

**Calendar No. 672**

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2773**

**[Report No. 108–314]**

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.

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IN THE SENATE OF THE UNITED STATES

AUGUST 25, 2004

Mr. INHOFE, from the Committee on Environment and Public Works, reported under authority of the order of the Senate of July 22, 2004, the following original bill; which was read twice and placed on the calendar

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**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,*

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

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

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 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 res-  
ervoirs.

Sec. 1007. Fiscal transparency report.

Sec. 1008. Planning.

Sec. 1009. Water Resources Planning Council.

Sec. 1010. Independent reviews.

Sec. 1011. Fish and wildlife mitigation.

Sec. 1012. Agreements for water resource projects.

Sec. 1013. State technical assistance.

Sec. 1014. Access to water resource data.

**TITLE II—NAVIGATION**

**Subtitle A—Inland Waterways**

**CHAPTER 1—STUDIES**

Sec. 2001. McClellan-Kerr Arkansas River Navigation Channel.

**CHAPTER 2—PROJECTS**

**SUBCHAPTER A—AUTHORIZATIONS**

Sec. 2101. Deep Creek, Chesapeake, Virginia.

**SUBCHAPTER B—PROJECT MODIFICATIONS**

Sec. 2111. Black Warrior-Tombigbee Rivers, Alabama.

Sec. 2112. Larkspur Ferry Channel, California.

Sec. 2113. Redwood City navigation project, California.

Sec. 2114. St. George’s Bridge, Delaware.

Sec. 2115. Chicago River, Illinois.

Sec. 2116. Red River (J. Bennett Johnston) Waterway, Louisiana.

Sec. 2117. Fall River Harbor, Massachusetts and Rhode Island.

Sec. 2118. Cooper River bridge demolition, Charleston, South Carolina.

- Sec. 2119. Plant Replacement and Improvement Program, Corps of Engineers  
Charleston District Equipment and Storage Yard, South Carolina.
- Sec. 2120. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. 2121. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
- Sec. 2122. Snake River Project, Washington and Idaho.
- Sec. 2123. Marmet Lock, Kanawha River, West Virginia.
- Sec. 2124. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
- Sec. 2125. Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. 2126. Pilot program, Middle Mississippi River.

#### CHAPTER 3—PROJECT DEAUTHORIZATIONS

- Sec. 2141. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
- Sec. 2142. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.
- Sec. 2143. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
- Sec. 2144. Eisenhower and Snell Locks, New York.
- Sec. 2145. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
- Sec. 2146. Schuylkill River, Pennsylvania.
- Sec. 2147. Lake of the Pines, Texas.
- Sec. 2148. Tennessee Colony Lake, Texas.
- Sec. 2149. City Waterway, Tacoma, Washington.

#### Subtitle B—Ports and Harbors

#### CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

- Sec. 2201. Navigation enhancements for waterborne transportation.

#### CHAPTER 2—STUDIES

- Sec. 2211. National port study.

#### CHAPTER 3—PROJECTS

##### SUBCHAPTER A—AUTHORIZATIONS

- Sec. 2221. Akutan Harbor, Akutan, Alaska.
- Sec. 2222. Haines Small Boat Harbor, Haines, Alaska.
- Sec. 2223. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 2224. Unalaska Small Boat Harbor, Unalaska, Alaska.
- Sec. 2225. Miami Harbor, Miami, Florida.
- Sec. 2226. Port of Iberia, Louisiana.
- Sec. 2227. Corpus Christi Ship Channel, Corpus Christi, Texas.

##### 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. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
- Sec. 2249. Port of Lewiston, Idaho.
- Sec. 2250. Chicago River and Harbor, Chicago, Illinois.
- Sec. 2251. Camp Ellis, Saco, Maine.
- Sec. 2252. Union River, Maine.
- Sec. 2253. Duluth Harbor, Minnesota.
- Sec. 2254. New York Harbor, New York, New York.
- Sec. 2255. Toussaint River Navigation Project, Carroll Township, Ohio.
- Sec. 2256. Essayons and Yaquina dredges, Oregon.
- Sec. 2257. Cedar Bayou, Texas.
- Sec. 2258. Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas.
- Sec. 2259. Gulf Intracoastal Waterway, High Island to Brazos River, Texas.
- Sec. 2260. Tangier Island Seawall, Virginia.
- Sec. 2261. Lower Granite Pool, Washington.

#### SUBCHAPTER C—DEAUTHORIZATIONS

- Sec. 2271. Bridgeport Harbor, Connecticut.
- Sec. 2272. Muscatine Harbor, Iowa.
- Sec. 2273. Bayou LaFourche and LaFourche Jump, Louisiana.
- Sec. 2274. Northeast Harbor, Maine.
- Sec. 2275. Tenants Harbor, Maine.
- Sec. 2276. Grand Haven Harbor, Michigan.
- Sec. 2277. Greenville Harbor, Mississippi.
- Sec. 2278. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 2279. Olcott Harbor, Lake Ontario, New York.
- Sec. 2280. Outer Harbor, Buffalo, New York.
- Sec. 2281. Manteo Bay, North Carolina.
- Sec. 2282. Cleveland Harbor 1958 Act, Ohio.
- Sec. 2283. Cleveland Harbor 1960 Act, Ohio.
- Sec. 2284. Cleveland Harbor, Uncompleted Portion of Cut #4, Ohio.
- Sec. 2285. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 2286. Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey.
- Sec. 2287. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 2288. Quonset Point-Davisville, Rhode Island.

### TITLE III—FLOOD AND COASTAL STORM DAMAGE REDUCTION

#### Subtitle A—Flood Damage Reduction

#### CHAPTER 1—GENERAL PROVISIONS

- Sec. 3001. Construction of flood control projects by non-Federal interests.

#### CHAPTER 2—CONTINUING AUTHORITIES PROGRAMS

- Sec. 3101. Protection and restoration due to emergencies at shores and streambanks.

#### CHAPTER 3—STUDIES

- Sec. 3201. Nicholas Canyon, Los Angeles, California.
- Sec. 3202. Comprehensive flood protection project, St. Helena, California.
- Sec. 3203. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
- Sec. 3204. South San Francisco Bay shoreline study, California.
- Sec. 3205. Lake Erie at Luna Pier, Michigan.
- Sec. 3206. Middle Bass Island State Park, Middle Bass Island, Ohio.

#### CHAPTER 4—PROJECTS

##### SUBCHAPTER A—AUTHORIZATIONS

- Sec. 3301. Tanque Verde Creek Project, Pima County, Arizona.
- Sec. 3302. Hamilton City, California.
- Sec. 3303. Middle Creek, Lake County, California.
- Sec. 3304. Indian River Lagoon, South Florida.
- Sec. 3305. Picayune Strand ecosystem restoration, Collier County, Florida.
- Sec. 3306. Swope Park Industrial Area, Missouri.
- Sec. 3307. Southwest Valley, Albuquerque, New Mexico.

##### SUBCHAPTER B—MODIFICATIONS

- Sec. 3311. St. Francis Basin, Arkansas and Missouri.
- Sec. 3312. Augusta and Clarendon, Arkansas.
- Sec. 3313. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3314. Red-Ouachita River Basin, Arkansas and Louisiana.
- Sec. 3315. Cache Creek Basin, California.
- Sec. 3316. Llagas Creek, California.
- Sec. 3317. Magpie Creek, California.
- Sec. 3318. Sacramento and American Rivers flood control, California.
- Sec. 3319. Upper Guadalupe River, California.
- Sec. 3320. Yuba River Basin project, California.
- Sec. 3321. Dworshak Reservoir improvements, Idaho.
- Sec. 3322. Little Wood River, Gooding, Idaho.
- Sec. 3323. Cache River Levee, Illinois.
- Sec. 3324. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3325. Spunky Bottom, Illinois.
- Sec. 3326. Cumberland, Maryland.
- Sec. 3327. Land exchange, Pike County, Missouri.
- Sec. 3328. Lake Girard Lake Dam, Ohio.
- Sec. 3329. University of Oregon Museum of Natural History, Oregon.
- Sec. 3330. Tioga Township, Pennsylvania.
- Sec. 3331. Harris Fork Creek, Tennessee and Kentucky.
- Sec. 3332. Nonconnah Weir, Memphis, Tennessee.
- Sec. 3333. Harris County, Texas.
- Sec. 3334. Chehalis River, Centralia, Washington.
- Sec. 3335. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. 3336. Lower Mud River, Milton, West Virginia.

##### SUBCHAPTER C—DEAUTHORIZATIONS

- Sec. 3341. Little Cove Creek, Glencoe, Alabama.
- Sec. 3342. Winslow, Arizona.
- Sec. 3343. Goleta and Vicinity, California.
- Sec. 3344. Shingle Creek Basin, Florida.
- Sec. 3345. Brevoort, Indiana.

- Sec. 3346. Middle Wabash, Greenfield Bayou, Indiana.
- Sec. 3347. Lake George, Hobart, Indiana.
- Sec. 3348. Green Bay Levee and Drainage District No. 2, Iowa.
- Sec. 3349. Eagle Creek Lake, Kentucky.
- Sec. 3350. Hazard, Kentucky.
- Sec. 3351. Taylorsville Lake, Kentucky.
- Sec. 3352. West Kentucky Tributaries, Kentucky.
- Sec. 3353. Bayou Cocodrie and Tributaries, Louisiana.
- Sec. 3354. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
- Sec. 3355. Platte River Flood and Related Streambank Erosion Control, Nebraska.
- Sec. 3356. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 3357. Parker Lake, Muddy Boggy Creek, Oklahoma.
- Sec. 3358. Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania.
- Sec. 3359. Tioga-Hammond Lakes, Pennsylvania.
- Sec. 3360. Tamaqua, Pennsylvania.
- Sec. 3361. Arroyo Colorado, Texas.
- Sec. 3362. Cypress Creek-Structural, Texas.
- Sec. 3363. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
- Sec. 3364. Falfurrias, Texas.
- Sec. 3365. Pecan Bayou Lake, Texas.
- Sec. 3366. Kanawha River, Charleston, West Virginia.

#### Subtitle B—Coastal Storm Damage Reduction

##### CHAPTER 1—GENERAL PROVISIONS

- Sec. 3401. Shore protection and beach renourishment projects.
- Sec. 3402. Regional sediment management.
- Sec. 3403. National shoreline erosion control development and demonstration program.
- Sec. 3404. Shore protection projects.

##### CHAPTER 2—STUDIES

- Sec. 3411. Oceanside, California, shoreline special study.

##### CHAPTER 3—PROJECTS

###### SUBCHAPTER A—AUTHORIZATIONS

- Sec. 3421. Coastal Louisiana ecosystem protection and restoration.
- Sec. 3422. Morganza, Louisiana to the Gulf of Mexico.
- Sec. 3423. New Jersey Shore protection, Manasquan Inlet to Barnegat Inlet, New Jersey.
- Sec. 3424. South River, New Jersey.
- Sec. 3425. Montauk Point, New York.
- Sec. 3426. Coastal wetland conservation project funding.

###### SUBCHAPTER B—MODIFICATIONS

- Sec. 3431. Imperial Beach, California.
- Sec. 3432. Lido Key Beach, Sarasota, Florida.
- Sec. 3433. Orchard Beach, Bronx, New York.

## SUBCHAPTER C—DEAUTHORIZATIONS

Sec. 3441. Fort Livingston, Grand Terre Island, Louisiana.

TITLE IV—ECOSYSTEM RESTORATION AND ENVIRONMENTAL  
REMEDATION PROGRAM

## Subtitle A—Ecosystem Restoration

## CHAPTER 1—GENERAL PROVISIONS

Sec. 4001. Cost sharing for monitoring.  
 Sec. 4002. Ecosystem restoration benefits.  
 Sec. 4003. Great Lakes Interagency Task Force.

## CHAPTER 2—CONTINUING AUTHORITIES PROGRAMS

Sec. 4101. Restoration of the environment for protection of aquatic and riparian ecosystems program.  
 Sec. 4102. Environmental modification of projects for improvement and restoration of ecosystems program.  
 Sec. 4103. Projects to enhance estuaries and coastal habitats.

## CHAPTER 3—STUDIES

## SUBCHAPTER A—STUDY AUTHORIZATIONS

Sec. 4201. Lake Champlain Canal study, Vermont and New York.  
 Sec. 4202. Eurasian milfoil.

## SUBCHAPTER B—STUDY MODIFICATIONS

Sec. 4211. San Pablo Bay watershed restoration, California.

## CHAPTER 4—PROJECTS

## SUBCHAPTER A—AUTHORIZATIONS

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. Salton Sea restoration, California.  
 Sec. 4305. South Platte River, Denver, Colorado.  
 Sec. 4306. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.  
 Sec. 4307. Smith Island, Maryland.  
 Sec. 4308. Upper Connecticut River Basin ecosystem restoration, New Hampshire and Vermont.  
 Sec. 4309. Upper Connecticut River Basin wetland restoration, New Hampshire and Vermont.  
 Sec. 4310. Jamaica Bay, Marine Park and Plumb Beach, Queens and Brooklyn, New York.  
 Sec. 4311. Long Island Sound oyster restoration, New York and Connecticut.  
 Sec. 4312. Upper Willamette River watershed ecosystem restoration, Oregon.  
 Sec. 4313. Riverside Oxbow, Fort Worth, Texas.  
 Sec. 4314. Connecticut River Dams, Vermont.

## SUBCHAPTER B—MODIFICATIONS

Sec. 4321. Hamilton Airfield, California.  
 Sec. 4322. Allatoona Lake, Georgia.

- Sec. 4323. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
- Sec. 4324. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 4325. Onondaga Lake, New York.
- Sec. 4326. Missouri River restoration, North Dakota.
- Sec. 4327. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 4328. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
- Sec. 4329. Missouri River restoration, South Dakota.
- Sec. 4330. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 4331. Lake Champlain Eurasian milfoil and water chestnut control, Vermont.
- Sec. 4332. Lake Champlain Watershed, Vermont and New York.
- Sec. 4333. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. 4334. Lakes program.
- Sec. 4335. Estuary restoration.

#### SUBCHAPTER C—DEAUTHORIZATIONS

- Sec. 4351. Dog River Pilot Project, Alabama.
- Sec. 4352. Central and Southern Florida, Everglades National Park, Florida.

#### Subtitle B—Environmental Remediation

#### CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

- Sec. 4401. Remediation of abandoned mine sites.

#### CHAPTER 2—MODIFICATIONS

- Sec. 4411. Environmental remediation, Front Royal, Virginia.

### TITLE V—WATER STORAGE AND WATER QUALITY

#### Subtitle A—Water Storage Program

#### CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

- Sec. 5101. Small projects for the rehabilitation or removal of dams.

#### CHAPTER 2—STUDIES

- Sec. 5201. Selenium study, Colorado.

#### CHAPTER 3—PROJECTS

#### SUBCHAPTER A—MODIFICATIONS

- Sec. 5301. Union Lake, Missouri.
- Sec. 5302. Fort Peck Fish Hatchery, Montana.
- Sec. 5303. Arcadia Lake, Oklahoma.
- Sec. 5304. Waurika Lake, Oklahoma.
- Sec. 5305. Dam remediation, Vermont.
- Sec. 5306. Mississippi River headwaters reservoirs.

#### SUBCHAPTER B—DEAUTHORIZATIONS

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

Subtitle B—Water Quality

CHAPTER 1—GENERAL PROVISIONS

- Sec. 5401. Funding to expedite the evaluation and processing of permits.  
 Sec. 5402. Electronic submission of permit applications.

CHAPTER 2—DEAUTHORIZATION OF PROJECTS

- 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 Programs

- 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.—

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

1 value of in-kind contributions made by the non-  
2 Federal interest, including—

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

9 “(ii) the value of materials or services  
10 provided before execution of an agreement  
11 for the project, including—

12 “(I) efforts on constructed ele-  
13 ments incorporated into the project;  
14 and

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

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

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

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

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

6 “(iii) shall not exceed the actual and  
 7 reasonable costs of the materials, services,  
 8 or other things provided by the non-Fed-  
 9 eral interest, as determined by the Sec-  
 10 retary.”.

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

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

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

18 “(a) IN GENERAL.—The Secretary may engage in ac-  
 19 tivities (including contracting) in support of other Federal  
 20 agencies, international organizations, or foreign govern-  
 21 ments to address problems of national significance to the  
 22 United States.”;

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

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

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

7           (1) Lake Wappanoca, Arkansas.

8           (2) Arkansas Valley Conduit, Colorado.

9           (3) Egmont Key, Florida.

10          (4) Wind River Irrigation Project, Wyoming.

11   **SEC. 1003. TRAINING FUNDS.**

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

18       (b) EXPENSES.—

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

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

1 (A) may be retained by the Secretary;

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

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

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

12 **SEC. 1004. RECREATION USER FEES.**

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

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking “During fiscal years  
19 1999 through 2002, the” and inserting  
20 “The”; and

21 (ii) by striking “above a baseline of  
22 \$34,000,000 per each fiscal year”; 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 “at the specific project  
11 from which the amount, above baseline,” and  
12 inserting “by the District of the Corps of Engi-  
13 neers from which the amount”; and

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

15 “(d) RECREATION USER FEE PROGRAM.—

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

20 “(2) ADMISSION AND USER FEES.—

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

1 “(i) admission to the recreation area  
2 or site by individuals or groups; or

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

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

12 “(C) CONTRACT.—The Secretary may—

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

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

23 “(3) LEASES.—

24 “(A) IN GENERAL.—The Secretary shall  
25 charge and collect rents for any lease entered

1 into between the Secretary and a non-Federal  
2 entity relating to project land.

3 “(B) TERM.—A lease entered into under  
4 subparagraph (A)—

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

7 “(ii) may be renewed for an additional  
8 25-year term.

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

16 “(D) PAYMENTS IN LIEU OF TAXES.—  
17 Land leased to non-Federal entities for rec-  
18 reational purposes shall be subject to chapter  
19 69 of title 31, United States Code.

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

23 **SEC. 1005. CORPS OF ENGINEERS RIVER STEWARDSHIP**  
24 **COMMISSION.**

25 (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       (b) ESTABLISHMENT OF COMMISSION.—

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

12          (2) MEMBERSHIP.—

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

15           (i) 20 members, including 5 members  
16           appointed by each of the Majority Leader  
17           and Minority Leader of the Senate and the  
18           Speaker and Minority Leader of the House  
19           of Representatives, that—

20                   (I) represent the various interests  
21                   of the public; and

22                   (II) include individuals rep-  
23                   resenting—

24                           (aa) environmental groups;

- 1 (bb) the hydroelectric power
- 2 industry;
- 3 (cc) recreation user groups;
- 4 (dd) flood control interests;
- 5 (ee) navigation interests;
- 6 (ff) State governments, in-
- 7 cluding wildlife and natural re-
- 8 source agencies;
- 9 (gg) Indian tribal govern-
- 10 ments; and
- 11 (hh) other affected interests;
- 12 (ii) the Administrator of the Environ-
- 13 mental Protection Agency;
- 14 (iii) the Assistant Secretary of the
- 15 Army for Civil Works; and
- 16 (iv) the Director of the United States
- 17 Fish and Wildlife Service.

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

22 (3) TERM; VACANCIES.—

23 (A) TERM.—A member shall be appointed  
 24 for the life of the Commission.

1 (B) VACANCIES.—A vacancy on the Com-  
 2 mission—

3 (i) shall not affect the powers of the  
 4 Commission; and

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

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

11 (5) MEETINGS.—The Commission shall meet at  
 12 the call of the Chairperson.

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

16 (7) CHAIRPERSON AND VICE CHAIRPERSON.—

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

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

24 (c) INVESTIGATION OF CORPS OF ENGINEERS.—Not  
 25 later than 2 years after the date of enactment of this Act,

1 the Commission shall complete an investigation and sub-  
2 mit to Congress a report on the management of rivers in  
3 the United States by the Corps of Engineers, with empha-  
4 sis on—

5 (1) compliance with environmental laws in the  
6 design and operation of river management projects,  
7 including—

8 (A) the Fish and Wildlife Coordination Act  
9 (16 U.S.C. 661 et seq.);

10 (B) the Endangered Species Act of 1973  
11 (16 U.S.C. 1531 et seq.);

12 (C) the National Environmental Policy Act  
13 of 1969 (42 U.S.C. 4321 et seq.); and

14 (D) the Federal Water Pollution Control  
15 Act (33 U.S.C. 1251 et seq.);

16 (2) compliance with the cultural resource laws  
17 that protect Native American graves, traditional cul-  
18 tural properties, and Native American sacred sites in  
19 the design and operation of river management  
20 projects, including—

21 (A) the National Historic Preservation Act  
22 (16 U.S.C. 470 et seq.);

23 (B) the Archaeological Resources Protec-  
24 tion Act of 1979 (16 U.S.C. 470aa et seq.);

1 (C) the Native American Graves Protection  
2 and Repatriation Act (25 U.S.C. 3001 et seq.);

3 (D) Executive Order No. 13007 (61 Fed.  
4 Reg. 26771; relating to Indian sacred sites);

5 (E) identification of opportunities for de-  
6 veloping tribal cooperative management agree-  
7 ments for erosion control, habitat restoration,  
8 cultural resource protection, and enforcement;

9 (F) review of policy and guidance con-  
10 cerning nondisclosure of sensitive information  
11 on the character, nature, and location of tradi-  
12 tional cultural properties and sacred sites; and

13 (G) review of the effectiveness of govern-  
14 ment-to-government consultation by the Corps  
15 of Engineers with Indian tribes and members of  
16 Indian tribes in cases in which the river man-  
17 agement functions and activities of the Corps of  
18 Engineers affect Indian land and Native Amer-  
19 ican natural and cultural resources;

20 (3) the quality and objectivity of scientific, envi-  
21 ronmental, and economic analyses by the Corps of  
22 Engineers, including—

23 (A) the use of independent reviewers of  
24 analyses performed by the Corps of Engineers;  
25 and

1 (B) the implementation of recommenda-  
2 tions made by those reviewers;

3 (4) the extent of coordination and cooperation  
4 by the Corps of Engineers with Federal and State  
5 agencies (such as the United States Fish and Wild-  
6 life Service) and Indian tribes in carrying out river  
7 management responsibilities, including the imple-  
8 mentation of any recommendations of those agencies  
9 and Indian tribes;

10 (5) the extent to which river management stud-  
11 ies conducted by the Corps of Engineers fairly and  
12 effectively balance the goals of public and private in-  
13 terests, such as wildlife, recreation, navigation, and  
14 hydropower interests;

15 (6) whether river planning laws (including regu-  
16 lations) should be amended; and

17 (7) whether the river management functions of  
18 the Corps of Engineers should be transferred from  
19 the Department of the Army to a Federal civilian  
20 agency.

21 (d) POWERS.—

22 (1) HEARINGS.—The Commission may hold  
23 such hearings, sit and act at such times and places,  
24 take such testimony, and receive such evidence as

1 the Commission considers advisable to carry out this  
2 section.

3 (2) INFORMATION FROM FEDERAL AGENCIES.—

4 (A) IN GENERAL.—The Commission may  
5 secure directly from a Federal department or  
6 agency such information as the Commission  
7 considers necessary to carry out this section.

8 (B) PROVISION OF INFORMATION.—On re-  
9 quest of the Chairperson of the Commission,  
10 the head of the department or agency shall pro-  
11 vide the information to the Commission.

12 (3) POSTAL SERVICES.—The Commission may  
13 use the United States mails in the same manner and  
14 under the same conditions as other departments and  
15 agencies of the Federal Government.

16 (e) COMMISSION PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—

18 (A) NON-FEDERAL EMPLOYEES.—A mem-  
19 ber of the Commission who is not an officer or  
20 employee of the Federal Government shall be  
21 compensated at a rate equal to the daily equiva-  
22 lent of the annual rate of basic pay prescribed  
23 for level IV of the Executive Schedule under  
24 section 5315 of title 5, United States Code, for  
25 each day (including travel time) during which

1 the member is engaged in the performance of  
2 the duties of the Commission.

3 (B) FEDERAL EMPLOYEES.—A member of  
4 the Commission who is an officer or employee  
5 of the Federal Government shall serve without  
6 compensation in addition to the compensation  
7 received for the services of the member as an  
8 officer or employee of the Federal Government.

9 (2) TRAVEL EXPENSES.—A member of the  
10 Commission shall be allowed travel expenses, includ-  
11 ing per diem in lieu of subsistence, at rates author-  
12 ized for an employee of an agency under subchapter  
13 I of chapter 57 of title 5, United States Code, while  
14 away from the home or regular place of business of  
15 the member in the performance of the duties of the  
16 Commission.

17 (3) STAFF.—

18 (A) IN GENERAL.—The Chairperson of the  
19 Commission may, without regard to the civil  
20 service laws (including regulations), appoint  
21 and terminate an executive director and such  
22 other additional personnel as are necessary to  
23 enable the Commission to perform the duties of  
24 the Commission.

1 (B) CONFIRMATION OF EXECUTIVE DIREC-  
2 TOR.—The employment of an executive director  
3 shall be subject to confirmation by the Commis-  
4 sion.

5 (C) COMPENSATION.—

6 (i) IN GENERAL.—Except as provided  
7 in clause (ii), the Chairperson of the Com-  
8 mission may fix the compensation of the  
9 executive director and other personnel  
10 without regard to the provisions of chapter  
11 51 and subchapter III of chapter 53 of  
12 title 5, United States Code, relating to  
13 classification of positions and General  
14 Schedule pay rates.

15 (ii) COMPENSATION.—The rate of pay  
16 for the executive director and other per-  
17 sonnel shall be an appropriate amount  
18 commensurate with experience, but may  
19 not exceed the rate payable for level V of  
20 the Executive Schedule under section 5316  
21 of title 5, United States Code.

22 (4) DETAIL OF FEDERAL GOVERNMENT EM-  
23 PLOYEES.—

1 (A) IN GENERAL.—An employee of the  
 2 Federal Government may be detailed to the  
 3 Commission without reimbursement.

4 (B) CIVIL SERVICE STATUS.—The detail of  
 5 the employee shall be without interruption or  
 6 loss of civil service status or privilege.

7 (5) PROCUREMENT OF TEMPORARY AND INTER-  
 8 MITTENT SERVICES.—The Chairperson of the Com-  
 9 mission may procure temporary and intermittent  
 10 services in accordance with section 3109(b) of title  
 11 5, United States Code, at rates for individuals that  
 12 do not exceed the daily equivalent of the annual rate  
 13 of basic pay prescribed for level V of the Executive  
 14 Schedule under section 5316 of that title.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 16 authorized to be appropriated to carry out this section  
 17 \$5,000,000 for each of fiscal years 2005 through 2007,  
 18 to remain available until expended.

19 (g) TERMINATION OF COMMISSION.—The Commis-  
 20 sion shall terminate—

21 (1) on the date on which the Commission sub-  
 22 mits to Congress the report under subsection (c); or

23 (2) if the Commission fails to submit the report  
 24 under subsection (c) by the date specified in that  
 25 subsection, on the date that is 60 days after the

1 date on which the report is due under that sub-  
2 section.

3 **SEC. 1006. IMPROVEMENT OF WATER MANAGEMENT AT**  
4 **CORPS OF ENGINEERS RESERVOIRS.**

5 (a) IN GENERAL.—As part of the operation and  
6 maintenance, by the Corps of Engineers, of reservoirs in  
7 existence as of the date of enactment of this Act, the Sec-  
8 retary shall carry out measures to more effectively and  
9 efficiently meet the water resource needs of areas affected  
10 by the reservoirs.

11 (b) COOPERATION.—The Secretary shall carry out  
12 the measures in cooperation and coordination with States,  
13 tribal governments, and local governments.

14 (c) MEASURES.—In carrying out this section, the  
15 Secretary may—

16 (1) conduct studies to identify unused or addi-  
17 tional water storage capacity at reservoirs;

18 (2) review operational plans and implement  
19 changes to improve water storage capacity and deliv-  
20 ery to users;

21 (3) improve data collection systems and forecast  
22 models that enhance storage and delivery; and

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

25 (d) REVENUES.—

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

9           (2) AVAILABILITY.—

10           (A) DISTRICT FROM WHICH REVENUE IS  
11           RECEIVED.—

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

21                   (ii) SOURCE OF PAYMENTS.—With re-  
22                   spect to each activity described in clause  
23                   (i), costs of planning, operation, mainte-  
24                   nance, replacements, and upgrades of fa-  
25                   cilities of the Corps of Engineers for the

1 project shall be paid from available reve-  
2 nues received from the project.

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

10 (3) COSTS OF WATER SUPPLY STORAGE.—In  
11 the case of a reservoir operated or maintained by the  
12 Corps of Engineers on the date of enactment of this  
13 Act, the storage charge for a future contract or con-  
14 tract renewal for water supply storage at the res-  
15 ervoir shall not exceed the net change in receipts or  
16 outlays to the Treasury due to the reallocation of  
17 storage.

18 (e) HYDROELECTRIC MAINTENANCE FEES.—Power  
19 marketing administrators (other than the administrator of  
20 the Bonneville Power Administration) receiving electricity  
21 from projects operated by the Corps of Engineers shall  
22 pay 0.22 cents per kilowatt-hour as reimbursement for the  
23 operation and maintenance expense associated with the  
24 project during the period of fiscal years 2005 through  
25 2010.

1 (f) STUDY.—On September 1, 2009, the Secretary  
2 shall submit to the Committee on Environment and Public  
3 Works of the Senate and the Committee on Transpor-  
4 tation and Infrastructure of the House of Representatives  
5 a report that—

6 (1) details the estimated cost of operation and  
7 maintenance associated with hydroelectric facilities;  
8 and

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

11 **SEC. 1007. FISCAL TRANSPARENCY REPORT.**

12 (a) IN GENERAL.—On the third Tuesday of January  
13 of each year beginning January 18, 2005, the Chief of  
14 Engineers shall submit to the Committee of Environment  
15 and Public Works of the Senate and the Transportation  
16 and Infrastructure Committee of the House of Represent-  
17 atives a report on the expenditures for the preceding fiscal  
18 year and estimated expenditures for the current fiscal  
19 year.

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

23 (1) With respect to general construction, infor-  
24 mation on—

1 (A) projects currently under construction,  
2 including—

3 (i) allocations to date;

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

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

9 (iv) a list of projects the Corps of En-  
10 gineers expects to complete during the cur-  
11 rent fiscal year; and

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

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

17 (ii) estimated annual Federal cost to  
18 maintain that construction schedule.

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

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

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

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

6 (A) the number of active studies;

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

9 (C) the number of initiated studies; and

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

12 (4) Funding received and estimates of funds to  
13 be received for interagency and international support  
14 activities under section 318(a) of the Water Re-  
15 sources Development Act of 1990 (33 U.S.C.  
16 2323(a)).

17 (5) Recreation fees and lease payments.

18 (6) Hydropower and water supply fees.

19 (7) Deposits into the Inland Waterway Trust  
20 Fund and the Harbor Maintenance Trust Fund.

21 (8) Other revenues and fees collected.

22 (9) With respect to permit applications and no-  
23 tifications, a list of individual permit applications  
24 and nationwide permit notifications, including—

1 (A) the date on which each permit applica-  
 2 tion is filed;

3 (B) the date on which each permit applica-  
 4 tion is determined to be complete; and

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

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

11 (A) the authorization date;

12 (B) the last allocation date;

13 (C) the percentage of construction com-  
 14 pleted;

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

17 (E) a brief explanation of the reasons for  
 18 the delay.

19 **SEC. 1008. PLANNING.**

20 (a) MATTERS TO BE ADDRESSED IN PLANNING.—

21 Section 904 of the Water Resources Development Act of  
 22 1986 (33 U.S.C. 2281) is amended by adding at the end  
 23 the following: “The Secretary shall also assess whether the  
 24 water resources project and each project increment is cost-  
 25 effective and whether the water resource project complies

1 with local, State, and national laws, regulations, and pub-  
2 lic policies.”.

3 (b) FEASIBILITY REPORTS.—Section 905 of the  
4 Water Resources Development Act of 1986 (33 U.S.C.  
5 2282) is amended—

6 (1) in subsection (a), by inserting before “This  
7 subsection shall not apply” the following: “The Sec-  
8 retary shall, in collaboration with the Water Re-  
9 sources Planning Council, revise the planning guide-  
10 lines, regulation, and circulars of the Corps of Engi-  
11 neers not later than 18 months after the date of en-  
12 actment of the Water Resources Development Act of  
13 2004 and once every 5 years thereafter to improve  
14 the analysis of water resources projects, including  
15 the integration of new and existing analytical tech-  
16 niques that properly reflect the probability of project  
17 benefits and costs.”; and

18 (2) by striking subsection (c) and inserting the  
19 following:

20 “(c) COST-BENEFIT ANALYSIS.—A feasibility study  
21 shall include an analysis of the benefits and costs, both  
22 quantified and unquantified, which analysis shall—

23 “(1) identify areas of risk and uncertainty in  
24 the analysis;

1           “(2) clearly describe the degree of reliability of  
2           the estimated benefits and costs of the effectiveness  
3           of alternative plans, including an assessment of the  
4           credibility of the project construction schedule as the  
5           schedule affects the estimated benefits and costs;

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

8           “(4) identify environmental costs and benefits,  
9           including the costs and benefits of protecting or de-  
10          grading natural systems;

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

14          “(6) identify cultural and historical costs and  
15          benefits;

16          “(7) exclude from the estimate of benefits and  
17          costs any increase in direct Federal payments or  
18          subsidies;

19          “(8) exclude as a benefit—

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

22                 “(B) any project benefit attributable to  
23                 any change in, or intensification of, land use  
24                 arising from the draining, reduction, or elimi-  
25                 nation of wetlands; and

1           “(9) apply a discount rate consistent with that  
2       used by other Federal agencies for water resource  
3       projects.”.

4       (c) DURATION.—Section 905 of the Water Resources  
5       Development Act of 1986 (33 U.S.C. 2282) is amended  
6       by adding at the end the following:

7           “(f) DURATION.—The duration of a feasibility study  
8       shall normally be not more than 2 years, but in no case  
9       may be longer than 3 years.”.

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

11       (a) ESTABLISHMENT.—

12           (1) IN GENERAL.—The Secretary shall establish  
13       within the civil works function of the Department of  
14       the Army a Water Resources Planning Council (re-  
15       ferred to in this section as the “Council”) to inte-  
16       grate planning policies that guide the use of econom-  
17       ics, environmental, engineering, scientific, and tech-  
18       nical information to support the recommendations of  
19       the Chief of Engineers for implementation of water  
20       resources projects including peer review of such in-  
21       formation.

22           (2) ADVISORY ROLE.—The Council shall advise  
23       the Chief of Engineers in addressing concerns that  
24       may arise regarding the integration of policy and  
25       science in decisionmaking.

1           (3) MEMBERSHIP.—The Council shall be com-  
2       prised of representatives of the following:

3                   (A) Non-Federal interests from various  
4       water resource project purposes.

5                   (B) States resource agencies.

6                   (C) The Department of Interior.

7                   (D) The Department of Agriculture.

8                   (E) The Council on Environmental Qual-  
9       ity.

10       (b) DUTIES.—The Council shall have the following  
11   duties:

12                   (1) Providing technical and managerial assist-  
13   ance to district engineers for project planning, devel-  
14   opment, and implementation.

15                   (2) Providing independent peer reviews of new  
16   major scientific, engineering, or economic methods,  
17   models or analyses that will be used to support deci-  
18   sions of the Secretary with respect to feasibility  
19   studies.

20                   (3) Performing such other duties as prescribed  
21   by the Secretary.

22       (c) WATER RESOURCES PLANNING PROCESS IM-  
23   PROVEMENTS.—The Council shall—

24                   (1) identify, review, and certify all critical  
25   methods, models and procedures used in the Corps

1 of Engineers planning process to formulate and  
2 evaluate water resources projects;

3 (2) identify other existing or new methods,  
4 models, or procedures that may enhance the water  
5 resources planning process;

6 (3) establish a systematic process and define  
7 criteria for evaluating and validating the effective-  
8 ness and efficiency of all methods, models, and pro-  
9 cedures;

10 (4) develop and maintain a set of approved  
11 methods, models, and procedures to be applied to  
12 the water resources planning process across the  
13 Corps of Engineers;

14 (5) develop and maintain effective systems for  
15 technology transfer and support to provide state of  
16 the art skills and knowledge to the workforce;

17 (6) identify the discrete elements of studies and  
18 establish milestones for the resources required to im-  
19 plement elements to improve the timeliness and ef-  
20 fectiveness of the water resources planning process;

21 (7) develop and maintain procedures for risk  
22 analysis for estimating projects costs to ensure accu-  
23 rate cost forecasting and minimize cost overruns;  
24 and

1           (8) assist the Corps of Engineers in carrying  
2       out the improvements.

3       (d) REPORTS TO CONGRESS.—The Council shall sub-  
4       mit to Congress—

5           (1) not later than 2 years after the date of en-  
6       actment of this Act, a report that includes—

7           (A) the set of approved methods, models,  
8           and procedures to be applied to the water re-  
9           sources planning process across the Corps of  
10          Engineers; and

11          (B) the milestones developed to measure  
12          the timeliness and effectiveness of the water re-  
13          sources planning process; and

14          (2) every 5 years thereafter, a report that de-  
15       scribes—

16           (A) the effectiveness of the water resources  
17           planning process in comparison to the estab-  
18           lished milestones;

19           (B) any independently peer reviewed  
20           changes to the methods, models, and procedures  
21           used; and

22           (C) a discussion of any planned changes to  
23           the established milestones, including reasons  
24           the changes are necessary.

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

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

7 **SEC. 1010. INDEPENDENT REVIEWS.**

8 (a) PEER REVIEW.—Prior to the submission of a  
9 project study or report required to be submitted to Con-  
10 gress for authorization, the Inspector General of the Army  
11 shall convene an independent peer review panel (referred  
12 to in this section as a “panel”) that is sufficiently broad  
13 and diverse to fairly represent the relevant scientific per-  
14 spectives and fields of knowledge.

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—A panel shall be composed  
17 of not less than 3 nor more than 7 independent peer  
18 reviewers.

19 (2) PEER REVIEWERS.—Independent peer re-  
20 viewers shall neither be employed by the Corps of  
21 Engineers nor have participated in development of  
22 the work product under review. Independent peer re-  
23 viewers shall be selected on the basis of necessary  
24 technical or scientific expertise, including education  
25 and relevant experience, peer recognition, and con-

1       tributions to the profession. In addition, each inde-  
2       pendent peer reviewer shall have significant experi-  
3       ence in the geographic area or in the type of ecologic  
4       conditions in the area being reviewed. The Inspector  
5       General of the Army shall not appoint an individual  
6       to serve on a panel established under this section for  
7       a project if the individual has a financial interest in  
8       or close professional association with any entity with  
9       a financial interest in the project. The Inspector  
10      General of the Army shall consult with the Institute  
11      for Water Resources, National Academy of Sciences,  
12      American Society of Civil Engineers, and other ap-  
13      propriate academic, scientific, and engineering orga-  
14      nizations in developing a list of candidates to serve  
15      on panels established under this section.

16      (c) DUTIES.—A panel established for a water re-  
17      sources project under this section shall—

18           (1) review a project study or report required to  
19      be submitted to Congress for authorization for the  
20      project;

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

1           (A) appropriate and applicable economic  
2           and scientific methods of analysis have been  
3           used; and

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

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

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

15       (d) SUPPORT FROM SECRETARY.—The Secretary  
16       shall provide each panel with sufficient information (in-  
17       cluding background information about studies or models  
18       and public written and oral comments concerning the  
19       project) to enable the panel to understand the data, ana-  
20       lytic procedures, and assumptions used to support the  
21       findings or conclusions of the draft assessment. The Sec-  
22       retary shall provide the panel with any other information  
23       requested by the panel.

24       (e) PUBLIC PARTICIPATION.—The Secretary shall  
25       provide written and oral comments received from the pub-

1 lie concerning a project to the panel established for the  
2 project under this section.

3 (f) REPORT.—Each panel shall prepare a report  
4 that—

5 (1) describes the nature of each independent  
6 peer review conducted, including findings and con-  
7 clusions of the panel, with respect to the study or re-  
8 port requiring congressional authorization to pro-  
9 ceed; and

10 (2) discloses the names, organizational affili-  
11 ations, and a short paragraph on the credentials and  
12 relevant experiences of each independent peer re-  
13 viewer.

14 (g) RESPONSE OF SECRETARY TO REPORT.—

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

23 (2) RESPONSE.—The Secretary shall prepare a  
24 written response to each report under subsection (f)  
25 explaining—

1 (A) the agreement or disagreement of the  
2 Secretary with that report;

3 (B) any changes made to a project study  
4 or report required to be submitted to Congress  
5 for authorization in response to that report;  
6 and

7 (C) if applicable, the reasons the Secretary  
8 believes those actions satisfy any key concerns  
9 or recommendations in that report.

10 (3) DISSEMINATION.—The Secretary shall dis-  
11 seminate each final independent peer review report  
12 and the written statement of response of the Sec-  
13 retary on the Corps of Engineers website, and all  
14 the materials relating to the independent peer review  
15 shall be included with the submission of the report  
16 of the Chief of Engineers to Congress for the study  
17 or report requiring congressional authorization.

18 (h) DEADLINE FOR REPORTS.—

19 (1) IN GENERAL.—A panel shall complete its  
20 independent peer review for a project study or report  
21 requiring congressional authorization, and submit  
22 the initial report under subsection (f) to the Sec-  
23 retary, not later than 180 days after the date on  
24 which the panel received the draft project study or  
25 report required to be submitted to Congress for au-

1       thorization, but the Inspector General of the Army  
2       may grant a 30-day extension of that deadline for a  
3       panel.

4           (2) REVIEW NOT COMPLETED.—If a panel does  
5       not complete its independent peer review of a project  
6       study or report requiring congressional authorization  
7       and submit the report under subsection (f) to the  
8       Inspector General of the Army on or before the  
9       deadline established by paragraph (1) for that re-  
10      port, the Secretary may submit the project study or  
11      report required to be submitted to Congress for au-  
12      thorization that is the subject of the independent  
13      peer review by the panel to Congress as scheduled.

14      (i) APPLICABILITY OF FEDERAL ADVISORY COM-  
15      MITTEE ACT.—The Federal Advisory Committee Act (5  
16      U.S.C. App.) shall not apply to any panel established by  
17      the Secretary under this section.

18      (j) EFFECT OF SECTION.—Nothing in this section af-  
19      fects any authority of the Secretary to cause or conduct  
20      an independent peer review of the engineering, science, or  
21      technical basis for any water resource project in existence  
22      on the date of enactment of this Act.

1 **SEC. 1011. FISH AND WILDLIFE MITIGATION.**

2 (a) FULL MITIGATION.—Section 906(d) of the Water  
3 Resources Development Act of 1986 (33 U.S.C. 2283(d))  
4 is amended—

5 (1) in the first sentence of paragraph (1)—

6 (A) by inserting “select in any final envi-  
7 ronmental impact statement, record of decision,  
8 or any general reauthorization report or” before  
9 “submit any proposal”; and

10 (B) by inserting “, environmental impact  
11 statement, record of decision, or general reau-  
12 thorization report” after “such report”; and

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

14 “(3) STANDARDS FOR MITIGATION.—

15 “(A) IN GENERAL.—To mitigate losses to  
16 fish and wildlife resulting from a water resource  
17 project, the Secretary shall, at a minimum, ac-  
18 quire and restore the same number of acres of  
19 habitat that fully replace the hydrologic and ec-  
20 ological functions and characteristics of each  
21 acre of habitat adversely affected by the  
22 project.

23 “(B) MITIGATION PLAN.—

24 “(i) IN GENERAL.—The specific miti-  
25 gation plan for a water resources project

described in paragraph (1) shall include, at  
a minimum—

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

“(II) specific time-dependent suc-  
cess criteria, prepared in consultation  
with the United States Fish and Wild-  
life Service, by which the mitigation  
will be evaluated and determined to be  
successful;

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

“(IV) a schedule for—

“(aa) monitoring attempted  
mitigation implementation; and

1 “(bb) evaluating the degree  
 2 to which the attempted mitiga-  
 3 tion does or does not meet the  
 4 success criteria established for  
 5 the mitigation plan under sub-  
 6 clause (II) until attempted miti-  
 7 gation meets the success criteria;  
 8 and

9 “(V) taking corrective actions in  
 10 a case in which mitigation efforts are  
 11 not achieving the success criteria.

12 “(ii) COST SHARING.—Monitoring  
 13 under clause (i)(IV)—

14 “(I) shall be cost-shared in ac-  
 15 cordance with the original construc-  
 16 tion project for a maximum of 10  
 17 years; and

18 “(II) shall be 100 percent non-  
 19 Federal after 10 years.

20 “(B) APPLICABLE LAW.—A time period for  
 21 mitigation monitoring or for the implementation  
 22 and monitoring of contingency plan actions  
 23 shall not be subject to the deadlines described  
 24 in subsection (b).

1           “(4) DETERMINATION OF MITIGATION SUC-  
2           CESS.—

3           “(A) IN GENERAL.—Mitigation shall be  
4           considered to be successful at the time at which  
5           monitoring demonstrates that the mitigation  
6           has met the success criteria established in the  
7           mitigation plan under paragraph (3)(B).

8           “(B) REQUIREMENTS FOR SUCCESS.—To  
9           ensure the success of any attempted mitigation,  
10          the Secretary shall—

11           “(i) consult annually with the United  
12          States Fish and Wildlife Service on each  
13          water resource project requiring mitigation  
14          to determine whether mitigation moni-  
15          toring for that project demonstrates that  
16          the project is achieving, or has achieved,  
17          the success criteria established in the miti-  
18          gation plan under paragraph (3); and

19           “(ii) ensure that implementation of  
20          correction actions is initiated under para-  
21          graph (3)(B)(i)(V) beginning not later  
22          than 30 days after a finding by the Sec-  
23          retary, either alone or in consultation with  
24          the United States Fish and Wildlife Serv-  
25          ice, that the original mitigation efforts

1                   likely will not result in, or have not re-  
 2                   sulted in, meeting the success criteria es-  
 3                   tablished in the mitigation plan under  
 4                   paragraph (3)(B).”.

5           (b) CONCURRENT MITIGATION.—Section 906(a) of  
 6 the Water Resources Development Act of 1986 (33 U.S.C.  
 7 2283(a)) is amended—

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

10           “(a) MITIGATION.—

11                   “(1) IN GENERAL.—In the case”;

12                   (2) in paragraph (1) (as designated by para-  
 13                   graph (1)), by striking “interests—” and all that  
 14                   follows through “appropriate,” and inserting the fol-  
 15                   lowing: “interests, whichever the Secretary deter-  
 16                   mines is appropriate, shall be undertaken or ac-  
 17                   quired—

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

20                   “(B) concurrently with the acquisition of  
 21                   land and interests in land for project purposes  
 22                   (other than mitigation of fish and wildlife  
 23                   losses);”;

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

1           “(2) COMMENCEMENT OF CONSTRUCTION.—

2       For the purpose”; and

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

4           “(3) IMPLEMENTATION.—

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

8               “(i) construct 100 percent of required  
9               off-site mitigation before 50 percent of  
10              construction of a project is completed; and

11              “(ii) complete required on-site mitiga-  
12              tion as expeditiously as practicable, but not  
13              later than the last day of construction of  
14              the project or separable element of the  
15              project.

16              “(B) EXCEPTION FOR PHYSICAL IMPRAC-  
17              TICABILITY.—In a case in which the Secretary  
18              determines that it is physically impracticable to  
19              meet the requirements of subparagraph (A), the  
20              Secretary shall reserve or reprogram sufficient  
21              funds to ensure that mitigation implementation  
22              is completed as expeditiously as practicable, but  
23              in no case later than the end of the next fiscal  
24              year immediately following the last day of con-

1 construction of the project or separable element of  
2 the project.

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

7 (c) MITIGATION TRACKING SYSTEM.—

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

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

18 (B) the quantity and type of mitigation re-  
19 quired for the project, project operation or per-  
20 mitted activity;

21 (C) the quantity and type of mitigation  
22 that has been completed for the project, project  
23 operation or permitted activity; and

1 (D) the status of monitoring for the miti-  
 2 gation carried out for the project, project oper-  
 3 ation or permitted activity.

4 (2) REQUIRED INFORMATION AND ORGANIZA-  
 5 TION.—The recordkeeping system shall—

6 (A) include information on impacts and  
 7 mitigation described in paragraphs (3) and (4)  
 8 of section 906(d) of the Water Resources Devel-  
 9 opment Act of 1986 (33 U.S.C. 2283(d)) (as  
 10 added by subsection (a)) that occur after De-  
 11 cember 31, 1986; and

12 (B) be organized by watershed, project,  
 13 permit application, and zip code.

14 (3) AVAILABILITY OF INFORMATION.—The Sec-  
 15 retary shall make information contained in the rec-  
 16 ordkeeping system available to the public on the  
 17 Internet.

18 **SEC. 1012. AGREEMENTS FOR WATER RESOURCE**  
 19 **PROJECTS.**

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

23 (1) in subsection (a)—

24 (A) by striking “After the date of enact-  
 25 ment” and inserting the following:

1 “(1) IN GENERAL.—After the date of enact-  
2 ment”;

3 (B) by striking “under the provisions” and  
4 all that follows through “under any other” and  
5 inserting “under any”;

6 (C) by inserting “partnership” after “writ-  
7 ten”;

8 (D) by striking “Secretary of the Army to  
9 furnish its required cooperation for” and insert-  
10 ing “district engineer for the district in which  
11 the project will be carried out under which each  
12 party agrees to carry out its responsibilities and  
13 requirements for implementation or construc-  
14 tion of”;

15 (E) by inserting after “\$25,000.” the fol-  
16 lowing:

17 “(2) LIQUIDATED DAMAGES.—An agreement  
18 described in paragraph (1) may include a provision  
19 for liquidated damages in the event of a failure of  
20 1 or more parties to perform.”; and

21 (F) by striking “In any such agreement”  
22 and inserting the following:

23 “(3) OBLIGATION OF FUTURE APPROPRIA-  
24 TIONS.—In any agreement described in paragraph  
25 (1)”;

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

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

5       “(e) PUBLIC HEALTH AND SAFETY.—If the Sec-  
6       retary determines that a project needs to be continued for  
7       the purpose of public health and safety—

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

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

18      “(f) LIMITATION.—Nothing in subsection (a) limits  
19      the authority of the Secretary to ensure that a partnership  
20      agreement meets the requirements of law and policies of  
21      the Secretary in effect on the date of execution of the part-  
22      nership agreement.”.

23      (b) LOCAL COOPERATION.—Section 912(b) of the  
24      Water Resources Development Act of 1986 (100 Stat.  
25      4190) is amended—

1 (1) in paragraph (2)—

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

4 (B) by striking the second sentence; and

5 (2) in paragraph (4)—

6 (A) in the first sentence—

7 (i) by striking “injunction, for” and  
8 inserting the following: “injunction and  
9 payment of liquidated damages, for”; and

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

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

15 (c) APPLICABILITY.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), the amendments made by subsections (a)  
18 and (b) apply only to partnership agreements en-  
19 tered into after the date of enactment of this Act.

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

1 (A) at the request of a non-Federal inter-  
 2 est for a project; and

3 (B) if construction on the project has not  
 4 been initiated as of the date of enactment of  
 5 this Act.

6 (d) REFERENCES.—

7 (1) COOPERATION AGREEMENTS.—Any ref-  
 8 erence in a law, regulation, document, or other  
 9 paper of the United States to a cooperation agree-  
 10 ment or project cooperation agreement shall be con-  
 11 sidered to be a reference to a partnership agreement  
 12 or a project partnership agreement, respectively.

13 (2) PARTNERSHIP AGREEMENTS.—Any ref-  
 14 erence to a partnership agreement or project part-  
 15 nership agreement in this Act (other than in this  
 16 section) shall be considered to be a reference to a co-  
 17 operation agreement or a project cooperation agree-  
 18 ment, respectively.

19 **SEC. 1013. STATE TECHNICAL ASSISTANCE.**

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

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

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

25 **“(a) FEDERAL STATE COOPERATION.—**

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

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

5           “(2) TECHNICAL ASSISTANCE.—

6           “(A) IN GENERAL.—At the request of a  
7   governmental agency or non-Federal interest,  
8   the Secretary may provide, at Federal expense,  
9   technical assistance to the agency or non-Fed-  
10   eral interest in managing water resources.

11          “(B) TYPES OF ASSISTANCE.—Technical  
12   assistance under this paragraph may include  
13   provision and integration of hydrologic, eco-  
14   nomic, and environmental data and analyses.”;

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

18          (4) in subsection (c)—

19           (A) by striking “(c) There is” and insert-  
20   ing the following:

21          “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

24           (B) in paragraph (1) (as designated by  
25   subparagraph (A)), by striking “the provisions

1 of this section except that not more than  
 2 \$500,000 shall be expended in any one year in  
 3 any one State.” and inserting “subsection  
 4 (a)(1).”; and

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

6 “(2) TECHNICAL ASSISTANCE.—There is au-  
 7 thorized to be appropriated to carry out subsection  
 8 (a)(2) \$10,000,000 for each fiscal year, of which not  
 9 more than \$2,000,000 for each fiscal year may be  
 10 used by the Secretary to enter into cooperative  
 11 agreements with nonprofit organizations and State  
 12 agencies to provide assistance to rural and small  
 13 communities.”; and

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

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

20 **SEC. 1014. ACCESS TO WATER RESOURCE DATA.**

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

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

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

7 (2) appropriately employ geographic informa-  
 8 tion system technology and linkages to water re-  
 9 source models and analytical techniques.

10 (c) PARTNERSHIPS.—To the maximum extent prac-  
 11 ticable, in carrying out activities under this section, the  
 12 Secretary shall develop partnerships, including cooperative  
 13 agreements with State, tribal, and local governments and  
 14 other Federal agencies.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 16 authorized to be appropriated to carry out this section  
 17 \$5,000,000 for each fiscal year.

## 18 **TITLE II—NAVIGATION**

### 19 **Subtitle A—Inland Waterways**

#### 20 **CHAPTER 1—STUDIES**

##### 21 **SEC. 2001. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-** 22 **TION CHANNEL.**

23 (a) IN GENERAL.—To determine with improved accu-  
 24 racy the environmental impacts of the project on the  
 25 McClellan-Kerr Arkansas River Navigation Channel (re-

ferred to in this section as the “MKARN”), the Secretary shall carry out the measures described in subsections (b) and (c) in a timely manner.

(b) NATIONAL ENVIRONMENTAL POLICY ACT ANALYSIS.—In carrying out the responsibility of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this section, the Secretary shall include consideration of—

(1) the environmental impacts associated with transporting an equivalent quantity of goods on Federal, State, and county roads and such other alternative modes of transportation and alternative destinations as are estimated to be transported on the MKARN;

(2) the impacts associated with air quality;

(3) other human health and safety information (including premature deaths averted); and

(4) the environmental and economic costs associated with the dredging of any site on the MKARN, to the extent that the site would be dredged if the MKARN were authorized to a 9-foot depth.

(c) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in

wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

## **CHAPTER 2—PROJECTS**

### **Subchapter A—Authorizations**

#### **SEC. 2101. DEEP CREEK, CHESAPEAKE, VIRGINIA.**

The Secretary may carry out the project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep

1 Creek, Chesapeake, Virginia, as described in the report of  
 2 the Chief of Engineers dated March 3, 2003, at a total  
 3 cost of \$32,048,000.

#### 4 **Subchapter B—Project Modifications**

##### 5 **SEC. 2111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.**

6 (a) IN GENERAL.—The Secretary shall construct a  
 7 new project management office located in the city of Tus-  
 8 caloosa, Alabama, at a location within the vicinity of the  
 9 city, at full Federal expense.

10 (b) TRANSFER OF LAND AND STRUCTURES.—The  
 11 Secretary shall sell, convey, or otherwise transfer to the  
 12 city of Tuscaloosa, Alabama, at fair market value, the land  
 13 and structures associated with the existing project man-  
 14 agement office, if the city agrees to assume full responsi-  
 15 bility for demolition of the existing project management  
 16 office.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 18 authorized to be appropriated to carry out subsection (a)  
 19 \$32,000,000.

##### 20 **SEC. 2112. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

21 (a) REPORT.—The project for navigation, Larkspur  
 22 Ferry Channel, Larkspur, California, authorized by sec-  
 23 tion 601(d) of the Water Resources Development Act of  
 24 1986 (100 Stat. 4148), is modified to direct the Secretary

1 to prepare a limited reevaluation report to determine  
 2 whether maintenance of the project is feasible.

3 (b) AUTHORIZATION OF PROJECT.—If the Secretary  
 4 determines that maintenance of the project is feasible, the  
 5 Secretary shall carry out the maintenance.

6 **SEC. 2113. REDWOOD CITY NAVIGATION PROJECT, CALI-**  
 7 **FORNIA.**

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

11 **SEC. 2114. ST. GEORGE'S BRIDGE, DELAWARE.**

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

22 **SEC. 2115. CHICAGO RIVER, ILLINOIS.**

23 The Federal navigation channel for the North Branch  
 24 Channel portion of the Chicago River authorized by sec-  
 25 tion 22 of the Act of March 3, 1899 (30 Stat. 1156, chap-

1 ter 425), extending from 100 feet downstream of the Hal-  
2 sted Street Bridge to 100 feet upstream of the Division  
3 Street Bridge, Chicago, Illinois, is redefined to be no wider  
4 than 66 feet.

5 **SEC. 2116. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**  
6 **LOUISIANA.**

7 The project for mitigation of fish and wildlife losses,  
8 Red River Waterway, Louisiana, authorized by section  
9 601(a) of the Water Resources Development Act of 1986  
10 (100 Stat. 4142) and modified by section 4(h) of the  
11 Water Resources Development Act of 1988 (102 Stat.  
12 4016), section 102(p) of the Water Resources Develop-  
13 ment Act of 1990 (104 Stat. 4613), section 301(b)(7) of  
14 the Water Resources Development Act of 1996 (110 Stat.  
15 3710), and section 316 of the Water Resources Develop-  
16 ment Act of 2000 (114 Stat. 2604), is further modified—

17 (1) to permit the purchase of marginal farm-  
18 land for reforestation (in addition to the purchase of  
19 bottomland hardwood); and

20 (2) to incorporate wildlife and forestry manage-  
21 ment practices to improve species diversity on miti-  
22 gation land that meets habitat goals and objectives  
23 of the Corps of Engineers and the State of Lou-  
24 isiana.

1 **SEC. 2117. FALL RIVER HARBOR, MASSACHUSETTS AND**  
2 **RHODE ISLAND.**

3 (a) IN GENERAL.—Notwithstanding section  
4 1001(b)(2) of the Water Resources Development Act of  
5 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,  
6 Fall River Harbor, Massachusetts and Rhode Island, au-  
7 thorized by section 101 of the River and Harbor Act of  
8 1968 (82 Stat. 731), shall remain authorized to be carried  
9 out by the Secretary, except that the authorized depth of  
10 that portion of the project extending riverward of the  
11 Charles M. Braga, Jr. Memorial Bridge, Fall River and  
12 Somerset, Massachusetts, shall not exceed 35 feet.

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

21 (c) LIMITATION.—The project described in subsection  
22 (a) shall not be authorized for construction after the last  
23 day of the 5-year period beginning on the date of enact-  
24 ment of this Act unless, during that period, funds have  
25 been obligated for construction (including planning and  
26 design) of the project.

1 **SEC. 2118. COOPER RIVER BRIDGE DEMOLITION, CHARLES-**  
2 **TON, SOUTH CAROLINA.**

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

6 (1) the demolition and removal of the Grace  
7 and Pearman Bridges over the Cooper River, South  
8 Carolina; and

9 (2) using the remnants from that demolition  
10 and removal, the development of an aquatic reef off  
11 the shore of South Carolina.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$39,000,000.

15 **SEC. 2119. PLANT REPLACEMENT AND IMPROVEMENT PRO-**  
16 **GRAM, CORPS OF ENGINEERS CHARLESTON**  
17 **DISTRICT EQUIPMENT AND STORAGE YARD,**  
18 **SOUTH CAROLINA.**

19 (a) IN GENERAL.—The Secretary may convey or  
20 transfer, as part of the Plant Replacement and Improve-  
21 ment Program, in a direct conveyance or a land exchange  
22 for any suitable property or facilities, the property of the  
23 Corps of Engineers known as the “Equipment and Stor-  
24 age Yard”, located on Meeting Street in Charleston, South  
25 Carolina, in as-is condition for fair market value.

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

3 (1) accept a partial donation of land if the fair  
 4 market value of the land offered for exchange by the  
 5 Division Engineer, South Atlantic Division, is equal  
 6 to or exceeds the fair market value of the land to  
 7 be transferred by the Secretary under subsection (a);  
 8 and

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

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

21 **SEC. 2120. OLD HICKORY LOCK AND DAM, CUMBERLAND**  
 22 **RIVER, TENNESSEE.**

23 (a) RELEASE OF RETAINED RIGHTS, INTERESTS,  
 24 RESERVATIONS.—With respect to land conveyed by the  
 25 Secretary to the Tennessee Society of Crippled Children

1 and Adults, Incorporated (commonly known as “Easter  
2 Seals Tennessee”) at Old Hickory Lock and Dam, Cum-  
3 berland River, Tennessee, under section 211 of the Flood  
4 Control Act of 1965 (79 Stat. 1087), the reversionary in-  
5 terests and the use restrictions relating to recreation and  
6 camping purposes are extinguished.

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

13 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this  
14 section affects any remaining right or interest of the Corps  
15 of Engineers with respect to an authorized purpose of any  
16 project.

17 **SEC. 2121. MCNARY LOCK AND DAM, MCNARY NATIONAL**  
18 **WILDLIFE REFUGE, WASHINGTON AND**  
19 **IDAHO.**

20 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
21 TION.—Administrative jurisdiction over the land acquired  
22 for the McNary Lock and Dam Project and managed by  
23 the United States Fish and Wildlife Service under Cooper-  
24 ative Agreement Number DACW68-4-00-13 with the

1 Corps of Engineers, Walla Walla District, is transferred  
2 from the Secretary to the Secretary of the Interior.

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

7 (c) RIGHTS OF SECRETARY.—

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

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

15 (A) to flood land described in subsection  
16 (a) to the standard project flood elevation;

17 (B) to manipulate the level of the McNary  
18 Project Pool;

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

23 (D) to construct and develop wetland, ri-  
24 parian habitat, or other environmental restora-  
25 tion features authorized under section 1135 of

1 the Water Resources Development Act of 1986  
2 (33 U.S.C. 2309a) and section 206 of the  
3 Water Resources Development Act of 1996 (33  
4 U.S.C. 2330);

5 (E) to dredge and deposit fill materials;  
6 and

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

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

18 (d) MANAGEMENT.—

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

23 (2) CUMMINS PROPERTY.—

24 (A) RETENTION OF CREDITS.—Habitat  
25 unit credits described in the memorandum enti-

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

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

20                 (3) MADAME DORIAN RECREATION AREA.—The  
 21           United States Fish and Wildlife Service shall con-  
 22           tinue operation of the Madame Dorian Recreation  
 23           Area for public use and boater access.

24                 (e) ADMINISTRATIVE COSTS.—The United States  
 25           Fish and Wildlife Service shall be responsible for all sur-

vey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

**SEC. 2122. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.**

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

**SEC. 2123. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.**

Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking “\$229,581,000” and inserting “\$358,000,000”.

**SEC. 2124. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.**

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term “Plan” means the preferred integrated plan contained in the document entitled “Integrated Feasibility Report and Pro-

1 grammatic Environmental Impact Statement for the  
 2 UMR–IWW System Navigation Feasibility System”  
 3 and dated April 29, 2004.

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

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

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

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

20 (1) SMALL SCALE AND NONSTRUCTURAL MEAS-  
 21 URES.—At a cost of \$24,000,000 in funds from the  
 22 general fund of the Treasury, to be matched in an  
 23 equal amount from the Inland Waterways Trust  
 24 Fund (which is paid by private users), the Secretary  
 25 shall—

1 (A) construct mooring facilities at Locks  
2 12, 14, 18, 20, 22, 24, and LaGrange Lock;

3 (B) provide switchboats at Locks 20  
4 through 25 over 5 years for project operation;  
5 and

6 (C) conduct development and testing of an  
7 appointment scheduling system.

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

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

23 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

24 (1) OPERATION.—To ensure the environmental  
25 sustainability of the existing Upper Mississippi River

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

9 (2) ECOSYSTEM RESTORATION PROJECTS.—

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

18 (B) PROJECTS INCLUDED.—Ecosystem  
19 restoration projects may include—

- 20 (i) island building;
- 21 (ii) construction of fish passages;
- 22 (iii) floodplain restoration;
- 23 (iv) water level management (includ-  
24 ing water drawdown);
- 25 (v) backwater restoration;

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

14 (C) COST SHARING.—

15 (i) IN GENERAL.—Except as provided  
 16 in clause (ii), the Federal share of the cost  
 17 of carrying out an ecosystem restoration  
 18 project under this paragraph shall be 65  
 19 percent.

20 (ii) EXCEPTION FOR CERTAIN RES-  
 21 TINATION PROJECTS.—In the case of a  
 22 project under this subparagraph for eco-  
 23 system restoration, the Federal share of  
 24 the cost of carrying out the project shall be  
 25 100 percent if the project—

1 (I) is located below the ordinary  
 2 high water mark or in a connected  
 3 backwater;

4 (II) modifies the operation or  
 5 structures for navigation; or

6 (III) is located on federally  
 7 owned land.

8 (iii) NONGOVERNMENTAL ORGANIZA-  
 9 TIONS.—Nongovernmental organizations  
 10 shall be eligible to contribute to the non-  
 11 Federal cost share applicable to projects  
 12 under this paragraph.

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

17 (i) fee title to the land; or

18 (ii) a flood plain conservation ease-  
 19 ment.

20 (3) ECOSYSTEM RESTORATION PRECONSTRUC-  
 21 TION ENGINEERING AND DESIGN.—

22 (A) RESTORATION DESIGN.—Before initi-  
 23 ating the construction of any individual eco-  
 24 system restoration project, the Secretary  
 25 shall—

1 (i) establish ecosystem restoration  
2 goals and identify specific performance  
3 measures designed to demonstrate eco-  
4 system restoration;

5 (ii) establish the without-project con-  
6 dition or baseline for each performance in-  
7 dicator; and

8 (iii) for each separable element of the  
9 ecosystem restoration, identify specific tar-  
10 get goals for each performance indicator.

11 (B) OUTCOMES.—Performance measures  
12 identified under subparagraph (A)(i) should  
13 comprise specific measurable environmental out-  
14 comes, such as changes in water quality, hy-  
15 drology, or the well-being of indicator species  
16 the population and distribution of which are  
17 representative of the abundance and diversity of  
18 ecosystem-dependent aquatic and terrestrial  
19 species.

20 (C) RESTORATION DESIGN.—Restoration  
21 design carried out as part of ecosystem restora-  
22 tion shall include a monitoring plan for the per-  
23 formance measures identified under subpara-  
24 graph (A)(i), including—

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

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

5 (4) SPECIFIC PROJECTS AUTHORIZATION.—

6 (A) IN GENERAL.—Subject to paragraph  
7 (1), the ecosystem restoration projects described  
8 in paragraph (2) shall be carried out at a total  
9 construction cost of \$1,460,000,000.

10 (B) LIMITATION ON AVAILABLE FUNDS.—

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

15 (5) IMPLEMENTATION REPORTS.—

16 (A) IN GENERAL.—Not later than June  
17 30, 2005, and every 4 years thereafter, the Sec-  
18 retary shall submit to the Committee on Envi-  
19 ronment and Public Works of the Senate and  
20 the Committee on Transportation and Infra-  
21 structure of the House of Representatives an  
22 implementation report that—

23 (i) includes baselines, milestones,  
24 goals, and priorities for ecosystem restora-  
25 tion projects; and

1 (ii) measures the progress in meeting  
2 the goals.

3 (B) ADVISORY PANEL.—

4 (i) IN GENERAL.—The Secretary shall  
5 appoint and convene an advisory panel to  
6 provide independent guidance in the devel-  
7 opment of each implementation report  
8 under subparagraph (A).

9 (ii) PANELISTS.—Panelists shall in-  
10 clude—

11 (I) 1 representative of each of  
12 the State resource agencies (or a des-  
13 ignee of the Governor of the State)  
14 from each of the States of Illinois,  
15 Iowa, Minnesota, Missouri, and Wis-  
16 consin;

17 (II) 1 representative of the De-  
18 partment of Agriculture;

19 (III) 1 representative of the De-  
20 partment of Transportation;

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

23 (V) 1 representative of the  
24 United States Fish and Wildlife Serv-  
25 ice;

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

3 (VII) 1 representative of affected  
 4 landowners;

5 (VIII) 2 representatives of con-  
 6 servation and environmental advocacy  
 7 groups; and

8 (IX) 2 representatives of agri-  
 9 culture and industry advocacy groups.

10 (iii) CO-CHAIRPERSONS.—The Sec-  
 11 retary and the Secretary of the Interior  
 12 shall serve as co-chairpersons of the advi-  
 13 sory panel.

14 (6) RANKING SYSTEM.—

15 (A) IN GENERAL.—The Secretary, in con-  
 16 sultation with the National Academy of  
 17 Sciences, shall develop a system to rank pro-  
 18 posed projects.

19 (B) PRIORITY.—The ranking system shall  
 20 give greater weight to projects that restore nat-  
 21 ural river processes, including those projects  
 22 listed in paragraph (2)(B).

23 (d) COMPARABLE PROGRESS.—

1           (1) IN GENERAL.—As the projects authorized  
 2           under this section move through preengineering, de-  
 3           sign, and construction phases—

4                   (A) appropriate milestones will be selected;  
 5                   and

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

9           (2) NO COMPARABLE RATE.—If the Secretary  
 10           determines under paragraph (1)(B) that projects au-  
 11           thorized under this subsection are not moving to-  
 12           ward completion at a comparable rate, annual fund-  
 13           ing for the projects will be adjusted to ensure that  
 14           the projects move toward completion at a com-  
 15           parable rate in the future.

16       (e) AUTHORIZATION OF APPROPRIATIONS.—Except  
 17       as otherwise provided in this section—

18           (1) there are authorized to be appropriated  
 19           such sums as are necessary to carry out this section  
 20           for each of fiscal years 2006 through 2020; and

21           (2) after fiscal year 2020—

22                   (A) funds that have been made available  
 23                   under this section, but have not been expended,  
 24                   may be expended; and

1 (B) funds that have been authorized to be  
 2 appropriated under this section, but have not  
 3 been made available, may be made available.

4 **SEC. 2125. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**  
 5 **FRONT INTERPRETIVE SITE.**

6 Section 103(c)(2) of the Water Resources Develop-  
 7 ment Act of 1992 (106 Stat. 4811) is amended by striking  
 8 “property currently held by the Resolution Trust Corpora-  
 9 tion in the vicinity of the Mississippi River Bridge” and  
 10 inserting “riverfront property”.

11 **SEC. 2126. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.**

12 (a) IN GENERAL.—In accordance with the project for  
 13 navigation, Mississippi River between the Ohio and Mis-  
 14 souri Rivers (Regulating Works), Missouri and Illinois,  
 15 authorized by the Act of June 25, 1910 (36 Stat. 631,  
 16 chapter 382) (commonly known as the “River and Harbor  
 17 Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010,  
 18 chapter 47) (commonly known as the “River and Harbor  
 19 Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918),  
 20 the Secretary shall carry out over at least a 10-year period  
 21 a pilot program to restore and protect fish and wildlife  
 22 habitat in the middle Mississippi River.

23 (b) AUTHORIZED ACTIVITIES.—

24 (1) IN GENERAL.—As part of the pilot program  
 25 carried out under subsection (a), the Secretary shall

1       conduct any activities that are necessary to improve  
2       navigation through the project referred to in sub-  
3       section (a) while restoring and protecting fish and  
4       wildlife habitat in the middle Mississippi River sys-  
5       tem.

6               (2) INCLUSIONS.—Activities authorized under  
7       paragraph (1) shall include—

8                       (A) the modification of navigation training  
9       structures;

10                      (B) the modification and creation of side  
11       channels;

12                      (C) the modification and creation of is-  
13       lands;

14                      (D) any studies and analysis necessary to  
15       develop adaptive management principles; and

16                      (E) the acquisition from willing sellers of  
17       any land associated with a riparian corridor  
18       needed to carry out the goals of the pilot pro-  
19       gram.

20       (c) COST-SHARING REQUIREMENT.—The cost-shar-  
21       ing requirement required under the Act of June 25, 1910  
22       (36 Stat. 631, chapter 382) (commonly known as the  
23       “River and Harbor Act of 1910”), the Act of January 1,  
24       1927 (44 Stat. 1010, chapter 47) (commonly known as  
25       the “River and Harbor Act of 1927”), and the Act of July

1 3, 1930 (46 Stat. 918), for the project referred to in sub-  
 2 section (a) shall apply to any activities carried out under  
 3 this section.

## 4 **CHAPTER 3—PROJECT** 5 **DEAUTHORIZATIONS**

### 6 **SEC. 2141. INLAND WATERWAY FROM DELAWARE RIVER TO** 7 **CHESAPEAKE BAY, PART II, INSTALLATION** 8 **OF FENDER PROTECTION FOR BRIDGES,** 9 **DELAWARE AND MARYLAND.**

10 The project for the construction of bridge fenders for  
 11 the Summit and St. Georges Bridge for the Inland Water-  
 12 way of the Delaware River to the C & D Canal of the  
 13 Chesapeake Bay authorized by the River and Harbor Act  
 14 of 1954 (68 Stat. 1249) is not authorized.

### 15 **SEC. 2142. MAYO'S BAR LOCK AND DAM, COOSA RIVER,** 16 **ROME, GEORGIA.**

17 The project for navigation, Mayo's Bar Lock and  
 18 Dam, Coosa River, Rome, Georgia, authorized by section  
 19 528 of the Water Resources Development Act of 1999  
 20 (113 Stat. 347), is not authorized.

### 21 **SEC. 2143. GULF INTERCOASTAL WATERWAY, LAKE** 22 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

23 The project for the construction of bulkheads and jet-  
 24 ties at Lake Borgne and Chef Menteur, Louisiana, as part  
 25 of the Gulf Intercoastal Waterway authorized by the first

1 section of the River and Harbor Act of 1946 (60 Stat.  
2 635) is not authorized.

3 **SEC. 2144. EISENHOWER AND SNELL LOCKS, NEW YORK.**

4 The project for navigation, Eisenhower and Snell  
5 Locks, New York, authorized by section 1163 of the Water  
6 Resources Development Act of 1986 (100 Stat. 4258), is  
7 not authorized.

8 **SEC. 2145. RED RIVER WATERWAY, SHREVEPORT, LOU-**  
9 **ISIANA TO DAINGERFIELD, TEXAS.**

10 The project for the Red River Waterway, Shreveport,  
11 Louisiana to Daingerfield, Texas, authorized by section  
12 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
13 is not authorized.

14 **SEC. 2146. SCHUYLKILL RIVER, PENNSYLVANIA.**

15 The project for navigation, Schuylkill River (Mouth  
16 to Penrose Avenue), Pennsylvania, authorized by the sec-  
17 tion 344 of the Water Resources Development Act of 1996  
18 (110 Stat. 3722), is not authorized.

19 **SEC. 2147. LAKE OF THE PINES, TEXAS.**

20 The project for navigation improvements affecting  
21 Lake of the Pines, Texas, for the portion of the Red River  
22 below Fulton, Arkansas, authorized by the Act of July 13,  
23 1892 (27 Stat. 88, chapter 158), as amended by the Act  
24 of July 24, 1946 (60 Stat. 635, chapter 595), the Act  
25 of May 17, 1950 (64 Stat. 163, chapter 188), and the

1 River and Harbor Act of 1968 (82 Stat. 731), is not au-  
 2 thorized.

3 **SEC. 2148. TENNESSEE COLONY LAKE, TEXAS.**

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

8 **SEC. 2149. CITY WATERWAY, TACOMA, WASHINGTON.**

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

15 **Subtitle B—Ports and Harbors**

16 **CHAPTER 1—CONTINUING AUTHORITIES**

17 **PROGRAMS**

18 **SEC. 2201. NAVIGATION ENHANCEMENTS FOR**  
 19 **WATERBOURNE TRANSPORTATION.**

20 Section 107 of the River and Harbor Act of 1960  
 21 (33 U.S.C. 577) is amended—

22 (1) by striking “SEC. 107. (a) That the Sec-  
 23 retary of the Army is hereby authorized to” and in-  
 24 serting the following:

1 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR**  
 2 **WATERBOURNE TRANSPORTATION.**

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

5 (2) in subsection (b)—

6 (A) by striking “(b) Not more” and insert-  
 7 ing the following:

8 “(b) ALLOTMENT.—Not more”; and

9 (B) by striking “\$4,000,000” and insert-  
 10 ing “\$7,000,000”;

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

13 “(c) LOCAL CONTRIBUTIONS.—Local”;

14 (4) in subsection (d), by striking “(d) Non-Fed-  
 15 eral” and inserting the following:

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

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

19 “(e) COMPLETION.—Each”; and

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

22 “(f) APPLICABILITY.—This”.

23 **CHAPTER 2—STUDIES**

24 **SEC. 2211. NATIONAL PORT STUDY.**

25 (a) IN GENERAL.—The Secretary, in consultation  
 26 with the Secretary of Transportation, shall conduct a

1 study of the ability of coastal or deepwater port infrastruc-  
2 ture to meet current and projected national economic  
3 needs.

4 (b) COMPONENTS.—In conducting the study, the Sec-  
5 retary shall—

6 (1) consider—

7 (A) the availability of alternate transpor-  
8 tation destinations and modes;

9 (B) the impact of larger cargo vessels on  
10 existing port capacity; and

11 (C) practicable, cost-effective congestion  
12 management alternatives; and

13 (2) give particular consideration to the benefits  
14 and proximity of proposed and existing port, harbor,  
15 waterway, and other transportation infrastructure.

16 (c) REPORT.—Not later than 180 days after the date  
17 of enactment of this Act, the Secretary shall submit to  
18 the Committee on Environment and Public Works of the  
19 Senate and the Committee on Transportation and Infra-  
20 structure of the House of Representatives a report that  
21 describes the results of the study.

1                   **CHAPTER 3—PROJECTS**  
2                   **Subchapter A—Authorizations**

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

4           The Secretary may carry out the Akutan Small Boat  
5 Harbor project for navigation, Akutan, Alaska, at a total  
6 estimated cost of \$19,013,000, with an estimated Federal  
7 cost of \$9,185,000 and an estimated non-Federal cost of  
8 \$9,828,000, substantially in accordance with the plans,  
9 and subject to the conditions, recommended in a final re-  
10 port of the Chief of Engineers, if a favorable final report  
11 of the Chief for the project is completed not later than  
12 December 31, 2004.

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

14          The Secretary may carry out the Haines Small Boat  
15 Harbor project for navigation, Haines, Alaska, at a total  
16 estimated cost of \$21,410,000, with an estimated Federal  
17 cost of \$9,590,000 and an estimated non-Federal cost of  
18 \$11,820,000, substantially in accordance with the plans,  
19 and subject to the conditions, recommended in a final re-  
20 port of the Chief of Engineers, if a favorable final report  
21 of the Chief for the project is completed not later than  
22 December 31, 2004.

1 **SEC. 2223. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
2 **ALASKA.**

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

7 **SEC. 2224. UNALASKA SMALL BOAT HARBOR, UNALASKA,**  
8 **ALASKA.**

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

18 **SEC. 2225. MIAMI HARBOR, MIAMI, FLORIDA.**

19 The Secretary may carry out the Miami Harbor,  
20 Florida, project for navigation, Miami, Florida, at a total  
21 estimated cost of \$157,310,000, with an estimated Fed-  
22 eral cost of \$63,728,000 and an estimated non-Federal  
23 cost of \$93,582,000, substantially in accordance with the  
24 plans, and subject to the conditions, recommended in a  
25 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. 2226. 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 \$1,500,000 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. 2227. 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 **Subchapter B—Modifications**

#### 4 **SEC. 2241. SITKA, ALASKA.**

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

#### 12 **SEC. 2242. LA-3 DREDGED MATERIAL OCEAN DISPOSAL** 13 **SITE DESIGNATION, CALIFORNIA.**

14 Section 102(c)(4) of the Marine Protection, Re-  
 15 search, and Sanctuaries Act of 1972 (33 U.S.C.  
 16 1412(c)(4)) is amended in the third sentence by striking  
 17 “January 1, 2003” and inserting “January 1, 2006”.

#### 18 **SEC. 2243. CONDITIONAL DECLARATION OF NONNAVIGA-** 19 **BILITY, PORT OF SAN FRANCISCO, CALI-** 20 **FORNIA.**

21 (a) **CONDITIONAL DECLARATION OF NONNAVIGA-**  
 22 **BILITY.**—If the Secretary determines, in consultation with  
 23 appropriate Federal and non-Federal entities, that  
 24 projects proposed to be carried out by non-Federal entities  
 25 within the portions of the San Francisco, California, wa-

1 terfront described in subsection (b) are not in the public  
 2 interest, the portions shall be declared not to be navigable  
 3 water of the United States for the purposes of section 9  
 4 of the Act of March 3, 1899 (33 U.S.C. 401) and the  
 5 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

6 (b) PORTIONS OF WATERFRONT.—The portions of  
 7 the San Francisco, California, waterfront referred to in  
 8 subsection (a) are those that are, or will be, bulkheaded,  
 9 filled, or otherwise occupied by permanent structures and  
 10 that are located as follows: beginning at the intersection  
 11 of the northeasterly prolongation of the portion of the  
 12 northwesterly line of Bryant Street lying between Beale  
 13 Street and Main Street with the southwesterly line of  
 14 Spear Street, which intersection lies on the line of jurisdic-  
 15 tion of the San Francisco Port Commission; following  
 16 thence southerly along said line of jurisdiction as described  
 17 in the State of California Harbor and Navigation Code  
 18 Section 1770, as amended in 1961, to its intersection with  
 19 the easterly line of Townsend Street along a line that is  
 20 parallel and distant 10 feet from the existing southern  
 21 boundary of Pier 40 to its point of intersection with the  
 22 United States Government pier-head line; thence northerly  
 23 along said pier-head line to its intersection with a line par-  
 24 allel with, and distant 10 feet easterly from, the existing  
 25 easterly boundary line of Pier 30–32; thence northerly

1 along said parallel line and its northerly prolongation, to  
 2 a point of intersection with a line parallel with, and distant  
 3 10 feet northerly from, the existing northerly boundary of  
 4 Pier 30–32, thence westerly along last said parallel line  
 5 to its intersection with the United States Government  
 6 pier-head line; to the northwesterly line of Bryan Street  
 7 northwesterly; thence southwesterly along said northwest-  
 8 erly line of Bryant Street to the point of beginning.

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

21 **SEC. 2244. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
 22 **NEW HAVEN HARBOR, CONNECTICUT.**

23 The western breakwater for the project for naviga-  
 24 tion, New Haven Harbor, Connecticut, authorized by the  
 25 first section of the Act of September 19, 1890 (26 Stat.

1 426), shall be known and designated as the “Charles  
 2 Hervey Townshend Breakwater”.

3 **SEC. 2245. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**  
 4 **NECTICUT.**

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

10 (b) DESCRIPTION OF CHANNEL.—The channel re-  
 11 ferred to in subsection (a) may be described as beginning  
 12 at a point along the western limit of the existing project,  
 13 N. 188, 802.75, E. 779, 462.81, thence running north-  
 14 easterly about 1,373.88 feet to a point N. 189, 554.87,  
 15 E. 780, 612.53, thence running southeasterly about  
 16 439.54 feet to a point N. 189, 319.88, E. 780, 983.98,  
 17 thence running southwesterly about 831.58 feet to a point  
 18 N. 188, 864.63, E. 780, 288.08, thence running south-  
 19 easterly about 567.39 feet to a point N. 188, 301.88, E.  
 20 780, 360.49, thence running northwesterly about 1,027.96  
 21 feet to the point of origin.

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

23 (a) IN GENERAL.—The portions of a 10-foot channel  
 24 of the project for navigation, Norwalk Harbor, Con-  
 25 necticut, authorized by the first section of the Act of

1 March 2, 1919 (40 Stat. 1276) and described in sub-  
 2 section (b), are not authorized.

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

5 (1) RECTANGULAR PORTION.—An approxi-  
 6 mately rectangular-shaped section along the north-  
 7 westerly terminus of the channel. The section is 35-  
 8 feet wide and about 460-feet long and is further de-  
 9 scribed as commencing at a point N. 104,165.85, E.  
 10 417,662.71, thence running south  $24^{\circ}06'55''$  E.  
 11 395.00 feet to a point N. 103,805.32, E.  
 12 417,824.10, thence running south  $00^{\circ}38'06''$  E.  
 13 87.84 feet to a point N. 103,717.49, E. 417,825.07,  
 14 thence running north  $24^{\circ}06'55''$  W. 480.00 feet, to  
 15 a point N. 104,155.59, E. 417.628.96, thence run-  
 16 ning north  $73^{\circ}05'25''$  E. 35.28 feet to the point of  
 17 origin.

18 (2) PARALLELOGRAM-SHAPED PORTION.—An  
 19 area having the approximate shape of a parallelo-  
 20 gram along the northeasterly portion of the channel,  
 21 southeast of the area described in paragraph (1), ap-  
 22 proximately 20 feet wide and 260 feet long, and fur-  
 23 ther described as commencing at a point N.  
 24 103,855.48, E. 417,849.99, thence running south  
 25  $33^{\circ}07'30''$  E. 133.40 feet to a point N. 103,743.76,

1 E. 417,922.89, thence running south 24°07'04" E.  
 2 127.75 feet to a point N. 103,627.16, E.  
 3 417,975.09, thence running north 33°07'30" W.  
 4 190.00 feet to a point N. 103,786.28, E.  
 5 417,871.26, thence running north 17°05'15" W.  
 6 72.39 feet to the point of origin.

7 (c) MODIFICATION.—The 10-foot channel portion of  
 8 the Norwalk Harbor, Connecticut navigation project de-  
 9 scribed in subsection (a) is modified to authorize the Sec-  
 10 retary to realign the channel to include, immediately north  
 11 of the area described in subsection (b)(2), a triangular sec-  
 12 tion described as commencing at a point N. 103,968.35,  
 13 E. 417,815.29, thence running S. 17°05'15" east 118.09  
 14 feet to a point N. 103,855.48, E. 417,849.99, thence run-  
 15 ning N. 33°07'30" west 36.76 feet to a point N.  
 16 103,886.27, E. 417,829.90, thence running N. 10°05'26"  
 17 west 83.37 feet to the point of origin.

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

19 The project for navigation, Jacksonville Harbor,  
 20 Florida, authorized by section 101(a)(17) of the Water  
 21 Resources Development Act of 1999 (113 Stat. 276), is  
 22 modified to authorize the Secretary to extend the naviga-  
 23 tion features in accordance with the report of the Chief  
 24 of Engineers dated July 22, 2003, at an additional total  
 25 cost of \$14,658,000, with an estimated Federal cost of

1 \$9,636,000 and an estimated non-Federal cost of  
2 \$5,022,000.

3 **SEC. 2248. SOUTH CAROLINA DEPARTMENT OF COMMERCE**  
4 **DEVELOPMENT PROPOSAL AT RICHARD B.**  
5 **RUSSELL LAKE, SOUTH CAROLINA.**

6 (a) IN GENERAL.—The Secretary shall convey to the  
7 State of South Carolina, by quitclaim deed, all right, title,  
8 and interest of the United States in and to the parcels  
9 of land described in subsection (b)(1) that are being man-  
10 aged, as of the date of enactment of this Act, by the South  
11 Carolina Department of Commerce for public recreation  
12 purposes for the Richard B. Russell Dam and Lake, South  
13 Carolina, project authorized by section 203 of the Flood  
14 Control Act of 1966 (80 Stat. 1420).

15 (b) LAND DESCRIPTION.—

16 (1) IN GENERAL.—Subject to paragraphs (2)  
17 and (3), the parcels of land referred to in subsection  
18 (a) are the parcels contained in the portion of land  
19 described in Army Lease No. DACW21–1–92–0500.

20 (2) RETENTION OF INTERESTS.—The United  
21 States shall retain—

22 (A) ownership of any and all land included  
23 in the lease referred to in paragraph (1) that  
24 would have been acquired for operational pur-  
25 poses in accordance with the 1971 implementa-

tion of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate

1 transaction and environmental compliance  
 2 costs, associated with the conveyance under this  
 3 section.

4 (B) FORM OF CONTRIBUTION.—As deter-  
 5 mined appropriate by the Secretary, in lieu of  
 6 payment of compensation to the United States  
 7 under subparagraph (A), the State may per-  
 8 form certain environmental or real estate ac-  
 9 tions associated with the conveyance under this  
 10 section if those actions are performed in close  
 11 coordination with, and to the satisfaction of, the  
 12 United States.

13 (4) LIABILITY.—The State shall hold the  
 14 United States harmless from any liability with re-  
 15 spect to activities carried out, on or after the date  
 16 of the conveyance, on the real property conveyed  
 17 under this section.

18 (d) ADDITIONAL TERMS AND CONDITIONS.—

19 (1) IN GENERAL.—The State shall pay fair  
 20 market value consideration, as determined by the  
 21 United States, for any land included in the convey-  
 22 ance under this section.

23 (2) NO EFFECT ON SHORE MANAGEMENT POL-  
 24 ICY.—The Shoreline Management Policy (ER-1130-  
 25 2-406) of the Corps of Engineers shall not be

1 changed or altered for any proposed development of  
 2 land conveyed under this section.

3 (3) NEPA.—The conveyance under this section  
 4 shall be subject to the National Environmental Pol-  
 5 icy Act of 1969 (42 U.S.C. 4321 et seq.) (including  
 6 public review under that Act) and other Federal  
 7 statutes.

8 (4) COST SHARING.—In carrying out the con-  
 9 veyance under this section, the Secretary and the  
 10 State shall comply with all obligations of any cost  
 11 sharing agreement between the Secretary and the  
 12 State in effect as of the date of the conveyance.

13 (5) LAND NOT CONVEYED.—The State shall  
 14 continue to manage the land not conveyed under this  
 15 section in accordance with the terms and conditions  
 16 of Army Lease No. DACW21-1-92-0500.

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

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

21 (1) the reversionary interests and use restric-  
 22 tions relating to industrial use purposes are extin-  
 23 guished;

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

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

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

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

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

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

20      (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this  
21      section affects the remaining rights and interests of the  
22      Corps of Engineers for authorized project purposes with  
23      respect to property covered by deeds described in sub-  
24      section (b).

1 **SEC. 2250. CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-**  
2 **NOIS.**

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

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

16 The maximum amount of Federal funds that may be  
17 expended for the project being carried out under section  
18 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
19 for the mitigation of shore damages attributable to the  
20 project for navigation, Camp Ellis, Saco, Maine, shall be  
21 \$20,000,000.

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

23 The project for navigation, Union River, Maine, au-  
24 thorized by the first section of the Act of June 3, 1896  
25 (29 Stat. 215, chapter 314), is modified by redesignating  
26 as an anchorage area that portion of the project consisting

1 of a 6-foot turning basin and lying northerly of a line com-  
 2 mencing at a point N. 315,975.13, E. 1,004,424.86,  
 3 thence running N. 61° 27' 20.71" W. about 132.34 feet  
 4 to a point N. 316,038.37, E. 1,004,308.61.

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

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

12 (b) PUBLIC ACCESS AND RECREATIONAL FACILI-  
 13 TIES.—Section 321 of the Water Resources Development  
 14 Act of 2000 (114 Stat. 2605) is amended by inserting “,  
 15 and to provide public access and recreational facilities”  
 16 after “including any required bridge construction”.

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

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

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

22 (2) by inserting after subsection (b) the fol-  
 23 lowing:

24 “(c) DREDGED MATERIAL FACILITY.—

1           “(1) IN GENERAL.—The Secretary may enter  
2           into cost-sharing agreements with 1 or more non-  
3           Federal public interests with respect to a project, or  
4           group of projects within a geographic region, if ap-  
5           propriate, for the acquisition, design, construction,  
6           management, or operation of a dredged material  
7           processing, treatment, contaminant reduction, or  
8           disposal facility (including any facility used to dem-  
9           onstrate potential beneficial uses of dredged mate-  
10          rial, which may include effective sediment contami-  
11          nant reduction technologies) using funds provided in  
12          whole or in part by the Federal Government.

13          “(2) PERFORMANCE.—One or more of the par-  
14          ties to the agreement may perform the acquisition,  
15          design, construction, management, or operation of a  
16          dredged material processing, treatment, contaminant  
17          reduction, or disposal facility.

18          “(3) MULTIPLE FEDERAL PROJECTS.—If ap-  
19          propriate, the Secretary may combine portions of  
20          separate Federal projects with appropriate combined  
21          cost-sharing between the various projects, if the fa-  
22          cility serves to manage dredged material from mul-  
23          tiple Federal projects located in the geographic re-  
24          gion of the facility.

25          “(4) PUBLIC FINANCING.—

1 “(A) AGREEMENTS.—

2 “(i) SPECIFIED FEDERAL FUNDING  
3 SOURCES AND COST SHARING.—The cost-  
4 sharing agreement used shall clearly speci-  
5 fy—

6 “(I) the Federal funding sources  
7 and combined cost-sharing when ap-  
8 plicable to multiple Federal navigation  
9 projects; and

10 “(II) the responsibilities and  
11 risks of each of the parties related to  
12 present and future dredged material  
13 managed by the facility.

14 “(ii) MANAGEMENT OF SEDIMENTS.—

15 “(I) IN GENERAL.—The cost-  
16 sharing agreement may include the  
17 management of sediments from the  
18 maintenance dredging of Federal  
19 navigation projects that do not have  
20 partnerships agreements.

21 “(II) PAYMENTS.—The cost-  
22 sharing agreement may allow the non-  
23 Federal interest to receive reimburs-  
24 able payments from the Federal Gov-  
25 ernment for commitments made by

1 the non-Federal interest for disposal  
2 or placement capacity at dredged ma-  
3 terial treatment, processing, contami-  
4 nant reduction, or disposal facilities.

5 “(iii) CREDIT.—The cost-sharing  
6 agreement may allow costs incurred prior  
7 to execution of a partnership agreement  
8 for construction or the purchase of equip-  
9 ment or capacity for the project to be cred-  
10 ited according to existing cost-sharing  
11 rules.

12 “(B) CREDIT.—

13 “(i) EFFECT ON EXISTING AGREE-  
14 MENTS.—Nothing in this subsection super-  
15 sedes or modifies an agreement in effect on  
16 the date of enactment of this paragraph  
17 between the Federal Government and any  
18 other non-Federal interest for the cost-  
19 sharing, construction, and operation and  
20 maintenance of a Federal navigation  
21 project.

22 “(ii) CREDIT FOR FUNDS.—Subject to  
23 the approval of the Secretary and in ac-  
24 cordance with law (including regulations  
25 and policies) in effect on the date of enact-

ment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

“(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

“(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

“(II) receive credit for those items.”; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as so redesignated)—

(A) by inserting “and maintenance” after “operation” each place it appears; and

(B) by inserting “processing, treatment, or” after “dredged material” the first place it appears in each of those paragraphs.

1 **SEC. 2255. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**  
2 **ROLL TOWNSHIP, OHIO.**

3 Increased operation and maintenance activities for  
4 the Toussaint River Federal Navigation Project, Carroll  
5 Township, Ohio, that are carried out in accordance with  
6 section 107 of the River and Harbor Act of 1960 (33  
7 U.S.C. 577) and relate directly to the presence of  
8 unexploded ordnance, shall be carried out at full Federal  
9 expense.

10 **SEC. 2256. ESSAYONS AND YAQUINA DREDGES, OREGON.**

11 (a) ELIMINATION OF RESTRICTIONS ON USE.—

12 (1) IN GENERAL.—Notwithstanding the provi-  
13 sions of law referred to in paragraph (2), all restric-  
14 tions in effect on the date of enactment of this Act  
15 on the use of the Essayons and Yaquina dredges of  
16 the Corps of Engineers (or their successors) (re-  
17 ferred to in this section as “the dredges”) to main-  
18 tain and improve the ports, harbors, and channels of  
19 the Pacific coast are null and void.

20 (2) OTHER PROVISIONS OF LAW.—The provi-  
21 sions referred to in this paragraph are—

22 (A) section 3 of the Act of August 11,  
23 1888 (33 U.S.C. 622);

24 (B) section 8 of the Act of March 2, 1919  
25 (commonly known as the “Rivers and Harbors  
26 Appropriation Act of 1919”) (33 U.S.C. 624);

1 (C) the Water Resources Development Act  
2 of 1996 (110 Stat. 3658);

3 (D) the Energy and Water Development  
4 Appropriations Act, 2002 (115 Stat. 486); and

5 (E) any other contrary law (including reg-  
6 ulations and policies).

7 (b) USE OF DREDGES.—The Secretary shall use the  
8 dredges, to the maximum extent practicable, without re-  
9 striction as to days worked or volume of material dredged,  
10 and in the manner most beneficial to and cost-effective  
11 for the taxpayers of the United States, to maintain and  
12 improve the ports, harbors, and channels of the Pacific  
13 coast.

14 (c) MAINTENANCE.—The Secretary shall maintain  
15 the dredges to technologically modern and efficient stand-  
16 ards (including replacement, as necessary) in order to  
17 keep the dredges fully operational and to meet the dredg-  
18 ing needs of the ports, harbors, and channels of the Pacific  
19 coast.

20 **SEC. 2257. CEDAR BAYOU, TEXAS.**

21 Section 349(a)(2) of the Water Resources Develop-  
22 ment Act of 2000 (114 Stat. 2632) is amended by striking  
23 “except that the project is authorized only for construction  
24 of a navigation channel 12 feet deep by 125 feet wide”  
25 and inserting “except that the project is authorized for

1 construction of a navigation channel that is 10 feet deep  
2 by 100 feet wide”.

3 **SEC. 2258. GULF INTRACOASTAL WATERWAY, BRAZOS**  
4 **RIVER TO PORT O’CONNOR, TEXAS.**

5 The project for navigation, Gulf Intracoastal Water-  
6 way, Sabine River to Corpus Christi, Texas, authorized  
7 by the first section of the Act of March 3, 1925 (43 Stat.  
8 1186, chapter 467) (commonly known as the “River and  
9 Harbor Act of 1925”), and the first section of the Act  
10 of January 1, 1927 (44 Stat. 1010, chapter 47) (com-  
11 monly known as the “River and Harbor Act of 1927”),  
12 is modified further to authorize the Secretary to construct  
13 the realignment of a portion of the channel from approxi-  
14 mately channel mile 454 to approximately channel mile  
15 473, Matagorda Bay, Gulf Intracoastal Waterway, Texas,  
16 to provide for safer navigation, substantially in accordance  
17 with the recommendations of the report of the Chief of  
18 Engineers, GIWW, Brazos River to Port O’Connor,  
19 Matagorda Bay Reroute, Texas, dated December 24,  
20 2002, at a total cost of \$14,515,000, with a first Federal  
21 cost of \$14,515,000.

22 **SEC. 2259. GULF INTRACOASTAL WATERWAY, HIGH ISLAND**  
23 **TO BRAZOS RIVER, 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 the portion of the channel from High  
 8 Island to Brazos River, Texas, substantially in accordance  
 9 with the recommendations of the report of the Chief of  
 10 Engineers dated April 16, 2004, at a total cost of  
 11 \$12,326,000, with a first Federal cost of \$12,236,000.

12 **SEC. 2260. TANGIER ISLAND SEAWALL, VIRGINIA.**

13 Section 577(a) of the Water Resources Development  
 14 Act of 1996 (110 Stat. 3789) is amended by striking “at  
 15 a total cost of \$1,200,000, with an estimated Federal cost  
 16 of \$900,000 and an estimated non-Federal cost of  
 17 \$300,000.” and inserting “at a total cost of \$3,000,000,  
 18 with an estimated Federal cost of \$2,400,000 and an esti-  
 19 mated non-Federal cost of \$600,000.”.

20 **SEC. 2261. LOWER GRANITE POOL, WASHINGTON.**

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

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

4           (2) the human habitation or other building  
5           structure use restriction is extinguished in each area  
6           in which the elevation is above the standard project  
7           flood elevation; and

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

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

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

18               (2) Auditor's File Numbers 125806, 138801,  
19               147888, 154511, 156928, and 176360 of Asotin  
20               County, Washington.

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

1           **Subchapter C—Deauthorizations**

2   **SEC. 2271. BRIDGEPORT HARBOR, CONNECTICUT.**

3           (a) IN GENERAL.—The portion of the project for  
4 navigation, Bridgeport Harbor, Connecticut, authorized  
5 by the Act of July 3, 1930 (46 Stat. 919), consisting of  
6 an 18-foot channel in Yellow Mill River and described in  
7 subsection (b), is not authorized.

8           (b) DESCRIPTION OF PROJECT.—The project re-  
9 ferred to in subsection (a) is described as beginning at  
10 a point along the eastern limit of the existing project, N.  
11 123,649.75, E. 481,920.54, thence running northwesterly  
12 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,  
13 thence running northeasterly about 1,442.21 feet to a  
14 point N. 125,030.08, E. 482,394.96, thence running  
15 northeasterly about 139.52 feet to a point along the east  
16 limit of the existing channel, N. 125,133.87, E.  
17 482,488.19, thence running southwesterly about 1,588.98  
18 feet to the point of origin.

19   **SEC. 2272. MUSCATINE HARBOR, IOWA.**

20           The project for navigation at the Muscatine Harbor  
21 on the Mississippi River at Muscatine, Iowa, authorized  
22 by section 101 of the River and Harbor Act of 1950 (64  
23 Stat. 166), is not authorized.

1 **SEC. 2273. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**  
2 **LOUISIANA.**

3 The project for navigation improvement for Bayou  
4 LaFourche and LaFourche Jump, Louisiana, authorized  
5 by the Act of August 30, 1935 (49 Stat. 1033, chapter  
6 831) and the River and Harbor Act of 1960 (74 Stat.  
7 481), is not authorized.

8 **SEC. 2274. NORTHEAST HARBOR, MAINE.**

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

12 **SEC. 2275. TENANTS HARBOR, MAINE.**

13 The project for navigation, Tenants Harbor, Maine,  
14 authorized by the first section of the Act of March 2, 1919  
15 (40 Stat. 1275, chapter 95), is not authorized.

16 **SEC. 2276. GRAND HAVEN HARBOR, MICHIGAN.**

17 The project for navigation, Grand Haven Harbor,  
18 Michigan, authorized by section 202(a) of the Water Re-  
19 sources Development Act of 1986 (100 Stat. 4093), is not  
20 authorized.

21 **SEC. 2277. GREENVILLE HARBOR, MISSISSIPPI.**

22 The project for navigation, Greenville Harbor, Mis-  
23 sissippi, authorized by section 601(a) of the Water Re-  
24 sources Development Act of 1986 (100 Stat. 4142), is not  
25 authorized.

1 **SEC. 2278. NEW YORK HARBOR AND ADJACENT CHANNELS,**  
2 **CLAREMONT TERMINAL, JERSEY CITY, NEW**  
3 **JERSEY.**

4 The project for navigation, New York Harbor and ad-  
5 jacent channels, Claremont Terminal, Jersey City, New  
6 Jersey, authorized by section 202(b) of the Water Re-  
7 sources Development Act of 1986 (100 Stat. 4098), is not  
8 authorized.

9 **SEC. 2279. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

10 The project for navigation, Olcott Harbor, Lake On-  
11 tario, New York, authorized by section 601(a) of the  
12 Water Resources Development Act of 1986 (100 Stat.  
13 4143), is not authorized.

14 **SEC. 2280. OUTER HARBOR, BUFFALO, NEW YORK.**

15 The project for navigation, Outer Harbor, Buffalo,  
16 New York, authorized by section 110 of the Water Re-  
17 sources Development Act of 1992 (106 Stat. 4817), is not  
18 authorized.

19 **SEC. 2281. MANTEO BAY, NORTH CAROLINA.**

20 The project for navigation, Manteo (Shallowbag)  
21 Bay, North Carolina (Oregon Inlet), authorized by section  
22 101 of the River and Harbor Act of 1970 (84 Stat. 1818),  
23 is not authorized.

24 **SEC. 2282. CLEVELAND HARBOR 1958 ACT, OHIO.**

25 The project for navigation, Cleveland Harbor  
26 (Uncompleted Portion), Ohio, authorized by section 101

1 of the River and Harbor Act of 1958 (72 Stat. 299), is  
2 not authorized.

3 **SEC. 2283. CLEVELAND HARBOR 1960 ACT, OHIO.**

4 The project for navigation, Cleveland Harbor  
5 (Uncompleted Portion), Ohio, authorized by section 101  
6 of the River and Harbor Act of 1960 (74 Stat. 482), is  
7 not authorized.

8 **SEC. 2284. CLEVELAND HARBOR, UNCOMPLETED PORTION**  
9 **OF CUT #4, OHIO.**

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

14 **SEC. 2285. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**  
15 **MOND, OREGON.**

16 The project for the Columbia River, Seafarers Memo-  
17 rial, Hammond, Oregon, authorized by title I of the En-  
18 ergy and Water Development Appropriations Act, 1991  
19 (104 Stat. 2078), is not authorized.

20 **SEC. 2286. DELAWARE RIVER, PHILADELPHIA, PENNSYL-**  
21 **VANIA TO TRENTON, NEW JERSEY.**

22 The project for navigation, Delaware River, Philadel-  
23 phia, Pennsylvania to Trenton, New Jersey (Tioga Marine  
24 Terminal), authorized under section 201 of the River and

1 Harbor Act of 1965 and the Flood Control Act of 1965  
 2 (Public Law 89–298), is not authorized.

3 **SEC. 2287. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**  
 4 **RHODE ISLAND.**

5 The project for navigation, Narragansett Town  
 6 Beach, Narragansett, Rhode Island, authorized by section  
 7 361 of the Water Resources Development Act of 1992  
 8 (106 Stat. 4861), is not authorized.

9 **SEC. 2288. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

10 The project for bulkhead repairs, Quonset Point-  
 11 Davisville, Rhode Island, authorized by section 571 of the  
 12 Water Resources Development Act of 1996 (110 Stat.  
 13 3788), is not authorized.

14 **TITLE III—FLOOD AND COASTAL**  
 15 **STORM DAMAGE REDUCTION**

16 **Subtitle A—Flood Damage**  
 17 **Reduction**

18 **CHAPTER 1—GENERAL PROVISIONS**

19 **SEC. 3001. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
 20 **BY NON-FEDERAL INTERESTS.**

21 Section 211(e)(6) of the Water Resources Develop-  
 22 ment Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended  
 23 by adding at the end following:

24 “(E) BUDGET PRIORITY.—

1                   “(i) IN GENERAL.—Budget priority  
 2                   for projects under this section shall be pro-  
 3                   portionate to the percentage of project  
 4                   completion.

5                   “(ii) COMPLETED PROJECT.—A com-  
 6                   pleted project shall have the same priority  
 7                   as a project with a contractor on site.”.

## 8     **CHAPTER 2—CONTINUING AUTHORITIES** 9                   **PROGRAMS**

### 10  **SEC. 3101. PROTECTION AND RESTORATION DUE TO EMER-** 11                   **GENCIES AT SHORES AND STREAMBANKS.**

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

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

16                   (2) by striking “\$1,000,000” and inserting  
 17                   “\$1,500,000”.

## 18                   **CHAPTER 3—STUDIES**

### 19  **SEC. 3201. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

20           The Secretary shall carry out a study for bank sta-  
 21           bilization and shore protection for Nicholas Canyon, Los  
 22           Angeles, California, under section 3 of the Act of August  
 23           13, 1946 (33 U.S.C. 426g).

1 **SEC. 3202. COMPREHENSIVE FLOOD PROTECTION**  
2 **PROJECT, ST. HELENA, CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary shall review the  
4 project for flood control and environmental restoration at  
5 St. Helena, California, generally in accordance with En-  
6 hanced Minimum Plan A, as described in the Final Envi-  
7 ronmental Impact Report prepared by the city of St. Hel-  
8 ena, California, and certified by the city to be in compli-  
9 ance with the California Environmental Quality Act on  
10 February 24, 2004.

11 (b) COST SHARING.—Cost sharing for the project de-  
12 scribed in subsection (a) shall be in accordance with sec-  
13 tion 103 of the Water Resources Development Act of 1986  
14 (33 U.S.C. 2213).

15 **SEC. 3203. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
16 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

17 The Secretary shall—

18 (1) carry out a study of the feasibility of a  
19 project to use Sherman Island, California, as a  
20 dredged material rehandling facility for the bene-  
21 ficial use of dredged material to enhance the envi-  
22 ronment and meet other water resource needs on the  
23 Sacramento-San Joaquin Delta, California, under  
24 section 204 of the Water Resources Development  
25 Act of 1992 (33 U.S.C. 2326); and

1           (2) if the Secretary determines that the project  
2       described in paragraph (1) is feasible, carry out the  
3       project.

4   **SEC. 3204. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
5                           **CALIFORNIA.**

6       In carrying out the feasibility phase of the South San  
7       Francisco Bay shoreline study, the Secretary shall use  
8       planning and design documents prepared by the California  
9       State Coastal Conservancy, the Santa Clara Valley Water  
10      District, and other local interests, in cooperation with the  
11      Corps of Engineers (who shall provide technical assistance  
12      to the local interests), as the basis for recommendations  
13      to Congress for authorization of a project to provide for  
14      flood protection of the South San Francisco Bay shoreline  
15      and restoration of the South San Francisco Bay salt  
16      ponds.

17   **SEC. 3205. LAKE ERIE AT LUNA PIER, MICHIGAN.**

18      The Secretary shall study the feasibility of storm  
19      damage reduction and beach erosion protection and other  
20      related purposes along Lake Erie at Luna Pier, Michigan.

21   **SEC. 3206. MIDDLE BASS ISLAND STATE PARK, MIDDLE**  
22                           **BASS ISLAND, OHIO.**

23      The Secretary shall—

24           (1) carry out study of the feasibility of a project  
25      for navigation improvements, shoreline protection,

1 and other related purposes, including the rehabilita-  
 2 tion the harbor basin (including entrance break-  
 3 waters), interior shoreline protection, dredging, and  
 4 the development of a public launch ramp facility, for  
 5 Middle Bass Island State Park, Middle Bass Island,  
 6 Ohio; and

7 (2) if the Secretary determines that the project  
 8 described in paragraph (1) is feasible, carry out the  
 9 project.

## 10 **CHAPTER 4—PROJECTS**

### 11 **Subchapter A—Authorizations**

#### 12 **SEC. 3301. 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. 3302. 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. 3303. MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.**

8       The Secretary may carry out the project for flood  
 9 damage reduction and ecosystem restoration, Middle  
 10 Creek, Lake County, California, at a total cost of  
 11 \$38,690,000, with an estimated Federal cost of  
 12 \$25,233,000 and an estimated non-Federal cost of  
 13 \$13,457,000, substantially in accordance with the plans,  
 14 and subject to the conditions, recommended in a final re-  
 15 port of the Chief of Engineers, if a favorable report of  
 16 the Chief is completed not later than December 31, 2004.

17 **SEC. 3304. INDIAN RIVER LAGOON, SOUTH FLORIDA.**

18       (a) INDIAN RIVER LAGOON.—The Secretary may  
 19 carry out the project for ecosystem restoration, water sup-  
 20 ply, flood control, and protection of water quality, Indian  
 21 River Lagoon, South Florida, at a total cost of  
 22 \$1,207,288,000, with an estimated first Federal cost of  
 23 \$603,644,000 and an estimated first non-Federal cost of  
 24 \$603,644,000, in accordance with section 601 of the  
 25 Water Resources Development Act of 2000 (114 Stat.

1 2680), in accordance with the recommendations of the re-  
2 port of the Chief of Engineers, dated August 6, 2004.

3 (b) DEAUTHORIZATIONS.—As of the date of enact-  
4 ment of this Act, the following projects are not authorized:

5 (1) The uncompleted portions of the project au-  
6 thorized by section 601(b)(2)(C)(i) of the Water Re-  
7 sources Development Act of 2000 (114 Stat. 2682),  
8 C-44 Basin Storage Reservoir of the Comprehensive  
9 Everglades Restoration Plan, at a total cost of  
10 \$112,562,000, with an estimated Federal cost of  
11 \$56,281,000 and an estimated non-Federal cost of  
12 \$56,281,000.

13 (2) The uncompleted portions of the project au-  
14 thorized by section 203 of the Flood Control Act of  
15 1968 (82 Stat. 740), Martin County, Florida modi-  
16 fications to the Central and South Florida Project,  
17 as contained in Senate Document 101, 90th Con-  
18 gress, 2d Session, at a total cost of \$15,471,000,  
19 with an estimated Federal cost of \$8,073,000 and  
20 an estimated non-Federal cost of \$7,398,000.

21 (3) The uncompleted portions of the project au-  
22 thorized by section 203 of the Flood Control Act of  
23 1968 (82 Stat. 740), East Coast Backpumping, St.  
24 Lucie—Martin County, Spillway Structure S-311 of  
25 the Central and South Florida Project, as contained

1 in House Document 369, 90th Congress, 2d Session,  
2 at a total cost of \$77,118,000, with an estimated  
3 Federal cost of \$55,124,000 and an estimated non-  
4 Federal cost of \$21,994,000.

5 **SEC. 3305. PICAYUNE STRAND ECOSYSTEM RESTORATION,**  
6 **COLLIER COUNTY, FLORIDA.**

7 The Secretary may carry out the project for eco-  
8 system restoration, Picayune Strand, Collier County, Flor-  
9 ida, at a total cost of \$362,612,000, with an estimated  
10 Federal cost of \$181,306,000 and an estimated non-Fed-  
11 eral cost of \$181,306,000, in accordance with section 601  
12 of the Water Resources Development Act of 2000 (114  
13 Stat. 2680), substantially in accordance with the project  
14 implementation report for the project, and subject to the  
15 conditions recommended in a final report of the Chief of  
16 Engineers, if a favorable report of the Chief is completed  
17 not later than December 31, 2004.

18 **SEC. 3306. SWOPE PARK INDUSTRIAL AREA, MISSOURI.**

19 The Secretary may construct the project for flood  
20 damage reduction, Swope Park Industrial Area, Missouri,  
21 in accordance with the recommendations of the report of  
22 the Chief of Engineers dated December 30, 2003, at an  
23 estimated cost of \$14,987,000, with an estimated Federal  
24 cost of \$9,742,000 and an estimated non-Federal cost of  
25 \$5,245,000.

1 **SEC. 3307. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEX-**  
 2 **ICO.**

3 The Secretary may carry out the project for flood  
 4 damage reduction, Southwest Valley, Albuquerque, New  
 5 Mexico, at a total cost of \$17,500,000, with an estimated  
 6 Federal cost of \$11,400,000 and an estimated non-Fed-  
 7 eral cost of \$6,100,000, substantially in accordance with  
 8 the plans, and subject to the conditions, recommended in  
 9 a final report of the Chief of Engineers, if a final favorable  
 10 report of the Chief for the project is completed not later  
 11 than December 31, 2004.

12 **Subchapter B—Modifications**

13 **SEC. 3311. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

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

21 (b) NO SEPARABLE ELEMENT.—The measures un-  
 22 dertaken under subsection (a) shall not be considered to  
 23 be a separable element of the project.

24 **SEC. 3312. AUGUSTA AND CLARENDON, ARKANSAS.**

25 The Secretary may carry out rehabilitation of author-  
 26 ized and completed levees on the White River between Au-

1 gusta and Clarendon, Arkansas, at a total estimated cost  
2 of \$8,000,000, with an estimated Federal cost of  
3 \$5,200,000 and an estimated non-Federal cost of  
4 \$2,800,000.

5 **SEC. 3313. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**  
6 **AND MISSOURI.**

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

15 (b) TERMS AND CONDITIONS.—

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

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

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

4 (2) REVERSION.—If the State (or a successor  
 5 or assign of the State) ceases to operate, maintain,  
 6 and manage the land in accordance with this sub-  
 7 section, all right, title, and interest in and to the  
 8 property shall revert to the United States, at the op-  
 9 tion of the Secretary.

10 **SEC. 3314. RED-OUACHITA RIVER BASIN, ARKANSAS AND**  
 11 **LOUISIANA.**

12 Section 204 of the Flood Control Act of 1950 (64  
 13 Stat. 170) is amended in the matter under the heading  
 14 “RED-OUACHITA RIVER BASIN” by striking “at Calion, Ar-  
 15 kansas” and inserting “improvements at Calion, Arkansas  
 16 (including authorization for the comprehensive flood-con-  
 17 trol project for Ouachita River and tributaries, incor-  
 18 porating in the project all flood control, drainage, and  
 19 power improvements in the basin above the lower end of  
 20 the left bank Ouachita River levee)”.

21 **SEC. 3315. CACHE CREEK BASIN, CALIFORNIA.**

22 (a) IN GENERAL.—The project for flood control,  
 23 Cache Creek Basin, California, authorized by section  
 24 401(a) of the Water Resources Development Act of 1986  
 25 (100 Stat. 4112), is modified to direct the Secretary to

1 mitigate the impacts of the new south levee of the Cache  
 2 Creek settling basin on the storm drainage system of the  
 3 city of Woodland, including all appurtenant features, ero-  
 4 sion control measures, and environmental protection fea-  
 5 tures.

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

10 (1) channel improvements;

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

13 (3) a new low flow cross channel to handle city  
 14 and county storm drainage and settling basin flows  
 15 (1,760 cubic feet per second) when the Yolo Bypass  
 16 is in a low flow condition.

17 **SEC. 3316. LLAGAS CREEK, CALIFORNIA.**

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

1 remaining Federal cost of \$55,000,000, and an estimated  
2 remaining non-Federal cost of \$40,000,000.

3 **SEC. 3317. MAGPIE CREEK, CALIFORNIA.**

4 (a) IN GENERAL.—Subject to subsection (b), the  
5 project for Magpie Creek, California, authorized under  
6 section 205 of the Flood Control Act of 1948 (33 U.S.C.  
7 701s), is modified to direct the Secretary to apply the cost-  
8 sharing requirements applicable to nonstructural flood  
9 control under section 103(b) of the Water Resources De-  
10 velopment Act of 1986 (100 Stat. 4085) for the portion  
11 of the project consisting of land acquisition to preserve  
12 and enhance existing floodwater storage.

13 (b) CREDITING.—The crediting allowed under sub-  
14 section (a) shall not exceed the non-Federal share of the  
15 cost of the project.

16 **SEC. 3318. SACRAMENTO AND AMERICAN RIVERS FLOOD**  
17 **CONTROL, CALIFORNIA.**

18 (a) IN GENERAL.—The Secretary shall credit toward  
19 that portion of the non-Federal share of the costs of the  
20 flood damage reduction project authorized by section  
21 101(a)(6)(A) of the Water Resources Development Act of  
22 1999 (113 Stat. 274) that is to be paid by the Sacramento  
23 Area Flood Control Agency an amount equal to the Fed-  
24 eral share of the flood control project authorized by sec-

tion 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

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

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

**SEC. 3319. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of \$212,100,000, with an estimated Federal cost of \$98,800,000 and a non-Federal cost of \$113,300,000.

**SEC. 3320. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the

1 Water Resources Development Act of 1999 (113 Stat.  
2 275), is modified to authorize the Secretary to construct  
3 the project at a total cost of \$107,700,000, with an esti-  
4 mated Federal share of \$70,000,000 and a non-Federal  
5 share of \$37,700,000.

6 **SEC. 3321. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

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

11 (b) IMPROVEMENTS.—In carrying out subsection (a),  
12 the Secretary shall provide for appropriate improvements  
13 to—

14 (1) facilities that are operated by the Corps of  
15 Engineers; and

16 (2) facilities that, as of the date of enactment  
17 of this Act, are leased, permitted, or licensed for use  
18 by others.

19 (c) COST SHARING.—The Secretary shall carry out  
20 this section through a cost-sharing program with Idaho  
21 State Parks and Recreation Department, with a total esti-  
22 mated project cost of \$5,300,000, with an estimated Fed-  
23 eral cost of \$3,900,000 and an estimated non-Federal cost  
24 of \$1,400,000.

1 **SEC. 3322. LITTLE WOOD RIVER, GOODING, IDAHO.**

2 The project for flood control, Gooding, Idaho, as con-  
3 structed under the emergency conservation work program  
4 established under the Act of March 31, 1933 (16 U.S.C.  
5 585 et seq.) is modified to—

6 (1) direct the Secretary to rehabilitate the  
7 Gooding Channel Project for the purposes of flood  
8 control and ecosystem restoration, if the Secretary  
9 determines that the rehabilitation and ecosystem res-  
10 toration is feasible;

11 (2) authorize and direct the Secretary to plan,  
12 design, and construct the project at a total cost of  
13 \$9,000,000;

14 (3) authorize the non-Federal interest to pro-  
15 vide any portion of the non-Federal share of the cost  
16 of the project in the form of services, materials, sup-  
17 plies, or other in-kind contributions;

18 (4) authorize the non-Federal interest to use  
19 funds made available under any other Federal pro-  
20 gram toward the non-Federal share of the cost of  
21 the project if the use of the funds is permitted under  
22 the other Federal program; and

23 (5) direct the Secretary, in calculating the non-  
24 Federal share of the cost of the project, to make a  
25 determination under section 103(m) of the Water  
26 Resources Development Act of 1986 (33 U.S.C.

1       2213(m)) on the ability to pay of the non-Federal  
2       interest.

3   **SEC. 3323. 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. 3324. 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. 3325. 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. 3326. 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. 3327. 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. 3328. 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. 3329. 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. 3330. TIOGA TOWNSHIP, PENNSYLVANIA.**

2 (a) IN GENERAL.—The Secretary shall convey by  
3 quitclaim deed to the Tioga Township, Pennsylvania, with-  
4 out consideration, all right, title, and interest in and to  
5 the parcel of real property located on the northeast end  
6 of Tract No. 226, a portion of the Tioga-Hammond Lakes  
7 Floods Control Project, Tioga County, Pennsylvania, con-  
8 sisting of approximately 8 acres, together with any im-  
9 provements on that property, in as-is condition, for public  
10 ownership and use as the site of the administrative offices  
11 and road maintenance complex for 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. 3331. 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. 3332. 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. 3333. HARRIS COUNTY, TEXAS.**

2 Section 575(b) of the Water Resources Development  
3 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-  
4 ed—

5 (1) in paragraph (3), by striking “and” at the  
6 end;

7 (2) in paragraph (4), by striking the period at  
8 the end and inserting “; and”; and

9 (3) by adding the following:

10 “(5) the project for flood control, Upper White  
11 Oak Bayou, Texas, authorized by section 401(a) of  
12 the Water Resources Development Act of 1986 (100  
13 Stat. 4125).”.

14 **SEC. 3334. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

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

1 **SEC. 3335. EROSION CONTROL, PUGET ISLAND,**  
2 **WAHKIAKUM COUNTY, WASHINGTON.**

3 (a) IN GENERAL.—The Lower Columbia River levees  
4 and bank protection works authorized by section 204 of  
5 the Flood Control Act of 1950 (64 Stat. 178) is modified  
6 with regard to the Wahkiakum County diking districts No.  
7 1 and 3, but without regard to any cost ceiling authorized  
8 before the date of enactment of this Act, to direct the Sec-  
9 retary to provide a 1-time placement of dredged material  
10 along portions of the Columbia River shoreline of Puget  
11 Island, Washington, between river miles 38 to 47, to pro-  
12 tect economic and environmental resources in the area  
13 from further erosion.

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

16 (1) in coordination with appropriate resource  
17 agencies;

18 (2) in accordance with all applicable Federal  
19 law (including regulations); and

20 (3) at full Federal expense.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$1,000,000.

24 **SEC. 3336. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

25 The project for flood control at Milton, Vest Virginia,  
26 authorized by section 580 of the Water Resources Devel-

1 opment Act of 1996 (110 Stat. 3790), as modified by sec-  
 2 tion 340 of the Water Resources Development Act of 2000  
 3 (114 Stat. 2612), is modified to authorize the Secretary  
 4 to construct the project substantially in accordance with  
 5 the draft report of the Corps of Engineers dated May  
 6 2004, at an estimated total cost of \$45,500,000, with an  
 7 estimated Federal cost of \$34,125,000 and an estimated  
 8 non-Federal cost of \$11,375,000.

## 9 **Subchapter C—Deauthorizations**

### 10 **SEC. 3341. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

11 The project for flood damage reduction, Little Cove  
 12 Creek, Glencoe, Alabama, authorized by the Supplemental  
 13 Appropriations Act, 1985 (99 Stat. 312), is not author-  
 14 ized.

### 15 **SEC. 3342. WINSLOW, ARIZONA.**

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

### 19 **SEC. 3343. GOLETA AND VICINITY, CALIFORNIA.**

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

### 23 **SEC. 3344. SHINGLE CREEK BASIN, FLORIDA.**

24 The project for flood control, Central and Southern  
 25 Florida Project, Shingle Creek Basin, Florida, authorized

1 by section 203 of the Flood Control Act of 1962 (76 Stat.  
2 1182), is not authorized.

3 **SEC. 3345. BREVOORT, INDIANA.**

4 The project for flood control, Brevoort, Indiana, au-  
5 thorized under section 5 of the Flood Control Act of 1936  
6 (49 Stat. 1587), is not authorized.

7 **SEC. 3346. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

8 The project for flood control, Middle Wabash, Green-  
9 field Bayou, Indiana, authorized by section 10 of the  
10 Flood Control Act of 1946 (60 Stat. 649), is not author-  
11 ized.

12 **SEC. 3347. LAKE GEORGE, HOBART, INDIANA.**

13 The project for flood damage reduction, Lake George,  
14 Hobart, Indiana, authorized by section 602 of the Water  
15 Resources Development Act of 1986 (100 Stat. 4148), is  
16 not authorized.

17 **SEC. 3348. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**  
18 **2, IOWA.**

19 The project for flood damage reduction, Green Bay  
20 Levee and Drainage District No. 2, Iowa, authorized by  
21 section 401(a) of the Water Resources Development Act  
22 of 1986 (100 Stat. 4115), deauthorized in fiscal year  
23 1991, and reauthorized by section 115(a)(1) of the Water  
24 Resources Development Act of 1992 (106 Stat. 4821), is  
25 not authorized.

1 **SEC. 3349. EAGLE CREEK LAKE, KENTUCKY.**

2       The project for flood control and water supply, Eagle  
3 Creek Lake, Kentucky, authorized by section 203 of the  
4 Flood Control Act of 1962 (76 Stat. 1188), is not author-  
5 ized.

6 **SEC. 3350. HAZARD, KENTUCKY.**

7       The project for flood damage reduction, Hazard,  
8 Kentucky, authorized by section 3 of the Water Resources  
9 Development Act of 1988 (102 Stat. 4014) and section  
10 108 of the Water Resources Development Act of 1990  
11 (104 Stat. 4621), is not authorized.

12 **SEC. 3351. TAYLORSVILLE LAKE, KENTUCKY.**

13       The recreation portion of the project for flood control,  
14 Taylorsville Lake, Kentucky, authorized by section 203 of  
15 the Flood Control Act of 1966 (80 Stat. 1421), is not au-  
16 thorized.

17 **SEC. 3352. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

18       The project for flood control, West Kentucky Tribu-  
19 taries, Kentucky, authorized by section 204 of the Flood  
20 Control Act of 1965 (79 Stat. 1081), section 201 of the  
21 Flood Control Act of 1970 (84 Stat. 1825), and section  
22 401(b) of the Water Resources Development Act of 1986  
23 (100 Stat. 4129), is not authorized.

1 **SEC. 3353. BAYOU COCODRIE AND TRIBUTARIES, LOU-**  
2 **ISIANA.**

3 The project for flood damage reduction, Bayou  
4 Cocodrie and Tributaries, Louisiana, authorized by section  
5 3 of the of the Act entitled “An Act authorizing the con-  
6 struction of certain public works on rivers and harbors for  
7 flood control, and for other purposes”, approved August  
8 18, 1941 (55 Stat. 644), and section 1(a) of the Water  
9 Resources Development Act of 1974 (88 Stat. 12), is not  
10 authorized.

11 **SEC. 3354. EASTERN RAPIDES AND SOUTH-CENTRAL**  
12 **AVOYELLES PARISHES, LOUISIANA.**

13 The project for flood control, Eastern Rapides and  
14 South-Central Avoyelles Parishes, Louisiana, authorized  
15 by section 201 of the Flood Control Act of 1970 (84 Stat.  
16 1825), is not authorized.

17 **SEC. 3355. PLATTE RIVER FLOOD AND RELATED**  
18 **STREAMBANK EROSION CONTROL, NE-**  
19 **BRASKA.**

20 The project for flood damage reduction, Platte River  
21 Flood and Related Streambank Erosion Control, Ne-  
22 braska, authorized by section 603 of the Water Resources  
23 Development Act of 1986 (100 Stat. 4149), is not author-  
24 ized.

1 **SEC. 3356. SUGAR CREEK BASIN, NORTH CAROLINA AND**  
2 **SOUTH CAROLINA.**

3 The project for flood damage reduction, Sugar Creek  
4 Basin, North Carolina and South Carolina, authorized by  
5 section 401(a) of the Water Resources Development Act  
6 of 1986 (100 Stat. 4121), is not authorized.

7 **SEC. 3357. PARKER LAKE, MUDDY BOGGY CREEK, OKLA-**  
8 **HOMA.**

9 The project for flood control and water supply,  
10 Parker Lake, Muddy Boggy Creek, Oklahoma, authorized  
11 by section 401(a) of the Water Resources Development  
12 Act of 1986 (100 Stat. 4123), is not authorized.

13 **SEC. 3358. CHARTIERS CREEK, CANNONSBURG (HOUSTON**  
14 **REACH UNIT 2B), PENNSYLVANIA.**

15 The project for flood control, Chartiers Creek,  
16 Cannonsburg (Houston Reach Unit 2B), Pennsylvania,  
17 authorized by section 204 of the Flood Control Act of  
18 1965 (79 Stat. 1081), is not authorized.

19 **SEC. 3359. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

20 The project for flood control and recreation, Tioga-  
21 Hammond Lakes, Mill Creek Recreation, Pennsylvania,  
22 authorized by section 203 of the Flood Control Act of  
23 1958 (72 Stat. 313), is not authorized.

1 **SEC. 3360. TAMAQUA, PENNSYLVANIA.**

2 The project for flood control, Tamaqua, Pennsyl-  
3 vania, authorized by section 1(a) of the Water Resources  
4 Development Act of 1974 (88 Stat. 14), is not authorized.

5 **SEC. 3361. ARROYO COLORADO, TEXAS.**

6 The project for flood damage reduction, Arroyo Colo-  
7 rado, Texas, authorized by section 401(a) of the Water  
8 Resources Development Act of 1986 (100 Stat. 4125), is  
9 not authorized.

10 **SEC. 3362. CYPRESS CREEK-STRUCTURAL, TEXAS.**

11 The project for flood damage reduction, Cypress  
12 Creek-Structural, Texas, authorized by section 3(a)(13) of  
13 the Water Resources Development Act of 1988 (102 Stat.  
14 4014), is not authorized.

15 **SEC. 3363. EAST FORK CHANNEL IMPROVEMENT, INCRE-**  
16 **MENT 2, EAST FORK OF THE TRINITY RIVER,**  
17 **TEXAS.**

18 The project for flood damage reduction, East Fork  
19 Channel Improvement, Increment 2, East Fork of the  
20 Trinity River, Texas, authorized by section 203 of the  
21 Flood Control Act of 1962 (76 Stat. 1185), is not author-  
22 ized.

23 **SEC. 3364. FALFURRIAS, TEXAS.**

24 The project for flood damage reduction, Falfurrias,  
25 Texas, authorized by section 3(a)(14) of the Water Re-

1 sources Development Act of 1988 (102 Stat. 4014), is not  
2 authorized.

3 **SEC. 3365. PECAN BAYOU LAKE, TEXAS.**

4 The project for flood control, Pecan Bayou Lake,  
5 Texas, authorized by section 203 of the Flood Control Act  
6 of 1968 (82 Stat. 742), is not authorized.

7 **SEC. 3366. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

8 The project for bank erosion, Kanawha River,  
9 Charleston, West Virginia, authorized by section  
10 603(f)(13) of the Water Resources Development Act of  
11 1986 (100 Stat. 4153), is not authorized.

12 **Subtitle B—Coastal Storm Damage**  
13 **Reduction**

14 **CHAPTER 1—GENERAL PROVISIONS**

15 **SEC. 3401. SHORE PROTECTION AND BEACH RENOURISH-**  
16 **MENT PROJECTS.**

17 (a) REVISION OF PLANNING GUIDELINES, REGULA-  
18 TIONS AND CIRCULARS FOR BEACH RENOURISHMENT  
19 PROJECTS.—Not later than 18 months after the date of  
20 enactment of this Act, the Secretary, in collaboration with  
21 the advisory committee established under subsection (c),  
22 shall revise the planning guidelines, regulations, and circu-  
23 lars of the Corps of Engineers for the consideration and  
24 construction of beach replenishment projects involving  
25 large dredge and fill activities.

1 (b) REQUIREMENTS.—Planning regulations of the  
2 Corps of Engineers that are revised under subsection (a)  
3 shall—

4 (1) ensure, to the maximum extent practicable,  
5 that beach replenishment projects do not harm reefs  
6 or other habitats identified as essential fish habitat  
7 or habitat areas of particular concern under the Sus-  
8 tainable Fisheries Act (16 U.S.C. 1801);

9 (2) require the consideration of nonstructural  
10 alternatives to large dredge and fill activities, includ-  
11 ing sand bypass systems, relocation, and elevation;

12 (3) establish standards for the timing of beach  
13 replenishment projects that are designed to avoid,  
14 and subsequently minimize, impacts to wildlife and  
15 habitat quality;

16 (4) establish standards that ensure that sand  
17 deposited on replenished beaches features compatible  
18 grain size, shell content, and other geological charac-  
19 teristics of a natural beach;

20 (5) ensure that those standards are not lowered  
21 as the availability of compatible sand decreases;

22 (6) require long-term monitoring of turbidity to  
23 quantify the impacts to primary production in areas  
24 with coral reefs, and secondary production in areas  
25 with game fishes;

1           (7) establish buffer distances between dredge  
2 sites and reefs that are sufficient to eliminate fur-  
3 ther reef damage from operator or design failures;

4           (8) develop programmatic environmental impact  
5 statements to establish standards for coastal regions  
6 subject to continuous levels of large dredge and fill  
7 activity;

8           (9) revise public notice and comment proce-  
9 dures to ensure adequate time for interagency and  
10 public comments, including the comments of Federal  
11 fishery management councils; and

12           (10) establish a standardized interagency data-  
13 base that collects, distributes, and archives funda-  
14 mental pre- and post-project information to guide  
15 future planning and management.

16       (c) ADVISORY COMMITTEE.—

17           (1) ESTABLISHMENT.—To develop the guide-  
18 lines, regulations, and circulars required under sub-  
19 section (a), the Secretary shall establish an advisory  
20 committee of biologists, engineers, geologists, and  
21 other experts with independent scientific and tech-  
22 nical expertise relating to the environmental impacts  
23 of beach replenishment projects and potential alter-  
24 natives.

1           (2) APPLICABILITY OF FACA.—The Federal Ad-  
 2       visory Committee Act (5 U.S.C. App.) shall apply to  
 3       the advisory committee established under this sec-  
 4       tion.

5       (d) NOTICE AND COMMENT.—The Secretary shall  
 6       comply with the notice and comment provisions of chapter  
 7       551 of title 5, United States Code, in issuing revised plan-  
 8       ning regulations, guidelines, and circulars.

9       (e) APPLICABILITY.—On completion of the revisions  
 10      required under this section, the Secretary shall apply the  
 11      revised regulations to projects for which a draft feasibility  
 12      study or draft reevaluation report has not yet been issued.

13      **SEC. 3402. REGIONAL SEDIMENT MANAGEMENT.**

14      (a) IN GENERAL.—Section 204 of Water Resources  
 15      Development Act of 1992 (33 U.S.C. 2326) is amended—

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

18      “(a) IN GENERAL.—In connection with dredging for  
 19      construction, operation, or maintenance by the Secretary  
 20      of an authorized navigation project, the Secretary may  
 21      carry out projects for—

22           “(1) the protection, restoration, and creation of  
 23      aquatic and ecologically related habitats, including  
 24      wetland; and

1           “(2) the transport and placement of suitable  
2 dredged material at locations identified in the plan  
3 prepared under subsection (e), or identified jointly  
4 by the non-Federal interest and the Secretary, for  
5 use in the construction, repair, or rehabilitation of  
6 projects associated with navigation, flood damage re-  
7 duction, hydroelectric power, municipal and indus-  
8 trial water supply, agricultural water supply, recre-  
9 ation, hurricane and storm damage reduction, aquat-  
10 ic plant control, and environmental protection and  
11 restoration.”;

12           (2) in subsection (b)—

13                 (A) by striking “for the protection, res-  
14 toration or creation of aquatic and ecologically  
15 related habitats” and inserting “undertaken  
16 under subsection (a)”;

17                 (B) in paragraph (1), by striking “and” at  
18 the end;

19                 (C) in paragraph (2), by striking the pe-  
20 riod at the end and inserting “; and”; and

21                 (D) by inserting after paragraph (2) the  
22 following:

23           “(3) the project complies with all applicable  
24 Federal, State, and local laws.”;

1           (3) in subsection (c), by striking “to—” and all  
2           that follows through “(2) pay” and insert “pay”;

3           (4) in subsection (d), by striking “for the pro-  
4           tection, restoration, and creation of aquatic and eco-  
5           logically related habitats”;

6           (5) by redesignating subsections (e), (f), and  
7           (g) as subsections (g), (i), and (h), respectively;

8           (6) by inserting after subsection (d) the fol-  
9           lowing:

10          “(e) REGIONAL SEDIMENT MANAGEMENT PLANS.—

11           “(1) IN GENERAL.—In consultation and co-  
12           operation with the appropriate Federal, State, and  
13           regional agencies, the Secretary shall develop plans  
14           for regional management of sediment dredged in  
15           conjunction with construction, operation, and main-  
16           tenance of navigation projects, including potential  
17           beneficial uses for projects described in subsection  
18           (a).

19           “(2) COSTS.—The costs of developing a plan  
20           under paragraph (1) shall be paid by the Secretary.

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

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

1 “(2) Fletcher Cove, California; and

2 “(3) Toledo Harbor, Lucas County, Ohio.”; and

3 (7) in subsection (i) (as redesignated by para-  
4 graph (5)), by striking “\$15,000,000” and inserting  
5 “\$30,000,000”.

6 (b) REPEAL.—

7 (1) IN GENERAL.—Section 145 of the Water  
8 Resources Development Act of 1976 (33 U.S.C.  
9 426j) is repealed.

10 (2) EFFECT.—The repeal made by paragraph  
11 (1) shall not affect the authority of the Secretary to  
12 complete any project being carried out under that  
13 section on the day before the date of enactment of  
14 this Act.

15 **SEC. 3403. NATIONAL SHORELINE EROSION CONTROL DE-**  
16 **VELOPMENT AND DEMONSTRATION PRO-**  
17 **GRAM.**

18 (a) EXTENSION OF PROGRAM.—Section 5(a) of the  
19 Act of August 13, 1946 (33 U.S.C. 426h(a)), is amended  
20 by striking “6 years” and inserting “10 years”.

21 (b) EXTENSION OF PLANNING, DESIGN, AND CON-  
22 STRUCTION PHASE.—Section 5(b)(1)(A) of the Act of Au-  
23 gust 13, 1946 (33 U.S.C. 426h(b)(1)(A)) is amended by  
24 striking “3 years” and inserting “6 years”.

1 **SEC. 3404. SHORE PROTECTION PROJECTS.**

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

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

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

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

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

1                   **CHAPTER 2—STUDIES**

2   **SEC. 3411. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL**  
 3                   **STUDY.**

4           Section 414 of the Water Resources Development Act  
 5 of 2000 (114 Stat. 2636) is amended by striking “32  
 6 months” and inserting “44 months”.

7                   **CHAPTER 3—PROJECTS**

8                   **Subchapter A—Authorizations**

9   **SEC. 3421. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
 10                   **AND RESTORATION.**

11           (a) COASTAL LOUISIANA ECOSYSTEM RESTORATION  
 12 AND PROTECTION TASK FORCE.—

13                   (1) ESTABLISHMENT.—There is established the  
 14 Coastal Louisiana Ecosystem Protection and Res-  
 15 toration Task Force (referred to in this section as  
 16 the “Task Force”), which shall consist of the fol-  
 17 lowing members or their designee (at the level of as-  
 18 sistant secretary or equivalent):

19                           (A) The Secretary, who shall serve as  
 20 chairperson.

21                           (B) The Secretary of the Interior.

22                           (C) The Secretary of Commerce.

23                           (D) The Administrator of the Environ-  
 24 mental Protection Agency.

25                           (E) The Secretary of Agriculture.

1 (F) The Secretary of Transportation.

2 (G) The Secretary of Energy.

3 (H) The Secretary of Homeland Security.

4 (I) The Governor of the State of Lou-  
5 isiana.

6 (2) DUTIES.—The Task Force shall make rec-  
7 ommendations to the Secretary regarding—

8 (A) policies, strategies, plans, programs,  
9 projects, and activities for addressing conserva-  
10 tion, protection, restoration, and maintenance  
11 of the coastal Louisiana ecosystem;

12 (B) financial plans for each of the agencies  
13 represented on the Task Force for funds pro-  
14 posed for the conservation, protection, restora-  
15 tion, and maintenance of the coastal Louisiana  
16 ecosystem, including—

17 (i) recommendations that identify  
18 funds from current agency missions and  
19 budgets; and

20 (ii) recommendations for coordinating  
21 individual agency budget requests; and

22 (C) submission to Congress of a biennial  
23 report that summarizes the activities of the  
24 Task Force.

1           (3) PROCEDURES AND ADVICE.—The Task  
2 Force shall—

3           (A) implement procedures to facilitate pub-  
4 lic participation with regard to Task Force ac-  
5 tivities, including—

6           (i) providing advance notice of meet-  
7 ings;

8           (ii) providing adequate opportunity  
9 for public input and comment;

10           (iii) maintaining appropriate records;  
11 and

12           (iv) making a record of proceedings  
13 available for public inspection; and

14           (B) establish such working groups as are  
15 necessary to assist the Task Force in its duties.

16           (4) COMPENSATION.—No member of the Task  
17 Force or any associated working group shall receive  
18 compensation for services provided as a member of  
19 the Task Force or working group.

20           (5) TRAVEL EXPENSES.—Travel expenses in-  
21 curred by a member of the Task Force, or a member  
22 of a working group, in the performance of services  
23 for the Task Force shall be paid by the agency or  
24 entity that the member represents.

25           (b) COMPREHENSIVE PLAN.—

1           (1) IN GENERAL.—The Secretary shall, in co-  
2           operation with the non-Federal interest, develop a  
3           comprehensive plan for the conservation, protection,  
4           restoration, and maintenance of the coastal Lou-  
5           isiana ecosystem.

6           (2) ADDITIONAL STUDIES, PROJECTS, AND PRO-  
7           GRAMS.—In addition to the studies, projects, and  
8           programs developed under subsections (c) and (d),  
9           the comprehensive plan may include such additional  
10          studies, projects, and programs as the Secretary de-  
11          termines to be necessary for the conservation, pro-  
12          tection, restoration, and maintenance of the coastal  
13          Louisiana ecosystem.

14          (3) FEATURES.—The comprehensive plan shall  
15          include such features as are necessary to restore the  
16          coastal Louisiana ecosystem by improving wetland  
17          sustainability, habitat suitability, and water quality.

18          (4) SUBMISSION TO CONGRESS.—Not later than  
19          July 1, 2008, the Secretary shall submit to Congress  
20          the comprehensive plan.

21          (c) INVESTIGATIONS.—

22               (1) IN GENERAL.—The Secretary shall initiate  
23               feasibility studies in accordance with the report of  
24               the Chief of Engineers on the Louisiana Coastal  
25               Area Ecosystem Restoration Study.

1           (2) MISSISSIPPI RIVER GULF OUTLET.—The  
2       Secretary shall develop a plan for modification of the  
3       Mississippi River Gulf outlet that will address navi-  
4       gation interests, environmental restoration, and  
5       threats to life and property.

6           (3) EXISTING FEDERALLY-AUTHORIZED WATER  
7       RESOURCES PROJECTS.—

8           (A) IN GENERAL.—The Secretary shall re-  
9       evaluate existing federally-authorized water re-  
10      sources projects in the coastal Louisiana eco-  
11      system in order to determine whether the  
12      projects have the potential to contribute to eco-  
13      system restoration through revised operations  
14      or modified project features.

15          (B) NECESSARY REVISIONS.—If the Sec-  
16      retary determines that revision of operations or  
17      modification of project features for existing fed-  
18      erally-authorized water resources projects is  
19      necessary, those changes shall be implemented  
20      through post-authorization changes by the Sec-  
21      retary or reauthorization by Congress, as ap-  
22      propriate.

23      (d) CONSTRUCTION.—

24          (1) COASTAL LOUISIANA ECOSYSTEM SCIENCE  
25      AND TECHNOLOGY PROGRAM.—

1 (A) IN GENERAL.—There is established a  
2 Coastal Louisiana Ecosystem Science and Tech-  
3 nology Program with an authorization of not to  
4 exceed a total of \$50,000,000.

5 (B) SCIENCE BOARD.—

6 (i) ESTABLISHMENT.—The Secretary  
7 shall establish a Science Board to provide  
8 periodic review and comment on program  
9 and project activities implemented pursu-  
10 ant to subsections (b) and (c) and this  
11 subsection.

12 (ii) COMPOSITION.—The Science  
13 Board shall include nationally recognized  
14 experts, such as biologists, geologists, engi-  
15 neers, hydrologists, and national experts in  
16 the restoration of aquatic and marine eco-  
17 systems.

18 (iii) DUTIES.—The Science Board  
19 shall make recommendations to the Sec-  
20 retary to improve program and project per-  
21 formance.

22 (C) DIRECTOR.—

23 (i) IN GENERAL.—The Office of the  
24 Director of the Coastal Louisiana Science

1 and Technology Program shall be estab-  
2 lished by the Secretary.

3 (ii) RECOMMENDATIONS.—The Direc-  
4 tor shall provide recommendations to the  
5 Secretary regarding—

6 (I) development of an annual  
7 program to identify and address  
8 science and technology needs to sup-  
9 port implementation of the Coastal  
10 Louisiana Ecosystem Science and  
11 Technology Program; and

12 (II) direction and oversight of the  
13 implementation of the annual program  
14 developed in subclause (I) by using  
15 the research capabilities of Federal  
16 and State agencies and academic in-  
17 stitutions.

18 (D) DUTIES.—Duties of Program shall in-  
19 clude—

20 (i) assessing the effects of coastal res-  
21 toration measures;

22 (ii) developing improved ecosystem,  
23 hydrologic, and economic modeling capa-  
24 bilities for improved predictions of coastal  
25 conditions concerning habitat changes,

land and wetland loss, storm surges, and economic impacts;

(iii) developing new technologies for ecosystem restoration activities;

(iv) providing scientific peer review of program and project outputs;

(v) making recommendations to improve program and project performance;

(vi) identifying and addressing socioeconomic consequences of coastal land loss and restoration activities; and

(vii) ensuring application of adaptive management principles and practices.

(E) WORKING GROUPS.—The Director may establish such working groups as are necessary to assist in the duties of the Program.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary may conduct projects for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the Louisiana Coastal Area Ecosystem Restoration Plan.

(B) MAXIMUM COST.—

1 (i) TOTAL COST.—The total cost for  
2 all demonstration projects conducted under  
3 this paragraph shall not exceed  
4 \$85,000,000.

5 (ii) INDIVIDUAL PROJECT.—The total  
6 cost of an individual demonstration project  
7 conducted under this paragraph shall not  
8 exceed \$15,000,000.

9 (C) REVIEW AND APPROVAL.—No dem-  
10 onstration project may be carried out under  
11 this subsection without the review and approval  
12 of the Secretary.

13 (3) AUTHORITY.—The Bayou LaFourche River  
14 Reintroduction project is authorized at a total cost  
15 of \$140,000,000, with an estimated Federal cost of  
16 \$91,000,000 and an estimated non-Federal cost of  
17 \$49,000,000.

18 (4) INCREASED BENEFICIAL USE OF DREDGED  
19 MATERIAL.—The Secretary shall implement a pro-  
20 gram for the beneficial use of material dredged from  
21 Federally-maintained waterways in the Louisiana  
22 Coastal Area with an authorization of not to exceed  
23 a total of \$50,000,000 for the period of fiscal years  
24 2005 through 2010.

25 (e) COST SHARING.—

1           (1) IN GENERAL.—The non-Federal interest  
2       share of the cost of implementing a project under  
3       this section shall be 35 percent.

4           (2) OPERATION.—Operation, maintenance, re-  
5       pair, replacement, and rehabilitation of a project  
6       under this section shall be the responsibility of the  
7       non-Federal interest.

8           (3) FORM.—After the obligations of the non-  
9       Federal interest to provide all land, easements,  
10      rights-of-way, relocations, and disposal areas are ful-  
11      filled, the non-Federal interest may provide the bal-  
12      ance of the non-Federal share through the provision  
13      of services, materials, and other in-kind services that  
14      the Secretary determines to be integral to the pro-  
15      gram.

16          (4) CREDIT.—

17               (A) IN GENERAL.—The fair market value  
18      of land or interests in land and incidental costs  
19      for land acquired or provided by the non-Fed-  
20      eral interest in accordance with decision docu-  
21      ments for any project implemented under sub-  
22      section (d) shall be—

23                       (i) included in the total cost of the  
24                       project; and

1 (ii) credited toward the non-Federal  
2 share of the cost of the project.

3 (B) SERVICES, MATERIALS, AND OTHER  
4 IN-KIND SERVICES.—The Secretary may provide  
5 credit (including in-kind credit) toward the non-  
6 Federal share for the reasonable cost of any  
7 work performed in connection with implementa-  
8 tion of subsection (d) that is necessary for the  
9 implementation of subsection (d) if—

10 (i) the work is defined in an agree-  
11 ment between the Secretary and the non-  
12 Federal interest;

13 (ii) the governing agreement pre-  
14 scribes the terms and conditions of the  
15 credit; and

16 (iii) the Secretary determines that the  
17 work performed by the non-Federal inter-  
18 est is integral to the program.

19 (C) TREATMENT OF CREDIT BETWEEN  
20 PROGRAM ELEMENTS.—Any credit provided  
21 under this paragraph may be carried over be-  
22 tween authorized program elements in accord-  
23 ance with subparagraph (D).

24 (D) PERIODIC MONITORING.—

1 (i) IN GENERAL.—To ensure that the  
2 contributions of the non-Federal interest  
3 equal its 35 percent proportionate share  
4 for program elements, during each 5-year  
5 period, beginning with commencement of  
6 program implementation, the Secretary  
7 shall, for each program element—

8 (I) monitor the non-Federal pro-  
9 vision of cash, services, materials, and  
10 other in-kind services, and land, ease-  
11 ments, rights-of-way, relocations, and  
12 disposal areas; and

13 (II) manage, to the extent prac-  
14 ticable, the requirement of the non-  
15 Federal interest to provide cash, serv-  
16 ices, materials, and other in-kind serv-  
17 ices, and land, easements, rights-of-  
18 way, relocations, and disposal areas.

19 (ii) OTHER MONITORING.—

20 (I) IN GENERAL.—The Secretary  
21 shall conduct monitoring under clause  
22 (i) separately for the construction  
23 phase and the preconstruction engi-  
24 neering and design 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 related 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.

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 may determine that—

21 (A) the activity is justified by the environ-  
22 mental benefits derived by the coastal Louisiana  
23 ecosystem; and

1 (B) no further economic justification for  
2 the activity is required, if the Secretary deter-  
3 mines that the activity is cost-effective.

4 (2) APPLICABILITY.—Paragraph (1) shall not  
5 apply to any separable element intended to produce  
6 benefits that are predominantly unrelated to the  
7 conservation, protection, restoration, or maintenance  
8 of the natural system.

9 (g) CONSISTENCY.—In implementing, maintaining,  
10 modifying, or rehabilitating federally authorized water re-  
11 sources projects in the coastal Louisiana ecosystem, the  
12 Secretary shall ensure that such actions are consistent  
13 with the purposes of plans, projects, and programs devel-  
14 oped and implemented pursuant to this section.

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 **SEC. 3422. MORGANZA, LOUISIANA TO THE GULF OF MEX-**  
4 **ICO.**

5 (a) IN GENERAL.—The Secretary may carry out the  
6 project for hurricane and storm damage reduction,  
7 Morganza, Louisiana, to the Gulf of Mexico, including  
8 Reach J as referred to in section 158 of Public Law 108–  
9 137 (117 Stat. 1846), substantially in accordance with the  
10 report of the Chief of Engineers dated August 23, 2002,  
11 as supplemented by the report of the Chief of Engineers  
12 dated July 22, 2003, at a total cost of \$740,000,000, with  
13 an estimated Federal cost of \$481,000,000 and non-Fed-  
14 eral cost of \$259,000,000.

15 (b) OPERATION AND MAINTENANCE.—The Federal  
16 Government shall be responsible for operation and mainte-  
17 nance and repair, replacement, and rehabilitation of the  
18 Gulf Intracoastal Waterway floodgates and the lock, flood-  
19 gate, and associated structures on the Houma Navigation  
20 Canal.

21 **SEC. 3423. NEW JERSEY SHORE PROTECTION, MANASQUAN**  
22 **INLET TO BARNEGAT INLET, NEW JERSEY.**

23 (a) IN GENERAL.—The Secretary may carry out the  
24 project for shore protection and hurricane and storm dam-  
25 age reduction, Manasquan Inlet to Barnegat Inlet, New

1 Jersey, as described in the report of the Engineers dated  
2 December 30, 2003, at a total initial cost of \$62,377,000,  
3 with an estimated Federal cost of \$40,546,000 and an es-  
4 timated non-Federal cost of \$21,831,000, and with an es-  
5 timated average annual cost of \$1,911,000 for periodic  
6 nourishment over a period of 50 years, which shall be un-  
7 dertaken at 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. 3424. SOUTH RIVER, NEW JERSEY.**

11 The Secretary may carry out the project for hurri-  
12 cane and storm damage reduction and environmental res-  
13 toration, South River, New Jersey, as described in the re-  
14 port of the Chief of Engineers, dated July 22, 2003, at  
15 a total cost of \$105,437,000, with an estimated Federal  
16 cost of \$68,534,000 and an estimated non-Federal cost  
17 of \$36,903,000.

18 **SEC. 3425. 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 **SEC. 3426. COASTAL WETLAND CONSERVATION PROJECT**  
 8 **FUNDING.**

9 (a) FUNDING.—Section 306 of the Coastal Wetlands  
 10 Planning, Protection, and Restoration Act (16 U.S.C.  
 11 3955) is amended—

12 (1) in subsection (a), by striking “, not to ex-  
 13 ceed \$70,000,000,”;

14 (2) in subsection (b), by striking “, not to ex-  
 15 ceed \$15,000,000”; and

16 (3) in subsection (c), by striking “, not to ex-  
 17 ceed \$15,000,000,”.

18 (b) PERIOD OF AUTHORIZATION.—Section 4(a) of  
 19 the Dingell-Johnson Sport Fish Restoration Act (16  
 20 U.S.C. 777c(a)) is amended in the second sentence by  
 21 striking “2009” and inserting “2019”.

22 **Subchapter B—Modifications**

23 **SEC. 3431. IMPERIAL BEACH, CALIFORNIA.**

24 The project for beach erosion, San Diego County,  
 25 California, authorized by section 101 of the River and

1 Harbor Act of 1958 (72 Stat. 300), is modified to author-  
2 ize the Secretary to carry out the project substantially in  
3 accordance with the report of the Chief of Engineers for  
4 Silver Shoreline, Imperial Beach, California, dated Decem-  
5 ber 30, 2003, at a total cost of \$48,264,000, with an esti-  
6 mated Federal cost of \$25,759,000 and an estimated non-  
7 Federal cost of \$22,505,000.

8 **SEC. 3432. LIDO KEY BEACH, SARASOTA, FLORIDA.**

9 The project for shore protection, Lido Key Beach,  
10 Sarasota, Florida, authorized by section 101 of the River  
11 and Harbor Act of 1970 (84 Stat. 1819), deauthorized  
12 under section 1001(b) of the Water Resources Develop-  
13 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized  
14 by section 364(2)(A) of the Water Resources Development  
15 Act of 1999 (113 Stat. 313), is modified to direct the Sec-  
16 retary to construct the project in accordance with the fea-  
17 sibility report of October 2002, at a total cost of  
18 \$12,632,200, with an estimated Federal cost of  
19 \$7,882,493 and an estimated non-Federal cost of  
20 \$4,749,702.

21 **SEC. 3433. ORCHARD BEACH, BRONX, NEW YORK.**

22 Section 554 of the Water Resources Development Act  
23 of 1996 (110 Stat. 3781) is amended by striking  
24 “\$5,200,000” and inserting “\$18,200,000”.

1           **Subchapter C—Deauthorizations**

2   **SEC. 3441. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**  
 3                   **ISIANA.**

4           The project for erosion protection and recreation,  
 5 Fort Livingston, Grande Terre Island, Louisiana, author-  
 6 ized by the Act of August 13, 1946 (commonly known as  
 7 the “Flood Control Act of 1946”) (33 U.S.C. 426e et  
 8 seq.), is not authorized.

9   **TITLE     IV—ECOSYSTEM     RES-**  
 10       **TORATION     AND     ENVIRON-**  
 11       **MENTAL REMEDIATION PRO-**  
 12       **GRAM**

13   **Subtitle A—Ecosystem Restoration**

14       **CHAPTER 1—GENERAL PROVISIONS**

15   **SEC. 4001. COST SHARING FOR MONITORING.**

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

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

20               (2) for a maximum period of 10 years.

21           (b) AGGREGATE LIMITATION.—Monitoring costs for  
 22 an ecosystem restoration project—

23               (1) shall not exceed in the aggregate, for a 10-  
 24 year period, an amount equal to 5 percent of the

1 cost of the applicable original construction project;  
2 and

3 (2) after the 10-year period, shall be 100 per-  
4 cent non-Federal.

5 **SEC. 4002. ECOSYSTEM RESTORATION BENEFITS.**

6 For each of the following projects, the Corps of Engi-  
7 neers shall include ecosystem restoration benefits in the  
8 calculation of benefits for the project:

9 (1) Grayson's Creek, California.

10 (2) Seven Oaks, California.

11 (3) Oxford, California.

12 (4) Walnut Creek, California.

13 (5) Wildcat Phase II, California.

14 **SEC. 4003. GREAT LAKES INTERAGENCY TASK FORCE.**

15 Executive Order 13340 entitled "Establishment of  
16 Great Lakes Interagency Task Force and Promotion of  
17 a Regional Collaboration of National Significance for the  
18 Great Lakes" (69 Fed. Reg. 29043 (May 18, 2004)) is  
19 enacted into law.

1    **CHAPTER 2—CONTINUING AUTHORITIES**  
2                                   **PROGRAMS**

3    **SEC. 4101. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
4                                   **TECTION OF AQUATIC AND RIPARIAN ECO-**  
5                                   **SYSTEMS PROGRAM.**

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

8                   (1) by striking the section heading and insert-  
9           ing the following:

10   **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
11                                   **TECTION OF AQUATIC AND RIPARIAN ECO-**  
12                                   **SYSTEMS PROGRAM.”;**

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

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

17   **SEC. 4102. ENVIRONMENTAL MODIFICATION OF PROJECTS**  
18                                   **FOR IMPROVEMENT AND RESTORATION OF**  
19                                   **ECOSYSTEMS PROGRAM.**

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

22                   (1) by striking the section heading and insert-  
23           ing the following:

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

4 and

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

7 **SEC. 4103. PROJECTS TO ENHANCE ESTUARIES AND COAST-**  
 8 **AL HABITATS.**

9 (a) GENERAL AUTHORITY.—The Secretary may  
 10 carry out an estuary habitat restoration project if the Sec-  
 11 retary determines that the project—

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

15 (2) is in the public interest; and

16 (3) is cost-effective.

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

20 (1) shall be 35 percent; and

21 (2) shall include provision of all land, ease-  
 22 ments, rights-of-way, and necessary relocations.

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

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

3 (2) to pay 100 percent of any operation, main-  
 4 tenance, and replacement and rehabilitation costs of  
 5 the project, in accordance with regulations promul-  
 6 gated by the Secretary.

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

10 (e) FUNDING.—There is authorized to be appro-  
 11 priated to carry out this section \$25,000,000 for each fis-  
 12 cal year.

### 13 **CHAPTER 3—STUDIES**

#### 14 **Subchapter A—Study Authorizations**

#### 15 **SEC. 4201. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND** 16 **NEW YORK.**

17 The Secretary shall—

18 (1) determine, at full Federal expense, the fea-  
 19 sibility of a dispersal barrier project at the Lake  
 20 Champlain Canal; and

21 (2) if determined to be feasible, construct,  
 22 maintain, and operate the dispersal barrier at full  
 23 Federal expense.

1 **SEC. 4202. EURASIAN MILFOIL.**

2 Under the authority of section 104 of the River and  
 3 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall  
 4 carry out a study, at full Federal expense, to develop na-  
 5 tional protocols for the use of the *Euhrychiopsis lecontei*  
 6 weevil for biological control of Eurasian milfoil in the lakes  
 7 of Vermont and other northern tier States.

8 **Subchapter B—Study Modifications**

9 **SEC. 4211. SAN PABLO BAY WATERSHED RESTORATION,**  
 10 **CALIFORNIA.**

11 (a) IN GENERAL.—The Secretary shall complete  
 12 work as expeditiously as practicable on the San Pablo wa-  
 13 tershed, California, study authorized under section 209 of  
 14 the Flood Control Act of 1962 (76 Stat. 1196) to deter-  
 15 mine the feasibility of opportunities for restoring, pre-  
 16 serving, and protecting the San Pablo Bay Watershed.

17 (b) REPORT.—Not later than March 31, 2008, the  
 18 Secretary shall submit to Congress a report that describes  
 19 the results of the study.

20 **CHAPTER 4—PROJECTS**

21 **Subchapter A—Authorizations**

22 **SEC. 4301. MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.**

23 The Secretary may carry out the project for eco-  
 24 system restoration, Matilija Dam and Ventura River Wa-  
 25 tershed, Ventura County, California, at a total estimated  
 26 cost of \$130,335,000, with an estimated Federal cost of

1 \$78,972,750 and an estimated non-Federal cost of  
2 \$51,362,250, substantially in accordance with the plans,  
3 and subject to the conditions, recommended in a final re-  
4 port of the Chief of Engineers, if a favorable report of  
5 the Chief is completed for the project not later than De-  
6 cember 31, 2004.

7 **SEC. 4302. NAPA RIVER SALT MARSH, CALIFORNIA.**

8 The Secretary may carry out the project for eco-  
9 system restoration, Napa River Salt Marsh, California, at  
10 a total estimated cost of \$100,500,000, with an estimated  
11 Federal cost of \$64,000,000 and an estimated non-Fed-  
12 eral cost of \$36,500,000, 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 re-  
15 port of the Chief is completed for the project not later  
16 than December 31, 2004.

17 **SEC. 4303. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**  
18 **CALIFORNIA.**

19 (a) COOPERATIVE PROGRAM.—

20 (1) IN GENERAL.—The Secretary shall partici-  
21 pate with appropriate State and local agencies in the  
22 implementation of a cooperative program to improve  
23 and manage fisheries and aquatic habitat conditions  
24 in Pine Flat Reservoir and in the 14-mile reach of

1 the Kings River immediately below Pine Flat Dam,  
2 California, in a manner that—

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

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

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

10 (A) substantially in accordance with the  
11 goals and principles of the document entitled  
12 “Kings River Fisheries Management Program  
13 Framework Agreement” and dated May 29,  
14 1999, between the California Department of  
15 Fish and Game and the Kings River Water As-  
16 sociation and the Kings River Conservation  
17 District; and

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

20 (b) PARTICIPATION BY SECRETARY.—

21 (1) IN GENERAL.—In furtherance of the goals  
22 of the agreement described in subsection (a)(2)(A),  
23 the Secretary shall participate in the planning, de-  
24 sign, and construction of projects and pilot projects  
25 on the Kings River and its tributaries to enhance

1        aquatic habitat and water availability for fisheries  
2        purposes (including maintenance of a trout fishery)  
3        in accordance with flood control operations, water  
4        rights, and beneficial uses in existence as of the date  
5        of enactment of this Act.

6            (2) PROJECTS.—Projects referred to in para-  
7        graph (1) may include—

8            (A) projects to construct or improve pump-  
9        ing, conveyance, and storage facilities to en-  
10       hance water transfers; and

11           (B) projects to carry out water exchanges  
12       and create opportunities to use floodwater with-  
13       in and downstream of Pine Flat Reservoir.

14        (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED  
15 PROJECTS.—Nothing in this section authorizes any  
16 project for the raising of Pine Flat Dam or the construc-  
17 tion of a multilevel intake structure at Pine Flat Dam.

18        (d) USE OF EXISTING STUDIES.—In carrying out  
19 this section, the Secretary shall use, to the maximum ex-  
20 tent practicable, studies in existence on the date of enact-  
21 ment of this Act, including data and environmental docu-  
22 mentation in the document entitled “Final Feasibility Re-  
23 port and Report of the Chief of Engineers for Pine Flat  
24 Dam Fish and Wildlife Habitat Restoration” and dated  
25 July 19, 2002.

1 (e) COST SHARING.—

2 (1) PROJECT PLANNING, DESIGN, AND CON-  
3 STRUCTION.—The Federal share of the cost of plan-  
4 ning, design, and construction of a project under  
5 subsection (b) shall be 65 percent.

6 (2) NON-FEDERAL SHARE.—

7 (A) CREDIT FOR LAND, EASEMENTS, AND  
8 RIGHTS-OF-WAY.—The Secretary shall credit to-  
9 ward the non-Federal share of the cost of con-  
10 struction of any project under subsection (b)  
11 the value, regardless of the date of acquisition,  
12 of any land, easements, rights-of-way, dredged  
13 material disposal areas, or relocations provided  
14 by the non-Federal interest for use in carrying  
15 out the project.

16 (B) FORM.—The non-Federal interest may  
17 provide not more than 50 percent of the non-  
18 Federal share required under this subsection in  
19 the form of services, materials, supplies, or  
20 other in-kind contributions.

21 (f) OPERATION AND MAINTENANCE.—The operation,  
22 maintenance, repair, rehabilitation, and replacement of  
23 projects carried out under this section shall be a non-Fed-  
24 eral responsibility.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$20,000,000, to remain available until expended.

4 **SEC. 4304. SALTON SEA RESTORATION, CALIFORNIA.**

5 (a) DEFINITIONS.—In this section:

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

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

15 (b) PILOT PROJECTS.—

16 (1) IN GENERAL.—The Secretary shall review  
 17 the preferred restoration concept plan approved by  
 18 the Salton Sea Authority to determine that the pilot  
 19 projects are economically justified, technically sound,  
 20 environmentally acceptable, and meet the objectives  
 21 of the Salton Sea Reclamation Act (Public Law  
 22 105–372). If the Secretary makes a positive deter-  
 23 mination, the Secretary may enter into an agree-  
 24 ment with the Salton Sea Authority and, in con-  
 25 sultation with the Salton Sea Science Office, carry

1 out pilot projects for improvement of the environ-  
2 ment in the Salton Sea.

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

6 (A) consult with the Salton Sea Authority;  
7 and

8 (B) consider the priorities of the Salton  
9 Sea Authority.

10 (3) COST SHARING.—Before carrying out a  
11 pilot project under this section, the Secretary shall  
12 enter into a written agreement with the Salton Sea  
13 Authority that requires the non-Federal interest  
14 to—

15 (A) pay 35 percent of the total costs of the  
16 pilot project;

17 (B) acquire any land, easements, rights-of-  
18 way, relocations, and dredged material disposal  
19 areas necessary to carry out the pilot project;  
20 and

21 (C) hold the United States harmless from  
22 any claim or damage that may arise from car-  
23 rying out the pilot project, except any claim or  
24 damage that may arise from the negligence of

1           the Federal Government or a contractor of the  
2           Federal Government.

3           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out subsection (b)  
5 \$26,000,000, of which not more than \$5,000,000 may be  
6 used for any 1 pilot project under this section.

7 **SEC. 4305. SOUTH PLATTE RIVER, DENVER, COLORADO.**

8           The Secretary may carry out the project for environ-  
9 mental restoration, Denver County Reach, South Platte  
10 River, Denver, Colorado, in accordance with the report of  
11 the chief of Engineers dated May 16, 2003, at a total cost  
12 of \$17,997,000, with an estimated Federal cost of  
13 \$11,698,000 and an estimated non-Federal cost of  
14 \$6,299,000.

15 **SEC. 4306. 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 (d) CREDIT.—

12 (1) IN GENERAL.—The Secretary shall credit to  
 13 each State the proportion of funds that the State  
 14 contributed to the authorized dispersal barriers.

15 (2) USE.—A State may apply the credit to ex-  
 16 isting or future projects of the Corps of Engineers.

17 **SEC. 4307. SMITH ISLAND, MARYLAND.**

18 The Secretary may carry out the project for environ-  
 19 mental restoration, Smith Island, Somerset County, Mary-  
 20 land, at a total cost of \$14,500,000, with an estimated  
 21 Federal cost of \$9,425,000 and an estimated non-Federal  
 22 cost of \$5,075,000, substantially in accordance with the  
 23 plans, and subject to the conditions, recommended in the  
 24 final report of the Chief of Engineers dated October 29,  
 25 2001.

1 **SEC. 4308. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**  
2 **RESTORATION, NEW HAMPSHIRE AND**  
3 **VERMONT.**

4 (a) GENERAL MANAGEMENT PLAN DEVELOP-  
5 MENT.—

6 (1) The Secretary, in cooperation with the Sec-  
7 retary of Agriculture and in consultation with the  
8 States of Vermont and New Hampshire and the  
9 Connecticut River Joint Commission, shall conduct a  
10 study and develop a general management plan for  
11 ecosystem restoration of the Upper Connecticut  
12 River ecosystem for the purposes of—

- 13 (A) habitat protection and restoration;
- 14 (B) streambank stabilization;
- 15 (C) restoration of stream stability;
- 16 (D) water quality improvement;
- 17 (E) invasive species control;
- 18 (F) wetland restoration;
- 19 (G) fish passage; and
- 20 (H) natural flow restoration.

21 (2) EXISTING PLANS.—In developing the gen-  
22 eral management plan, the Secretary shall depend  
23 heavily on existing plans for the restoration of the  
24 Upper Connecticut River.

25 (b) CRITICAL RESTORATION PROJECTS.—

1           (1) IN GENERAL.—The Secretary may partici-  
2       pate in any critical restoration project in the Upper  
3       Connecticut River Basin in accordance with the gen-  
4       eral management plan developed under subsection  
5       (a).

6           (2) ELIGIBLE PROJECTS.—A critical restoration  
7       project shall be eligible for assistance under this sec-  
8       tion if the project—

9           (A) meets the purposes described in the  
10       general management plan developed under sub-  
11       section (a); and

12          (B) with respect to the Upper Connecticut  
13       River and Upper Connecticut River watershed,  
14       consists of—

15           (i) bank stabilization of the main  
16       stem, tributaries, and streams;

17           (ii) wetland restoration and migratory  
18       bird habitat restoration;

19           (iii) soil and water conservation;

20           (iv) restoration of natural flows;

21           (v) restoration of stream stability;

22           (vi) implementation of an intergovern-  
23       mental agreement for coordinating eco-  
24       system restoration, fish passage installa-  
25       tion, streambank stabilization, wetland res-

1                   toration, habitat protection and restora-  
2                   tion, or natural flow restoration;  
3                   (vii) water quality improvement;  
4                   (viii) invasive species control;  
5                   (ix) wetland restoration and migratory  
6                   bird habitat restoration;  
7                   (x) improvements in fish migration;  
8                   and  
9                   (xi) conduct of any other project or  
10                  activity determined to be appropriate by  
11                  the Secretary.

12           (c) COST SHARING.—The Federal share of the cost  
13 of any project carried out under this section shall not be  
14 less than 65 percent.

15           (d) NON-FEDERAL INTEREST.—A nonprofit organi-  
16 zation may serve as the non-Federal interest for a project  
17 carried out under this section.

18           (e) CREDITING.—

19               (1) FOR WORK.—The Secretary shall provide  
20 credit, including credit for in-kind contributions of  
21 up to 100 percent of the non-Federal share, for  
22 work (including design work and materials) if the  
23 Secretary determines that the work performed by  
24 the non-Federal interest is integral to the product.

1           (2) FOR OTHER CONTRIBUTIONS.—The non-  
 2       Federal interest shall receive credit for land, ease-  
 3       ments, rights-of-way, dredged material disposal  
 4       areas, and relocations necessary to implement the  
 5       projects.

6       (f) COOPERATIVE AGREEMENTS.—In carrying out  
 7       this section, the Secretary may enter into 1 or more coop-  
 8       erative agreements to provide financial assistance to ap-  
 9       propriate Federal, State, or local governments or non-  
 10      profit agencies, including assistance for the implementa-  
 11      tion of projects to be carried out under subsection (b).

12      (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 13      authorized to be appropriated to carry out this section  
 14      \$20,000,000, to remain available until expended.

15   **SEC. 4309. UPPER CONNECTICUT RIVER BASIN WETLAND**  
 16                   **RESTORATION, NEW HAMPSHIRE AND**  
 17                   **VERMONT.**

18      (a) IN GENERAL.—The Secretary, in cooperation  
 19      with the States of Vermont and New Hampshire, shall  
 20      carry out a study and develop a strategy for the use of  
 21      wetland restoration, soil and water conservation practices,  
 22      and nonstructural measures to reduce flood damage, im-  
 23      prove water quality, and create wildlife habitat in the  
 24      Upper Connecticut River watershed.

25      (b) COST SHARING.—

1           (1) FEDERAL SHARE.—The Federal share of  
2           the cost of the study and development of the strat-  
3           egy under subsection (a) shall be 65 percent.

4           (2) NON-FEDERAL SHARE.—The non-Federal  
5           share of the cost of the study and development of  
6           the strategy may be provided through the contribu-  
7           tion of in-kind services and materials.

8           (c) NON-FEDERAL INTEREST.—A nonprofit organi-  
9           zation with wetland restoration experience may serve as  
10          the non-Federal interest for the study and development  
11          of the strategy under this section.

12          (d) COOPERATIVE AGREEMENTS.—In conducting the  
13          study and developing the strategy under this section, the  
14          Secretary may enter into 1 or more cooperative agree-  
15          ments to provide technical assistance to appropriate Fed-  
16          eral, State, and local agencies and nonprofit organizations  
17          with wetland restoration experience, including assistance  
18          for the implementation of wetland restoration projects and  
19          soil and water conservation measures.

20          (e) IMPLEMENTATION.—The Secretary shall carry  
21          out development and implementation of the strategy under  
22          this section in cooperation with local landowners and local  
23          government officials.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$5,000,000, to remain available until expended.

4 **SEC. 4310. JAMAICA BAY, MARINE PARK AND PLUMB**  
 5 **BEACH, QUEENS AND BROOKLYN, NEW YORK.**

6 The Secretary may carry out a project for environ-  
 7 mental restoration, Jamaica Bay, Queens and Brooklyn,  
 8 New York, at a total estimated cost of \$180,000,000, with  
 9 an estimated Federal cost of \$117,000,000 and an esti-  
 10 mated non-Federal cost of \$63,000,000, substantially in  
 11 accordance with the plans, and subject to the conditions,  
 12 recommended in a final report of the Chief of Engineers,  
 13 if a favorable report of the Chief is completed not later  
 14 than December 31, 2004.

15 **SEC. 4311. LONG ISLAND SOUND OYSTER RESTORATION,**  
 16 **NEW YORK AND CONNECTICUT.**

17 (a) IN GENERAL.—The Secretary shall plan, design,  
 18 and construct projects to increase aquatic habitats within  
 19 Long Island Sound and adjacent waters, including the  
 20 construction and restoration of oyster beds and related  
 21 shellfish habitat.

22 (b) COST-SHARING.—The non-Federal share of the  
 23 cost of activities carried out under this section shall be  
 24 25 percent and may be provided through in-kind services  
 25 and materials.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$25,000,000 to carry out  
3 this section.

4 **SEC. 4312. UPPER WILLAMETTE RIVER WATERSHED ECO-**  
5 **SYSTEM RESTORATION, OREGON.**

6 (a) IN GENERAL.—The Secretary shall conduct stud-  
7 ies and ecosystem restoration projects for the upper Wil-  
8 lamette River watershed from Albany, Oregon, to the  
9 headwaters of the Willamette River and tributaries.

10 (b) CONSULTATION.—The Secretary shall carry out  
11 ecosystem restoration projects under this section for the  
12 Upper Willamette River watershed in consultation with  
13 the Governor of the State of Oregon, the heads of appro-  
14 priate Indian tribes, the Environmental Protection Agen-  
15 cy, the United States Fish and Wildlife Service, the Na-  
16 tional Marine Fisheries Service, the Bureau of Land Man-  
17 agement, the Forest Service, and local entities.

18 (c) AUTHORIZED ACTIVITIES.—In carrying out eco-  
19 system restoration projects under this section, the Sec-  
20 retary shall undertake activities necessary to protect, mon-  
21 itor, and restore fish and wildlife habitat.

22 (d) COST SHARING REQUIREMENTS.—

23 (1) STUDIES.—Studies conducted under this  
24 section shall be subject to cost sharing in accordance

1 with section 206 of the Water Resources Develop-  
2 ment Act of 1996 (33 U.S.C. 2330).

3 (2) ECOSYSTEM RESTORATION PROJECTS.—

4 (A) IN GENERAL.—Non-Federal interests  
5 shall pay 35 percent of the cost of any eco-  
6 system restoration project carried out under  
7 this section.

8 (B) ITEMS PROVIDED BY NON-FEDERAL  
9 INTERESTS.—

10 (i) IN GENERAL.—Non-Federal inter-  
11 ests shall provide all land, easements,  
12 rights-of-way, dredged material disposal  
13 areas, and relocations necessary for eco-  
14 system restoration projects to be carried  
15 out under this section.

16 (ii) CREDIT TOWARD PAYMENT.—The  
17 value of the land, easements, rights-of-way,  
18 dredged material disposal areas, and relo-  
19 cations provided under clause (i) shall be  
20 credited toward the payment required  
21 under subparagraph (A).

22 (C) IN-KIND CONTRIBUTIONS.—100 per-  
23 cent of the non-Federal share required under  
24 subparagraph (A) may be satisfied by the provi-  
25 sion of in-kind contributions.

1           (3) OPERATIONS AND MAINTENANCE.—Non-  
2       Federal interests shall be responsible for all costs as-  
3       sociated with operating, maintaining, replacing, re-  
4       pairing, and rehabilitating all projects carried out  
5       under this section.

6       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
7       authorized to be appropriated to carry out this section  
8       \$15,000,000.

9       **SEC. 4313. RIVERSIDE OXBOW, FORT WORTH, TEXAS.**

10       The Secretary may carry out the project for environ-  
11       mental restoration, Riverside Oxbow, Fort Worth, Texas  
12       contained in the report of the Chief of Engineers dated  
13       May 29, 2003, to carry out the project at a total cost of  
14       \$22,200,000, with an estimated Federal cost of  
15       \$9,180,000 and an estimated non-Federal cost of  
16       \$13,020,000.

17       **SEC. 4314. CONNECTICUT RIVER DAMS, VERMONT.**

18       (a) IN GENERAL.—The Secretary shall evaluate, de-  
19       sign, and construct structural modifications at full Fed-  
20       eral cost to the Union Village Dam (Ompompanoosuc  
21       River), North Hartland Dam (Ottauquechee River), North  
22       Springfield Dam (Black River), Ball Mountain Dam (West  
23       River), and Townshend Dam (West River), Vermont, to  
24       regulate flow and temperature to mitigate downstream im-  
25       pacts on aquatic habitat and fisheries.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$30,000,000.

4 **Subchapter B—Modifications**

5 **SEC. 4321. HAMILTON AIRFIELD, CALIFORNIA.**

6 The project for environmental restoration, Hamilton  
 7 Airfield, California, authorized by section 101(b)(3) of the  
 8 Water Resources Development Act of 1999 (113 Stat.  
 9 279), is modified to include the diked bayland parcel  
 10 known as “Bel Marin Keys Unit V ” at an estimated total  
 11 cost of \$192,900,000, with an estimated Federal cost of  
 12 \$144,600,000 and an estimated non-Federal cost of  
 13 \$48,300,000, in accordance with the recommendations of  
 14 the report of the Chief of Engineers dated July 19, 2004.

15 **SEC. 4322. ALLATOONA LAKE, GEORGIA.**

16 (a) LAND EXCHANGE.—

17 (1) IN GENERAL.—The Secretary may exchange  
 18 land above 863 feet in elevation at Allatoona Lake,  
 19 Georgia, identified in the Real Estate Design Memo-  
 20 randum prepared by the Mobile district engineer,  
 21 April 5, 1996, and approved October 8, 1996, for  
 22 land on the north side of Allatoona Lake that is re-  
 23 quired for wildlife management and protection of the  
 24 water quality and overall environment of Allatoona  
 25 Lake.

1           (2) TERMS AND CONDITIONS.—The basis for all  
2       land exchanges under this subsection shall be a fair  
3       market appraisal to ensure that land exchanged is of  
4       equal value.

5       (b) DISPOSAL AND ACQUISITION OF LAND,  
6 ALLATOONA LAKE, GEORGIA.—

7           (1) IN GENERAL.—The Secretary may—

8               (A) sell land above 863 feet in elevation at  
9       Allatoona Lake, Georgia, identified in the  
10      memorandum referred to in subsection (a)(1);  
11      and

12             (B) use the proceeds of the sale, without  
13      further appropriation, to pay costs associated  
14      with the purchase of land required for wildlife  
15      management and protection of the water quality  
16      and overall environment of Allatoona Lake.

17       (2) TERMS AND CONDITIONS.—

18           (A) WILLING SELLERS.—Land acquired  
19      under this subsection shall be by negotiated  
20      purchase from willing sellers only.

21           (B) BASIS.—The basis for all transactions  
22      under this subsection shall be a fair market  
23      value appraisal acceptable to the Secretary.

24           (C) SHARING OF COSTS.—Each purchaser  
25      of land under this subsection shall share in the

1 associated environmental and real estate costs  
 2 of the purchase, including surveys and associ-  
 3 ated fees in accordance with the memorandum  
 4 referred to in subsection (a)(1).

5 (D) OTHER CONDITIONS.—The Secretary  
 6 may impose on the sale and purchase of land  
 7 under this subsection such other conditions as  
 8 the Secretary determines to be appropriate.

9 (c) REPEAL.—Section 325 of the Water Resources  
 10 Development Act of 1992 (106 Stat. 4849) is repealed.

11 **SEC. 4323. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**  
 12 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

13 Section 101(16) of the Water Resources Development  
 14 Act of 2000 (114 Stat. 2578) is amended—

15 (1) by striking “(A) IN GENERAL.—Projects for  
 16 ecosystem restoration, Ohio River Mainstem” and  
 17 inserting the following:

18 “(A) AUTHORIZATION.—

19 “(i) IN GENERAL.—Projects for eco-  
 20 system restoration, Ohio River Basin (ex-  
 21 cluding the Tennessee and Cumberland  
 22 River Basins)”; and

23 (2) in subparagraph (A), by adding at the end  
 24 the following:

1                   “(ii) NONPROFIT ENTITY.—For any  
 2                   ecosystem restoration project carried out  
 3                   under this paragraph, with the consent of  
 4                   the affected local government, a nonprofit  
 5                   entity may be considered to be a non-Fed-  
 6                   eral interest.

7                   “(iii) PROGRAM IMPLEMENTATION  
 8                   PLAN.—There is authorized to be devel-  
 9                   oped a program implementation plan of the  
 10                  Ohio River Basin (excluding the Tennessee  
 11                  and Cumberland River Basins) at full Fed-  
 12                  eral expense.

13                  “(iv) PILOT PROGRAM.—There is au-  
 14                  thorized to be initiated a completed pilot  
 15                  program in Lower Scioto Basin, Ohio.”.

16 **SEC. 4324. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
 17 **FLOODWAY SYSTEM, LOUISIANA.**

18       The public access features of the Atchafalaya Basin  
 19 Floodway System, Louisiana, project, authorized by the  
 20 section 601(a) of the Water Resources Development Act  
 21 of 1986 (100 Stat. 4142), are modified to authorize the  
 22 Secretary to acquire from willing sellers the fee interest,  
 23 exclusive of oil, gas, and minerals, of an additional 20,000  
 24 acres of land in the Lower Atchafalaya Basin Flood for  
 25 the public access feature of the Atchafalaya Basin

1 Floodway System, to enhance fish and wildlife resources,  
 2 at a total cost of \$4,000,000.

3 **SEC. 4325. ONONDAGA LAKE, NEW YORK.**

4 Section 573 of the Water Resources Development Act  
 5 of 1999 (113 Stat. 372) is amended—

6 (1) in subsection (f), by striking “\$10,000,000”  
 7 and inserting “\$30,000,000”;

8 (2) by redesignating subsections (f) and (g) as  
 9 subsections (g) and (h), respectively; and

10 (3) by inserting after subsection (e) the fol-  
 11 lowing:

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

17 **SEC. 4326. MISSOURI RIVER RESTORATION, NORTH DA-**  
 18 **KOTA.**

19 Section 707(a) of the Water Resources Act of 2000  
 20 (114 Stat. 2699) is amended in the first sentence by strik-  
 21 ing “2005” and inserting “2010”.

22 **SEC. 4327. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
 23 **VANIA AND NEW YORK.**

24 Section 567 of the Water Resources Development Act  
 25 of 1996 (110 Stat. 3787) is amended—

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

3           “(c) COOPERATION AGREEMENTS.—

4           “(1) IN GENERAL.—In conducting the study  
5 and implementing the strategy under this section,  
6 the Secretary shall enter into cost-sharing and  
7 project cooperation agreements with the Federal  
8 Government, State and local governments (with the  
9 consent of the State and local governments), land  
10 trusts, or nonprofit, nongovernmental organizations  
11 with expertise in wetland restoration.

12           “(2) FINANCIAL ASSISTANCE.—Under the co-  
13 operation agreement, the Secretary may provide as-  
14 sistance for implementation of wetland restoration  
15 projects and soil and water conservation measures.”;  
16 and

17           (2) by striking subsection (d) and inserting the  
18 following:

19           “(d) IMPLEMENTATION OF STRATEGY.—

20           “(1) IN GENERAL.—The Secretary shall carry  
21 out the development, demonstration, and implemen-  
22 tation of the strategy under this section in coopera-  
23 tion with local landowners, local government offi-  
24 cials, and land trusts.

1           “(2) GOALS OF PROJECTS.—Projects to imple-  
 2           ment the strategy under this subsection shall be de-  
 3           signed to take advantage of ongoing or planned ac-  
 4           tions by other agencies, local municipalities, or non-  
 5           profit, nongovernmental organizations with expertise  
 6           in wetland restoration that would increase the effec-  
 7           tiveness or decrease the overall cost of implementing  
 8           recommended projects.”.

9   **SEC. 4328. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**  
 10                   **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**  
 11                   **HABITAT RESTORATION, SOUTH DAKOTA.**

12           (a) DISBURSEMENT PROVISIONS OF THE STATE OF  
 13   SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX  
 14   TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-  
 15   TRIAL WILDLIFE HABITAT RESTORATION TRUST  
 16   FUNDS.—Section 602(a)(4) of the Water Resources De-  
 17   velopment Act of 1999 (113 Stat. 386) is amended—

18                   (1) in subparagraph (A)—

19                           (A) in clause (i), by inserting “and the  
 20                   Secretary of the Treasury” after “Secretary”;  
 21                   and

22                           (B) by striking clause (ii) and inserting the  
 23                   following:

24                                   “(ii) AVAILABILITY OF FUNDS.—On  
 25                   notification in accordance with clause (i),

1 the Secretary of the Treasury shall make  
2 available to the State of South Dakota  
3 funds from the State of South Dakota Ter-  
4 restrial Wildlife Habitat Restoration Trust  
5 Fund established under section 603, to be  
6 used to carry out the plan for terrestrial  
7 wildlife habitat restoration submitted by  
8 the State of South Dakota after the State  
9 certifies to the Secretary of the Treasury  
10 that the funds to be disbursed will be used  
11 in accordance with section 603(d)(3) and  
12 only after the Trust Fund is fully capital-  
13 ized.”; and

14 (2) in subparagraph (B), by striking clause (ii)  
15 and inserting the following:

16 “(ii) AVAILABILITY OF FUNDS.—On  
17 notification in accordance with clause (i),  
18 the Secretary of the Treasury shall make  
19 available to the Cheyenne River Sioux  
20 Tribe and the Lower Brule Sioux Tribe  
21 funds from the Cheyenne River Sioux Ter-  
22 restrial Wildlife Habitat Restoration Trust  
23 Fund and the Lower Brule Sioux Terres-  
24 trial Wildlife Habitat Restoration Trust  
25 Fund, respectively, established under sec-

1                   tion 604, to be used to carry out the plans  
 2                   for terrestrial wildlife habitat restoration  
 3                   submitted by the Cheyenne River Sioux  
 4                   Tribe and the Lower Brule Sioux Tribe,  
 5                   respectively, after the respective tribe cer-  
 6                   tifies to the Secretary of the Treasury that  
 7                   the funds to be disbursed will be used in  
 8                   accordance with section 604(d)(3) and only  
 9                   after the Trust Fund is fully capitalized.”.

10           (b) INVESTMENT PROVISIONS OF THE STATE OF  
 11   SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION  
 12   TRUST FUND.—Section 603 of the Water Resources De-  
 13   velopment Act of 1999 (113 Stat. 388) is amended—

14                   (1) by striking subsection (c) and inserting the  
 15   following:

16           “(c) INVESTMENTS.—

17                   “(1)     ELIGIBLE     OBLIGATIONS.—Notwith-  
 18   standing any other provision of law, the Secretary of  
 19   the Treasury shall invest the amounts deposited  
 20   under subsection (b) and the interest earned on  
 21   those amounts only in interest-bearing obligations of  
 22   the United States issued directly to the Fund.

23                   “(2) INVESTMENT REQUIREMENTS.—

1           “(A) IN GENERAL.—The Secretary of the  
2           Treasury shall invest the Fund in accordance  
3           with all of the requirements of this paragraph.

4           “(B) SEPARATE INVESTMENTS OF PRIN-  
5           CIPAL AND INTEREST.—

6                   “(i) PRINCIPAL ACCOUNT.—The  
7                   amounts deposited in the Fund under sub-  
8                   section (b) shall be credited to an account  
9                   within the Fund (referred to in this para-  
10                  graph as the ‘principal account’) and in-  
11                  vested as provided in subparagraph (C).

12                  “(ii) INTEREST ACCOUNT.—The inter-  
13                  est earned from investing amounts in the  
14                  principal account of the Fund shall be  
15                  transferred to a separate account within  
16                  the Fund (referred to in this paragraph as  
17                  the ‘interest account’) and invested as pro-  
18                  vided in subparagraph (D).

19                  “(iii) CREDITING.—The interest  
20                  earned from investing amounts in the in-  
21                  terest account of the Fund shall be cred-  
22                  ited to the interest account.

23           “(C) INVESTMENT OF PRINCIPAL AC-  
24           COUNT.—

1                   “(i) INITIAL INVESTMENT.—Each  
2                   amount deposited in the principal account  
3                   of the Fund shall be invested initially in el-  
4                   igible obligations having the shortest matu-  
5                   rity then available until the date on which  
6                   the amount is divided into 3 substantially  
7                   equal portions and those portions are in-  
8                   vested in eligible obligations that are iden-  
9                   tical (except for transferability) to the  
10                  next-issued publicly issued Treasury obli-  
11                  gations having a 2-year maturity, a 5-year  
12                  maturity, and a 10-year maturity, respec-  
13                  tively.

14                  “(ii) SUBSEQUENT INVESTMENT.—As  
15                  each 2-year, 5-year, and 10-year eligible  
16                  obligation matures, the principal of the  
17                  maturing eligible obligation shall also be  
18                  invested initially in the shortest-maturity  
19                  eligible obligation then available until the  
20                  principal is reinvested substantially equally  
21                  in the eligible obligations that are identical  
22                  (except for transferability) to the next-  
23                  issued publicly issued Treasury obligations  
24                  having 2-year, 5-year, and 10-year matu-  
25                  rities.

1           “(iii) DISCONTINUANCE OF ISSUANCE  
 2           OF OBLIGATIONS.—If the Department of  
 3           the Treasury discontinues issuing to the  
 4           public obligations having 2-year, 5-year, or  
 5           10-year maturities, the principal of any  
 6           maturing eligible obligation shall be rein-  
 7           vested substantially equally in eligible obli-  
 8           gations that are identical (except for trans-  
 9           ferability) to the next-issued publicly  
 10          issued Treasury obligations of the matu-  
 11          rities longer than 1 year then available.

12          “(D) INVESTMENT OF INTEREST AC-  
 13          COUNT.—

14               “(i) BEFORE FULL CAPITALIZA-  
 15               TION.—Until the date on which the Fund  
 16               is fully capitalized, amounts in the interest  
 17               account of the Fund shall be invested in el-  
 18               igible obligations that are identical (except  
 19               for transferability) to publicly issued  
 20               Treasury obligations that have maturities  
 21               that coincide, to the maximum extent prac-  
 22               ticable, with the date on which the Fund  
 23               is expected to be fully capitalized.

24               “(ii) AFTER FULL CAPITALIZATION.—  
 25               On and after the date on which the Fund

1 is fully capitalized, amounts in the interest  
2 account of the Fund shall be invested and  
3 reinvested in eligible obligations having the  
4 shortest maturity then available until the  
5 amounts are withdrawn and transferred to  
6 fund the activities authorized under sub-  
7 section (d)(3).

8 “(E) PAR PURCHASE PRICE.—The price to  
9 be paid for eligible obligations purchased as in-  
10 vestments of the principal account shall not ex-  
11 ceed the par value of the obligations so that the  
12 amount of the principal account shall be pre-  
13 served in perpetuity.

14 “(F) HIGHEST YIELD.—Among eligible ob-  
15 ligations having the same maturity and pur-  
16 chase price, the obligation to be purchased shall  
17 be the obligation having the highest yield.

18 “(G) HOLDING TO MATURITY.—Eligible  
19 obligations purchased shall generally be held to  
20 their maturities.

21 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
22 TIES.—Not less frequently than once each calendar  
23 year, the Secretary of the Treasury shall review with  
24 the State of South Dakota the results of the invest-

1       ment activities and financial status of the Fund dur-  
2       ing the preceding 12-month period.”;

3           (2) in subsection (d)(2), by inserting “of the  
4       Treasury” after Secretary”; and

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

7       “(f) ADMINISTRATIVE EXPENSES.—There are au-  
8       thorized to be appropriated, out of any money in the  
9       Treasury not otherwise appropriated, to the Secretary of  
10      the Treasury, to pay expenses associated with investing  
11      the Fund and auditing the uses of amounts withdrawn  
12      from the Fund—

13           “(1) up to \$500,000 for each of fiscal years  
14      2004 and 2005; and

15           “(2) such sums as are necessary for each subse-  
16      quent fiscal year. ”.

17      (c) INVESTMENT PROVISIONS FOR THE CHEYENNE  
18      RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE  
19      TRUST FUNDS.—Section 604 of the Water Resources De-  
20      velopment Act of 1999 (113 Stat. 389) is amended—

21           (1) by striking subsection (c) and inserting the  
22      following:

23      “(c) INVESTMENTS.—

24           “(1) ELIGIBLE OBLIGATIONS.—Notwith-  
25      standing any other provision of law, the Secretary of

1 the Treasury shall invest the amounts deposited  
 2 under subsection (b) and the interest earned on  
 3 those amounts only in interest-bearing obligations of  
 4 the United States issued directly to the Funds.

5 “(2) INVESTMENT REQUIREMENTS.—

6 “(A) IN GENERAL.—The Secretary of the  
 7 Treasury shall invest each of the Funds in ac-  
 8 cordance with all of the requirements of this  
 9 paragraph.

10 “(B) SEPARATE INVESTMENTS OF PRIN-  
 11 CIPAL AND INTEREST.—

12 “(i) PRINCIPAL ACCOUNT.—The  
 13 amounts deposited in each Fund under  
 14 subsection (b) shall be credited to an ac-  
 15 count within the Fund (referred to in this  
 16 paragraph as the ‘principal account’) and  
 17 invested as provided in subparagraph (C).

18 “(ii) INTEREST ACCOUNT.—The inter-  
 19 est earned from investing amounts in the  
 20 principal account of each Fund shall be  
 21 transferred to a separate account within  
 22 the Fund (referred to in this paragraph as  
 23 the ‘interest account’) and invested as pro-  
 24 vided in subparagraph (D).

1                   “(iii) CREDITING.—The interest  
 2                   earned from investing amounts in the in-  
 3                   terest account of each Fund shall be cred-  
 4                   ited to the interest account.

5                   “(C) INVESTMENT OF PRINCIPAL AC-  
 6                   COUNT.—

7                   “(i) INITIAL INVESTMENT.—Each  
 8                   amount deposited in the principal account  
 9                   of each Fund shall be invested initially in  
 10                  eligible obligations having the shortest ma-  
 11                  turity then available until the date on  
 12                  which the amount is divided into 3 sub-  
 13                  stantially equal portions and those portions  
 14                  are invested in eligible obligations that are  
 15                  identical (except for transferability) to the  
 16                  next-issued publicly issued Treasury obli-  
 17                  gations having a 2-year maturity, a 5-year  
 18                  maturity, and a 10-year maturity, respec-  
 19                  tively.

20                  “(ii) SUBSEQUENT INVESTMENT.—As  
 21                  each 2-year, 5-year, and 10-year eligible  
 22                  obligation matures, the principal of the  
 23                  maturing eligible obligation shall also be  
 24                  invested initially in the shortest-maturity  
 25                  eligible obligation then available until the

principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

“(D) INVESTMENT OF THE INTEREST ACCOUNT.—

“(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued

1 Treasury obligations that have maturities  
2 that coincide, to the maximum extent prac-  
3 ticable, with the date on which the Fund  
4 is expected to be fully capitalized.

5 “(ii) AFTER FULL CAPITALIZATION.—

6 On and after the date on which each Fund  
7 is fully capitalized, amounts in the interest  
8 account of the Fund shall be invested and  
9 reinvested in eligible obligations having the  
10 shortest maturity then available until the  
11 amounts are withdrawn and transferred to  
12 fund the activities authorized under sub-  
13 section (d)(3).

14 “(E) PAR PURCHASE PRICE.—The price to  
15 be paid for eligible obligations purchased as in-  
16 vestments of the principal account shall not ex-  
17 ceed the par value of the obligations so that the  
18 amount of the principal account shall be pre-  
19 served in perpetuity.

20 “(F) HIGHEST YIELD.—Among eligible ob-  
21 ligations having the same maturity and pur-  
22 chase price, the obligation to be purchased shall  
23 be the obligation having the highest yield.

1                   “(G) HOLDING TO MATURITY.—Eligible  
2                   obligations purchased shall generally be held to  
3                   their maturities.

4                   “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
5                   TIES.—Not less frequently than once each calendar  
6                   year, the Secretary of the Treasury shall review with  
7                   the Cheyenne River Sioux Tribe and the Lower  
8                   Brule Sioux Tribe the results of the investment ac-  
9                   tivities and financial status of the Funds during the  
10                  preceding 12-month period.”; and

11                  (2) by striking subsection (f) and inserting the  
12                  following:

13                  “(f) ADMINISTRATIVE EXPENSES.—There are au-  
14                  thorized to be appropriated, out of any money in the  
15                  Treasury not otherwise appropriated, to the Secretary of  
16                  the Treasury to pay expenses associated with investing the  
17                  Funds and auditing the uses of amounts withdrawn from  
18                  the Funds—

19                  “(1) up to \$500,000 for each of fiscal years  
20                  2004 and 2005; and

21                  “(2) such sums as are necessary for each subse-  
22                  quent fiscal year.”.

1 **SEC. 4329. MISSOURI RIVER RESTORATION, SOUTH DA-**  
 2 **KOTA.**

3 (a) REPRESENTATION OF RURAL WATER SYS-  
 4 TEMS.—Section 904(b)(1)(B) of the Water Resources De-  
 5 velopment Act of 2000 (114 Stat. 2708) is amended—

6 (1) in clause (vii), by striking “and” at the end;

7 (2) by redesignating clause (viii) as clause (ix);

8 and

9 (3) by inserting after clause (vii) the following:

10 “(viii) rural water systems; and”.

11 (b) REAUTHORIZATION.—Section 907(a) of the  
 12 Water Resources Development Act of 2000 (114 Stat.  
 13 2712) is amended in the first sentence by striking “2005”  
 14 and inserting “2010”.

15 **SEC. 4330. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
 16 **HANCEMENT PROJECT.**

17 Section 514(g) of the Water Resources Development  
 18 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
 19 by striking “and 2004” and inserting “through 2015”.

20 **SEC. 4331. LAKE CHAMPLAIN EURASIAN MILFOIL AND**  
 21 **WATER CHESTNUT CONTROL, VERMONT.**

22 Under authority of section 104 of the River and Har-  
 23 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-  
 24 vise the existing General Design Memorandum to permit  
 25 the use of chemical means of control, when appropriate,

1 of Eurasian milfoil and water chestnuts in the Lake  
2 Champlain basin, Vermont.

3 **SEC. 4332. LAKE CHAMPLAIN WATERSHED, VERMONT AND**  
4 **NEW YORK.**

5 Section 542 of the Water Resources Development Act  
6 of 2000 (42 Stat. 2671) is amended—

7 (1) in subsection (b)(2)—

8 (A) in subparagraph (D), by striking “or”  
9 at the end;

10 (B) by redesignating subparagraph (E) as  
11 subparagraph (G); and

12 (C) by inserting after subparagraph (D)  
13 the following:

14 “(E) river corridor assessment, protection,  
15 management, and restoration for the purposes  
16 of ecosystem restoration;

17 “(F) geographic mapping conducted by the  
18 Secretary using existing technical capacity to  
19 produce a high-resolution, multispectral satellite  
20 imagery-based land use and cover data set; or”;  
21 and

22 (2) in subsection (g), by striking  
23 “\$20,000,000” and inserting “\$32,000,000”.

1 **SEC. 4333. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**  
2 **GINIA AND MARYLAND.**

3 Section 704(b) of the Water Resources Development  
4 Act of 1986 (33 U.S.C. 2263(b)) is amended—

5 (1) by redesignating paragraph (2) as para-  
6 graph (4);

7 (2) in paragraph (1)—

8 (A) in the second sentence, by striking  
9 “\$20,000,000” and inserting “\$50,000,000”;  
10 and

11 (B) in the third sentence, by striking  
12 “Such projects” and inserting the following:

13 “(2) INCLUSIONS.—Such projects”;

14 (3) by striking paragraph (2)(D) (as redesign-  
15 nated by paragraph (2)(B)) and inserting the fol-  
16 lowing:

17 “(D) the restoration and rehabilitation of  
18 habitat for fish, including native oysters, in the  
19 Chesapeake Bay and its tributaries in Virginia  
20 and Maryland, including—

21 “(i) the construction of oyster bars  
22 and reefs;

23 “(ii) the rehabilitation of existing  
24 marginal habitat;

1 “(iii) the use of appropriate alter-  
 2 native substrate material in oyster bar and  
 3 reef construction;

4 “(iv) the construction and upgrading  
 5 of oyster hatcheries; and

6 “(v) activities relating to increasing  
 7 the output of native oyster broodstock for  
 8 seeding and monitoring of restored sites to  
 9 ensure ecological success.

10 “(3) RESTORATION AND REHABILITATION AC-  
 11 TIVITIES.—The restoration and rehabilitation activi-  
 12 ties described in paragraph (2)(D) shall be—

13 “(A) for the purpose of establishing per-  
 14 manent sanctuaries and harvest management  
 15 areas; and

16 “(B) consistent with plans and strategies  
 17 for guiding the restoration of the Chesapeake  
 18 Bay oyster resource and fishery.”; and

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

20 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

21 In this subsection, the term ‘ecological success’  
 22 means—

23 “(A) achieving a tenfold increase in native  
 24 oyster biomass by the year 2010, from a 1994  
 25 baseline; and

1           “(B) the establishment of a sustainable  
2           fishery as determined by a broad scientific and  
3           economic consensus.”.

4 **SEC. 4334. LAKES PROGRAM.**

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

8           (1) in paragraph (18), by striking “and” at the  
9           end;

10          (2) in paragraph (19), by striking the period at  
11          the end and inserting a semicolon; and

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

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

16           “(21) Lake Sakakawea, North Dakota, removal  
17           of silt and aquatic growth and measures to address  
18           excessive sedimentation;

19           “(22) Lake Morley, Vermont, removal of silt  
20           and aquatic growth and measures to address exces-  
21           sive sedimentation; and

22           “(23) Lake Fairlee, Vermont, removal of silt  
23           and aquatic growth and measures to address exces-  
24           sive sedimentation.”.

1 **SEC. 4335. ESTUARY RESTORATION.**

2 (a) PURPOSES.—Section 102 of the Estuary Restora-  
3 tion Act of 2000 (33 U.S.C. 2901) is amended—

4 (1) in paragraph (1), by inserting before the  
5 semicolon the following: “by implementing a coordi-  
6 nated Federal approach to estuary habitat restora-  
7 tion activities, including the use of common moni-  
8 toring standards and a common system for tracking  
9 restoration acreage”;

10 (2) in paragraph (2), by inserting “and imple-  
11 ment” after “to develop”; and

12 (3) in paragraph (3), by inserting “through co-  
13 operative agreements” after “restoration projects”.

14 (b) DEFINITION OF ESTUARY HABITAT RESTORA-  
15 TION PLAN.—Section 103(6)(A) of the Estuary Restora-  
16 tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by  
17 striking “Federal or State” and inserting “Federal, State,  
18 or regional”.

19 (c) ESTUARY HABITAT RESTORATION PROGRAM.—  
20 Section 104 of the Estuary Restoration Act of 2000 (33  
21 U.S.C. 2903) is amended—

22 (1) in subsection (a), by inserting “through the  
23 award of contracts and cooperative agreements”  
24 after “assistance”;

25 (2) in subsection (c)—

1 (A) in paragraph (3)(A), by inserting “or  
2 State” after “Federal”; and

3 (B) in paragraph (4)(B), by inserting “or  
4 approach” after “technology”;  
5 (3) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “Except” and inserting  
8 the following:

9 “(i) IN GENERAL.—Except”; and

10 (ii) by adding at the end the fol-  
11 lowing:

12 “(ii) MONITORING.—

13 “(I) COSTS.—The costs of per-  
14 forming monitoring of an estuary  
15 habitat restoration project funded  
16 under this title may be included in the  
17 total cost of the estuary habitat res-  
18 toration project.

19 “(II) GOALS.—The goals of the  
20 monitoring are—

21 “(aa) to measure the effec-  
22 tiveness of the restoration  
23 project; and

1 “(bb) to allow adaptive man-  
 2 agement to ensure project suc-  
 3 cess.”;

4 (B) in paragraph (2), by inserting “or ap-  
 5 proach” after “technology”; and

6 (C) in paragraph (3), by inserting “(in-  
 7 cluding monitoring)” after “services”;

8 (4) in subsection (f)(1)(B), by inserting “long-  
 9 term” before “maintenance”; and

10 (5) in subsection (g)—

11 (A) by striking “In carrying” and inserting  
 12 the following:

13 “(1) IN GENERAL.—In carrying”; and

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

15 “(2) SMALL PROJECTS.—In the case of a  
 16 project carried out under this Act with a Federal  
 17 share of less than \$1,000,000, the Secretary, on the  
 18 recommendation of the Council, shall consider dele-  
 19 gating implementation of the project, on a reimburs-  
 20 able basis, to—

21 “(A) the Secretary of the Interior (acting  
 22 through the Director of the United States Fish  
 23 and Wildlife Service); or

24 “(B) the Under Secretary for Oceans and  
 25 Atmosphere of the Department of Commerce.”.

1 (d) ESTABLISHMENT OF ESTUARY HABITAT RES-  
2 TORATION COUNCIL.—Section 105(b) of the Estuary Res-  
3 toration Act of 2000 (33 U.S.C. 2903(b)) is amended—

4 (1) in paragraph (4), by striking “and” after  
5 the semicolon at the end;

6 (2) in paragraph (5), by striking the period at  
7 the end and inserting a semicolon; and

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

9 “(6) cooperating in the implementation of the  
10 strategy developed under section 106;

11 “(7) recommending standards for monitoring  
12 for restoration projects and contribution of project  
13 information to the database developed under section  
14 107; and

15 “(8) otherwise using the respective agency au-  
16 thorities of the Council members to carry out this  
17 title.”.

18 (e) MONITORING OF ESTUARY HABITAT RESTORA-  
19 TION PROJECTS.—Section 107(d) of the Estuary Restora-  
20 tion Act of 2000 (33 U.S.C. 2906(d)) is amended by strik-  
21 ing “compile” and inserting “have general data compila-  
22 tion, coordination, and analysis responsibilities to carry  
23 out this title and in support of the strategy developed  
24 under section 107, including compilation of”.

1       (f) REPORTING.—Section 108(a) of the Estuary Res-  
2       toration Act of 2000 (33 U.S.C. 2907(a)) is amended by  
3       striking “third and fifth” and inserting “sixth, eighth, and  
4       tenth”.

5       (g) FUNDING.—Section 109(a) of the Estuary Res-  
6       toration Act of 2000 (33 U.S.C. 2908(a)) is amended—

7               (1) in paragraph (1), by striking subparagraphs  
8       (A) through (D) and inserting the following:

9               “(A) to the Secretary, \$25,000,000 for  
10       each of fiscal years 2006 through 2010;

11              “(B) to the Secretary of the Interior (act-  
12       ing through the Director of the United States  
13       Fish and Wildlife Service), \$5,000,000 for each  
14       of fiscal years 2006 through 2010; and

15              “(C) to the Under Secretary for Oceans  
16       and Atmosphere of the Department of Com-  
17       merce, \$5,000,000 for each of fiscal years 2006  
18       through 2010.”; and

19       (2) in the first sentence of paragraph (2)—

20              (A) by inserting “and other information  
21       compiled under section 107” after “this title”;  
22       and

23              (B) by striking “2005” and inserting  
24       “2010”.

1 (h) GENERAL PROVISIONS.—Section 110 of the Es-  
 2 tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-  
 3 ed—

4 (1) in subsection (a), by striking “Secretary”  
 5 and inserting “lead agency”;

6 (2) in subsection (b)—

7 (A) by striking “Secretary” and inserting  
 8 “lead agency”; and

9 (B) in paragraph (1)—

10 (i) by inserting “or contracts” after  
 11 “agreements”; and

12 (ii) by inserting “, nongovernmental  
 13 organizations,” after “agencies”; and

14 (3) by striking subsections (d) and (e).

## 15 **Subchapter C—Deauthorizations**

### 16 **SEC. 4351. DOG RIVER PILOT PROJECT, ALABAMA.**

17 The project for ecosystem restoration, Dog River  
 18 Pilot Project, Alabama, authorized by section 518 of the  
 19 Water Resources Development Act of 1999 (113 Stat.  
 20 345), is not authorized.

### 21 **SEC. 4352. CENTRAL AND SOUTHERN FLORIDA, EVER-** 22 **GLADES NATIONAL PARK, FLORIDA.**

23 The project to modify the Central and Southern Flor-  
 24 ida project to improve water supply to the Everglades Na-  
 25 tional Park, Florida, authorized by section 203 of the

1 Flood Control Act of 1954 (68 Stat. 1257) and the Flood  
2 Control Act of 1968 (82 Stat. 740), is not authorized.

## 3           **Subtitle B—Environmental** 4                           **Remediation**

### 5   **CHAPTER 1—CONTINUING AUTHORITIES** 6                           **PROGRAMS**

#### 7   **SEC. 4401. REMEDIATION OF ABANDONED MINE SITES.**

8           Section 560 of the Water Resources Development Act  
9 of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amend-  
10 ed—

11                   (1) by striking subsection (f);

12                   (2) by redesignating subsections (a) through (e)

13 as subsections (b) through (f), respectively;

14                   (3) by inserting before subsection (b) (as redes-

15 igned by paragraph (2)) the following:

16           “(a) DEFINITION OF NON-FEDERAL INTEREST.—In

17 this section, the term ‘non-Federal interest’ includes, with

18 the consent of the affected local government, nonprofit en-

19 tities, notwithstanding section 221 of the Flood Control

20 Act of 1970 (42 U.S.C. 1962d–5b).”;

21                   (4) in subsection (b) (as redesignated by para-

22 graph (2)), by—

23                   (A) by inserting “, and construction” be-

24 fore “assistance”; and

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

4 (5) in paragraph (3) of subsection (c) (as redes-  
 5 ignated by paragraph (2))—

6 (A) by inserting “physical hazards and”  
 7 after “adverse”; and

8 (B) by striking “drainage from”;

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

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

13 “(g) OPERATION AND MAINTENANCE.—The non-  
 14 Federal share of the costs of operation and maintenance  
 15 for a project carried out under this section shall be 100  
 16 percent.

17 “(h) CREDIT.—A non-Federal interest shall receive  
 18 credit toward the non-Federal share of cost of a project  
 19 under this section for design and construction services and  
 20 other in-kind consideration provided by the non-Federal  
 21 interest if the Secretary determines that the design and  
 22 construction services and other in-kind contributions are  
 23 integral to the project.

24 “(i) NO EFFECT ON LIABILITY.—The provision of  
 25 assistance under this section shall not relieve from liability

1 any person that would otherwise be liable under Federal  
 2 or State law for damages, response costs, natural resource  
 3 damages, restitution, equitable relief, or any other relief.

4 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 is authorized to be appropriated to carry out this section  
 6 for each fiscal year \$45,000,000, to remain available until  
 7 expended.”.

## 8 **CHAPTER 2—MODIFICATIONS**

### 9 **SEC. 4411. ENVIRONMENTAL REMEDIATION, FRONT ROYAL,** 10 **VIRGINIA.**

11 Section 591(a)(2) of the Water Resources Develop-  
 12 ment Act of 1999 (113 Stat. 378) is amended by striking  
 13 “\$12,000,000” and inserting “\$22,000,000”.

## 14 **TITLE V—WATER STORAGE AND** 15 **WATER QUALITY**

### 16 **Subtitle A—Water Storage Program**

#### 17 **CHAPTER 1—CONTINUING AUTHORITIES** 18 **PROGRAMS**

### 19 **SEC. 5101. SMALL PROJECTS FOR THE REHABILITATION OR** 20 **REMOVAL OF DAMS.**

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

1 (b) COST SHARING.—A non-Federal interest shall  
 2 provide 35 percent of the cost of the removal or remedi-  
 3 ation of any project carried out under this section, includ-  
 4 ing provision of all land, easements, rights-of-way, and  
 5 necessary relocations.

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

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

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

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

17 (e) FUNDING.—There is authorized to be appro-  
 18 priated to carry out this section \$25,000,000 for each fis-  
 19 cal year.

## 20 **CHAPTER 2—STUDIES**

### 21 **SEC. 5201. SELENIUM STUDY, COLORADO.**

22 (a) IN GENERAL.—The Secretary, in consultation  
 23 with State water quality and resource and conservation  
 24 agencies, shall conduct regional and watershed-wide stud-

ies to address selenium concentrations, including studies—

- (1) to measure selenium on specific sites; and
- (2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

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

## CHAPTER 3—PROJECTS

### Subchapter A—Modifications

#### SEC. 5301. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2005, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906) in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

- (1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW<sup>1</sup>/<sub>4</sub> of sec. 7, and the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of sec. 8, T.

1        42 N., R. 2 W. of the fifth principal meridian, con-  
 2        sisting of approximately 112.50 acres.

3            (2) TRACT 605.—A tract of land situated in  
 4        Franklin County, Missouri, being part of the N½ of  
 5        the NE, and part of the SE of the NE of sec. 18,  
 6        T. 42 N., R. 2 W. of the fifth principal meridian,  
 7        consisting of approximately 93.00 acres.

8            (c) CONVEYANCE.—Upon acceptance by the State of  
 9        Missouri of the offer by the Secretary under subsection  
 10       (a), the land described in subsection (b) shall immediately  
 11       be conveyed, in its current condition, by Secretary to the  
 12       State of Missouri.

13    **SEC. 5302. FORT PECK FISH HATCHERY, MONTANA.**

14        Section 325(f)(1)(A) of the Water Resources Devel-  
 15       opment Act of 2000 (114 Stat. 2607) is amended by strik-  
 16       ing “\$20,000,000” and inserting “\$25,000,000”.

17    **SEC. 5303. ARCADIA LAKE, OKLAHOMA.**

18        Payments made by the city of Edmond, Oklahoma,  
 19       to the Secretary in October 1999 of all costs associated  
 20       with present and future water storage costs at Arcadia  
 21       Lake, Oklahoma, under Arcadia Lake Water Storage Con-  
 22       tract Number DACW56–79–C–002 shall satisfy the obli-  
 23       gations of the city under that contract.

1 **SEC. 5304. WAURIKA LAKE, OKLAHOMA.**

2 The remaining obligation of the Waurika Project  
3 Master Conservancy District payable to the United States  
4 Government in the amounts, rates of interest, and pay-  
5 ment schedules—

6 (1) is set at the amounts, rates of interest, and  
7 payment schedules that existed on June 3, 1986;  
8 and

9 (2) may not be adjusted, altered, or changed  
10 without a specific, separate, and written agreement  
11 between the District and the United States.

12 **SEC. 5305. DAM REMEDIATION, VERMONT.**

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

15 (1) in subsection (a)—

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

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

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

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

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

26 “(11) Camp Wapanacki, Hardwick.

1 “(12) Star Lake Dam, Mt. Holly.

2 “(13) Curtis Pond, Calais.

3 “(14) Weathersfield Reservoir, Springfield.

4 “(15) Burr Pond, Sudbury.

5 “(16) Maidstone Lake, Guildhall.

6 “(17) Upper and Lower Hurricane Dam.

7 “(18) Lake Fairlee.

8 “(19) West Charleston Dam.”.

9 **SEC. 5306. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

10 Section 21 of the Water Resources Development Act  
11 of 1988 (102 Stat. 4027) is amended—

12 (1) in subsection (a)—

13 (A) by striking “1276.42” and inserting  
14 “1278.42”;

15 (B) by striking “1218.31” and inserting  
16 “1221.31”; and

17 (C) by striking “1234.82” and inserting  
18 “1235.30”; and

19 (2) by striking subsection (b) and inserting the  
20 following:

21 “(b) EXCEPTION.—

22 “(1) IN GENERAL.—The Secretary may operate  
23 the headwaters reservoirs below the minimum or  
24 above the maximum water levels established under  
25 subsection (a) in accordance with water control reg-

1       ulation manuals (or revisions to those manuals) de-  
2       veloped by the Secretary, after consultation with the  
3       Governor of Minnesota and affected tribal govern-  
4       ments, landowners, and commercial and recreational  
5       users.

6           “(2) EFFECTIVE DATE OF MANUALS.—The  
7       water control regulation manuals referred to in  
8       paragraph (1) (and any revisions to those manuals)  
9       shall be effective as of the date on which the Sec-  
10      retary submits the manuals (or revisions) to Con-  
11      gress.

12           “(3) NOTIFICATION.—

13           “(A) IN GENERAL.—Except as provided in  
14       subparagraph (B), not less than 14 days before  
15       operating any headwaters reservoir below the  
16       minimum or above the maximum water level  
17       limits specified in subsection (a), the Secretary  
18       shall submit to Congress a notice of intent to  
19       operate the headwaters reservoir.

20           “(B) EXCEPTION.—Notice under subpara-  
21       graph (A) shall not be required in any case in  
22       which—

23           “(i) the operation of a headwaters res-  
24       ervoir is necessary to prevent the loss of  
25       life or to ensure the safety of a dam; or

1 “(ii) the drawdown of the water level  
 2 of the reservoir is in anticipation of a flood  
 3 control operation.”.

## 4 **Subchapter B—Deauthorizations**

### 5 **SEC. 5321. BIG SOUTH FORK NATIONAL RIVER AND REC-** 6 **REATIONAL AREA, KENTUCKY AND TEN-** 7 **NESSEE.**

8 The project for recreation facilities at Big South  
 9 Fork National River and Recreational Area, Kentucky and  
 10 Tennessee, authorized by section 108 of the Water Re-  
 11 sources Development Act of 1974 (88 Stat. 43), is not  
 12 authorized.

## 13 **Subtitle B—Water Quality**

### 14 **CHAPTER 1—GENERAL PROVISIONS**

#### 15 **SEC. 5401. FUNDING TO EXPEDITE THE EVALUATION AND** 16 **PROCESSING OF PERMITS.**

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

#### 21 **SEC. 5402. ELECTRONIC SUBMISSION OF PERMIT APPLICA-** 22 **TIONS.**

23 (a) IN GENERAL.—Not later than 180 days after the  
 24 date of enactment of this Act, the Secretary shall establish  
 25 procedures to allow electronic submission of permit appli-

1 cations for permits under the jurisdiction of the Corps of  
2 Engineers.

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

## 5 **CHAPTER 2—DEAUTHORIZATION OF** 6 **PROJECTS**

### 7 **SEC. 5421. BRIDGEPORT, CONNECTICUT.**

8 The project for environmental infrastructure, Bridge-  
9 port, Connecticut, authorized by section 219(f)(26) of the  
10 Water Resources Development Act of 1992 (106 Stat.  
11 4835; 113 Stat. 336), is not authorized.

### 12 **SEC. 5422. HARTFORD, CONNECTICUT.**

13 The project for environmental infrastructure, Hart-  
14 ford, Connecticut, authorized by section 219(f)(27) of the  
15 Water Resources Development Act of 1992 (106 Stat.  
16 4835; 113 Stat. 336), is not authorized.

### 17 **SEC. 5423. NEW HAVEN, CONNECTICUT.**

18 The project for environmental infrastructure, New  
19 Haven, Connecticut, authorized by section 219(f)(28) of  
20 the Water Resources Development Act of 1992 (106 Stat.  
21 4835; 113 Stat. 336), is not authorized.

### 22 **SEC. 5424. CASCO BAY, PORTLAND, MAINE.**

23 The project for environmental infrastructure, Casco  
24 Bay in the Vicinity of Portland, Maine, authorized by sec-

tion 307 of the Water Resources Development Act of 1992  
(106 Stat. 4841), is not authorized.

**SEC. 5425. PENOBSCOT RIVER, BANGOR, MAINE.**

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

**SEC. 5426. SAINT JOHN RIVER BASIN, MAINE.**

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

**SEC. 5427. EPPING, NEW HAMPSHIRE.**

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

**SEC. 5428. MANCHESTER, NEW HAMPSHIRE.**

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

1     **Subtitle C—Watershed Planning**  
 2                     **Programs**

3     **SEC. 5451. DELMARVA CONSERVATION CORRIDOR, DELA-**  
 4                     **WARE AND MARYLAND.**

5             (a) ASSISTANCE.—The Secretary may provide tech-  
 6     nical assistance to the Secretary of Agriculture for use in  
 7     carrying out the Conservation Corridor Demonstration  
 8     Program established under subtitle G of title II of the  
 9     Farm Security and Rural Investment Act of 2002 (16  
 10    U.S.C. 3801 note; 116 Stat. 275).

11            (b) COORDINATION AND INTEGRATION.—In carrying  
 12    out water resources projects in the States on the Delmarva  
 13    Peninsula, the Secretary shall coordinate and integrate  
 14    those projects, to the maximum extent practicable, with  
 15    any activities carried out to implement a conservation cor-  
 16    ridor plan approved by the Secretary of Agriculture under  
 17    section 2602 of the Farm Security and Rural Investment  
 18    Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

19     **SEC. 5452. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
 20                     **RIVER BASINS, DELAWARE, MARYLAND,**  
 21                     **PENNSYLVANIA, AND VIRGINIA.**

22            (a) EX OFFICIO MEMBER.—

23                (1) IN GENERAL.—Notwithstanding the provi-  
 24    sions of law referred to in paragraph (2), for fiscal  
 25    year 2005 and each fiscal year thereafter, the Divi-

1 sion Engineer, North Atlantic Division, Corps of En-  
 2 gineers—

3 (A) shall be the ex officio United States  
 4 member under the Susquehanna River Basin  
 5 Compact and the Delaware River Basin Com-  
 6 pact;

7 (B) shall serve without additional com-  
 8 pensation; and

9 (C) may designate an alternate member or  
 10 members in accordance with the terms of the  
 11 applicable compact.

12 (2) RELATIONSHIP TO OTHER LAW.—The provi-  
 13 sions of law referred to in paragraph (1) are—

14 (A) section 3001(a) of the 1997 Emer-  
 15 gency Supplemental Appropriations Act for Re-  
 16 covery From Natural Disasters, and for Over-  
 17 seas Peacekeeping Efforts, Including Those in  
 18 Bosnia (111 Stat. 176);

19 (B) section 2.2 of the Susquehanna River  
 20 Basin Compact (84 Stat. 1512); and

21 (C) section 2.2 of the Delaware River  
 22 Basin Compact (75 Stat. 691),

23 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
 24 shall allocate funds to the Susquehanna River Basin Com-  
 25 mission established under the Susquehanna River Basin

1 Compact (84 Stat. 1509), the Delaware River Basin Com-  
2 mission established under the Delaware River Basin Com-  
3 pact (75 Stat. 691), and the Interstate Commission on  
4 the Potomac River Basin established under the Potomac  
5 River Basin Compact (84 Stat. 856), to fulfill the equi-  
6 table funding requirements of the applicable compacts.

7 (c) WATER STORAGE.—

8 (1) IN GENERAL.—The Secretary shall enter  
9 into an agreement with Delaware River Basin Com-  
10 mission to provide temporary water storage at the  
11 Francis E. Walter Dam, Pennsylvania, during any  
12 period in which the Commission has determined that  
13 a drought warning or drought emergency exists.

14 (2) MAXIMUM COSTS.—The agreement shall  
15 provide that the cost for any such water storage  
16 shall not exceed the incremental operating costs as-  
17 sociated with providing the storage.

Calendar No. 672

108TH CONGRESS  
2D Session

**S. 2773**

[Report No. 108-314]

**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.

AUGUST 25, 2004

Read twice and placed on the calendar