

**Calendar No. 93**109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 728****[Report No. 109-61]**

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**

APRIL 6, 2005

Mr. BOND (for himself, Mr. INHOFE, Mr. VITTER, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, Mr. THUNE, Ms. MURKOWSKI, Mr. OBAMA, Ms. LANDRIEU, Mr. GRASSLEY, Mr. HARKIN, Mr. TALENT, Mr. CORNYN, Mr. COCHRAN, Mr. DOMENICI, Mr. COLEMAN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 26, 2005

Reported by Mr. INHOFE, with amendments

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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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Water Resources Development Act of 2005”.

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

Sec. 1. Short title; table of contents.

Sec. 2. *Definition of Secretary.*

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restora-  
 tion plan for the Upper Mississippi River and Illinois Water-  
 way System.

Sec. 1003. Louisiana coastal area ecosystem restoration, Louisiana.

Sec. 1004. Small projects for flood damage reduction.

Sec. 1005. Small projects for navigation.

Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

SUBTITLE A—PROVISIONS

Sec. 2001. Credit for in-kind contributions.

Sec. 2002. Interagency and international support authority.

Sec. 2003. Training funds.

Sec. 2004. Recreational areas and project sites.

Sec. 2005. Fiscal transparency report.

Sec. 2006. Planning.

Sec. 2007. Independent reviews.

Sec. 2008. Mitigation for fish and wildlife losses.

Sec. 2009. State technical assistance.

Sec. 2010. Access to water resource data.

Sec. 2011. Construction of flood control projects by non-Federal interests.

Sec. 2012. Regional sediment management.

Sec. 2013. National shoreline erosion control development program.

Sec. 2014. Shore protection projects.

Sec. 2015. Cost sharing for monitoring.

Sec. 2016. Ecosystem restoration benefits.

Sec. 2017. Funding to expedite the evaluation and processing of permits.

Sec. 2018. Electronic submission of permit applications.

Sec. 2019. Improvement of water management at Corps of Engineers res-  
 ervoirs.

Sec. 2020. Corps of Engineers hydropower operation and maintenance funding.

Sec. 2021. *Federal hopper dredges.*

Sec. 2022. *Obstruction to navigation.*

## SUBTITLE B—CONTINUING AUTHORITIES PROJECTS

- Sec. 2031. Navigation enhancements for waterborne transportation.
- Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
- Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
- Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
- Sec. 2035. Projects to enhance estuaries and coastal habitats.
- Sec. 2036. Remediation of abandoned mine sites.
- Sec. 2037. Small projects for the rehabilitation or removal of dams.
- Sec. 2038. Remote, maritime-dependent communities.
- Sec. 2039. Agreements for water resource projects.
- Sec. 2040. Program names.

## TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 3002. Sitka, Alaska.
- Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
- Sec. 3004. Augusta and Clarendon, Arkansas.
- Sec. 3005. St. Francis Basin, Arkansas and Missouri.
- Sec. 3006. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3007. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3008. *McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.*
- Sec. ~~3008~~ 3009. Cache Creek Basin, California.
- Sec. ~~3009~~ 3010. Hamilton Airfield, California.
- Sec. ~~3010~~ 3011. LA-3 dredged material ocean disposal site designation, California.
- Sec. ~~3011~~ 3012. Larkspur Ferry Channel, California.
- Sec. ~~3012~~ 3013. Llagas Creek, California.
- Sec. ~~3013~~ 3014. Los Angeles Harbor, California.
- Sec. ~~3014~~ 3015. Magpie Creek, California.
- Sec. ~~3015~~ 3016. Pine Flat Dam fish and wildlife habitat, California.
- Sec. ~~3016~~ 3017. Redwood City navigation project, California.
- Sec. ~~3017~~ 3018. Sacramento and American Rivers flood control, California.
- Sec. ~~3018~~ 3019. Conditional declaration of nonnavigability, Port of San Francisco, California.
- Sec. ~~3019~~ 3020. Salton Sea restoration, California.
- Sec. ~~3020~~ 3021. Upper Guadalupe River, California.
- Sec. ~~3021~~ 3022. Yuba River Basin project, California.
- Sec. ~~3022~~ 3023. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. ~~3023~~ 3024. Anchorage area, New London Harbor, Connecticut.
- Sec. ~~3024~~ 3025. Norwalk Harbor, Connecticut.
- Sec. ~~3025~~ 3026. St. George's Bridge, Delaware.
- Sec. ~~3026~~ 3027. Christina River, Wilmington, Delaware.
- Sec. ~~3027~~ 3028. Additional program authority, comprehensive Everglades restoration, Florida.
- Sec. ~~3028~~ 3029. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
- Sec. ~~3029~~ 3030. Jacksonville Harbor, Florida.
- Sec. ~~3030~~ 3031. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.

- Sec. ~~3031~~ 3032. Lido Key, Sarasota County, Florida.
- Sec. ~~3032~~ 3033. Tampa Harbor, Cut B, Tampa, Florida.
- Sec. ~~3033~~ 3034. Allatoona Lake, Georgia.
- Sec. ~~3034~~ 3035. Dworshak Reservoir improvements, Idaho.
- Sec. ~~3035~~ 3036. Little Wood River, Gooding, Idaho.
- Sec. ~~3036~~ 3037. Port of Lewiston, Idaho.
- Sec. ~~3037~~ 3038. Cache River Levee, Illinois.
- Sec. 3039. *Chicago, Illinois.*
- Sec. ~~3038~~ 3040. Chicago River, Illinois.
- Sec. ~~3039~~ 3041. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. ~~3040~~ 3042. Spunky Bottom, Illinois.
- Sec. ~~3041~~ 3043. Strawn Cemetery, John Redmond Lake, Kansas.
- Sec. ~~3042~~ 3044. Harry S. Truman Reservoir, Milford, Kansas.
- Sec. ~~3043~~ 3045. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
- Sec. ~~3044~~ 3046. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. ~~3045~~ 3047. Calcasieu River and Pass, Louisiana.
- Sec. 3048. *Larose to Golden Meadow, Louisiana.*
- Sec. ~~3046~~ 3049. East Baton Rouge Parish, Louisiana. BEL>T3
- Sec. ~~3047~~ 3050. Red River (J. Bennett Johnston) Waterway, Louisiana.
- Sec. ~~3048~~ 3051. Camp Ellis, Saco, Maine.
- Sec. ~~3049~~ 3052. Union River, Maine.
- Sec. ~~3050~~ 3053. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
- Sec. ~~3051~~ 3054. Cumberland, Maryland.
- Sec. ~~3052~~ 3055. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. ~~3053~~ 3056. St. Clair River and Lake St. Clair, Michigan.
- Sec. ~~3054~~ 3057. Duluth Harbor, Minnesota.
- Sec. ~~3055~~ 3058. Land exchange, Pike County, Missouri.
- Sec. ~~3056~~ 3059. Union Lake, Missouri.
- Sec. ~~3057~~ 3060. Fort Peck Fish Hatchery, Montana.
- Sec. 3061. *Yellowstone River and tributaries, Montana and North Dakota.*
- Sec. ~~3058~~ 3062. Lower Truckee River, Mccarran Ranch, Nevada.
- Sec. ~~3059~~ 3063. Middle Rio Grande restoration, New Mexico.
- Sec. ~~3060~~ 3064. Long Island Sound oyster restoration, New York and Connecticut.
- Sec. ~~3061~~ 3065. Orchard Beach, Bronx, New York.
- Sec. ~~3062~~ 3066. New York Harbor, New York, New York.
- Sec. ~~3063~~ 3067. Onondaga Lake, New York.
- Sec. ~~3064~~ 3068. Missouri River restoration, North Dakota.
- Sec. ~~3065~~ 3069. Lower Girard Lake Dam, Girard, Ohio.
- Sec. ~~3066~~ 3070. Toussaint River navigation project, Carroll Township, Ohio.
- Sec. ~~3067~~ 3071. Arcadia Lake, Oklahoma.
- Sec. 3072. *Oklahoma Lake demonstration, Oklahoma.*
- Sec. ~~3068~~ 3073. Waurika Lake, Oklahoma.
- Sec. ~~3069~~ 3074. Lookout Point, Dexter Lake project, Lowell, Oregon.
- Sec. ~~3070~~ 3075. Upper Willamette River Watershed ecosystem restoration.
- Sec. ~~3071~~ 3076. Tioga Township, Pennsylvania.
- Sec. ~~3072~~ 3077. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. ~~3073~~ 3078. Cooper River Bridge demolition, Charleston, South Carolina.
- Sec. ~~3074~~ 3079. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
- Sec. ~~3075~~ 3080. Missouri River restoration, South Dakota.
- Sec. ~~3076~~ 3081. Missouri and Middle Mississippi Rivers enhancement project.

- Sec. ~~3077~~ 3082. Anderson Creek, Jackson and Madison Counties, Tennessee.
- Sec. ~~3078~~ 3083. Harris Fork Creek, Tennessee and Kentucky.
- Sec. ~~3079~~ 3084. Nonconnah Weir, Memphis, Tennessee.
- Sec. ~~308~~ ~~0~~ 3085. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. ~~3081~~ 3086. Sandy Creek, Jackson County, Tennessee.
- Sec. ~~3082~~ 3087. Cedar Bayou, Texas.
- Sec. ~~3083~~ 3088. Freeport Harbor, Texas.
- Sec. ~~3084~~ 3089. Harris County, Texas.
- Sec. ~~3085~~ 3090. Dam remediation, Vermont.
- Sec. ~~3086~~ 3091. Lake Champlain eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
- Sec. ~~3087~~ 3092. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
- Sec. ~~30~~ ~~88~~ 3093. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
- Sec. ~~30~~ ~~89~~ 3094. Lake Champlain Watershed, Vermont and New York.
- Sec. ~~309~~ ~~0~~ 3095. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. ~~309~~ ~~1~~ 3096. Tangier Island Seawall, Virginia.
- Sec. ~~309~~ ~~2~~ 3097. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. ~~309~~ ~~3~~ 3098. Lower granite pool, Washington.
- Sec. ~~3094~~ 3099. Menary Lock and Dam, Menary National Wildlife Refuge, Washington and Idaho.
- Sec. ~~3095~~ 3100. Snake River project, Washington and Idaho.
- Sec. ~~3~~ ~~096~~ 3101. Marmet Lock, Kanawha River, West Virginia.
- Sec. ~~3~~ ~~097~~ 3102. Lower Mud River, Milton, West Virginia.
- Sec. 3103. *Green Bay Harbor Project, Green Bay, Wisconsin.*
- Sec. ~~3098~~ 3104. Underwood Creek diversion facility project, Milwaukee County, Wisconsin. BEL>T3
- Sec. ~~3099~~ 3105. Mississippi River headwaters reservoirs.
- Sec. ~~310~~ ~~0~~ 3106. Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. ~~310~~ ~~1~~ 3107. Pilot program, Middle Mississippi River.
- Sec. ~~3102~~ 3108. Upper Mississippi River system environmental management program.
- Sec. 3109. *Great Lakes fishery and ecosystem restoration program.*
- Sec. 3110. *Great Lakes remedial action plans and sediment remediation.*
- Sec. 3111. *Great Lakes tributary models.*

## TITLE IV—STUDIES

- Sec. 4001. Eurasian milfoil.
- Sec. 4002. National port study.
- Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
- Sec. 4004. Selenium study, Colorado.
- Sec. 4005. Nicholas Canyon, Los Angeles, California.
- Sec. 4006. Oceanside, California, shoreline special study.
- Sec. 4007. Comprehensive flood protection project, St. Helena, California.
- Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
- Sec. 4009. South San Francisco Bay shoreline study, California.
- Sec. 4010. San Pablo Bay Watershed restoration, California. BEL>T3
- Sec. 4011. *Bubbly Creek, South Fork of South Branch, Chicago, Illinois.*
- Sec. 4012. *Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.*
- Sec. ~~4011~~ 4013. Lake Erie at Luna Pier, Michigan.

- Sec. ~~4012~~ 4014. Middle Bass Island State Park, Middle Bass Island, Ohio.  
 Sec. ~~4013~~ 4015. Jasper County port facility study, South Carolina.  
 Sec. ~~4014~~ 4016. Lake Champlain Canal study, Vermont and New York.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Lakes program.  
 Sec. 5002. Estuary restoration.  
 Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.  
 Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.  
 Sec. 5005. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.  
 Sec. 5006. Rio Grande environmental management program, New Mexico.  
 Sec. 5007. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota.  
 Sec. 5008. Connecticut River dams, Vermont. BEL>T3

#### TITLE VI—PROJECT DEAUTHORIZATIONS

- Sec. 6001. Little Cove Creek, Glencoe, Alabama.  
 Sec. 6002. Goleta and vicinity, California.  
 Sec. 6003. Bridgeport Harbor, Connecticut.  
 Sec. 6004. Bridgeport, Connecticut.  
 Sec. 6005. Hartford, Connecticut.  
 Sec. 6006. New Haven, Connecticut.  
 Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.  
 Sec. 6008. Central and southern Florida, Everglades National Park, Florida.  
 Sec. 6009. Shingle Creek Basin, Florida.  
 Sec. 6010. Brevoort, Indiana.  
 Sec. 6011. Middle Wabash, Greenfield Bayou, Indiana.  
 Sec. 6012. Lake George, Hobart, Indiana.  
 Sec. 6013. Green Bay Levee and Drainage District No. 2, Iowa.  
 Sec. 6014. Muscatine Harbor, Iowa.  
 Sec. 6015. Big South Fork National River and Recreational Area, Kentucky and Tennessee.  
 Sec. 6016. Eagle Creek Lake, Kentucky.  
 Sec. 6017. Hazard, Kentucky.  
 Sec. 6018. West Kentucky tributaries, Kentucky.  
 Sec. 6019. Bayou Cocodrie and tributaries, Louisiana.  
 Sec. 6020. Bayou Lafourche and Lafourche Jump, Louisiana.  
 Sec. 6021. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.  
 Sec. 6022. Fort Livingston, Grand Terre Island, Louisiana.  
 Sec. 6023. Gulf Interoceanic Waterway, Lake Borgne and Chef Menteur, Louisiana.  
 Sec. 6024. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.  
 Sec. 6025. Casco Bay, Portland, Maine.  
 Sec. 6026. Northeast Harbor, Maine.  
 Sec. 6027. Penobscot River, Bangor, Maine.  
 Sec. 6028. Saint John River Basin, Maine.  
 Sec. 6029. Tenants Harbor, Maine.  
 Sec. 6030. Grand Haven Harbor, Michigan.  
 Sec. 6031. Greenville Harbor, Mississippi.

- Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.
- Sec. 6033. Epping, New Hampshire.
- Sec. 6034. Manchester, New Hampshire.
- Sec. 6035. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 6036. Eisenhower and Snell Locks, New York.
- Sec. 6037. Olcott Harbor, Lake Ontario, New York.
- Sec. 6038. Outer Harbor, Buffalo, New York.
- Sec. 6039. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 6040. Cleveland Harbor 1958 Act, Ohio.
- Sec. 6041. Cleveland Harbor 1960 Act, Ohio.
- Sec. 6042. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
- Sec. 6043. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 6044. Chartiers Creek, Cannonsburg (Houston Reach Unit 2b), Pennsylvania.
- Sec. 6045. Schuylkill River, Pennsylvania.
- Sec. 6046. Tioga-Hammond Lakes, Pennsylvania.
- Sec. 6047. Tamaqua, Pennsylvania.
- Sec. 6048. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 6049. Quonset Point-Davisville, Rhode Island.
- Sec. 6050. Arroyo Colorado, Texas.
- Sec. 6051. Cypress Creek-Structural, Texas.
- Sec. 6052. East Fork Channel Improvement, Increment 2, east fork of the Trinity River, Texas.
- Sec. 6053. Falfurrias, Texas.
- Sec. 6054. Pecan Bayou Lake, Texas.
- Sec. 6055. Lake of the Pines, Texas.
- Sec. 6056. Tennessee Colony Lake, Texas.
- Sec. 6057. City Waterway, Tacoma, Washington.
- Sec. 6058. Kanawha River, Charleston, West Virginia.

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

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

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

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

7 (a) PROJECTS WITH CHIEF'S REPORTS.—Except as  
 8 otherwise provided in this section, the following projects  
 9 for water resources development and conservation and  
 10 other purposes are authorized to be carried out by the Sec-  
 11 retary substantially in accordance with the plans, and sub-

1 ject to the conditions, described in the respective reports  
2 designated in this section:

3 (1) AKUTAN HARBOR, ALASKA.—The project  
4 for navigation, Akutan, Harbor, Alaska: Report of  
5 the Chief of Engineers, dated December 20, 2004,  
6 at a total estimated cost of \$12,200,000, with an es-  
7 timated Federal cost of \$9,800,000 and an esti-  
8 mated non-Federal cost of \$2,400,000.

9 (2) HAINES HARBOR, ALASKA.—The project for  
10 navigation, Haines Harbor, Alaska: Report of the  
11 Chief of Engineers, dated December 20, 2004, at a  
12 total estimated cost of \$12,200,000, with an esti-  
13 mated Federal cost of \$9,700,000 and an estimated  
14 non-Federal cost of \$2,500,000.

15 (3) RILLITO RIVER (EL RIO ANTIGUO), PIMA  
16 COUNTY, ARIZONA.—The project for ecosystem res-  
17 toration, Rillito River (El Rio Antiguo), Pima Coun-  
18 ty, Arizona: Report of the Chief of Engineers dated  
19 December 22, 2004, at a total cost of \$67,457,000,  
20 with an estimated Federal cost of \$43,421,000 and  
21 an estimated non-Federal cost of \$24,036,000.

22 (4) TANQUE VERDE CREEK, ARIZONA.—The  
23 project for ecosystem restoration, Tanque Verde  
24 Creek, Arizona: Report of the Chief of Engineers,  
25 dated July 22, 2003, at a total cost of \$4,978,000,

1 with an estimated Federal cost of \$3,236,000 and  
2 an estimated non-Federal cost of \$1,742,000.

3 (5) SALT RIVER (VA SHLYAY AKIMEL), MARI-  
4 COPA COUNTY, ARIZONA.—The project for ecosystem  
5 restoration, Salt River (Va Shlyay Akimel), Arizona:  
6 Report of the Chief of Engineers dated January 3,  
7 2005, at a total cost of \$138,968,000, with an esti-  
8 mated Federal cost of \$90,129,000 and an esti-  
9 mated non-Federal cost of \$48,839,000.

10 (6) HAMILTON CITY, CALIFORNIA.—The project  
11 for flood damage reduction and ecosystem restora-  
12 tion, Hamilton City, California: Report of the Chief  
13 of Engineers dated December 22, 2004, at a total  
14 cost of \$50,600,000, with an estimated Federal cost  
15 of \$33,000,000 and estimated non-Federal cost of  
16 \$17,600,000.

17 (7) IMPERIAL BEACH, CALIFORNIA.—The  
18 project for storm damage reduction, Imperial Beach,  
19 California: Report of the Chief of Engineers, dated  
20 December 30, 2003, at a total cost of \$11,862,000,  
21 with an estimated Federal cost of \$7,592,000 and  
22 an estimated non-Federal cost of \$4,270,000, and at  
23 an estimated total cost of \$38,004,000 for periodic  
24 beach nourishment over the 50-year life of the  
25 project, with an estimated Federal cost of

1 \$19,002,000 and an estimated non-Federal cost of  
2 \$19,002,000.

3 (8) MATILIJA DAM, VENTURA COUNTY, CALI-  
4 FORNIA.—The project for ecosystem restoration,  
5 Matilija Dam and Ventura River Watershed, Ven-  
6 tura County, California: Report of the Chief of En-  
7 gineers dated December 20, 2004, at a total cost of  
8 \$130,335,000, with an estimated Federal cost of  
9 \$78,973,000 and an estimated non-Federal cost of  
10 ~~\$48,839,000~~ \$51,362,000.

11 (9) MIDDLE CREEK, LAKE COUNTY, CALI-  
12 FORNIA.—The project for flood damage reduction  
13 and ecosystem restoration, Middle Creek, Lake  
14 County, California: Report of the Chief of Engineers  
15 dated November 29, 2004, at a total cost of  
16 \$41,793,000, with an estimated Federal cost of  
17 \$27,256,000 and an estimated non-Federal cost of  
18 \$14,537,000.

19 (10) NAPA RIVER SALT MARSH, CALIFORNIA.—  
20 The project for ecosystem restoration, Napa River  
21 Salt Marsh, California: Report of the Chief of Engi-  
22 neers dated December 22, 2004, at a total cost of  
23 \$58,412,000, with an estimated Federal cost of  
24 \$37,740,000 and an estimated non-Federal cost of  
25 \$20,672,000.

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

2                   (A) *IN GENERAL.*—*The project for ecosystem*  
3 *restoration, Napa River Salt Marsh, California,*  
4 *at a total cost of \$100,500,000, with an esti-*  
5 *mated Federal cost of \$64,000,000 and an esti-*  
6 *mated non-Federal cost of \$36,500,000, to be car-*  
7 *ried out by the Secretary substantially in ac-*  
8 *cordance with the plans and subject to the condi-*  
9 *tions recommended in the final report signed by*  
10 *the Chief of Engineers on December 22, 2004.*

11                   (B) *ADMINISTRATION.*—*In carrying out the*  
12 *project authorized by this paragraph, the Sec-*  
13 *retary shall—*

14                           (i) *construct a recycled water pipeline*  
15 *extending from the Sonoma Valley County*  
16 *Sanitation District Waste Water Treatment*  
17 *Plant and the Napa Sanitation District*  
18 *Waste Water Treatment Plant to the*  
19 *project; and*

20                           (ii) *restore or enhance Salt Ponds 1,*  
21 *1A, 2, and 3.*

22                   (C) *TRANSFER OF OWNERSHIP.*—*On com-*  
23 *pletion of salinity reduction in the project area,*  
24 *the Secretary shall transfer ownership of the*

1            *pipeline to the non-Federal interest at the fully*  
 2            *depreciated value of the pipeline, less—*

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

5                    *(ii) the estimated value of the water to*  
 6                    *be provided as needed for maintenance of*  
 7                    *habitat values in the project area through-*  
 8                    *out the life of the project.*

9            (11) SOUTH PLATTE RIVER, DENVER, COLO-  
 10            RADO.—The project for ecosystem restoration, Den-  
 11            ver County Reach, South Platte River, Denver, Colo-  
 12            rado: Report of the Chief of Engineers, dated May  
 13            16, 2003, at a total cost of \$18,824,000, with an es-  
 14            timated Federal cost of \$12,236,000 and an esti-  
 15            mated non-Federal cost of \$6,588,000.

16            (12) INDIAN RIVER LAGOON, SOUTH FLOR-  
 17            IDA.—

18                    (A) IN GENERAL.—The Secretary may  
 19                    carry out the project for ecosystem restoration,  
 20                    water supply, flood control, and protection of  
 21                    water quality, Indian River Lagoon, South  
 22                    Florida, at a total cost of \$1,210,608,000, with  
 23                    an estimated first Federal cost of  
 24                    \$605,304,000, and an estimated first non-Fed-  
 25                    eral cost of \$605,304,000, in accordance with

1 section 601 of the Water Resources Develop-  
2 ment Act of 2000 (114 Stat. 2680) and the rec-  
3 ommendations of the report of the Chief of En-  
4 gineers, dated August 6, 2004.

5 (B) DEAUTHORIZATIONS.—As of the date  
6 of enactment of this Act, the following projects  
7 are not authorized:

8 (i) The uncompleted portions of the  
9 project authorized by section  
10 601(b)(2)(C)(i) of the Water Resources  
11 Development Act of 2000 (114 Stat.  
12 2682), C-44 Basin Storage Reservoir of  
13 the Comprehensive Everglades Restoration  
14 Plan, at a total cost of \$112,562,000, with  
15 an estimated Federal cost of \$56,281,000,  
16 and an estimated non-Federal cost of  
17 \$56,281,000.

18 (ii) The uncompleted portions of the  
19 project authorized by section 203 of the  
20 Flood Control Act of 1968 (Public Law  
21 90-483; 82 Stat. 740), Martin County,  
22 Florida, modifications to Central and  
23 South Florida Project, as contained in  
24 Senate Document 101, 90th Congress, 2d  
25 Session, at a total cost of \$15,471,000,

1 with an estimated Federal cost of  
2 \$8,073,000, and an estimated non-Federal  
3 cost of \$7,398,000.

4 (iii) The uncompleted portions of the  
5 project authorized by section 203 of the  
6 Flood Control Act of 1968 (Public Law  
7 90–483; 82 Stat. 740), East Coast  
8 Backpumping, St. Lucie–Martin County,  
9 Spillway Structure S–311 of the Central  
10 and South Florida Project, as contained in  
11 House Document 369, 90th Congress, 2d  
12 Session, at a total cost of \$77,118,000,  
13 with an estimated Federal cost of  
14 \$55,124,000, and an estimated non-Fed-  
15 eral cost of \$21,994,000.

16 (13) EAST ST. LOUIS AND VICINITY, ILLI-  
17 NOIS.—The project for ecosystem restoration and  
18 recreation, East St. Louis and Vicinity, Illinois: Re-  
19 port of the Chief of Engineers dated December 22,  
20 2004, at a total cost of \$191,158,000, with an esti-  
21 mated Federal cost of \$123,807,000 and an esti-  
22 mated non-Federal cost of \$67,351,000.

23 (14) PEORIA RIVERFRONT, ILLINOIS.—The  
24 project for ecosystem restoration, Peoria Riverfront,  
25 Illinois: Report of the Chief of Engineers, dated July

1 28, 2003, at a total cost of \$16,000,000, with an es-  
2 timated Federal cost of \$10,400,000 and an esti-  
3 mated non-Federal cost of \$5,600,000.

4 (15) BAYOU SORREL LOCK, LOUISIANA.—The  
5 project for navigation, Bayou Sorrel Lock, Lou-  
6 isiana: Report of the Chief of Engineers dated Janu-  
7 ary 3, 2005, at a total cost of \$9,000,000. The costs  
8 of construction of the project are to be paid ~~half~~  
9  $\frac{1}{2}$  from amounts appropriated from the general  
10 fund of the Treasury and ~~half~~  $\frac{1}{2}$  from amounts  
11 appropriated from the Inland Waterways Trust  
12 Fund.

13 (16) MORGANZA TO THE GULF OF MEXICO,  
14 LOUISIANA.—

15 (A) IN GENERAL.—The project for hurri-  
16 cane and storm damage reduction, Morganza to  
17 the Gulf of Mexico, Louisiana: Reports of the  
18 Chief of Engineers, dated August 23, 2002, and  
19 July 22, 2003, at a total cost of \$788,000,000  
20 with an estimated Federal cost of \$512,200,000  
21 and an estimated non-Federal cost of  
22 \$275,800,000.

23 (B) OPERATION AND MAINTENANCE.—The  
24 operation, maintenance, repair, rehabilitation,  
25 and replacement of the Houma Navigation

1 Canal lock complex and the Gulf Intracoastal  
2 Waterway floodgate features that provide for  
3 inland waterway transportation shall be a Fed-  
4 eral responsibility, in accordance with section  
5 102 of the Water Resources Development Act  
6 of 1986 (33 U.S.C. 2212; Public Law 99-662).

7 (17) SMITH ISLAND, MARYLAND.—The project  
8 for ecosystem restoration, Smith Island, Maryland:  
9 Report of the Chief of Engineers, dated October 29,  
10 2001, at a total cost of \$14,500,000, with an esti-  
11 mated Federal cost of \$9,425,000 and an estimated  
12 non-Federal cost of \$5,075,000.

13 (18) SWOPE PARK INDUSTRIAL AREA, MIS-  
14 SOURI.—The project for flood damage reduction,  
15 Swope Park Industrial Area, Missouri: Report of the  
16 Chief of Engineers, dated December 30, 2003, at a  
17 total cost of \$15,683,000, with an estimated Federal  
18 cost of \$10,194,000 and an estimated non-Federal  
19 cost of \$5,489,000.

20 (19) MANASQUAN TO BARNEGAT INLETS, NEW  
21 JERSEY.—The project for hurricane and storm dam-  
22 age reduction, Manasquan to Barnegat Inlets, New  
23 Jersey: Report of the Chief of Engineers dated De-  
24 cember 30, 2003, at a total cost of \$64,872,000,  
25 with an estimated Federal cost of \$42,168,000 and

1 an estimated non-Federal cost of \$22,704,000, and  
2 at an estimated total cost of \$107,990,000 for peri-  
3 odic beach nourishment over the 50-year life of the  
4 project, with an estimated Federal cost of  
5 \$53,995,000 and an estimated non-Federal cost of  
6 \$53,995,000.

7 (20) SOUTH RIVER, NEW JERSEY.—The project  
8 for hurricane and storm damage reduction and eco-  
9 system restoration, South River, New Jersey: Report  
10 of the Chief of Engineers, dated July 22, 2003, at  
11 a total cost of \$112,623,000, with an estimated Fed-  
12 eral cost of \$73,205,000 and an estimated non-Fed-  
13 eral cost of \$39,418,000.

14 (21) SOUTHWEST VALLEY, ALBUQUERQUE, NEW  
15 MEXICO.—The project for flood damage reduction,  
16 Southwest Valley, Albuquerque, New Mexico: Report  
17 of the Chief of Engineers dated November 29, 2004,  
18 at a total cost of \$19,494,000, with an estimated  
19 Federal cost of \$12,671,000 and an estimated non-  
20 Federal cost of \$6,823,000.

21 (22) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
22 CHRISTI, TEXAS.—

23 (A) IN GENERAL.—The project for naviga-  
24 tion and ecosystem restoration, Corpus Christi  
25 Ship Channel, Texas, Channel Improvement

1 Project: Report of the Chief of Engineers dated  
2 June 2, 2003, at a total cost of \$172,940,000,  
3 with an estimated Federal cost of \$80,086,000  
4 and an estimated non-Federal cost of  
5 \$92,854,000.

6 (B) NAVIGATIONAL SERVITUDE.—In car-  
7 rying out the project under subsection (A), the  
8 Secretary shall enforce navigational servitude in  
9 the Corpus Christi Ship Channel, including, at  
10 the sole expense of the owner of the facility, the  
11 removal or relocation of any facility obstructing  
12 the project.

13 (23) GULF INTRACOASTAL WATERWAY, BRAZOS  
14 RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-  
15 ROUTE, TEXAS.—The project for navigation, Gulf  
16 Intracoastal Waterway, Brazos River to Port O'Con-  
17 nor, Matagorda Bay Re-Route, Texas: Report of the  
18 Chief of Engineers, dated December 24, 2002, at a  
19 total cost of \$15,960,000. The costs of construction  
20 of the project are to be paid  $\frac{1}{2}$  from amounts appro-  
21 priated from the general fund of the Treasury and  
22  $\frac{1}{2}$  from amounts appropriated from the Inland Wa-  
23 terways Trust Fund.

24 (24) GULF INTRACOASTAL WATERWAY, HIGH  
25 ISLAND TO BRAZOS RIVER, TEXAS.—The project for

1 navigation, Gulf Intracoastal Waterway, Sabine  
2 River to Corpus Christi, Texas: Report of the Chief  
3 of Engineers, dated April 16, 2004, at a total cost  
4 of \$13,104,000. The costs of construction of the  
5 project are to be paid  $\frac{1}{2}$  from amounts appropriated  
6 from the general fund of the Treasury and  $\frac{1}{2}$  from  
7 amounts appropriated from the Inland Waterways  
8 Trust Fund.

9 (25) RIVERSIDE OXBOW, FORT WORTH,  
10 TEXAS.—The project for ecosystem restoration, Riv-  
11 erside Oxbow, Fort Worth, Texas: Report of the  
12 Chief of Engineers dated May 29, 2003, at a total  
13 cost of \$25,200,000, with an estimated Federal cost  
14 of \$10,400,000 and an estimated non-Federal cost  
15 of \$14,800,000.

16 (26) DEEP CREEK, CHESAPEAKE, VIRGINIA.—  
17 The project for the Atlantic Intracoastal Waterway  
18 Bridge Replacement, Deep Creek, Chesapeake, Vir-  
19 ginia: Report of the Chief of Engineers, dated March  
20 3, 2003, at a total cost of \$35,573,000.

21 (27) CHEHALIS RIVER, CENTRALIA, WASH-  
22 INGTON.—The project for flood damage reduction,  
23 Centralia, Washington, authorized by section 401(a)  
24 of the Water Resources Development Act of 1986  
25 (Public Law 99-662; 100 Stat. 4126)—

1 (A) is modified to be carried out at a total  
2 cost of \$109,850,000, with a Federal cost of  
3 \$66,425,000, and a non-Federal cost of  
4 \$43,425,000; and

5 (B) shall be carried out by the Secretary  
6 substantially in accordance with the plans, and  
7 subject to the conditions, recommended in the  
8 final report of the Chief of Engineers, dated  
9 September 27, 2004.

10 (b) PROJECTS SUBJECT TO FINAL REPORT.—The  
11 following projects for water resources development and  
12 conservation and other purposes are authorized to be car-  
13 ried out by the Secretary 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 re-  
16 port of the Chief is completed not later than December  
17 31, 2005:

18 (1) MIAMI HARBOR, MIAMI, FLORIDA.—The  
19 project for navigation, Miami Harbor, Miami, Flor-  
20 ida, at a total cost of \$121,126,000, with an esti-  
21 mated Federal cost of \$64,843,000 and an esti-  
22 mated non-Federal cost of \$56,283,000.

23 (2) PICAYUNE STRAND, FLORIDA.—The project  
24 for ecosystem restoration, Picayune Strand, Florida,  
25 at a total cost of \$349,422,000 with an estimated

1 Federal cost of \$174,711,000 and an estimated non-  
2 Federal cost of \$174,711,000, subject to section 601  
3 of the Water Resources Development Act of 2000  
4 (114 Stat. 2680).

5 (3) DES MOINES AND RACCOON RIVERS, DES  
6 MOINES, IOWA.—The project for flood damage re-  
7 duction, Des Moines and Raccoon Rivers, Des  
8 Moines, Iowa, at a total cost of \$10,000,000, with  
9 an estimated Federal cost of \$6,500,000, and an es-  
10 timated non-Federal cost of \$3,500,000.

11 (4) PORT OF IBERIA, LOUISIANA.—The project  
12 for navigation, Port of Iberia, Louisiana, at a total  
13 cost of \$194,000,000, with an estimated Federal  
14 cost of \$123,000,000 and an estimated non-Federal  
15 cost of \$71,000,000.

16 (5) JAMAICA BAY, MARINE PARK AND PLUMB  
17 BEACH, QUEENS AND BROOKLYN, NEW YORK.—The  
18 project for ecosystem restoration, Jamaica Bay,  
19 Queens and Brooklyn, New York, at a total esti-  
20 mated cost of \$180,000,000, with an estimated Fed-  
21 eral cost of \$117,000,000 and an estimated non-  
22 Federal cost of \$63,000,000.

23 (6) RARITAN BAY AND SANDY HOOK BAY,  
24 UNION BEACH, NEW JERSEY.—The project for hurri-  
25 cane and storm damage reduction, Raritan Bay and

1 Sandy Hook Bay, Union Beach, New Jersey, at a  
2 total cost of \$105,544,000, with an estimated Fed-  
3 eral cost of \$68,603,600, and an estimated non-Fed-  
4 eral cost of \$36,940,400, and at an estimated total  
5 cost of \$2,315,000 for periodic nourishment over the  
6 50-year life of the project, with an estimated Federal  
7 cost of \$1,157,500, and an estimated non-Federal  
8 cost of \$1,157,500.

9 (7) MONTAUK POINT, NEW YORK.—The project  
10 for hurricane and storm damage reduction, Montauk  
11 Point, Suffolk County, New York, at a total cost of  
12 \$12,000,000, with an estimated Federal cost of  
13 \$7,800,000 and an estimated non-Federal cost of  
14 \$4,200,000.

15 (8) HOCKING RIVER BASIN, MONDAY CREEK,  
16 OHIO.—The project for ecosystem restoration, Hock-  
17 ing River Basin, Monday Creek, Ohio, at a total cost  
18 of \$20,000,000, with an estimated Federal cost of  
19 \$13,000,000 and an estimated non-Federal cost of  
20 \$7,000,000.

1 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**  
2 **MENTS AND ECOSYSTEM RESTORATION PLAN**  
3 **FOR THE UPPER MISSISSIPPI RIVER AND IL-**  
4 **LINOIS WATERWAY SYSTEM.**

5 (a) DEFINITIONS.—In this section, the following defi-  
6 nitions apply:

7 (1) PLAN.—The term “Plan” means the pre-  
8 ferred integrated plan contained in the document en-  
9 titled “Integrated Feasibility Report and Pro-  
10 grammatic Environmental Impact Statement for the  
11 UMR–IWW System Navigation Feasibility Study”  
12 and dated September 24, 2004.

13 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS  
14 WATERWAY SYSTEM.—The term “Upper Mississippi  
15 River and Illinois Waterway System” means the  
16 projects for navigation and ecosystem restoration au-  
17 thorized by Congress for—

18 (A) the segment of the Mississippi River  
19 from the confluence with the Ohio River, River  
20 Mile 0.0, to Upper St. Anthony Falls Lock in  
21 Minneapolis-St. Paul, Minnesota, River Mile  
22 854.0; and

23 (B) the Illinois Waterway from its con-  
24 fluence with the Mississippi River at Grafton,  
25 Illinois, River Mile 0.0, to T.J. O’Brien Lock in  
26 Chicago, Illinois, River Mile 327.0.

1 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-  
2 TION IMPROVEMENTS.—

3 (1) SMALL SCALE AND NONSTRUCTURAL MEAS-  
4 URES.—

5 (A) IN GENERAL.—The Secretary shall, in  
6 general conformance with the Plan—

7 (i) construct mooring facilities at  
8 Locks 12, 14, 18, 20, 22, 24, and La-  
9 Grange Lock;

10 (ii) provide switchboats at Locks 20  
11 through 25; and

12 (iii) conduct development and testing  
13 of an appointment scheduling system.

14 (B) AUTHORIZATION OF APPROPRIA-  
15 TIONS.—There are authorized to be appro-  
16 priated to carry out this paragraph  
17 \$235,000,000 for fiscal years beginning October  
18 1, 2004. The costs of construction of the  
19 project shall be paid  $\frac{1}{2}$  from amounts appro-  
20 priated from the general fund of the Treasury  
21 and  $\frac{1}{2}$  from amounts appropriated from the In-  
22 land Waterways Trust Fund. Such sums shall  
23 remain available until expended.

24 (2) NEW LOCKS.—

1           (A) IN GENERAL.—The Secretary shall, in  
2           general conformance with the Plan, construct  
3           new 1,200-foot locks at Locks 20, 21, 22, 24,  
4           and 25 on the Upper Mississippi River and at  
5           LaGrange Lock and Peoria Lock on the Illinois  
6           Waterway.

7           (B) MITIGATION.—The Secretary shall  
8           conduct mitigation for the new locks and small  
9           scale and nonstructural measures authorized  
10          under paragraphs (1) and (2).

11          (C) CONCURRENCE.—The mitigation re-  
12          quired under subparagraph (B) for the projects  
13          authorized under paragraphs (1) and (2), in-  
14          cluding any acquisition of lands or interests in  
15          lands, shall be undertaken or acquired concu-  
16          rently with lands and interests for the projects  
17          authorized under paragraphs (1) and (2), and  
18          physical construction required for the purposes  
19          of mitigation shall be undertaken concurrently  
20          with the physical construction of such projects.

21          (D) AUTHORIZATION OF APPROPRIA-  
22          TIONS.—There are authorized to be appro-  
23          priated to carry out this paragraph  
24          \$1,795,000,000 for fiscal years beginning Octo-  
25          ber 1, 2004. The costs of construction on the

1 project shall be paid  $\frac{1}{2}$  from amounts appro-  
2 priated from the general fund of the Treasury  
3 and  $\frac{1}{2}$  from amounts appropriated from the In-  
4 land Waterways Trust Fund. Such sums shall  
5 remain available until expended.

6 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

7 (1) OPERATION.—To ensure the environmental  
8 sustainability of the existing Upper Mississippi River  
9 and Illinois Waterway System, the Secretary shall  
10 modify, consistent with requirements to avoid ad-  
11 verse effects on navigation, the operation of the  
12 Upper Mississippi River and Illinois Waterway Sys-  
13 tem to address the cumulative environmental im-  
14 pacts of operation of the system and improve the ec-  
15 ological integrity of the Upper Mississippi River and  
16 Illinois River.

17 (2) ECOSYSTEM RESTORATION PROJECTS.—

18 (A) IN GENERAL.—The Secretary shall  
19 carry out, consistent with requirements to avoid  
20 adverse effects on navigation, ecosystem res-  
21 toration projects to attain and maintain the  
22 sustainability of the ecosystem of the Upper  
23 Mississippi River and Illinois River in accord-  
24 ance with the general framework outlined in the  
25 Plan.

1 (B) PROJECTS INCLUDED.—Ecosystem  
2 restoration projects may include, but are not  
3 limited to—

- 4 (i) island building;  
5 (ii) construction of fish passages;  
6 (iii) floodplain restoration;  
7 (iv) water level management (includ-  
8 ing water drawdown);  
9 (v) backwater restoration;  
10 (vi) side channel restoration;  
11 (vii) wing dam and dike restoration  
12 and modification;  
13 (viii) island and shoreline protection;  
14 (ix) topographical diversity;  
15 (x) dam point control;  
16 (xi) use of dredged material for envi-  
17 ronmental purposes;  
18 (xii) tributary confluence restoration;  
19 (xiii) spillway, dam, and levee modi-  
20 fication to benefit the environment;  
21 (xiv) land easement authority; and  
22 (xv) land acquisition.

23 (C) COST SHARING.—

24 (i) IN GENERAL.—Except as provided  
25 in clauses (ii) and (iii), the Federal share

1 of the cost of carrying out an ecosystem  
2 restoration project under this paragraph  
3 shall be 65 percent.

4 (ii) EXCEPTION FOR CERTAIN RES-  
5 TORATION PROJECTS.—In the case of a  
6 project under this subparagraph for eco-  
7 system restoration, the Federal share of  
8 the cost of carrying out the project shall be  
9 100 percent if the project—

10 (I) is located below the ordinary  
11 high water mark or in a connected  
12 backwater;

13 (II) modifies the operation or  
14 structures for navigation; or

15 (III) is located on federally  
16 owned land.

17 (iii) SAVINGS CLAUSE.—Nothing in  
18 this paragraph affects the applicability of  
19 section 906(e) of the Water Resources De-  
20 velopment Act of 1986 (33 U.S.C. 2283).

21 (iv) NONGOVERNMENTAL ORGANIZA-  
22 TIONS.—Notwithstanding section 221(b) of  
23 the Flood Control Act of 1970 (42 U.S.C.  
24 1962d–5(b)), for any project carried out  
25 under this section, a non-Federal sponsor

1           may include a nonprofit entity, with the  
2           consent of the affected local government.

3           (D) LAND ACQUISITION.—The Secretary  
4           may acquire land or an interest in land for an  
5           ecosystem restoration project from a willing  
6           owner through conveyance of—

7                     (i) fee title to the land; or

8                     (ii) a flood plain conservation ease-  
9           ment.

10           (3)           ECOSYSTEM           RESTORATION  
11           PRECONSTRUCTION ENGINEERING AND DESIGN.—

12           (A) RESTORATION DESIGN.—Before initi-  
13           ating the construction of any individual eco-  
14           system restoration project, the Secretary  
15           shall—

16                     (i) establish ecosystem restoration  
17           goals and identify specific performance  
18           measures designed to demonstrate eco-  
19           system restoration;

20                     (ii) establish the without-project con-  
21           dition or baseline for each performance in-  
22           dicator; and

23                     (iii) for each separable element of the  
24           ecosystem restoration, identify specific tar-  
25           get goals for each performance indicator.

1 (B) OUTCOMES.—Performance measures  
2 identified under subparagraph (A)(i) should  
3 comprise specific measurable environmental out-  
4 comes, such as changes in water quality, hy-  
5 drology, or the well-being of indicator species  
6 the population and distribution of which are  
7 representative of the abundance and diversity of  
8 ecosystem-dependent aquatic and terrestrial  
9 species.

10 (C) RESTORATION DESIGN.—Restoration  
11 design carried out as part of ecosystem restora-  
12 tion shall include a monitoring plan for the per-  
13 formance measures identified under subpara-  
14 graph (A)(i), including—

15 (i) a timeline to achieve the identified  
16 target goals; and

17 (ii) a timeline for the demonstration  
18 of project completion.

19 (4) SPECIFIC PROJECTS AUTHORIZATION.—

20 (A) IN GENERAL.—There are authorized to  
21 carry out this subsection for fiscal years begin-  
22 ning October 1, 2005, \$1,580,000,000, of which  
23 not more than \$226,000,000 shall be available  
24 for projects described in paragraph (2)(B)(ii)  
25 and not more than \$43,000,000 shall be avail-

1           able for projects described in paragraph  
2           (2)(B)(x). Such sums shall remain available  
3           until expended.

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

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

14          (5) IMPLEMENTATION REPORTS.—

15           (A) IN GENERAL.—Not later than June  
16           30, 2008, and every 5 years thereafter, the Sec-  
17           retary shall submit to the Committee on Envi-  
18           ronment and Public Works of the Senate and  
19           the Committee on Transportation and Infra-  
20           structure of the House of Representatives an  
21           implementation report that—

22                   (i) includes baselines, milestones,  
23                   goals, and priorities for ecosystem restora-  
24                   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) PANEL MEMBERS.—Panel mem-  
10 bers shall include—

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 (iv) APPLICATION OF FEDERAL ADVI-  
15 SORY COMMITTEE ACT.—The Advisory  
16 Panel and any working group established  
17 by the Advisory Panel shall not be consid-  
18 ered an advisory committee under the Fed-  
19 eral Advisory Committee Act (5 U.S.C.  
20 App.).

21 (6) RANKING SYSTEM.—

22 (A) IN GENERAL.—The Secretary, in con-  
23 sultation with the Advisory Panel, shall develop  
24 a system to rank proposed projects.

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

5 (d) COMPARABLE PROGRESS.—

6 (1) IN GENERAL.—As the Secretary conducts  
 7 pre-engineering, design, and construction for  
 8 projects authorized under this section, the Secretary  
 9 shall—

10 (A) select appropriate milestones; and

11 (B) determine, at the time of such selec-  
 12 tion, whether the projects are being carried out  
 13 at comparable rates.

14 (2) NO COMPARABLE RATE.—If the Secretary  
 15 determines under paragraph (1)(B) that projects au-  
 16 thorized under this subsection are not moving to-  
 17 ward completion at a comparable rate, annual fund-  
 18 ing requests for the projects will be adjusted to en-  
 19 sure that the projects move toward completion at a  
 20 comparable rate in the future.

21 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**  
 22 **TORATION, LOUISIANA.**

23 (a) IN GENERAL.—The Secretary may carry out a  
 24 program for ecosystem restoration, Louisiana Coastal

1 Area, Louisiana, substantially in accordance with the re-  
2 port of the Chief of Engineers, dated January 31, 2005.

3 (b) PRIORITIES.—

4 (1) IN GENERAL.—In carrying out the program  
5 under subsection (a), the Secretary shall give pri-  
6 ority to—

7 (A) any portion of the program identified  
8 in the report described in subsection (a) as a  
9 critical restoration feature;

10 (B) any Mississippi River diversion project  
11 that—

12 (i) protects a major population area of  
13 the Pontchartrain, Pearl, Breton Sound,  
14 Barataria, or Terrebonne Basin; and

15 (ii) produces an environmental benefit  
16 to the coastal area of the State of Lou-  
17 isiana or the State of Mississippi; and

18 (C) any barrier island, or barrier shoreline,  
19 project that—

20 (i) is carried out in conjunction with  
21 a Mississippi River diversion project; and

22 (ii) protects a major population area.

23 (c) NONGOVERNMENTAL ORGANIZATIONS.—A non-  
24 governmental organization shall be eligible to contribute

1 all or a portion of the non-Federal share of the cost of  
2 a project under this section.

3 (d) COMPREHENSIVE PLAN.—

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

7 (A) develop a plan for protecting, pre-  
8 serving, and restoring the coastal Louisiana  
9 ecosystem; and

10 (B) not later than 1 year after the date of  
11 enactment of this Act, and every 5 years there-  
12 after, submit to Congress the plan, or an up-  
13 date of the plan.

14 (2) INCLUSIONS.—The comprehensive plan  
15 shall include a description of—

16 (A) the framework of a long-term program  
17 that provides for the comprehensive protection,  
18 conservation, and restoration of the wetlands,  
19 estuaries (including the Barataria-Terrebonne  
20 estuary), barrier islands, shorelines, and related  
21 land and features of the coastal Louisiana eco-  
22 system, including protection of a critical re-  
23 source, habitat, or infrastructure from the ef-  
24 fects of a coastal storm, a hurricane, erosion, or  
25 subsidence;

1 (B) the means by which a new technology,  
2 or an improved technique, can be integrated  
3 into the program under subsection (a); and

4 (C) the role of other Federal agencies and  
5 programs in carrying out the program under  
6 subsection (a).

7 (3) CONSIDERATION.—In developing the com-  
8 prehensive plan, the Secretary shall consider the ad-  
9 visability of integrating into the program under sub-  
10 section (a)—

11 (A) a related Federal or State project car-  
12 ried out on the date on which the plan is devel-  
13 oped;

14 (B) an activity in the Louisiana Coastal  
15 Area; or

16 (C) any other project or activity identified  
17 in—

18 (i) the Mississippi River and Tribu-  
19 taries program;

20 (ii) the Louisiana Coastal Wetlands  
21 Conservation Plan;

22 (iii) the Louisiana Coastal Zone Man-  
23 agement Plan; or

1 (iv) the plan of the State of Louisiana  
2 entitled “Coast 2050: Toward a Sustain-  
3 able Coastal Louisiana”.

4 (e) TASK FORCE.—

5 (1) ESTABLISHMENT.—There is established a  
6 task force to be known as the “Coastal Louisiana  
7 Ecosystem Protection and Restoration Task Force”  
8 (referred to in this subsection as the “Task Force”).

9 (2) MEMBERSHIP.—The Task Force shall con-  
10 sist of the following members (or, in the case of the  
11 head of a Federal agency, a designee at the level of  
12 Assistant Secretary or an equivalent level):

13 (A) The Secretary.

14 (B) The Secretary of the Interior.

15 (C) The Secretary of Commerce.

16 (D) The Administrator of the Environ-  
17 mental Protection Agency.

18 (E) The Secretary of Agriculture.

19 (F) The Secretary of Transportation.

20 (G) The Secretary of Energy.

21 (H) The Secretary of Homeland Security.

22 (I) 3 representatives of the State of Lou-  
23 isiana appointed by the Governor of that State.

24 (3) DUTIES.—The Task Force shall make rec-  
25 ommendations to the Secretary regarding—

1 (A) policies, strategies, plans, programs,  
2 projects, and activities for addressing conserva-  
3 tion, protection, restoration, and maintenance  
4 of the coastal Louisiana ecosystem;

5 (B) financial participation by each agency  
6 represented on the Task Force in conserving,  
7 protecting, restoring, and maintaining the  
8 coastal Louisiana ecosystem, including rec-  
9 ommendations—

10 (i) that identify funds from current  
11 agency missions and budgets; and

12 (ii) for coordinating individual agency  
13 budget requests; and

14 (C) the comprehensive plan under sub-  
15 section (d).

16 (4) WORKING GROUPS.—The Task Force may  
17 establish such working groups as the Task Force de-  
18 termines to be necessary to assist the Task Force in  
19 carrying out this subsection.

20 (5) APPLICATION OF THE FEDERAL ADVISORY  
21 COMMITTEE ACT.—The Federal Advisory Committee  
22 Act (5 U.S.C. App.) shall not apply to the Task  
23 Force or any working group of the Task Force.

24 (f) MISSISSIPPI RIVER GULF OUTLET.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary  
3 shall develop a plan for modifying the Mississippi  
4 River Gulf Outlet that addresses—

5           (A) wetland losses attributable to the Mis-  
6 sissippi River Gulf Outlet;

7           (B) channel bank erosion;

8           (C) hurricane storm surges;

9           (D) saltwater intrusion;

10          (E) navigation interests; and

11          (F) environmental restoration.

12          (2) REPORT.—~~The~~ *If necessary, the* Secretary,  
13 in conjunction with the Chief of Engineers, shall  
14 submit to Congress a report recommending modi-  
15 fications to the Mississippi River Gulf Outlet, includ-  
16 ing measures to prevent the intrusion of saltwater  
17 into the Outlet.

18          (g) SCIENCE AND TECHNOLOGY.—

19           (1) IN GENERAL.—The Secretary shall establish  
20 a coastal Louisiana ecosystem science and tech-  
21 nology program.

22           (2) PURPOSES.—The purposes of the program  
23 established by paragraph (1) shall be—

24           (A) to identify any uncertainty relating to  
25 the physical, chemical, geological, biological,

1 and cultural baseline conditions in coastal Lou-  
2 isiana;

3 (B) to improve knowledge of the physical,  
4 chemical, geological, biological, and cultural  
5 baseline conditions in coastal Louisiana; and

6 (C) to identify and develop technologies,  
7 models, and methods to carry out this ~~sub-~~  
8 ~~section~~ *section*.

9 (3) WORKING GROUPS.—The Secretary may es-  
10 tablish such working groups as the Secretary deter-  
11 mines to be necessary to assist the Secretary in car-  
12 rying out this subsection.

13 (4) CONTRACTS AND COOPERATIVE AGREE-  
14 MENTS.—In carrying out this subsection, the Sec-  
15 retary may enter into a contract or cooperative  
16 agreement with an individual or entity (including a  
17 consortium of academic institutions in Louisiana  
18 ~~and Mississippi~~) with scientific or engineering exper-  
19 tise in the restoration of aquatic and marine eco-  
20 systems for coastal restoration and enhancement  
21 through science and technology.

22 (h) ANALYSIS OF BENEFITS.—

23 (1) IN GENERAL.—Notwithstanding section 209  
24 of the Flood Control Act of 1970 (42 U.S.C. 1962–  
25 2) or any other provision of law, in carrying out an

1 activity to conserve, protect, restore, or maintain the  
 2 coastal Louisiana ecosystem, the Secretary may de-  
 3 termine that the environmental benefits provided by  
 4 the program under this section outweigh the dis-  
 5 advantage of an activity under this section.

6 (2) DETERMINATION OF COST-EFFECTIVE-  
 7 NESS.—If the Secretary determines that an activity  
 8 under this section is cost-effective, no further eco-  
 9 nomic justification for the activity shall be required.

10 (i) STUDY.—Not later than 180 days after the date  
 11 of enactment of this Act, the Secretary, in consultation  
 12 with the non-Federal interest, shall enter into a contract  
 13 with the National Academy of Sciences under which the  
 14 National Academy of Sciences shall carry out a study to  
 15 identify the cause of any degradation of the Louisiana  
 16 Coastal Area ecosystem that occurs as a result of an activ-  
 17 ity under this section.

18 (j) REPORT.—Not later than July 1, 2006, the Sec-  
 19 retary, in conjunction with the Chief of Engineers, shall  
 20 submit to Congress a report describing the features in-  
 21 cluded in table 3 of the report described in subsection (a).

22 (i) STUDIES.—

23 (1) DEGRADATION.—Not later than 180 days  
 24 after the date of enactment of this Act, the Secretary,  
 25 in consultation with the non-Federal interest, shall

1        *enter into a contract with the National Academy of*  
2        *Sciences under which the National Academy of*  
3        *Sciences shall carry out a study to identify—*

4                *(A) the cause of any degradation of the*  
5                *Louisiana Coastal Area ecosystem that occurred*  
6                *as a result of an activity approved by the Sec-*  
7                *retary; and*

8                *(B) the sources of the degradation.*

9                *(2) FINANCE.—On completion, and taking into*  
10              *account the results, of the study conducted under*  
11              *paragraph (1), the Secretary, in consultation with the*  
12              *non-Federal interest, shall study—*

13              *(A) financing alternatives for the program*  
14              *authorized under subsection (a); and*

15              *(B) potential reductions in the expenditure*  
16              *of Federal funds in emergency responses that*  
17              *would occur as a result of ecosystem restoration*  
18              *in the Louisiana Coastal Area.*

19              *(j) REPORT.—Not later than July 1, 2006, the Sec-*  
20              *retary shall submit to Congress a feasibility report on the*  
21              *features included in table 3 of the report described in sub-*  
22              *section (a).*

23              *(k) PROJECT MODIFICATIONS.—*

24              *(1) REVIEW.—The Secretary, in cooperation*  
25              *with any non-Federal interest, shall review each fed-*

1 erally-authorized water resources project in the  
 2 coastal Louisiana area in existence on the date of  
 3 enactment of this Act to determine whether—

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

6 (B) the project could contribute to eco-  
 7 system restoration under subsection (a) through  
 8 modification of the operations or features of the  
 9 project.

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

13 ~~(2)~~ (3) *PUBLIC NOTICE AND COMMENT.*—Be-  
 14 fore ~~modifying an operation or feature of a project~~  
 15 ~~under paragraph (1)(B)~~, *completing the report re-*  
 16 *quired under paragraph (4),* the Secretary shall pro-  
 17 vide an opportunity for public notice and comment.

18 ~~(3)~~ (4) *REPORT.*—

19 (A) *IN GENERAL.*—Before modifying an  
 20 operation or feature of a project under para-  
 21 graph (1)(B), the Secretary shall submit to the  
 22 Committee on Environment and Public Works  
 23 of the Senate and the Committee on Transpor-  
 24 tation and Infrastructure of the House of Rep-



1 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
2 577):

3 (1) LITTLE ROCK PORT, ARKANSAS.—Project  
4 for navigation, Little Rock Port, Arkansas River,  
5 Arkansas.

6 (2) AU SABLE RIVER, MICHIGAN.—Project for  
7 navigation, Au Sable River in the vicinity of Oscoda,  
8 Michigan.

9 (3) OUTER CHANNEL AND INNER HARBOR, ME-  
10 NOMINEE HARBOR, MICHIGAN AND WISCONSIN.—  
11 Project for navigation, Outer Channel and Inner  
12 Harbor, Menominee Harbor, Michigan and Wis-  
13 consin.

14 (4) MIDDLE BASS ISLAND STATE PARK, MIDDLE  
15 BASS ISLAND, OHIO.—Project for navigation, Middle  
16 Bass Island State Park, Middle Bass Island, Ohio.

17 (5) OUTER CHANNEL AND INNER HARBOR, ME-  
18 NOMINEE, WISCONSIN.—Project for navigation, Me-  
19 nominee Harbor, Michigan and Wisconsin.

20 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
21 **RESTORATION.**

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

1 section 206 of the Water Resources Development Act of  
2 1996 (33 U.S.C. 2330):

3 (1) SAN DIEGO RIVER, CALIFORNIA.—Project  
4 for aquatic ecosystem restoration, San Diego River,  
5 California, including efforts to address invasive  
6 aquatic plant species.

7 (2) SUISON MARSH, SAN PABLO BAY, CALI-  
8 FORNIA.—Project for aquatic ecosystem restoration,  
9 San Pablo Bay, California.

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

## 13 **TITLE II—GENERAL PROVISIONS**

### 14 **Subtitle A—Provisions**

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

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

18 (1) by striking “**SEC. 221 (a) After**” and insert-  
19 ing the following:

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

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

23 **“(1) IN GENERAL.—After”;** and

24 **(2) in subsection (a)—**

1                   (A) by striking “In any” and inserting the  
2 following:

3                   ~~“(2) FUTURE APPROPRIATIONS.—In any”~~; and

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

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

7                   **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**  
8   **WATER RESOURCES PROJECTS.”**

9                   ; and

10                   (2) by striking subsection (a) and inserting the  
11 following:

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

13                                   “(1) *IN GENERAL.—After December 31, 1970, the*  
14 *construction of any water resources project, or an ac-*  
15 *ceptable separable element thereof, by the Secretary of*  
16 *the Army, acting through the Chief of Engineers, or*  
17 *by a non-Federal interest where such interest will be*  
18 *reimbursed for such construction under any provision*  
19 *of law, shall not be commenced until each non-Federal*  
20 *interest has entered into a written partnership agree-*  
21 *ment with the district engineer for the district in*  
22 *which the project will be carried out under which each*  
23 *party agrees to carry out its responsibilities and re-*  
24 *quirements for implementation or construction of the*  
25 *project or the appropriate element of the project, as*

1     *the case may be; except that no such agreement shall*  
 2     *be required if the Secretary determines that the ad-*  
 3     *ministrative costs associated with negotiating, exe-*  
 4     *cuting, or administering the agreement would exceed*  
 5     *the amount of the contribution required from the non-*  
 6     *Federal interest and are less than \$25,000.*

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

11            “(3) *OBLIGATION OF FUTURE APPROPRIA-*  
 12    *TIONS.*—*In any such agreement entered into by a*  
 13    *State, or a body politic of the State which derives its*  
 14    *powers from the State constitution, or a governmental*  
 15    *entity created by the State legislature, the agreement*  
 16    *may reflect that it does not obligate future appropria-*  
 17    *tions for such performance and payment when obli-*  
 18    *gating future appropriations would be inconsistent*  
 19    *with constitutional or statutory limitations of the*  
 20    *State or a political subdivision of the State.*

21            “~~(3)~~ (4) *CREDIT FOR IN-KIND CONTRIBU-*  
 22    *TIONS.*—

23            “(A) *IN GENERAL.*—*An agreement under*  
 24    *paragraph (1) shall provide that the Secretary*  
 25    *shall credit toward the non-Federal share of the*

1 cost of the project, including a project imple-  
2 mented under general continuing authority, the  
3 value of in-kind contributions made by the non-  
4 Federal interest, including—

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

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

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

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

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

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

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

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

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

13 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**  
14 **AUTHORITY.**

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

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

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

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

1 (3) in subsection (d)—

2 (A) by striking “\$250,000 for fiscal year  
3 2001” and inserting “\$1,000,000 for fiscal year  
4 2006”; and

5 (B) by striking “or international organiza-  
6 tions” and inserting “, international organiza-  
7 tions, or foreign governments”.

8 **SEC. 2003. TRAINING FUNDS.**

9 (a) IN GENERAL.—The Secretary may include indi-  
10 viduals from *the non-Federal interest, including* the private  
11 sector, in training classes and courses offered by the Corps  
12 of Engineers in any case in which the Secretary deter-  
13 mines that it is in the best interest of the Federal Govern-  
14 ment to include those individuals as participants.

15 (b) EXPENSES.—

16 (1) IN GENERAL.—An individual from ~~the pri-~~  
17 ~~vate sector~~ *a non-Federal interest* attending a train-  
18 ing class or course described in subsection (a) shall  
19 pay the full cost of the training provided to the indi-  
20 vidual.

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

24 (A) may be retained by the Secretary;

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

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

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

11 **SEC. 2004. RECREATIONAL AREAS AND PROJECT SITES.**

12 (a) CONSTRUCTION AND OPERATION OF PUBLIC  
13 PARKS AND RECREATIONAL FACILITIES IN WATER RE-  
14 SOURCE DEVELOPMENT PROJECTS; LEASE OF LANDS;  
15 PREFERENCE FOR USE; PENALTY; APPLICATION OF SEC-  
16 TION 3401 OF TITLE 18, UNITED STATES CODE; CITA-  
17 TIONS AND ARRESTS WITH AND WITHOUT PROCESS; LIM-  
18 ITATIONS; DISPOSITION OF RECEIPTS.—Section 4 of the  
19 Act of December 22, 1944 (commonly known as the  
20 “Flood Control Act of 1944”) (16 U.S.C. 460d) is amend-  
21 ed—

22 (1) in the second sentence—

23 (A) by striking “*Provided, That leases*”  
24 and all that follows through “premises” and in-  
25 serting the following: “*Provided, That any new*

1 lease granted under this section to a nonprofit  
2 organization for park and recreational purposes,  
3 and any new lease or license granted to a Fed-  
4 eral, State, or local governmental agency for  
5 any public purpose, shall include a provision re-  
6 quiring that consideration for the grant of the  
7 lease or license shall be at least sufficient to  
8 pay the costs of administering the grant, as de-  
9 termined by the Secretary of the Army”; and

10 (B) by striking “*Provided further*, That  
11 preference” and all that follows through “*And*  
12 *provided*” and inserting “*Provided*”; and

13 (2) by striking the last sentence and inserting  
14 the following: “Any funds received by the United  
15 States for a lease or privilege granted under this  
16 section shall be deposited and made available in ac-  
17 cordance with section 210 of the Flood Control Act  
18 of 1968 (16 U.S.C. 460d-3).”.

19 (b) RECREATIONAL USER FEES.—Section 210 of the  
20 Flood Control Act of 1968 (16 U.S.C. 460d-3) is amend-  
21 ed—

22 (1) by striking subsection (a) and inserting the  
23 following:

24 “(a) IN GENERAL.—The Secretary of the Army shall  
25 carry out a recreation user fee program to recover from

1 users of recreation areas and project sites under the juris-  
2 diction of the Corps of Engineers the portion of costs asso-  
3 ciated with operating and maintaining those recreation  
4 areas and project sites.”;

5 (2) in subsection (b)—

6 (A) in the subsection heading, by inserting  
7 “ADMISSION AND USER” before “FEES”;

8 (B) by striking paragraphs (3) and (4);

9 (C) by redesignating paragraph (2) as  
10 paragraph (3);

11 (D) in paragraph (1), by striking “but ex-  
12 cluding” and all that follows and inserting the  
13 following: “, including fees—

14 “(A) for admission to the recreation area  
15 or project site of an individual or group; and

16 “(B) for the use by an individual or group  
17 of an outdoor recreation area, a facility, a visi-  
18 tors’ center, a piece of equipment, or a service  
19 at the recreation area or project site.”;

20 (E) by inserting after paragraph (1) the  
21 following:

22 “(2) AMOUNT.—The Secretary of the Army  
23 shall determine the amount of a fee established and  
24 collected under paragraph (1) based on the fair mar-  
25 ket value, taking into consideration any comparable

1 recreation fee for admission to, or use of, the recre-  
2 ation area or project site.”;

3 (F) in paragraph (3) (as redesignated by  
4 subparagraph (C))—

5 (i) by striking “picnic tables”;

6 (ii) by striking “surface water areas”;

7 and

8 (iii) by striking “or general visitor in-  
9 formation” and inserting “general visitor  
10 information, or a project site or facility  
11 that includes only a boat launch ramp and  
12 a courtesy dock”; and

13 (G) by inserting after paragraph (3) (as  
14 redesignated by subparagraph (C)) the fol-  
15 lowing:

16 “(4) CONTRACTS AND SERVICES.—The Sec-  
17 retary of the Army may—

18 “(A) enter into a contract (including a  
19 contract that provides for a reasonable commis-  
20 sion, as determined by the Secretary) with any  
21 public or private entity to provide a visitor serv-  
22 ice for a recreation area or project site under  
23 this section, including the taking of reservations  
24 and the provision of information regarding the  
25 recreation area or project site; and

1           “(B) accept the services of a volunteer to  
2 collect a fee established and collected under  
3 paragraph (1).

4           “(5) DEPOSIT INTO TREASURY ACCOUNT.—

5           “(A) IN GENERAL.—Any fee collected  
6 under this subsection shall—

7           “(i) be deposited into the Treasury  
8 account for the Corps of Engineers estab-  
9 lished by section 4(i)(1)(A) of the Land  
10 and Water Conservation Fund Act of 1965  
11 (16 U.S.C. 460l–6a(i)(1)(A)); and

12           “(ii) be made available until expended  
13 to the Secretary of the Army, without fur-  
14 ther appropriation, for use for the pur-  
15 poses described in section 4(i)(3) of that  
16 Act (16 U.S.C. 460l–6a(i)(3)).

17           “(B) LIMITATION.—Not more than 80 per-  
18 cent of a fee established and collected at a rec-  
19 reational area or project site under this sub-  
20 section shall be made available to pay the costs  
21 of a water resources development project under  
22 the jurisdiction of the Corps of Engineers lo-  
23 cated at the recreational area or project site.”;  
24 and

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

1       “(c) OTHER FEES.—Any fee established and col-  
 2 lected at a recreational area or project site under sub-  
 3 section (b) shall be considered to be established and col-  
 4 lected in lieu of a similar fee established and collected at  
 5 the recreational area or project site under any other provi-  
 6 sion of law.”.

7       (c) ADMISSION AND USE FEES; ESTABLISHMENT  
 8 AND REGULATIONS.—Section 4(i)(3) of the Land and  
 9 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-  
 10 6a(i)(3)) is amended—

11           (1) in the first sentence, by striking “For” and  
 12 inserting the following:

13                   “(A) IN GENERAL.—For”;

14           (2) by striking the second sentence and insert-  
 15 ing the following:

16                   “(B) USE OF FUNDS.—To the maximum  
 17 extent practicable, funds under this subsection  
 18 shall be used for a purpose described in sub-  
 19 paragraph (A) that is directly related to the ac-  
 20 tivity through which the funds were generated,  
 21 including water-based recreational activities and  
 22 camping.”; and

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

24                   “(C) DEPARTMENT OF ARMY SITES.—Any  
 25 funds under this subsection may be used at a

1 project site of the Department of the Army to  
2 pay the costs of—

3 “(i) a repair or maintenance project  
4 (including a project relating to public  
5 health and safety);

6 “(ii) an interpretation project;

7 “(iii) signage;

8 “(iv) habitat or facility enhancement;

9 “(v) resource preservation;

10 “(vi) annual operation (including col-  
11 lection of fees and costs of administering  
12 grants under section 4 of the Act of De-  
13 cember 22, 1944 (commonly known as the  
14 ‘Flood Control Act of 1944’) (16 U.S.C.  
15 460d);

16 “(vii) law enforcement relating to  
17 public use; and

18 “(viii) planning.”.

19 (d) CONFORMING AMENDMENT.—Section 225 of the  
20 Water Resources Development Act of 1999 (16 U.S.C.  
21 460l–6a note; Public Law 106–53) is repealed.

22 **SEC. 2005. FISCAL TRANSPARENCY REPORT.**

23 (a) IN GENERAL.—On the third Tuesday of January  
24 of each year beginning January 2006, the Chief of Engi-  
25 neers shall submit to the Committee of Environment and

1 Public Works of the Senate and the Transportation and  
2 Infrastructure Committee of the House of Representatives  
3 a report on the expenditures for the preceding fiscal year  
4 and estimated expenditures for the current fiscal year.

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

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

10 (A) projects currently under construction,  
11 including—

12 (i) allocations to date;

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

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

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

21 (B) projects for which there is a signed  
22 cost-sharing agreement and completed planning,  
23 engineering, and design, including—

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

1 (ii) estimated annual Federal cost to  
2 maintain that construction schedule.

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

6 (A) the estimated annual cost to maintain  
7 each waterway for the authorized reach and at  
8 the authorized depth; and

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

12 (3) With respect to general investigations and  
13 reconnaissance and feasibility studies—

14 (A) the number of active studies;

15 (B) the number of completed studies not  
16 yet authorized for construction;

17 (C) the number of initiated studies; and

18 (D) the number of studies expected to be  
19 completed during the fiscal year.

20 (4) Funding received and estimates of funds to  
21 be received for interagency and international support  
22 activities under section 318(a) of the Water Re-  
23 sources Development Act of 1990 (33 U.S.C.  
24 2323(a)).

25 (5) Recreation fees and lease payments.

1           (6) Hydropower and water storage fees.

2           (7) Deposits into the Inland Waterway Trust  
3 Fund and the Harbor Maintenance Trust Fund.

4           (8) Other revenues and fees collected.

5           (9) With respect to permit applications and no-  
6 tifications, a list of individual permit applications  
7 and nationwide permit notifications, including—

8                 (A) the date on which each permit applica-  
9 tion is filed;

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

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

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

18                 (A) the authorization date;

19                 (B) the last allocation date;

20                 (C) the percentage of construction com-  
21 pleted;

22                 (D) the estimated cost remaining until  
23 completion of the project; and

24                 (E) a brief explanation of the reasons for  
25 the delay.

1 **SEC. 2006. PLANNING.**

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

3 Section 904 of the Water Resources Development Act of  
4 1986 (33 U.S.C. 2281) is amended—

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

7 “(a) IN GENERAL.—Enhancing”; and

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

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

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

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

17 (b) FEASIBILITY REPORTS.—Section 905 of the  
18 Water Resources Development Act of 1986 (33 U.S.C.  
19 2282) is amended—

20 (1) in subsection (a), by inserting before “This  
21 subsection shall not apply” the following: “The Sec-  
22 retary shall establish a plan and schedule to periodi-  
23 cally update and revise the planning guidelines, reg-  
24 ulations, and circulars of the Corps of Engineers to  
25 improve the analysis of water resource projects, in-  
26 cluding the integration of new and existing analyt-

1 ical techniques that properly reflect the probability  
2 of project benefits and costs, as the Secretary deter-  
3 mines appropriate.”; and

4 (2) by striking subsection (c) and inserting the  
5 following:

6 “(c) COST-BENEFIT ANALYSIS.—Recommendation of  
7 a feasibility study shall be based on an analysis of the ben-  
8 efits and costs, both quantified and unquantified, that—

9 “(1) identifies areas of risk and uncertainty in  
10 the analysis;

11 “(2) clearly describes the degree of reliability of  
12 the estimated benefits and costs of the effectiveness  
13 of alternative plans, including an assessment of the  
14 credibility of the physical project construction sched-  
15 ule as the schedule affects the estimated benefits  
16 and costs;

17 “(3) identifies national, regional, and local eco-  
18 nomic costs and benefits;

19 “(4) identifies environmental costs and benefits,  
20 including the costs and benefits of protecting or de-  
21 grading natural systems;

22 “(5) identifies social costs and benefits, includ-  
23 ing a risk analysis regarding potential loss of life  
24 that may result from flooding and storm damage;  
25 and

1           “(6) identifies cultural and historical costs and  
2           benefits.”.

3           (c) PLANNING PROCESS IMPROVEMENTS.—The Chief  
4 of Engineers—

5           (1) shall, not later than 2 years after the date  
6           on which the feasibility study cost sharing agree-  
7           ment is signed for a project, subject to the avail-  
8           ability of appropriations—

9                   (A) complete the feasibility study for the  
10                   project; and

11                   (B) sign the report of the Chief of Engi-  
12                   neers for the project;

13           (2) may, with the approval of the Secretary, ex-  
14           tend the deadline established under paragraph (1)  
15           for not to exceed 4 years, for a complex or con-  
16           troversial study;

17           (3)(A) shall adopt a risk analysis approach to  
18           project cost estimates; and

19                   (B) not later than 1 year after the date of en-  
20           actment of this Act, shall—

21                   (i) issue procedures for risk analysis for  
22                   cost estimation; and

23                   (ii) submit to Congress a report that in-  
24           cludes suggested amendments to section 902 of

1 the Water Resources Development Act of 1986  
2 (33 U.S.C. 2280); and

3 (4) shall—

4 (A) identify and review all critical methods,  
5 models, and procedures used in the planning  
6 process of the Corps of Engineers to formulate  
7 and evaluate water resource projects;

8 (B) identify other existing or new methods,  
9 models, or procedures that may enhance the  
10 water resource planning process;

11 (C) establish a systematic process for eval-  
12 uating and validating the effectiveness and effi-  
13 ciency of all methods, models, and procedures;

14 (D) develop and maintain a set of ap-  
15 proved methods, models, and procedures to be  
16 applied to the water resource planning process  
17 across the Corps of Engineers;

18 (E) develop and maintain effective systems  
19 for technology transfer and support to provide  
20 state-of-the-art skills and knowledge to the  
21 workforce; and

22 (F) identify the discrete elements of stud-  
23 ies and establish benchmarks for the resources  
24 required to implement elements to improve the

1           timeliness and effectiveness of the water re-  
2           source planning process.

3           (d) PROJECT PLANNING.—

4           (1) OBJECTIVES.—

5           (A) FLOOD AND HURRICANE AND STORM  
6           DAMAGE REDUCTION AND NAVIGATION  
7           PROJECTS.—The Federal objective of any study  
8           of the feasibility of a water resource project  
9           carried out by the Secretary for flood damage  
10          reduction, hurricane and storm damage reduc-  
11          tion, or navigation shall be to maximize the net  
12          national economic development benefits associ-  
13          ated with the project, consistent with protecting  
14          the environment of the United States.

15          (B) ECOSYSTEM RESTORATION  
16          PROJECTS.—The Federal objective of any study  
17          of the feasibility of a water resource project for  
18          ecosystem restoration carried out by the Sec-  
19          retary shall be to maximize the net national  
20          ecosystem restoration benefits associated with  
21          the project, consistent with national economic  
22          development of the United States.

23          (C) PROJECTS WITH MULTIPLE PUR-  
24          POSES.—In the case of a study that includes  
25          multiple project purposes, the primary and

1 other project purposes shall be evaluated based  
2 on the relevant Federal objective identified  
3 under subparagraphs (A) and (B).

4 (D) SELECTION OF PROJECT ALTER-  
5 NATIVES.—

6 (i) IN GENERAL.—Notwithstanding  
7 the Federal objectives identified in this  
8 paragraph, the Secretary may select a  
9 project alternative that does not maximize  
10 net benefits if there is an overriding reason  
11 for selection of the alternative that is  
12 based on other Federal, State, local, or  
13 international concerns.

14 (ii) FLOOD AND HURRICANE AND  
15 STORM DAMAGE REDUCTION AND NAVIGA-  
16 TION PROJECTS.—With respect to a water  
17 resource project described in subparagraph  
18 (A), an overriding reason for selecting a  
19 project alternative other than the alter-  
20 native that maximizes national economic  
21 development benefits may be, as deter-  
22 mined by the Secretary, with the concur-  
23 rence of the non-Federal interest, that the  
24 other project alternative is feasible and  
25 achieves the project purposes but provides

1 greater ecosystem restoration benefits or  
2 less adverse environmental impacts.

3 (iii) ECOSYSTEM RESTORATION  
4 PROJECTS.—With respect to a water re-  
5 source project described in subparagraph  
6 (B), an overriding reason for selecting a  
7 project alternative other than the project  
8 alternative that maximizes national eco-  
9 system restoration benefits may be, as de-  
10 termined by the Secretary, with the con-  
11 currence of the non-Federal interest, that  
12 the other project alternative is feasible and  
13 achieves the project purpose but provides  
14 greater economic development benefits or  
15 less adverse economic impacts.

16 (2) IDENTIFYING ADDITIONAL BENEFITS AND  
17 PROJECTS.—

18 (A) PRIMARILY ECONOMIC BENEFITS.—In  
19 conducting a study of the feasibility of a project  
20 the primary benefits of which are expected to be  
21 economic, the Secretary may—

22 (i) identify ecosystem restoration ben-  
23 efits that may be achieved in the study  
24 area; and

1           (ii) after obtaining the participation of  
2           a non-Federal interest, study and rec-  
3           ommend construction of additional meas-  
4           ures, a separate project, or separable ele-  
5           ment, to achieve those benefits.

6           (B) PRIMARILY ECOSYSTEM RESTORATION  
7           BENEFITS.—In conducting a study of the feasi-  
8           bility of a project the primary benefits of which  
9           are expected to be associated with ecosystem  
10          restoration, the Secretary may—

11           (i) identify economic benefits that  
12           may be achieved in the study area; and

13           (ii) after obtaining the participation of  
14           a non-Federal interest, study and rec-  
15           ommend construction of additional meas-  
16           ures, a separate project, or separable ele-  
17           ment, to achieve those benefits.

18           (C) RULES APPLICABLE TO IDENTIFIED  
19           SEPARATE PROJECTS AND ELEMENTS.—

20           (i) IN GENERAL.—Any additional  
21           measure, separable project, or element  
22           identified under subparagraph (A) or (B)  
23           and recommended for construction shall  
24           not be considered integral to the under-  
25           lying project under study unless the Sec-

1           retary determines, and the non-Federal in-  
2           terest agrees, that the measure, project, or  
3           element, is integral.

4           (ii) PARTNERSHIP AGREEMENT.—If  
5           authorized, the measure, project, or ele-  
6           ment shall be subject to a separate part-  
7           nership agreement, unless the non-Federal  
8           interest agrees to share in the cost of the  
9           additional measure, project, or separable  
10          element.

11          (3) CALCULATION OF BENEFITS AND COSTS  
12          FOR FLOOD DAMAGE REDUCTION PROJECTS.—A fea-  
13          sibility study for a project for flood damage reduc-  
14          tion shall include, as part of the calculation of bene-  
15          fits and costs—

16                (A) a calculation of the residual risk of  
17                flooding following completion of the proposed  
18                project;

19                (B) a calculation of any upstream or down-  
20                stream impacts of the proposed project; and

21                (C) calculations to ensure that the benefits  
22                and costs associated with structural and non-  
23                structural alternatives are evaluated in an equi-  
24                table manner.

1 (e) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—  
2 TISE.—

3 (1) ESTABLISHMENT.—The Secretary may es-  
4 tablish centers of expertise to provide specialized  
5 planning expertise for water resource projects to be  
6 carried out by the Secretary in order to enhance and  
7 supplement the capabilities of the districts of the  
8 Corps of Engineers.

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

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

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

20 (C) provide support for external peer re-  
21 view panels convened by the Secretary; and

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

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

1 (1) ALTERNATIVES.—

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

6 (i) that, as determined by the non-  
7 Federal interests for the projects, promote  
8 integrated water resources management;  
9 and

10 (ii) for which the non-Federal inter-  
11 ests are willing to provide the non-Federal  
12 share for the studies or assessments.

13 (B) SCOPE AND PURPOSES.—The scope  
14 and purposes of studies and assessments de-  
15 scribed in subparagraph (A) shall not be con-  
16 strained by budgetary or other policy as a re-  
17 sult of the inclusion of alternatives described in  
18 that subparagraph.

19 (C) NO EFFECT ON AUTHORITY OF  
20 CHIEF.—The Chief of Engineers—

21 (i) shall not, in the completion of re-  
22 ports of the Chief of Engineers to Con-  
23 gress, be subject to direction as to the con-  
24 tents, findings, or recommendation of the  
25 reports; and

- 1 (ii) shall be solely responsible for—  
2 (I) those reports; and  
3 (II) any related recommenda-  
4 tions, including evaluations and rec-  
5 ommendations for changes in law or  
6 policy that may be appropriate to at-  
7 tain the best technical solutions to  
8 water resource needs and problems.

9 (2) REPORT COMPLETION.—The completion of  
10 a report of the Chief of Engineers for a project—

11 (A) shall not be delayed while consider-  
12 ation is being given to potential changes in pol-  
13 icy or priority for project consideration; and

14 (B) shall be submitted, upon completion,  
15 to—

16 (i) the Committee on Environment  
17 and Public Works of the Senate; and

18 (ii) the Committee on Transportation  
19 and Infrastructure of the House of Rep-  
20 resentatives.

21 (g) COMPLETION REVIEW.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), not later than 90 days after the date of  
24 completion of a report of the Chief of Engineers that

1 recommends to Congress a water resource project,  
2 the Secretary shall—

3 (A) review the report; and

4 (B) provide any recommendations of the  
5 Secretary regarding the water resource project  
6 to Congress.

7 (2) PRIOR REPORTS.—Not later than 90 days  
8 after the date of enactment of this Act, with respect  
9 to any report of the Chief of Engineers recom-  
10 mending a water resource project that is complete  
11 prior to the date of enactment of this Act, the Sec-  
12 retary shall complete review of, and provide rec-  
13 ommendations to Congress for, the report in accord-  
14 ance with paragraph (1).

15 **SEC. 2007. INDEPENDENT REVIEWS.**

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE ORGANIZATION.—The term “eligi-  
18 ble organization” means an organization that—

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

22 (B) is independent;

23 (C) is free from conflicts of interest;

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

1 (E) has experience in establishing and ad-  
2 ministering peer review panels.

3 (2) PROJECT STUDY.—

4 (A) IN GENERAL.—The term “project  
5 study” means a feasibility study or reevaluation  
6 study for a project.

7 (B) INCLUSIONS.—The term “project  
8 study” includes any other study associated with  
9 a modification or update of a project that in-  
10 cludes an environmental impact statement or an  
11 environmental assessment.

12 (b) PEER REVIEWS.—

13 (1) POLICY.—

14 (A) IN GENERAL.—Major engineering, sci-  
15 entific, and technical work products related to  
16 Corps of Engineers decisions and recommenda-  
17 tions to Congress should be peer reviewed.

18 (B) APPLICATION.—This policy—

19 (i) applies to peer review of the sci-  
20 entific, engineering, or technical basis of  
21 the decision or recommendation; and

22 (ii) does not apply to the decision or  
23 recommendation itself.

24 (2) GUIDELINES.—

1           (A) IN GENERAL.—Not later than the date  
2 that is 1 year after the date of enactment of  
3 this Act, the Chief of Engineers shall publish  
4 and implement guidelines to Corps of Engineers  
5 Division and District Engineers for the use of  
6 peer review (including external peer review) of  
7 major scientific, engineering, and technical  
8 work products that support the recommenda-  
9 tions of the Chief to Congress for implementa-  
10 tion of water resources projects.

11           (B) INFORMATION QUALITY ACT.—The  
12 guidelines shall be consistent with the Informa-  
13 tion Quality Act (section 515 of Public Law  
14 106–554), as implemented in Office of Manage-  
15 ment and Budget, Revised Information Quality  
16 Bulletin for Peer Review, dated December 15,  
17 2004.

18           (C) REQUIREMENTS.—The guidelines shall  
19 adhere to the following requirements:

20                   (i) APPLICATION OF PEER REVIEW.—

21                   Peer review shall—

22                           (I) be applied only to the engi-  
23                           neering, scientific, and technical basis  
24                           for recommendations; and

25                           (II) shall not be applied to—

1 (aa) a specific recommenda-  
2 tion; or

3 (bb) the application of policy  
4 to recommendations.

5 (ii) ANALYSES AND EVALUATIONS IN  
6 MULTIPLE PROJECT STUDIES.—Guidelines  
7 shall provide for conducting and docu-  
8 menting peer review of major scientific,  
9 technical, or engineering methods, models,  
10 procedures, or data that are used for con-  
11 ducting analyses and evaluations in mul-  
12 tiple project studies.

13 (iii) INCLUSIONS.—Peer review ap-  
14 plied to project studies may include a re-  
15 view of—

16 (I) the economic and environ-  
17 mental assumptions and projections;

18 (II) project evaluation data;

19 (III) economic or environmental  
20 analyses;

21 (IV) engineering analyses;

22 (V) methods for integrating risk  
23 and uncertainty;

1 (VI) models used in evaluation of  
2 economic or environmental impacts of  
3 proposed projects; and

4 (VII) any related biological opin-  
5 ions.

6 (iv) EXCLUSION.—Peer review applied  
7 to project studies shall exclude a review of  
8 any methods, models, procedures, or data  
9 previously subjected to peer review.

10 (v) TIMING OF REVIEW.—Peer review  
11 related to the engineering, scientific, or  
12 technical basis of any project study shall  
13 be completed prior to the completion of  
14 any Chief of Engineers report for a specific  
15 water resources project.

16 (vi) DELAYS; INCREASED COSTS.—  
17 Peer reviews shall be conducted in a man-  
18 ner that does not—

19 (I) cause a delay in study com-  
20 pletion; or

21 (II) increase costs.

22 (vii) RECORD OF RECOMMENDA-  
23 TIONS.—

24 (I) IN GENERAL.—After receiving  
25 a report from any peer review panel,

1 the Chief of Engineers shall prepare a  
2 record that documents—

3 (aa) any recommendations  
4 contained in the report; and

5 (bb) any written response  
6 for any recommendation adopted  
7 or not adopted and included in  
8 the study documentation.

9 (II) EXTERNAL REVIEW  
10 RECORD.—If the panel is an external  
11 peer review panel of a project study,  
12 the record of the review shall be in-  
13 cluded with the report of the Chief of  
14 Engineers to Congress.

15 (viii) EXTERNAL PANEL OF EX-  
16 PERTS.—

17 (I) IN GENERAL.—Any external  
18 panel of experts assembled to review  
19 the engineering, science, or technical  
20 basis for the recommendations of a  
21 specific project study shall—

22 (aa) complete the peer re-  
23 view of the project study and  
24 submit to the Chief of Engineers  
25 a report not later than 180 days

1 after the date of establishment of  
2 the panel, or (if the Chief of En-  
3 gineers determines that a longer  
4 period of time is necessary) at  
5 the time established by the Chief,  
6 but in no event later than 90  
7 days after the date a draft  
8 project study of the District En-  
9 gineer is made available for pub-  
10 lic review; and

11 (bb) terminate on the date  
12 of submission of the report by  
13 the panel.

14 (II) FAILURE TO COMPLETE REVIEW AND  
15 REPORT.—If an external panel does not com-  
16 plete the peer review of a project study and  
17 submit to the Chief of Engineers a report by  
18 the deadline established by subclause (I), the  
19 Chief of Engineers shall continue the project  
20 without delay.

21 (3) COSTS.—

22 (A) IN GENERAL.—The costs of a panel of  
23 experts established for a peer review under this  
24 section—

25 (i) shall be a Federal expense; and

1                   (ii) shall not exceed \$500,000 for re-  
2                   view of the engineering, scientific, or tech-  
3                   nical basis for any single water resources  
4                   project study.

5                   (B) WAIVER.—The Chief of Engineers  
6                   may waive the \$500,000 limitation under sub-  
7                   paragraph (A) if the Chief of Engineers deter-  
8                   mines appropriate.

9                   (4) REPORT.—Not later than 5 years after the  
10                  date of enactment of this Act, the Chief of Engi-  
11                  neers shall submit to Congress a report describing  
12                  the implementation of this section.

13                  (5) NONAPPLICABILITY OF FEDERAL ADVISORY  
14                  COMMITTEE ACT.—The Federal Advisory Committee  
15                  Act (5 U.S.C. App.) does not apply to any peer re-  
16                  view panel established by the Chief of Engineers.

17                  (6) PANEL OF EXPERTS.—The Chief of Engi-  
18                  neers may contract with the National Academy of  
19                  Sciences (or a similar independent scientific and  
20                  technical advisory organization), or an eligible orga-  
21                  nization, to establish a panel of experts to peer re-  
22                  view for technical and scientific sufficiency.

23                  (7) SAVINGS CLAUSE.—Nothing in this section  
24                  shall be construed to affect any authority of the  
25                  Chief of Engineers to cause or conduct a peer review

1 of the engineering, scientific, or technical basis of  
2 any water resources project in existence on the date  
3 of enactment of this Act.

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

5 (a) COMPLETION OF MITIGATION.—Section 906(a) of  
6 the Water Resources Development Act of 1986 (33 U.S.C.  
7 2283(a)) is amended by adding at the following:

8 “(3) COMPLETION OF MITIGATION.—In any  
9 case in which it is not technically practicable to com-  
10 plete mitigation by the last day of construction of  
11 the project or separable element of the project be-  
12 cause of the nature of the mitigation to be under-  
13 taken, the Secretary shall complete the required  
14 mitigation as expeditiously as practicable, but in no  
15 case later than the last day of the first fiscal year  
16 beginning after the last day of construction of the  
17 project or separable element of the project.”.

18 (b) USE OF CONSOLIDATED MITIGATION.—Section  
19 906(b) of the Water Resources Development Act of 1986  
20 (33 U.S.C. 2283(b)) is amended by adding at the end the  
21 following:

22 “(3) USE OF CONSOLIDATED MITIGATION.—

23 “(A) IN GENERAL.—If the Secretary deter-  
24 mines that other forms of compensatory mitiga-  
25 tion are not practicable or are less environ-

1           mentally desirable, the Secretary may purchase  
2           available credits from a mitigation bank or con-  
3           servation bank that is approved in accordance  
4           with the Federal Guidance for the Establish-  
5           ment, Use and Operation of Mitigations Banks  
6           (60 Fed. Reg. 58605) or other applicable Fed-  
7           eral laws (including regulations).

8           “(B) SERVICE AREA.—To the maximum  
9           extent practicable, the service area of the miti-  
10          gation bank or conservation bank shall be in  
11          the same watershed as the affected habitat.

12          “(C) RESPONSIBILITY RELIEVED.—Pur-  
13          chase of credits from a mitigation bank or con-  
14          servation bank for a water resources project re-  
15          lieves the Secretary and the non-Federal inter-  
16          est from responsibility for monitoring or dem-  
17          onstrating mitigation success.”.

18          (b) MITIGATION PLAN CONTENTS.—Section 906(d)  
19          of the Water Resources Development Act of 1986 (33  
20          U.S.C. 2283(d)) is amended by adding at the end the fol-  
21          lowing:

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

24                         “(A)(i) a description of the physical action  
25                         to be undertaken to achieve the mitigation ob-

1           jectives in the watershed in which the losses  
2           occur; and

3                   “(ii) in any case in which mitigation must  
4           take place outside the watershed, a justification  
5           detailing the rationale for undertaking the miti-  
6           gation outside of the watershed;

7                   “(B) a description of the quantity of types  
8           of land or interests in land that should be ac-  
9           quired for mitigation and the basis for a deter-  
10          mination that the land are available for acquisi-  
11          tion;

12                   “(C) the type, quantity, and characteristics  
13          of the habitat being restored; and

14                   “(D) a plan for any necessary monitoring  
15          to determine the success of the mitigation, in-  
16          cluding the cost and duration of any monitoring  
17          and, to the extent practicable, the entities re-  
18          sponsible for the monitoring.

19                   “(4) RESPONSIBILITY FOR MONITORING.—In  
20          any case in which it is not practicable to identify in  
21          a mitigation plan for a water resources project the  
22          entity responsible for monitoring at the time of a  
23          final report of the Chief of Engineers or other final  
24          decision document for the project, the entity shall be

1 identified in the partnership agreement entered into  
2 with the non-Federal interest.”.

3 (c) STATUS REPORT.—

4 (1) IN GENERAL.—Concurrent with the submis-  
5 sion of the President to Congress of the request of  
6 the President for appropriations for the Civil Works  
7 Program for a fiscal year, the Secretary shall submit  
8 to the Committee on the Environment and Public  
9 Works of the Senate and the Committee on Trans-  
10 portation and Infrastructure of the House of Rep-  
11 resentatives a report describing the status of con-  
12 struction of projects that require mitigation under  
13 section 906 of Water Resources Development Act  
14 1986 (33 U.S.C. 2283) and the status of that miti-  
15 gation.

16 (2) PROJECTS INCLUDED.—The status report  
17 shall include the status of—

18 (A) all projects that are under construction  
19 as of the date of the report;

20 (B) all projects for which the President re-  
21 quests funding for the next fiscal year; and

22 (C) all projects that have completed con-  
23 struction, but have not completed the mitigation  
24 required under section 906 of the Water Re-

1 sources Development Act of 1986 (33 U.S.C.  
2 2283).

3 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

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

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

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

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

10 **“(1) COMPREHENSIVE PLANS.—**The Sec-  
11 retary”;

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

14 **“(2) TECHNICAL ASSISTANCE.—**

15 **“(A) IN GENERAL.—**At the request of a  
16 governmental agency or non-Federal interest,  
17 the Secretary may provide, at Federal expense,  
18 technical assistance to the agency or non-Fed-  
19 eral interest in managing water resources.

20 **“(B) TYPES OF ASSISTANCE.—**Technical  
21 assistance under this paragraph may include  
22 provision and integration of hydrologic, eco-  
23 nomic, and environmental data and analyses.”;

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

4           (4) in subsection (b)(2), by striking “up to ½  
5           of the” and inserting “the”;

6           (5) in subsection (c)—

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

9           “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

19                 “(2) TECHNICAL ASSISTANCE.—There is au-  
20                 thorized to be appropriated to carry out subsection  
21                 (a)(2) \$10,000,000 for each fiscal year, of which not  
22                 more than \$2,000,000 for each fiscal year may be  
23                 used by the Secretary to enter into cooperative  
24                 agreements with nonprofit organizations and State

1 agencies to provide assistance to rural and small  
2 communities.”; and

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

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

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

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

14 (b) DATA.—Public access under subsection (a)  
15 shall—

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

20 (2) appropriately employ geographic informa-  
21 tion system technology and linkages to water re-  
22 source models and analytical techniques.

23 (c) PARTNERSHIPS.—To the maximum extent prac-  
24 ticable, in carrying out activities under this section, the  
25 Secretary shall develop partnerships, including cooperative

1 agreements with State, tribal, and local governments and  
2 other Federal agencies.

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

6 **SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
7 **BY NON-FEDERAL INTERESTS.**

8 (a) IN GENERAL.—Section 211(e)(6) of the Water  
9 Resources Development Act of 1996 (33 U.S.C. 701b–  
10 13(e)(6)) is amended by adding at the end following:

11 “(E) BUDGET PRIORITY.—

12 “(i) IN GENERAL.—Budget priority  
13 for projects under this section shall be pro-  
14 portionate to the percentage of project  
15 completion.

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

19 (b) CONSTRUCTION OF FLOOD CONTROL PROJECTS  
20 BY NON-FEDERAL INTERESTS.—Section 211(f) of the  
21 Water Resources Development Act of 1996 (33 U.S.C.  
22 701b–13) is amended by adding at the end the following:

23 “(9) THORNTON RESERVOIR, COOK COUNTY, IL-  
24 LINOIS.—An element of the project for flood control,  
25 Chicagoland Underflow Plan, Illinois.

1           “(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
2           FIELD), ST. PAUL, MINNESOTA.—The project for  
3           flood damage reduction, St. Paul Downtown Holman  
4           Field), St. Paul, Minnesota.

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

16          “(12) HALLS BAYOU, TEXAS.—The Halls  
17          Bayou element of the project for flood control, Buf-  
18          falo Bayou and tributaries, Texas, authorized by sec-  
19          tion 101(a)(21) of the Water Resources Develop-  
20          ment Act of 1990 (33 U.S.C. 2201 note), except  
21          that, subject to the approval of the Secretary as pro-  
22          vided by this section, the non-Federal interest may  
23          design and construct an alternative to such  
24          project.”.

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

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

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

15 “(1) the protection of property;

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

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

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

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

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

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

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

16           “(2) COSTS OF CONSTRUCTION.—

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

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

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

11          ~~“(3) TOTAL COST.~~—Total Federal costs associ-  
12          ated with construction of a project under this section  
13          shall not exceed \$5,000,000 without Congressional  
14          approval.

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

19          ~~“(4) (3) OPERATION, MAINTENANCE, REPLACE-~~  
20          ~~MENT, AND REHABILITATION COSTS.~~—Operation,  
21          maintenance, replacement, and rehabilitation costs  
22          associated with a project are a non-Federal sponsor  
23          responsibility.

24          “(d) SELECTION OF SEDIMENT DISPOSAL METHOD  
25          FOR ENVIRONMENTAL PURPOSES.—

1           “(1) IN GENERAL.—In developing and carrying  
2 out a Federal water resources project involving the  
3 disposal of material, the Secretary may select, with  
4 the consent of the non-Federal interest, a disposal  
5 method that is not the least-cost option if the Sec-  
6 retary determines that the incremental costs of the  
7 disposal method are reasonable in relation to the en-  
8 vironmental benefits, including the benefits to the  
9 aquatic environment to be derived from the creation  
10 of wetlands and control of shoreline erosion.

11           “(2) FEDERAL SHARE.—The Federal share of  
12 such incremental costs shall be determined in ac-  
13 cordance with subsection (c).

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

16           “(1) cooperate with any State in the prepara-  
17 tion of a comprehensive State or regional coastal  
18 sediment management plan within the boundaries of  
19 the State;

20           “(2) encourage State participation in the imple-  
21 mentation of the plan; and

22           “(3) submit to Congress reports and rec-  
23 ommendations with respect to appropriate Federal  
24 participation in carrying out the plan.

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

4           “(1) Fire Island Inlet, Suffolk County, New  
5 York;

6           “(2) Fletcher Cove, California;

7           “(3) Delaware River Estuary, New Jersey and  
8 Pennsylvania; and

9           “(4) Toledo Harbor, Lucas County, Ohio.

10       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$30,000,000 during each fiscal year, to remain available  
13 until expended, for the Federal costs identified under sub-  
14 section (e), of which up to \$5,000,000 shall be used for  
15 the development of regional sediment management plans  
16 as provided in subsection (e).

17       “(h) NONPROFIT ENTITIES.—Notwithstanding sec-  
18 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
19 1962d–5b), for any project carried out under this section,  
20 a non-Federal interest may include a nonprofit entity, with  
21 the consent of the affected local government.”.

22       (b) REPEAL.—

23           (1) IN GENERAL.—Section 145 of the Water  
24 Resources Development Act of 1976 (33 U.S.C.  
25 426j) is repealed.



1           “(3) COMPLETENESS.—A project under this  
2 section—

3                   “(A) shall be complete; and

4                   “(B) shall not commit the United States to  
5 any additional improvement to ensure the suc-  
6 cessful operation of the project, except for par-  
7 ticipation in periodic beach nourishment in ac-  
8 cordance with—

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

10                           “(ii) the procedure for projects au-  
11 thorized after submission of a survey re-  
12 port.

13           “(b) NATIONAL SHORELINE EROSION CONTROL DE-  
14 VELOPMENT AND DEMONSTRATION PROGRAM.—

15                   “(1) IN GENERAL.—The Secretary, acting  
16 through the Chief of Engineers, shall conduct a na-  
17 tional shoreline erosion control development and  
18 demonstration program (referred to in this section  
19 as the ‘program’).

20                   “(2) REQUIREMENTS.—

21                           “(A) IN GENERAL.—The program shall in-  
22 clude provisions for—

23                                   “(i) projects consisting of planning,  
24 design, construction, and adequate moni-  
25 toring of prototype engineered and native

1 and naturalized vegetative shoreline ero-  
2 sion control devices and methods;

3 “(ii) detailed engineering and environ-  
4 mental reports on the results of each  
5 project carried out under the program; and

6 “(iii) technology transfers, as appro-  
7 priate, to private property owners, State  
8 and local entities, nonprofit educational in-  
9 stitutions, and nongovernmental organiza-  
10 tions.

11 “(B) DETERMINATION OF FEASIBILITY.—

12 A project under this section shall not be carried  
13 out until the Secretary, acting through the  
14 Chief of Engineers, determines that the project  
15 is feasible.

16 “(C) EMPHASIS.—A project carried out  
17 under the program shall emphasize, to the max-  
18 imum extent practicable—

19 “(i) the development and demonstra-  
20 tion of innovative technologies;

21 “(ii) efficient designs to prevent ero-  
22 sion at a shoreline site, taking into account  
23 the lifecycle cost of the design, including  
24 cleanup, maintenance, and amortization;

1           “(iii) new and enhanced shore protec-  
2           tion project design and project formulation  
3           tools the purposes of which are to improve  
4           the physical performance, and lower the  
5           lifecycle costs, of the projects;

6           “(iv) natural designs, including the  
7           use of native and naturalized vegetation or  
8           temporary structures that minimize perma-  
9           nent structural alterations to the shoreline;

10           “(v) the avoidance of negative impacts  
11           to adjacent shorefront communities;

12           “(vi) the potential for long-term pro-  
13           tection afforded by the technology; and

14           “(vii) recommendations developed  
15           from evaluations of the program estab-  
16           lished under the Shoreline Erosion Control  
17           Demonstration Act of 1974 (42 U.S.C.  
18           1962–5 note; 88 Stat. 26), including—

19                   “(I) adequate consideration of  
20                   the subgrade;

21                   “(II) proper filtration;

22                   “(III) durable components;

23                   “(IV) adequate connection be-  
24                   tween units; and

1                   “(V) consideration of additional  
2                   relevant information.

3                   “(D) SITES.—

4                   “(i) IN GENERAL.—Each project  
5                   under the program shall be carried out  
6                   at—

7                   “(I) a privately owned site with  
8                   substantial public access; or

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

11                  “(ii) SELECTION.—The Secretary,  
12                  acting through the Chief of Engineers,  
13                  shall develop criteria for the selection of  
14                  sites for projects under the program, in-  
15                  cluding criteria based on—

16                  “(I) a variety of geographic and  
17                  climatic conditions;

18                  “(II) the size of the population  
19                  that is dependent on the beaches for  
20                  recreation or the protection of private  
21                  property or public infrastructure;

22                  “(III) the rate of erosion;

23                  “(IV) significant natural re-  
24                  sources or habitats and environ-  
25                  mentally sensitive areas; and

1                   “(V) significant threatened his-  
2                   toric structures or landmarks.

3                   “(3) CONSULTATION.—The Secretary, acting  
4                   through the Chief of Engineers, shall carry out the  
5                   program in consultation with—

6                   “(A) the Secretary of Agriculture, particu-  
7                   larly with respect to native and naturalized veg-  
8                   etative means of preventing and controlling  
9                   shoreline erosion;

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

11                  “(C) private organizations;

12                  “(D) the Coastal Engineering Research  
13                  Center established by the first section of Public  
14                  Law 88–172 (33 U.S.C. 426–1); and

15                  “(E) *applicable* university research facili-  
16                  ties.

17                  “(4) COMPLETION OF DEMONSTRATION.—After  
18                  carrying out the initial construction and evaluation  
19                  of the performance and lifecycle cost of a demonstra-  
20                  tion project under this section, the Secretary, acting  
21                  through the Chief of Engineers, may—

22                  “(A) at the request of a non-Federal inter-  
23                  est of the project, amend the agreement for a  
24                  federally-authorized shore protection project in  
25                  existence on the date on which initial construc-

1           tion of the demonstration project is complete to  
2           incorporate the demonstration project as a fea-  
3           ture of the shore protection project, with the fu-  
4           ture cost of the demonstration project to be de-  
5           termined by the cost-sharing ratio of the shore  
6           protection project; or

7                   “(B) transfer all interest in and responsi-  
8                   bility for the completed demonstration project  
9                   to the non-Federal or other Federal agency in-  
10                  terest of the project.

11               “(5) AGREEMENTS.—The Secretary, acting  
12               through the Chief of Engineers, may enter into an  
13               agreement with the non-Federal or other Federal  
14               agency interest of a project under this section—

15                   “(A) to share the costs of construction, op-  
16                   eration, maintenance, and monitoring of a  
17                   project under the program;

18                   “(B) to share the costs of removing a  
19                   project or project element constructed under  
20                   the program, if the Secretary determines that  
21                   the project or project element is detrimental to  
22                   private property, public infrastructure, or public  
23                   safety; or

1           “(C) to specify ownership of a completed  
2           project that the Chief of Engineers determines  
3           will not be part of a Corps of Engineers project.

4           “(6) REPORT.—Not later than December 31 of  
5           each year beginning after the date of enactment of  
6           this paragraph, the Secretary shall prepare and sub-  
7           mit to the Committee on Environment and Public  
8           works of the Senate and the Committee on Trans-  
9           portation and Infrastructure of the House of Rep-  
10          resentatives a report describing—

11                   “(A) the activities carried out and accom-  
12                   plishments made under the program during the  
13                   preceding year; and

14                   “(B) any recommendations of the Sec-  
15                   retary relating to the program.

16          “(c) AUTHORIZATION OF APPROPRIATIONS.—

17                   “(1) IN GENERAL.—Subject to paragraph (2),  
18                   the Secretary may expend, from any appropriations  
19                   made available to the Secretary for the purpose of  
20                   carrying out civil works, not more than \$30,000,000  
21                   during any fiscal year to pay the Federal share of  
22                   the costs of construction of small shore and beach  
23                   restoration and protection projects or small projects  
24                   under the program.

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

3                   “(A) be sufficient to pay the cost of Fed-  
4                   eral participation in the project (including peri-  
5                   odic nourishment as provided for under the first  
6                   section of this Act), as determined by the Sec-  
7                   retary; and

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

9           (b) REPEAL.—Section 5 the Act entitled “An Act au-  
10           thorizing Federal participation in the cost of protecting  
11           the shores of publicly owned property”, approved August  
12           13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is re-  
13           pealed.

14   **SEC. 2014. SHORE PROTECTION PROJECTS.**

15           (a) IN GENERAL.—In accordance with the Act of  
16           July 3, 1930 (33 U.S.C. 426) and notwithstanding admin-  
17           istrative actions, it is the policy of the United States to  
18           promote shore protection projects and related research  
19           that encourage the protection, restoration, and enhance-  
20           ment of sandy beaches, including beach restoration and  
21           periodic beach renourishment for a period of 50 years, on  
22           a comprehensive and coordinated basis by the Federal  
23           Government, States, localities, and private enterprises.

24           (b) PREFERENCE.—In carrying out the policy, pref-  
25           erence shall be given to—

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

3           (2) areas with respect to which the need for  
4           prevention or mitigation of damage to shores and  
5           beaches is attributable to Federal navigation  
6           projects or other Federal activities.

7           (c) **APPLICABILITY.**—The Secretary shall apply the  
8           policy to each shore protection and beach renourishment  
9           project (including shore protection and beach renourish-  
10          ment projects in existence on the date of enactment of this  
11          Act).

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

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

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

17                 (2) for a maximum period of 10 years.

18          (b) **AGGREGATE LIMITATION.**—Monitoring costs for  
19          an ecosystem restoration project—

20                 (1) shall not exceed in the aggregate, for a 10-  
21                 year period, an amount equal to 5 percent of the  
22                 cost of the applicable original construction project;  
23                 and

24                 (2) after the 10-year period, shall be 100 per-  
25                 cent non-Federal.

1 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

2 For each of the following projects, the Corps of Engi-  
3 neers shall include ecosystem restoration benefits in the  
4 calculation of benefits for the project:

- 5 (1) Grayson's Creek, California.
- 6 (2) Seven Oaks, California.
- 7 (3) Oxford, California.
- 8 (4) Walnut Creek, California.
- 9 (5) Wildcat Phase II, California.

10 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**  
11 **PROCESSING OF PERMITS.**

12 Section 214(a) of the Water Resources Development  
13 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is  
14 amended by striking "In fiscal years 2001 through 2003,  
15 the" and inserting "The".

16 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**  
17 **TIONS.**

18 (a) IN GENERAL.—Not later than 2 years after the  
19 date of enactment of this Act, the Secretary shall imple-  
20 ment a program to allow electronic submission of permit  
21 applications for permits under the jurisdiction of the  
22 Corps of Engineers.

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$3,000,000.

4 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**  
5 **CORPS OF ENGINEERS RESERVOIRS.**

6 (a) IN GENERAL.—As part of the operation and  
7 maintenance, by the Corps of Engineers, of reservoirs in  
8 operation as of the date of enactment of this Act, the Sec-  
9 retary shall carry out the measures described in subsection  
10 (c) to support the water resource needs of project sponsors  
11 and any affected State, local, or tribal government for au-  
12 thorized project purposes.

13 (b) COOPERATION.—The Secretary shall carry out  
14 the measures described in subsection (c) in cooperation  
15 and coordination with project sponsors and any affected  
16 State, local, or tribal government.

17 (c) MEASURES.—In carrying out this section, the  
18 Secretary may—

19 (1) conduct a study to identify unused,  
20 underused, or additional water storage capacity at  
21 reservoirs;

22 (2) review an operational plan and identify any  
23 change to maximize an authorized project purpose to  
24 improve water storage capacity and enhance effi-  
25 ciency of releases and withdrawal of water;

1           (3) improve and update data, data collection,  
2           and forecasting models to maximize an authorized  
3           project purpose and improve water storage capacity  
4           and delivery to water users; and

5           (4) conduct a sediment study and implement  
6           any sediment management or removal measure.

7           (d) REVENUES.—

8           (1) IN GENERAL.—Revenues collected in con-  
9           nection with water storage for municipal or indus-  
10          trial water supply at a reservoir operated by the  
11          Corps of Engineers for navigation, flood control, or  
12          multiple purpose projects shall be credited to the re-  
13          volving fund established under section 101 of the  
14          Civil Functions Appropriations Act, 1954 (33 U.S.C.  
15          701b–10).

16          (2) AVAILABILITY.—

17                (A) DISTRICT FROM WHICH REVENUE IS  
18                RECEIVED.—

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

1 Corps of Engineers projects within that  
2 District.

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

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

17 (3) SPECIAL CASES.—

18 (A) COSTS OF WATER SUPPLY STORAGE.—  
19 In the case of a reservoir operated or main-  
20 tained by the Corps of Engineers on the date  
21 of enactment of this Act, the storage charge for  
22 a future contract or contract renewal for the  
23 first cost of water supply storage at the res-  
24 ervoir shall be the lesser of the estimated cost

1 of purposes foregone, replacement costs, or the  
2 updated cost of storage.

3 (B) REALLOCATION.—In the case of a  
4 water supply that is reallocated from another  
5 project purpose to municipal or industrial water  
6 supply, the joint use costs for the reservoir shall  
7 be adjusted to reflect the reallocation of project  
8 purposes.

9 (C) CREDIT FOR AFFECTED PROJECT PUR-  
10 POSES.—In the case of a reallocation that ad-  
11 versely affects hydropower generation, the Sec-  
12 retary shall defer to the Administrator of the  
13 respective Power Marketing Administration to  
14 calculate the impact of such a reallocation on  
15 the rates for hydroelectric power.

16 **SEC. 2020. CORPS OF ENGINEERS HYDROPOWER OPER-**  
17 **ATION AND MAINTENANCE FUNDING.**

18 (a) IN GENERAL.—Notwithstanding the last sentence  
19 of section 5 of the Act of December 22, 1944 (commonly  
20 known as the “Flood Control Act of 1944”) (58 Stat. 890,  
21 chapter 665; 16 U.S.C. 825s), the 11th paragraph under  
22 the heading “OFFICE OF THE SECRETARY” in title I of  
23 the Act of October 12, 1949 (63 Stat. 767, chapter 680;  
24 16 U.S.C. 825s–1), the matter under the heading “CON-  
25 TINUING FUND, SOUTHEASTERN POWER ADMINISTRA-

1 TION” in title I of the Act of August 31, 1951 (65 Stat.  
2 249, chapter 375; 16 U.S.C. 825s-2), section 3302 of title  
3 31, United States Code, or any other law, and without  
4 further appropriation or fiscal year limitation, for fiscal  
5 year 2005 as set forth in subsection (c) and each fiscal  
6 year thereafter, the Administrator of the Southeastern  
7 Power Administration, the Administrator of the South-  
8 western Power Administration, and the Administrator of  
9 the Western Area Power Administration may credit to the  
10 Secretary of the Army (referred to in this section as the  
11 “Secretary”), receipts from the sale of power and related  
12 services, in an amount determined under subsection (c).

13 (b) USE OF FUNDS.—

14 (1) IN GENERAL.—The Secretary—

15 (A) shall, except as provided in paragraph  
16 (2), use an amount credited under subsection  
17 (a) to fund only the Corps of Engineers annual  
18 operation and maintenance activities that are  
19 allocated exclusively to the power function and  
20 assigned to the respective power marketing ad-  
21 ministration and respective project system as  
22 applicable for repayment; and

23 (B) shall not use an amount credited  
24 under subsection (a) for any cost allocated to a

1 non-power function of Corps of Engineer oper-  
2 ations.

3 (2) EXCEPTION.—The Secretary may use an  
4 amount credited by the Southwestern Power Admin-  
5 istration under subsection (a) for capital and non-  
6 recurring costs and may use an amount credited by  
7 Southeastern Power Administration for capital and  
8 nonrecurring costs, if no credit exceeds the rates on  
9 file at the Federal Energy Regulatory Commission  
10 for the Southeastern Power Administration.

11 (c) AMOUNT.—The amount credited under subsection  
12 (a) shall be equal to an amount that—

13 (1) the Secretary requests; and

14 (2) the appropriate Administrator, in consulta-  
15 tion with the Secretary and the power customers of  
16 the power marketing administration of the Adminis-  
17 trator, determines to be appropriate to apply to the  
18 costs referred to in subsection (b).

19 (d) CONSULTATION.—

20 (1) TIME FRAME.—Not later than the date that  
21 is 20 days after the date of enactment of this Act,  
22 the appropriate Administrator shall submit to the  
23 Appropriations Committee a report describing the  
24 time frame during which the consultation process  
25 described in subsection (c) shall be completed.

1           (2) FAILURE TO AGREE.—If the Secretary and  
 2           the appropriate Administrator and customer rep-  
 3           representatives cannot agree on the amount to be cred-  
 4           ited under subsection (c), the appropriate Adminis-  
 5           trator shall determine the amount to be credited.

6           (e) APPLICABLE LAW.—An amount credited under  
 7           subsection (a) is exempt from sequestration under the Bal-  
 8           anced Budget and Emergency Deficit Control Act of 1985  
 9           (2 U.S.C. 901 et seq.).

10 **SEC. 2021. FEDERAL HOPPER DREDGES.**

11           (a) *ELIMINATION OF RESTRICTION ON USE.*—Section  
 12           3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622;  
 13           25 Stat. 423) is amended by adding at the end the fol-  
 14           lowing: “This subparagraph shall not apply to the Federal  
 15           hopper dredges *Essayons* and *Yaquina* of the Corps of Engi-  
 16           neers.”.

17           (b) *DECOMMISSION.*—Section 563 of the Water Re-  
 18           sources Development Act of 1996 (110 Stat. 3784) is amend-  
 19           ed to read as follows:

20 **“SEC. 563. HOPPER DREDGE MCFARLAND.**

21           “Not later than 1 year after the date of enactment of  
 22           the Water Resources Development Act of 2005, the Secretary  
 23           shall promulgate such regulations and take such actions as  
 24           the Secretary determines to be necessary to decommission  
 25           the Federal hopper dredge *Mcfarland*.”.

1 **SEC. 2022. OBSTRUCTION TO NAVIGATION.**

2       *Section 10 of the Act of March 3, 1899 (33 U.S.C. 403),*  
 3 *is amended by adding at the end the following: “Nothing*  
 4 *in this section shall be construed as to provide for the regu-*  
 5 *lation of activities or structures on private property, unless*  
 6 *the Secretary, in consultation with the Secretary of the de-*  
 7 *partment in which the Coast Guard is operating, deter-*  
 8 *mines that such activity would pose a threat to the safe*  
 9 *transit of maritime traffic.”.*

10 **Subtitle B—Continuing Authorities**  
 11 **Projects**

12 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR**  
 13 **WATERBOURNE TRANSPORTATION.**

14       Section 107 of the River and Harbor Act of 1960  
 15 (33 U.S.C. 577) is amended—

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

19 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR**  
 20 **WATERBOURNE TRANSPORTATION.**

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

23           (2) in subsection (b)—

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

26       “(b) ALLOTMENT.—Not more”; and

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

3 (3) in subsection (c), by striking “(c) Local”  
4 and inserting the following:  
5 “(c) LOCAL CONTRIBUTIONS.—Local”;

6 (4) in subsection (d), by striking “(d) Non-Fed-  
7 eral” and inserting the following:  
8 “(d) NON-FEDERAL SHARE.—Non-Federal”;

9 (5) in subsection (e), by striking “(e) Each”  
10 and inserting the following:  
11 “(e) COMPLETION.—Each”; and

12 (6) in subsection (f), by striking “(f) This” and  
13 inserting the following:  
14 “(f) APPLICABILITY.—This”.

15 **SEC. 2032. PROTECTION AND RESTORATION DUE TO EMER-**  
16 **GENCIES AT SHORES AND STREAMBANKS.**

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

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

21 (2) by striking “\$1,000,000” and inserting  
22 “\$1,500,000”.

1 **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
2 **TECTION OF AQUATIC AND RIPARIAN ECO-**  
3 **SYSTEMS PROGRAM.**

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

6 (1) by striking the section heading and insert-  
7 ing the following:

8 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
9 **TECTION OF AQUATIC AND RIPARIAN ECO-**  
10 **SYSTEMS PROGRAM.”;**

11 (2) in subsection (a), by striking “an aquatic”  
12 and inserting “a freshwater aquatic”; and

13 (3) in subsection (e), by striking “\$25,000,000”  
14 and inserting “\$75,000,000”.

15 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**  
16 **FOR IMPROVEMENT AND RESTORATION OF**  
17 **ECOSYSTEMS PROGRAM.**

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

20 (1) by striking the section heading and insert-  
21 ing the following:

22 **“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS**  
23 **FOR IMPROVEMENT AND RESTORATION OF**  
24 **ECOSYSTEMS PROGRAM.”;**

25 and

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

3 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**  
4 **AL HABITATS.**

5           (a) IN GENERAL.—The Secretary may carry out an  
6 estuary habitat restoration project if the Secretary deter-  
7 mines that the project—

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

11           (2) is in the public interest; and

12           (3) is cost-effective.

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

15           (1) shall be 35 percent; and

16           (2) shall include the costs of all land, ease-  
17 ments, rights-of-way, and necessary relocations.

18           (c) AGREEMENTS.—Construction of a project under  
19 this section shall commence only after a non-Federal inter-  
20 est has entered into a binding agreement with the Sec-  
21 retary to pay—

22           (1) the non-Federal share of the costs of con-  
23 struction required under subsection (b); and

24           (2) in accordance with regulations promulgated  
25 by the Secretary, 100 percent of the costs of any op-

1       eration, maintenance, replacement, or rehabilitation  
2       of the project.

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

6       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
7       authorized to be appropriated to carry out this section  
8       \$25,000,000 for each fiscal year beginning after the date  
9       of enactment of this Act.

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

11       Section 560 of the Water Resources Development Act  
12       of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amend-  
13       ed—

14               (1) by striking subsection (f);

15               (2) by redesignating subsections (a) through (e)  
16       as subsections (b) through (f), respectively;

17               (3) by inserting before subsection (b) (as red-  
18       esignated by paragraph (2)) the following:

19       “(a) DEFINITION OF NON-FEDERAL INTEREST.—In  
20       this section, the term ‘non-Federal interest’ includes, with  
21       the consent of the affected local government, nonprofit en-  
22       tities, notwithstanding section 221 of the Flood Control  
23       Act of 1970 (42 U.S.C. 1962d–5b).”;

24               (4) in subsection (b) (as redesignated by para-  
25       graph (2)), by—

1 (A) by inserting “, and construction” be-  
2 fore “assistance”; and

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

6 (5) in paragraph (3) of subsection (c) (as redes-  
7 ignated by paragraph (2))—

8 (A) by inserting “physical hazards and”  
9 after “adverse”; and

10 (B) by striking “drainage from”;

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

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

15 “(g) OPERATION AND MAINTENANCE.—The non-  
16 Federal share of the costs of operation and maintenance  
17 for a project carried out under this section shall be 100  
18 percent.

19 “(h) NO EFFECT ON LIABILITY.—The provision of  
20 assistance under this section shall not relieve from liability  
21 any person that would otherwise be liable under Federal  
22 or State law for damages, response costs, natural resource  
23 damages, restitution, equitable relief, or any other relief.

24 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to carry out this section for

1 each fiscal year \$45,000,000, to remain available until ex-  
2 pended.”.

3 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION OR**  
4 **REMOVAL OF DAMS.**

5 (a) IN GENERAL.—The Secretary may carry out a  
6 small dam removal or rehabilitation project if the Sec-  
7 retary determines that the project will improve the quality  
8 of the environment or is in the public interest.

9 (b) COST SHARING.—A non-Federal interest shall  
10 provide 35 percent of the cost of the removal or remedi-  
11 ation of any project carried out under this section, includ-  
12 ing provision of all land, easements, rights-of-way, and  
13 necessary relocations.

14 (c) AGREEMENTS.—Construction of a project under  
15 this section shall be commenced only after a non-Federal  
16 interest has entered into a binding agreement with the  
17 Secretary to pay—

18 (1) the non-Federal share of the costs of con-  
19 struction required by this section; and

20 (2) 100 percent of any operation and mainte-  
21 nance cost.

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

1 (e) FUNDING.—There is authorized to be appro-  
2 priated to carry out this section \$25,000,000 for each fis-  
3 cal year.

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

5 (a) IN GENERAL.—The Secretary shall develop eligi-  
6 bility criteria for Federal participation in navigation  
7 projects located in economically disadvantaged commu-  
8 nities that are—

9 (1) dependent on water transportation for sub-  
10 sistence; and

11 (2) located in—

12 (A) remote areas of the United States;

13 (B) American Samoa;

14 (C) Guam;

15 (D) the Commonwealth of the Northern  
16 Mariana Islands;

17 (E) the Commonwealth of Puerto Rico; or

18 (F) the United States Virgin Islands.

19 (b) ADMINISTRATION.—The criteria developed under  
20 this section—

21 (1) shall—

22 (A) provide for economic expansion; and

23 (B) identify opportunities for promoting  
24 economic growth; and

1           (2) shall not require project justification solely  
 2           on the basis of National Economic Development ben-  
 3           efits received.

4 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE**  
 5 **PROJECTS.**

6           (a) PARTNERSHIP AGREEMENTS.—Section 221 of  
 7 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (*as*  
 8 *amended by section 2001*) is amended—

9           ~~(1) in subsection (a)—~~

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

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

14                   (B) by striking “under the provisions” and  
 15                   all that follows through “under any other” and  
 16                   inserting “under any”;

17                   (C) by inserting “partnership” after “writ-  
 18                   ten”;

19                   (D) by striking “Secretary of the Army to  
 20                   furnish its required cooperation for” and insert-  
 21                   ing “district engineer for the district in which  
 22                   the project will be carried out under which each  
 23                   party agrees to carry out its responsibilities and  
 24                   requirements for implementation or construc-  
 25                   tion of”;

1           ~~(E)~~ by inserting after “\$25,000.” the fol-  
 2           lowing:

3           ~~“(2) LIQUIDATED DAMAGES.—An agreement~~  
 4           described in paragraph ~~(1)~~ may include a provision  
 5           for liquidated damages in the event of a failure of  
 6           ~~1 or more parties to perform.”; and~~

7           ~~(F)~~ by striking “In any such agreement”  
 8           and inserting the following:

9           ~~“(3) OBLIGATION OF FUTURE APPROPRIA-~~  
 10          ~~TIONS.—In any agreement described in paragraph~~  
 11          ~~(1)”;~~

12          ~~(2) (1)~~ by redesignating subsection (e) as sub-  
 13          section (g); and

14          ~~(3) (2)~~ by inserting after subsection (d) the fol-  
 15          lowing:

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

19                 “(1) the non-Federal interest shall pay the in-  
 20                 creased projects costs, up to an amount equal to 20  
 21                 percent of the original estimated project costs and in  
 22                 accordance with the statutorily-determined cost  
 23                 share; and

24                 “(2) notwithstanding the statutorily-determined  
 25                 Federal share, the Secretary shall pay all increased

1 costs remaining after payment of 20 percent of the  
2 increased costs by the non-Federal interest under  
3 paragraph (1).

4 “(f) LIMITATION.—Nothing in subsection (a) limits  
5 the authority of the Secretary to ensure that a partnership  
6 agreement meets the requirements of law and policies of  
7 the Secretary in effect on the date of execution of the part-  
8 nership agreement.”.

9 (b) LOCAL COOPERATION.—Section 912(b) of the  
10 Water Resources Development Act of 1986 (100 Stat.  
11 4190) is amended—

12 (1) in paragraph (2)—

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

15 (B) by striking the second sentence; and

16 (2) in paragraph (4)—

17 (A) in the first sentence—

18 (i) by striking “injunction, for” and  
19 inserting the following: “injunction and  
20 payment of liquidated damages, for”; and

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

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

1 (c) APPLICABILITY.—

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

6 (2) EXCEPTION.—Notwithstanding paragraph  
7 (1), the district engineer for the district in which a  
8 project is located may amend the partnership agree-  
9 ment for the project entered into on or before the  
10 date of enactment of this Act—

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

13 (B) if construction on the project has not  
14 been initiated as of the date of enactment of  
15 this Act.

16 (d) REFERENCES.—

17 (1) COOPERATION AGREEMENTS.—Any ref-  
18 erence in a law, regulation, document, or other  
19 paper of the United States to a cooperation agree-  
20 ment or project cooperation agreement shall be con-  
21 sidered to be a reference to a partnership agreement  
22 or a project partnership agreement, respectively.

23 (2) PARTNERSHIP AGREEMENTS.—Any ref-  
24 erence to a partnership agreement or project part-  
25 nership agreement in this Act (other than in this

1 section) shall be considered to be a reference to a co-  
 2 operation agreement or a project cooperation agree-  
 3 ment, respectively.

4 **SEC. 2040. PROGRAM NAMES.**

5 ~~(a) STORM AND HURRICANE RESTORATION AND IM-~~  
 6 ~~PACT MINIMIZATION PROGRAM.—Section 3 of the Act of~~  
 7 ~~August 13, 1946 (33 U.S.C. 426g) is amended by striking~~  
 8 ~~“SEC. 3. The Secretary” and inserting the following:~~

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

11 ~~“The Secretary”.~~

12 ~~(b) PROJECTS TO ENHANCE REDUCTION OF FLOOD-~~  
 13 ~~ING AND OBTAIN RISK MINIMIZATION.—Section 205 of~~  
 14 ~~the Flood Control Act of 1948 (33 U.S.C. 701s) is amend-~~  
 15 ~~ed by striking “SEC. 205. That the” and inserting the~~  
 16 ~~following:~~

17 **“SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOOD-**  
 18 **ING AND OBTAIN RISK MINIMIZATION.**

19 ~~“The”.~~

20 **TITLE III—PROJECT-RELATED**  
 21 **PROVISIONS**

22 **SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
 23 **ALASKA.**

24 The Secretary shall carry out, on an emergency basis,  
 25 necessary removal of rubble, sediment, and rock impeding

1 the entrance to the St. Herman and St. Paul Harbors,  
2 Kodiak, Alaska, at a Federal cost of \$2,000,000.

3 **SEC. 3002. SITKA, ALASKA.**

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

11 **SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.**

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

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

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to carry out subsection (a)  
25 \$32,000,000.

1 **SEC. 3004. AUGUSTA AND CLARENDON, ARKANSAS.**

2       The Secretary may carry out rehabilitation of author-  
3 ized and completed levees on the White River between Au-  
4 gusta and Clarendon, Arkansas, at a total estimated cost  
5 of \$8,000,000, with an estimated Federal cost of  
6 \$5,200,000 and an estimated non-Federal cost of  
7 \$2,800,000.

8 **SEC. 3005. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

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

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

19 **SEC. 3006. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**  
20 **AND MISSOURI.**

21       (a) IN GENERAL.—The Secretary shall convey to the  
22 State of Arkansas, without monetary consideration and  
23 subject to subsection (b), all right, title, and interest to  
24 land within the State acquired by the Federal Government  
25 as mitigation land for the project for flood control, St.  
26 Francis Basin, Arkansas and Missouri Project, authorized

1 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)  
2 (commonly known as the “Flood Control Act of 1928”).

3 (b) TERMS AND CONDITIONS.—

4 (1) IN GENERAL.—The conveyance by the  
5 United States under this section shall be subject  
6 to—

7 (A) the condition that the State of Arkan-  
8 sas (including the successors and assigns of the  
9 State) agree to operate, maintain, and manage  
10 the land at no cost or expense to the United  
11 States and for fish and wildlife, recreation, and  
12 environmental purposes; and

13 (B) such other terms and conditions as the  
14 Secretary determines to be in the interest of the  
15 United States.

16 (2) REVERSION.—If the State (or a successor  
17 or assign of the State) ceases to operate, maintain,  
18 and manage the land in accordance with this sub-  
19 section, all right, title, and interest in and to the  
20 property shall revert to the United States, at the op-  
21 tion of the Secretary.

22 **SEC. 3007. RED-OUACHITA RIVER BASIN LEVEES, ARKAN-**  
23 **SAS AND LOUISIANA.**

24 (a) IN GENERAL.—Section 204 of the Flood Control  
25 Act of 1950 (64 Stat. 170) is amended in the matter

1 under the heading “RED-OUACHITA RIVER BASIN” by  
 2 striking “at Calion, Arkansas” and inserting “improve-  
 3 ments at Calion, Arkansas (including authorization for the  
 4 comprehensive flood-control project for Ouachita River  
 5 and tributaries, incorporating in the project all flood con-  
 6 trol, drainage, and power improvements in the basin above  
 7 the lower end of the left bank Ouachita River levee)”.

8 (b) MODIFICATION.—Section 3 of the Act of August  
 9 18, 1941, is amended in the second sentence of subsection  
 10 (a) in the matter under the heading “LOWER MISSISSIPPI  
 11 RIVER” (55 Stat. 642, chapter 377) by inserting before  
 12 the period at the end the following: “*Provided*, That the  
 13 Ouachita River Levees, Louisiana, authorized under the  
 14 first section of the Act of May 15, 1928 (45 Stat. 534,  
 15 chapter 569) shall remain as a component of the Mis-  
 16 sissippi River and Tributaries Project and afforded oper-  
 17 ation and maintenance responsibilities as directed in sec-  
 18 tion 3 of that Act (45 Stat. 535)”.

19 **SEC. 3008. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
 20 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

21 (a) NAVIGATION CHANNEL.—*The Secretary shall con-*  
 22 *tinue construction of the McClellan-Kerr Arkansas River*  
 23 *Navigation System, Arkansas and Oklahoma, to operate*  
 24 *and maintain the navigation channel to the authorized*  
 25 *depth of the channel, in accordance with section 136 of the*

1 *Energy and Water Development Appropriations Act, 2004*  
2 *(Public Law 108–137; 117 Stat. 1842).*

3 (b) *MITIGATION.*—

4 (1) *IN GENERAL.*—*As mitigation for any inci-*  
5 *dental taking relating to the McClellan-Kerr Naviga-*  
6 *tion System, the Secretary shall determine the need*  
7 *for, and construct modifications in, the structures and*  
8 *operations of the Arkansas River in the area of Tulsa*  
9 *County, Oklahoma, including the construction of low*  
10 *water dams and islands to provide nesting and for-*  
11 *aging habitat for the interior least tern, in accordance*  
12 *with the study entitled “Arkansas River Corridor*  
13 *Master Plan Planning Assistance to States”.*

14 (2) *COST SHARING.*—*The non-Federal share of*  
15 *the cost of a project under this subsection shall be 35*  
16 *percent.*

17 (3) *AUTHORIZATION OF APPROPRIATIONS.*—  
18 *There is authorized to be appropriated to carry out*  
19 *this subsection \$12,000,000.*

20 **SEC. ~~3008~~ 3009. CACHE CREEK BASIN, CALIFORNIA.**

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

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

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

9 (1) channel improvements;

10 (2) an outlet work through the west levee of the  
11 Yolo Bypass; and

12 (3) a new low flow cross channel to handle city  
13 and county storm drainage and settling basin flows  
14 (1,760 cubic feet per second) when the Yolo Bypass  
15 is in a low flow condition.

16 **SEC. ~~3009~~ 3010. HAMILTON AIRFIELD, CALIFORNIA.**

17 The project for environmental restoration, Hamilton  
18 Airfield, California, authorized by section 101(b)(3) of the  
19 Water Resources Development Act of 1999 (113 Stat.  
20 279), is modified to include the diked bayland parcel  
21 known as “Bel Marin Keys Unit V ” at an estimated total  
22 cost of \$205,226,000, with an estimated Federal cost of  
23 \$153,840,000 and an estimated non-Federal cost of  
24 \$51,386,000, as part of the project to be carried out by  
25 the Secretary substantially in accordance with the plans,

1 and subject to the conditions, recommended in the final  
2 report of the Chief of Engineers dated July 19, 2004.

3 **SEC. ~~3010~~ 3011. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**  
4 **SITE DESIGNATION, CALIFORNIA.**

5 Section 102(c)(4) of the Marine Protection, Re-  
6 search, and Sanctuaries Act of 1972 (33 U.S.C.  
7 1412(c)(4)) is amended in the third sentence by striking  
8 “January 1, 2003” and inserting “January 1, 2007”.

9 **SEC. ~~3011~~ 3012. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

10 (a) REPORT.—The project for navigation, Larkspur  
11 Ferry Channel, Larkspur, California, authorized by sec-  
12 tion 601(d) of the Water Resources Development Act of  
13 1986 (100 Stat. 4148), is modified to direct the Secretary  
14 to prepare a limited reevaluation report to determine  
15 whether maintenance of the project is feasible.

16 (b) AUTHORIZATION OF PROJECT.—If the Secretary  
17 determines that maintenance of the project is feasible, the  
18 Secretary shall carry out the maintenance.

19 **SEC. ~~3012~~ 3013. LLAGAS CREEK, CALIFORNIA.**

20 The project for flood damage reduction, Llagas  
21 Creek, California, authorized by section 501(a) of the  
22 Water Resources Development Act of 1999 (113 Stat.  
23 333), is modified to authorize the Secretary to complete  
24 the project, in accordance with the requirements of local  
25 cooperation as specified in section 5 of the Watershed Pro-

1 tection and Flood Prevention Act (16 U.S.C. 1005), at  
2 a total remaining cost of \$95,000,000, with an estimated  
3 remaining Federal cost of \$55,000,000, and an estimated  
4 remaining non-Federal cost of \$40,000,000.

5 **SEC. ~~3013~~ 3014. LOS ANGELES HARBOR, CALIFORNIA.**

6 Section 101(b)(5) of the Water Resources Develop-  
7 ment Act of 2000 (114 Stat. 2577) is amended by striking  
8 “\$153,313,000, with an estimated Federal cost of  
9 \$43,735,000 and an estimated non-Federal cost of  
10 \$109,578,000” and inserting “\$222,000,000, with an esti-  
11 mated Federal cost of \$72,000,000 and an estimated non-  
12 Federal cost of \$150,000,000”.

13 **SEC. ~~3014~~ 3015. MAGPIE CREEK, CALIFORNIA.**

14 (a) IN GENERAL.—Subject to subsection (b), the  
15 project for Magpie Creek, California, authorized under  
16 section 205 of the Flood Control Act of 1948 (33 U.S.C.  
17 701s), is modified to direct the Secretary to apply the cost-  
18 sharing requirements applicable to nonstructural flood  
19 control under section 103(b) of the Water Resources De-  
20 velopment Act of 1986 (100 Stat. 4085) for the portion  
21 of the project consisting of land acquisition to preserve  
22 and enhance existing floodwater storage.

23 (b) CREDITING.—The crediting allowed under sub-  
24 section (a) shall not exceed the non-Federal share of the  
25 cost of the project.

1 **SEC. ~~3015~~ 3016. PINE FLAT DAM FISH AND WILDLIFE HABI-**  
2 **TAT, CALIFORNIA.**

3 (a) COOPERATIVE PROGRAM.—

4 (1) IN GENERAL.—The Secretary shall partici-  
5 pate with appropriate State and local agencies in the  
6 implementation of a cooperative program to improve  
7 and manage fisheries and aquatic habitat conditions  
8 in Pine Flat Reservoir and in the 14-mile reach of  
9 the Kings River immediately below Pine Flat Dam,  
10 California, in a manner that—

11 (A) provides for long-term aquatic resource  
12 enhancement; and

13 (B) avoids adverse effects on water storage  
14 and water rights holders.

15 (2) GOALS AND PRINCIPLES.—The cooperative  
16 program described in paragraph (1) shall be carried  
17 out—

18 (A) substantially in accordance with the  
19 goals and principles of the document entitled  
20 “Kings River Fisheries Management Program  
21 Framework Agreement” and dated May 29,  
22 1999, between the California Department of  
23 Fish and Game and the Kings River Water As-  
24 sociation and the Kings River Conservation  
25 District; and

1 (B) in cooperation with the parties to that  
2 agreement.

3 (b) PARTICIPATION BY SECRETARY.—

4 (1) IN GENERAL.—In furtherance of the goals  
5 of the agreement described in subsection (a)(2), the  
6 Secretary shall participate in the planning, design,  
7 and construction of projects and pilot projects on  
8 the Kings River and its tributaries to enhance  
9 aquatic habitat and water availability for fisheries  
10 purposes (including maintenance of a trout fishery)  
11 in accordance with flood control operations, water  
12 rights, and beneficial uses in existence as of the date  
13 of enactment of this Act.

14 (2) PROJECTS.—Projects referred to in para-  
15 graph (1) may include—

16 (A) projects to construct or improve pump-  
17 ing, conveyance, and storage facilities to en-  
18 hance water transfers; and

19 (B) projects to carry out water exchanges  
20 and create opportunities to use floodwater with-  
21 in and downstream of Pine Flat Reservoir.

22 (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED  
23 PROJECTS.—Nothing in this section authorizes any  
24 project for the raising of Pine Flat Dam or the construc-  
25 tion of a multilevel intake structure at Pine Flat Dam.

1 (d) USE OF EXISTING STUDIES.—In carrying out  
2 this section, the Secretary shall use, to the maximum ex-  
3 tent practicable, studies in existence on the date of enact-  
4 ment of this Act, including data and environmental docu-  
5 mentation in the document entitled “Final Feasibility Re-  
6 port and Report of the Chief of Engineers for Pine Flat  
7 Dam Fish and Wildlife Habitat Restoration” and dated  
8 July 19, 2002.

9 (e) COST SHARING.—

10 (1) PROJECT PLANNING, DESIGN, AND CON-  
11 STRUCTION.—The Federal share of the cost of plan-  
12 ning, design, and construction of a project under  
13 subsection (b) shall be 65 percent.

14 (2) NON-FEDERAL SHARE.—

15 (A) CREDIT FOR LAND, EASEMENTS, AND  
16 RIGHTS-OF-WAY.—The Secretary shall credit to-  
17 ward the non-Federal share of the cost of con-  
18 struction of any project under subsection (b)  
19 the value, regardless of the date of acquisition,  
20 of any land, easements, rights-of-way, dredged  
21 material disposal areas, or relocations provided  
22 by the non-Federal interest for use in carrying  
23 out the project.

24 ~~(A)~~ (B) FORM.—The non-Federal interest  
25 may provide not more than 50 percent of the

1 non-Federal share required under this clause in  
 2 the form of services, materials, supplies, or  
 3 other in-kind contributions.

4 (f) OPERATION AND MAINTENANCE.—The operation,  
 5 maintenance, repair, rehabilitation, and replacement of  
 6 projects carried out under this section shall be a non-Fed-  
 7 eral responsibility.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 9 authorized to be appropriated to carry out this section  
 10 \$20,000,000, to remain available until expended.

11 **SEC. ~~3016~~ 3017. REDWOOD CITY NAVIGATION PROJECT, CALI-**  
 12 **FORNIA.**

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

16 **SEC. ~~3017~~ 3018. SACRAMENTO AND AMERICAN RIVERS**  
 17 **FLOOD CONTROL, CALIFORNIA.**

18 (a) IN GENERAL.—The Secretary shall credit toward  
 19 that portion of the non-Federal share of the costs of any  
 20 flood damage reduction project authorized before the date  
 21 of enactment of this Act that is to be paid by the Sac-  
 22 ramento Area Flood Control Agency an amount equal to  
 23 the Federal share of the flood control project authorized  
 24 by section 9159 of the Department of Defense Appropria-  
 25 tions Act, 1993 (106 Stat. 1944).

1 (b) FEDERAL SHARE.—In determining the Federal  
2 share of the project authorized by section 9159(b) of that  
3 Act, the Secretary shall include all audit verified costs for  
4 planning, engineering, construction, acquisition of project  
5 land, easements, right-of-way, relocations, and environ-  
6 mental, mitigation for all project elements that the Sec-  
7 retary determines to be cost-effective.

8 (c) AMOUNT CREDITED.—The amount credited shall  
9 be equal to the Federal share determined under this sec-  
10 tion, reduced by the total of all reimbursements paid to  
11 the non-Federal interests for work under section 9159(b)  
12 of that Act before the date of enactment of this Act.

13 **SEC. ~~3018~~ 3019. CONDITIONAL DECLARATION OF NON-**  
14 **NAVIGABILITY, PORT OF SAN FRANCISCO,**  
15 **CALIFORNIA.**

16 (a) CONDITIONAL DECLARATION OF NONNAVIGA-  
17 BILITY.—If the Secretary determines, in consultation with  
18 appropriate Federal and non-Federal entities, that  
19 projects proposed to be carried out by non-Federal entities  
20 within the portions of the San Francisco, California, wa-  
21 terfront described in subsection (b) are not in the public  
22 interest, the portions shall be declared not to be navigable  
23 water of the United States for the purposes of section 9  
24 of the Act of March 3, 1899 (33 U.S.C. 401) and the  
25 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

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

1 pier-head line; to the northwesterly line of Bryan Street  
 2 northwesterly; thence southwesterly along said northwest-  
 3 erly line of Bryant Street to the point of beginning.

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

16 **SEC. ~~3019~~ 3020. SALTON SEA RESTORATION, CALIFORNIA.**

17 (a) DEFINITIONS.—In this section:

18 (1) SALTON SEA AUTHORITY.—The term  
 19 “Salton Sea Authority” means the Joint Powers Au-  
 20 thority established under the laws of the State of  
 21 California by a joint power agreement signed on  
 22 June 2, 1993.

23 (2) SALTON SEA SCIENCE OFFICE.—The term  
 24 “Salton Sea Science Office” means the Office estab-

1 lished by the United States Geological Survey and  
2 currently located in La Quinta, California.

3 (b) PILOT PROJECTS.—

4 (1) IN GENERAL.—The Secretary shall review  
5 the preferred restoration concept plan approved by  
6 the Salton Sea Authority to determine that the pilot  
7 projects are economically justified, technically sound,  
8 environmentally acceptable, and meet the objectives  
9 of the Salton Sea Reclamation Act (Public Law  
10 105–372). If the Secretary makes a positive deter-  
11 mination, the Secretary may enter into an agree-  
12 ment with the Salton Sea Authority and, in con-  
13 sultation with the Salton Sea Science Office, carry  
14 out the pilot project for improvement of the environ-  
15 ment in the Salton Sea, *except that the Secretary*  
16 *shall be a party to each contract for construction*  
17 *under this subsection.*

18 (2) LOCAL PARTICIPATION.—In prioritizing  
19 pilot projects under this section, the Secretary  
20 shall—

21 (A) consult with the Salton Sea Authority  
22 and the Salton Sea Science Office; and

23 (B) consider the priorities of the Salton  
24 Sea Authority.

1           (3) COST SHARING.—Before carrying out a  
2 pilot project under this section, the Secretary shall  
3 enter into a written agreement with the Salton Sea  
4 Authority that requires the non-Federal interest  
5 to—

6           (A) pay 35 percent of the total costs of the  
7 pilot project;

8           (B) acquire any land, easements, rights-of-  
9 way, relocations, and dredged material disposal  
10 areas necessary to carry out the pilot project;  
11 and

12           (C) hold the United States harmless from  
13 any claim or damage that may arise from car-  
14 rying out the pilot project, except any claim or  
15 damage that may arise from the negligence of  
16 the Federal Government or a contractor of the  
17 Federal Government.

18       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out subsection (b)  
20 \$26,000,000, of which not more than \$5,000,000 may be  
21 used for any 1 pilot project under this section.

22 **SEC. ~~3020~~ 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

23       The project for flood damage reduction and recre-  
24 ation, Upper Guadalupe River, California, authorized by  
25 section 101(a)(9) of the Water Resources Development

1 Act of 1999 (113 Stat. 275), is modified to authorize the  
2 Secretary to construct the project generally in accordance  
3 with the Upper Guadalupe River Flood Damage Reduc-  
4 tion, San Jose, California, Limited Reevaluation Report,  
5 dated March, 2004, at a total cost of \$212,100,000, with  
6 an estimated Federal cost of \$113,300,000 and an esti-  
7 mated non-Federal cost of \$98,800,000.

8 **SEC. ~~3021~~ 3022. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

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

16 **SEC. ~~3022~~ 3023. CHARLES HERVEY TOWNSHEND BREAK-**  
17 **WATER, NEW HAVEN HARBOR, CONNECTICUT.**

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

1 **SEC. ~~3023~~ 3024. ANCHORAGE AREA, NEW LONDON HARBOR,**  
 2 **CONNECTICUT.**

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

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

20 **SEC. ~~3024~~ 3025. NORWALK HARBOR, CONNECTICUT.**

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

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

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

16 (2) PARALLELOGRAM-SHAPED PORTION.—An  
17 area having the approximate shape of a parallelo-  
18 gram along the northeasterly portion of the channel,  
19 southeast of the area described in paragraph (1), ap-  
20 proximately 20 feet wide and 260 feet long, and fur-  
21 ther described as commencing at a point N.  
22 103,855.48, E. 417,849.99, thence running south  
23  $33^{\circ}07'30''$  E. 133.40 feet to a point N. 103,743.76,  
24 E. 417,922.89, thence running south  $24^{\circ}07'04''$  E.  
25 127.75 feet to a point N. 103,627.16, E.

1       417,975.09, thence running north  $33^{\circ}07'30''$  W.  
 2       190.00 feet to a point N. 103,786.28, E.  
 3       417,871.26, thence running north  $17^{\circ}05'15''$  W.  
 4       72.39 feet to the point of origin.

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

16 **SEC. ~~3025~~ 3026. ST. GEORGE'S BRIDGE, DELAWARE.**

17       Section 102(g) of the Water Resources Development  
 18 Act of 1990 (104 Stat. 4612) is amended by adding at  
 19 the end the following: "The Secretary shall assume owner-  
 20 ship responsibility for the replacement bridge not later  
 21 than the date on which the construction of the bridge is  
 22 completed and the contractors are released of their respon-  
 23 sibility by the State. In addition, the Secretary may not  
 24 carry out any action to close or remove the St. George's

1 Bridge, Delaware, without specific congressional author-  
2 ization.”.

3 **SEC. ~~3026~~ 3027. CHRISTINA RIVER, WILMINGTON, DELAWARE.**

4 (a) IN GENERAL.—The Secretary shall remove the  
5 shipwrecked vessel known as the “State of Pennsylvania”,  
6 and any debris associated with that vessel, from the Chris-  
7 tina River at Wilmington, Delaware, in accordance with  
8 section 202(b) of the Water Resources Development Act  
9 of 1976 (33 U.S.C. 426m(b)).

10 (b) NO RECOVERY OF FUNDS.—Notwithstanding any  
11 other provision of law, in carrying out this section, the  
12 Secretary shall not be required to recover funds from the  
13 owner of the vessel described in subsection (a) or any  
14 other vessel.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$425,000, to remain available until expended.

18 **SEC. ~~3027~~ 3028. ADDITIONAL PROGRAM AUTHORITY, COM-**  
19 **PREHENSIVE EVERGLADES RESTORATION,**  
20 **FLORIDA.**

21 Section 601(c)(3) of the Water Resources Develop-  
22 ment Act of 2000 (114 Stat. 2684) is amended by adding  
23 at the end the following:

24 “(C) MAXIMUM COST OF PROGRAM AU-  
25 THORITY.—Section 902 of the Water Resources

1           Development Act of 1986 (33 U.S.C. 2280)  
 2           shall apply to the individual project funding  
 3           limits in subparagraph (A) and the aggregate  
 4           cost limits in subparagraph (B).”.

5 **SEC. ~~3028~~ 3029. CRITICAL RESTORATION PROJECTS, EVER-**  
 6                           **GLADES AND SOUTH FLORIDA ECOSYSTEM**  
 7                           **RESTORATION, FLORIDA.**

8           Section 528(b)(3)(C) of the Water Resources Devel-  
 9           opment Act of 1996 (110 Stat. 3769) is amended—

10           (1) in clause (i), by striking “\$75,000,000” and  
 11           all that follows and inserting “\$95,000,000.”; and

12           (2) by striking clause (ii) and inserting the fol-  
 13           lowing:

14                           “(ii) FEDERAL SHARE.—

15                                   “(I) IN GENERAL.—Except as  
 16                                   provided in subclause (II), the Federal  
 17                                   share of the cost of carrying out a  
 18                                   project under subparagraph (A) shall  
 19                                   not exceed \$25,000,000.

20                                   “(II) SEMINOLE WATER CON-  
 21                                   SERVATION PLAN.—The Federal share  
 22                                   of the cost of carrying out the Semi-  
 23                                   nole Water Conservation Plan shall  
 24                                   not exceed \$30,000,000.”.

1 **SEC. ~~3029~~ 3030. JACKSONVILLE HARBOR, FLORIDA.**

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

11 **SEC. ~~3030~~ 3031. LAKE OKEECHOBEE AND HILLSBORO AQUI-**  
12 **FER PILOT PROJECTS, COMPREHENSIVE EV-**  
13 **ERGLADES RESTORATION, FLORIDA.**

14       Section 601(b)(2)(B) of the Water Resources Devel-  
15 opment Act of 2000 (114 Stat. 2681) is amended by add-  
16 ing at the end the following:

17                   “(v) HILLSBORO AND OKEECHOBEE  
18                   AQUIFER, FLORIDA.—The pilot projects for  
19                   aquifer storage and recovery, Hillsboro and  
20                   Okeechobee Aquifer, Florida, authorized by  
21                   section 101(a)(16) of the Water Resources  
22                   Development Act of 1999 (113 Stat. 276),  
23                   shall be treated for the purposes of this  
24                   section as being in the Plan and carried  
25                   out in accordance with this section, except  
26                   that costs of operation and maintenance of

1                   those projects shall remain 100 percent  
2                   non-Federal.”.

3 **SEC. ~~3031~~ 3032. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

4           The Secretary shall carry out the project for hurri-  
5 cane and storm damage reduction in Lido Key, Sarasota  
6 County, Florida, based on the report of the Chief of Engi-  
7 neers dated December 22, 2004, at a total cost of  
8 \$14,809,000, with an estimated Federal cost of  
9 \$9,088,000 and an estimated non-Federal cost of  
10 \$5,721,000, and at an estimated total cost \$63,606,000  
11 for periodic beach nourishment over the 50-year life of the  
12 project, with an estimated Federal cost of \$31,803,000  
13 and an estimated non-Federal cost of \$31,803,000.

14 **SEC. ~~3032~~ 3033. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

15           The project for navigation, Tampa Harbor, Florida,  
16 authorized by section 101 of the River and Harbor Act  
17 of 1970 (84 Stat. 1818), is modified to authorize the Sec-  
18 retary to construct passing lanes in an area approximately  
19 3.5 miles long and centered on Tampa Bay Cut B, if the  
20 Secretary determines that the improvements are necessary  
21 for navigation safety.

22 **SEC. ~~3033~~ 3034. ALLATOONA LAKE, GEORGIA.**

23           (a) LAND EXCHANGE.—

24                   (1) IN GENERAL.—The Secretary may exchange  
25           land above 863 feet in elevation at Allatoona Lake,

1 Georgia, identified in the Real Estate Design Memo-  
2 randum prepared by the Mobile district engineer,  
3 April 5, 1996, and approved October 8, 1996, for  
4 land on the north side of Allatoona Lake that is re-  
5 quired for wildlife management and protection of the  
6 water quality and overall environment of Allatoona  
7 Lake.

8 (2) TERMS AND CONDITIONS.—The basis for all  
9 land exchanges under this subsection shall be a fair  
10 market appraisal to ensure that land exchanged is of  
11 equal value.

12 (b) DISPOSAL AND ACQUISITION OF LAND,  
13 ALLATOONA LAKE, GEORGIA.—

14 (1) IN GENERAL.—The Secretary may—

15 (A) sell land above 863 feet in elevation at  
16 Allatoona Lake, Georgia, identified in the  
17 memorandum referred to in subsection (a)(1);  
18 and

19 (B) use the proceeds of the sale, without  
20 further appropriation, to pay costs associated  
21 with the purchase of land required for wildlife  
22 management and protection of the water quality  
23 and overall environment of Allatoona Lake.

24 (2) TERMS AND CONDITIONS.—

1 (A) WILLING SELLERS.—Land acquired  
2 under this subsection shall be by negotiated  
3 purchase from willing sellers only.

4 (B) BASIS.—The basis for all transactions  
5 under this subsection shall be a fair market  
6 value appraisal acceptable to the Secretary.

7 (C) SHARING OF COSTS.—Each purchaser  
8 of land under this subsection shall share in the  
9 associated environmental and real estate costs  
10 of the purchase, including surveys and associ-  
11 ated fees in accordance with the memorandum  
12 referred to in subsection (a)(1).

13 (D) OTHER CONDITIONS.—The Secretary  
14 may impose on the sale and purchase of land  
15 under this subsection such other conditions as  
16 the Secretary determines to be appropriate.

17 (e) REPEAL.—Section 325 of the Water Resources  
18 Development Act of 1992 (106 Stat. 4849) is repealed.

19 **SEC. ~~3034~~ 3035. DWORSHAK RESERVOIR IMPROVEMENTS,**  
20 **IDAHO.**

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

1 (b) IMPROVEMENTS.—In carrying out subsection (a),  
2 the Secretary shall provide for appropriate improvements  
3 to—

4 (1) facilities that are operated by the Corps of  
5 Engineers; and

6 (2) facilities that, as of the date of enactment  
7 of this Act, are leased, permitted, or licensed for use  
8 by others.

9 (c) COST SHARING.—The Secretary shall carry out  
10 this section through a cost-sharing program with Idaho  
11 State Parks and Recreation Department, with a total esti-  
12 mated project cost of \$5,300,000, with an estimated Fed-  
13 eral cost of \$3,900,000 and an estimated non-Federal cost  
14 of \$1,400,000.

15 **SEC. ~~3035~~ 3036. LITTLE WOOD RIVER, GOODING, IDAHO.**

16 The project for flood control, Gooding, Idaho, as con-  
17 structed under the emergency conservation work program  
18 established under the Act of March 31, 1933 (16 U.S.C.  
19 585 et seq.) is modified to—

20 (1) direct the Secretary to rehabilitate the  
21 Gooding Channel Project for the purposes of flood  
22 control and ecosystem restoration, if the Secretary  
23 determines that the rehabilitation and ecosystem res-  
24 toration is feasible;

1           (2) authorize and direct the Secretary to plan,  
2 design, and construct the project at a total cost of  
3 \$9,000,000;

4           (3) authorize the non-Federal interest to pro-  
5 vide any portion of the non-Federal share of the cost  
6 of the project in the form of services, materials, sup-  
7 plies, or other in-kind contributions;

8           (4) authorize the non-Federal interest to use  
9 funds made available under any other Federal pro-  
10 gram toward the non-Federal share of the cost of  
11 the project if the use of the funds is permitted under  
12 the other Federal program; and

13           (5) direct the Secretary, in calculating the non-  
14 Federal share of the cost of the project, to make a  
15 determination under section 103(m) of the Water  
16 Resources Development Act of 1986 (33 U.S.C.  
17 2213(m)) on the ability to pay of the non-Federal  
18 interest.

19 **SEC. ~~3036~~ 3037. PORT OF LEWISTON, IDAHO.**

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

23           (1) the reversionary interests and use restric-  
24 tions relating to industrial use purposes are extin-  
25 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. ~~3037~~ 3038. CACHE RIVER LEVEE, ILLINOIS.**

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

6 **SEC. 3039. CHICAGO, ILLINOIS.**

7 *Section 425(a) of the Water Resources Development*  
8 *Act of 2000 (114 Stat. 2638) is amended by inserting “Lake*  
9 *Michigan and” before “the Chicago River”.*

10 **SEC. ~~3038~~ 3040. CHICAGO RIVER, ILLINOIS.**

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

18 **SEC. ~~3039~~ 3041. MISSOURI AND ILLINOIS FLOOD PROTEC-**  
19 **TION PROJECTS RECONSTRUCTION PILOT**  
20 **PROGRAM.**

21 (a) DEFINITION OF RECONSTRUCTION.—In this sec-  
22 tion:

23 (1) IN GENERAL.—The term “reconstruction”  
24 means any action taken to address 1 or more major  
25 deficiencies of a project caused by long-term deg-  
26 radation of the foundation, construction materials,

1 or engineering systems or components of the project,  
2 the results of which render the project at risk of not  
3 performing in compliance with the authorized pur-  
4 poses of the project.

5 (2) INCLUSIONS.—The term “reconstruction”  
6 includes the incorporation by the Secretary of cur-  
7 rent design standards and efficiency improvements  
8 in a project if the incorporation does not signifi-  
9 cantly change the authorized scope, function, or pur-  
10 pose of the project.

11 (b) PARTICIPATION BY SECRETARY.—The Secretary  
12 may participate in the reconstruction of flood control  
13 projects within Missouri and Illinois as a pilot program  
14 if the Secretary determines that such reconstruction is not  
15 required as a result of improper operation and mainte-  
16 nance by the non-Federal interest.

17 (c) COST SHARING.—

18 (1) IN GENERAL.—Costs for reconstruction of a  
19 project under this section shall be shared by the Sec-  
20 retary and the non-Federal interest in the same per-  
21 centages as the costs of construction of the original  
22 project were shared.

23 (2) OPERATION, MAINTENANCE, AND REPAIR  
24 COSTS.—The costs of operation, maintenance, re-  
25 pair, and rehabilitation of a project carried out

1 under this section shall be a non-Federal responsi-  
2 bility.

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

6 (1) Clear Creek Drainage and Levee District,  
7 Illinois.

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

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

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

13 (5) Missouri River Levee Drainage District,  
14 Missouri.

15 (e) ECONOMIC JUSTIFICATION.—Reconstruction ef-  
16 forts and activities carried out under this section shall not  
17 require economic justification.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$50,000,000, to remain available until expended.

21 **SEC. ~~3040~~ 3042. SPUNKY BOTTOM, ILLINOIS.**

22 (a) IN GENERAL.—The project for flood control, Illi-  
23 nois and Des Plaines River Basin, between Beardstown,  
24 Illinois, and the mouth of the Illinois River, authorized  
25 by section 5 of the Act of June 22, 1936 (49 Stat. 1583,

1 chapter 688), is modified to authorize ecosystem restora-  
2 tion as a project purpose.

3 (b) MODIFICATIONS.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 notwithstanding the limitation on the expenditure of  
6 Federal funds to carry out project modifications in  
7 accordance with section 1135 of the Water Re-  
8 sources Development Act of 1986 (33 U.S.C.  
9 2309a), modifications to the project referred to in  
10 subsection (a) shall be carried out at Spunky Bot-  
11 toms, Illinois, in accordance with subsection (a).

12 (2) FEDERAL SHARE.—Not more than  
13 \$7,500,000 in Federal funds may be expended under  
14 this section to carry out modifications to the project  
15 referred to in subsection (a).

16 (3) POST-CONSTRUCTION MONITORING AND  
17 MANAGEMENT.—Of the Federal funds expended  
18 under paragraph (2), not less than \$500,000 shall  
19 remain available for a period of 5 years after the  
20 date of completion of construction of the modifica-  
21 tions for use in carrying out post-construction moni-  
22 toring and adaptive management.

23 (c) EMERGENCY REPAIR ASSISTANCE.—Notwith-  
24 standing any modifications carried out under subsection  
25 (b), the project described in subsection (a) shall remain

1 eligible for emergency repair assistance under section 5  
2 of the Act of August 18, 1941 (33 U.S.C. 701n), without  
3 consideration of economic justification.

4 **SEC. ~~3041~~ 3043. STRAWN CEMETERY, JOHN REDMOND LAKE,**  
5 **KANSAS.**

6 (a) IN GENERAL.—As soon as practicable after the  
7 date of enactment of this Act, the Secretary, acting  
8 through the Tulsa District of the Corps of Engineers, shall  
9 transfer to Pleasant Township, Coffey County, Kansas,  
10 for use as the New Strawn Cemetery, all right, title, and  
11 interest of the United States in and to the land described  
12 in subsection (c).

13 (b) REVERSION.—If the land transferred under this  
14 section ceases at any time to be used as a nonprofit ceme-  
15 tery or for another public purpose, the land shall revert  
16 to the United States.

17 (c) DESCRIPTION.—The land to be conveyed under  
18 this section is a tract of land near John Redmond Lake,  
19 Kansas, containing approximately 3 acres and lying adja-  
20 cent to the west line of the Strawn Cemetery located in  
21 the SE corner of the NE $\frac{1}{4}$  of sec. 32, T. 20 S., R. 14  
22 E., Coffey County, Kansas.

23 (d) CONSIDERATION.—

24 (1) IN GENERAL.—The conveyance under this  
25 section shall be at fair market value.



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

3 **SEC. ~~3043~~ 3045. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**  
 4 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

5 Section 101(16) of the Water Resources Development  
 6 Act of 2000 (114 Stat. 2578) is amended—

7 (1) by striking “(A) IN GENERAL.—Projects for  
 8 ecosystem restoration, Ohio River Mainstem” and  
 9 inserting the following:

10 “(A) AUTHORIZATION.—

11 “(i) IN GENERAL.—Projects for eco-  
 12 system restoration, Ohio River Basin (ex-  
 13 cluding the Tennessee and Cumberland  
 14 River Basins)”;

15 (2) in subparagraph (A), by adding at the end  
 16 the following:

17 “(ii) NONPROFIT ENTITY.—For any  
 18 ecosystem restoration project carried out  
 19 under this paragraph, with the consent of  
 20 the affected local government, a nonprofit  
 21 entity may be considered to be a non-Fed-  
 22 eral interest.

23 “(iii) PROGRAM IMPLEMENTATION  
 24 PLAN.—There is authorized to be devel-  
 25 oped a program implementation plan of the

1 Ohio River Basin (excluding the Tennessee  
2 and Cumberland River Basins) at full Fed-  
3 eral expense.

4 “(iv) PILOT PROGRAM.—There is au-  
5 thorized to be initiated a completed pilot  
6 program in Lower Scioto Basin, Ohio.”.

7 **SEC. 304. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
8 **FLOODWAY SYSTEM, LOUISIANA.**

9 The public access features of the Atchafalaya Basin  
10 Floodway System, Louisiana, project, authorized by the  
11 section 601(a) of the Water Resources Development Act  
12 of 1986 (100 Stat. 4142), are modified to authorize the  
13 Secretary to acquire from willing sellers the fee interest,  
14 exclusive of oil, gas, and minerals, of an additional 20,000  
15 acres of land in the Lower Atchafalaya Basin Flood for  
16 the public access feature of the Atchafalaya Basin  
17 Floodway System, Louisiana, to enhance fish and wildlife  
18 resources, at a total cost of \$4,000,000.

19 **SEC. 306. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
20 **FLOODWAY SYSTEM, LOUISIANA.**

21 (a) *IN GENERAL.*—The public access feature of the  
22 Atchafalaya Basin Floodway System, Louisiana project,  
23 authorized by section 601(a) of the Water Resources Devel-  
24 opment Act of 1986 (100 Stat. 4142), is modified to author-  
25 ize the Secretary to acquire from willing sellers the fee inter-

1 *est (exclusive of oil, gas, and minerals) of an additional*  
 2 *20,000 acres of land in the Lower Atchafalaya Basin*  
 3 *Floodway for the public access feature of the Atchafalaya*  
 4 *Basin Floodway System, Louisiana project.*

5 (b) *MODIFICATION.*—

6 (1) *IN GENERAL.*—*Subject to paragraph (2), ef-*  
 7 *fective beginning November 17, 1986, the public access*  
 8 *feature of the Atchafalaya Basin Floodway System,*  
 9 *Louisiana project, is modified to remove the*  
 10 *\$32,000,000 limitation on the maximum Federal ex-*  
 11 *penditure for the first costs of the public access fea-*  
 12 *ture.*

13 (2) *FIRST COST.*—*The authorized first cost of*  
 14 *\$250,000,000 for the total project (as defined in sec-*  
 15 *tion 601(a) of the Water Resources Development Act*  
 16 *of 1986 (100 Stat. 4142)) shall not be exceeded, except*  
 17 *as authorized by section 902 of that Act (100 Stat.*  
 18 *4183).*

19 **SEC. ~~3045~~ 3047. CALCASIEU RIVER AND PASS, LOUISIANA.**

20 The project for the Calcasieu River and Pass, Lou-  
 21 isiana, authorized by section 101 of the River and Harbor  
 22 Act of 1960 (74 Stat. 481), is modified to authorize the  
 23 Secretary to provide \$3,000,000 for each fiscal year, in  
 24 a total amount of \$15,000,000, for such rock bank protec-  
 25 tion of the Calcasieu River from mile 5 to mile 16 as the

1 Chief of Engineers determines to be advisable to reduce  
2 maintenance dredging needs and facilitate protection of  
3 valuable disposal areas for the Calcasieu River and Pass,  
4 Louisiana.

5 **SEC. 3048. LAROSE TO GOLDEN MEADOW, LOUISIANA.**

6       (a) *IN GENERAL.*—*For the project for hurricane pro-*  
7 *tection, Larose to Golden Meadow, Louisiana, authorized*  
8 *by section 204 of the Flood Control Act of 1965 (79 Stat.*  
9 *1077), not later than 180 days after the date of enactment*  
10 *of this Act, the Secretary shall make the determination de-*  
11 *scribed in section 325 of the Water Resources Development*  
12 *Act of 1999 (113 Stat. 304) regarding the technical feasi-*  
13 *bility, environmental acceptability, and economical jus-*  
14 *tification of converting the Golden Meadow floodgate into*  
15 *a navigation lock.*

16       (b) *CONVERSION.*—*If the Secretary makes a favorable*  
17 *determination under subsection (a), or fails to make a fa-*  
18 *vorable or unfavorable determination by the date specified*  
19 *in subsection (a), the conversion of the Golden Meadow*  
20 *floodgate to a navigation lock shall be considered to be au-*  
21 *thorized as a feature of the hurricane protection project re-*  
22 *ferred to in subsection (a).*

23 **SEC. ~~3046~~ 3049. EAST BATON ROUGE PARISH, LOUISIANA.**

24       The project for flood damage reduction and recre-  
25 ation, East Baton Rouge Parish, Louisiana, authorized by

1 section 101(a)(21) of the Water Resources Development  
 2 Act of 1999 (113 Stat. 277), as amended by section 116  
 3 of the Consolidated Appropriations Resolution, 2003 (117  
 4 Stat. 140), is modified to authorize the Secretary to carry  
 5 out the project substantially in accordance with the Report  
 6 of the Chief of Engineers dated December 23, 1996, and  
 7 the subsequent Post Authorization Change Report dated  
 8 ~~August~~ *December* 2004, at a total cost of \$178,000,000.

9 **SEC. ~~3047~~ 3050. RED RIVER (J. BENNETT JOHNSTON) WATER-**  
 10 **WAY, LOUISIANA.**

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

21 *(1) to authorize the Secretary to carry out the*  
 22 *project at a total cost of \$33,000,000;*

23 ~~(1)~~ *(2) to permit the purchase of marginal*  
 24 *farmland for reforestation (in addition to the pur-*  
 25 *chase of bottomland hardwood); and*

1           ~~(2)~~ (3) to incorporate wildlife and forestry man-  
2           agement practices to improve species diversity on  
3           mitigation land that meets habitat goals and objec-  
4           tives of the Corps of Engineers and the State of  
5           Louisiana.

6 **SEC. ~~3048~~ 3051. CAMP ELLIS, SACO, MAINE.**

7           The maximum amount of Federal funds that may be  
8           expended for the project being carried out under section  
9           111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
10          for the mitigation of shore damages attributable to the  
11          project for navigation, Camp Ellis, Saco, Maine, shall be  
12          \$20,000,000.

13 **SEC. ~~3049~~ 3052. UNION RIVER, MAINE.**

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

1 **SEC. ~~3050~~ 3053. CHESAPEAKE BAY ENVIRONMENTAL RES-**  
2 **TORATION AND PROTECTION PROGRAM,**  
3 **MARYLAND, PENNSYLVANIA, AND VIRGINIA.**

4 Section 510(i) of the Water Resources Development  
5 Act of 1996 (110 Stat. 3761) is amended by striking  
6 “\$10,000,000” and inserting “\$30,000,000”.

7 **SEC. ~~3051~~ 3054. CUMBERLAND, MARYLAND.**

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

10 (1) by striking “\$15,000,000” and inserting  
11 “\$25,750,000”;

12 (2) by striking “\$9,750,000” and inserting  
13 “\$16,738,000”; and

14 (3) by striking “\$5,250,000” and inserting  
15 “\$9,012,000”.

16 **SEC. ~~3052~~ 3055. FALL RIVER HARBOR, MASSACHUSETTS AND**  
17 **RHODE ISLAND.**

18 (a) IN GENERAL.—Notwithstanding section  
19 1001(b)(2) of the Water Resources Development Act of  
20 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,  
21 Fall River Harbor, Massachusetts and Rhode Island, au-  
22 thorized by section 101 of the River and Harbor Act of  
23 1968 (82 Stat. 731), shall remain authorized to be carried  
24 out by the Secretary, except that the authorized depth of  
25 that portion of the project extending riverward of the

1 Charles M. Braga, Jr. Memorial Bridge, Fall River and  
2 Somerset, Massachusetts, shall not exceed 35 feet.

3 (b) FEASIBILITY.—The Secretary shall conduct a  
4 study to determine the feasibility of deepening that por-  
5 tion of the navigation channel of the navigation project  
6 for Fall River Harbor, Massachusetts and Rhode Island,  
7 authorized by section 101 of the River and Harbor Act  
8 of 1968 (82 Stat. 731), seaward of the Charles M. Braga,  
9 Jr. Memorial Bridge Fall River and Somerset, Massachu-  
10 setts.

11 (c) LIMITATION.—The project described in subsection  
12 (a) shall not be authorized for construction after the last  
13 day of the 5-year period beginning on the date of enact-  
14 ment of this Act unless, during that period, funds have  
15 been obligated for construction (including planning and  
16 design) of the project.

17 **SEC. ~~3053~~ 3056. ST. CLAIR RIVER AND LAKE ST. CLAIR,**  
18 **MICHIGAN.**

19 (a) DEFINITIONS.—In this section:

20 (1) MANAGEMENT PLAN.—The term “manage-  
21 ment plan” means the management plan for the St.  
22 Clair River and Lake St. Clair, Michigan, that is in  
23 effect as of the date of enactment of this section.

1           (2) PARTNERSHIP.—The term “Partnership”  
2 means the partnership established by the Secretary  
3 under subsection (b)(1).

4           (b) PARTNERSHIP.—

5           (1) IN GENERAL.—The Secretary shall establish  
6 and lead a partnership of appropriate Federal agen-  
7 cies (including the Environmental Protection Agen-  
8 cy) and the State of Michigan (including political  
9 subdivisions of the State)—

10           (A) to promote cooperation among the  
11 Federal Government, State and local govern-  
12 ments, and other involved parties in the man-  
13 agement of the St. Clair River and Lake St.  
14 Clair watersheds; and

15           (B) develop and implement projects con-  
16 sistent with the management plan.

17           (2) COORDINATION WITH ACTIONS UNDER  
18 OTHER LAW.—

19           (A) IN GENERAL.—Actions taken under  
20 this section by the Partnership shall be coordi-  
21 nated with actions to restore and conserve the  
22 St. Clair River and Lake St. Clair and water-  
23 sheds taken under other provisions of Federal  
24 and State law.

1 (B) NO EFFECT ON OTHER LAW.—Nothing  
2 in this section alters, modifies, or affects any  
3 other provision of Federal or State law.

4 (c) IMPLEMENTATION OF ST. CLAIR RIVER AND  
5 LAKE ST. CLAIR MANAGEMENT PLAN.—

6 (1) IN GENERAL.—The Secretary shall—

7 (A) develop a St. Clair River and Lake St.  
8 Clair strategic implementation plan in accord-  
9 ance with the management plan;

10 (B) provide technical, planning, and engi-  
11 neering assistance to non-Federal interests for  
12 developing and implementing activities con-  
13 sistent with the management plan;

14 (C) plan, design, and implement projects  
15 consistent with the management plan; and

16 (D) provide, in coordination with the Ad-  
17 ministrator of the Environmental Protection  
18 Agency, financial and technical assistance, in-  
19 cluding grants, to the State of Michigan (in-  
20 cluding political subdivisions of the State) and  
21 interested nonprofit entities for the planning,  
22 design, and implementation of projects to re-  
23 store, conserve, manage, and sustain the St.  
24 Clair River, Lake St. Clair, and associated wa-  
25 tersheds.

1           (2) SPECIFIC MEASURES.—Financial and tech-  
2           nical assistance provided under subparagraphs (B)  
3           and (C) of paragraph (1) may be used in support of  
4           non-Federal activities consistent with the manage-  
5           ment plan.

6           (d) SUPPLEMENTS TO MANAGEMENT PLAN AND  
7           STRATEGIC IMPLEMENTATION PLAN.—In consultation  
8           with the Partnership and after providing an opportunity  
9           for public review and comment, the Secretary shall develop  
10          information to supplement—

11           (1) the management plan; and

12           (2) the strategic implementation plan developed  
13          under subsection (c)(1)(A).

14          (e) COST SHARING.—

15           (1) NON-FEDERAL SHARE.—The non-Federal  
16          share of the cost of technical assistance, or the cost  
17          of planning, design, construction, and evaluation of  
18          a project under subsection (c), and the cost of devel-  
19          opment of supplementary information under sub-  
20          section (d)—

21           (A) shall be 25 percent of the total cost of  
22          the project or development; and

23           (B) may be provided through the provision  
24          of in-kind services.

1           (2) CREDIT FOR LAND, EASEMENTS, AND  
2 RIGHTS-OF-WAY.—The Secretary shall credit the  
3 non-Federal sponsor for the value of any land, ease-  
4 ments, rights-of-way, dredged material disposal  
5 areas, or relocations provided for use in carrying out  
6 a project under subsection (c).

7           (3) NONPROFIT ENTITIES.—Notwithstanding  
8 section 221 of the Flood Control Act of 1970 (42  
9 U.S.C. 1962d–5b), a non-Federal sponsor for any  
10 project carried out under this section may include a  
11 nonprofit entity.

12           (4) OPERATION AND MAINTENANCE.—The op-  
13 eration, maintenance, repair, rehabilitation, and re-  
14 placement of projects carried out under this section  
15 shall be non-Federal responsibilities.

16           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$10,000,000 for each fiscal year.

19 **SEC. ~~3054~~ 3057. DULUTH HARBOR, MINNESOTA.**

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

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

6 **SEC. ~~3055~~ 3058. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

7 (a) DEFINITIONS.—In this section:

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

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

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

1 (c) CONDITIONS.—

2 (1) DEEDS.—

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

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

9 (i) by quitclaim deed; and

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

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

20 (2) REMOVAL OF IMPROVEMENTS.—

21 (A) IN GENERAL.—The Secretary may re-  
22 quire the removal of, or S.S.S., Inc., may volun-  
23 tarily remove, any improvements to the non-  
24 Federal land before the completion of the ex-  
25 change or as a condition of the exchange.

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

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

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

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

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

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

22 **SEC. ~~3056~~ 3059. UNION LAKE, MISSOURI.**

23 (a) IN GENERAL.—The Secretary shall offer to con-  
 24 vey to the State of Missouri, before January 31, ~~2005~~  
 25 ~~2006~~, all right, title, and interest in and to approximately

1 205.50 acres of land described in subsection (b) purchased  
2 for the Union Lake Project that was deauthorized as of  
3 January 1, 1990 (55 Fed. Reg. 40906) in accordance with  
4 section 1001 of the Water Resources Development Act of  
5 1986 (33 U.S.C. 579a(a)).

6 (b) LAND DESCRIPTION.—The land referred to in  
7 subsection (a) is described as follows:

8 (1) TRACT 500.—A tract of land situated in  
9 Franklin County, Missouri, being part of the SW<sup>1</sup>/<sub>4</sub>  
10 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.  
11 42 N., R. 2 W. of the fifth principal meridian, con-  
12 sisting of approximately 112.50 acres.

13 (2) TRACT 605.—A tract of land situated in  
14 Franklin County, Missouri, being part of the N<sup>1</sup>/<sub>2</sub> of  
15 the NE, and part of the SE of the NE of sec. 18,  
16 T. 42 N., R. 2 W. of the fifth principal meridian,  
17 consisting of approximately 93.00 acres.

18 (c) CONVEYANCE.—Upon acceptance by the State of  
19 Missouri of the offer by the Secretary under subsection  
20 (a), the land described in subsection (b) shall immediately  
21 be conveyed, in its current condition, by Secretary to the  
22 State of Missouri.

1 **SEC. ~~3057~~ 3060. FORT PECK FISH HATCHERY, MONTANA.**

2 Section 325(f)(1)(A) of the Water Resources Devel-  
3 opment Act of 2000 (114 Stat. 2607) is amended by strik-  
4 ing “\$20,000,000” and inserting “\$25,000,000”.

5 **SEC. 3061. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**  
6 **TANA AND NORTH DAKOTA.**

7 (a) *DEFINITION OF RESTORATION PROJECT.*—*In this*  
8 *section, the term “restoration project” means a project that*  
9 *will produce, in accordance with other Federal programs,*  
10 *projects, and activities, substantial ecosystem restoration*  
11 *and related benefits, as determined by the Secretary.*

12 (b) *PROJECTS.*—*The Secretary shall carry out, in ac-*  
13 *cordance with other Federal programs, projects, and activi-*  
14 *ties, restoration projects in the watershed of the Yellowstone*  
15 *River and tributaries in Montana, and in North Dakota,*  
16 *to produce immediate and substantial ecosystem restoration*  
17 *and recreation benefits.*

18 (c) *LOCAL PARTICIPATION.*—*In carrying out sub-*  
19 *section (b), the Secretary shall—*

20 (1) *consult with, and consider the activities*  
21 *being carried out by—*

22 (A) *other Federal agencies;*

23 (B) *Indian tribes;*

24 (C) *conservation districts; and*

25 (D) *the Yellowstone River Conservation Dis-*  
26 *trict Council; and*

1           (2) seek the full participation of the State of  
2           *Montana.*

3           (d) *COST SHARING.*—Before carrying out any restora-  
4           tion project under this section, the Secretary shall enter into  
5           an agreement with the non-Federal interest for the restora-  
6           tion project under which the non-Federal interest shall  
7           agree—

8                   (1) to provide 35 percent of the total cost of the  
9                   restoration project, including necessary land, ease-  
10                  ments, rights-of-way, relocations, and disposal sites;

11                  (2) to pay the non-Federal share of the cost of  
12                  feasibility studies and design during construction fol-  
13                  lowing execution of a project cooperation agreement;

14                  (3) to pay 100 percent of the operation, mainte-  
15                  nance, repair, replacement, and rehabilitation costs  
16                  incurred after the date of enactment of this Act that  
17                  are associated with the restoration project; and

18                  (4) to hold the United States harmless for any  
19                  claim of damage that arises from the negligence of the  
20                  Federal Government or a contractor of the Federal  
21                  Government in carrying out the restoration project.

22           (e) *FORM OF NON-FEDERAL SHARE.*—Not more than  
23           50 percent of the non-Federal share of the cost of a restora-  
24           tion project carried out under this section may be provided

1 *in the form of in-kind credit for work performed during*  
 2 *construction of the restoration project.*

3 (f) *NON-FEDERAL INTERESTS.*—*Notwithstanding sec-*  
 4 *tion 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–*  
 5 *5b), with the consent of the applicable local government, a*  
 6 *nonprofit entity may be a non-Federal interest for a res-*  
 7 *toration project carried out under this section.*

8 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 9 *authorized to be appropriated to carry out this section*  
 10 *\$30,000,000.*

11 **SEC. ~~3058~~ 3062. LOWER TRUCKEE RIVER, MCCARRAN RANCH,**  
 12 **NEVADA.**

13 The maximum amount of Federal funds that may be  
 14 expended for the project being carried out, as of the date  
 15 of enactment of this Act, under section 1135 of the Water  
 16 Resources Development Act of 1986 (33 U.S.C. 2309a)  
 17 for environmental restoration of McCarran Ranch, Ne-  
 18 vada, shall be \$5,775,000.

19 **SEC. ~~3059~~ 3063. MIDDLE RIO GRANDE RESTORATION, NEW**  
 20 **MEXICO.**

21 (a) **RESTORATION PROJECTS.**—

22 (1) **DEFINITION.**—The term “restoration  
 23 project” means a project that will produce, con-  
 24 sistent with other Federal programs, projects, and

1 activities, immediate and substantial ecosystem res-  
2 toration and recreation benefits.

3 (2) PROJECTS.—The Secretary shall carry out  
4 restoration projects in the Middle Rio Grande from  
5 Cochiti Dam to the headwaters of Elephant Butte  
6 Reservoir, in the State of New Mexico.

7 (b) PROJECT SELECTION.—The Secretary shall select  
8 restoration projects in the Middle Rio Grande.

9 (c) LOCAL PARTICIPATION.—In carrying out sub-  
10 section (b), the Secretary shall consult with, and consider  
11 the activities being carried out by—

12 (1) the Middle Rio Grande Endangered Species  
13 Act Collaborative Program; and

14 (2) the Bosque Improvement Group of the Mid-  
15 dle Rio Grande Bosque Initiative.

16 (d) COST SHARING.—Before carrying out any res-  
17 toration project under this section, the Secretary shall  
18 enter into an agreement with non-Federal interests that  
19 requires the non-Federal interests to—

20 (1) provide 35 percent of the total cost of the  
21 restoration projects including provisions for nec-  
22 essary lands, easements, rights-of-way, relocations,  
23 and disposal sites;

24 (2) pay 100 percent of the operation, mainte-  
25 nance, repair, replacement, and rehabilitation costs

1 incurred after the date of the enactment of this Act  
2 that are associated with the restoration projects; and

3 (3) hold the United States harmless for any  
4 claim of damage that arises from the negligence of  
5 the Federal Government or a contractor of the Fed-  
6 eral Government.

7 (e) NON-FEDERAL INTERESTS.—Not withstanding  
8 section 221 of the Flood Control Act of 1970 (42 U.S.C.  
9 1962d–5b), a non-Federal interest for any project carried  
10 out under this section may include a nonprofit entity, with  
11 the consent of the local government.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated \$25,000,000 to carry out  
14 this section.

15 **SEC. ~~3060~~ 3064. 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. ~~3064~~ 3065. ORCHARD BEACH, BRONX, NEW YORK.**

5 Section 554 of the Water Resources Development Act  
6 of 1996 (110 Stat. 3781) is amended by striking  
7 “\$5,200,000” and inserting “\$18,200,000”.

8 **SEC. ~~3062~~ 3066. NEW YORK HARBOR, NEW YORK, NEW YORK.**

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

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

13 (2) by inserting after subsection (b) the fol-  
14 lowing:

15 “(c) DREDGED MATERIAL FACILITY.—

16 “(1) IN GENERAL.—The Secretary may enter  
17 into cost-sharing agreements with 1 or more non-  
18 Federal public interests with respect to a project, or  
19 group of projects within a geographic region, if ap-  
20 propriate, for the acquisition, design, construction,  
21 management, or operation of a dredged material  
22 processing, treatment, contaminant reduction, or  
23 disposal facility (including any facility used to dem-  
24 onstrate potential beneficial uses of dredged mate-  
25 rial, which may include effective sediment contami-

1       nant reduction technologies) using funds provided in  
2       whole or in part by the Federal Government.

3           “(2) PERFORMANCE.—One or more of the par-  
4       ties to the agreement may perform the acquisition,  
5       design, construction, management, or operation of a  
6       dredged material processing, treatment, contaminant  
7       reduction, or disposal facility.

8           “(3) MULTIPLE FEDERAL PROJECTS.—If ap-  
9       propriate, the Secretary may combine portions of  
10      separate Federal projects with appropriate combined  
11      cost-sharing between the various projects, if the fa-  
12      cility serves to manage dredged material from mul-  
13      tiple Federal projects located in the geographic re-  
14      gion of the facility.

15          “(4) PUBLIC FINANCING.—

16           “(A) AGREEMENTS.—

17           “(i) SPECIFIED FEDERAL FUNDING  
18           SOURCES AND COST SHARING.—The cost-  
19           sharing agreement used shall clearly speci-  
20           fy—

21                   “(I) the Federal funding sources  
22                   and combined cost-sharing when ap-  
23                   plicable to multiple Federal navigation  
24                   projects; and

1           “(II) the responsibilities and  
2 risks of each of the parties related to  
3 present and future dredged material  
4 managed by the facility.

5           “(ii) MANAGEMENT OF SEDIMENTS.—

6           “(I) IN GENERAL.—The cost-  
7 sharing agreement may include the  
8 management of sediments from the  
9 maintenance dredging of Federal  
10 navigation projects that do not have  
11 partnerships agreements.

12           “(II) PAYMENTS.—The cost-  
13 sharing agreement may allow the non-  
14 Federal interest to receive reimburs-  
15 able payments from the Federal Gov-  
16 ernment for commitments made by  
17 the non-Federal interest for disposal  
18 or placement capacity at dredged ma-  
19 terial treatment, processing, contami-  
20 nant reduction, or disposal facilities.

21           “(iii) CREDIT.—The cost-sharing  
22 agreement may allow costs incurred prior  
23 to execution of a partnership agreement  
24 for construction or the purchase of equip-  
25 ment or capacity for the project to be cred-

1           ited according to existing cost-sharing  
2           rules.

3           “(B) CREDIT.—

4                 “(i) EFFECT ON EXISTING AGREE-  
5           MENTS.—Nothing in this subsection super-  
6           sedes or modifies an agreement in effect on  
7           the date of enactment of this paragraph  
8           between the Federal Government and any  
9           other non-Federal interest for the cost-  
10          sharing, construction, and operation and  
11          maintenance of a Federal navigation  
12          project.

13                “(ii) CREDIT FOR FUNDS.—Subject to  
14          the approval of the Secretary and in ac-  
15          cordance with law (including regulations  
16          and policies) in effect on the date of enact-  
17          ment of this paragraph, a non-Federal  
18          public interest of a Federal navigation  
19          project may seek credit for funds provided  
20          for the acquisition, design, construction,  
21          management, or operation of a dredged  
22          material processing, treatment, or disposal  
23          facility to the extent the facility is used to  
24          manage dredged material from the Federal  
25          navigation project.

1                   “(iii) NON-FEDERAL INTEREST RE-  
 2                   SPONSIBILITIES.—The non-Federal inter-  
 3                   est shall—

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

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

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

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

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

17 **SEC. ~~3063~~ 3067. ONONDAGA LAKE, NEW YORK.**

18                  Section 573 of the Water Resources Development Act  
 19 of 1999 (113 Stat. 372) is amended—

20                  (1) in subsection (f), by striking “\$10,000,000”  
 21                  and inserting “\$30,000,000”;

22                  (2) by redesignating subsections (f) and (g) as  
 23                  subsections (g) and (h), respectively; and

24                  (3) by inserting after subsection (e) the fol-  
 25                  lowing:

1       “(f) NONPROFIT ENTITIES.—Notwithstanding sec-  
 2 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
 3 1962d–5b(b)), for any project carried out under this sec-  
 4 tion, a non-Federal interest may include a nonprofit enti-  
 5 ty, with the consent of the affected local government.”.

6 **SEC. ~~3064~~ 3068. MISSOURI RIVER RESTORATION, NORTH DA-**  
 7 **KOTA.**

8       Section 707(a) of the Water Resources Act of 2000  
 9 (114 Stat. 2699) is amended in the first sentence by strik-  
 10 ing “2005” and inserting “2010”.

11 **SEC. ~~3065~~ 3069. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

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

14           (1) by striking “\$2,500,000” and inserting  
 15 “\$5,500,000”; and

16           (2) by adding before the period at the end the  
 17 following: “(which repair and rehabilitation shall in-  
 18 clude lowering the crest of the Dam by not more  
 19 than 12.5 feet)”.

20 **SEC. ~~3066~~ 3070. TOUSSAINT RIVER NAVIGATION PROJECT,**  
 21 **CARROLL TOWNSHIP, OHIO.**

22       Increased operation and maintenance activities for  
 23 the Toussaint River Federal Navigation Project, Carroll  
 24 Township, Ohio, that are carried out in accordance with  
 25 section 107 of the River and Harbor Act of 1960 (33

1 U.S.C. 577) and relate directly to the presence of  
 2 unexploded ordnance, shall be carried out at full Federal  
 3 expense.

4 **SEC. ~~3067~~ 3071. ARCADIA LAKE, OKLAHOMA.**

5       Payments made by the city of Edmond, Oklahoma,  
 6 to the Secretary in October 1999 of all costs associated  
 7 with present and future water storage costs at Arcadia  
 8 Lake, Oklahoma, under Arcadia Lake Water Storage Con-  
 9 tract Number DACW56-79-C-002 shall satisfy the obli-  
 10 gations of the city under that contract.

11 **SEC. 3072. OKLAHOMA LAKE DEMONSTRATION, OKLAHOMA.**

12       (a) *RELEASE OF RETAINED RIGHTS, INTERESTS, AND*  
 13 *RESERVATIONS.—Each reversionary interest and use re-*  
 14 *striction relating to public parks and recreation on the land*  
 15 *conveyed by the Secretary to the State of Oklahoma at Lake*  
 16 *Texoma pursuant to the Act entitled “An Act to authorize*  
 17 *the sale of certain lands to the State of Oklahoma” (67 Stat.*  
 18 *62, chapter 118) is terminated.*

19       (b) *INSTRUMENT OF RELEASE.—As soon as prac-*  
 20 *ticable after the date of enactment of this Act, the Secretary*  
 21 *shall execute and file in the appropriate office a deed of*  
 22 *release, an amended deed, or another appropriate instru-*  
 23 *ment to release each interest and use restriction described*  
 24 *in subsection (a).*

1 **SEC. ~~3068~~ 3073. 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. ~~3069~~ 3074. LOOKOUT POINT, DEXTER LAKE PROJECT,**  
13 **LOWELL, OREGON.**

14 (a) IN GENERAL.—Subject to subsections (b) and (c),  
15 the Secretary shall convey at fair market value to the com-  
16 munity of Lowell, Oregon, all right, title, and interest of  
17 the United States in and to a parcel of land consisting  
18 of approximately 0.98 acres located in Lane County, Or-  
19 egon.

20 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The  
21 exact acreage and the description of the real property re-  
22 ferred to in subsection (a) shall be determined by a survey  
23 that is satisfactory to the Secretary.

24 (c) CONDITION.—The Secretary shall not complete  
25 the conveyance under subsection (a) until such time as the  
26 United States Forest Service—

1           (1) completes and certifies that necessary envi-  
 2           ronmental remediation associated with the structures  
 3           located on the property is complete; and

4           (2) transfers the structures to the Corps of En-  
 5           gineers.

6 **SEC. ~~3070~~ 3075. UPPER WILLAMETTE RIVER WATERSHED**  
 7                                   **ECOSYSTEM RESTORATION.**

8           (a) IN GENERAL.—The Secretary shall conduct stud-  
 9           ies and ecosystem restoration projects for the upper Wil-  
 10          lamette River watershed from Albany, Oregon, to the  
 11          headwaters of the Willamette River and tributaries.

12          (b) CONSULTATION.—The Secretary shall carry out  
 13          ecosystem restoration projects under this section for the  
 14          Upper Willamette River watershed in consultation with  
 15          the Governor of the State of Oregon, the heads of appro-  
 16          priate Indian tribes, the Environmental Protection Agen-  
 17          cy, the United States Fish and Wildlife Service, the Na-  
 18          tional Marine Fisheries Service, the Bureau of Land Man-  
 19          agement, the Forest Service, and local entities.

20          (c) AUTHORIZED ACTIVITIES.—In carrying out eco-  
 21          system restoration projects under this section, the Sec-  
 22          retary shall undertake activities necessary to protect, mon-  
 23          itor, and restore fish and wildlife habitat.

24          (d) COST SHARING REQUIREMENTS.—

1           (1) STUDIES.—Studies conducted under this  
2 section shall be subject to cost sharing in accordance  
3 with section 206 of the Water Resources Develop-  
4 ment Act of 1996 (33 U.S.C. 2330).

5           (2) ECOSYSTEM RESTORATION PROJECTS.—

6           (A) IN GENERAL.—Non-Federal interests  
7 shall pay 35 percent of the cost of any eco-  
8 system restoration project carried out under  
9 this section.

10          (B) ITEMS PROVIDED BY NON-FEDERAL  
11 INTERESTS.—

12           (i) IN GENERAL.—Non-Federal inter-  
13 ests shall provide all land, easements,  
14 rights-of-way, dredged material disposal  
15 areas, and relocations necessary for eco-  
16 system restoration projects to be carried  
17 out under this section.

18           (ii) CREDIT TOWARD PAYMENT.—The  
19 value of the land, easements, rights-of-way,  
20 dredged material disposal areas, and relo-  
21 cations provided under paragraph (1) shall  
22 be credited toward the payment required  
23 under subsection (a).

24           (C) IN-KIND CONTRIBUTIONS.—100 per-  
25 cent of the non-Federal share required under

1 subsection (a) may be satisfied by the provision  
2 of in-kind contributions.

3 (3) OPERATIONS AND MAINTENANCE.—Non-  
4 Federal interests shall be responsible for all costs as-  
5 sociated with operating, maintaining, replacing, re-  
6 pairing, and rehabilitating all projects carried out  
7 under this section.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$15,000,000.

11 **SEC. ~~3071~~ 3076. TIOGA TOWNSHIP, PENNSYLVANIA.**

12 (a) IN GENERAL.—The Secretary shall convey to the  
13 Tioga Township, Pennsylvania, at fair market value, all  
14 right, title, and interest in and to the parcel of real prop-  
15 erty located on the northeast end of Tract No. 226, a por-  
16 tion of the Tioga-Hammond Lakes Floods Control  
17 Project, Tioga County, Pennsylvania, consisting of ap-  
18 proximately 8 acres, together with any improvements on  
19 that property, in as-is condition, for public ownership and  
20 use as the site of the administrative offices and road main-  
21 tenance complex for the Township.

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

1           (c) RESERVATION OF INTERESTS.—The Secretary  
 2 shall reserve such rights and interests in and to the prop-  
 3 erty to be conveyed as the Secretary considers necessary  
 4 to preserve the operational integrity and security of the  
 5 Tioga-Hammond Lakes Flood Control Project.

6           (d) REVERSION.—If the Secretary determines that  
 7 the property conveyed under subsection (a) ceases to be  
 8 held in public ownership, or to be used as a site for the  
 9 Tioga Township administrative offices and road mainte-  
 10 nance complex or for related public purposes, all right,  
 11 title, and interest in and to the property shall revert to  
 12 the United States, at the option of the United States.

13 **SEC. ~~3072~~ 3077. UPPER SUSQUEHANNA RIVER BASIN, PENN-**  
 14 **SYLVANIA AND NEW YORK.**

15           Section 567 of the Water Resources Development Act  
 16 of 1996 (110 Stat. 3787) is amended—

17           (1) by striking subsection (c) and inserting the  
 18 following:

19           “(c) COOPERATION AGREEMENTS.—

20           “(1) IN GENERAL.—In conducting the study  
 21 and implementing the strategy under this section,  
 22 the Secretary shall enter into cost-sharing and  
 23 project cooperation agreements with the Federal  
 24 Government, State and local governments (with the  
 25 consent of the State and local governments), land

1 trusts, or nonprofit, nongovernmental organizations  
2 with expertise in wetland restoration.

3 “(2) FINANCIAL ASSISTANCE.—Under the co-  
4 operation agreement, the Secretary may provide as-  
5 sistance for implementation of wetland restoration  
6 projects and soil and water conservation measures.”;  
7 and

8 (2) by striking subsection (d) and inserting the  
9 following:

10 “(d) IMPLEMENTATION OF STRATEGY.—

11 “(1) IN GENERAL.—The Secretary shall carry  
12 out the development, demonstration, and implemen-  
13 tation of the strategy under this section in coopera-  
14 tion with local landowners, local government offi-  
15 cials, and land trusts.

16 “(2) GOALS OF PROJECTS.—Projects to imple-  
17 ment the strategy under this subsection shall be de-  
18 signed to take advantage of ongoing or planned ac-  
19 tions by other agencies, local municipalities, or non-  
20 profit, nongovernmental organizations with expertise  
21 in wetland restoration that would increase the effec-  
22 tiveness or decrease the overall cost of implementing  
23 recommended projects.”.

1 **SEC. ~~3073~~ 3078. COOPER RIVER BRIDGE DEMOLITION,**  
2 **CHARLESTON, 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. ~~3074~~ 3079. SOUTH CAROLINA DEPARTMENT OF COM-**  
16 **MERCE DEVELOPMENT PROPOSAL AT RICH-**  
17 **ARD B. RUSSELL LAKE, SOUTH CAROLINA.**

18 (a) IN GENERAL.—The Secretary shall convey to the  
19 State of South Carolina, by quitclaim deed, all right, title,  
20 and interest of the United States in and to the parcels  
21 of land described in subsection (b)(1) that are managed,  
22 as of the date of enactment of this Act, by the South Caro-  
23 lina Department of Commerce for public recreation pur-  
24 poses for the Richard B. Russell Dam and Lake, South  
25 Carolina, project authorized by section 203 of the Flood  
26 Control Act of 1966 (80 Stat. 1420).

1 (b) LAND DESCRIPTION.—

2 (1) IN GENERAL.—Subject to paragraphs (2)  
3 and (3), the parcels of land referred to in subsection  
4 (a) are the parcels contained in the portion of land  
5 described in Army Lease Number DACW21-1-92-  
6 0500.

7 (2) RETENTION OF INTERESTS.—The United  
8 States shall retain—

9 (A) ownership of all land included in the  
10 lease referred to in paragraph (1) that would  
11 have been acquired for operational purposes in  
12 accordance with the 1971 implementation of the  
13 1962 Army/Interior Joint Acquisition Policy;  
14 and

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

19 (3) SURVEY.—The exact acreage and legal de-  
20 scription of the land described in paragraph (1) shall  
21 be determined by a survey satisfactory to the Sec-  
22 retary, with the cost of the survey to be paid by the  
23 State.

24 (c) GENERAL PROVISIONS.—

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

5           (2) ADDITIONAL TERMS AND CONDITIONS.—  
6 The Secretary may require that the conveyance  
7 under this section be subject to such additional  
8 terms and conditions as the Secretary considers ap-  
9 propriate to protect the interests of the United  
10 States.

11           (3) COSTS OF CONVEYANCE.—

12           (A) IN GENERAL.—The State shall be re-  
13 sponsible for all costs, including real estate  
14 transaction and environmental compliance  
15 costs, associated with the conveyance under this  
16 section.

17           (B) FORM OF CONTRIBUTION.—As deter-  
18 mined appropriate by the Secretary, in lieu of  
19 payment of compensation to the United States  
20 under subparagraph (A), the State may per-  
21 form certain environmental or real estate ac-  
22 tions associated with the conveyance under this  
23 section if those actions are performed in close  
24 coordination with, and to the satisfaction of, the  
25 United States.

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

6           (d) ADDITIONAL TERMS AND CONDITIONS.—

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

11           (2) NO EFFECT ON SHORE MANAGEMENT POL-  
12 ICY.—The Shoreline Management Policy (ER-1130-  
13 2-406) of the Corps of Engineers shall not be  
14 changed or altered for any proposed development of  
15 land conveyed under this section.

16           (3) FEDERAL STATUTES.—The conveyance  
17 under this section shall be subject to the National  
18 Environmental Policy Act of 1969 (42 U.S.C. 4321  
19 et seq.) (including public review under that Act) and  
20 other Federal statutes.

21           (4) COST SHARING.—In carrying out the con-  
22 veyance under this section, the Secretary and the  
23 State shall comply with all obligations of any cost  
24 sharing agreement between the Secretary and the  
25 State in effect as of the date of the conveyance.



1           (2) in subsection (h) (as redesignated by para-  
2           graph (1)), by striking paragraph (1) and inserting  
3           the following:

4           “(1) NON-FEDERAL SHARE.—

5           “(A) IN GENERAL.—The non-Federal  
6           share of the cost of projects may be provided—

7           “(i) in cash;

8           “(ii) by the provision of land, ease-  
9           ments, rights-of-way, relocations, or dis-  
10          posal areas;

11          “(iii) by in-kind services to implement  
12          the project; or

13          “(iv) by any combination of the fore-  
14          going.

15          “(B) PRIVATE OWNERSHIP.—Land needed  
16          for a project under this authority may remain  
17          in private ownership subject to easements that  
18          are—

19          “(i) satisfactory to the Secretary; and

20          “(ii) necessary to assure achievement  
21          of the project purposes.”;

22          (3) in subsection (i) (as redesignated by para-  
23          graph (1)), by striking “for the period of fiscal years  
24          2000 and 2001.” and inserting “per year, and that

1 authority shall extend until Federal fiscal year  
2 2015.”; and

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

5 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-  
6 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
7 1962d–5b(b)), for any project undertaken under this sec-  
8 tion, a non-Federal interest may include a nonprofit entity  
9 with the consent of the affected local government.

10 “(g) COST LIMITATION.—Not more than \$5,000,000  
11 in Federal funds may be allotted under this section for  
12 a project at any single locality.”

13 **SEC. ~~3077~~ 3082. ANDERSON CREEK, JACKSON AND MADISON**  
14 **COUNTIES, TENNESSEE.**

15 (a) IN GENERAL.—The Secretary may carry out a  
16 project for flood damage reduction under section 205 of  
17 the Flood Control Act of 1948 (33 U.S.C. 701s) at Ander-  
18 son Creek, Jackson and Madison Counties, Tennessee, if  
19 the Secretary determines that the project is technically  
20 sound, environmentally acceptable, and economically justi-  
21 fied.

22 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-  
23 TARIES PROJECT, TENNESSEE.—Consistent with the re-  
24 port of the Chief of Engineers dated March 24, 1948, on  
25 the West Tennessee Tributaries project—

1           (1) Anderson Creek shall not be considered to  
2           be an authorized channel of the West Tennessee  
3           Tributaries Project; and

4           (2) the Anderson Creek flood damage reduction  
5           project shall not be considered to be part of the  
6           West Tennessee Tributaries Project.

7   **SEC. ~~3078~~ 3083. HARRIS FORK CREEK, TENNESSEE AND KEN-**  
8                                   **TUCKY.**

9           Notwithstanding section 1001(b)(1) of the Water Re-  
10          sources Development Act of 1986 (33 U.S.C. 579a), the  
11          project for flood control, Harris Fork Creek, Tennessee  
12          and Kentucky, authorized by section 102 of the Water Re-  
13          sources Development Act of 1976 (33 U.S.C. 701c note;  
14          90 Stat. 2920) shall remain authorized to be carried out  
15          by the Secretary for a period of 7 years beginning on the  
16          date of enactment of this Act.

17   **SEC. ~~3079~~ 3084. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

18          The project for flood control, Nonconnah Creek, Ten-  
19          nessee and Mississippi, authorized by section 401 of the  
20          Water Resources Development Act of 1986 (100 Stat.  
21          4124) and modified by the section 334 of the Water Re-  
22          sources Development Act of 2000 (114 Stat. 2611), is  
23          modified to authorize the Secretary—



1 of Engineers with respect to an authorized purpose of any  
2 project.

3 **SEC. ~~3084~~ 3086. SANDY CREEK, JACKSON COUNTY, TEN-**  
4 **NESSEE.**

5 (a) IN GENERAL.—The Secretary may carry out a  
6 project for flood damage reduction under section 205 of  
7 the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy  
8 Creek, Jackson County, Tennessee, if the Secretary deter-  
9 mines that the project is technically sound, environ-  
10 mentally acceptable, and economically justified.

11 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-  
12 TARIES PROJECT, TENNESSEE.—Consistent with the re-  
13 port of the Chief of Engineers dated March 24, 1948, on  
14 the West Tennessee Tributaries project—

15 (1) Sandy Creek shall not be considered to be  
16 an authorized channel of the West Tennessee Tribu-  
17 taries Project; and

18 (2) the Sandy Creek flood damage reduction  
19 project shall not be considered to be part of the  
20 West Tennessee Tributaries Project.

21 **SEC. ~~3082~~ 3087. CEDAR BAYOU, TEXAS.**

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

1 and inserting “except that the project is authorized for  
2 construction of a navigation channel that is 10 feet deep  
3 by 100 feet wide”.

4 **SEC. ~~3083~~ 3088. FREEPORT HARBOR, TEXAS.**

5 (a) IN GENERAL.—The project for navigation, Free-  
6 port Harbor, Texas, authorized by section 101 of the River  
7 and Harbor Act of 1970 (84 Stat. 1818), is modified to  
8 provide that—

9 (1) all project costs incurred as a result of the  
10 discovery of the sunken vessel COMSTOCK of the  
11 Corps of Engineers are a Federal responsibility; and

12 (2) the Secretary shall not seek further obliga-  
13 tion or responsibility for removal of the vessel COM-  
14 STOCK, or costs associated with a delay due to the  
15 discovery of the sunken vessel COMSTOCK, from  
16 the Port of Freeport.

17 (b) COST SHARING.—This section does not affect the  
18 authorized cost sharing for the balance of the project de-  
19 scribed in subsection (a).

20 **SEC. ~~3084~~ 3089. HARRIS COUNTY, TEXAS.**

21 Section 575(b) of the Water Resources Development  
22 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-  
23 ed—

24 (1) in paragraph (3), by striking “and” at the  
25 end;

1           (2) in paragraph (4), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by adding the following:

4           “(5) the project for flood control, Upper White  
5           Oak Bayou, Texas, authorized by section 401(a) of  
6           the Water Resources Development Act of 1986 (100  
7           Stat. 4125).”.

8   **SEC. ~~3085~~ 3090. DAM REMEDIATION, VERMONT.**

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

11           (1) in subsection (a)—

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

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

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

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

20           (2) in subsection (b), by adding at the end the  
21          following:

22                   “(11) Camp Wapanacki, Hardwick.

23                   “(12) Star Lake Dam, Mt. Holly.

24                   “(13) Curtis Pond, Calais.

25                   “(14) Weathersfield Reservoir, Springfield.

1 “(15) Burr Pond, Sudbury.

2 “(16) Maidstone Lake, Guildhall.

3 “(17) Upper and Lower Hurricane Dam.

4 “(18) Lake Fairlee.

5 “(19) West Charleston Dam.”.

6 **SEC. ~~3086~~ 3091. LAKE CHAMPLAIN EURASIAN MILFOIL,**  
 7 **WATER CHESTNUT, AND OTHER NONNATIVE**  
 8 **PLANT CONTROL, VERMONT.**

9 Under authority of section 104 of the River and Har-  
 10 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-  
 11 vise the existing General Design Memorandum to permit  
 12 the use of chemical means of control, when appropriate,  
 13 of Eurasian milfoil, water chestnuts, and other nonnative  
 14 plants in the Lake Champlain basin, Vermont.

15 **SEC. ~~3087~~ 3092. UPPER CONNECTICUT RIVER BASIN WET-**  
 16 **LAND RESTORATION, VERMONT AND NEW**  
 17 **HAMPSHIRE.**

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. ~~3088~~ 3093. UPPER CONNECTICUT RIVER BASIN ECO-**  
5 **SYSTEM RESTORATION, VERMONT AND NEW**  
6 **HAMPSHIRE.**

7 (a) GENERAL MANAGEMENT PLAN DEVELOP-  
8 MENT.—

9 (1) The Secretary, in cooperation with the Sec-  
10 retary of Agriculture and in consultation with the  
11 States of Vermont and New Hampshire and the  
12 Connecticut River Joint Commission, shall conduct a  
13 study and develop a general management plan for  
14 ecosystem restoration of the Upper Connecticut  
15 River ecosystem for the purposes of—

- 16 (A) habitat protection and restoration;
- 17 (B) streambank stabilization;
- 18 (C) restoration of stream stability;
- 19 (D) water quality improvement;
- 20 (E) invasive species control;
- 21 (F) wetland restoration;
- 22 (G) fish passage; and
- 23 (H) natural flow restoration.

24 (2) EXISTING PLANS.—In developing the gen-  
25 eral management plan, the Secretary shall depend

1 heavily on existing plans for the restoration of the  
2 Upper Connecticut River.

3 (b) CRITICAL RESTORATION PROJECTS.—

4 (1) IN GENERAL.—The Secretary may partici-  
5 pate in any critical restoration project in the Upper  
6 Connecticut River Basin in accordance with the gen-  
7 eral management plan developed under subsection  
8 (a).

9 (2) ELIGIBLE PROJECTS.—A critical restoration  
10 project shall be eligible for assistance under this sec-  
11 tion if the project—

12 (A) meets the purposes described in the  
13 general management plan developed under sub-  
14 section (a); and

15 (B) with respect to the Upper Connecticut  
16 River and Upper Connecticut River watershed,  
17 consists of—

18 (i) bank stabilization of the main  
19 stem, tributaries, and streams;

20 (ii) wetland restoration and migratory  
21 bird habitat restoration;

22 (iii) soil and water conservation;

23 (iv) restoration of natural flows;

24 (v) restoration of stream stability;

- 1 (vi) implementation of an intergovern-  
2 mental agreement for coordinating eco-  
3 system restoration, fish passage installa-  
4 tion, streambank stabilization, wetland res-  
5 toration, habitat protection and restora-  
6 tion, or natural flow restoration;
- 7 (vii) water quality improvement;
- 8 (viii) invasive species control;
- 9 (ix) wetland restoration and migratory  
10 bird habitat restoration;
- 11 (x) improvements in fish migration;
- 12 and
- 13 (xi) conduct of any other project or  
14 activity determined to be appropriate by  
15 the Secretary.

16 (c) COST SHARING.—The Federal share of the cost  
17 of any project carried out under this section shall not be  
18 less than 65 percent.

19 (d) NON-FEDERAL INTEREST.—A nonprofit organi-  
20 zation may serve as the non-Federal interest for a project  
21 carried out under this section.

22 (e) CREDITING.—

23 (1) FOR WORK.—The Secretary shall provide  
24 credit, including credit for in-kind contributions of  
25 up to 100 percent of the non-Federal share, for

1 work (including design work and materials) if the  
 2 Secretary determines that the work performed by  
 3 the non-Federal interest is integral to the product.

4 (2) FOR OTHER CONTRIBUTIONS.—The non-  
 5 Federal interest shall receive credit for land, ease-  
 6 ments, rights-of-way, dredged material disposal  
 7 areas, and relocations necessary to implement the  
 8 projects.

9 (f) COOPERATIVE AGREEMENTS.—In carrying out  
 10 this section, the Secretary may enter into 1 or more coop-  
 11 erative agreements to provide financial assistance to ap-  
 12 propriate Federal, State, or local governments or non-  
 13 profit agencies, including assistance for the implementa-  
 14 tion of projects to be carried out under subsection (b).

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 16 authorized to be appropriated to carry out this section  
 17 \$20,000,000, to remain available until expended.

18 **SEC. ~~3089~~ 3094. LAKE CHAMPLAIN WATERSHED, VERMONT**

19 **AND NEW YORK.**

20 Section 542 of the Water Resources Development Act  
 21 of 2000 (42 Stat. 2671) is amended—

22 (1) in subsection (b)(2)—

23 (A) in subparagraph (D), by striking “or”  
 24 at the end;

1 (B) by redesignating subparagraph (E) as  
2 subparagraph (G); and

3 (C) by inserting after subparagraph (D)  
4 the following:

5 “(E) river corridor assessment, protection,  
6 management, and restoration for the purposes  
7 of ecosystem restoration;

8 “(F) geographic mapping conducted by the  
9 Secretary using existing technical capacity to  
10 produce a high-resolution, multispectral satellite  
11 imagery-based land use and cover data set; or”;  
12 and

13 (2) in subsection (g), by striking  
14 “\$20,000,000” and inserting “\$32,000,000”.

15 **SEC. ~~3090~~ 3095. CHESAPEAKE BAY OYSTER RESTORATION,**  
16 **VIRGINIA AND MARYLAND.**

17 Section 704(b) of the Water Resources Development  
18 Act of 1986 (33 U.S.C. 2263(b)) is amended—

19 (1) by redesignating paragraph (2) as para-  
20 graph (4);

21 (2) in paragraph (1)—

22 (A) in the second sentence, by striking  
23 “\$20,000,000” and inserting “\$50,000,000”;  
24 and

1 (B) in the third sentence, by striking  
2 “Such projects” and inserting the following:

3 “(2) INCLUSIONS.—Such projects”;

4 (3) by striking paragraph (2)(D) (as redesignig-  
5 nated by paragraph (2)(B)) and inserting the fol-  
6 lowing:

7 “(D) the restoration and rehabilitation of  
8 habitat for fish, including native oysters, in the  
9 Chesapeake Bay and its tributaries in Virginia  
10 and Maryland, including—

11 “(i) the construction of oyster bars  
12 and reefs;

13 “(ii) the rehabilitation of existing  
14 marginal habitat;

15 “(iii) the use of appropriate alter-  
16 native substrate material in oyster bar and  
17 reef construction;

18 “(iv) the construction and upgrading  
19 of oyster hatcheries; and

20 “(v) activities relating to increasing  
21 the output of native oyster broodstock for  
22 seeding and monitoring of restored sites to  
23 ensure ecological success.

1           “(3) RESTORATION AND REHABILITATION AC-  
2           TIVITIES.—The restoration and rehabilitation activi-  
3           ties described in paragraph (2)(D) shall be—

4                   “(A) for the purpose of establishing per-  
5                   manent sanctuaries and harvest management  
6                   areas; and

7                   “(B) consistent with plans and strategies  
8                   for guiding the restoration of the Chesapeake  
9                   Bay oyster resource and fishery.”; and  
10           (4) by adding at the end the following:

11           “(5) DEFINITION OF ECOLOGICAL SUCCESS.—  
12           In this subsection, the term ‘ecological success’  
13           means—

14                   “(A) achieving a tenfold increase in native  
15                   oyster biomass by the year 2010, from a 1994  
16                   baseline; and

17                   “(B) the establishment of a sustainable  
18                   fishery as determined by a broad scientific and  
19                   economic consensus.”.

20 **SEC. ~~3091~~ 3096. TANGIER ISLAND SEAWALL, VIRGINIA.**

21           Section 577(a) of the Water Resources Development  
22 Act of 1996 (110 Stat. 3789) is amended by striking “at  
23 a total cost of \$1,200,000, with an estimated Federal cost  
24 of \$900,000 and an estimated non-Federal cost of  
25 \$300,000.” and inserting “at a total cost of \$3,000,000,

1 with an estimated Federal cost of \$2,400,000 and an esti-  
2 mated non-Federal cost of \$600,000.”.

3 **SEC. ~~3092~~ 3097. EROSION CONTROL, PUGET ISLAND,**  
4 **WAHIAKUM COUNTY, WASHINGTON.**

5 (a) IN GENERAL.—The Lower Columbia River levees  
6 and bank protection works authorized by section 204 of  
7 the Flood Control Act of 1950 (64 Stat. 178) is modified  
8 with regard to the Wahkiakum County diking districts No.  
9 1 and 3, but without regard to any cost ceiling authorized  
10 before the date of enactment of this Act, to direct the Sec-  
11 retary to provide a 1-time placement of dredged material  
12 along portions of the Columbia River shoreline of Puget  
13 Island, Washington, between river miles 38 to 47, to pro-  
14 tect economic and environmental resources in the area  
15 from further erosion.

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

18 (1) in coordination with appropriate resource  
19 agencies;

20 (2) in accordance with all applicable Federal  
21 law (including regulations); and

22 (3) at full Federal expense.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to carry out this section  
25 \$1,000,000.

1 **SEC. ~~3093~~ 3098. LOWER GRANITE POOL, WASHINGTON.**

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

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

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

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

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

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

22 (2) Auditor's File Numbers 125806, 138801,  
23 147888, 154511, 156928, and 176360 of Asotin  
24 County, Washington.

25 (c) **NO EFFECT ON OTHER RIGHTS.**—Nothing in this  
26 section affects any remaining rights and interests of the

1 Corps of Engineers for authorized project purposes in or  
2 to property covered by a deed described in subsection (b).

3 **SEC. ~~3094~~ 3099. MCNARY LOCK AND DAM, MCNARY NATIONAL**  
4 **WILDLIFE REFUGE, WASHINGTON AND**  
5 **IDAHO.**

6 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
7 TION.—Administrative jurisdiction over the land acquired  
8 for the McNary Lock and Dam Project and managed by  
9 the United States Fish and Wildlife Service under Cooper-  
10 ative Agreement Number DACW68–4–00–13 with the  
11 Corps of Engineers, Walla Walla District, is transferred  
12 from the Secretary to the Secretary of the Interior.

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

17 (c) RIGHTS OF SECRETARY.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (3), the Secretary shall retain rights described  
20 in paragraph (2) with respect to the land for which  
21 administrative jurisdiction is transferred under sub-  
22 section (a).

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

1 (A) to flood land described in subsection  
2 (a) to the standard project flood elevation;

3 (B) to manipulate the level of the McNary  
4 Project Pool;

5 (C) to access such land described in sub-  
6 section (a) as may be required to install, main-  
7 tain, and inspect sediment ranges and carry out  
8 similar activities;

9 (D) to construct and develop wetland, ri-  
10 parian habitat, or other environmental restora-  
11 tion features authorized under section 1135 of  
12 the Water Resources Development Act of 1986  
13 (33 U.S.C. 2309a) and section 206 of the  
14 Water Resources Development Act of 1996 (33  
15 U.S.C. 2330);

16 (E) to dredge and deposit fill materials;  
17 and

18 (F) to carry out management actions for  
19 the purpose of reducing the take of juvenile  
20 salmonids by avian colonies that inhabit, before,  
21 on, or after the date of enactment of this Act,  
22 any island included in the land described in  
23 subsection (a).

24 (3) COORDINATION.—Before exercising a right  
25 described in any of subparagraphs (C) through (F)

1 of paragraph (2), the Secretary shall coordinate the  
2 exercise with the United States Fish and Wildlife  
3 Service.

4 (d) MANAGEMENT.—

5 (1) IN GENERAL.—The land described in sub-  
6 section (a) shall be managed by the Secretary of the  
7 Interior as part of the McNary National Wildlife  
8 Refuge.

9 (2) CUMMINS PROPERTY.—

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

24 (B) SITE DEVELOPMENT PLAN.—The  
25 United States Fish and Wildlife Service shall



1 **SEC. ~~3096~~ 3101. MARMET LOCK, KANAWHA RIVER, WEST VIR-**  
 2 **GINIA.**

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

6 **SEC. ~~3097~~ 3102. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

7 The project for flood control at Milton, West Virginia,  
 8 authorized by section 580 of the Water Resources Devel-  
 9 opment Act of 1996 (110 Stat. 3790), as modified by sec-  
 10 tion 340 of the Water Resources Development Act of 2000  
 11 (114 Stat. 2612), is modified to authorize the Secretary  
 12 to construct the project substantially in accordance with  
 13 the draft report of the Corps of Engineers dated May  
 14 2004, at an estimated total cost of \$45,500,000, with an  
 15 estimated Federal cost of \$34,125,000 and an estimated  
 16 non-Federal cost of \$11,375,000.

17 **SEC. 3103. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**  
 18 **CONSIN.**

19 *The portion of the inner harbor of the Federal naviga-*  
 20 *tion channel of the Green Bay Harbor project, authorized*  
 21 *under the first section of the Act entitled “An Act making*  
 22 *appropriations for the construction, repair, and preserva-*  
 23 *tion of certain public works on rivers and harbors, and for*  
 24 *other purposes”, approved July 5, 1884 (commonly known*  
 25 *as the “River and Harbor Act of 1884”) (23 Stat. 136,*

1 *chapter 229), from Station 190+00 to Station 378+00 is*  
 2 *authorized to a width of 75 feet and a depth of 6 feet.*

3 **SEC. ~~3098~~ 3104. UNDERWOOD CREEK DIVERSION FACILITY**  
 4 **PROJECT, MILWAUKEE COUNTY, WISCONSIN.**

5 Section 212(e) of the Water Resources Development  
 6 Act of 1999 (33 U.S.C. 2332) is amended—

7 (1) in paragraph (22), by striking “and” at the  
 8 end;

9 (2) in paragraph (23), by striking the period at  
 10 the end and inserting “; and”; and

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

12 “(24) Underwood Creek Diversion Facility  
 13 Project (County Grounds), Milwaukee County, Wis-  
 14 consin.”.

15 **SEC. ~~3099~~ 3105. MISSISSIPPI RIVER HEADWATERS RES-**  
 16 **ERVOIRS.**

17 Section 21 of the Water Resources Development Act  
 18 of 1988 (102 Stat. 4027) is amended—

19 (1) in subsection (a)—

20 (A) by striking “1276.42” and inserting  
 21 “1278.42”;

22 (B) by striking “1218.31” and inserting  
 23 “1221.31”; and

24 (C) by striking “1234.82” and inserting  
 25 “1235.30”; and

1           (2) by striking subsection (b) and inserting the  
2 following:

3           “(b) EXCEPTION.—

4           “(1) IN GENERAL.—The Secretary may operate  
5 the headwaters reservoirs below the minimum or  
6 above the maximum water levels established under  
7 subsection (a) in accordance with water control reg-  
8 ulation manuals (or revisions to those manuals) de-  
9 veloped by the Secretary, after consultation with the  
10 Governor of Minnesota and affected tribal govern-  
11 ments, landowners, and commercial and recreational  
12 users.

13           “(2) EFFECTIVE DATE OF MANUALS.—The  
14 water control regulation manuals referred to in  
15 paragraph (1) (and any revisions to those manuals)  
16 shall be effective as of the date on which the Sec-  
17 retary submits the manuals (or revisions) to Con-  
18 gress.

19           “(3) NOTIFICATION.—

20           “(A) IN GENERAL.—Except as provided in  
21 subparagraph (B), not less than 14 days before  
22 operating any headwaters reservoir below the  
23 minimum or above the maximum water level  
24 limits specified in subsection (a), the Secretary

1 shall submit to Congress a notice of intent to  
 2 operate the headwaters reservoir.

3 “(B) EXCEPTION.—Notice under subpara-  
 4 graph (A) shall not be required in any case in  
 5 which—

6 “(i) the operation of a headwaters res-  
 7 ervoir is necessary to prevent the loss of  
 8 life or to ensure the safety of a dam; or

9 “(ii) the drawdown of the water level  
 10 of the reservoir is in anticipation of a flood  
 11 control operation.”.

12 **SEC. ~~3100~~ 3106. LOWER MISSISSIPPI RIVER MUSEUM AND**  
 13 **RIVERFRONT INTERPRETIVE SITE.**

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

19 **SEC. ~~3101~~ 3107. PILOT PROGRAM, MIDDLE MISSISSIPPI**  
 20 **RIVER.**

21 (a) IN GENERAL.—In accordance with the project for  
 22 navigation, Mississippi River between the Ohio and Mis-  
 23 souri Rivers (Regulating Works), Missouri and Illinois,  
 24 authorized by the Act of June 25, 1910 (36 Stat. 631,  
 25 chapter 382) (commonly known as the “River and Harbor

1 Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010,  
2 chapter 47) (commonly known as the “River and Harbor  
3 Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918),  
4 the Secretary shall carry out over at least a 10-year period  
5 a pilot program to restore and protect fish and wildlife  
6 habitat in the middle Mississippi River.

7 (b) AUTHORIZED ACTIVITIES.—

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

15 (2) INCLUSIONS.—Activities authorized under  
16 paragraph (1) shall include—

17 (A) the modification of navigation training  
18 structures;

19 (B) the modification and creation of side  
20 channels;

21 (C) the modification and creation of is-  
22 lands;

23 (D) any studies and analysis necessary to  
24 develop adaptive management principles; and



1 **SEC. 3109. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
2 **TORATION PROGRAM.**

3 (a) *GREAT LAKES FISHERY AND ECOSYSTEM RES-*  
4 *TORATION.*—Section 506(c) of the Water Resources Develop-  
5 *ment Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—*

6 (1) *by redesignating paragraphs (2) and (3) as*  
7 *paragraphs (3) and (4), respectively;*

8 (2) *by inserting after paragraph (1) the fol-*  
9 *lowing:*

10 “(2) *RECONNAISSANCE STUDIES.*—*Before plan-*  
11 *ning, designing, or constructing a project under para-*  
12 *graph (3), the Secretary shall carry out a reconnais-*  
13 *sance study—*

14 (A) *to identify methods of restoring the*  
15 *fishery, ecosystem, and beneficial uses of the*  
16 *Great Lakes; and*

17 (B) *to determine whether planning of a*  
18 *project under paragraph (3) should proceed.”;*  
19 *and*

20 (3) *in paragraph (4)(A) (as redesignated by*  
21 *paragraph (1)), by striking “paragraph (2)” and in-*  
22 *serting “paragraph (3)”.*

23 (b) *COST SHARING.*—Section 506(f) of the Water Re-  
24 *sources Development Act of 2000 (42 U.S.C. 1962d–22(f))*  
25 *is amended—*



**TITLE IV—STUDIES****2 SEC. 4001. EURASIAN MILFOIL.**

3 Under the authority of section 104 of the River and  
4 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall  
5 carry out a study, at full Federal expense, to develop na-  
6 tional protocols for the use of the *Euhrychiopsis lecontei*  
7 weevil for biological control of Eurasian milfoil in the lakes  
8 of Vermont and other northern tier States.

**9 SEC. 4002. NATIONAL PORT STUDY.**

10 (a) IN GENERAL.—The Secretary, in consultation  
11 with the Secretary of Transportation, shall conduct a  
12 study of the ability of coastal or deepwater port infrastruc-  
13 ture to meet current and projected national economic  
14 needs.

15 (b) COMPONENTS.—In conducting the study, the Sec-  
16 retary shall—

17 (1) consider—

18 (A) the availability of alternate transpor-  
19 tation destinations and modes;

20 (B) the impact of larger cargo vessels on  
21 existing port capacity; and

22 (C) practicable, cost-effective congestion  
23 management alternatives; and

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

4           (c) REPORT.—Not later than 180 days after the date  
5 of enactment of this Act, the Secretary shall submit to  
6 the Committee on Environment and Public Works of the  
7 Senate and the Committee on Transportation and Infra-  
8 structure of the House of Representatives a report that  
9 describes the results of the study.

10 **SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
11 **TION CHANNEL.**

12           (a) IN GENERAL.—To determine with improved accu-  
13 racy the environmental impacts of the project on the  
14 McClellan-Kerr Arkansas River Navigation Channel (re-  
15 ferred to in this section as the “MKARN”), the Secretary  
16 shall carry out the measures described in ~~subsections (b)~~  
17 ~~and (c)~~ *subsection (b)* in a timely manner.

18           ~~(b) NATIONAL ENVIRONMENTAL POLICY ACT ANAL-~~  
19 ~~YSIS.—In carrying out the responsibility of the Secretary~~  
20 ~~under the National Environmental Policy Act of 1969 (42~~  
21 ~~U.S.C. 4321 et seq.) under this section, the Secretary~~  
22 ~~shall include consideration of—~~

23           ~~(1) the environmental impacts associated with~~  
24 ~~transporting an equivalent quantity of goods on Fed-~~  
25 ~~eral, State, and county roads and such other alter-~~

1 native modes of transportation and alternative des-  
2 tinations as are estimated to be transported on the  
3 ~~MKARN~~;

4 (2) the impacts associated with air quality;

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

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

11 (e) (b) SPECIES STUDY.—

12 (1) IN GENERAL.—The Secretary, in conjunc-  
13 tion with Oklahoma State University, shall convene  
14 a panel of experts with acknowledged expertise in  
15 wildlife biology and genetics to review the available  
16 scientific information regarding the genetic variation  
17 of various sturgeon species and possible hybrids of  
18 those species that, as determined by the United  
19 States Fish and Wildlife Service, may exist in any  
20 portion of the ~~MKARN~~.

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

1 (A) the level of genetic variation between  
2 populations of sturgeon sufficient to determine  
3 or establish that a population is a measurably  
4 distinct species, subspecies, or population seg-  
5 ment; and

6 (B) whether any pallid sturgeons that may  
7 be found in the MKARN (including any tribu-  
8 tary of the MKARN) would qualify as such a  
9 distinct species, subspecies, or population seg-  
10 ment.

11 **SEC. 4004. SELENIUM STUDY, COLORADO.**

12 (a) IN GENERAL.—The Secretary, in consultation  
13 with State water quality and resource and conservation  
14 agencies, shall conduct regional and watershed-wide stud-  
15 ies to address selenium concentrations in the State of Col-  
16 orado, including studies—

17 (1) to measure selenium on specific sites; and

18 (2) to determine whether specific selenium  
19 measures studied should be recommended for use in  
20 demonstration projects.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$5,000,000.

1 **SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

2       The Secretary shall carry out a study for bank sta-  
3 bilization and shore protection for Nicholas Canyon, Los  
4 Angeles, California, under section 3 of the Act of August  
5 13, 1946 (33 U.S.C. 426g).

6 **SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL**  
7 **STUDY.**

8       Section 414 of the Water Resources Development Act  
9 of 2000 (114 Stat. 2636) is amended by striking “32  
10 months” and inserting “44 months”.

11 **SEC. 4007. COMPREHENSIVE FLOOD PROTECTION**  
12 **PROJECT, ST. HELENA, CALIFORNIA.**

13       (a) **IN GENERAL.**—The Secretary shall review the  
14 project for flood control and environmental restoration at  
15 St. Helena, California, generally in accordance with En-  
16 hanced Minimum Plan A, as described in the Final Envi-  
17 ronmental Impact Report prepared by the city of St. Hel-  
18 ena, California, and certified by the city to be in compli-  
19 ance with the California Environmental Quality Act on  
20 February 24, 2004.

21       (b) **COST SHARING.**—Cost sharing for the project de-  
22 scribed in subsection (a) shall be in accordance with sec-  
23 tion 103 of the Water Resources Development Act of 1986  
24 (33 U.S.C. 2213).

1 **SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
2 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

3 The Secretary shall carry out a study of the feasi-  
4 bility of a project to use Sherman Island, California, as  
5 a dredged material rehandling facility for the beneficial  
6 use of dredged material to enhance the environment and  
7 meet other water resource needs on the Sacramento-San  
8 Joaquin Delta, California, under section 204 of the Water  
9 Resources Development Act of 1992 (33 U.S.C. 2326).

10 **SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
11 **CALIFORNIA.**

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

23 **SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION,**  
24 **CALIFORNIA.**

25 (a) IN GENERAL.—The Secretary shall complete  
26 work as expeditiously as practicable on the San Pablo wa-

1 tershed, California, study authorized under section 209 of  
2 the Flood Control Act of 1962 (76 Stat. 1196) to deter-  
3 mine the feasibility of opportunities for restoring, pre-  
4 serving, and protecting the San Pablo Bay Watershed.

5 (b) REPORT.—Not later than March 31, 2008, the  
6 Secretary shall submit to Congress a report that describes  
7 the results of the study.

8 **SEC. 4011. BUBBLY CREEK, SOUTH FORK OF SOUTH**  
9 **BRANCH, CHICAGO RIVER, ILLINOIS.**

10 *The Secretary shall conduct a study of the feasibility*  
11 *of carrying out ecosystem restoration and any other related*  
12 *activity along the South Fork of the South Branch of the*  
13 *Chicago River, Illinois (commonly known as “Bubbly*  
14 *Creek”).*

15 **SEC. 4012. GRAND AND TIGER PASSES AND BAPTISTE**  
16 **COLLETTE BAYOU, LOUISIANA.**

17 *The Secretary shall conduct a study of the feasibility*  
18 *of modifying the project in existence on the date of enact-*  
19 *ment of this Act for enlargement of the navigation channels*  
20 *in the Grand and Tiger Passes and Baptiste Collette Bayou,*  
21 *Louisiana.*

22 **SEC. ~~4011~~ 4013. LAKE ERIE AT LUNA PIER, MICHIGAN.**

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

1 **SEC. ~~4012~~ 4014. MIDDLE BASS ISLAND STATE PARK, MIDDLE**  
 2 **BASS ISLAND, OHIO.**

3 The Secretary shall carry out a study of the feasi-  
 4 bility of a project for navigation improvements, shoreline  
 5 protection, and other related purposes, including the reha-  
 6 bilitation the harbor basin (including entrance break-  
 7 waters), interior shoreline protection, dredging, and the  
 8 development of a public launch ramp facility, for Middle  
 9 Bass Island State Park, Middle Bass Island, Ohio.

10 **SEC. ~~4013~~ 4015. JASPER COUNTY PORT FACILITY STUDY,**  
 11 **SOUTH CAROLINA.**

12 (a) IN GENERAL.—The Secretary may determine the  
 13 feasibility of providing improvements to the Savannah  
 14 River for navigation and related purposes that may be nec-  
 15 essary to support the location of container cargo and other  
 16 port facilities to be located in Jasper County, South Caro-  
 17 lina, near the vicinity of mile 6 of the Savannah Harbor  
 18 Entrance Channel.

19 (b) CONSIDERATION.—In making a determination  
 20 under subsection (a), the Secretary shall take into consid-  
 21 eration—

- 22 (1) landside infrastructure;
- 23 (2) the provision of any additional dredged ma-  
 24 terial disposal area for maintenance of the ongoing  
 25 Savannah Harbor Navigation project; and



1           “(20) Kinkaid Lake, Jackson County, Illinois,  
2 removal of silt and aquatic growth and measures to  
3 address excessive sedimentation;

4           “(21) Lake Sakakawea, North Dakota, removal  
5 of silt and aquatic growth and measures to address  
6 excessive sedimentation;

7           “(22) Lake Morley, Vermont, removal of silt  
8 and aquatic growth and measures to address exces-  
9 sive sedimentation;

10          “(23) Lake Fairlee, Vermont, removal of silt  
11 and aquatic growth and measures to address exces-  
12 sive sedimentation; and

13          “(24) Lake Rodgers, Creedmoor, North Caro-  
14 lina, removal of silt and excessive nutrients and res-  
15 toration of structural integrity.”.

16 **SEC. 5002. ESTUARY RESTORATION.**

17          (a) PURPOSES.—Section 102 of the Estuary Restora-  
18 tion Act of 2000 (33 U.S.C. 2901) is amended—

19           (1) in paragraph (1), by inserting before the  
20 semicolon the following: “by implementing a coordi-  
21 nated Federal approach to estuary habitat restora-  
22 tion activities, including the use of common moni-  
23 toring standards and a common system for tracking  
24 restoration acreage”;

1           (2) in paragraph (2), by inserting “and imple-  
2           ment” after “to develop”; and

3           (3) in paragraph (3), by inserting “through co-  
4           operative agreements” after “restoration projects”.

5           (b) DEFINITION OF ESTUARY HABITAT RESTORA-  
6           TION PLAN.—Section 103(6)(A) of the Estuary Restora-  
7           tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by  
8           striking “Federal or State” and inserting “Federal, State,  
9           or regional”.

10          (c) ESTUARY HABITAT RESTORATION PROGRAM.—  
11          Section 104 of the Estuary Restoration Act of 2000 (33  
12          U.S.C. 2903) is amended—

13               (1) in subsection (a), by inserting “through the  
14               award of contracts and cooperative agreements”  
15               after “assistance”;

16               (2) in subsection (c)—

17                       (A) in paragraph (3)(A), by inserting “or  
18                       State” after “Federal”; and

19                       (B) in paragraph (4)(B), by inserting “or  
20                       approach” after “technology”;

21               (3) in subsection (d)—

22                       (A) in paragraph (1)—

23                               (i) by striking “Except” and inserting  
24                               the following:

25                                       “(i) IN GENERAL.—Except”; and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(ii) MONITORING.—

4 “(I) COSTS.—The costs of moni-  
5 toring an estuary habitat restoration  
6 project funded under this title may be  
7 included in the total cost of the estu-  
8 ary habitat restoration project.

9 “(II) GOALS.—The goals of the  
10 monitoring are—

11 “(aa) to measure the effec-  
12 tiveness of the restoration  
13 project; and

14 “(bb) to allow adaptive man-  
15 agement to ensure project suc-  
16 cess.”;

17 (B) in paragraph (2), by inserting “or ap-  
18 proach” after “technology”; and

19 (C) in paragraph (3), by inserting “(in-  
20 cluding monitoring)” after “services”;

21 (4) in subsection (f)(1)(B), by inserting “long-  
22 term” before “maintenance”; and

23 (5) in subsection (g)—

24 (A) by striking “In carrying” and inserting  
25 the following:

1 “(1) IN GENERAL.—In carrying”; and

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

3 “(2) SMALL PROJECTS.—

4 “(A) DEFINITION.—Small projects carried  
5 out under this Act shall have a Federal share  
6 of less than \$1,000,000.

7 “(B) DELEGATION OF PROJECT IMPLE-  
8 MENTATION.—In carrying out this section, the  
9 Secretary, on recommendation of the Council,  
10 shall consider delegating implementation of the  
11 small project to—

12 “(i) the Secretary of the Interior (act-  
13 ing through the Director of the United  
14 States Fish and Wildlife Service);

15 “(ii) the Under Secretary for Oceans  
16 and Atmosphere of the Department of  
17 Commerce;

18 “(iii) the Administrator of the Envi-  
19 ronmental Protection Agency; or

20 “(iv) the Secretary of Agriculture.

21 “(C) FUNDING.—Small projects delegated  
22 to another Federal department or agency may  
23 be funded from the responsible department or  
24 appropriations of the agency authorized by sec-  
25 tion 109(a)(1).

1           “(D) AGREEMENTS.—The Federal depart-  
2           ment or agency to which a small project is dele-  
3           gated shall enter into an agreement with the  
4           non-Federal interest generally in conformance  
5           with the criteria in sections 104(d) and 104(e).  
6           Cooperative agreements may be used for any  
7           delegated project.”.

8           (d) ESTABLISHMENT OF ESTUARY HABITAT RES-  
9           Toration Council.—Section 105(b) of the Estuary Res-  
10          toration Act of 2000 (33 U.S.C. 2904(b)) is amended—

11           (1) in paragraph (4), by striking “and” after  
12          the semicolon;

13           (2) in paragraph (5), by striking the period at  
14          the end and inserting a semicolon; and

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

16           “(6) cooperating in the implementation of the  
17          strategy developed under section 106;

18           “(7) recommending standards for monitoring  
19          for restoration projects and contribution of project  
20          information to the database developed under section  
21          107; and

22           “(8) otherwise using the respective agency au-  
23          thorities of the Council members to carry out this  
24          title.”.

1 (e) MONITORING OF ESTUARY HABITAT RESTORA-  
2 TION PROJECTS.—Section 107(d) of the Estuary Restora-  
3 tion Act of 2000 (33 U.S.C. 2906(d)) is amended by strik-  
4 ing “compile” and inserting “have general data compila-  
5 tion, coordination, and analysis responsibilities to carry  
6 out this title and in support of the strategy developed  
7 under section 107, including compilation of”.

8 (f) REPORTING.—Section 108(a) of the Estuary Res-  
9 toration Act of 2000 (33 U.S.C. 2907(a)) is amended by  
10 striking “third and fifth” and inserting “sixth, eighth, and  
11 tenth”.

12 (g) FUNDING.—Section 109(a) of the Estuary Res-  
13 toration Act of 2000 (33 U.S.C. 2908(a)) is amended—

14 (1) in paragraph (1), by striking subparagraphs  
15 (A) through (D) and inserting the following:

16 “(A) to the Secretary, \$25,000,000 for  
17 each of fiscal years 2006 through 2010;

18 “(B) to the Secretary of the Interior (act-  
19 ing through the Director of the United States  
20 Fish and Wildlife Service), \$2,500,000 for each  
21 of fiscal years 2006 through 2010;

22 “(C) to the Under Secretary for Oceans  
23 and Atmosphere of the Department of Com-  
24 merce, \$2,500,000 for each of fiscal years 2006  
25 through 2010;

1           “(D) to the Administrator of the Environ-  
2           mental Protection Agency, \$2,500,000 for each  
3           of fiscal years 2006 through 2010; and

4           “(E) to the Secretary of Agriculture,  
5           \$2,500,000 for each of fiscal years 2006  
6           through 2010.”; and

7           (2) in the first sentence of paragraph (2)—

8           (A) by inserting “and other information  
9           compiled under section 107” after “this title”;  
10          and

11          (B) by striking “2005” and inserting  
12          “2010”.

13          (h) GENERAL PROVISIONS.—Section 110 of the Es-  
14          tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-  
15          ed—

16          (1) in subsection (b)(1)—

17          (A) by inserting “or contracts” after  
18          “agreements”; and

19          (B) by inserting “, nongovernmental orga-  
20          nizations,” after “agencies”; and

21          (2) by striking subsections (d) and (e).

22          **SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELA-**  
23          **WARE AND MARYLAND.**

24          (a) ASSISTANCE.—The Secretary may provide tech-  
25          nical assistance to the Secretary of Agriculture for use in

1 carrying out the Conservation Corridor Demonstration  
2 Program established under subtitle G of title II of the  
3 Farm Security and Rural Investment Act of 2002 (16  
4 U.S.C. 3801 note; 116 Stat. 275).

5 (b) COORDINATION AND INTEGRATION.—In carrying  
6 out water resources projects in the States on the Delmarva  
7 Peninsula, the Secretary shall coordinate and integrate  
8 those projects, to the maximum extent practicable, with  
9 any activities carried out to implement a conservation cor-  
10 ridor plan approved by the Secretary of Agriculture under  
11 section 2602 of the Farm Security and Rural Investment  
12 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

13 **SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
14 **RIVER BASINS, DELAWARE, MARYLAND,**  
15 **PENNSYLVANIA, AND VIRGINIA.**

16 (a) EX OFFICIO MEMBER.—Notwithstanding section  
17 3001(a) of the 1997 Emergency Supplemental Appropria-  
18 tions Act for Recovery From Natural Disasters, and for  
19 Overseas Peacekeeping Efforts, Including Those in Bosnia  
20 (111 Stat. 176) and sections 2.2 of the Susquehanna  
21 River Basin Compact (Public Law 91–575) and the Dela-  
22 ware River Basin Compact (Public Law 87–328), begin-  
23 ning in fiscal year 2002, and each fiscal year thereafter,  
24 the Division Engineer, North Atlantic Division, Corps of  
25 Engineers—

1           (1) shall be the ex officio United States member  
2           under the Susquehanna River Basin Compact, the  
3           Delaware River Basin Compact, and the Potomac  
4           River Basin Compact;

5           (2) shall serve without additional compensation;  
6           and

7           (3) may designate an alternate member in ac-  
8           cordance with the terms of those compacts.

9           (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
10          shall allocate funds to the Susquehanna River Basin Com-  
11          mission, Delaware River Basin Commission, and the  
12          Interstate Commission on the Potomac River Basin (Poto-  
13          mac River Basin Compact (Public Law 91–407)) to fulfill  
14          the equitable funding requirements of the respective inter-  
15          state compacts.

16          (c) WATER SUPPLY AND CONSERVATION STORAGE,  
17          DELAWARE RIVER BASIN.—

18               (1) IN GENERAL.—The Secretary shall enter  
19               into an agreement with the Delaware River Basin  
20               Commission to provide temporary water supply and  
21               conservation storage at the Francis E. Walter Dam,  
22               Pennsylvania, for any period during which the Com-  
23               mission has determined that a drought warning or  
24               drought emergency exists.

1           (2) LIMITATION.—The agreement shall provide  
2           that the cost for water supply and conservation stor-  
3           age under paragraph (1) shall not exceed the incre-  
4           mental operating costs associated with providing the  
5           storage.

6           (d) WATER SUPPLY AND CONSERVATION STORAGE,  
7 SUSQUEHANNA RIVER BASIN.—

8           (1) IN GENERAL.—The Secretary shall enter  
9           into an agreement with the Susquehanna River  
10          Basin Commission to provide temporary water sup-  
11          ply and conservation storage at Federal facilities op-  
12          erated by the Corps of Engineers in the Susque-  
13          hanna River Basin, during any period in which the  
14          Commission has determined that a drought warning  
15          or drought emergency exists.

16          (2) LIMITATION.—The agreement shall provide  
17          that the cost for water supply and conservation stor-  
18          age under paragraph (1) shall not exceed the incre-  
19          mental operating costs associated with providing the  
20          storage.

21          (e) WATER SUPPLY AND CONSERVATION STORAGE,  
22 POTOMAC RIVER BASIN.—

23          (1) IN GENERAL.—The Secretary shall enter  
24          into an agreement with the Potomac River Basin  
25          Commission to provide temporary water supply and

1 conservation storage at Federal facilities operated by  
2 the Corps of Engineers in the Potomac River Basin  
3 for any period during which the Commission has de-  
4 termined that a drought warning or drought emer-  
5 gency exists.

6 (2) LIMITATION.—The agreement shall provide  
7 that the cost for water supply and conservation stor-  
8 age under paragraph (1) shall not exceed the incre-  
9 mental operating costs associated with providing the  
10 storage.

11 **SEC. 5005. CHICAGO SANITARY AND SHIP CANAL DIS-**  
12 **PERSAL BARRIERS PROJECT, ILLINOIS.**

13 (a) EXISTING BARRIER.—The Secretary shall up-  
14 grade and make permanent, at full Federal expense, the  
15 existing Chicago Sanitary and Ship Canal Dispersal Bar-  
16 rier Chicago, Illinois, constructed as a demonstration  
17 project under section 1202(i)(3) of the Nonindigenous  
18 Aquatic Nuisance Prevention and Control Act of 1990 (16  
19 U.S.C. 4722(i)(3)).

20 (b) NEW BARRIER.—Notwithstanding the project co-  
21 operation agreement dated November 21, 2003, with the  
22 State of Illinois, the Secretary shall construct, at full Fed-  
23 eral expense, the Chicago Sanitary and Ship Canal Dis-  
24 persal Barrier currently being implemented under section

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

3 (c) OPERATION AND MAINTENANCE.—The Chicago  
 4 Sanitary and Ship Canal Dispersal Barriers described in  
 5 subsections (a) and (b) shall be operated and maintained,  
 6 at full Federal expense, as a system in a manner to opti-  
 7 mize effectiveness.

8 (d) CREDIT.—

9 (1) IN GENERAL.—The Secretary shall credit to  
 10 each State the proportion of funds that the State  
 11 contributed to the authorized dispersal barriers.

12 (2) USE.—A State may apply the credit to ex-  
 13 isting or future projects of the Corps of Engineers.

14 **SEC. 5006. RIO GRANDE ENVIRONMENTAL MANAGEMENT**  
 15 **PROGRAM, NEW MEXICO.**

16 (a) SHORT TITLE.—This section may be cited as the  
 17 “Rio Grande Environmental Management Act of 2004”.

18 (b) DEFINITIONS.—In this section:

19 (1) RIO GRANDE COMPACT.—The term “Rio  
 20 Grande Compact” means the compact approved by  
 21 Congress under the Act of May 31, 1939 (53 Stat.  
 22 785, chapter 155), and ratified by the States of Col-  
 23 orado, New Mexico, and Texas.

24 (2) RIO GRANDE SYSTEM.—The term “Rio  
 25 Grande system” means the headwaters of the Rio

1 Chama River and the Rio Grande River (including  
2 all tributaries of the Rivers), from the border be-  
3 tween the States of Colorado and New Mexico down-  
4 stream to the border between the States of New  
5 Mexico and Texas.

6 (3) STATE.—The term “State” means the State  
7 of New Mexico.

8 (c) PROGRAM AUTHORITY.—

9 (1) IN GENERAL.—The Secretary shall carry  
10 out, in the Rio Grande system—

11 (A) a program for the planning, construc-  
12 tion, and evaluation of measures for fish and  
13 wildlife habitat rehabilitation and enhancement;  
14 and

15 (B) implementation of a long-term moni-  
16 toring, computerized data inventory and anal-  
17 ysis, applied research, and adaptive manage-  
18 ment program.

19 (2) REPORTS.—Not later than December 31,  
20 2008, and not later than December 31 of every sixth  
21 year thereafter, the Secretary, in consultation with  
22 the Secretary of the Interior and the State, shall  
23 submit to Congress a report that—

24 (A) contains an evaluation of the programs  
25 described in paragraph (1);

1 (B) describes the accomplishments of each  
2 of the programs;

3 (C) provides updates of a systemic habitat  
4 needs assessment; and

5 (D) identifies any needed adjustments in  
6 the authorization of the programs.

7 (d) STATE AND LOCAL CONSULTATION AND COOPER-  
8 ATIVE EFFORT.—For the purpose of ensuring the coordi-  
9 nated planning and implementation of the programs au-  
10 thorized under subsection (c), the Secretary shall—

11 (1) consult with the State and other appro-  
12 priate entities in the State the rights and interests  
13 of which might be affected by specific program ac-  
14 tivities; and

15 (2) enter into an interagency agreement with  
16 the Secretary of the Interior to provide for the direct  
17 participation of, and transfer of funds to, the United  
18 States Fish and Wildlife Service and any other agen-  
19 cy or bureau of the Department of the Interior for  
20 the planning, design, implementation, and evaluation  
21 of those programs.

22 (e) COST SHARING.—

23 (1) IN GENERAL.—The non-Federal share of  
24 the cost of a project carried out under subsection  
25 (c)(1)(A)—

1 (A) shall be 35 percent;

2 (B) may be provided through in-kind serv-  
3 ices or direct cash contributions; and

4 (C) shall include provision of necessary  
5 land, easements, relocations, and disposal sites.

6 ~~(3)~~ (2) OPERATION AND MAINTENANCE.—The  
7 costs of operation and maintenance of a project lo-  
8 cated on Federal land, or land owned or operated by  
9 a State or local government, shall be borne by the  
10 Federal, State, or local agency that has jurisdiction  
11 over fish and wildlife activities on the land.

12 (f) NONPROFIT ENTITIES.—Notwithstanding section  
13 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-  
14 5b), with the consent of the affected local government, a  
15 nonprofit entity may be included as a non-Federal interest  
16 for any project carried out under subsection (c)(1)(A).

17 (g) EFFECT ON OTHER LAW.—

18 (1) WATER LAW.—Nothing in this section pre-  
19 empts any State water law.

20 (2) COMPACTS AND DECREES.—In carrying out  
21 this section, the Secretary shall comply with the Rio  
22 Grande Compact, and any applicable court decrees  
23 or Federal and State laws, affecting water or water  
24 rights in the Rio Grande system.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to the Secretary to carry  
 3 out this section \$25,000,000 for fiscal year 2005 and each  
 4 subsequent fiscal year.

5 **SEC. 5007. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**  
 6 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**  
 7 **HABITAT RESTORATION, SOUTH DAKOTA.**

8 (a) DISBURSEMENT PROVISIONS OF THE STATE OF  
 9 SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX  
 10 TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-  
 11 TRIAL WILDLIFE HABITAT RESTORATION TRUST  
 12 FUNDS.—Section 602(a)(4) of the Water Resources De-  
 13 velopment Act of 1999 (113 Stat. 386) is amended—

14 (1) in subparagraph (A)—

15 (A) in clause (i), by inserting “and the  
 16 Secretary of the Treasury” after “Secretary”;  
 17 and

18 (B) by striking clause (ii) and inserting the  
 19 following:

20 “(ii) AVAILABILITY OF FUNDS.—On  
 21 notification in accordance with clause (i),  
 22 the Secretary of the Treasury shall make  
 23 available to the State of South Dakota  
 24 funds from the State of South Dakota Ter-  
 25 restrial Wildlife Habitat Restoration Trust

1 Fund established under section 603, to be  
2 used to carry out the plan for terrestrial  
3 wildlife habitat restoration submitted by  
4 the State of South Dakota after the State  
5 certifies to the Secretary of the Treasury  
6 that the funds to be disbursed will be used  
7 in accordance with section 603(d)(3) and  
8 only after the Trust Fund is fully capital-  
9 ized.”; and

10 (2) in subparagraph (B), by striking clause (ii)  
11 and inserting the following:

12 “(ii) AVAILABILITY OF FUNDS.—On  
13 notification in accordance with clause (i),  
14 the Secretary of the Treasury shall make  
15 available to the Cheyenne River Sioux  
16 Tribe and the Lower Brule Sioux Tribe  
17 funds from the Cheyenne River Sioux Ter-  
18 restrial Wildlife Habitat Restoration Trust  
19 Fund and the Lower Brule Sioux Terres-  
20 trial Wildlife Habitat Restoration Trust  
21 Fund, respectively, established under sec-  
22 tion 604, to be used to carry out the plans  
23 for terrestrial wildlife habitat restoration  
24 submitted by the Cheyenne River Sioux  
25 Tribe and the Lower Brule Sioux Tribe,

1                   respectively, after the respective tribe cer-  
 2                   tifies to the Secretary of the Treasury that  
 3                   the funds to be disbursed will be used in  
 4                   accordance with section 604(d)(3) and only  
 5                   after the Trust Fund is fully capitalized.”.

6           (b) INVESTMENT PROVISIONS OF THE STATE OF  
 7 SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION  
 8 TRUST FUND.—Section 603 of the Water Resources De-  
 9 velopment Act of 1999 (113 Stat. 388) is amended—

10           (1) by striking subsection (c) and inserting the  
 11 following:

12           “(c) INVESTMENTS.—

13           “(1) ELIGIBLE OBLIGATIONS.—Notwith-  
 14 standing any other provision of law, the Secretary of  
 15 the Treasury shall invest the amounts deposited  
 16 under subsection (b) and the interest earned on  
 17 those amounts only in interest-bearing obligations of  
 18 the United States issued directly to the Fund.

19           “(2) INVESTMENT REQUIREMENTS.—

20           “(A) IN GENERAL.—The Secretary of the  
 21 Treasury shall invest the Fund in accordance  
 22 with all of the requirements of this paragraph.

23           “(B) SEPARATE INVESTMENTS OF PRIN-  
 24 CIPAL AND INTEREST.—

1           “(i) PRINCIPAL ACCOUNT.—The  
2 amounts deposited in the Fund under sub-  
3 section (b) shall be credited to an account  
4 within the Fund (referred to in this para-  
5 graph as the ‘principal account’) and in-  
6 vested as provided in subparagraph (C).

7           “(ii) INTEREST ACCOUNT.—The inter-  
8 est earned from investing amounts in the  
9 principal account of the Fund shall be  
10 transferred to a separate account within  
11 the Fund (referred to in this paragraph as  
12 the ‘interest account’) and invested as pro-  
13 vided in subparagraph (D).

14           “(iii) CREDITING.—The interest  
15 earned from investing amounts in the in-  
16 terest account of the Fund shall be cred-  
17 ited to the interest account.

18           “(C) INVESTMENT OF PRINCIPAL AC-  
19 COUNT.—

20           “(i) INITIAL INVESTMENT.—Each  
21 amount deposited in the principal account  
22 of the Fund shall be invested initially in el-  
23 igible obligations having the shortest matu-  
24 rity then available until the date on which  
25 the amount is divided into 3 substantially

1 equal portions and those portions are in-  
2 vested in eligible obligations that are iden-  
3 tical (except for transferability) to the  
4 next-issued publicly issued Treasury obli-  
5 gations having a 2-year maturity, a 5-year  
6 maturity, and a 10-year maturity, respec-  
7 tively.

8 “(ii) SUBSEQUENT INVESTMENT.—As  
9 each 2-year, 5-year, and 10-year eligible  
10 obligation matures, the principal of the  
11 maturing eligible obligation shall also be  
12 invested initially in the shortest-maturity  
13 eligible obligation then available until the  
14 principal is reinvested substantially equally  
15 in the eligible obligations that are identical  
16 (except for transferability) to the next-  
17 issued publicly issued Treasury obligations  
18 having 2-year, 5-year, and 10-year matu-  
19 rities.

20 “(iii) DISCONTINUANCE OF ISSUANCE  
21 OF OBLIGATIONS.—If the Department of  
22 the Treasury discontinues issuing to the  
23 public obligations having 2-year, 5-year, or  
24 10-year maturities, the principal of any  
25 maturing eligible obligation shall be rein-

1 vested substantially equally in eligible obli-  
2 gations that are identical (except for trans-  
3 ferability) to the next-issued publicly  
4 issued Treasury obligations of the matu-  
5 rities longer than 1 year then available.

6 “(D) INVESTMENT OF INTEREST AC-  
7 COUNT.—

8 “(i) BEFORE FULL CAPITALIZA-  
9 TION.—Until the date on which the Fund  
10 is fully capitalized, amounts in the interest  
11 account of the Fund shall be invested in el-  
12 igible obligations that are identical (except  
13 for transferability) to publicly issued  
14 Treasury obligations that have maturities  
15 that coincide, to the maximum extent prac-  
16 ticable, with the date on which the Fund  
17 is expected to be fully capitalized.

18 “(ii) AFTER FULL CAPITALIZATION.—  
19 On and after the date on which the Fund  
20 is fully capitalized, amounts in the interest  
21 account of the Fund shall be invested and  
22 reinvested in eligible obligations having the  
23 shortest maturity then available until the  
24 amounts are withdrawn and transferred to

1 fund the activities authorized under sub-  
2 section (d)(3).

3 “(E) PAR PURCHASE PRICE.—The price to  
4 be paid for eligible obligations purchased as in-  
5 vestments of the principal account shall not ex-  
6 ceed the par value of the obligations so that the  
7 amount of the principal account shall be pre-  
8 served in perpetuity.

9 “(F) HIGHEST YIELD.—Among eligible ob-  
10 ligations having the same maturity and pur-  
11 chase price, the obligation to be purchased shall  
12 be the obligation having the highest yield.

13 “(G) HOLDING TO MATURITY.—Eligible  
14 obligations purchased shall generally be held to  
15 their maturities.

16 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
17 TIES.—Not less frequently than once each calendar  
18 year, the Secretary of the Treasury shall review with  
19 the State of South Dakota the results of the invest-  
20 ment activities and financial status of the Fund dur-  
21 ing the preceding 12-month period.”;

22 (2) in subsection (d)(2), by inserting “of the  
23 Treasury” after Secretary”; and

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

1       “(f) ADMINISTRATIVE EXPENSES.—There are au-  
2 thORIZED to be appropriated, out of any money in the  
3 Treasury not otherwise appropriated, to the Secretary of  
4 the Treasury, to pay expenses associated with investing  
5 the Fund and auditing the uses of amounts withdrawn  
6 from the Fund—

7               “(1) up to \$500,000 for each of fiscal years  
8       2006 and 2007; and

9               “(2) such sums as are necessary for each subse-  
10       quent fiscal year.”.

11       (c) INVESTMENT PROVISIONS FOR THE CHEYENNE  
12 RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE  
13 TRUST FUNDS.—Section 604 of the Water Resources De-  
14 velopment Act of 1999 (113 Stat. 389) is amended—

15               (1) by striking subsection (c) and inserting the  
16       following:

17       “(c) INVESTMENTS.—

18               “(1) ELIGIBLE OBLIGATIONS.—Notwith-  
19       standing any other provision of law, the Secretary of  
20       the Treasury shall invest the amounts deposited  
21       under subsection (b) and the interest earned on  
22       those amounts only in interest-bearing obligations of  
23       the United States issued directly to the Funds.

24               “(2) INVESTMENT REQUIREMENTS.—

1           “(A) IN GENERAL.—The Secretary of the  
2 Treasury shall invest each of the Funds in ac-  
3 cordance with all of the requirements of this  
4 paragraph.

5           “(B) SEPARATE INVESTMENTS OF PRIN-  
6 CIPAL AND INTEREST.—

7           “(i) PRINCIPAL ACCOUNT.—The  
8 amounts deposited in each Fund under  
9 subsection (b) shall be credited to an ac-  
10 count within the Fund (referred to in this  
11 paragraph as the ‘principal account’) and  
12 invested as provided in subparagraph (C).

13           “(ii) INTEREST ACCOUNT.—The inter-  
14 est earned from investing amounts in the  
15 principal account of each Fund shall be  
16 transferred to a separate account within  
17 the Fund (referred to in this paragraph as  
18 the ‘interest account’) and invested as pro-  
19 vided in subparagraph (D).

20           “(iii) CREDITING.—The interest  
21 earned from investing amounts in the in-  
22 terest account of each Fund shall be cred-  
23 ited to the interest account.

24           “(C) INVESTMENT OF PRINCIPAL AC-  
25 COUNT.—

1           “(i) INITIAL INVESTMENT.—Each  
2 amount deposited in the principal account  
3 of each Fund shall be invested initially in  
4 eligible obligations having the shortest ma-  
5 turity then available until the date on  
6 which the amount is divided into 3 sub-  
7 stantially equal portions and those portions  
8 are invested in eligible obligations that are  
9 identical (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) DISCONTINUATION 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 THE INTEREST AC-  
13          COUNT.—

14               “(i) BEFORE FULL CAPITALIZA-  
15               TION.—Until the date on which each 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 each 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 Cheyenne River Sioux Tribe and the Lower  
25 Brule Sioux Tribe the results of the investment ac-

1 activities and financial status of the Funds during the  
2 preceding 12-month period.”; and

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

5 “(f) ADMINISTRATIVE EXPENSES.—There are au-  
6 thorized to be appropriated, out of any money in the  
7 Treasury not otherwise appropriated, to the Secretary of  
8 the Treasury to pay expenses associated with investing the  
9 Funds and auditing the uses of amounts withdrawn from  
10 the Funds—

11 “(1) up to \$500,000 for each of fiscal years  
12 2006 and 2007; and

13 “(2) such sums as are necessary for each subse-  
14 quent fiscal year.”.

15 **SEC. 5008. CONNECTICUT RIVER DAMS, VERMONT.**

16 (a) IN GENERAL.—The Secretary shall evaluate, de-  
17 sign, and construct structural modifications at full Fed-  
18 eral cost to the Union Village Dam (Ompompanoosuc  
19 River), North Hartland Dam (Ottauquechee River), North  
20 Springfield Dam (Black River), Ball Mountain Dam (West  
21 River), and Townshend Dam (West River), Vermont, to  
22 regulate flow and temperature to mitigate downstream im-  
23 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 TITLE VI—PROJECT 5 DEAUTHORIZATIONS

### 6 SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

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

### 11 SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

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

### 15 SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

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

21 (b) DESCRIPTION OF PROJECT.—The project re-  
22 ferred to in subsection (a) is described as beginning at  
23 a point along the eastern limit of the existing project, N.  
24 123,649.75, E. 481,920.54, thence running northwesterly  
25 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,

1 thence running northeasterly about 1,442.21 feet to a  
2 point N. 125,030.08, E. 482,394.96, thence running  
3 northeasterly about 139.52 feet to a point along the east  
4 limit of the existing channel, N. 125,133.87, E.  
5 482,488.19, thence running southwesterly about 1,588.98  
6 feet to the point of origin.

7 **SEC. 6004. 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. 6005. 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. 6006. 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.

1 **SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO**  
2 **CHESAPEAKE BAY, PART II, INSTALLATION**  
3 **OF FENDER PROTECTION FOR BRIDGES,**  
4 **DELAWARE AND MARYLAND.**

5 The project for the construction of bridge fenders for  
6 the Summit and St. Georges Bridge for the Inland Water-  
7 way of the Delaware River to the C & D Canal of the  
8 Chesapeake Bay authorized by the River and Harbor Act  
9 of 1954 (68 Stat. 1249) is not authorized.

10 **SEC. 6008. CENTRAL AND SOUTHERN FLORIDA, EVER-**  
11 **GLADES NATIONAL PARK, FLORIDA.**

12 The project to modify the Central and Southern Flor-  
13 ida project to improve water supply to the Everglades Na-  
14 tional Park, Florida, authorized by section 203 of the  
15 Flood Control Act of 1954 (68 Stat. 1257) and the Flood  
16 Control Act of 1968 (82 Stat. 740), is not authorized.

17 **SEC. 6009. SHINGLE CREEK BASIN, FLORIDA.**

18 The project for flood control, Central and Southern  
19 Florida Project, Shingle Creek Basin, Florida, authorized  
20 by section 203 of the Flood Control Act of 1962 (76 Stat.  
21 1182), is not authorized.

22 **SEC. 6010. BREVOORT, INDIANA.**

23 The project for flood control, Brevoort, Indiana, au-  
24 thorized under section 5 of the Flood Control Act of 1936  
25 (49 Stat. 1587), is not authorized.

1 **SEC. 6011. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

2 The project for flood control, Middle Wabash, Green-  
3 field Bayou, Indiana, authorized by section 10 of the  
4 Flood Control Act of 1946 (60 Stat. 649), is not author-  
5 ized.

6 **SEC. 6012. LAKE GEORGE, HOBART, INDIANA.**

7 The project for flood damage reduction, Lake George,  
8 Hobart, Indiana, authorized by section 602 of the Water  
9 Resources Development Act of 1986 (100 Stat. 4148), is  
10 not authorized.

11 **SEC. 6013. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

12 **2, IOWA.**

13 The project for flood damage reduction, Green Bay  
14 Levee and Drainage District No. 2, Iowa, authorized by  
15 section 401(a) of the Water Resources Development Act  
16 of 1986 (100 Stat. 4115), deauthorized in fiscal year  
17 1991, and reauthorized by section 115(a)(1) of the Water  
18 Resources Development Act of 1992 (106 Stat. 4821), is  
19 not authorized.

20 **SEC. 6014. MUSCATINE HARBOR, IOWA.**

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

1 **SEC. 6015. BIG SOUTH FORK NATIONAL RIVER AND REC-**  
2 **REATIONAL AREA, KENTUCKY AND TEN-**  
3 **NESSEE.**

4 The project for recreation facilities at Big South  
5 Fork National River and Recreational Area, Kentucky and  
6 Tennessee, authorized by section 108 of the Water Re-  
7 sources Development Act of 1974 (88 Stat. 43), is not  
8 authorized.

9 **SEC. 6016. EAGLE CREEK LAKE, KENTUCKY.**

10 The project for flood control and water supply, Eagle  
11 Creek Lake, Kentucky, authorized by section 203 of the  
12 Flood Control Act of 1962 (76 Stat. 1188), is not author-  
13 ized.

14 **SEC. 6017. HAZARD, KENTUCKY.**

15 The project for flood damage reduction, Hazard,  
16 Kentucky, authorized by section 3 of the Water Resources  
17 Development Act of 1988 (102 Stat. 4014) and section  
18 108 of the Water Resources Development Act of 1990  
19 (104 Stat. 4621), is not authorized.

20 **SEC. 6018. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

21 The project for flood control, West Kentucky Tribu-  
22 taries, Kentucky, authorized by section 204 of the Flood  
23 Control Act of 1965 (79 Stat. 1081), section 201 of the  
24 Flood Control Act of 1970 (84 Stat. 1825), and section  
25 401(b) of the Water Resources Development Act of 1986  
26 (100 Stat. 4129), is not authorized.

1 **SEC. 6019. 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. 6020. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**  
12 **LOUISIANA.**

13 The uncompleted portions of the project for naviga-  
14 tion improvement for Bayou LaFourche and LaFourche  
15 Jump, Louisiana, authorized by the Act of August 30,  
16 1935 (49 Stat. 1033, chapter 831) and the River and  
17 Harbor Act of 1960 (74 Stat. 481), are not authorized.

18 **SEC. 6021. EASTERN RAPIDES AND SOUTH-CENTRAL**  
19 **AVOYELLES PARISHES, LOUISIANA.**

20 The project for flood control, Eastern Rapides and  
21 South-Central Avoyelles Parishes, Louisiana, authorized  
22 by section 201 of the Flood Control Act of 1970 (84 Stat.  
23 1825), is not authorized.

1 **SEC. 6022. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**  
2 **ISIANA.**

3 The project for erosion protection and recreation,  
4 Fort Livingston, Grande Terre Island, Louisiana, author-  
5 ized by the Act of August 13, 1946 (commonly known as  
6 the “Flood Control Act of 1946”) (33 U.S.C. 426e et  
7 seq.), is not authorized.

8 **SEC. 6023. GULF INTERCOASTAL WATERWAY, LAKE**  
9 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

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

15 **SEC. 6024. RED RIVER WATERWAY, SHREVEPORT, LOU-**  
16 **ISIANA TO DAINGERFIELD, TEXAS.**

17 The project for the Red River Waterway, Shreveport,  
18 Louisiana to Daingerfield, Texas, authorized by section  
19 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
20 is not authorized.

21 **SEC. 6025. CASCO BAY, PORTLAND, MAINE.**

22 The project for environmental infrastructure, Casco  
23 Bay in the Vicinity of Portland, Maine, authorized by sec-  
24 tion 307 of the Water Resources Development Act of 1992  
25 (106 Stat. 4841), is not authorized.

1 **SEC. 6026. NORTHEAST HARBOR, MAINE.**

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

5 **SEC. 6027. PENOBSCOT RIVER, BANGOR, MAINE.**

6 The project for environmental infrastructure, Penob-  
7 scot River in the Vicinity of Bangor, Maine, authorized  
8 by section 307 of the Water Resources Development Act  
9 of 1992 (106 Stat. 4841), is not authorized.

10 **SEC. 6028. SAINT JOHN RIVER BASIN, MAINE.**

11 The project for research and demonstration program  
12 of cropland irrigation and soil conservation techniques,  
13 Saint John River Basin, Maine, authorized by section  
14 1108 of the Water Resources Development Act of 1986  
15 (106 Stat. 4230), is not authorized.

16 **SEC. 6029. TENANTS HARBOR, MAINE.**

17 The project for navigation, Tenants Harbor, Maine,  
18 authorized by the first section of the Act of March 2, 1919  
19 (40 Stat. 1275, chapter 95), is not authorized.

20 **SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.**

21 The project for navigation, Grand Haven Harbor,  
22 Michigan, authorized by section 202(a) of the Water Re-  
23 sources Development Act of 1986 (100 Stat. 4093), is not  
24 authorized.

1 **SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.**

2 The project for navigation, Greenville Harbor, Mis-  
3 sissippi, authorized by section 601(a) of the Water Re-  
4 sources Development Act of 1986 (100 Stat. 4142), is not  
5 authorized.

6 **SEC. 6032. PLATTE RIVER FLOOD AND RELATED**  
7 **STREAMBANK EROSION CONTROL, NE-**  
8 **BRASKA.**

9 The project for flood damage reduction, Platte River  
10 Flood and Related Streambank Erosion Control, Ne-  
11 braska, authorized by section 603 of the Water Resources  
12 Development Act of 1986 (100 Stat. 4149), is not author-  
13 ized.

14 **SEC. 6033. EPPING, NEW HAMPSHIRE.**

15 The project for environmental infrastructure, Ep-  
16 ping, New Hampshire, authorized by section 219(c)(6) of  
17 the Water Resources Development Act of 1992 (106 Stat.  
18 4835), is not authorized.

19 **SEC. 6034. MANCHESTER, NEW HAMPSHIRE.**

20 The project for environmental infrastructure, Man-  
21 chester, New Hampshire, authorized by section 219(c)(7)  
22 of the Water Resources Development Act of 1992 (106  
23 Stat. 4836), is not authorized.

1 **SEC. 6035. 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. 6036. EISENHOWER AND SNELL LOCKS, NEW YORK.**

10 The project for navigation, Eisenhower and Snell  
11 Locks, New York, authorized by section 1163 of the Water  
12 Resources Development Act of 1986 (100 Stat. 4258), is  
13 not authorized.

14 **SEC. 6037. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

15 The project for navigation, Olcott Harbor, Lake On-  
16 tario, New York, authorized by section 601(a) of the  
17 Water Resources Development Act of 1986 (100 Stat.  
18 4143), is not authorized.

19 **SEC. 6038. OUTER HARBOR, BUFFALO, NEW YORK.**

20 The project for navigation, Outer Harbor, Buffalo,  
21 New York, authorized by section 110 of the Water Re-  
22 sources Development Act of 1992 (106 Stat. 4817), is not  
23 authorized.

1 **SEC. 6039. 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. 6040. CLEVELAND HARBOR 1958 ACT, OHIO.**

8 The project for navigation, Cleveland Harbor  
9 (Uncompleted Portion), Ohio, authorized by section 101  
10 of the River and Harbor Act of 1958 (72 Stat. 299), is  
11 not authorized.

12 **SEC. 6041. CLEVELAND HARBOR 1960 ACT, OHIO.**

13 The project for navigation, Cleveland Harbor  
14 (Uncompleted Portion), Ohio, authorized by section 101  
15 of the River and Harbor Act of 1960 (74 Stat. 482), is  
16 not authorized.

17 **SEC. 6042. CLEVELAND HARBOR, UNCOMPLETED PORTION**  
18 **OF CUT #4, OHIO.**

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

23 **SEC. 6043. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**  
24 **MOND, OREGON.**

25 The project for the Columbia River, Seafarers Memo-  
26 rial, Hammond, Oregon, authorized by title I of the En-

1 ergy and Water Development Appropriations Act, 1991  
2 (104 Stat. 2078), is not authorized.

3 **SEC. 6044. CHARTIERS CREEK, CANNONSBURG (HOUSTON**  
4 **REACH UNIT 2B), PENNSYLVANIA.**

5 The project for flood control, Chartiers Creek,  
6 Cannonsburg (Houston Reach Unit 2B), Pennsylvania,  
7 authorized by section 204 of the Flood Control Act of  
8 1965 (79 Stat. 1081), is not authorized.

9 **SEC. 6045. SCHUYLKILL RIVER, PENNSYLVANIA.**

10 The project for navigation, Schuylkill River (Mouth  
11 to Penrose Avenue), Pennsylvania, authorized by section  
12 3(a)(12) of the Water Resources Development Act of 1988  
13 (102 Stat. 4013), is not authorized.

14 **SEC. 6046. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

15 The project for flood control and recreation, Tioga-  
16 Hammond Lakes, Mill Creek Recreation, Pennsylvania,  
17 authorized by section 203 of the Flood Control Act of  
18 1958 (72 Stat. 313), is not authorized.

19 **SEC. 6047. TAMAQUA, PENNSYLVANIA.**

20 The project for flood control, Tamaqua, Pennsyl-  
21 vania, authorized by section 1(a) of the Water Resources  
22 Development Act of 1974 (88 Stat. 14), is not authorized.

1 **SEC. 6048. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**  
2 **RHODE ISLAND.**

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

7 **SEC. 6049. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

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

12 **SEC. 6050. ARROYO COLORADO, TEXAS.**

13 The project for flood damage reduction, Arroyo Colo-  
14 rado, Texas, authorized by section 401(a) of the Water  
15 Resources Development Act of 1986 (100 Stat. 4125), is  
16 not authorized.

17 **SEC. 6051. CYPRESS CREEK-STRUCTURAL, TEXAS.**

18 The project for flood damage reduction, Cypress  
19 Creek-Structural, Texas, authorized by section 3(a)(13) of  
20 the Water Resources Development Act of 1988 (102 Stat.  
21 4014), is not authorized.

22 **SEC. 6052. EAST FORK CHANNEL IMPROVEMENT, INCRE-**  
23 **MENT 2, EAST FORK OF THE TRINITY RIVER,**  
24 **TEXAS.**

25 The project for flood damage reduction, East Fork  
26 Channel Improvement, Increment 2, East Fork of the

1 Trinity River, Texas, authorized by section 203 of the  
2 Flood Control Act of 1962 (76 Stat. 1185), is not author-  
3 ized.

4 **SEC. 6053. FALFURRIAS, TEXAS.**

5 The project for flood damage reduction, Falfurrias,  
6 Texas, authorized by section 3(a)(14) of the Water Re-  
7 sources Development Act of 1988 (102 Stat. 4014), is not  
8 authorized.

9 **SEC. 6054. PECAN BAYOU LAKE, TEXAS.**

10 The project for flood control, Pecan Bayou Lake,  
11 Texas, authorized by section 203 of the Flood Control Act  
12 of 1968 (82 Stat. 742), is not authorized.

13 **SEC. 6055. LAKE OF THE PINES, TEXAS.**

14 The project for navigation improvements affecting  
15 Lake of the Pines, Texas, for the portion of the Red River  
16 below Fulton, Arkansas, authorized by the Act of July 13,  
17 1892 (27 Stat. 88, chapter 158), as amended by the Act  
18 of July 24, 1946 (60 Stat. 635, chapter 595), the Act  
19 of May 17, 1950 (64 Stat. 163, chapter 188), and the  
20 River and Harbor Act of 1968 (82 Stat. 731), is not au-  
21 thorized.

22 **SEC. 6056. TENNESSEE COLONY LAKE, TEXAS.**

23 The project for navigation, Tennessee Colony Lake,  
24 Trinity River, Texas, authorized by section 204 of the

1 River and Harbor Act of 1965 (79 Stat. 1091), is not au-  
2 thorized.

3 **SEC. 6057. CITY WATERWAY, TACOMA, WASHINGTON.**

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

10 **SEC. 6058. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

11 The project for bank erosion, Kanawha River,  
12 Charleston, West Virginia, authorized by section  
13 603(f)(13) of the Water Resources Development Act of  
14 1986 (100 Stat. 4153), is not authorized.



**Calendar No. 93**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 728**

[Report No. 109-61]

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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.

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APRIL 26, 2005

Reported with amendments