require long-term monitoring of turbidity to
6 quantify the impacts to primary production in areas
7 with coral reefs, and secondary production in areas
8 with game fish;

9 (7) establish buffer distances between dredge
10 sites and reefs that are sufficient to eliminate fur-
11 ther reef damage from operator or design failures;

12 (8) develop programmatic environmental impact
13 statements to establish standards for coastal regions
14 subject to continuous levels of large dredge and fill
15 activity;

16 (9) revise public notice and comment proce-
17 dures to ensure adequate time for interagency and
18 public comments, including the comments of Federal
19 fishery management councils; and

20 (10) establish a standardized interagency data-
21 base that collects, distributes, and archives funda-
22 mental pre- and post-project information to guide
23 future planning and management.

24 (c) ADVISORY COMMITTEE.—

1 (1) ESTABLISHMENT.—To develop the guide-
2 lines, regulations, and circulars required under sub-
3 section (a), the Secretary shall establish an advisory
4 committee of biologists, engineers, geologists, and
5 other experts with independent scientific and tech-
6 nical expertise relating to the environmental impacts
7 of beach replenishment projects and potential alter-
8 natives.

9 (2) APPLICABILITY OF FACA.—The Federal Ad-
10 visory Committee Act (5 U.S.C. App.) shall apply to
11 the advisory committee established under this sec-
12 tion.

13 (d) NOTICE AND COMMENT.—The Secretary shall
14 comply with the notice and comment provisions of chapter
15 551 of title 5, United States Code, in issuing revised plan-
16 ning regulations, guidelines, and circulars.

17 (e) APPLICABILITY.—On completion of the revisions
18 required under this section, the Secretary shall apply the
19 revised regulations to projects for which a draft feasibility
20 study or draft reevaluation report has not yet been issued.

21 **SEC. 3302. REGIONAL SEDIMENT MANAGEMENT.**

22 (a) IN GENERAL.—Section 204 of Water Resources
23 Development Act of 1992 (33 U.S.C. 2326) is amended—

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

1 “(a) IN GENERAL.—In connection with dredging for
 2 construction, operation, or maintenance by the Secretary
 3 of an authorized navigation project, the Secretary may
 4 carry out projects for—

5 “(1) the protection, restoration, and creation of
 6 aquatic and ecologically related habitats, including
 7 wetland; and

8 “(2) the transport and placement of suitable
 9 dredged material at locations identified in the plan
 10 prepared under subsection (e), or identified jointly
 11 by the non-Federal interest and the Secretary, for
 12 use in the construction, repair, or rehabilitation of
 13 projects associated with navigation, flood damage re-
 14 duction, hydroelectric power, municipal and indus-
 15 trial water supply, agricultural water supply, recre-
 16 ation, hurricane and storm damage reduction, aquat-
 17 ic plant control, and environmental protection and
 18 restoration.”;

19 (2) in subsection (b)—

20 (A) by striking “for the protection, res-
 21 toration or creation of aquatic and ecologically
 22 related habitats” and inserting “undertaken
 23 under subsection (a)”;

24 (B) in paragraph (1), by striking “and” at
 25 the end;

1 (C) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (D) by inserting after paragraph (2) the
4 following:

5 “(3) the project complies with all applicable
6 Federal, State, and local laws.”;

7 (3) in subsection (c), by striking “to—” and all
8 that follows through “(2) pay” and insert “pay”;

9 (4) in subsection (d), by striking “for the pro-
10 tection, restoration, and creation of aquatic and eco-
11 logically related habitats”;

12 (5) by redesignating subsections (e), (f), and
13 (g) as subsections (g), (i), and (h), respectively;

14 (6) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) REGIONAL SEDIMENT MANAGEMENT PLANS.—

17 “(1) IN GENERAL.—In consultation and co-
18 operation with the appropriate Federal, State, and
19 regional agencies, the Secretary shall develop plans
20 for regional management of sediment dredged in
21 conjunction with construction, operation, and main-
22 tenance of navigation projects, including potential
23 beneficial uses for projects described in subsection
24 (a).

1 “(2) COSTS.—The costs of developing a plan
2 under paragraph (1) shall be paid by the Secretary.

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

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

8 “(2) Fletcher Cove, California.”; and

9 (7) in subsection (i) (as redesignated by para-
10 graph (5)), by striking “\$15,000,000” and inserting
11 “\$30,000,000”.

12 (b) REPEAL.—

13 (1) IN GENERAL.—Section 145 of the Water
14 Resources Development Act of 1976 (33 U.S.C.
15 426j) is repealed.

16 (2) EFFECT.—The repeal made by paragraph
17 (1) shall not affect the authority of the Secretary to
18 complete any project being carried out under that
19 section on the day before the date of enactment of
20 this Act.

21 **SEC. 3303. AMERICA’S WETLAND—COASTAL LOUISIANA**
22 **ECOSYSTEM PROTECTION AND RESTORA-**
23 **TION.**

24 (a) COASTAL LOUISIANA ECOSYSTEM RESTORATION
25 AND PROTECTION TASK FORCE.—

1 (1) ESTABLISHMENT.—There is established the
2 Coastal Louisiana Ecosystem Protection and Res-
3 toration Task Force (referred to in this section as
4 the “Task Force”), which shall consist of the fol-
5 lowing members or their designees (at the level of
6 Assistant Secretary or an equivalent):

7 (A) The Secretary, who shall serve as
8 chairperson.

9 (B) The Secretary of the Interior.

10 (C) The Secretary of Commerce.

11 (D) The Administrator of the Environ-
12 mental Protection Agency.

13 (E) The Secretary of Agriculture.

14 (F) The Secretary of Transportation.

15 (G) The Secretary of Energy.

16 (H) The Secretary of Homeland Security.

17 (I) The Governor of the State of Lou-
18 isiana.

19 (2) DUTIES.—The Task Force shall make rec-
20 ommendations to the Secretary of the Army regard-
21 ing—

22 (A) policies, strategies, plans, programs,
23 projects, and activities for addressing conserva-
24 tion, protection, restoration, and maintenance
25 of the coastal Louisiana ecosystem;

1 (B) financial plans for each of the agencies
2 represented on the Task Force for funds pro-
3 posed for the conservation, protection, restora-
4 tion, and maintenance of the coastal Louisiana
5 ecosystem, including—

6 (i) recommendations that identify
7 funds from current agency missions and
8 budgets; and

9 (ii) recommendations for coordinating
10 individual agency budget requests; and

11 (C) submission to Congress of a biennial
12 report that summarizes the activities of the
13 Task Force.

14 (3) PROCEDURES AND ADVICE.—The Task
15 Force shall—

16 (A) implement procedures to facilitate pub-
17 lic participation with regard to Task Force ac-
18 tivities, including—

19 (i) providing advance notice of meet-
20 ings;

21 (ii) providing adequate opportunity
22 for public input and comment;

23 (iii) maintaining appropriate records;
24 and

1 (iv) making a record of proceedings
2 available for public inspection; and

3 (B) establish such working groups as are
4 necessary to assist the Task Force in its duties.

5 (4) COMPENSATION.—No member of the Task
6 Force or any associated working group shall receive
7 compensation for services provided as a member of
8 the Task Force or working group.

9 (5) TRAVEL EXPENSES.—Travel expenses in-
10 curred by a member of the Task Force, or a member
11 of a working group, in the performance of services
12 for the Task Force shall be paid by the agency or
13 entity that the member represents.

14 (b) COMPREHENSIVE PLAN.—

15 (1) IN GENERAL.—The Secretary of the Army
16 shall, in cooperation with the non-Federal sponsor,
17 develop a comprehensive plan for the conservation,
18 protection, restoration, and maintenance of the
19 coastal Louisiana ecosystem.

20 (2) ADDITIONAL STUDIES, PROJECTS, AND PRO-
21 GRAMS.—In addition to the studies, projects, and
22 programs developed under subsections (c) and (d),
23 the comprehensive plan may include such additional
24 studies, projects, and programs as the Secretary of
25 the Army determines to be necessary for the con-

1 servation, protection, restoration, and maintenance
2 of the coastal Louisiana ecosystem.

3 (3) FEATURES.—The comprehensive plan shall
4 include such features as are necessary to restore the
5 coastal Louisiana ecosystem by improving wetland
6 sustainability, habitat suitability, and water quality.

7 (4) SUBMISSION TO CONGRESS.—Not later than
8 July 1, 2008, the Secretary of the Army shall sub-
9 mit to Congress the comprehensive plan.

10 (c) INVESTIGATIONS.—

11 (1) IN GENERAL.—The Secretary of the Army
12 shall initiate feasibility studies in accordance with
13 the Report of the Chief of Engineers on the Lou-
14 isiana Coastal Area Ecosystem Restoration Study.

15 (2) MISSISSIPPI RIVER GULF OUTLET.—The
16 Secretary of the Army shall develop a plan for modi-
17 fication of the Mississippi River Gulf outlet that will
18 address navigation interests, environmental restora-
19 tion, and threats to life and property.

20 (3) EXISTING FEDERALLY-AUTHORIZED WATER
21 RESOURCES PROJECTS.—

22 (A) IN GENERAL.—The Secretary of the
23 Army shall reevaluate existing Federally-au-
24 thorized water resource projects in the coastal
25 Louisiana ecosystem in order to determine

1 whether the projects have the potential to con-
2 tribute to ecosystem restoration through revised
3 operations or modified project features.

4 (B) NECESSARY REVISIONS.—If the Sec-
5 retary of the Army determines that revision of
6 operations or modification of project features
7 for existing Federally-authorized water re-
8 sources projects is necessary, those changes
9 shall be implemented through post-authoriza-
10 tion changes by the Secretary or reauthoriza-
11 tion by Congress, as appropriate.

12 (d) CONSTRUCTION.—

13 (1) COASTAL LOUISIANA ECOSYSTEM SCIENCE
14 AND TECHNOLOGY PROGRAM.—

15 (A) IN GENERAL.—There is established a
16 Coastal Louisiana Ecosystem Science and Tech-
17 nology Program with an authorization of not to
18 exceed a total of \$100,000,000.

19 (B) DIRECTOR.—

20 (i) IN GENERAL.—Office of the Direc-
21 tor of the Coastal Louisiana Science and
22 Technology Program shall be established
23 by the Secretary of the Army.

1 (ii) RECOMMENDATIONS.—The Direc-
2 tor shall provide recommendations to the
3 Secretary of the Army regarding—

4 (I) development of an annual
5 program to identify and address
6 science and technology needs to sup-
7 port implementation of the Coastal
8 Louisiana Ecosystem Science and
9 Technology Program; and

10 (II) direction and oversight of the
11 implementation of the annual program
12 developed in subclause (I) by using
13 the research capabilities of Federal
14 and State agencies and academic in-
15 stitutions.

16 (C) DUTIES.—Duties of Program shall in-
17 clude—

18 (i) assess the effects of coastal res-
19 toration measures;

20 (ii) develop improved ecosystem, hy-
21 drologic, and economic modeling capabili-
22 ties for improved predictions of coastal
23 conditions concerning habitat changes,
24 land and wetland loss, storm surges, and
25 economic impacts;

- 1 (iii) developing new technologies for
2 ecosystem restoration activities;
3 (iv) provide scientific peer review of
4 program and project outputs;
5 (v) make recommendations to improve
6 program and project performance;
7 (vi) identify and address socio-
8 economic consequences of coastal land loss
9 and restoration activities; and
10 (vii) ensure the application of adaptive
11 management principles and practices.

12 (D) WORKING GROUPS.—The Director
13 may establish such working groups as are nec-
14 essary to assist in the duties of the Program.

15 (2) DEMONSTRATION PROJECTS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graphs (B) and (C), the Secretary of the Army
18 may conduct projects for the purpose of resolv-
19 ing critical areas of scientific or technological
20 uncertainty relating to the implementation of
21 the Louisiana Coastal Area Ecosystem Restora-
22 tion Plan.

23 (B) TOTAL COST.—The total cost for all
24 demonstration projects conducted under this
25 subsection shall not exceed \$175,000,000.

1 (C) REVIEW AND APPROVAL.—No dem-
2 onstration project may be carried out under
3 this subsection without the review and approval
4 of the Secretary.

5 (3) PROGRAMMATIC AUTHORITY.—

6 (A) IN GENERAL.—Subject to the approval
7 of the Secretary of the Army, projects for con-
8 servation, protection, restoration, and mainte-
9 nance of the coastal Louisiana ecosystem rec-
10 ommended in the Report of the Chief of Engi-
11 neers are authorized for construction.

12 (B) TOTAL COST.—The total cost of
13 projects carried out under this subsection shall
14 not exceed \$775,000,000.

15 (C) FUNDS.—There is authorized to be ap-
16 propriated such sums as are necessary to carry
17 out this paragraph.

18 (4) INCREASED BENEFICIAL USE OF DREDGED
19 MATERIAL.—The Secretary of the Army shall imple-
20 ment a program for the beneficial use of material
21 dredged from federally maintained waterways in the
22 Louisiana Coastal Area with an authorization of not
23 to exceed a total of \$100,000,000.

24 (e) COST SHARING.—

1 (1) IN GENERAL.—The non-Federal sponsor
2 share of the cost of implementing a project under
3 this section (including operations, maintenance,
4 monitoring, repair, replacement, and rehabilitation
5 of projects) shall be 25 percent.

6 (2) FORM.—After the obligations of the non-
7 Federal sponsor to provide all land, easements,
8 rights-of-way, relocations, and disposal areas are ful-
9 filled, the non-Federal sponsor may provide the bal-
10 ance of the non-Federal share through the provision
11 of services, materials, and other in-kind services that
12 the Secretary determines to be integral to the pro-
13 gram.

14 (3) CREDIT.—

15 (A) IN GENERAL.—The fair market value
16 of land or interests in land and incidental costs
17 for land acquired or provided by the non-Fed-
18 eral sponsor in accordance with decision docu-
19 ments for any project implemented under sub-
20 section (d) shall be—

21 (i) included in the total cost of the
22 project; and

23 (ii) credited toward the non-Federal
24 share of the cost of the project.

1 (B) SERVICES, MATERIALS, AND OTHER
2 IN-KIND SERVICES.—The Secretary of the Army
3 may provide credit (including in-kind credit) to-
4 ward the non-Federal share for the reasonable
5 cost of any work performed in connection with
6 implementation of subsection (d) that is nec-
7 essary for the implementation of subsection (d)
8 if—

9 (i) the work is defined in an agree-
10 ment between the Secretary of the Army
11 and the non-Federal sponsor;

12 (ii) the governing agreement pre-
13 scribes the terms and conditions of the
14 credit; and

15 (iii) the Secretary of the Army deter-
16 mines that the work performed by the non-
17 Federal sponsor is integral to the program.

18 (C) TREATMENT OF CREDIT BETWEEN
19 PROGRAM ELEMENTS.—Any credit provided
20 under this paragraph may be carried over be-
21 tween authorized program elements in accord-
22 ance with subparagraph (D).

23 (D) PERIODIC MONITORING.—

24 (i) IN GENERAL.—To ensure that the
25 contributions of the non-Federal sponsor

1 equal its 25 percent proportionate share
2 for program elements, during each 5-year
3 period, beginning with commencement of
4 program implementation, the Secretary of
5 the Army shall, for each program ele-
6 ment—

7 (I) monitor the non-Federal pro-
8 vision of cash, services, materials, and
9 other in-kind services, and land, ease-
10 ments, rights-of-way, relocations, and
11 disposal areas; and

12 (II) manage, to the extent prac-
13 ticable, the requirement of the non-
14 Federal sponsor to provide cash, serv-
15 ices, materials, and other in-kind serv-
16 ices, and land, easements, rights-of-
17 way, relocations, and disposal areas.

18 (ii) OTHER MONITORING.—

19 (I) IN GENERAL.—The Secretary
20 of the Army shall conduct monitoring
21 under clause (i) separately for the
22 construction phase and the
23 preconstruction engineering and de-
24 sign phase.

1 (II) PRECONSTRUCTION ENGI-
2 NEERING AND DESIGN PHASE.—The
3 monitoring for the preconstruction en-
4 gineering and design phase shall in-
5 clude activities relating to the Coastal
6 Louisiana Ecosystem Science and
7 Technology Program.

8 (E) AUDITS.—Credit for land, easements,
9 rights-of-way, relocations, and disposal areas
10 (including land value and incidental costs) or
11 work provided under this subsection shall be
12 subject to audit by the Secretary of the Army.

13 (f) PROJECT JUSTIFICATION.—

14 (1) IN GENERAL.—Notwithstanding section 209
15 of the Flood Control Act of 1970 (42 U.S.C. 1962–
16 2) or any other provision of law, in carrying out any
17 activity authorized under this section or any other
18 provision of law to conserve, protect, restore, or
19 maintain the coastal Louisiana ecosystem, the Sec-
20 retary of the Army may determine that—

21 (A) the activity is justified by the environ-
22 mental benefits derived by the coastal Louisiana
23 ecosystem; and

24 (B) no further economic justification for
25 the activity is required, if the Secretary of the

1 Army determines that the activity is cost-effective.
2

3 (2) APPLICABILITY.—Paragraph (1) shall not
4 apply to any separable element intended to produce
5 benefits that are predominantly unrelated to the
6 conservation, protection, restoration, or maintenance
7 of the natural system.

8 (g) CONSISTENCY.—In implementing, maintaining,
9 modifying, or rehabilitating Federally-authorized water re-
10 sources projects in the coastal Louisiana ecosystem, the
11 Secretary of the Army shall ensure that such actions are
12 consistent with the purposes of plans, projects, and pro-
13 grams developed and implemented pursuant to this sec-
14 tion.

15 (h) APPLICATION OF THE FEDERAL ADVISORY COM-
16 MITTEE ACT.—

17 (1) TASK FORCE.—The Task Force and any
18 working groups associated with the Task Force shall
19 not be considered advisory committees under the
20 Federal Advisory Committee Act (5 U.S.C. App.).

21 (2) PROGRAM.—The Coastal Louisiana Eco-
22 system Science and Technology Program and any
23 boards, committees, or working groups associated
24 with the Program shall not be considered advisory

1 committees under the Federal Advisory Committee
 2 Act (5 U.S.C. App.).

3 **CHAPTER 2—STUDIES**

4 **SEC. 3311. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL** 5 **STUDY.**

6 Section 414 of the Water Resources Development Act
 7 of 2000 (114 Stat. 2636) is amended by striking “32
 8 months” and inserting “44 months”.

9 **SEC. 3312. COASTAL WETLAND CONSERVATION PROJECT** 10 **FUNDING.**

11 (a) FUNDING.—Section 306 of the Coastal Wetlands
 12 Planning, Protection, and Restoration Act (16 U.S.C.
 13 3955) is amended—

14 (1) in subsection (a), by striking “, not to ex-
 15 ceed \$70,000,000,”;

16 (2) in subsection (b), by striking “, not to ex-
 17 ceed \$15,000,000”; and

18 (3) in subsection (c), by striking “, not to ex-
 19 ceed \$15,000,000,”.

20 (b) PERIOD OF AUTHORIZATION.—Section 4(a) of
 21 the Dingell-Johnson Sport Fish Restoration Act (16
 22 U.S.C. 777c(a)) is amended in the second sentence by
 23 striking “2009” and inserting “2019”.

CHAPTER 3—PROJECTS**Subchapter A—Authorizations****SEC. 3321. MORGANZA, LOUISIANA TO THE GULF OF MEXICO.**

(a) IN GENERAL.—The Secretary may carry out the project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, including Reach J as referred to in section 158 of Public Law 108–137 (117 Stat. 1846), substantially in accordance with the Report of the Chief of Engineers dated August 23, 2002, as supplemented by the Report of the Chief of Engineers dated July 22, 2003, at a total cost of \$719,000,000, with an estimated Federal cost of \$467,000,000 and non-Federal cost of \$252,000,000.

(b) OPERATION AND MAINTENANCE.—The Federal Government shall be responsible for operation and maintenance and repair, replacement, and rehabilitation of the Gulf Intracoastal Waterway floodgates and the lock, floodgate, and associated structures on the Houma Navigation Canal.

SEC. 3322. NEW JERSEY SHORE PROTECTION, MANASQUAN INLET TO BARNEGAT INLET, NEW JERSEY.

(a) IN GENERAL.—The Secretary may carry out the project for shore protection and hurricane and storm damage reduction, Manasquan Inlet to Barnegat Inlet, New

1 Jersey: Report of the Engineers dated December 30,
2 2003, at a total initial cost of \$62,377,000, with an esti-
3 mated Federal cost of \$40,546,000 and an estimated non-
4 Federal cost of \$21,831,000, and with an estimated aver-
5 age annual cost of \$1,911,000 for periodic nourishment
6 over a period of 50 years, which shall be undertaken at
7 intervals not to exceed 4 years.

8 (b) NON-FEDERAL SHARE.—The non-Federal share
9 of the cost of the periodic nourishment shall be 50 percent.

10 **SEC. 3323. SOUTH RIVER, NEW JERSEY.**

11 The Secretary is authorized to carry out the project
12 for hurricane and storm damage reduction and environ-
13 mental restoration, South River, New Jersey: Report of
14 the Chief of Engineers, dated July 22, 2003, at a total
15 cost of \$105,437,000, with an estimated Federal cost of
16 \$68,534,000 and an estimated non-Federal cost of
17 \$36,903,000.

18 **SEC. 3324. MONTAUK POINT, NEW YORK.**

19 If a favorable final report of the Chief of Engineers
20 for the project is completed not later than December 31,
21 2004, the Secretary may carry out a project for hurricane
22 and storm damage reduction, Montauk Point, Suffolk
23 County, New York—

1 (1) substantially in accordance with the plans,
 2 and subject to the conditions, recommended in the
 3 final report of the Chief of Engineers; and

4 (2) at a total cost of \$12,000,000, with an esti-
 5 mated Federal cost of \$7,800,000 and an estimated
 6 non-Federal cost of \$4,200,000.

7 **Subchapter B—Modifications**

8 **SEC. 3331. NATIONAL SHORELINE EROSION CONTROL DE-** 9 **VELOPMENT AND DEMONSTRATION PRO-** 10 **GRAM.**

11 (a) EXTENSION OF PROGRAM.—Section 5(a) of the
 12 Act of August 13, 1946 (33 U.S.C. 426h(a)), is amended
 13 by striking “6 years” and inserting “10 years”.

14 (b) EXTENSION OF PLANNING, DESIGN, AND CON-
 15 STRUCTION PHASE.—Section 5(b)(1)(A) of the Act of Au-
 16 gust 13, 1946 (33 U.S.C. 426h(b)(1)(A)) is amended by
 17 striking “3 years” and inserting “6 years”.

18 **SEC. 3332. IMPERIAL BEACH, CALIFORNIA.**

19 The project for beach erosion, San Diego County,
 20 California, authorized by section 101 of the River and
 21 Harbor Act of 1958 (72 Stat. 300), is modified to author-
 22 ize the Secretary to carry out the project substantially in
 23 accordance with the Report of the Chief of Engineers for
 24 Silver Shoreline, Imperial Beach, California, dated Decem-
 25 ber 30, 2003, at a total cost of \$48,264,000, with an esti-

1 mated Federal cost of \$25,759,000 and an estimated non-
2 Federal cost of \$22,505,000.

3 **SEC. 3333. ORCHARD BEACH, BRONX, NEW YORK.**

4 Section 554 of the Water Resources Development Act
5 of 1996 (110 Stat. 3781) is amended by striking
6 “\$5,200,000” and inserting “\$18,200,000”.

7 **Subchapter C—Deauthorizations**

8 **SEC. 3341. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
9 **ISIANA.**

10 The project for erosion protection and recreation,
11 Fort Livingston, Grande Terre Island, Louisiana, author-
12 ized by the Act of August 13, 1946 (33 U.S.C. 426e et
13 seq.), is not authorized.

14 **SEC. 3342. MAUMEE BAY, LAKE ERIE, OHIO.**

15 The project for shoreline protection, Maumee Bay,
16 Lake Erie, Ohio, authorized by section 501(a) of the
17 Water Resources Development Act of 1986 (100 Stat.
18 4135), is not authorized.

1 **TITLE IV—ECOSYSTEM RES-**
2 **TORATION AND ENVIRON-**
3 **MENTAL REMEDIATION PRO-**
4 **GRAM**

5 **Subtitle A—Ecosystem Restoration**

6 **CHAPTER 1—GENERAL PROVISIONS**

7 **SEC. 4001. STATEMENT OF POLICY.**

8 (a) IN GENERAL.—The environment has been a pri-
9 ority of the Civil Works Program since the passage of the
10 National Environmental Policy Act of 1969 (42 U.S.C.
11 4321 et seq.).

12 (b) PROGRAM.—The program under this title—

13 (1) emphasizes—

14 (A) environmental protection;

15 (B) restoration and management through
16 stewardship;

17 (C) ecosystem restoration;

18 (D) mitigation;

19 (E) environmental compliance;

20 (F) reclamation of abandoned mines; and

21 (G) research and development activities;

22 and

23 (2) includes—

24 (A) cleaning up former military sites;

- 1 (B) land contaminated with nuclear waste;
2 and
3 (C) hazardous waste sites.

4 **SEC. 4002. ECOSYSTEM RESTORATION BENEFITS.**

5 For the following projects, the Corps of Engineers
6 shall include ecosystem restoration benefits in the calcula-
7 tion of benefits for the project:

- 8 (1) Grayson's Creek, California.
9 (2) Seven Oaks, California.
10 (3) Oxford, California.
11 (4) Walnut Creek, California.
12 (5) Wildcat Phase II, California.

13 **CHAPTER 2—CONTINUING AUTHORITIES**
14 **PROGRAMS**

15 **SEC. 4101. CHICAGO SANITARY AND SHIP CANAL DIS-**
16 **PERSAL BARRIERS PROJECT, ILLINOIS.**

17 (a) EXISTING BARRIER.—The Secretary shall up-
18 grade and make permanent, at full Federal expense, the
19 existing Chicago Sanitary and Ship Canal Dispersal Bar-
20 rier Chicago, Illinois, constructed as a demonstration
21 project under section 1202(i)(3) of the Nonindigenous
22 Aquatic Nuisance Prevention and Control Act of 1990 (16
23 U.S.C. 4722(i)(3)).

24 (b) NEW BARRIER.—Notwithstanding the project co-
25 operation agreement dated November 21, 2003, with the

1 State of Illinois, the Secretary shall construct, at full Fed-
 2 eral expense, the Chicago Sanitary and Ship Canal Dis-
 3 persal Barrier currently being implemented under section
 4 1135 of the Water Resources Development Act of 1986
 5 (33 U.S.C. 2309a).

6 (c) OPERATION AND MAINTENANCE.—The Chicago
 7 Sanitary and Ship Canal Dispersal Barriers described in
 8 subsections (a) and (b) shall be operated and maintained,
 9 at full Federal expense, as a system in a manner to opti-
 10 mize effectiveness.

11 **SEC. 4102. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**
 12 **RESTORATION, NEW HAMPSHIRE AND**
 13 **VERMONT.**

14 (a) GENERAL MANAGEMENT PLAN DEVELOP-
 15 MENT.—

16 (1) The Secretary, in cooperation with the Sec-
 17 retary of Agriculture and in consultation with the
 18 States of Vermont and New Hampshire and the
 19 Connecticut River Joint Commission, shall conduct a
 20 study and develop a general management plan for
 21 ecosystem restoration of the Upper Connecticut
 22 River ecosystem for the purposes of—

- 23 (A) habitat protection and restoration;
- 24 (B) streambank stabilization;
- 25 (C) restoration of stream stability;

- 1 (D) water quality improvement;
- 2 (E) invasive species control;
- 3 (F) wetland restoration;
- 4 (G) fish passage; and
- 5 (H) natural flow restoration.

6 (2) EXISTING PLANS.—In developing the gen-
7 eral management plan, the Secretary shall depend
8 heavily on existing plans for the restoration of the
9 Upper Connecticut River.

10 (b) CRITICAL RESTORATION PROJECTS.—

11 (1) IN GENERAL.—The Secretary may partici-
12 pate in any critical restoration project in the Upper
13 Connecticut River Basin in accordance with the gen-
14 eral management plan developed under subsection
15 (a).

16 (2) ELIGIBLE PROJECTS.—A critical restoration
17 project shall be eligible for assistance under this sec-
18 tion if the project—

19 (A) meets the purposes described in the
20 general management plan developed under sub-
21 section (a); and

22 (B) with respect to the Upper Connecticut
23 River and Upper Connecticut River watershed,
24 consists of—

- 1 (i) bank stabilization of the main
2 stem, tributaries, and streams;
- 3 (ii) wetland restoration and migratory
4 bird habitat restoration;
- 5 (iii) soil and water conservation;
- 6 (iv) restoration of natural flows;
- 7 (v) restoration of stream stability;
- 8 (vi) implementation of an intergovern-
9 mental agreement for coordinating eco-
10 system restoration, fish passage installa-
11 tion, streambank stabilization, wetland res-
12 toration, habitat protection and restora-
13 tion, or natural flow restoration;
- 14 (vii) water quality improvement;
- 15 (viii) invasive species control;
- 16 (ix) wetland restoration and migratory
17 bird habitat restoration;
- 18 (x) improvements in fish migration;
- 19 and
- 20 (vii) conduct of any other project or
21 activity determined to be appropriate by
22 the Secretary.
- 23 (c) COST SHARING.—The Federal share of the cost
24 of any project carried out under this section shall not be
25 less than 65 percent.

1 (d) NON-FEDERAL INTEREST.—A nonprofit organi-
2 zation may serve as the non-Federal interest for a project
3 carried out under this section.

4 (e) CREDITING.—

5 (1) FOR WORK.—The Secretary shall provide
6 credit, including credit for in-kind contributions of
7 up to 100 percent of the non-Federal share, for
8 work (including design work and materials) if the
9 Secretary determines that the work performed by
10 the non-Federal interest is integral to the product.

11 (2) FOR OTHER CONTRIBUTIONS.—The non-
12 Federal interest shall receive credit for land, ease-
13 ments, rights-of-way, dredged material disposal
14 areas, and relocations necessary to implement the
15 projects.

16 (f) COOPERATIVE AGREEMENTS.—In carrying out
17 this section, the Secretary may enter into 1 or more coop-
18 erative agreements to provide financial assistance to ap-
19 propriate Federal, State, or local governments or non-
20 profit agencies, including assistance for the implementa-
21 tion of projects to be carried out under subsection (b).

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$20,000,000, to remain available until expended.

1 **SEC. 4103. STUDY OF WATER RESOURCE NEEDS AND DE-**
2 **VELOPMENT OF A HYDROLOGIC MODEL OF**
3 **THE CONNECTICUT RIVER BASIN, VERMONT,**
4 **NEW HAMPSHIRE, MASSACHUSETTS, AND**
5 **CONNECTICUT.**

6 (a) IN GENERAL.—The Secretary, in consultation
7 with appropriate Federal, State, interstate, and local
8 agencies, may study the water resource needs of the Con-
9 necticut River Basin to develop a hydrologic model of the
10 Connecticut River and its tributaries.

11 (b) COMPONENTS.—The Secretary should include in
12 the water resources study under subsection (a)—

13 (1) the present and historical flow regime of the
14 Connecticut River and its tributaries;

15 (2) the hydrodynamic and hydrologic character-
16 istics of the Connecticut River basin (including the
17 mainstem and tributaries), before and after the con-
18 struction of dams, water withdrawals, and other al-
19 terations to the River;

20 (3) the impact of those alterations on the flow
21 regime of the River;

22 (4) the development of monitoring protocols to
23 assist resource managers in gauging the impact of
24 decisions on the water resources and the aquatic liv-
25 ing resources of the Connecticut River basin; and

1 (5) such other information as the Secretary de-
2 termines to be necessary to fully develop the hydro-
3 logic model required under subsection (a).

4 (c) COST SHARING.—

5 (1) FEDERAL SHARE.—The Federal share of
6 the cost of carrying out the study and developing the
7 hydrologic model under subsection (a) shall be not
8 less than 65 percent.

9 (2) NON-FEDERAL INTERESTS.—A nonprofit
10 entity may serve as the non-Federal interest for the
11 study under subsection (a).

12 (3) CREDIT.—The Secretary shall provide cred-
13 it, including in-kind credit that is not more than 100
14 percent of the non-Federal share, if the Secretary
15 determines that the work performed by the non-Fed-
16 eral sponsor is integral to the project.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$5,000,000.

20 **SEC. 4104. UPPER CONNECTICUT RIVER BASIN WETLAND**
21 **RESTORATION, NEW HAMPSHIRE AND**
22 **VERMONT.**

23 (a) IN GENERAL.—The Secretary, in cooperation
24 with the States of Vermont and New Hampshire, shall
25 carry out a study and develop a strategy for the use of

1 wetland restoration, soil and water conservation practices,
2 and nonstructural measures to reduce flood damage, im-
3 prove water quality, and create wildlife habitat in the
4 Upper Connecticut River watershed.

5 (b) COST SHARING.—

6 (1) FEDERAL SHARE.—The Federal share of
7 the cost of the study and development of the strat-
8 egy under subsection (a) shall be 65 percent.

9 (2) NON-FEDERAL SHARE.—The non-Federal
10 share of the cost of the study and development of
11 the strategy may be provided through the contribu-
12 tion of in-kind services and materials.

13 (c) NON-FEDERAL INTEREST.—A nonprofit organi-
14 zation with wetland restoration experience may serve as
15 the non-Federal interest for the study and development
16 of the strategy under this section.

17 (d) COOPERATIVE AGREEMENTS.—In conducting the
18 study and developing the strategy under this section, the
19 Secretary may enter into 1 or more cooperative agree-
20 ments to provide technical assistance to appropriate Fed-
21 eral, State, and local agencies and nonprofit organizations
22 with wetland restoration experience, including assistance
23 for the implementation of wetland restoration projects and
24 soil and water conservation measures.

1 (e) IMPLEMENTATION.—The Secretary shall carry
 2 out development and implementation of the strategy under
 3 this section in cooperation with local landowners and local
 4 government officials.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 6 authorized to be appropriated to carry out this section
 7 \$5,000,000,000, to remain available until expended.

8 **SEC. 4105. UPPER WILLAMETTE RIVER WATERSHED ECO-**
 9 **SYSTEM RESTORATION, OREGON.**

10 (a) IN GENERAL.—The Secretary shall conduct stud-
 11 ies and ecosystem restoration projects for the upper Wil-
 12 lamette River watershed from Albany, Oregon, to the
 13 headwaters of the Willamette River and tributaries.

14 (b) CONSULTATION.—The Secretary shall carry out
 15 ecosystem restoration projects under this section for the
 16 Upper Willamette River watershed in consultation with
 17 the Governor of the State of Oregon, the heads of appro-
 18 priate Indian tribes, the Environmental Protection Agen-
 19 cy, the United States Fish and Wildlife Service, the Na-
 20 tional Marine Fisheries Service, the Bureau of Land Man-
 21 agement, the Forest Service, and local entities.

22 (c) AUTHORIZED ACTIVITIES.—In carrying out eco-
 23 system restoration projects under this section, the Sec-
 24 retary shall undertake activities necessary to protect, mon-
 25 itor, and restore fish and wildlife habitat.

1 (d) COST SHARING REQUIREMENTS.—

2 (1) STUDIES.—Studies conducted under this
3 section shall be subject to cost sharing in accordance
4 with section 206 of the Water Resources Develop-
5 ment Act of 1996 (33 U.S.C. 2330).

6 (2) ECOSYSTEM RESTORATION PROJECTS.—

7 (A) IN GENERAL.—Non-Federal interests
8 shall pay 35 percent of the cost of any eco-
9 system restoration project carried out under
10 this section.

11 (B) ITEMS PROVIDED BY NON-FEDERAL
12 INTERESTS.—

13 (i) IN GENERAL.—Non-Federal inter-
14 ests shall provide all land, easements,
15 rights-of-way, dredged material disposal
16 areas, and relocations necessary for eco-
17 system restoration projects to be carried
18 out under this section.

19 (ii) CREDIT TOWARD PAYMENT.—The
20 value of the land, easements, rights-of-way,
21 dredged material disposal areas, and relo-
22 cations provided under clause (i) shall be
23 credited toward the payment required
24 under this subparagraph (A).

1 (C) IN-KIND CONTRIBUTIONS.—100 per-
 2 cent of the non-Federal share required under
 3 this subparagraph (A) may be satisfied by the
 4 provision of in-kind contributions.

5 (3) OPERATIONS AND MAINTENANCE.—Non-
 6 Federal interests shall be responsible for all costs as-
 7 sociated with operating, maintaining, replacing, re-
 8 pairing, and rehabilitating all projects carried out
 9 under this section.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated to carry out this section
 12 \$15,000,000.

13 **SEC. 4106. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**
 14 **NEW YORK.**

15 The Secretary shall—

16 (1) determine, at full Federal expense, the fea-
 17 sibility of a dispersal barrier project at the Lake
 18 Champlain Canal; and

19 (2) if it is determined to be feasible, construct,
 20 maintain, and operate the dispersal barrier at full
 21 Federal expense.

22 **SEC. 4107. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
 23 **NEW YORK.**

24 Section 542 of the Water Resources Development Act
 25 of 2000 (42 Stat. 2671) is amended—

1 (1) in subsection (b)(2)

2 (A) in subparagraph (D), by striking “or”
3 at the end;

4 (B) by redesignating subparagraph (E) as
5 subparagraph (G); and

6 (C) by inserting after subparagraph (D)
7 the following:

8 “(E) river corridor assessment, protection,
9 management, and restoration for the purposes
10 of ecosystem restoration;

11 “(F) geographic mapping conducted by the
12 Secretary using existing technical capacity to
13 produce a high-resolution, multispectral satellite
14 imagery-based land use and cover data set; or”;
15 and

16 (2) in subsection (g), by striking
17 “\$20,000,000” and inserting “\$32,000,000”.

18 **SEC. 4108. ENVIRONMENTAL REMEDIATION, FRONT ROYAL,**
19 **VIRGINIA.**

20 Section 591(a)(2) of the Water Resources Develop-
21 ment Act of 1999 (113 Stat. 378) is amended by striking
22 “\$12,000,000” and inserting “\$22,000,000”.

1 **SEC. 4109. RESTORATION OF THE ENVIRONMENT FOR PRO-**
2 **TECTION OF AQUATIC AND RIPARIAN ECO-**
3 **SYSTEMS PROGRAM.**

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

6 (1) by striking the section heading and insert-
7 ing the following:

8 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**
9 **TECTION OF AQUATIC AND RIPARIAN ECO-**
10 **SYSTEMS PROGRAM.”;**

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

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

15 **SEC. 4110. ENVIRONMENTAL MODIFICATION OF PROJECTS**
16 **FOR IMPROVEMENT AND RESTORATION OF**
17 **ECOSYSTEMS PROGRAM.**

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

20 (1) by striking the section heading and insert-
21 ing the following:

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

25 and

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

3 **SEC. 4111. PROJECTS TO ENHANCE ESTUARIES AND COAST-**
4 **AL HABITATS.**

5 (a) **GENERAL AUTHORITY.**—The Secretary may
6 carry out an estuary habitat restoration project if the Sec-
7 retary determines that the project—

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

11 (2) is in the public interest; and

12 (3) is cost-effective.

13 (b) **COST SHARING.**—The non-Federal share of the
14 cost of construction of any project carried out under this
15 section—

16 (1) shall be 35 percent; and

17 (2) shall include provision of all land, ease-
18 ments, rights-of-way, and necessary relocations.

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

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

1 (2) to pay 100 percent of any operation, main-
 2 tenance, and replacement and rehabilitation costs of
 3 the project, in accordance with regulations promul-
 4 gated by the Secretary.

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

8 (e) FUNDING.—There is authorized to be appro-
 9 priated to carry out this section \$25,000,000 for each fis-
 10 cal year.

11 **CHAPTER 3—STUDY MODIFICATIONS**

12 **SEC. 4201. SAN PABLO BAY WATERSHED RESTORATION,** 13 **CALIFORNIA.**

14 (a) IN GENERAL.—The Secretary shall complete
 15 work as expeditiously as practicable on the San Pablo wa-
 16 tershed, California, study authorized under section 209 of
 17 the Flood Control Act of 1962 (76 Stat. 1196) to deter-
 18 mine the feasibility of opportunities for restoring, pre-
 19 serving, and protecting the San Pablo Bay Watershed.

20 (b) REPORT.—Not later than March 31, 2008, the
 21 Secretary shall submit to Congress a report that describes
 22 the results of the study.

CHAPTER 4—PROJECTS**Subchapter A—Authorizations****SEC. 4301. MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.**

The Secretary may carry out the project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California, at a total estimated cost of \$130,335,000, with an estimated Federal cost of \$78,972,750 and an estimated non-Federal cost of \$51,362,250, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

SEC. 4302. NAPA RIVER SALT MARSH, CALIFORNIA.

The Secretary may carry out the project for ecosystem restoration, Napa River Salt Marsh, California, at a total estimated cost of \$100,500,000, with an estimated Federal cost of \$64,000,000 and an estimated non-Federal cost of \$36,500,000, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

SEC. 4303. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve

1 and manage fisheries and aquatic habitat conditions
2 in Pine Flat Reservoir and in the 14-mile reach of
3 the Kings River immediately below Pine Flat Dam,
4 California, in a manner that—

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

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

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

12 (A) substantially in accordance with the
13 goals and principles of the document entitled
14 “Kings River Fisheries Management Program
15 Framework Agreement” and dated May 29,
16 1999, between the California Department of
17 Fish and Game and the Kings River Water As-
18 sociation and the Kings River Conservation
19 District; and

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

22 (b) PARTICIPATION BY SECRETARY.—

23 (1) IN GENERAL.—In furtherance of the goals
24 of the agreement described in subsection (a)(2)(A),
25 the Secretary shall participate in the planning, de-

1 sign, and construction of projects and pilot projects
2 on the Kings River and its tributaries to enhance
3 aquatic habitat and water availability for fisheries
4 purposes (including maintenance of a trout fishery)
5 in accordance with flood control operations, water
6 rights, and beneficial uses in existence as of the date
7 of enactment of this Act.

8 (2) PROJECTS.—Projects referred to in para-
9 graph (1) may include—

10 (A) projects to construct or improve pump-
11 ing, conveyance, and storage facilities to en-
12 hance water transfers; and

13 (B) projects to carry out water exchanges
14 and create opportunities to use floodwater with-
15 in and downstream of Pine Flat Reservoir.

16 (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED
17 PROJECTS.—Nothing in this section authorizes any
18 project for the raising of Pine Flat Dam or the construc-
19 tion of a multilevel intake structure at Pine Flat Dam.

20 (d) USE OF EXISTING STUDIES.—In carrying out
21 this section, the Secretary shall use, to the maximum ex-
22 tent practicable, studies in existence on the date of enact-
23 ment of this Act, including data and environmental docu-
24 mentation in the document entitled “Final Feasibility Re-
25 port and Report of the Chief of Engineers for Pine Flat

1 Dam Fish and Wildlife Habitat Restoration” and dated
2 July 19, 2002.

3 (e) COST SHARING.—

4 (1) PROJECT PLANNING, DESIGN, AND CON-
5 STRUCTION.—The Federal share of the cost of plan-
6 ning, design, and construction of a project under
7 subsection (b) shall be 65 percent.

8 (2) NON-FEDERAL SHARE.—

9 (A) CREDIT FOR LAND, EASEMENTS, AND
10 RIGHTS-OF-WAY.—The Secretary shall credit to-
11 ward the non-Federal share of the cost of con-
12 struction of any project under subsection (b)
13 the value, regardless of the date of acquisition,
14 of any land, easements, rights-of-way, dredged
15 material disposal areas, or relocations provided
16 by the non-Federal interest for use in carrying
17 out the project.

18 (B) FORM.—The non-Federal interest may
19 provide not more than 50 percent of the non-
20 Federal share required under this subsection in
21 the form of services, materials, supplies, or
22 other in-kind contributions.

23 (f) OPERATION AND MAINTENANCE.—The operation,
24 maintenance, repair, rehabilitation, and replacement of

1 projects carried out under this section shall be a non-Fed-
2 eral responsibility.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$20,000,000, to remain available until expended.

6 **SEC. 4304. SOUTH PLATTE RIVER, DENVER, COLORADO.**

7 The Secretary may carry out the project for environ-
8 mental restoration, Denver County Reach, South Platte
9 River, Denver, Colorado, in accordance with the Report
10 of the Chief of Engineers dated May 16, 2003, at a total
11 cost of \$17,997,000, with an estimated Federal cost of
12 \$11,698,000 and an estimated non-Federal cost of
13 \$6,299,000, if a favorable final report of the Chief for the
14 project is completed not later than December 31, 2004.

15 **SEC. 4305. SMITH ISLAND, MARYLAND.**

16 The Secretary may carry out the project for environ-
17 mental restoration, Smith Island, Somerset County, Mary-
18 land, at a total cost of \$14,500,000, with an estimated
19 Federal cost of \$9,425,000 and an estimated non-Federal
20 cost of \$5,075,000, substantially in accordance with the
21 plans, and subject to the conditions, recommended in the
22 final report of the Chief of Engineers dated October 29,
23 2001.

1 **SEC. 4306. JAMAICA BAY, MARINE PARK AND PLUMB**
2 **BEACH, QUEENS AND BROOKLYN, NEW YORK.**

3 The Secretary may carry out a project for environ-
4 mental restoration, Jamaica Bay, Queens and Brooklyn,
5 New York, at a total estimated cost of \$180,000,000, with
6 an estimated Federal cost of \$117,000,000 and an esti-
7 mated non-Federal cost of \$63,000,000, substantially in
8 accordance with the plans, and subject to the conditions,
9 recommended in a final report of the Chief of Engineers,
10 if a favorable report of the Chief is completed not later
11 than December 31, 2004.

12 **SEC. 4307. RIVERSIDE OXBOW, FORT WORTH, TEXAS.**

13 The Secretary may carry out the project for environ-
14 mental restoration, Riverside Oxbow, Fort Worth, Texas
15 contained in the report of the Chief of Engineers dated
16 May 29, 2003, to carry out the project at a total cost of
17 \$22,200,000, with an estimated Federal cost of
18 \$9,180,000 and an estimated non-Federal cost of
19 \$13,020,000.

20 **Subchapter B—Modifications**

21 **SEC. 4321. HAMILTON AIRFIELD, CALIFORNIA.**

22 The project for environmental restoration, Hamilton
23 Airfield, California, authorized by section 101(b)(3) of the
24 Water Resources Development Act of 1999 (113 Stat.
25 279), is modified to include the diked bayland parcel
26 known as “Bel Marin Keys Unit V ” at an estimated total

1 cost of \$192,900,000, with an estimated Federal cost of
2 \$144,600,000 and an estimated non-Federal cost of
3 \$48,300,000, as part of the project to be carried out by
4 the Secretary substantially in accordance with the plans,
5 and subject to conditions, recommended in a final report
6 of the Chief of Engineers, if a favorable final report of
7 the Chief is completed not later than December 31, 2004.

8 **SEC. 4322. IMPLEMENTATION OF PROJECTS FUNDED BY**
9 **THE SOUTHERN NEVADA PUBLIC LANDS**
10 **MANAGEMENT ACT, LAKE TAHOE BASIN,**
11 **CALIFORNIA AND NEVADA.**

12 (a) IN GENERAL.—The Secretary may establish a
13 program to provide environmental assistance to non-Fed-
14 eral interests in the Lake Tahoe Basin, California and Ne-
15 vada.

16 (b) FORM.—Assistance provided under this section
17 may be in the form of planning, design, or construction
18 assistance for any project with a Federal responsibility (as
19 defined by the Tahoe Regional Planning Agency in car-
20 rying out the environment improvement program of the
21 Agency in the Lake Tahoe Basin).

22 (c) IMPLEMENTATION OF PROJECTS.—The Secretary
23 may provide assistance for a project under this section
24 only if the project is publicly owned.

25 (d) LOCAL COOPERATIVE AGREEMENT.—

1 (1) IN GENERAL.—Before providing assistance
2 for a project under this section, the Secretary shall
3 enter into a local cooperative agreement with a non-
4 Federal interest to provide for design and construc-
5 tion of the project.

6 (2) REQUIREMENTS.—A local cooperative
7 agreement entered into under this subsection shall
8 provide for—

9 (A) development by the Secretary, in con-
10 sultation with the appropriate Federal, State,
11 and regional offices, of appropriate environ-
12 mental documentation and engineering plans
13 and specifications; and

14 (B) establishment of such legal and insti-
15 tutional structures as are necessary to ensure
16 the effective long-term operation of the project
17 by the non-Federal interest.

18 (3) COST SHARING.—

19 (A) CONSTRUCTION.—The Federal share
20 of the cost of construction of a project under a
21 local cooperative agreement entered into under
22 this subsection—

23 (i) shall be equivalent to the Federal
24 share required under the environmental

improvement program of the Tahoe Regional Planning Agency; and

(ii) may be in the form of grants or reimbursement of project costs (including reasonable costs of project initiation).

(B) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for a project constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects 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) FUNDING.—The Secretary shall use such sums made available under the Southern Nevada Public Lands Management Act (Public Law 105–263; 112 Stat. 2343) as are necessary to carry out this section.

SEC. 4323. DELMARVA CONSERVATION CORRIDOR, DELAWARE.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia

1 (111 Stat. 176), section 2.2 of the Susquehanna River
2 Basin Compact (Public Law 91–575; 84 Stat. 1512), and
3 section 2.2 of the Delaware River Basin Compact (Public
4 Law 87–328; 75 Stat. 691), for fiscal year 2005 and each
5 fiscal year thereafter, the Division Engineer, North Atlan-
6 tic Division, Corps of Engineers—

7 (1) shall be the ex officio United States member
8 under the Susquehanna River Basin Compact and
9 the Delaware River Basin Compact;

10 (2) shall serve without additional compensation;
11 and

12 (3) may designate an alternate member or
13 members in accordance with the terms of the com-
14 pacts, respectively.

15 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
16 shall allocate funds to the Susquehanna River Basin Com-
17 mission established under the Susquehanna River Basin
18 Compact (Public Law 91–575), and the Interstate Com-
19 mission on the Potomac River Basin established under the
20 Potomac River Basin Compact (Public Law 91–407; 84
21 Stat. 856), to fulfill the equitable funding requirements
22 of the compacts, respectively.

23 (c) WATER SUPPLY AND CONSERVATION STOR-
24 AGE.—

1 (1) IN GENERAL.—The Secretary shall enter
 2 into an agreement with Delaware River Basin Com-
 3 mission to provide temporary water supply and con-
 4 servation storage at the Francis E. Walter Dam,
 5 Pennsylvania, during any period in which the Com-
 6 mission has determined that a drought warning or
 7 drought emergency exists.

8 (2) COST OF WATER STORAGE.—The agreement
 9 shall provide that the cost charged for any water
 10 storage under the agreement shall not exceed the in-
 11 cremental operating costs associated with providing
 12 the storage.

13 **SEC. 4324. ALLATOONA LAKE, GEORGIA.**

14 (a) LAND EXCHANGE.—

15 (1) IN GENERAL.—The Secretary may exchange
 16 land above 863 feet in elevation at Allatoona Lake,
 17 Georgia, identified in the Real Estate Design Memo-
 18 randum prepared by the Mobile district engineer,
 19 April 5, 1996, and approved October 8, 1996, for
 20 land on the north side of Allatoona Lake that is re-
 21 quired for wildlife management and protection of the
 22 water quality and overall environment of Allatoona
 23 Lake.

24 (2) TERMS AND CONDITIONS.—The basis for all
 25 land exchanges under this subsection shall be a fair

1 market appraisal to ensure that land exchanged is of
2 equal value.

3 (b) DISPOSAL AND ACQUISITION OF LAND,
4 ALLATOONA LAKE, GEORGIA.—

5 (1) IN GENERAL.—The Secretary may—

6 (A) sell land above 863 feet in elevation at
7 Allatoona Lake, Georgia, identified in the
8 memorandum referred to in subsection (a)(1);
9 and

10 (B) use the proceeds of the sale, without
11 further appropriation, to pay costs associated
12 with the purchase of land required for wildlife
13 management and protection of the water quality
14 and overall environment of Allatoona Lake.

15 (2) TERMS AND CONDITIONS.—

16 (A) WILLING SELLERS.—Land acquired
17 under this subsection shall be by negotiated
18 purchase from willing sellers only.

19 (B) BASIS.—The basis for all transactions
20 under this subsection shall be a fair market
21 value appraisal acceptable to the Secretary.

22 (C) SHARING OF COSTS.—Each purchaser
23 of land under this subsection shall share in the
24 associated environmental and real estate costs
25 of the purchase, including surveys and associ-

1 ated fees in accordance with the memorandum
2 referred to in subsection (a)(1).

3 (D) OTHER CONDITIONS.—The Secretary
4 may impose on the sale and purchase of land
5 under this subsection such other conditions as
6 the Secretary determines to be appropriate.

7 (c) REPEAL.—Section 325 of the Water Resources
8 Development Act of 1992 (106 Stat. 4849) is repealed.

9 **SEC. 4325. PUBLIC ACCESS, ATCHAFALAYA BASIN**
10 **FLOODWAY SYSTEM, LOUISIANA.**

11 The public access features of the Atchafalaya Basin
12 Floodway System, Louisiana, project, authorized by the
13 section 601(a) of the Water Resources Development Act
14 of 1986 (100 Stat. 4142), is modified to authorize the Sec-
15 retary to acquire from willing sellers the fee interest, ex-
16 clusive of oil, gas, and minerals, of an additional 20,000
17 acres of land in the Lower Atchafalaya Basin Flood for
18 the public access feature of the Atchafalaya Basin
19 Floodway System, to enhance fish and wildlife resources,
20 at a total cost of \$4,000,000.

21 **SEC. 4326. MISSOURI RIVER RESTORATION, NORTH DA-**
22 **KOTA.**

23 Section 707(a) of the Water Resources Act of 2000
24 (114 Stat. 2699) is amended in the first sentence by strik-
25 ing “2005” and inserting “2010”.

1 **SEC. 4327. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 2 **VANIA AND NEW YORK.**

3 Section 567 of the Water Resources Development Act
 4 of 1996 (110 Stat. 3787) is amended—

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

7 “(c) COOPERATION AGREEMENTS.—

8 “(1) IN GENERAL.—In conducting the study
 9 and implementing the strategy under this section,
 10 the Secretary shall enter into cost-sharing and
 11 project cooperation agreements with the Federal
 12 Government, State and local governments (with the
 13 consent of the State and local governments), land
 14 trusts, or nonprofit, nongovernmental organizations
 15 with expertise in wetland restoration.

16 “(2) FINANCIAL ASSISTANCE.—Under the co-
 17 operation agreement, the Secretary may provide as-
 18 sistance for implementation of wetland restoration
 19 projects and soil and water conservation measures.”;
 20 and

21 (2) by striking subsection (d) and inserting the
 22 following:

23 “(d) IMPLEMENTATION OF STRATEGY.—

24 “(1) IN GENERAL.—The Secretary shall carry
 25 out the development, demonstration, and implemen-
 26 tation of the strategy under this section in coopera-

tion with local landowners, local government officials, and land trusts.

“(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or non-profit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.”.

**SEC. 4328. CHEYENNE RIVER SIOUX TRIBE AND LOWER
BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE
HABITAT RESTORATION TRUST FUNDS,
SOUTH DAKOTA.**

Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended by striking subsection (c) and inserting the following:

“(c) INVESTMENTS.—The Secretary of the Treasury, in consultation with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall invest the amounts deposited under subsection (b)—

“(1) in interest-bearing obligations of the United States; or

“(2) in obligations guaranteed as to both principal and interest by the United States; or

1 “(3) in such other investment options as are
 2 considered to be appropriate by the Secretary of the
 3 Treasury, in consultation with the Cheyenne River
 4 Sioux Tribe and the Lower Brule Sioux Tribe.”.

5 **SEC. 4329. MISSOURI RIVER RESTORATION.**

6 (a) REPRESENTATION OF RURAL WATER SYS-
 7 TEMS.—Section 904(b)(1)(B) of the Water Resources De-
 8 velopment Act of 2000 (114 Stat. 2708) is amended—

9 (1) in clause (vii), by striking “and” at the end;
 10 (2) by redesignating clause (viii) as clause (ix);
 11 and

12 (3) by inserting after clause (vii) the following:
 13 “(viii) rural water systems; and”.

14 (b) REAUTHORIZATION.—Section 907(a) of the
 15 Water Resources Development Act of 2000 (114 Stat.
 16 2712) is amended in the first sentence by striking “2005”
 17 and inserting “2010”.

18 **SEC. 4330. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 19 **HANCEMENT PROJECT.**

20 Section 514(g) of the Water Resources Development
 21 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
 22 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 4331. LAKE CHAMPLAIN EURASIAN MILFOIL AND**
 2 **WATER CHESTNUT CONTROL, VERMONT.**

3 Under authority of section 104 of the River and Har-
 4 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-
 5 vise the existing General Design Memorandum to permit
 6 the use of chemical means of control, when appropriate,
 7 of Eurasian milfoil and water chestnuts in the Lake
 8 Champlain basin, Vermont.

9 **SEC. 4332. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**
 10 **GINIA AND MARYLAND.**

11 Section 704(b) of the Water Resources Development
 12 Act of 1986 (33 U.S.C. 2263(b)) is amended—

13 (1) by redesignating paragraph (2) as para-
 14 graph (4);

15 (2) in paragraph (1)—

16 (A) in the second sentence, by striking
 17 “\$20,000,000” and inserting “\$50,000,000”;
 18 and

19 (B) in the third sentence, by striking
 20 “Such projects” and inserting the following:

21 “(2) INCLUSIONS.—Such projects”;

22 (3) by striking paragraph (2)(D) (as redesign-
 23 nated by paragraph (2)(B)) and inserting the fol-
 24 lowing:

25 “(D) the restoration and rehabilitation of
 26 habitat for fish, including native oysters, in the

1 Chesapeake Bay and its tributaries in Virginia
 2 and Maryland, including—

3 “(i) the construction of oyster bars
 4 and reefs;

5 “(ii) the rehabilitation of existing
 6 marginal habitat;

7 “(iii) the use of appropriate alter-
 8 native substrate material in oyster bar and
 9 reef construction;

10 “(iv) the construction and upgrading
 11 of oyster hatcheries; and

12 “(v) activities relating to increasing
 13 the output of native oyster broodstock for
 14 seeding and monitoring of restored sites to
 15 ensure ecological success.

16 “(3) RESTORATION AND REHABILITATION AC-
 17 TIVITIES.—The restoration and rehabilitation activi-
 18 ties described in paragraph (2)(D) shall be—

19 “(A) for the purpose of establishing per-
 20 manent sanctuaries and harvest management
 21 areas; and

22 “(B) consistent with plans and strategies
 23 for guiding the restoration of the Chesapeake
 24 Bay oyster resource and fishery.”; and

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

1 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

2 In this subsection, the term ‘ecological success’
3 means—

4 “(A) achieving a tenfold increase in native
5 oyster biomass by the year 2010, from a 1994
6 baseline; and

7 “(B) the establishment of a sustainable
8 fishery as determined by a broad scientific and
9 economic consensus.”.

10 **SEC. 4333. LAKES PROGRAM.**

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

14 (1) in paragraph (18), by striking “and” at the
15 end;

16 (2) in paragraph (19), by striking the period at
17 the end and inserting a semicolon; and

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

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

22 “(21) Lake Sakakawea, North Dakota, removal
23 of silt and aquatic growth and measures to address
24 excessive sedimentation;

1 “(22) Lake Morley, Vermont, removal of silt
2 and aquatic growth and measures to address exces-
3 sive sedimentation; and

4 “(23) Lake Fairlee, Vermont, removal of silt
5 and aquatic growth and measures to address exces-
6 sive sedimentation.”.

7 **Subchapter C—Deauthorizations**

8 **SEC. 4351. DEAUTHORIZATION OF PROJECTS.**

9 As of the date of enactment of this Act, the projects
10 and portions of projects described in this subchapter are
11 not authorized.

12 **SEC. 4352. DOG RIVER PILOT PROJECT, ALABAMA.**

13 As of the date of enactment of this Act, the project
14 for ecosystem restoration, Dog River Pilot Project, Ala-
15 bama, authorized by section 518 of the Water Resources
16 Development Act of 1999 (113 Stat. 345), is not author-
17 ized.

18 **SEC. 4353. CENTRAL AND SOUTHERN FLORIDA, EVER-**

19 **GLADES NATIONAL PARK, FLORIDA.**

20 As of the date of enactment of this Act, the project
21 to modify the Central and Southern Florida project to im-
22 prove water supply to the Everglades National Park, Flor-
23 ida, authorized by section 203 of the Flood Control Act
24 of 1954 (68 Stat. 1257) and the Flood Control Act of

1 1968 (Public Law 90–483; 82 Stat. 740), is not author-
 2 ized.

3 **Subtitle B—Environmental** 4 **Remediation**

5 **SEC. 4401. REMEDIATION OF ABANDONED MINE SITES.**

6 Section 560 of the Water Resources Development Act
 7 of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amend-
 8 ed—

9 (1) by striking subsection (f);

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

12 (3) by inserting before subsection (b) (as redes-
 13 igned by paragraph (2)) the following:

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

19 (4) in subsection (b) (as redesignated by para-
 20 graph (2)), by—

21 (A) by inserting “, and construction” be-
 22 fore “assistance”; and

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

1 (5) in paragraph (3) of subsection (c) (as redes-
2 ignated by paragraph (2))—

3 (A) by inserting “physical hazards and”
4 after “adverse”; and

5 (B) by striking “drainage from”;

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

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

10 “(g) OPERATION AND MAINTENANCE.—The non-
11 Federal share of the costs of operation and maintenance
12 for a project carried out under this section shall be 100
13 percent.

14 “(h) CREDIT.—A non-Federal interest shall receive
15 credit toward the non-Federal share of cost of a project
16 under this section for design and construction services and
17 other in-kind consideration provided by the non-Federal
18 interest if the Secretary determines that the design and
19 construction services and other in-kind contributions are
20 integral to the project.

21 “(i) NO EFFECT ON LIABILITY.—The provision of
22 assistance under this section shall not relieve from liability
23 any person that would otherwise be liable under Federal
24 or State law for damages, response costs, natural resource
25 damages, restitution, equitable relief, or any other relief.

1 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out this section
 3 for each fiscal year \$45,000,000, to remain available until
 4 expended.”.

5 **TITLE V—WATER STORAGE AND**
 6 **WATER QUALITY**
 7 **Subtitle A—Water Storage Program**
 8 **CHAPTER 1—CONTINUING AUTHORITIES**
 9 **PROGRAMS**

10 **SEC. 5201. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

11 Section 21 of the Water Resources Development Act
 12 of 1988 (102 Stat. 4027) is amended—

13 (1) in subsection (a)—

14 (A) by striking “1276.42” and inserting
 15 “1278.42”;

16 (B) by striking “1218.31” and inserting
 17 “1221.31”; and

18 (C) by striking “1234.82” and inserting
 19 “1235.30”; and

20 (2) by striking subsection (b) and inserting the
 21 following:

22 “(b) EXCEPTION.—

23 “(1) IN GENERAL.—The Secretary may operate
 24 the headwaters reservoirs below the minimum or
 25 above the maximum water levels established under

1 subsection (a) in accordance with water control reg-
2 ulation manuals (or revisions to those manuals) de-
3 veloped by the Secretary, after consultation with the
4 Governor of Minnesota and affected tribal govern-
5 ments, landowners, and commercial and recreational
6 users.

7 “(2) EFFECTIVE DATE OF MANUALS.—The
8 water control regulation manuals referred to in
9 paragraph (1) (and any revisions to those manuals)
10 shall be effective as of the date on which the Sec-
11 retary submits the manuals (or revisions) to Con-
12 gress.

13 “(3) NOTIFICATION.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), not less than 14 days before
16 operating any headwaters reservoir below the
17 minimum or above the maximum water level
18 limits specified in subsection (a), the Secretary
19 shall submit to Congress a notice of intent to
20 operate the headwaters reservoir.

21 “(B) EXCEPTION.—Notice under subpara-
22 graph (A) shall not be required in any case in
23 which—

1 “(i) the operation of a headwaters res-
 2 ervoir is necessary to prevent the loss of
 3 life or to ensure the safety of a dam; or
 4 “(ii) the drawdown of the water level
 5 of the reservoir is in anticipation of a flood
 6 control operation.”.

7 **SEC. 5202. UNION LAKE, MISSOURI.**

8 (a) IN GENERAL.—The Secretary shall offer to con-
 9 vey to the State of Missouri, before January 31, 2005,
 10 all right, title, and interest in and to approximately 205.50
 11 acres of land described in subsection (b) purchased for the
 12 Union Lake Project that was deauthorized as of January
 13 1, 1990 (55 Fed. Reg. 40906) in accordance with section
 14 1001 of the Water Resources Development Act of 1986
 15 (33 U.S.C. 579a(a)).

16 (b) LAND DESCRIPTION.—The land referred to in
 17 subsection (a) is described as follows:

18 (1) TRACT 500.—A tract of land situated in
 19 Franklin County, Missouri, being part of the SW¹/₄
 20 of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T.
 21 42 N., R. 2 W. of the fifth principal meridian, con-
 22 sisting of approximately 112.50 acres.

23 (2) TRACT 605.—A tract of land situated in
 24 Franklin County, Missouri, being part of the N¹/₂ of
 25 the NE, and part of the SE of the NE of sec. 18,

1 T. 42 N., R. 2 W. of the fifth principal meridian,
2 consisting of approximately 93.00 acres.

3 (c) CONVEYANCE.—Upon acceptance by the State of
4 Missouri of the offer by the Secretary under subsection
5 (a), the land described in subsection (b) shall immediately
6 be conveyed, in its current condition, by Secretary to the
7 State of Missouri.

8 **SEC. 5203. SMALL PROJECTS FOR THE REHABILITATION OR**
9 **REMOVAL OF DAMS.**

10 (a) IN GENERAL.—The Secretary may carry out a
11 small dam removal or rehabilitation project if the Sec-
12 retary determines that the project will improve the quality
13 of the environment or is in the public interest.

14 (b) COST SHARING.—A non-Federal interest shall
15 provide 35 percent of the cost of the removal or remedi-
16 ation of any project carried out under this section, includ-
17 ing provision of all land, easements, rights-of-way, and
18 necessary relocations.

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

23 (1) the non-Federal share of the costs of con-
24 struction required by this section; and

1 (2) 100 percent of any operation and mainte-
2 nance cost.

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

6 (e) FUNDING.—There is authorized to be appro-
7 priated to carry out this section \$25,000,000 for each fis-
8 cal year.

9 **CHAPTER 2—PROJECTS**

10 **Subchapter A—Modifications**

11 **SEC. 5301. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

12 The Secretary may provide public access and rec-
13 reational facilities as generally described in the report en-
14 titled “Detailed Project Report and Environmental As-
15 sessment, McQuade Road Harbor or Refuge, Duluth, Min-
16 nesota,” dated August 1999, at a Federal cost of not more
17 than \$5,000,000. Section 103(c)(2) of the Water Re-
18 sources Development Act of 1992 (106 Stat. 4811) is
19 amended by striking “property currently held by the Reso-
20 lution Trust Corporation in the vicinity of the Mississippi
21 River Bridge” and inserting “riverfront property”.

22 **SEC. 5302. ARCADIA LAKE, OKLAHOMA.**

23 Payments made by the city of Edmond, Oklahoma,
24 to the Secretary in October 1999 of all costs associated
25 with present and future water storage costs at Arcadia

1 Lake, Oklahoma, under Arcadia Lake Water Storage Con-
 2 tract Number DACW56-79-C-002 shall satisfy the obli-
 3 gations of the city under that contract.

4 **SEC. 5303. WAURIKA LAKE, OKLAHOMA.**

5 The remaining obligation of the Waurika Project
 6 Master Conservancy District payable to the United States
 7 Government in the amounts, rates of interest, and pay-
 8 ment schedules—

9 (1) is set at the amounts, rates of interest, and
 10 payment schedules that existed on June 3, 1986;
 11 and

12 (2) may not be adjusted, altered, or changed
 13 without a specific, separate, and written agreement
 14 between the District and the United States.

15 **Subchapter B—Deauthorizations**

16 **SEC. 5321. BIG SOUTH FORK NATIONAL RIVER AND REC-**
 17 **REATIONAL AREA, KENTUCKY AND TEN-**
 18 **NESSEE.**

19 The project for recreation facilities at Big South
 20 Fork National River and Recreational Area, Kentucky and
 21 Tennessee, authorized by section 108 of the Water Re-
 22 sources Development Act of 1974 (88 Stat. 43) is not au-
 23 thorized.

1 **SEC. 5322. LIBBY DAM, MONTANA.**

2 The project for hydropower, Libby Dam, Montana
 3 (Units 6–8), authorized by section 549 of the Water Re-
 4 sources Development Act of 1996 (110 Stat. 3779) is not
 5 authorized.

6 **Subtitle B—Water Quality**

7 **CHAPTER 1— GENERAL PROVISIONS**

8 **SEC. 5401. FUNDING TO EXPEDITE THE EVALUATION AND**
 9 **PROCESSING OF PERMITS.**

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

14 **CHAPTER 2—DEAUTHORIZATION OF**
 15 **PROJECTS**

16 **SEC. 5421. BRIDGEPORT, CONNECTICUT.**

17 The project for environmental infrastructure, Bridge-
 18 port, Connecticut, authorized by section 219(f)(26) of the
 19 Water Resources Development Act of 1992 (106 Stat.
 20 4835; 113 Stat. 336) is not authorized.

21 **SEC. 5422. HARTFORD, CONNECTICUT.**

22 The project for environmental infrastructure, Hart-
 23 ford, Connecticut, authorized by section 219(f)(27) of the
 24 Water Resources Development Act of 1992 (106 Stat.
 25 4835; 113 Stat. 336) is not authorized.

1 **SEC. 5423. NEW HAVEN, CONNECTICUT.**

2 The project for environmental infrastructure, New
3 Haven, Connecticut, authorized by section 219(f)(28) of
4 the Water Resources Development Act of 1992 (106 Stat.
5 4835; 113 Stat. 336) is not authorized.

6 **SEC. 5424. CASCO BAY, PORTLAND, MAINE.**

7 The project for environmental infrastructure, Casco
8 Bay in the Vicinity of Portland, Maine, authorized by sec-
9 tion 307 of the Water Resources Development Act of 1992
10 (106 Stat. 4841) is not authorized.

11 **SEC. 5425. PENOBSCOT RIVER, BANGOR, MAINE.**

12 The project for environmental infrastructure, Penob-
13 scot River in the Vicinity of Bangor, Maine, authorized
14 by section 307 of the Water Resources Development Act
15 of 1992 (106 Stat. 4841) is not authorized.

16 **SEC. 5426. SAINT JOHN RIVER BASIN, MAINE.**

17 The project for research and demonstration program
18 of cropland irrigation and soil conservation techniques,
19 Saint John River Basin, Maine, authorized by section
20 1108 of the Water Resources Development Act of 1986
21 (106 Stat. 4230) is not authorized.

22 **SEC. 5427. EPPING, NEW HAMPSHIRE.**

23 The project for environmental infrastructure, Ep-
24 ping, New Hampshire, authorized by section 219(c)(6) of
25 the Water Resources Development Act of 1992 (106 Stat.
26 4835) is not authorized.

1 **SEC. 5428. MANCHESTER, NEW HAMPSHIRE.**

2 The project for environmental infrastructure, Man-
3 chester, New Hampshire, authorized by section 219(c)(7)
4 of the Water Resources Development Act of 1992 (106
5 Stat. 4836) is not authorized.

6 **Subtitle C—Watershed Planning**
7 **Program**

8 **SEC. 5451. DELMARVA CONSERVATION CORRIDOR, DELA-**
9 **WARE AND MARYLAND.**

10 (a) ASSISTANCE.—The Secretary may provide tech-
11 nical assistance to the Secretary of Agriculture for use in
12 carrying out the Conservation Corridor Demonstration
13 Program established under subtitle G of title II of the
14 Farm Security and Rural Investment Act of 2002 (16
15 U.S.C. 3801 note; 116 Stat. 275).

16 (b) COORDINATION AND INTEGRATION.—In carrying
17 out water resources projects in the States on the Delmarva
18 Peninsula, the Secretary shall coordinate and integrate
19 those projects, to the maximum extent practicable, with
20 any activities carried out to implement a conservation cor-
21 ridor plan approved by the Secretary of Agriculture under
22 section 2602 of the Farm Security and Rural Investment
23 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

1 **SEC. 5452. SUSQUEHANNA, DELAWARE, AND POTOMAC**
2 **RIVER BASINS, DELAWARE, MARYLAND,**
3 **PENNSYLVANIA, AND VIRGINIA.**

4 (a) EX OFFICIO MEMBER.—

5 (1) IN GENERAL.—Notwithstanding the provi-
6 sions of law referred to in paragraph (2), for fiscal
7 year 2005 and each fiscal year thereafter, the Divi-
8 sion Engineer, North Atlantic Division, Corps of En-
9 gineers—

10 (A) shall be the ex officio United States
11 member under the Susquehanna River Basin
12 Compact and the Delaware River Basin Com-
13 pact;

14 (B) shall serve without additional com-
15 pensation; and

16 (C) may designate an alternate member or
17 members in accordance with the terms of the
18 applicable compact.

19 (2) RELATIONSHIP TO OTHER LAW.—The provi-
20 sions of law referred to in paragraph (1) are—

21 (A) section 3001(a) of the 1997 Emer-
22 gency Supplemental Appropriations Act for Re-
23 covery From Natural Disasters, and for Over-
24 seas Peacekeeping Efforts, Including Those in
25 Bosnia (111 Stat. 176);

1 (B) section 2.2 of the Susquehanna River
2 Basin Compact (84 Stat. 1512); and

3 (C) section 2.2 of the Delaware River
4 Basin Compact (75 Stat. 691),

5 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
6 shall allocate funds to the Susquehanna River Basin Com-
7 mission established under the Susquehanna River Basin
8 Compact (84 Stat. 1509), the Delaware River Basin Com-
9 mission established under the Delaware River Basin Com-
10 pact (75 Stat. 691), and the Interstate Commission on
11 the Potomac River Basin established under the Potomac
12 River Basin Compact (84 Stat. 856), to fulfill the equi-
13 table funding requirements of the applicable compacts.

14 (c) WATER STORAGE.—

15 (1) IN GENERAL.—The Secretary shall enter
16 into an agreement with Delaware River Basin Com-
17 mission to provide temporary water storage at the
18 Francis E. Walter Dam, Pennsylvania, during any
19 period in which the Commission has determined that
20 a drought warning or drought emergency exists.

○