

**Calendar No. 126**

110TH CONGRESS  
1ST SESSION

**S. 1248**

**[Report No. 110–58]**

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

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IN THE SENATE OF THE UNITED STATES

APRIL 30, 2007

Mrs. BOXER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

**TITLE I—WATER RESOURCES PROJECTS**

Sec. 1001. Project authorizations.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway 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. Fiscal transparency report.

Sec. 2005. Planning.

Sec. 2006. Water Resources Planning Coordinating Committee.

Sec. 2007. Independent peer review.

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 reservoirs.

Sec. 2020. Federal hopper dredges.

Sec. 2021. Extraordinary rainfall events.

Sec. 2022. Wildfire firefighting.

Sec. 2023. Nonprofit organizations as sponsors.

Sec. 2024. Project administration.

Sec. 2025. Program administration.

Sec. 2026. Extension of shore protection projects.

### 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 and removal of dams.
- Sec. 2038. Remote, maritime-dependent communities.
- Sec. 2039. Agreements for water resource projects.
- Sec. 2040. Program names.

### Subtitle C—National Levee Safety Program

- Sec. 2051. Short title.
- Sec. 2052. Definitions.
- Sec. 2053. National Levee Safety Committee.
- Sec. 2054. National Levee Safety Program.
- Sec. 2055. Authorization of appropriations.

## 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. Rio de Flag, Flagstaff, Arizona.
- Sec. 3005. Augusta and Clarendon, Arkansas.
- Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3007. St. Francis Basin, Arkansas and Missouri.
- Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
- Sec. 3010. Cache Creek Basin, California.
- Sec. 3011. CALFED levee stability program, California.
- Sec. 3012. Hamilton Airfield, California.
- Sec. 3013. LA-3 dredged material ocean disposal site designation, California.
- Sec. 3014. Larkspur Ferry Channel, California.
- Sec. 3015. Llagas Creek, California.
- Sec. 3016. Magpie Creek, California.
- Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
- Sec. 3018. Redwood City Navigation Project, California.
- Sec. 3019. Sacramento and American Rivers flood control, California.
- Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.
- Sec. 3021. Salton Sea restoration, California.
- Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
- Sec. 3023. Upper Guadalupe River, California.
- Sec. 3024. Yuba River Basin project, California.
- Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 3026. Anchorage area, New London Harbor, Connecticut.
- Sec. 3027. Norwalk Harbor, Connecticut.

- Sec. 3028. St. George's Bridge, Delaware.
- Sec. 3029. Additional program authority, comprehensive Everglades restoration, Florida.
- Sec. 3030. Brevard County, Florida.
- Sec. 3031. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
- Sec. 3032. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
- Sec. 3033. Lido Key, Sarasota County, Florida.
- Sec. 3034. Port Sutton Channel, Tampa Harbor, Florida.
- Sec. 3035. Tampa Harbor, Cut B, Tampa, Florida.
- Sec. 3036. Allatoona Lake, Georgia.
- Sec. 3037. Dworshak Reservoir improvements, Idaho.
- Sec. 3038. Little Wood River, Gooding, Idaho.
- Sec. 3039. Port of Lewiston, Idaho.
- Sec. 3040. Cache River Levee, Illinois.
- Sec. 3041. Chicago, Illinois.
- Sec. 3042. Chicago River, Illinois.
- Sec. 3043. Illinois River Basin restoration.
- Sec. 3044. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3045. Spunky Bottom, Illinois.
- Sec. 3046. Strawn Cemetery, John Redmond Lake, Kansas.
- Sec. 3047. Milford Lake, Milford, Kansas.
- Sec. 3048. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
- Sec. 3049. McAlpine Lock and Dam, Kentucky and Indiana.
- Sec. 3050. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3051. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3052. Calcasieu River and Pass, Louisiana.
- Sec. 3053. East Baton Rouge Parish, Louisiana.
- Sec. 3054. Mississippi River Gulf Outlet relocation assistance, Louisiana.
- Sec. 3055. Red River (J. Bennett Johnston) Waterway, Louisiana.
- Sec. 3056. Camp Ellis, Saco, Maine.
- Sec. 3057. Union River, Maine.
- Sec. 3058. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
- Sec. 3059. Cumberland, Maryland.
- Sec. 3060. Aunt Lydia's Cove, Massachusetts.
- Sec. 3061. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 3062. St. Clair River and Lake St. Clair, Michigan.
- Sec. 3063. Duluth Harbor, Minnesota.
- Sec. 3064. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.
- Sec. 3065. Land exchange, Pike County, Missouri.
- Sec. 3066. L-15 levee, Missouri.
- Sec. 3067. Union Lake, Missouri.
- Sec. 3068. Lower Yellowstone project, Montana.
- Sec. 3069. Yellowstone River and tributaries, Montana and North Dakota.
- Sec. 3070. Lower Truckee River, McCarran Ranch, Nevada.
- Sec. 3071. Middle Rio Grande restoration, New Mexico.
- Sec. 3072. Long Island Sound oyster restoration, New York and Connecticut.
- Sec. 3073. Orchard Beach, Bronx, New York.
- Sec. 3074. New York Harbor, New York, New York.

- Sec. 3075. Missouri River restoration, North Dakota.
- Sec. 3076. Lower Girard Lake Dam, Girard, Ohio.
- Sec. 3077. Toussaint River Navigation Project, Carroll Township, Ohio.
- Sec. 3078. Arcadia Lake, Oklahoma.
- Sec. 3079. Lake Eufaula, Oklahoma.
- Sec. 3080. Release of reversionary interest, Oklahoma.
- Sec. 3081. Oklahoma lakes demonstration program, Oklahoma.
- Sec. 3082. Waurika Lake, Oklahoma.
- Sec. 3083. Lookout Point project, Lowell, Oregon.
- Sec. 3084. Upper Willamette River Watershed ecosystem restoration.
- Sec. 3085. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 3086. Narragansett Bay, Rhode Island.
- Sec. 3087. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
- Sec. 3088. Missouri River restoration, South Dakota.
- Sec. 3089. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 3090. Nonconnah Weir, Memphis, Tennessee.
- Sec. 3091. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. 3092. Sandy Creek, Jackson County, Tennessee.
- Sec. 3093. Cedar Bayou, Texas.
- Sec. 3094. Denison, Texas.
- Sec. 3095. Freeport Harbor, Texas.
- Sec. 3096. Harris County, Texas.
- Sec. 3097. Connecticut River restoration, Vermont.
- Sec. 3098. Dam remediation, Vermont.
- Sec. 3099. Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.
- Sec. 3100. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
- Sec. 3101. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
- Sec. 3102. Lake Champlain watershed, Vermont and New York.
- Sec. 3103. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. 3104. Tangier Island Seawall, Virginia.
- Sec. 3105. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. 3106. Lower granite pool, Washington.
- Sec. 3107. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
- Sec. 3108. Snake River project, Washington and Idaho.
- Sec. 3109. Whatcom Creek Waterway, Bellingham, Washington.
- Sec. 3110. Lower Mud River, Milton, West Virginia.
- Sec. 3111. McDowell County, West Virginia.
- Sec. 3112. Green Bay Harbor project, Green Bay, Wisconsin.
- Sec. 3113. Underwood Creek diversion facility project, Milwaukee County, Wisconsin.
- Sec. 3114. Oconto Harbor, Wisconsin.
- Sec. 3115. Mississippi River headwaters reservoirs.
- Sec. 3116. Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. 3117. Upper Mississippi River system environmental management program.
- Sec. 3118. Upper basin of Missouri River.
- Sec. 3119. Great Lakes fishery and ecosystem restoration program.
- Sec. 3120. Great Lakes remedial action plans and sediment remediation.
- Sec. 3121. Great Lakes tributary models.

- Sec. 3122. Upper Ohio River and tributaries navigation system new technology pilot program.

#### TITLE IV—STUDIES

- Sec. 4001. Eurasian milfoil.  
 Sec. 4002. McClellan-Kerr Arkansas River Navigation Channel.  
 Sec. 4003. Los Angeles River revitalization study, California.  
 Sec. 4004. Nicholas Canyon, Los Angeles, California.  
 Sec. 4005. Oceanside, California, shoreline special study.  
 Sec. 4006. Comprehensive flood protection project, St. Helena, California.  
 Sec. 4007. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.  
 Sec. 4008. South San Francisco Bay shoreline study, California.  
 Sec. 4009. San Pablo Bay Watershed restoration, California.  
 Sec. 4010. Fountain Creek, North of Pueblo, Colorado.  
 Sec. 4011. Selenium study, Colorado.  
 Sec. 4012. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.  
 Sec. 4013. Vidalia Port, Louisiana.  
 Sec. 4014. Lake Erie at Luna Pier, Michigan.  
 Sec. 4015. Middle Bass Island State Park, Middle Bass Island, Ohio.  
 Sec. 4016. Jasper County port facility study, South Carolina.  
 Sec. 4017. Johnson Creek, Arlington, Texas.  
 Sec. 4018. 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. Anacostia River, District of Columbia and Maryland.  
 Sec. 5006. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.  
 Sec. 5007. Rio Grande environmental management program, Colorado, New Mexico, and Texas.  
 Sec. 5008. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.  
 Sec. 5009. St. Mary Project, Blackfeet Reservation, Montana.  
 Sec. 5010. Lower Platte River watershed restoration, Nebraska.  
 Sec. 5011. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.  
 Sec. 5012. Connecticut River dams, Vermont.

#### 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. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.

- Sec. 6006. Shingle Creek Basin, Florida.
- Sec. 6007. Brevoort, Indiana.
- Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana.
- Sec. 6009. Lake George, Hobart, Indiana.
- Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa.
- Sec. 6011. Muscatine Harbor, Iowa.
- Sec. 6012. Big South Fork National River and recreational area, Kentucky and Tennessee.
- Sec. 6013. Eagle Creek Lake, Kentucky.
- Sec. 6014. Hazard, Kentucky.
- Sec. 6015. West Kentucky Tributaries, Kentucky.
- Sec. 6016. Bayou Cocodrie and Tributaries, Louisiana.
- Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana.
- Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
- Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana.
- Sec. 6020. Gulf Interoceanal Waterway, Lake Borgne and Chef Menteur, Louisiana.
- Sec. 6021. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
- Sec. 6022. Casco Bay, Portland, Maine.
- Sec. 6023. Northeast Harbor, Maine.
- Sec. 6024. Penobscot River, Bangor, Maine.
- Sec. 6025. Saint John River Basin, Maine.
- Sec. 6026. Tenants Harbor, Maine.
- Sec. 6027. Grand Haven Harbor, Michigan.
- Sec. 6028. Greenville Harbor, Mississippi.
- Sec. 6029. Platte River flood and related streambank erosion control, Nebraska.
- Sec. 6030. Epping, New Hampshire.
- Sec. 6031. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 6032. Eisenhower and Snell Locks, New York.
- Sec. 6033. Olcott Harbor, Lake Ontario, New York.
- Sec. 6034. Outer Harbor, Buffalo, New York.
- Sec. 6035. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 6036. Cleveland Harbor 1958 Act, Ohio.
- Sec. 6037. Cleveland Harbor 1960 Act, Ohio.
- Sec. 6038. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
- Sec. 6039. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 6040. Tioga-Hammond Lakes, Pennsylvania.
- Sec. 6041. Tamaqua, Pennsylvania.
- Sec. 6042. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 6043. Quonset Point-Davisville, Rhode Island.
- Sec. 6044. Arroyo Colorado, Texas.
- Sec. 6045. Cypress Creek-Structural, Texas.
- Sec. 6046. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
- Sec. 6047. Falfurrias, Texas.
- Sec. 6048. Pecan Bayou Lake, Texas.
- Sec. 6049. Lake of the Pines, Texas.
- Sec. 6050. Tennessee Colony Lake, Texas.
- Sec. 6051. City Waterway, Tacoma, Washington.
- Sec. 6052. Kanawha River, Charleston, West Virginia.

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

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

4 **TITLE I—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-  
12 ject to the conditions, described in the respective reports  
13 designated in this section:

14 (1) HAINES HARBOR, ALASKA.—The project for  
15 navigation, Haines Harbor, Alaska: Report of the  
16 Chief of Engineers dated December 20, 2004, at a  
17 total estimated cost of \$13,700,000, with an esti-  
18 mated Federal cost of \$10,960,000 and an esti-  
19 mated non-Federal cost of \$2,740,000.

20 (2) TANQUE VERDE CREEK, ARIZONA.—The  
21 project for ecosystem restoration, Tanque Verde  
22 Creek, Arizona: Report of the Chief of Engineers  
23 dated July 22, 2003, at a total cost of \$5,706,000,  
24 with an estimated Federal cost of \$3,706,000 and  
25 an estimated non-Federal cost of \$2,000,000.

1           (3) SALT RIVER (VA SHLYAY AKIMEL), MARI-  
2       COPA COUNTY, ARIZONA.—

3           (A) IN GENERAL.—The project for eco-  
4       system restoration, Salt River (Va Shlyay  
5       Akimel), Arizona: Report of the Chief of Engi-  
6       neers dated January 3, 2005, at a total cost of  
7       \$156,700,000, with an estimated Federal cost  
8       of \$101,600,000 and an estimated non-Federal  
9       cost of \$55,100,000.

10          (B) COORDINATION WITH FEDERAL REC-  
11       LAMATION PROJECTS.—The Secretary, to the  
12       maximum extent practicable, shall coordinate  
13       the development and construction of the project  
14       described in subparagraph (A) with each Fed-  
15       eral reclamation project located in the Salt  
16       River Basin to address statutory requirements  
17       and the operations of those projects.

18          (4) HAMILTON CITY, CALIFORNIA.—The project  
19       for flood damage reduction and ecosystem restora-  
20       tion, Hamilton City, California: Report of the Chief  
21       of Engineers dated December 22, 2004, at a total  
22       cost of \$50,600,000, with an estimated Federal cost  
23       of \$33,000,000 and estimated non-Federal cost of  
24       \$17,600,000.

1           (5) IMPERIAL BEACH, CALIFORNIA.—The  
2 project for storm damage reduction, Imperial Beach,  
3 California: Report of the Chief of Engineers dated  
4 December 30, 2003, at a total cost of \$13,300,000,  
5 with an estimated Federal cost of \$8,500,000 and  
6 an estimated non-Federal cost of \$4,800,000, and at  
7 an estimated total cost of \$41,100,000 for periodic  
8 beach nourishment over the 50-year life of the  
9 project, with an estimated Federal cost of  
10 \$20,550,000 and an estimated non-Federal cost of  
11 \$20,550,000.

12           (6) MATILIJIA DAM, VENTURA COUNTY, CALI-  
13 FORNIA.—The project for ecosystem restoration,  
14 Matilija Dam and Ventura River Watershed, Ven-  
15 tura County, California: Report of the Chief of En-  
16 gineers dated December 20, 2004, at a total cost of  
17 \$139,600,000, with an estimated Federal cost of  
18 \$86,700,000 and an estimated non-Federal cost of  
19 \$52,900,000.

20           (7) MIDDLE CREEK, LAKE COUNTY, CALI-  
21 FORNIA.—The project for flood damage reduction  
22 and ecosystem restoration, Middle Creek, Lake  
23 County, California: Report of the Chief of Engineers  
24 dated November 29, 2004, at a total cost of  
25 \$43,630,000, with an estimated Federal cost of

1       \$28,460,000 and an estimated non-Federal cost of  
2       \$15,170,000.

3           (8) NAPA RIVER SALT MARSH, CALIFORNIA.—

4               (A) IN GENERAL.—The project for eco-  
5       system restoration, Napa River Salt Marsh,  
6       California: Report of the Chief of Engineers  
7       dated December 22, 2004, at a total cost of  
8       \$103,012,000, with an estimated Federal cost  
9       of \$65,600,000 and an estimated non-Federal  
10      cost of \$37,412,000.

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

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

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

22           (9) SOUTH PLATTE RIVER, DENVER, COLO-  
23      RADO.—The project for ecosystem restoration, Den-  
24      ver County Reach, South Platte River, Denver, Colo-  
25      rado: Report of the Chief of Engineers dated May

1 16, 2003, at a total cost of \$21,050,000, with an es-  
2 timated Federal cost of \$13,680,000 and an esti-  
3 mated non-Federal cost of \$7,370,000.

4 (10) INDIAN RIVER LAGOON, SOUTH FLOR-  
5 IDA.—

6 (A) IN GENERAL.—The Secretary may  
7 carry out the project for ecosystem restoration,  
8 water supply, flood control, and protection of  
9 water quality, Indian River Lagoon, south Flor-  
10 ida, at a total cost of \$1,365,000,000, with an  
11 estimated first Federal cost of \$682,500,000  
12 and an estimated first non-Federal cost of  
13 \$682,500,000, in accordance with section 601  
14 of the Water Resources Development Act of  
15 2000 (114 Stat. 2680) and the recommenda-  
16 tions of the report of the Chief of Engineers  
17 dated August 6, 2004.

18 (B) DEAUTHORIZATIONS.—As of the date  
19 of enactment of this Act, the following projects  
20 are not authorized:

21 (i) The uncompleted portions of the  
22 project authorized by section  
23 601(b)(2)(C)(i) of the Water Resources  
24 Development Act of 2000 (114 Stat.  
25 2682), C-44 Basin Storage Reservoir of

1 the Comprehensive Everglades Restoration  
2 Plan, at a total cost of \$147,800,000, with  
3 an estimated Federal cost of \$73,900,000  
4 and an estimated non-Federal cost of  
5 \$73,900,000.

6 (ii) The uncompleted portions of the  
7 project authorized by section 203 of the  
8 Flood Control Act of 1968 (Public Law  
9 90–483; 82 Stat. 740), Martin County,  
10 Florida, modifications to Central and  
11 South Florida Project, as contained in  
12 Senate Document 101, 90th Congress, 2d  
13 Session, at a total cost of \$15,471,000,  
14 with an estimated Federal cost of  
15 \$8,073,000 and an estimated non-Federal  
16 cost of \$7,398,000.

17 (iii) The uncompleted portions of the  
18 project authorized by section 203 of the  
19 Flood Control Act of 1968 (Public Law  
20 90–483; 82 Stat. 740), East Coast  
21 Backpumping, St. Lucie–Martin County,  
22 Spillway Structure S–311 of the Central  
23 and South Florida Project, as contained in  
24 House Document 369, 90th Congress, 2d  
25 Session, at a total cost of \$77,118,000,

1 with an estimated Federal cost of  
2 \$55,124,000 and an estimated non-Federal  
3 cost of \$21,994,000.

4 (11) MIAMI HARBOR, MIAMI, FLORIDA.—The  
5 project for navigation, Miami Harbor, Miami, Flor-  
6 ida: Report of the Chief of Engineers dated April  
7 25, 2005, at a total cost of \$125,270,000, with an  
8 estimated Federal cost of \$75,140,000 and an esti-  
9 mated non-Federal cost of \$50,130,000.

10 (12) PICAYUNE STRAND, FLORIDA.—The  
11 project for ecosystem restoration, Picayune Strand,  
12 Florida: Report of the Chief of Engineers dated Sep-  
13 tember 15, 2005, at a total cost of \$362,260,000  
14 with an estimated Federal cost of \$181,130,000 and  
15 an estimated non-Federal cost of \$181,130,000.

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 \$201,600,000, with an esti-  
21 mated Federal cost of \$130,600,000 and an esti-  
22 mated non-Federal cost of \$71,000,000.

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 \$17,760,000, with an es-  
2 timated Federal cost of \$11,540,000 and an esti-  
3 mated non-Federal cost of \$6,220,000.

4 (15) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—  
5 The project for flood damage reduction, Wood River,  
6 Illinois: Report of the Chief of Engineers dated July  
7 18, 2006, at a total cost of \$16,730,000, with an es-  
8 timated Federal cost of \$10,900,000 and an esti-  
9 mated non-Federal cost of \$5,830,000.

10 (16) DES MOINES AND RACCOON RIVERS, DES  
11 MOINES, IOWA.—The project for flood damage re-  
12 duction, Des Moines and Raccoon Rivers, Des  
13 Moines, Iowa: Report of the Chief of Engineers  
14 dated March 28, 2006, at a total cost of  
15 \$10,500,000, with an estimated Federal cost of  
16 \$6,800,000 and an estimated non-Federal cost of  
17 \$3,700,000.

18 (17) LICKING RIVER, CYNTHIANA, KEN-  
19 TUCKY.—The project for flood damage reduction,  
20 Licking River, Cynthiana, Kentucky: Report of the  
21 Chief of Engineers dated October 24, 2006, at a  
22 total cost of \$17,800,000, with an estimated Federal  
23 cost of \$11,570,000 and an estimated non-Federal  
24 cost of \$6,230,000.

1           (18) BAYOU SORREL LOCK, LOUISIANA.—The  
2       project for navigation, Bayou Sorrel Lock, Lou-  
3       isiana: Report of the Chief of Engineers dated Janu-  
4       ary 3, 2005, at a total cost of \$9,500,000. The costs  
5       of construction of the project are to be paid ½ from  
6       amounts appropriated from the general fund of the  
7       Treasury and ½ from amounts appropriated from  
8       the Inland Waterways Trust Fund.

9           (19) MORGANZA TO THE GULF OF MEXICO,  
10      LOUISIANA.—

11           (A) IN GENERAL.—The project for hurri-  
12      cane and storm damage reduction, Morganza to  
13      the Gulf of Mexico, Louisiana: Reports of the  
14      Chief of Engineers dated August 23, 2002, and  
15      July 22, 2003, at a total cost of \$841,100,000  
16      with an estimated Federal cost of \$546,300,000  
17      and an estimated non-Federal cost of  
18      \$294,800,000.

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

1           102 of the Water Resources Development Act  
2           of 1986 (33 U.S.C. 2212; Public Law 99–662).

3           (20) PORT OF IBERIA, LOUISIANA.—The project  
4           for navigation, Port of Iberia, Louisiana: Report of  
5           the Chief of Engineers dated December 31, 2006, at  
6           a total cost of \$204,600,000, with an estimated Fed-  
7           eral cost of \$129,700,000 and an estimated non-  
8           Federal cost of \$74,900,000, except that the Sec-  
9           retary, in consultation with Vermillion and Iberia  
10          Parishes, Louisiana, is directed to use available  
11          dredged material and rock placement on the south  
12          bank of the Gulf Intracoastal Waterway and the  
13          west bank of the Freshwater Bayou Channel to pro-  
14          vide incidental storm surge protection.

15          (21) POPLAR ISLAND EXPANSION, MARY-  
16          LAND.—The project for the beneficial use of dredged  
17          material at Poplar Island, Maryland, authorized by  
18          section 537 of the Water Resources Development  
19          Act of 1996 (110 Stat. 3776), and modified by sec-  
20          tion 318 of the Water Resources Development Act  
21          of 2000 (114 Stat. 2678), is further modified to au-  
22          thorize the Secretary to construct the expansion of  
23          the project in accordance with the Report of the  
24          Chief of Engineers dated March 31, 2006, at an ad-  
25          ditional total cost of \$256,100,000, with an esti-

1 mated Federal cost of \$192,100,000 and an esti-  
2 mated non-Federal cost of \$64,000,000.

3 (22) SMITH ISLAND, MARYLAND.—The project  
4 for ecosystem restoration, Smith Island, Maryland:  
5 Report of the Chief of Engineers dated October 29,  
6 2001, at a total cost of \$14,500,000, with an esti-  
7 mated Federal cost of \$9,425,000 and an estimated  
8 non-Federal cost of \$5,075,000.

9 (23) SWOPE PARK INDUSTRIAL AREA, MIS-  
10 SOURI.—The project for flood damage reduction,  
11 Swope Park Industrial Area, Missouri: Report of the  
12 Chief of Engineers dated December 30, 2003, at a  
13 total cost of \$16,900,000, with an estimated Federal  
14 cost of \$10,990,000 and an estimated non-Federal  
15 cost of \$5,910,000.

16 (24) HUDSON-RARITAN ESTUARY, LIBERTY  
17 STATE PARK, NEW JERSEY.—The project for eco-  
18 system restoration, Hudson-Raritan Estuary, Lib-  
19 erty State Park, New Jersey: Report of the Chief of  
20 Engineers dated August 25, 2006, at a total cost of  
21 \$33,050,000, with an estimated Federal cost of  
22 \$21,480,000 and an estimated non-Federal cost of  
23 \$11,570,000.

24 (25) MANASQUAN TO BARNEGAT INLETS, NEW  
25 JERSEY.—The project for hurricane and storm dam-

1 age reduction, Manasquan to Barnegat Inlets, New  
 2 Jersey: Report of the Chief of Engineers dated De-  
 3 cember 30, 2003, at a total cost of \$70,340,000,  
 4 with an estimated Federal cost of \$45,720,000 and  
 5 an estimated non-Federal cost of \$24,620,000, and  
 6 at an estimated total cost of \$117,100,000 for peri-  
 7 odic beach nourishment over the 50-year life of the  
 8 project, with an estimated Federal cost of  
 9 \$58,550,000 and an estimated non-Federal cost of  
 10 \$58,550,000.

11 (26) RARITAN BAY AND SANDY HOOK BAY,  
 12 UNION BEACH, NEW JERSEY.—The project for hurri-  
 13 cane and storm damage reduction, Raritan Bay and  
 14 Sandy Hook Bay, Union Beach, New Jersey: Report  
 15 of the Chief of Engineers dated January 4, 2006, at  
 16 a total cost of \$112,640,000, with an estimated Fed-  
 17 eral cost of \$73,220,600 and an estimated non-Fed-  
 18 eral cost of \$39,420,000, and at an estimated total  
 19 cost of \$6,400,000 for periodic nourishment over the  
 20 50-year life of the project, with an estimated Federal  
 21 cost of \$2,300,000 and an estimated non-Federal  
 22 cost of \$4,100,000.

23 (27) SOUTH RIVER, NEW JERSEY.—The project  
 24 for hurricane and storm damage reduction and eco-  
 25 system restoration, South River, New Jersey: Report

1 of the Chief of Engineers dated July 22, 2003, at  
2 a total cost of \$120,810,000, with an estimated Fed-  
3 eral cost of \$78,530,000 and an estimated non-Fed-  
4 eral cost of \$42,280,000.

5 (28) SOUTHWEST VALLEY, ALBUQUERQUE, NEW  
6 MEXICO.—The project for flood damage reduction,  
7 Southwest Valley, Albuquerque, New Mexico: Report  
8 of the Chief of Engineers dated November 29, 2004,  
9 at a total cost of \$24,000,000, with an estimated  
10 Federal cost of \$15,600,000 and an estimated non-  
11 Federal cost of \$8,400,000.

12 (29) MONTAUK POINT, NEW YORK.—The  
13 project for hurricane and storm damage reduction,  
14 Montauk Point, New York: Report of the Chief of  
15 Engineers dated March 31, 2006, at a total cost of  
16 \$14,070,000, with an estimated Federal cost of  
17 \$7,035,000 and an estimated non-Federal cost of  
18 \$7,035,000.

19 (30) HOCKING RIVER BASIN, MONDAY CREEK,  
20 OHIO.—The project for ecosystem restoration, Hock-  
21 ing River Basin, Monday Creek, Ohio: Report of the  
22 Chief of Engineers dated August 24, 2006, at a  
23 total cost of \$18,730,000, with an estimated Federal  
24 cost of \$12,170,000 and an estimated non-Federal  
25 cost of \$6,560,000.

1           (31)   BLOOMSBURG,    PENNSYLVANIA.—The  
2       project for flood damage reduction, Bloomsburg,  
3       Pennsylvania: Report of the Chief of Engineers  
4       dated January 25, 2006, at a total cost of  
5       \$43,300,000, with an estimated Federal cost of  
6       \$28,150,000 and an estimated non-Federal cost of  
7       \$15,150,000.

8           (32)   PAWLEYS ISLAND,   SOUTH CAROLINA.—  
9       The project for hurricane and storm damage reduc-  
10      tion, Pawleys Island, South Carolina: Report of the  
11      Chief of Engineers dated December 19, 2006, at a  
12      total cost of \$8,980,000, with an estimated Federal  
13      cost of \$4,040,000 and an estimated non-Federal  
14      cost of \$4,940,000, and at an estimated total cost  
15      of \$21,200,000 for periodic nourishment over the  
16      50-year life of the project, with an estimated Federal  
17      cost of \$7,632,000 and an estimated non-Federal  
18      cost of \$13,568,000.

19          (33)   CORPUS CHRISTI SHIP CHANNEL, CORPUS  
20      CHRISTI, TEXAS.—

21               (A) IN GENERAL.—The project for naviga-  
22      tion and ecosystem restoration, Corpus Christi  
23      Ship Channel, Texas, Channel Improvement  
24      Project: Report of the Chief of Engineers dated  
25      June 2, 2003, at a total cost of \$188,110,000,

1 with an estimated Federal cost of \$87,810,000  
2 and an estimated non-Federal cost of  
3 \$100,300,000.

4 (B) NAVIGATIONAL SERVITUDE.—In car-  
5 rying out the project under subparagraph (A),  
6 the Secretary shall enforce navigational ser-  
7 vitude in the Corpus Christi Ship Channel, in-  
8 cluding, at the sole expense of the owner of the  
9 facility, the removal or relocation of any facility  
10 obstructing the project.

11 (34) GULF INTRACOASTAL WATERWAY, BRAZOS  
12 RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-  
13 ROUTE, TEXAS.—The project for navigation, Gulf  
14 Intracoastal Waterway, Brazos River to Port O'Con-  
15 nor, Matagorda Bay Re-Route, Texas: Report of the  
16 Chief of Engineers dated December 24, 2002, at a  
17 total cost of \$17,280,000. The costs of construction  
18 of the project are to be paid  $\frac{1}{2}$  from amounts appro-  
19 priated from the general fund of the Treasury and  
20  $\frac{1}{2}$  from amounts appropriated from the Inland Wa-  
21 terways Trust Fund.

22 (35) GULF INTRACOASTAL WATERWAY, HIGH  
23 ISLAND TO BRAZOS RIVER, TEXAS.—The project for  
24 navigation, Gulf Intracoastal Waterway, Sabine  
25 River to Corpus Christi, Texas: Report of the Chief

1 of Engineers dated April 16, 2004, at a total cost  
2 of \$14,450,000. The costs of construction of the  
3 project are to be paid  $\frac{1}{2}$  from amounts appropriated  
4 from the general fund of the Treasury and  $\frac{1}{2}$  from  
5 amounts appropriated from the Inland Waterways  
6 Trust Fund.

7 (36) RIVERSIDE OXBOW, FORT WORTH,  
8 TEXAS.—The project for ecosystem restoration, Riv-  
9 erside Oxbow, Fort Worth, Texas: Report of the  
10 Chief of Engineers dated May 29, 2003, at a total  
11 cost of \$27,330,000, with an estimated Federal cost  
12 of \$11,320,000 and an estimated non-Federal cost  
13 of \$16,010,000.

14 (37) CRANEY ISLAND EASTWARD EXPANSION,  
15 VIRGINIA.—The project for navigation, Craney Is-  
16 land Eastward Expansion, Virginia: Report of the  
17 Chief of Engineers dated October 24, 2006, at a  
18 total cost of \$671,340,000, with an estimated Fed-  
19 eral cost of \$26,220,000 and an estimated non-Fed-  
20 eral cost of \$645,120,000.

21 (38) DEEP CREEK, CHESAPEAKE, VIRGINIA.—  
22 The project for the Atlantic Intracoastal Waterway  
23 Bridge Replacement, Deep Creek, Chesapeake, Vir-  
24 ginia: Report of the Chief of Engineers dated March  
25 3, 2003, at a total cost of \$37,200,000.

1           (39) CHEHALIS RIVER, CENTRALIA, WASH-  
2           INGTON.—The project for flood damage reduction,  
3           Centralia, Washington, authorized by section 401(a)  
4           of the Water Resources Development Act of 1986  
5           (Public Law 99–662; 100 Stat. 4126)—

6                   (A) is modified to be carried out at a total  
7           cost of \$121,100,000, with a Federal cost of  
8           \$73,220,000, and a non-Federal cost of  
9           \$47,880,000; and

10                   (B) shall be carried out by the Secretary  
11           substantially in accordance with the plans, and  
12           subject to the conditions, recommended in the  
13           final report of the Chief of Engineers dated  
14           September 27, 2004.

15           (b) PROJECT SUBJECT TO FINAL REPORT.—The  
16           Secretary shall carry out the project for ecosystem restora-  
17           tion, Jamaica Bay, Queens and Brooklyn, New York, at  
18           a total estimated cost of \$204,159,000, with an estimated  
19           Federal cost of \$132,703,000 and an estimated non-Fed-  
20           eral cost of \$71,456,000, substantially in accordance with  
21           the plans, and subject to the conditions, recommended in  
22           a final report of the Chief of Engineers if a favorable re-  
23           port of the Chief is completed not later than December  
24           31, 2006.

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

5 (a) DEFINITIONS.—In this section:

6 (1) PLAN.—The term “Plan” means the project  
7 for navigation and ecosystem improvements for the  
8 Upper Mississippi River and Illinois Waterway Sys-  
9 tem: Report of the Chief of Engineers dated Decem-  
10 ber 15, 2004.

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

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

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

25 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-  
26 TION IMPROVEMENTS.—

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

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

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

8 (ii) provide switchboats at Locks 20  
 9 through 25; and

10 (iii) conduct development and testing  
 11 of an appointment scheduling system.

12 (B) AUTHORIZATION OF APPROPRIA-  
 13 TIONS.—The total cost of the projects author-  
 14 ized under this paragraph shall be  
 15 \$246,000,000. The costs of construction of the  
 16 projects shall be paid  $\frac{1}{2}$  from amounts appro-  
 17 priated from the general fund of the Treasury  
 18 and  $\frac{1}{2}$  from amounts appropriated from the In-  
 19 land Waterways Trust Fund. Such sums shall  
 20 remain available until expended.

21 (2) NEW LOCKS.—

22 (A) IN GENERAL.—The Secretary shall, in  
 23 general conformance with the Plan, construct  
 24 new 1,200-foot locks at Locks 20, 21, 22, 24,  
 25 and 25 on the Upper Mississippi River and at

1 LaGrange Lock and Peoria Lock on the Illinois  
2 Waterway.

3 (B) MITIGATION.—The Secretary shall  
4 conduct mitigation for the new locks and small  
5 scale and nonstructural measures authorized  
6 under paragraphs (1) and (2).

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

17 (D) AUTHORIZATION OF APPROPRIA-  
18 TIONS.—The total cost of the projects author-  
19 ized under this paragraph shall be  
20 \$1,870,000,000. The costs of construction on  
21 the projects shall be paid  $\frac{1}{2}$  from amounts ap-  
22 propriated from the general fund of the Treas-  
23 ury and  $\frac{1}{2}$  from amounts appropriated from  
24 the Inland Waterways Trust Fund. Such sums  
25 shall remain available until expended.

1 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

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

12 (2) ECOSYSTEM RESTORATION PROJECTS.—

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

21 (B) PROJECTS INCLUDED.—Ecosystem  
22 restoration projects may include, but are not  
23 limited to—

24 (i) island building;

25 (ii) construction of fish passages;

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

18 (C) COST SHARING.—

19 (i) IN GENERAL.—Except as provided  
 20 in clauses (ii) and (iii), the Federal share  
 21 of the cost of carrying out an ecosystem  
 22 restoration project under this paragraph  
 23 shall be 65 percent.

24 (ii) EXCEPTION FOR CERTAIN RES-  
 25 TORATION PROJECTS.—In the case of a

1 project under this subparagraph for eco-  
 2 system restoration, the Federal share of  
 3 the cost of carrying out the project shall be  
 4 100 percent if the project—

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

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

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

12 (iii) SAVINGS CLAUSE.—Nothing in  
 13 this paragraph affects the applicability of  
 14 section 906(e) of the Water Resources De-  
 15 velopment Act of 1986 (33 U.S.C. 2283).

16 (iv) NONGOVERNMENTAL ORGANIZA-  
 17 TIONS.—Notwithstanding section 221(b) of  
 18 the Flood Control Act of 1970 (42 U.S.C.  
 19 1962d–5(b)), for any project carried out  
 20 under this section, a non-Federal sponsor  
 21 may include a nonprofit entity, with the  
 22 consent of the affected local government.

23 (D) LAND ACQUISITION.—The Secretary  
 24 may acquire land or an interest in land for an

ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION  
PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hy-

drology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

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

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

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$1,650,000,000, of which not more than \$226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than \$43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—

Of the amounts made available under subpara-

graph (A), not more than \$35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

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

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

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

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

3           (ii) PANEL MEMBERS.—Panel mem-  
4           bers shall include—

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

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

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

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

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

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

22                  (VII) 1 representative of affected  
23                  landowners;

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

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

6 (iii) CHAIRPERSON.—The Secretary  
 7 shall serve as chairperson of the advisory  
 8 panel.

9 (iv) NONAPPLICABILITY OF FACA.—  
 10 The Federal Advisory Committee Act (5  
 11 U.S.C. App.) shall not apply to the Advi-  
 12 sory Panel or any working group estab-  
 13 lished by the Advisory Panel.

14 (6) RANKING SYSTEM.—

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

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

22 (d) COMPARABLE PROGRESS.—

23 (1) IN GENERAL.—As the Secretary conducts  
 24 pre-engineering, design, and construction for

1 projects authorized under this section, the Secretary  
 2 shall—

3 (A) select appropriate milestones; and

4 (B) determine, at the time of such selec-  
 5 tion, whether the projects are being carried out  
 6 at comparable rates.

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

14 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**  
 15 **TORATION, LOUISIANA.**

16 (a) IN GENERAL.—The Secretary may carry out a  
 17 program for ecosystem restoration, Louisiana Coastal  
 18 Area, Louisiana, substantially in accordance with the re-  
 19 port of the Chief of Engineers, dated January 31, 2005.

20 (b) PRIORITIES.—

21 (1) IN GENERAL.—In carrying out the program  
 22 under subsection (a), the Secretary shall give pri-  
 23 ority to—

1 (A) any portion of the program identified  
 2 in the report described in subsection (a) as a  
 3 critical restoration feature;

4 (B) any Mississippi River diversion project  
 5 that—

6 (i) protects a major population area of  
 7 the Pontchartrain, Pearl, Breton Sound,  
 8 Barataria, or Terrebonne Basin; and

9 (ii) produces an environmental benefit  
 10 to the coastal area of the State of Lou-  
 11 isiana; and

12 (C) any barrier island, or barrier shoreline,  
 13 project that—

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

16 (ii) protects a major population area.

17 (c) MODIFICATIONS.—

18 (1) IN GENERAL.—In carrying out the program  
 19 under subsection (a), the Secretary is authorized to  
 20 make modifications as necessary to the 5 near-term  
 21 critical ecosystem restoration features identified in  
 22 the report referred to in subsection (a), due to the  
 23 impact of Hurricanes Katrina and Rita on the  
 24 project areas.

1           (2) INTEGRATION.—The Secretary shall ensure  
 2           that the modifications under paragraph (1) are fully  
 3           integrated with the analysis and design of com-  
 4           prehensive hurricane protection authorized by title I  
 5           of the Energy and Water Development Appropria-  
 6           tions Act, 2006 (Public Law 109–103; 119 Stat.  
 7           2247).

8           (3) CONSTRUCTION.—

9                   (A) IN GENERAL.—The Secretary is au-  
 10           thorized to construct the projects modified  
 11           under this subsection.

12                   (B) REPORTS.—

13                           (i) IN GENERAL.—Before beginning  
 14                   construction of the projects, the Secretary  
 15                   shall submit a report documenting any  
 16                   modifications to the 5 near-term projects,  
 17                   including cost changes, to the Louisiana  
 18                   Water Resources Council established by  
 19                   subsection (n)(1) (referred to in this sec-  
 20                   tion as the “Council”) for approval.

21                           (ii) SUBMISSION TO CONGRESS.—On  
 22                   approval of a report under clause (i), the  
 23                   Council shall submit the report to the  
 24                   Committee on Environment and Public  
 25                   Works of the Senate and the Committee on

1                   Transportation and Infrastructure of the  
2                   House of Representatives.

3                   (4) APPLICABILITY OF OTHER PROVISIONS.—  
4                   Section 902 of the Water Resources Development  
5                   Act of 1986 (33 U.S.C. 2280) shall not apply to the  
6                   5 near-term projects authorized by this section.

7                   (d) DEMONSTRATION PROGRAM.—

8                   (1) IN GENERAL.—In carrying out the program  
9                   under subsection (a), the Secretary is authorized to  
10                  conduct a demonstration program within the appli-  
11                  cable project area to evaluate new technologies and  
12                  the applicability of the technologies to the program.

13                  (2) COST LIMITATION.—The cost of an indi-  
14                  vidual project under this subsection shall be not  
15                  more than \$25,000,000.

16                  (e) BENEFICIAL USE OF DREDGED MATERIAL.—

17                  (1) IN GENERAL.—In carrying out the program  
18                  under subsection (a), the Secretary is authorized to  
19                  use such sums as are necessary to conduct a pro-  
20                  gram for the beneficial use of dredged material.

21                  (2) CONSIDERATION.—In carrying out the pro-  
22                  gram under subsection (a), the Secretary shall con-  
23                  sider the beneficial use of sediment from the Illinois  
24                  River System for wetlands restoration in wetlands-  
25                  depleted watersheds.

1 (f) REPORTS.—

2 (1) IN GENERAL.—Not later than December 31,  
3 2008, the Secretary shall submit to Congress feasi-  
4 bility reports on the features included in table 3 of  
5 the report referred to in subsection (a).

6 (2) PROJECTS IDENTIFIED IN REPORTS.—

7 (A) IN GENERAL.—The Secretary shall  
8 submit the reports described in paragraph (1)  
9 to the Committee on Environment and Public  
10 Works of the Senate and the Committee on  
11 Transportation and Infrastructure of the House  
12 of Representatives.

13 (B) CONSTRUCTION.—The Secretary shall  
14 be authorized to construct the projects identi-  
15 fied in the reports at the time the Committees  
16 referred to in subparagraph (A) each adopt a  
17 resolution approving the project.

18 (g) NONGOVERNMENTAL ORGANIZATIONS.—A non-  
19 governmental organization shall be eligible to contribute  
20 all or a portion of the non-Federal share of the cost of  
21 a project under this section.

22 (h) COMPREHENSIVE PLAN.—

23 (1) IN GENERAL.—The Secretary, in coordina-  
24 tion with the Governor of the State of Louisiana,  
25 shall—

1           (A) develop a plan for protecting, pre-  
2           serving, and restoring the coastal Louisiana  
3           ecosystem;

4           (B) not later than 1 year after the date of  
5           enactment of this Act, and every 5 years there-  
6           after, submit to Congress the plan, or an up-  
7           date of the plan; and

8           (C) ensure that the plan is fully integrated  
9           with the analysis and design of comprehensive  
10          hurricane protection authorized by title I of the  
11          Energy and Water Development Appropriations  
12          Act, 2006 (Public Law 109–103; 119 Stat.  
13          2247).

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);

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

7 (D) specific, measurable ecological success  
 8 criteria by which success of the comprehensive  
 9 plan shall be measured.

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

14 (A) a related Federal or State project car-  
 15 ried out on the date on which the plan is devel-  
 16 oped;

17 (B) an activity in the Louisiana Coastal  
 18 Area; or

19 (C) any other project or activity identified  
 20 in—

21 (i) the Mississippi River and Tribu-  
 22 taries program;

23 (ii) the Louisiana Coastal Wetlands  
 24 Conservation Plan;

1 (iii) the Louisiana Coastal Zone Man-  
2 agement Plan; or

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

6 (i) TASK FORCE.—

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

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

15 (A) The Secretary.

16 (B) The Secretary of the Interior.

17 (C) The Secretary of Commerce.

18 (D) The Administrator of the Environ-  
19 mental Protection Agency.

20 (E) The Secretary of Agriculture.

21 (F) The Secretary of Transportation.

22 (G) The Secretary of Energy.

23 (H) The Secretary of Homeland Security.

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

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

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

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

12           (i) that identify funds from current  
13      agency missions and budgets; and

14           (ii) for coordinating individual agency  
15      budget requests; and

16           (C) the comprehensive plan under sub-  
17      section (h).

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

22           (5) NONAPPLICABILITY OF FACA.—The Federal  
23      Advisory Committee Act (5 U.S.C. App.) shall not  
24      apply to the Task Force or any working group of the  
25      Task Force.

1 (j) SCIENCE AND TECHNOLOGY.—

2 (1) IN GENERAL.—The Secretary shall establish  
3 a coastal Louisiana ecosystem science and tech-  
4 nology program.

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

7 (A) to identify any uncertainty relating to  
8 the physical, chemical, geological, biological,  
9 and cultural baseline conditions in coastal Lou-  
10 isiana;

11 (B) to improve knowledge of the physical,  
12 chemical, geological, biological, and cultural  
13 baseline conditions in coastal Louisiana; and

14 (C) to identify and develop technologies,  
15 models, and methods to carry out this sub-  
16 section.

17 (3) WORKING GROUPS.—The Secretary may es-  
18 tablish such working groups as the Secretary deter-  
19 mines to be necessary to assist the Secretary in car-  
20 rying out this subsection.

21 (4) CONTRACTS AND COOPERATIVE AGREE-  
22 MENTS.—In carrying out this subsection, the Sec-  
23 retary may enter into a contract or cooperative  
24 agreement with an individual or entity (including a  
25 consortium of academic institutions in Louisiana)

1 with scientific or engineering expertise in the res-  
 2 toration of aquatic and marine ecosystems for coast-  
 3 al restoration and enhancement through science and  
 4 technology.

5 (k) ANALYSIS OF BENEFITS.—

6 (1) IN GENERAL.—Notwithstanding section 209  
 7 of the Flood Control Act of 1970 (42 U.S.C. 1962–  
 8 2) or any other provision of law, in carrying out an  
 9 activity to conserve, protect, restore, or maintain the  
 10 coastal Louisiana ecosystem, the Secretary may de-  
 11 termine that the environmental benefits provided by  
 12 the program under this section outweigh the dis-  
 13 advantage of an activity under this section.

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

18 (l) STUDIES.—

19 (1) DEGRADATION.—Not later than 180 days  
 20 after the date of enactment of this Act, the Sec-  
 21 retary, in consultation with the non-Federal interest,  
 22 shall enter into a contract with the National Acad-  
 23 emy of Sciences under which the National Academy  
 24 of Sciences shall carry out a study to identify—

1 (A) the cause of any degradation of the  
 2 Louisiana Coastal Area ecosystem that occurred  
 3 as a result of an activity approved by the Sec-  
 4 retary; and

5 (B) the sources of the degradation.

6 (2) FINANCING.—On completion, and taking  
 7 into account the results, of the study conducted  
 8 under paragraph (1), the Secretary, in consultation  
 9 with the non-Federal interest, shall study—

10 (A) financing alternatives for the program  
 11 under subsection (a); and

12 (B) potential reductions in the expenditure  
 13 of Federal funds in emergency responses that  
 14 would occur as a result of ecosystem restoration  
 15 in the Louisiana Coastal Area.

16 (m) PROJECT MODIFICATIONS.—

17 (1) REVIEW.—The Secretary, in cooperation  
 18 with any non-Federal interest, shall review each fed-  
 19 erally-authorized water resources project in the  
 20 coastal Louisiana area in existence on the date of  
 21 enactment of this Act to determine whether—

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

24 (B) the project could contribute to eco-  
 25 system restoration under subsection (a) through

1           modification of the operations or features of the  
2           project.

3           (2) MODIFICATIONS.—Subject to paragraphs  
4           (3) and (4), the Secretary may carry out the modi-  
5           fications described in paragraph (1)(B).

6           (3) PUBLIC NOTICE AND COMMENT.—Before  
7           completing the report required under paragraph (4),  
8           the Secretary shall provide an opportunity for public  
9           notice and comment.

10          (4) REPORT.—

11                (A) IN GENERAL.—Before modifying an  
12                operation or feature of a project under para-  
13                graph (1)(B), the Secretary shall submit to the  
14                Committee on Environment and Public Works  
15                of the Senate and the Committee on Transpor-  
16                tation and Infrastructure of the House of Rep-  
17                resentatives a report describing the modifica-  
18                tion.

19                (B) INCLUSION.—A report under subpara-  
20                graph (A) shall include such information relat-  
21                ing to the timeline and cost of a modification  
22                as the Secretary determines to be relevant.

23           (5) AUTHORIZATION OF APPROPRIATIONS.—  
24           There is authorized to be appropriated to carry out  
25           this subsection \$10,000,000.

1       (n) LOUISIANA WATER RESOURCES COUNCIL.—

2           (1) ESTABLISHMENT.—There is established  
3       within the Mississippi River Commission, a subgroup  
4       to be known as the “Louisiana Water Resources  
5       Council”.

6           (2) PURPOSES.—The purposes of the Council  
7       are—

8           (A) to manage and oversee each aspect of  
9       the implementation of a system-wide, com-  
10      prehensive plan for projects of the Corps of En-  
11      gineers (including the study, planning, engi-  
12      neering, design, and construction of the projects  
13      or components of projects and the functions or  
14      activities of the Corps of Engineers relating to  
15      other projects) that addresses hurricane protec-  
16      tion, flood control, ecosystem restoration, storm  
17      surge damage reduction, or navigation in the  
18      Hurricanes Katrina and Rita disaster areas in  
19      the State of Louisiana; and

20           (B) to demonstrate and evaluate a stream-  
21      lined approach to authorization of water re-  
22      sources projects to be studied, designed, and  
23      constructed by the Corps of Engineers.

24           (3) MEMBERSHIP.—

1 (A) IN GENERAL.—The president of the  
 2 Mississippi River Commission shall appoint  
 3 members of the Council, after considering rec-  
 4 ommendations of the Governor of Louisiana.

5 (B) REQUIREMENTS.—The Council shall  
 6 be composed of—

7 (i) 2 individuals with expertise in  
 8 coastal ecosystem restoration, including the  
 9 interaction of saltwater and freshwater es-  
 10 tuaries; and

11 (ii) 2 individual with expertise in geol-  
 12 ogy or civil engineering relating to hurri-  
 13 cane and flood damage reduction and navi-  
 14 gation.

15 (C) CHAIRPERSON.—In addition to the  
 16 members appointed under subparagraph (B),  
 17 the Council shall be chaired by 1 of the 3 offi-  
 18 cers of the Corps of Engineers of the Mis-  
 19 sissippi River Commission.

20 (4) DUTIES.—With respect to modifications  
 21 under subsection (c), the Council shall—

22 (A) review and approve or disapprove the  
 23 reports completed by the Secretary; and

24 (B) on approval, submit the reports to the  
 25 Committee on Environment and Public Works

1 of the Senate and the Committee on Transpor-  
2 tation and Infrastructure of the House of Rep-  
3 resentatives.

4 (5) TERMINATION.—

5 (A) IN GENERAL.—The Council shall ter-  
6 minate on the date that is 6 years after the  
7 date of enactment of this Act.

8 (B) EFFECT.—Any project modification  
9 under subsection (c) that has not been approved  
10 by the Council and submitted to Congress by  
11 the date described in subparagraph (A) shall  
12 not proceed to construction before the date on  
13 which the modification is statutorily approved  
14 by Congress.

15 (o) OTHER PROJECTS.—

16 (1) IN GENERAL.—With respect to the projects  
17 identified in the analysis and design of comprehen-  
18 sive hurricane protection authorized by title I of the  
19 Energy and Water Development Appropriations Act,  
20 2006 (Public Law 109–103; 119 Stat. 2247), the  
21 Secretary shall submit a report describing the  
22 projects to the Committee on Environment and Pub-  
23 lic Works of the Senate and the Committee on  
24 Transportation and Infrastructure of the House of  
25 Representatives.

1           (2) CONSTRUCTION.—The Secretary shall be  
 2           authorized to construct the projects at the time the  
 3           Committees referred to in paragraph (1) each adopt  
 4           a resolution approving the project.

5           (p) REPORT.—

6           (1) IN GENERAL.—Not later than 6 years after  
 7           the date of enactment of this Act, the Secretary  
 8           shall submit to the Committee on Environment and  
 9           Public Works of the Senate and the Committee on  
 10          Transportation and Infrastructure of the House of  
 11          Representatives a report evaluating the alternative  
 12          means of authorizing Corps of Engineers water re-  
 13          sources projects under subsections (c)(3), (f)(2), and  
 14          (o)(2).

15          (2) INCLUSIONS.—The report shall include a  
 16          description of—

17                 (A) the projects authorized and undertaken  
 18                 under this section;

19                 (B) the construction status of the projects;  
 20                 and

21                 (C) the benefits and environmental impacts  
 22                 of the projects.

23          (3) EXTERNAL REVIEW.—The Secretary shall  
 24          enter into a contract with the National Academy of  
 25          Science to perform an external review of the dem-

1        onstration program under subsection (d), which shall  
 2        be submitted to the Committee on Environment and  
 3        Public Works of the Senate and the Committee on  
 4        Transportation and Infrastructure of the House of  
 5        Representatives.

6    **SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
 7                                    **TION.**

8        The Secretary—

9            (1) shall conduct a study for flood damage re-  
 10        duction, Cache River Basin, Grubbs, Arkansas; and

11            (2) if the Secretary determines that the project  
 12        is feasible, may carry out the project under section  
 13        205 of the Flood Control Act of 1948 (33 U.S.C.  
 14        701s).

15    **SEC. 1005. SMALL PROJECTS FOR NAVIGATION.**

16        The Secretary shall conduct a study for each of the  
 17        following projects and, if the Secretary determines that  
 18        a project is feasible, may carry out the project under sec-  
 19        tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
 20        577):

21            (1) LITTLE ROCK PORT, ARKANSAS.—Project  
 22        for navigation, Little Rock Port, Arkansas River,  
 23        Arkansas.

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

4           (3) OUTER CHANNEL AND INNER HARBOR, ME-  
5           NOMINEE HARBOR, MICHIGAN AND WISCONSIN.—  
6           Project for navigation, Outer Channel and Inner  
7           Harbor, Menominee Harbor, Michigan and Wis-  
8           consin.

9           (4) MIDDLE BASS ISLAND STATE PARK, MIDDLE  
10          BASS ISLAND, OHIO.—Project for navigation, Middle  
11          Bass Island State Park, Middle Bass Island, Ohio.

12 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
13 **RESTORATION.**

14          The Secretary shall conduct a study for each of the  
15          following projects and, if the Secretary determines that  
16          a project is appropriate, may carry out the project under  
17          section 206 of the Water Resources Development Act of  
18          1996 (33 U.S.C. 2330):

19               (1) SAN DIEGO RIVER, CALIFORNIA.—Project  
20               for aquatic ecosystem restoration, San Diego River,  
21               California, including efforts to address invasive  
22               aquatic plant species.

23               (2) SUISON MARSH, SAN PABLO BAY, CALI-  
24               FORNIA.—Project for aquatic ecosystem restoration,  
25               San Pablo Bay, California.

1           (3) JOHNSON CREEK, GRESHAM, OREGON.—  
 2       Project for aquatic ecosystem restoration, Johnson  
 3       Creek, Gresham, Oregon.

4           (4) BLACKSTONE RIVER, RHODE ISLAND.—  
 5       Project for aquatic ecosystem restoration, Black-  
 6       stone River, Rhode Island.

7           (5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—  
 8       Project for aquatic ecosystem restoration, College  
 9       Lake, Lynchburg, Virginia.

## 10   **TITLE II—GENERAL PROVISIONS**

### 11           **Subtitle A—Provisions**

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

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

15           (1) by striking “SEC. 221” and inserting the  
 16       following:

17   **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**  
 18           **WATER RESOURCES PROJECTS.”;**

19       and

20           (2) by striking subsection (a) and inserting the  
 21       following:

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

23           **“(1) IN GENERAL.—**After December 31, 1970,  
 24       the construction of any water resources project, or  
 25       an acceptable separable element thereof, by the Sec-

1       retary of the Army, acting through the Chief of En-  
2       gineers, or by a non-Federal interest where such in-  
3       terest will be reimbursed for such construction under  
4       any provision of law, shall not be commenced until  
5       each non-Federal interest has entered into a written  
6       partnership agreement with the district engineer for  
7       the district in which the project will be carried out  
8       under which each party agrees to carry out its re-  
9       sponsibilities and requirements for implementation  
10      or construction of the project or the appropriate ele-  
11      ment of the project, as the case may be; except that  
12      no such agreement shall be required if the Secretary  
13      determines that the administrative costs associated  
14      with negotiating, executing, or administering the  
15      agreement would exceed the amount of the contribu-  
16      tion required from the non-Federal interest and are  
17      less than \$25,000.

18           “(2) LIQUIDATED DAMAGES.—An agreement  
19      described in paragraph (1) may include a provision  
20      for liquidated damages in the event of a failure of  
21      1 or more parties to perform.

22           “(3) OBLIGATION OF FUTURE APPROPRIA-  
23      TIONS.—In any such agreement entered into by a  
24      State, or a body politic of the State which derives  
25      its powers from the State constitution, or a govern-

1       mental entity created by the State legislature, the  
 2       agreement may reflect that it does not obligate fu-  
 3       ture appropriations for such performance and pay-  
 4       ment when obligating future appropriations would be  
 5       inconsistent with constitutional or statutory limita-  
 6       tions of the State or a political subdivision of the  
 7       State.

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

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

16               “(i) the costs of planning (including  
 17       data collection), design, management, miti-  
 18       gation, construction, and construction serv-  
 19       ices that are provided by the non-Federal  
 20       interest for implementation of the project;

21               “(ii) the value of materials or services  
 22       provided before execution of an agreement  
 23       for the project, including efforts on con-  
 24       structed elements incorporated into the  
 25       project; and

1 “(iii) materials and services provided  
2 after an agreement is executed.

3 “(B) CONDITION.—The Secretary shall  
4 credit an in-kind contribution under subpara-  
5 graph (A) if the Secretary determines that the  
6 property or service provided as an in-kind con-  
7 tribution is integral to the project.

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

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

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

17 “(iii) shall not exceed the actual and  
18 reasonable costs of the materials, services,  
19 or other things provided by the non-Fed-  
20 eral interest, as determined by the Sec-  
21 retary.”.

22 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**  
23 **AUTHORITY.**

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

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

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

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

10          (3) in subsection (d)—

11                   (A) by striking “\$250,000 for fiscal year  
12                   2001” and inserting “\$1,000,000 for fiscal year  
13                   2007 and each fiscal year thereafter”; and

14                   (B) by striking “or international organiza-  
15                   tions” and inserting “, international organiza-  
16                   tions, or foreign governments”.

17   **SEC. 2003. TRAINING FUNDS.**

18           (a) IN GENERAL.—The Secretary may include indi-  
19           viduals from the non-Federal interest, including the pri-  
20           vate sector, in training classes and courses offered by the  
21           Corps of Engineers in any case in which the Secretary  
22           determines that it is in the best interest of the Federal  
23           Government to include those individuals as participants.

24           (b) EXPENSES.—

1           (1) IN GENERAL.—An individual from a non-  
 2       Federal interest attending a training class or course  
 3       described in subsection (a) shall pay the full cost of  
 4       the training provided to the individual.

5           (2) PAYMENTS.—Payments made by an indi-  
 6       vidual for training received under subsection (a), up  
 7       to the actual cost of the training—

8                 (A) may be retained by the Secretary;

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

11                (C) shall be available for use by the Sec-  
 12       retary, without further appropriation, for train-  
 13       ing purposes.

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

19 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

20       (a) IN GENERAL.—On the third Tuesday of January  
 21       of each year beginning January 2008, the Chief of Engi-  
 22       neers shall submit to the Committee on Environment and  
 23       Public Works of the Senate and the Committee on Trans-  
 24       portation and Infrastructure of the House of Representa-  
 25       tives a report on the expenditures for the preceding fiscal

1 year and estimated expenditures for the current fiscal  
2 year.

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

6 (1) With respect to general construction, infor-  
7 mation on—

8 (A) projects currently under construction,  
9 including—

10 (i) allocations to date;

11 (ii) the number of years remaining to  
12 complete construction;

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

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

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

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

24 (ii) estimated annual Federal cost to  
25 maintain that construction schedule.

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

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

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

10          (3) With respect to general investigations and  
11 reconnaissance and feasibility studies—

12           (A) the number of active studies;

13           (B) the number of completed studies not  
14 yet authorized for construction;

15           (C) the number of initiated studies; and

16           (D) the number of studies expected to be  
17 completed during the fiscal year.

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

23          (5) Recreation fees and lease payments.

24          (6) Hydropower and water storage fees.

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

3           (8) Other revenues and fees collected.

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

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

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

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

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

17                (A) the authorization date;

18                (B) the last allocation date;

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

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

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

1 **SEC. 2005. 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) PLANNING PROCESS IMPROVEMENTS.—The Chief  
18 of Engineers—

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

23 (A) complete the feasibility study for the  
24 project; and

25 (B) sign the report of the Chief of Engi-  
26 neers for the project;

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

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

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

9           (i) issue procedures for risk analysis for  
10       cost estimation; and

11          (ii) submit to Congress a report that in-  
12       cludes suggested amendments to section 902 of  
13       the Water Resources Development Act of 1986  
14       (33 U.S.C. 2280).

15       (c) CALCULATION OF BENEFITS AND COSTS FOR  
16       FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility  
17       study for a project for flood damage reduction shall in-  
18       clude, as part of the calculation of benefits and costs—

19           (1) a calculation of the residual risk of flooding  
20       following completion of the proposed project;

21           (2) a calculation of the residual risk of loss of  
22       human life and residual risk to human safety fol-  
23       lowing completion of the proposed project; and

24           (3) a calculation of any upstream or down-  
25       stream impacts of the proposed project.

1 (d) CENTERS OF SPECIALIZED PLANNING EXPER-  
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 (e) 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) REPORTS OF CHIEF OF ENGINEERS.—  
20 The reports of the Chief of Engineers shall be  
21 based solely on the best technical solutions to  
22 water resource needs and problems.

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

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

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

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

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

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide rec-

1 ommendations to Congress for, the report in accord-  
2 ance with paragraph (1).

3 **SEC. 2006. WATER RESOURCES PLANNING COORDINATING**  
4 **COMMITTEE.**

5 (a) ESTABLISHMENT.—The President shall establish  
6 a Water Resources Planning Coordinating Committee (re-  
7 ferred to in this subsection as the “Coordinating Com-  
8 mittee”).

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Coordinating Com-  
11 mittee shall be composed of the following members  
12 (or a designee of the member):

13 (A) The Secretary of the Interior.

14 (B) The Secretary of Agriculture.

15 (C) The Secretary of Health and Human  
16 Services.

17 (D) The Secretary of Housing and Urban  
18 Development.

19 (E) The Secretary of Transportation.

20 (F) The Secretary of Energy.

21 (G) The Secretary of Homeland Security.

22 (H) The Secretary of Commerce.

23 (I) The Administrator of the Environ-  
24 mental Protection Agency.

1 (J) The Chairperson of the Council on En-  
 2 vironmental Quality.

3 (2) CHAIRPERSON AND EXECUTIVE DIREC-  
 4 TOR.—The President shall appoint—

5 (A) 1 member of the Coordinating Com-  
 6 mittee to serve as Chairperson of the Coordi-  
 7 nating Committee for a term of 2 years; and

8 (B) an Executive Director to supervise the  
 9 activities of the Coordinating Committee.

10 (3) FUNCTION.—The function of the Coordi-  
 11 nating Committee shall be to carry out the duties  
 12 and responsibilities set forth under this section.

13 (c) NATIONAL WATER RESOURCES PLANNING AND  
 14 MODERNIZATION POLICY.—It is the policy of the United  
 15 States that all water resources projects carried out by the  
 16 Corps of Engineers shall—

17 (1) reflect national priorities;

18 (2) seek to avoid the unwise use of floodplains;

19 (3) minimize vulnerabilities in any case in  
 20 which a floodplain must be used;

21 (4) protect and restore the functions of natural  
 22 systems; and

23 (5) mitigate any unavoidable damage to natural  
 24 systems.

25 (d) WATER RESOURCE PRIORITIES REPORT.—

1           (1) IN GENERAL.—Not later than 2 years after  
2           the date of enactment of this Act, the Coordinating  
3           Committee, in collaboration with the Secretary, shall  
4           submit to the President and Congress a report de-  
5           scribing the vulnerability of the United States to  
6           damage from flooding and related storm damage, in-  
7           cluding—

8                   (A) the risk to human life;

9                   (B) the risk to property; and

10                  (C) the comparative risks faced by dif-  
11                  ferent regions of the United States.

12           (2) INCLUSIONS.—The report under paragraph  
13           (1) shall include—

14                   (A) an assessment of the extent to which  
15                   programs in the United States relating to flood-  
16                   ing address flood risk reduction priorities;

17                   (B) the extent to which those programs  
18                   may be unintentionally encouraging develop-  
19                   ment and economic activity in floodprone areas;

20                   (C) recommendations for improving those  
21                   programs with respect to reducing and respond-  
22                   ing to flood risks; and

23                   (D) proposals for implementing the rec-  
24                   ommendations.

1       (e) MODERNIZING WATER RESOURCES PLANNING  
2 GUIDELINES.—

3           (1) IN GENERAL.—Not later than 2 years after  
4 the date of enactment of this Act, and every 5 years  
5 thereafter, the Secretary and the Coordinating Com-  
6 mittee shall, in collaboration with each other, review  
7 and propose updates and revisions to modernize the  
8 planning principles and guidelines, regulations, and  
9 circulars by which the Corps of Engineers analyzes  
10 and evaluates water projects. In carrying out the re-  
11 view, the Coordinating Committee and the Secretary  
12 shall consult with the National Academy of Sciences  
13 for recommendations regarding updating planning  
14 documents.

15          (2) PROPOSED REVISIONS.—In conducting a re-  
16 view under paragraph (1), the Coordinating Com-  
17 mittee and the Secretary shall consider revisions to  
18 improve water resources project planning through,  
19 among other things—

20           (A) requiring the use of modern economic  
21 principles and analytical techniques, credible  
22 schedules for project construction, and current  
23 discount rates as used by other Federal agen-  
24 cies;

1 (B) eliminating biases and disincentives to  
2 providing projects to low-income communities,  
3 including fully accounting for the prevention of  
4 loss of life under section 904 of the Water Re-  
5 sources Development Act of 1986 (33 U.S.C.  
6 2281);

7 (C) eliminating biases and disincentives  
8 that discourage the use of nonstructural ap-  
9 proaches to water resources development and  
10 management, and fully accounting for the flood  
11 protection and other values of healthy natural  
12 systems;

13 (D) promoting environmental restoration  
14 projects that reestablish natural processes;

15 (E) assessing and evaluating the impacts  
16 of a project in the context of other projects  
17 within a region or watershed;

18 (F) analyzing and incorporating lessons  
19 learned from recent studies of Corps of Engi-  
20 neers programs and recent disasters such as  
21 Hurricane Katrina and the Great Midwest  
22 Flood of 1993;

23 (G) encouraging wetlands conservation;  
24 and

1 (H) ensuring the effective implementation  
2 of the policies of this Act.

3 (3) PUBLIC PARTICIPATION.—The Coordinating  
4 Committee and the Secretary shall solicit public and  
5 expert comments regarding any revision proposed  
6 under paragraph (2).

7 (4) REVISION OF PLANNING GUIDANCE.—

8 (A) IN GENERAL.—Not later than 180  
9 days after the date on which a review under  
10 paragraph (1) is completed, the Secretary, after  
11 providing notice and an opportunity for public  
12 comment in accordance with subchapter II of  
13 chapter 5, and chapter 7, of title 5, United  
14 States Code (commonly known as the “Admin-  
15 istrative Procedure Act”), shall implement such  
16 proposed updates and revisions to the planning  
17 principles and guidelines, regulations, and cir-  
18 culars of the Corps of Engineers under para-  
19 graph (2) as the Secretary determines to be ap-  
20 propriate.

21 (B) EFFECT.—Effective beginning on the  
22 date on which the Secretary implements the  
23 first update or revision under paragraph (1),  
24 subsections (a) and (b) of section 80 of the  
25 Water Resources Development Act of 1974 (42

1 U.S.C. 1962d–17) shall not apply to the Corps  
2 of Engineers.

3 (5) REPORT.—

4 (A) IN GENERAL.—The Secretary shall  
5 submit to the Committees on Environment and  
6 Public Works and Appropriations of the Senate,  
7 and to the Committees on Transportation and  
8 Infrastructure and Appropriations of the House  
9 of Representatives, a report describing any revision  
10 of planning guidance under paragraph (4).

11 (B) PUBLICATION.—The Secretary shall  
12 publish the report under subparagraph (A) in  
13 the Federal Register.

14 **SEC. 2007. INDEPENDENT PEER REVIEW.**

15 (a) DEFINITIONS.—In this section:

16 (1) CONSTRUCTION ACTIVITIES.—The term  
17 “construction activities” means development of detailed  
18 engineering and design specifications during  
19 the preconstruction engineering and design phase  
20 and the engineering and design phase of a water resources  
21 project carried out by the Corps of Engineers,  
22 and other activities carried out on a water resources  
23 project prior to completion of the construction  
24 and to turning the project over to the local cost-share  
25 partner.

1           (2) PROJECT STUDY.—The term “project  
2       study” means a feasibility report, reevaluation re-  
3       port, or environmental impact statement prepared by  
4       the Corps of Engineers.

5       (b) DIRECTOR OF INDEPENDENT REVIEW.—The  
6       Secretary shall appoint in the Office of the Secretary a  
7       Director of Independent Review. The Director shall be se-  
8       lected from among individuals who are distinguished ex-  
9       perts in engineering, hydrology, biology, economics, or an-  
10      other discipline related to water resources management.  
11      The Secretary shall ensure, to the maximum extent prac-  
12      ticable, that the Director does not have a financial, profes-  
13      sional, or other conflict of interest with projects subject  
14      to review. The Director of Independent Review shall carry  
15      out the duties set forth in this section and such other du-  
16      ties as the Secretary deems appropriate.

17      (c) SOUND PROJECT PLANNING.—

18           (1) PROJECTS SUBJECT TO PLANNING RE-  
19      VIEW.—The Secretary shall ensure that each project  
20      study for a water resources project shall be reviewed  
21      by an independent panel of experts established under  
22      this subsection if—

23           (A) the project has an estimated total cost  
24           of more than \$40,000,000, including mitigation  
25           costs;

1           (B) the Governor of a State in which the  
2           water resources project is located in whole or in  
3           part, or the Governor of a State within the  
4           drainage basin in which a water resources  
5           project is located and that would be directly af-  
6           fected economically or environmentally as a re-  
7           sult of the project, requests in writing to the  
8           Secretary the establishment of an independent  
9           panel of experts for the project;

10           (C) the head of a Federal agency with au-  
11           thority to review the project determines that the  
12           project is likely to have a significant adverse  
13           impact on public safety, or on environmental,  
14           fish and wildlife, historical, cultural, or other  
15           resources under the jurisdiction of the agency,  
16           and requests in writing to the Secretary the es-  
17           tablishment of an independent panel of experts  
18           for the project; or

19           (D) the Secretary determines on his or her  
20           own initiative, or shall determine within 30  
21           days of receipt of a written request for a con-  
22           troversy determination by any party, that the  
23           project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science’s policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a

1 rate of pay to be determined by the Secretary,  
2 and shall be allowed travel expenses.

3 (B) DUTIES OF PROJECT PLANNING RE-  
4 VIEW PANELS.—An independent panel of ex-  
5 perts established under this subsection shall re-  
6 view the project study, receive from the public  
7 written and oral comments concerning the  
8 project study, and submit a written report to  
9 the Secretary that shall contain the panel’s con-  
10 clusions and recommendations regarding project  
11 study issues identified as significant by the  
12 panel, including issues such as—

13 (i) economic and environmental as-  
14 sumptions and projections;

15 (ii) project evaluation data;

16 (iii) economic or environmental anal-  
17 yses;

18 (iv) engineering analyses;

19 (v) formulation of alternative plans;

20 (vi) methods for integrating risk and  
21 uncertainty;

22 (vii) models used in evaluation of eco-  
23 nomic or environmental impacts of pro-  
24 posed projects; and

25 (viii) any related biological opinions.

## (C) PROJECT PLANNING REVIEW

RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established

1 under this subsection and the written ex-  
2 planation of the Secretary required by  
3 clause (ii) shall be included with the report  
4 of the Chief of Engineers to Congress,  
5 shall be published in the Federal Register,  
6 and shall be made available to the public  
7 on the Internet.

8 (D) DEADLINES FOR PROJECT PLANNING  
9 REVIEWS.—

10 (i) IN GENERAL.—Independent review  
11 of a project study shall be completed prior  
12 to the completion of any Chief of Engi-  
13 neers report for a specific water resources  
14 project.

15 (ii) DEADLINE FOR PROJECT PLAN-  
16 NING REVIEW PANEL STUDIES.—An inde-  
17 pendent panel of experts established under  
18 this subsection shall complete its review of  
19 the project study and submit to the Sec-  
20 retary a report not later than 180 days  
21 after the date of establishment of the  
22 panel, or not later than 90 days after the  
23 close of the public comment period on a  
24 draft project study that includes a pre-  
25 ferred alternative, whichever is later. The

1 Secretary may extend these deadlines for  
2 good cause.

3 (iii) FAILURE TO COMPLETE REVIEW  
4 AND REPORT.—If an independent panel of  
5 experts established under this subsection  
6 does not submit to the Secretary a report  
7 by the deadline established by clause (ii),  
8 the Chief of Engineers may continue  
9 project planning without delay.

10 (iv) DURATION OF PANELS.—An inde-  
11 pendent panel of experts established under  
12 this subsection shall terminate on the date  
13 of submission of the report by the panel.  
14 Panels may be established as early in the  
15 planning process as deemed appropriate by  
16 the Director of Independent Review, but  
17 shall be appointed no later than 90 days  
18 before the release for public comment of a  
19 draft study subject to review under sub-  
20 section (c)(1)(A), and not later than 30  
21 days after a determination that review is  
22 necessary under subsection (c)(1)(B),  
23 (c)(1)(C), or (c)(1)(D).

24 (E) EFFECT ON EXISTING GUIDANCE.—

25 The project planning review required by this

1 subsection shall be deemed to satisfy any exter-  
2 nal review required by Engineering Circular  
3 1105-2-408 (31 May 2005) on Peer Review of  
4 Decision Documents.

5 (d) SAFETY ASSURANCE.—

6 (1) PROJECTS SUBJECT TO SAFETY ASSURANCE  
7 REVIEW.—The Secretary shall ensure that the con-  
8 struction activities for any flood damage reduction  
9 project shall be reviewed by an independent panel of  
10 experts established under this subsection if the Di-  
11 rector of Independent Review makes a determination  
12 that an independent review is necessary to ensure  
13 public health, safety, and welfare on any project—

14 (A) for which the reliability of performance  
15 under emergency conditions is critical;

16 (B) that uses innovative materials or tech-  
17 niques;

18 (C) for which the project design is lacking  
19 in redundancy, or that has a unique construc-  
20 tion sequencing or a short or overlapping design  
21 construction schedule; or

22 (D) other than a project described in sub-  
23 paragraphs (A) through (C), as the Director of  
24 Independent Review determines to be appro-  
25 priate.

1           (2) SAFETY ASSURANCE REVIEW PANELS.—At  
2       the appropriate point in the development of detailed  
3       engineering and design specifications for each water  
4       resources project subject to review under this sub-  
5       section, the Director of Independent Review shall es-  
6       tablish an independent panel of experts to review  
7       and report to the Secretary on the adequacy of con-  
8       struction activities for the project. An independent  
9       panel of experts under this subsection shall be com-  
10      posed of not less than 5 nor more than 9 inde-  
11      pendent experts selected from among individuals  
12      who are distinguished experts in engineering, hydrol-  
13      ogy, or other pertinent disciplines. The Director of  
14      Independent Review shall apply the National Acad-  
15      emy of Science’s policy for selecting committee mem-  
16      bers to ensure that panel members have no conflict  
17      with the project being reviewed. An individual serv-  
18      ing on a panel of experts under this subsection shall  
19      be compensated at a rate of pay to be determined  
20      by the Secretary, and shall be allowed travel ex-  
21      penses.

22           (3) DEADLINES FOR SAFETY ASSURANCE RE-  
23      VIEWS.—An independent panel of experts established  
24      under this subsection shall submit a written report  
25      to the Secretary on the adequacy of the construction

1 activities prior to the initiation of physical construc-  
 2 tion and periodically thereafter until construction ac-  
 3 tivities are completed on a publicly available sched-  
 4 ule determined by the Director of Independent Re-  
 5 view for the purposes of assuring the public safety.  
 6 The Director of Independent Review shall ensure  
 7 that these reviews be carried out in a way to protect  
 8 the public health, safety, and welfare, while not  
 9 causing unnecessary delays in construction activities.

10 (4) SAFETY ASSURANCE REVIEW RECORD.—

11 After receiving a written report from an independent  
 12 panel of experts established under this subsection,  
 13 the Secretary shall—

14 (A) take into consideration recommenda-  
 15 tions contained in the report, provide a written  
 16 explanation of recommendations not adopted,  
 17 and immediately make the report and expla-  
 18 nation available to the public on the Internet;  
 19 and

20 (B) submit the report to the Committee on  
 21 Environment and Public Works of the Senate  
 22 and the Committee on Transportation and In-  
 23 frastructure of the House of Representatives.

24 (e) EXPENSES.—

1           (1) IN GENERAL.—The costs of an independent  
2       panel of experts established under subsection (c) or  
3       (d) shall be a Federal expense and shall not ex-  
4       ceed—

5           (A) \$250,000, if the total cost of the  
6       project in current year dollars is less than  
7       \$50,000,000; and

8           (B) 0.5 percent of the total cost of the  
9       project in current year dollars, if the total cost  
10      is \$50,000,000 or more.

11          (2) WAIVER.—The Secretary, at the written re-  
12      quest of the Director of Independent Review, may  
13      waive the cost limitations under paragraph (1) if the  
14      Secretary determines appropriate.

15          (f) REPORT.—Not later than 5 years after the date  
16      of enactment of this Act, the Secretary shall submit to  
17      Congress a report describing the implementation of this  
18      section.

19          (g) SAVINGS CLAUSE.—Nothing in this section shall  
20      be construed to affect any authority of the Secretary to  
21      cause or conduct a peer review of the engineering, sci-  
22      entific, or technical basis of any water resources project  
23      in existence on the date of enactment of this Act.

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

2 (a) COMPLETION OF MITIGATION.—Section 906(a) of  
3 the Water Resources Development Act of 1986 (33 U.S.C.  
4 2283(a)) is amended by adding at the following:

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

15 (b) USE OF CONSOLIDATED MITIGATION.—Section  
16 906(b) of the Water Resources Development Act of 1986  
17 (33 U.S.C. 2283(b)) is amended by adding at the end the  
18 following:

19 “(3) USE OF CONSOLIDATED MITIGATION.—

20 “(A) IN GENERAL.—If the Secretary deter-  
21 mines that other forms of compensatory mitiga-  
22 tion are not practicable or are less environ-  
23 mentally desirable, the Secretary may purchase  
24 available credits from a mitigation bank or con-  
25 servation bank that is approved in accordance  
26 with the Federal Guidance for the Establish-

ment, Use and Operation of Mitigations Banks  
(60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

“(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

“(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.”.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “to the Congress unless such report contains” and inserting “to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact state-

ment, or environmental assessment contains”;  
and

(B) in the second sentence, by inserting “,  
and other habitat types are mitigated to not  
less than in-kind conditions” after “mitigated  
in-kind”; and

(2) by adding at the end the following:

“(3) MITIGATION REQUIREMENTS.—

“(A) IN GENERAL.—To mitigate losses to  
flood damage reduction capabilities and fish  
and wildlife resulting from a water resources  
project, the Secretary shall ensure that the  
mitigation plan for each water resources project  
complies fully with the mitigation standards  
and policies established pursuant to section 404  
of the Federal Water Pollution Control Act (33  
U.S.C. 1344).

“(B) INCLUSIONS.—A specific mitigation  
plan for a water resources project under para-  
graph (1) shall include, at a minimum—

“(i) a plan for monitoring the imple-  
mentation and ecological success of each  
mitigation measure, including a designa-  
tion of the entities that will be responsible  
for the monitoring;

1 “(ii) the criteria for ecological success  
 2 by which the mitigation will be evaluated  
 3 and determined to be successful;

4 “(iii) land and interests in land to be  
 5 acquired for the mitigation plan and the  
 6 basis for a determination that the land and  
 7 interests are available for acquisition;

8 “(iv) a description of—

9 “(I) the types and amount of res-  
 10 toration activities to be conducted;  
 11 and

12 “(II) the resource functions and  
 13 values that will result from the miti-  
 14 gation plan; and

15 “(v) a contingency plan for taking  
 16 corrective actions in cases in which moni-  
 17 toring demonstrates that mitigation meas-  
 18 ures are not achieving ecological success in  
 19 accordance with criteria under clause (ii).

20 “(4) DETERMINATION OF SUCCESS.—

21 “(A) IN GENERAL.—A mitigation plan  
 22 under this subsection shall be considered to be  
 23 successful at the time at which the criteria  
 24 under paragraph (3)(B)(ii) are achieved under

1 the plan, as determined by monitoring under  
2 paragraph (3)(B)(i).

3 “(B) CONSULTATION.—In determining  
4 whether a mitigation plan is successful under  
5 subparagraph (A), the Secretary shall consult  
6 annually with appropriate Federal agencies and  
7 each State in which the applicable project is lo-  
8 cated on at least the following:

9 “(i) The ecological success of the miti-  
10 gation as of the date on which the report  
11 is submitted.

12 “(ii) The likelihood that the mitiga-  
13 tion will achieve ecological success, as de-  
14 fined in the mitigation plan.

15 “(iii) The projected timeline for  
16 achieving that success.

17 “(iv) Any recommendations for im-  
18 proving the likelihood of success.

19 “(C) REPORTING.—Not later than 60 days  
20 after the date of completion of the annual con-  
21 sultation, the Federal agencies consulted shall,  
22 and each State in which the project is located  
23 may, submit to the Secretary a report that de-  
24 scribes the results of the consultation described  
25 in (B).

1           “(D) ACTION BY SECRETARY.—The Sec-  
 2           retary shall respond in writing to the substance  
 3           and recommendations contained in each report  
 4           under subparagraph (C) by not later than 30  
 5           days after the date of receipt of the report.

6           “(5) MONITORING.—Mitigation     monitoring  
 7           shall continue until it has been demonstrated that  
 8           the mitigation has met the ecological success cri-  
 9           teria.”.

10          (d) STATUS REPORT.—

11           (1) IN GENERAL.—Concurrent with the submis-  
 12           sion of the President to Congress of the request of  
 13           the President for appropriations for the Civil Works  
 14           Program for a fiscal year, the Secretary shall submit  
 15           to the Committee on the Environment and Public  
 16           Works of the Senate and the Committee on Trans-  
 17           portation and Infrastructure of the House of Rep-  
 18           resentatives a report describing the status of con-  
 19           struction of projects that require mitigation under  
 20           section 906 of Water Resources Development Act  
 21           1986 (33 U.S.C. 2283) and the status of that miti-  
 22           gation.

23           (2) PROJECTS INCLUDED.—The status report  
 24           shall include the status of—

1 (A) all projects that are under construction  
2 as of the date of the report;

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

5 (C) all projects that have completed con-  
6 struction, but have not completed the mitigation  
7 required under section 906 of the Water Re-  
8 sources Development Act of 1986 (33 U.S.C.  
9 2283).

10 (e) MITIGATION TRACKING SYSTEM.—

11 (1) IN GENERAL.—Not later than 1 year after  
12 the date of enactment of this Act, the Secretary  
13 shall establish a recordkeeping system to track, for  
14 each water resources project undertaken by the Sec-  
15 retary and for each permit issued under section 404  
16 of the Federal Water Pollution Control Act (33  
17 U.S.C. 1344)—

18 (A) the quantity and type of wetland and  
19 any other habitat type affected by the project,  
20 project operation, or permitted activity;

21 (B) the quantity and type of mitigation  
22 measures required with respect to the project,  
23 project operation, or permitted activity;

24 (C) the quantity and type of mitigation  
25 measures that have been completed with respect

1 to the project, project operation, or permitted  
2 activity; and

3 (D) the status of monitoring of the mitiga-  
4 tion measures carried out with respect to the  
5 project, project operation, or permitted activity.

6 (2) REQUIREMENTS.—The recordkeeping sys-  
7 tem under paragraph (1) shall—

8 (A) include information relating to the im-  
9 pacts and mitigation measures relating to  
10 projects described in paragraph (1) that occur  
11 after November 17, 1986; and

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

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

18 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

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

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

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

24 **“(a) FEDERAL-STATE COOPERATION.—**

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

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

5           “(2) TECHNICAL ASSISTANCE.—

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

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

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

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

20           (5) in subsection (c)—

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

23           “(c) AUTHORIZATION OF APPROPRIATIONS.—

24                 “(1) FEDERAL AND STATE COOPERATION.—  
25   There is”;

1 (B) in paragraph (1) (as designated by  
 2 subparagraph (A)), by striking “the provisions  
 3 of this section except that not more than  
 4 \$500,000 shall be expended in any one year in  
 5 any one State.” and inserting “subsection  
 6 (a)(1).”; and

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

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

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

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

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

23 (a) IN GENERAL.—The Secretary, acting through the  
 24 Chief of Engineers, shall carry out a program to provide

1 public access to water resource and related water quality  
 2 data in the custody of the Corps of Engineers.

3 (b) DATA.—Public access under subsection (a)  
 4 shall—

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

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

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

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 18 authorized to be appropriated to carry out this section  
 19 \$5,000,000 for each fiscal year.

20 **SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
 21 **BY NON-FEDERAL INTERESTS.**

22 (a) IN GENERAL.—Section 211(e)(6) of the Water  
 23 Resources Development Act of 1996 (33 U.S.C. 701b–  
 24 13(e)(6)) is amended by adding at the end following:

25 “(E) BUDGET PRIORITY.—

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

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

8           (b) CONSTRUCTION OF FLOOD CONTROL PROJECTS  
 9 BY NON-FEDERAL INTERESTS.—Section 211(f) of the  
 10 Water Resources Development Act of 1996 (33 U.S.C.  
 11 701b–13) is amended by adding at the end the following:

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

15                   “(10) BUFFALO BAYOU, TEXAS.—The project  
 16                   for flood control, Buffalo Bayou, Texas, authorized  
 17                   by the first section of the Act of June 20, 1938 (52  
 18                   Stat. 804, chapter 535) (commonly known as the  
 19                   ‘River and Harbor Act of 1938’) and modified by  
 20                   section 3a of the Act of August 11, 1939 (53 Stat.  
 21                   1414, chapter 699) (commonly known as the ‘Flood  
 22                   Control Act of 1939’), except that, subject to the ap-  
 23                   proval of the Secretary as provided by this section,  
 24                   the non-Federal interest may design and construct  
 25                   an alternative to such project.

1           “(11) HALLS BAYOU, TEXAS.—The Halls  
 2 Bayou element of the project for flood control, Buf-  
 3 falo Bayou and tributaries, Texas, authorized by sec-  
 4 tion 101(a)(21) of the Water Resources Develop-  
 5 ment Act of 1990 (33 U.S.C. 2201 note), except  
 6 that, subject to the approval of the Secretary as pro-  
 7 vided by this section, the non-Federal interest may  
 8 design and construct an alternative to such  
 9 project.”.

10 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

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

14 **“SEC. 204. REGIONAL SEDIMENT MANAGEMENT.**

15       “(a) IN GENERAL.—In connection with sediment ob-  
 16 tained through the construction, operation, or mainte-  
 17 nance of an authorized Federal water resources project,  
 18 the Secretary, acting through the Chief of Engineers, shall  
 19 develop Regional Sediment Management plans and carry  
 20 out projects at locations identified in the plan prepared  
 21 under subsection (e), or identified jointly by the non-Fed-  
 22 eral interest and the Secretary, for use in the construction,  
 23 repair, modification, or rehabilitation of projects associ-  
 24 ated with Federal water resources projects, for—

25           “(1) the protection of property;

1           “(2) the protection, restoration, and creation of  
2       aquatic and ecologically related habitats, including  
3       wetlands; and

4           “(3) the transport and placement of suitable  
5       sediment

6       “(b) SECRETARIAL FINDINGS.—Subject to sub-  
7       section (c), projects carried out under subsection (a) may  
8       be carried out in any case in which the Secretary finds  
9       that—

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

13           “(2) the project would not result in environ-  
14       mental degradation.

15       “(c) DETERMINATION OF PLANNING AND PROJECT  
16       COSTS.—

17           “(1) IN GENERAL.—In consultation and co-  
18       operation with the appropriate Federal, State, re-  
19       gional, and local agencies, the Secretary, acting  
20       through the Chief of Engineers, shall develop at  
21       Federal expense plans and projects for regional  
22       management of sediment obtained in conjunction  
23       with construction, operation, and maintenance of  
24       Federal water resources projects.

25           “(2) COSTS OF CONSTRUCTION.—

1           “(A) IN GENERAL.—Costs associated with  
2           construction of a project under this section or  
3           identified in a Regional Sediment Management  
4           plan shall be limited solely to construction costs  
5           that are in excess of those costs necessary to  
6           carry out the dredging for construction, oper-  
7           ation, or maintenance of an authorized Federal  
8           water resources project in the most cost-effec-  
9           tive way, consistent with economic, engineering,  
10          and environmental criteria.

11          “(B) COST SHARING.—The determination  
12          of any non-Federal share of the construction  
13          cost shall be based on the cost sharing as speci-  
14          fied in subsections (a) through (d) of section  
15          103 of the Water Resources Development Act  
16          of 1986 (33 U.S.C. 2213), for the type of Fed-  
17          eral water resource project using the dredged  
18          resource.

19          “(C) TOTAL COST.—Total Federal costs  
20          associated with construction of a project under  
21          this section shall not exceed \$5,000,000 without  
22          Congressional approval.

23          “(3) OPERATION, MAINTENANCE, REPLACE-  
24          MENT, AND REHABILITATION COSTS.—Operation,  
25          maintenance, replacement, and rehabilitation costs

1 associated with a project are a non-Federal sponsor  
 2 responsibility.

3 “(d) SELECTION OF SEDIMENT DISPOSAL METHOD  
 4 FOR ENVIRONMENTAL PURPOSES.—

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

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

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

20 “(1) cooperate with any State in the prepara-  
 21 tion of a comprehensive State or regional coastal  
 22 sediment management plan within the boundaries of  
 23 the State;

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

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

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

7           “(1) Fire Island Inlet, Suffolk County, New  
 8           York;

9           “(2) Fletcher Cove, California;

10           “(3) Delaware River Estuary, New Jersey and  
 11           Pennsylvania; and

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

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

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

25           (b) REPEAL.—

1           (1) IN GENERAL.—Section 145 of the Water  
2       Resources Development Act of 1976 (33 U.S.C.  
3       426j) is repealed.

4           (2) EXISTING PROJECTS.—The Secretary, act-  
5       ing through the Chief of Engineers, may complete  
6       any project being carried out under section 145 on  
7       the day before the date of enactment of this Act.

8       **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**  
9                                   **VELOPMENT PROGRAM.**

10       (a) IN GENERAL.—Section 3 of the Act entitled “An  
11   Act authorizing Federal participation in the cost of pro-  
12   tecting the shores of publicly owned property”, approved  
13   August 13, 1946 (33 U.S.C. 426g), is amended to read  
14   as follows:

15       **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**  
16                                   **PACT MINIMIZATION PROGRAM.**

17       “(a) CONSTRUCTION OF SMALL SHORE AND BEACH  
18   RESTORATION AND PROTECTION PROJECTS.—

19           “(1) IN GENERAL.—The Secretary may carry  
20       out construction of small shore and beach restora-  
21       tion and protection projects not specifically author-  
22       ized by Congress that otherwise comply with the  
23       first section of this Act if the Secretary determines  
24       that such construction is advisable.

1           “(2) LOCAL COOPERATION.—The local coopera-  
 2           tion requirement under the first section of this Act  
 3           shall apply to a project under this section.

4           “(3) COMPLETENESS.—A project under this  
 5           section—

6                   “(A) shall be complete; and

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

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

13                           “(ii) the procedure for projects au-  
 14                           thorized after submission of a survey re-  
 15                           port.

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

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

23                   “(2) REQUIREMENTS.—

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

1 “(i) projects consisting of planning,  
 2 design, construction, and adequate moni-  
 3 toring of prototype engineered and native  
 4 and naturalized vegetative shoreline ero-  
 5 sion control devices and methods;

6 “(ii) detailed engineering and environ-  
 7 mental reports on the results of each  
 8 project carried out under the program; and

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

14 “(B) DETERMINATION OF FEASIBILITY.—  
 15 A project under this section shall not be carried  
 16 out until the Secretary, acting through the  
 17 Chief of Engineers, determines that the project  
 18 is feasible.

19 “(C) EMPHASIS.—A project carried out  
 20 under the program shall emphasize, to the max-  
 21 imum extent practicable—

22 “(i) the development and demonstra-  
 23 tion of innovative technologies;

24 “(ii) efficient designs to prevent ero-  
 25 sion at a shoreline site, taking into account

1 the lifecycle cost of the design, including  
 2 cleanup, maintenance, and amortization;

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

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

12 “(v) the avoidance of negative impacts  
 13 to adjacent shorefront communities;

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

16 “(vii) recommendations developed  
 17 from evaluations of the program estab-  
 18 lished under the Shoreline Erosion Control  
 19 Demonstration Act of 1974 (42 U.S.C.  
 20 1962–5 note; 88 Stat. 26), including—

21 “(I) adequate consideration of  
 22 the subgrade;

23 “(II) proper filtration;

24 “(III) durable components;

1                   “(IV) adequate connection be-  
2                   tween units; and

3                   “(V) consideration of additional  
4                   relevant information.

5                   “(D) SITES.—

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

9                   “(I) a privately owned site with  
10                  substantial public access; or

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

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

18                  “(I) a variety of geographic and  
19                  climatic conditions;

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

24                  “(III) the rate of erosion;

1                   “(IV) significant natural re-  
2                   sources or habitats and environ-  
3                   mentally sensitive areas; and

4                   “(V) significant threatened his-  
5                   toric structures or landmarks.

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

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

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

14                  “(C) private organizations;

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

18                  “(E) applicable university research facili-  
19                  ties.

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

1           “(A) at the request of a non-Federal inter-  
2           est of the project, amend the agreement for a  
3           federally-authorized shore protection project in  
4           existence on the date on which initial construc-  
5           tion of the demonstration project is complete to  
6           incorporate the demonstration project as a fea-  
7           ture of the shore protection project, with the fu-  
8           ture cost of the demonstration project to be de-  
9           termined by the cost-sharing ratio of the shore  
10          protection project; or

11          “(B) transfer all interest in and responsi-  
12          bility for the completed demonstration project  
13          to the non-Federal or other Federal agency in-  
14          terest of the project.

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

19               “(A) to share the costs of construction, op-  
20               eration, maintenance, and monitoring of a  
21               project under the program;

22               “(B) to share the costs of removing a  
23               project or project element constructed under  
24               the program, if the Secretary determines that  
25               the project or project element is detrimental to

1 private property, public infrastructure, or public  
 2 safety; or

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

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

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

16 “(B) any recommendations of the Sec-  
 17 retary relating to the program.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

1 restoration and protection projects or small projects  
2 under the program.

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

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

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

11 (b) REPEAL.—Section 5 the Act entitled “An Act au-  
12 thorizing Federal participation in the cost of protecting  
13 the shores of publicly owned property”, approved August  
14 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is re-  
15 pealed.

16 **SEC. 2014. SHORE PROTECTION PROJECTS.**

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

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

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

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

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

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

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

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

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

20 (b) AGGREGATE LIMITATION.—Monitoring costs for  
21 an ecosystem restoration project—

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

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

3 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

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

7 (1) Grayson's Creek, California.

8 (2) Seven Oaks, California.

9 (3) Oxford, California.

10 (4) Walnut Creek, California.

11 (5) Wildcat Phase II, California.

12 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**  
13 **PROCESSING OF PERMITS.**

14 Section 214 of the Water Resources Development Act  
15 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat.  
16 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197)  
17 is amended by striking subsection (c).

18 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**  
19 **TIONS.**

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

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

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

6 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**  
7 **CORPS OF ENGINEERS RESERVOIRS.**

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

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

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

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

24 (2) review an operational plan and identify any  
25 change to maximize an authorized project purpose to

1 improve water storage capacity and enhance effi-  
 2 ciency of releases and withdrawal of water;

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

7 (4) conduct a sediment study and implement  
 8 any sediment management or removal measure.

9 (d) REVENUES FOR SPECIAL CASES.—

10 (1) COSTS OF WATER SUPPLY STORAGE.—In  
 11 the case of a reservoir operated or maintained by the  
 12 Corps of Engineers on the date of enactment of this  
 13 Act, the storage charge for a future contract or con-  
 14 tract renewal for the first cost of water supply stor-  
 15 age at the reservoir shall be the lesser of the esti-  
 16 mated cost of purposes foregone, replacement costs,  
 17 or the updated cost of storage.

18 (2) REALLOCATION.—In the case of a water  
 19 supply that is reallocated from another project pur-  
 20 pose to municipal or industrial water supply, the  
 21 joint use costs for the reservoir shall be adjusted to  
 22 reflect the reallocation of project purposes.

23 (3) CREDIT FOR AFFECTED PROJECT PUR-  
 24 POSES.—In the case of a reallocation that adversely  
 25 affects hydropower generation, the Secretary shall

1 defer to the Administrator of the respective Power  
2 Marketing Administration to calculate the impact of  
3 such a reallocation on the rates for hydroelectric  
4 power.

5 **SEC. 2020. FEDERAL HOPPER DREDGES.**

6 Section 3(c)(7)(B) of the Act of August 11, 1888 (33  
7 U.S.C. 622; 25 Stat. 423), is amended by adding at the  
8 end the following: “This subparagraph shall not apply to  
9 the Federal hopper dredges Essayons and Yaquina of the  
10 Corps of Engineers.”.

11 **SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.**

12 In the State of Louisiana, extraordinary rainfall  
13 events such as Hurricanes Katrina and Rita, which oc-  
14 curred during calendar year 2005, and Hurricane Andrew,  
15 which occurred during calendar year 1992, shall not be  
16 considered in making a determination with respect to the  
17 ordinary high water mark for purposes of carrying out sec-  
18 tion 10 of the Act of March 3, 1899 (33 U.S.C. 403)  
19 (commonly known as the “Rivers and Harbors Act”).

20 **SEC. 2022. WILDFIRE FIREFIGHTING.**

21 Section 309 of Public Law 102–154 (42 U.S.C.  
22 1856a–1; 105 Stat. 1034) is amended by inserting “the  
23 Secretary of the Army,” after “the Secretary of Energy,”.

1 **SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.**

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

4 (1) by striking “A non-Federal interest shall  
5 be” and inserting the following:

6 “(1) IN GENERAL.—In this section, the term  
7 ‘non-Federal interest’ means”; and

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

9 “(2) INCLUSIONS.—The term ‘non-Federal in-  
10 terest’ includes a nonprofit organization acting with  
11 the consent of the affected unit of government.”.

12 **SEC. 2024. PROJECT ADMINISTRATION.**

13 (a) PROJECT TRACKING.—The Secretary shall assign  
14 a unique tracking number to each water resources project  
15 under the jurisdiction of the Secretary, to be used by each  
16 Federal agency throughout the life of the project.

17 (b) REPORT REPOSITORY.—

18 (1) IN GENERAL.—The Secretary shall main-  
19 tain at the Library of Congress a copy of each final  
20 feasibility study, final environmental impact state-  
21 ment, final reevaluation report, record of decision,  
22 and report to Congress prepared by the Corps of  
23 Engineers.

24 (2) AVAILABILITY TO PUBLIC.—

25 (A) IN GENERAL.—Each document de-  
26 scribed in paragraph (1) shall be made available

1 to the public for review, and an electronic copy  
2 of each document shall be made permanently  
3 available to the public through the Internet  
4 website of the Corps of Engineers.

5 (B) COST.—The Secretary shall charge the  
6 requestor for the cost of duplication of the re-  
7 quested document.

8 **SEC. 2025. PROGRAM ADMINISTRATION.**

9 Sections 101, 106, and 108 of the Energy and Water  
10 Development Appropriations Act, 2006 (Public Law 109–  
11 103; 119 Stat. 2252–2254), are repealed.

12 **SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.**

13 (a) IN GENERAL.—Before the date on which the ap-  
14 plicable period for Federal financial participation in a  
15 shore protection project terminates, the Secretary, acting  
16 through the Chief of Engineers, is authorized to review  
17 the shore protection project to determine whether it would  
18 be feasible to extend the period of Federal financial par-  
19 ticipation relating to the project.

20 (b) REPORT.—The Secretary shall submit to Con-  
21 gress a report describing the results of each review con-  
22 ducted under subsection (a).

1 **Subtitle B—Continuing Authorities**  
 2 **Projects**

3 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR**  
 4 **WATERBOURNE TRANSPORTATION.**

5 Section 107 of the River and Harbor Act of 1960  
 6 (33 U.S.C. 577) is amended—

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

10 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR**  
 11 **WATERBOURNE TRANSPORTATION.**

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

14 (2) in subsection (b)—

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

17 “(b) ALLOTMENT.—Not more”; and

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

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

22 “(c) LOCAL CONTRIBUTIONS.—Local”;

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

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

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

3           “(e) COMPLETION.—Each”; and

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

6           “(f) APPLICABILITY.—This”.

7   **SEC. 2032. PROTECTION AND RESTORATION DUE TO EMER-**  
 8                           **GENCIES AT SHORES AND STREAMBANKS.**

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

11           (1) by striking “\$15,000,000” and inserting  
 12           “\$20,000,000”; and

13           (2) by striking “\$1,000,000” and inserting  
 14           “\$1,500,000”.

15   **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
 16                           **TECTION OF AQUATIC AND RIPARIAN ECO-**  
 17                           **SYSTEMS PROGRAM.**

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

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

1 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**  
 2 **TECTION OF AQUATIC AND RIPARIAN ECO-**  
 3 **SYSTEMS PROGRAM.”;**

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

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

8 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**  
 9 **FOR IMPROVEMENT AND RESTORATION OF**  
 10 **ECOSYSTEMS PROGRAM.**

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

13 (1) by striking the section heading and insert-  
 14 ing the following:

15 **“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS**  
 16 **FOR IMPROVEMENT AND RESTORATION OF**  
 17 **ECOSYSTEMS PROGRAM.”;**

18 and

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

21 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**  
 22 **AL HABITATS.**

23 (a) IN GENERAL.—The Secretary may carry out an  
 24 estuary habitat restoration project if the Secretary deter-  
 25 mines that the project—

- 1           (1) will improve the elements and features of an  
2           estuary (as defined in section 103 of the Estuaries  
3           and Clean Waters Act of 2000 (33 U.S.C. 2902));  
4           (2) is in the public interest; and  
5           (3) is cost-effective.

6           (b) COST SHARING.—The non-Federal share of the  
7           cost of construction of any project under this section—  
8           (1) shall be 35 percent; and  
9           (2) shall include the costs of all land, ease-  
10          ments, rights-of-way, and necessary relocations.

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

- 15               (1) the non-Federal share of the costs of con-  
16               struction required under subsection (b); and  
17               (2) in accordance with regulations promulgated  
18               by the Secretary, 100 percent of the costs of any op-  
19               eration, maintenance, replacement, or rehabilitation  
20               of the project.

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

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

1 \$25,000,000 for each fiscal year beginning after the date  
2 of enactment of this Act.

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

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

7 (1) by striking subsection (f);

8 (2) by redesignating subsections (a) through (e)  
9 as subsections (b) through (f), respectively;

10 (3) by inserting before subsection (b) (as redес-  
11 igned by paragraph (2)) the following:

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

17 (4) in subsection (b) (as redesignated by para-  
18 graph (2))—

19 (A) by inserting “, and construction” be-  
20 fore “assistance”; and

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

24 (5) in paragraph (3) of subsection (c) (as redес-  
25 igned by paragraph (2))—

1 (A) by inserting “physical hazards and”  
 2 after “adverse”; and

3 (B) by striking “drainage from”;

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

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

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

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

17 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
 18 authorized to be appropriated to carry out this section for  
 19 each fiscal year \$45,000,000, to remain available until ex-  
 20 pended.”.

21 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**  
 22 **AND REMOVAL OF DAMS.**

23 (a) IN GENERAL.—The Secretary may carry out a  
 24 small dam removal or rehabilitation project if the Sec-

1   retary determines that the project will improve the quality  
2   of the environment or is in the public interest.

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

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

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

14           (2) 100 percent of any operation and mainte-  
15       nance cost.

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

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

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

23       (a) IN GENERAL.—The Secretary shall develop eligi-  
24   bility criteria for Federal participation in navigation

1 projects located in economically disadvantaged commu-  
2 nities that are—

3 (1) dependent on water transportation for sub-  
4 sistence; and

5 (2) located in—

6 (A) remote areas of the United States;

7 (B) American Samoa;

8 (C) Guam;

9 (D) the Commonwealth of the Northern  
10 Mariana Islands;

11 (E) the Commonwealth of Puerto Rico; or

12 (F) the United States Virgin Islands.

13 (b) ADMINISTRATION.—The criteria developed under  
14 this section—

15 (1) shall—

16 (A) provide for economic expansion; and

17 (B) identify opportunities for promoting  
18 economic growth; and

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

1 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE**  
2 **PROJECTS.**

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

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

8 (2) by inserting after subsection (d) the fol-  
9 lowing:

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

13 “(1) the non-Federal interest shall pay the in-  
14 creased projects costs, up to an amount equal to 20  
15 percent of the original estimated project costs and in  
16 accordance with the statutorily-determined cost  
17 share; and

18 “(2) notwithstanding the statutorily-determined  
19 Federal share, the Secretary shall pay all increased  
20 costs remaining after payment of 20 percent of the  
21 increased costs by the non-Federal interest under  
22 paragraph (1).

23 “(f) **LIMITATION.**—Nothing in subsection (a) limits  
24 the authority of the Secretary to ensure that a partnership  
25 agreement meets the requirements of law and policies of

1 the Secretary in effect on the date of execution of the part-  
 2 nership agreement.”.

3 (b) LOCAL COOPERATION.—Section 912(b) of the  
 4 Water Resources Development Act of 1986 (100 Stat.  
 5 4190) is amended—

6 (1) in paragraph (2)—

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

9 (B) by striking the second sentence; and

10 (2) in paragraph (4)—

11 (A) in the first sentence—

12 (i) by striking “injunction, for” and  
 13 inserting “injunction and payment of liq-  
 14 uidated damages, for”; and

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

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

20 (c) APPLICABILITY.—

21 (1) IN GENERAL.—Except as provided in para-  
 22 graph (2), the amendments made by subsections (a)  
 23 and (b) shall apply only to partnership agreements  
 24 entered into after the date of enactment of this Act.

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

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

8                   (B) if construction on the project has not  
9                   been initiated as of the date of enactment of  
10                  this Act.

11          (d) REFERENCES.—

12               (1) COOPERATION AGREEMENTS.—Any ref-  
13               erence in a law, regulation, document, or other  
14               paper of the United States to a cooperation agree-  
15               ment or project cooperation agreement shall be con-  
16               sidered to be a reference to a partnership agreement  
17               or a project partnership agreement, respectively.

18               (2) PARTNERSHIP AGREEMENTS.—Any ref-  
19               erence to a partnership agreement or project part-  
20               nership agreement in this Act (other than in this  
21               section) shall be considered to be a reference to a co-  
22               operation agreement or a project cooperation agree-  
23               ment, respectively.

1 **SEC. 2040. PROGRAM NAMES.**

2 Section 205 of the Flood Control Act of 1948 (33  
3 U.S.C. 701s) is amended by striking “SEC. 205. That the”  
4 and inserting the following:

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

7 “The”.

8 **Subtitle C—National Levee Safety**  
9 **Program**

10 **SEC. 2051. SHORT TITLE.**

11 This subtitle may be cited as the “National Levee  
12 Safety Program Act of 2007”.

13 **SEC. 2052. DEFINITIONS.**

14 In this subtitle:

15 (1) **ASSESSMENT.**—The term “assessment”  
16 means the periodic engineering evaluation of a levee  
17 by a registered professional engineer to—

18 (A) review the engineering features of the  
19 levee; and

20 (B) develop a risk-based performance eval-  
21 uation of the levee, taking into consideration  
22 potential consequences of failure or overtopping  
23 of the levee.

24 (2) **COMMITTEE.**—The term “Committee”  
25 means the National Levee Safety Committee estab-  
26 lished by section 2053(a).

1           (3) INSPECTION.—The term “inspection”  
2 means an annual review of a levee to verify whether  
3 the owner or operator of the levee is conducting re-  
4 quired operation and maintenance in accordance  
5 with established levee maintenance standards.

6           (4) LEVEE.—The term “levee” means an em-  
7 bankment (including a floodwall) that—

8                   (A) is designed, constructed, or operated  
9 for the purpose of flood or storm damage reduc-  
10 tion;

11                   (B) reduces the risk of loss of human life  
12 or risk to the public safety; and

13                   (C) is not otherwise defined as a dam by  
14 the Federal Guidelines for Dam Safety.

15           (5) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Army, acting through the Chief  
17 of Engineers.

18           (6) STATE.—The term “State” means—

19                   (A) a State;

20                   (B) the District of Columbia;

21                   (C) the Commonwealth of Puerto Rico;

22                   and

23                   (D) any other territory or possession of the  
24 United States.

1           (7) STATE LEVEE SAFETY AGENCY.—The term  
 2           “State levee safety agency” means the State agency  
 3           that has regulatory authority over the safety of any  
 4           non-Federal levee in a State.

5           (8) UNITED STATES.—The term “United  
 6           States”, when used in a geographical sense, means  
 7           all of the States.

8   **SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.**

9           (a) ESTABLISHMENT.—

10           (1) IN GENERAL.—The Secretary shall establish  
 11           a National Levee Safety Committee, consisting of  
 12           representatives of Federal agencies and State, tribal,  
 13           and local governments, in accordance with this sub-  
 14           section.

15           (2) FEDERAL AGENCIES.—

16           (A) IN GENERAL.—The head of each Fed-  
 17           eral agency and the head of the International  
 18           Boundary Waters Commission may designate a  
 19           representative to serve on the Committee.

20           (B) ACTION BY SECRETARY.—The Sec-  
 21           retary shall ensure, to the maximum extent  
 22           practicable, that—

23                   (i) each Federal agency that designs,  
 24                   owns, operates, or maintains a levee is rep-  
 25                   resented on the Committee; and

1                   (ii) each Federal agency that has re-  
2                   sponsibility for emergency preparedness or  
3                   response activities is represented on the  
4                   Committee.

5           (3) TRIBAL, STATE, AND LOCAL GOVERN-  
6           MENTS.—

7                   (A) IN GENERAL.—The Secretary shall ap-  
8                   point 8 members to the Committee—

9                           (i) 3 of whom shall represent tribal  
10                           governments affected by levees, based on  
11                           recommendations of tribal governments;

12                           (ii) 3 of whom shall represent State  
13                           levee safety agencies, based on rec-  
14                           ommendations of Governors of the States;  
15                           and

16                           (iii) 2 of whom shall represent local  
17                           governments, based on recommendations of  
18                           Governors of the States.

19                   (B) REQUIREMENT.—In appointing mem-  
20                   bers under subparagraph (A), the Secretary  
21                   shall ensure broad geographic representation, to  
22                   the maximum extent practicable.

23           (4) CHAIRPERSON.—The Secretary shall serve  
24           as Chairperson of the Committee.

1           (5) OTHER MEMBERS.—The Secretary, in con-  
2           sultation with the Committee, may invite to partici-  
3           pate in meetings of the Committee, as appropriate,  
4           1 or more of the following:

5                   (A) Representatives of the National Lab-  
6                   oratories.

7                   (B) Levee safety experts.

8                   (C) Environmental organizations.

9                   (D) Members of private industry.

10                  (E) Any other individual or entity, as the  
11                  Committee determines to be appropriate.

12       (b) DUTIES.—

13           (1) IN GENERAL.—The Committee shall—

14                   (A) advise the Secretary in implementing  
15                   the national levee safety program under section  
16                   2054;

17                   (B) support the establishment and mainte-  
18                   nance of effective programs, policies, and guide-  
19                   lines to enhance levee safety for the protection  
20                   of human life and property throughout the  
21                   United States; and

22                   (C) support coordination and information  
23                   exchange between Federal agencies and State  
24                   levee safety agencies that share common prob-  
25                   lems and responsibilities relating to levee safety,

1 including planning, design, construction, oper-  
 2 ation, emergency action planning, inspections,  
 3 maintenance, regulation or licensing, technical  
 4 or financial assistance, research, and data man-  
 5 agement.

6 (c) POWERS.—

7 (1) INFORMATION FROM FEDERAL AGENCIES.—

8 (A) IN GENERAL.—The Committee may  
 9 secure directly from a Federal agency such in-  
 10 formation as the Committee considers to be  
 11 necessary to carry out this section.

12 (B) PROVISION OF INFORMATION.—On re-  
 13 quest of the Committee, the head of a Federal  
 14 agency shall provide the information to the  
 15 Committee.

16 (2) CONTRACTS.—The Committee may enter  
 17 into any contract the Committee determines to be  
 18 necessary to carry out a duty of the Committee.

19 (d) WORKING GROUPS.—

20 (1) IN GENERAL.—The Secretary may establish  
 21 working groups to assist the Committee in carrying  
 22 out this section.

23 (2) MEMBERSHIP.—A working group under  
 24 paragraph (1) shall be composed of—

25 (A) members of the Committee; and

1 (B) any other individual, as the Secretary  
2 determines to be appropriate.

3 (e) COMPENSATION OF MEMBERS.—

4 (1) FEDERAL EMPLOYEES.—A member of the  
5 Committee who is an officer or employee of the  
6 United States shall serve without compensation in  
7 addition to compensation received for the services of  
8 the member as an officer or employee of the United  
9 States.

10 (2) OTHER MEMBERS.—A member of the Com-  
11 mittee who is not an officer or employee of the  
12 United States shall serve without compensation.

13 (f) TRAVEL EXPENSES.—

14 (1) REPRESENTATIVES OF FEDERAL AGEN-  
15 CIES.—To the extent amounts are made available in  
16 advance in appropriations Acts, a member of the  
17 Committee who represents a Federal agency shall be  
18 reimbursed with appropriations for travel expenses  
19 by the agency of the member, including per diem in  
20 lieu of subsistence, at rates authorized for an em-  
21 ployee of an agency under subchapter I of chapter  
22 57 of title 5, United States Code, while away from  
23 home or regular place of business of the member in  
24 the performance of services for the Committee.

1           (2) OTHER INDIVIDUALS.—To the extent  
 2           amounts are made available in advance in appropria-  
 3           tions Acts, a member of the Committee who rep-  
 4           resents a State levee safety agency, a member of the  
 5           Committee who represents the private sector, and a  
 6           member of a working group created under sub-  
 7           section (d) shall be reimbursed for travel expenses  
 8           by the Secretary, including per diem in lieu of sub-  
 9           sistence, at rates authorized for an employee of an  
 10          agency under subchapter 1 of chapter 57 of title 5,  
 11          United States Code, while away from home or reg-  
 12          ular place of business of the member in performance  
 13          of services for the Committee.

14          (g) NONAPPLICABILITY OF FACA.—The Federal Ad-  
 15          visory Committee Act (5 U.S.C. App.) shall not apply to  
 16          the Committee.

17      **SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.**

18          (a) IN GENERAL.—The Secretary, in consultation  
 19          with the Committee and State levee safety agencies, shall  
 20          establish and maintain a national levee safety program.

21          (b) PURPOSES.—The purposes of the program under  
 22          this section are—

23                  (1) to ensure that new and existing levees are  
 24                  safe through the development of technologically and

1 economically feasible programs and procedures for  
2 hazard reduction relating to levees;

3 (2) to encourage appropriate engineering poli-  
4 cies and procedures to be used for levee site inves-  
5 tigation, design, construction, operation and mainte-  
6 nance, and emergency preparedness;

7 (3) to encourage the establishment and imple-  
8 mentation of effective levee safety programs in each  
9 State;

10 (4) to develop and support public education and  
11 awareness projects to increase public acceptance and  
12 support of State levee safety programs;

13 (5) to develop technical assistance materials for  
14 Federal and State levee safety programs;

15 (6) to develop methods of providing technical  
16 assistance relating to levee safety to non-Federal en-  
17 tities; and

18 (7) to develop technical assistance materials,  
19 seminars, and guidelines to improve the security of  
20 levees in the United States.

21 (c) STRATEGIC PLAN.—In carrying out the program  
22 under this section, the Secretary, in coordination with the  
23 Committee, shall prepare a strategic plan—

1           (1) to establish goals, priorities, and target  
2       dates to improve the safety of levees in the United  
3       States;

4           (2) to cooperate and coordinate with, and pro-  
5       vide assistance to, State levee safety agencies, to the  
6       maximum extent practicable;

7           (3) to share information among Federal agen-  
8       cies, State and local governments, and private enti-  
9       ties relating to levee safety; and

10          (4) to provide information to the public relating  
11       to risks associated with levee failure or overtopping.

12       (d) FEDERAL GUIDELINES.—

13           (1) IN GENERAL.—In carrying out the program  
14       under this section, the Secretary, in coordination  
15       with the Committee, shall establish Federal guide-  
16       lines relating to levee safety.

17           (2) INCORPORATION OF FEDERAL ACTIVI-  
18       TIES.—The Federal guidelines under paragraph (1)  
19       shall incorporate, to the maximum extent prac-  
20       ticable, any activity carried out by a Federal agency  
21       as of the date on which the guidelines are estab-  
22       lished.

23       (e) INCORPORATION OF EXISTING ACTIVITIES.—The  
24       program under this section shall incorporate, to the max-  
25       imum extent practicable—

1           (1) any activity carried out by a State or local  
2           government, or a private entity, relating to the con-  
3           struction, operation, or maintenance of a levee; and

4           (2) any activity carried out by a Federal agency  
5           to support an effort by a State levee safety agency  
6           to develop and implement an effective levee safety  
7           program.

8           (f) INVENTORY OF LEVEES.—The Secretary shall de-  
9           velop, maintain, and periodically publish an inventory of  
10          levees in the United States, including the results of any  
11          levee assessment conducted under this section and inspec-  
12          tion.

13          (g) ASSESSMENTS OF LEVEES.—

14           (1) IN GENERAL.—Except as provided in para-  
15          graph (2), as soon as practicable after the date of  
16          enactment of this Act, the Secretary shall conduct  
17          an assessment of each levee in the United States  
18          that protects human life or the public safety to de-  
19          termine the potential for a failure or overtopping of  
20          the levee that would pose a risk of loss of human life  
21          or a risk to the public safety.

22           (2) EXCEPTION.—The Secretary may exclude  
23          from assessment under paragraph (1) any non-Fed-  
24          eral levee the failure or overtopping of which would

1 not pose a risk of loss of human life or a risk to the  
2 public safety.

3 (3) PRIORITIZATION.—In determining the order  
4 in which to assess levees under paragraph (1), the  
5 Secretary shall give priority to levees the failure or  
6 overtopping of which would constitute the highest  
7 risk of loss of human life or a risk to the public safe-  
8 ty, as determined by the Secretary.

9 (4) DETERMINATION.—In assessing levees  
10 under paragraph (1), the Secretary shall take into  
11 consideration the potential of a levee to fail or  
12 overtop because of—

- 13 (A) hydrologic or hydraulic conditions;
- 14 (B) storm surges;
- 15 (C) geotechnical conditions;
- 16 (D) inadequate operating procedures;
- 17 (E) structural, mechanical, or design defi-  
18 ciencies; or
- 19 (F) other conditions that exist or may  
20 occur in the vicinity of the levee.

21 (5) STATE PARTICIPATION.—On request of a  
22 State levee safety agency, with respect to any levee  
23 the failure of which would affect the State, the Sec-  
24 retary shall—

1 (A) provide information to the State levee  
 2 safety agency relating to the construction, oper-  
 3 ation, and maintenance of the levee; and

4 (B) allow an official of the State levee  
 5 safety agency to participate in the assessment  
 6 of the levee.

7 (6) REPORT.—As soon as practicable after the  
 8 date on which a levee is assessed under this section,  
 9 the Secretary shall provide to the Governor of the  
 10 State in which the levee is located a notice describ-  
 11 ing the results of the assessment, including—

12 (A) a description of the results of the as-  
 13 sessment under this subsection;

14 (B) a description of any hazardous condi-  
 15 tion discovered during the assessment; and

16 (C) on request of the Governor, informa-  
 17 tion relating to any remedial measure necessary  
 18 to mitigate or avoid any hazardous condition  
 19 discovered during the assessment.

20 (7) SUBSEQUENT ASSESSMENTS.—

21 (A) IN GENERAL.—After the date on which  
 22 a levee is initially assessed under this sub-  
 23 section, the Secretary shall conduct a subse-  
 24 quent assessment of the levee not less fre-  
 25 quently than once every 5 years.

1 (B) STATE ASSESSMENT OF NON-FEDERAL  
2 LEVEES.—

3 (i) IN GENERAL.—Each State shall  
4 conduct assessments of non-Federal levees  
5 located within the State in accordance with  
6 the applicable State levee safety program.

7 (ii) AVAILABILITY OF INFORMA-  
8 TION.—Each State shall make the results  
9 of the assessments under clause (i) avail-  
10 able for inclusion in the national inventory  
11 under subsection (f).

12 (iii) NON-FEDERAL LEVEES.—

13 (I) IN GENERAL.—On request of  
14 the Governor of a State, the Secretary  
15 may assess a non-Federal levee in the  
16 State.

17 (II) COST.—The State shall pay  
18 100 percent of the cost of an assess-  
19 ment under subclause (I).

20 (III) FUNDING.—The Secretary  
21 may accept funds from any levee  
22 owner for the purposes of conducting  
23 engineering assessments to determine  
24 the performance and structural integ-  
25 rity of a levee.

1 (h) STATE LEVEE SAFETY PROGRAMS.—

2 (1) ASSISTANCE TO STATES.—In carrying out  
3 the program under this section, the Secretary shall  
4 provide funds to State levee safety agencies (or an-  
5 other appropriate State agency, as designated by the  
6 Governor of the State) to assist States in estab-  
7 lishing, maintaining, and improving levee safety pro-  
8 grams.

9 (2) APPLICATION.—

10 (A) IN GENERAL.—To receive funds under  
11 this subsection, a State levee safety agency  
12 shall submit to the Secretary an application in  
13 such time, in such manner, and containing such  
14 information as the Secretary may require.

15 (B) INCLUSION.—An application under  
16 subparagraph (A) shall include an agreement  
17 between the State levee safety agency and the  
18 Secretary under which the State levee safety  
19 agency shall, in accordance with State law—

20 (i) review and approve plans and spec-  
21 ifications to construct, enlarge, modify, re-  
22 move, or abandon a levee in the State;

23 (ii) perform periodic evaluations dur-  
24 ing levee construction to ensure compliance  
25 with the approved plans and specifications;

1           (iii) approve the construction of a  
2 levee in the State before the date on which  
3 the levee becomes operational;

4           (iv) assess, at least once every 5  
5 years, all levees and reservoirs in the State  
6 the failure of which would cause a signifi-  
7 cant risk of loss of human life or risk to  
8 the public safety to determine whether the  
9 levees and reservoirs are safe;

10          (v) establish a procedure for more de-  
11 tailed and frequent safety evaluations;

12          (vi) ensure that assessments are led  
13 by a State-registered professional engineer  
14 with related experience in levee design and  
15 construction;

16          (vii) issue notices, if necessary, to re-  
17 quire owners of levees to perform necessary  
18 maintenance or remedial work, improve se-  
19 curity, revise operating procedures, or take  
20 other actions, including breaching levees;

21          (viii) contribute funds to—

22               (I) ensure timely repairs or other  
23 changes to, or removal of, a levee in  
24 order to reduce the risk of loss of

1 human life and the risk to public safe-  
2 ty; and

3 (II) if the owner of a levee does  
4 not take an action described in sub-  
5 clause (I), take appropriate action as  
6 expeditiously as practicable;

7 (ix) establish a system of emergency  
8 procedures and emergency response plans  
9 to be used if a levee fails or if the failure  
10 of a levee is imminent;

11 (x) identify—

12 (I) each levee the failure of which  
13 could be reasonably expected to en-  
14 danger human life;

15 (II) the maximum area that  
16 could be flooded if a levee failed; and

17 (III) necessary public facilities  
18 that would be affected by the flooding;

19 and

20 (xi) for the period during which the  
21 funds are provided, maintain or exceed the  
22 aggregate expenditures of the State during  
23 the 2 fiscal years preceding the fiscal year  
24 during which the funds are provided to en-  
25 sure levee safety.

1 (3) DETERMINATION OF SECRETARY.—

2 (A) IN GENERAL.—Not later than 120  
3 days after the date on which the Secretary re-  
4 ceives an application under paragraph (2), the  
5 Secretary shall approve or disapprove the appli-  
6 cation.

7 (B) NOTICE OF DISAPPROVAL.—If the Sec-  
8 retary disapproves an application under sub-  
9 paragraph (A), the Secretary shall immediately  
10 provide to the State levee safety agency a writ-  
11 ten notice of the disapproval, including a de-  
12 scription of—

13 (i) the reasons for the disapproval;

14 and

15 (ii) changes necessary for approval of  
16 the application, if any.

17 (C) FAILURE TO DETERMINE.—If the Sec-  
18 retary fails to make a determination by the  
19 deadline under subparagraph (A), the applica-  
20 tion shall be considered to be approved.

21 (4) REVIEW OF STATE LEVEE SAFETY PRO-  
22 GRAMS.—

23 (A) IN GENERAL.—The Secretary, in con-  
24 junction with the Committee, may periodically

1 review any program carried out using funds  
2 under this subsection.

3 (B) INADEQUATE PROGRAMS.—If the Sec-  
4 retary determines under a review under sub-  
5 paragraph (A) that a program is inadequate to  
6 reasonably protect human life and property, the  
7 Secretary shall, until the Secretary determines  
8 the program to be adequate—

9 (i) revoke the approval of the pro-  
10 gram; and

11 (ii) withhold assistance under this  
12 subsection.

13 (i) REPORTING.—Not later than 90 days after the  
14 end of each odd-numbered fiscal year, the Secretary, in  
15 consultation with the Committee, shall submit to Congress  
16 a report describing—

17 (1) the status of the program under this sec-  
18 tion;

19 (2) the progress made by Federal agencies dur-  
20 ing the 2 preceding fiscal years in implementing  
21 Federal guidelines for levee safety;

22 (3) the progress made by State levee safety  
23 agencies participating in the program; and

1           (4) recommendations for legislative or other ac-  
2           tion that the Secretary considers to be necessary, if  
3           any.

4           (j) RESEARCH.—The Secretary, in coordination with  
5           the Committee, shall carry out a program of technical and  
6           archival research to develop and support—

7           (1) improved techniques, historical experience,  
8           and equipment for rapid and effective levee construc-  
9           tion, rehabilitation, and assessment or inspection;

10          (2) the development of devices for the continued  
11          monitoring of levee safety;

12          (3) the development and maintenance of infor-  
13          mation resources systems required to manage levee  
14          safety projects; and

15          (4) public policy initiatives and other improve-  
16          ments relating to levee safety engineering, security,  
17          and management.

18          (k) PARTICIPATION BY STATE LEVEE SAFETY AGEN-  
19          CIES.—In carrying out the levee safety program under this  
20          section, the Secretary shall—

21          (1) solicit participation from State levee safety  
22          agencies; and

23          (2) periodically update State levee safety agen-  
24          cies and Congress on the status of the program.

1       (l) LEVEE SAFETY TRAINING.—The Secretary, in  
 2 consultation with the Committee, shall establish a pro-  
 3 gram under which the Secretary shall provide training for  
 4 State levee safety agency staff and inspectors to a State  
 5 that has, or intends to develop, a State levee safety pro-  
 6 gram, on request of the State.

7       (m) EFFECT OF SUBTITLE.—Nothing in this sub-  
 8 title—

9           (1) creates any Federal liability relating to the  
 10 recovery of a levee caused by an action or failure to  
 11 act;

12           (2) relieves an owner or operator of a levee of  
 13 any legal duty, obligation, or liability relating to the  
 14 ownership or operation of the levee; or

15           (3) except as provided in subsection  
 16 (g)(7)(B)(iii)(III), preempts any applicable Federal  
 17 or State law.

18 **SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

19       There are authorized to be appropriated to the Sec-  
 20 retary—

21           (1) \$50,000,000 to establish and maintain the  
 22 inventory under section 2054(f);

23           (2) \$424,000,000 to carry out levee safety as-  
 24 sessments under section 2054(g);

1           (3) to provide funds for State levee safety pro-  
2       grams under section 2054(h)—

3                   (A) \$15,000,000 for fiscal year 2007; and

4                   (B) \$5,000,000 for each of fiscal years  
5       2008 through 2011;

6           (4) \$2,000,000 to carry out research under sec-  
7       tion 2054(j);

8           (5) \$1,000,000 to carry out levee safety train-  
9       ing under section 2054(l); and

10          (6) \$150,000 to provide travel expenses to  
11       members of the Committee under section 2053(f).

## 12       **TITLE III—PROJECT-RELATED** 13               **PROVISIONS**

### 14       **SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,** 15               **ALASKA.**

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

### 20       **SEC. 3002. SITKA, ALASKA.**

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

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

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

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

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

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

18 **SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

19 The project for flood damage reduction, Rio De Flag,  
20 Flagstaff, Arizona, authorized by section 101(b)(3) of the  
21 Water Resources Development Act of 2000 (114 Stat.  
22 2576), is modified to authorize the Secretary to construct  
23 the project at a total cost of \$54,100,000, with an esti-  
24 mated Federal cost of \$35,000,000 and a non-Federal cost  
25 of \$19,100,000.

1 **SEC. 3005. 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. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKAN-**  
 9 **SAS AND LOUISIANA.**

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

19       (b) MODIFICATION.—Section 3 of the Act of August  
 20 18, 1941 (55 Stat. 642, chapter 377), is amended in the  
 21 second sentence of subsection (a) in the matter under the  
 22 heading “LOWER MISSISSIPPI RIVER” by inserting  
 23 before the period at the end the following: “*Provided, That*  
 24 the Ouachita River Levees, Louisiana, authorized by the  
 25 first section of the Act of May 15, 1928 (45 Stat. 534,  
 26 chapter 569), shall remain as a component of the Mis-

1 Mississippi River and Tributaries Project and afforded oper-  
 2 ation and maintenance responsibilities as directed in sec-  
 3 tion 3 of that Act (45 Stat. 535)”.

4 **SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

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

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

15 **SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**  
 16 **AND MISSOURI.**

17 (a) IN GENERAL.—The Secretary shall convey to the  
 18 State of Arkansas, without monetary consideration and  
 19 subject to subsection (b), all right, title, and interest to  
 20 land within the State acquired by the Federal Government  
 21 as mitigation land for the project for flood control, St.  
 22 Francis Basin, Arkansas and Missouri Project, authorized  
 23 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)  
 24 (commonly known as the “Flood Control Act of 1928”).

25 (b) TERMS AND CONDITIONS.—

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

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

10                   (B) such other terms and conditions as the  
 11       Secretary determines to be in the interest of the  
 12       United States.

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

19   **SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
 20       **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

21           (a) NAVIGATION CHANNEL.—The Secretary shall  
 22       continue construction of the McClellan-Kerr Arkansas  
 23       River Navigation System, Arkansas and Oklahoma, to op-  
 24       erate and maintain the navigation channel to the author-  
 25       ized depth of the channel, in accordance with section 136

1 of the Energy and Water Development Appropriations  
2 Act, 2004 (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  
8 and operations of the Arkansas River in the area of  
9 Tulsa County, Oklahoma, including the construction  
10 of low water dams and islands to provide nesting  
11 and foraging habitat for the interior least tern, in  
12 accordance with the study entitled “Arkansas River  
13 Corridor Master Plan Planning Assistance to  
14 States”.

15 (2) COST SHARING.—The non-Federal share of  
16 the cost of a project under this subsection shall be  
17 35 percent.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—  
19 There is authorized to be appropriated to carry out  
20 this subsection \$12,000,000.

21 **SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.**

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

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

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

10 (1) channel improvements;

11 (2) an outlet work through the west levee of the  
 12 Yolo Bypass; and

13 (3) a new low flow cross channel to handle city  
 14 and county storm drainage and settling basin flows  
 15 (1,760 cubic feet per second) when the Yolo Bypass  
 16 is in a low flow condition.

17 **SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALI-**  
 18 **FORNIA.**

19 In addition to funds made available pursuant to the  
 20 Water Supply, Reliability, and Environmental Improve-  
 21 ment Act (Public Law 108–361) to carry out section  
 22 103(f)(3)(D) of that Act (118 Stat. 1696), there is au-  
 23 thorized to be appropriated to carry out projects described  
 24 in that section \$106,000,000, to remain available until ex-  
 25 pended.

1 **SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

2       The project for environmental restoration, Hamilton  
3 Airfield, California, authorized by section 101(b)(3) of the  
4 Water Resources Development Act of 1999 (113 Stat.  
5 279), is modified to include the diked bayland parcel  
6 known as “Bel Marin Keys Unit V” at an estimated total  
7 cost of \$221,700,000, with an estimated Federal cost of  
8 \$166,200,000 and an estimated non-Federal cost of  
9 \$55,500,000, as part of the project to be carried out by  
10 the Secretary substantially in accordance with the plans,  
11 and subject to the conditions, recommended in the final  
12 report of the Chief of Engineers dated July 19, 2004.

13 **SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**  
14 **SITE DESIGNATION, CALIFORNIA.**

15       Section 102(c)(4) of the Marine Protection, Re-  
16 search, and Sanctuaries Act of 1972 (33 U.S.C.  
17 1412(c)(4)) is amended in the third sentence by striking  
18 “January 1, 2003” and inserting “January 1, 2007”.

19 **SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

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

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

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

5 The project for flood damage reduction, Llagas  
6 Creek, California, authorized by section 501(a) of the  
7 Water Resources Development Act of 1999 (113 Stat.  
8 333), is modified to authorize the Secretary to complete  
9 the project, in accordance with the requirements of local  
10 cooperation as specified in section 5 of the Watershed Pro-  
11 tection and Flood Prevention Act (16 U.S.C. 1005), at  
12 a total remaining cost of \$105,000,000, with an estimated  
13 remaining Federal cost of \$65,000,000 and an estimated  
14 remaining non-Federal cost of \$40,000,000.

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

16 (a) IN GENERAL.—Subject to subsection (b), the  
17 project for Magpie Creek, California, authorized by section  
18 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),  
19 is modified to direct the Secretary to apply the cost-shar-  
20 ing requirements applicable to nonstructural flood control  
21 under section 103(b) of the Water Resources Development  
22 Act of 1986 (100 Stat. 4085) for the portion of the project  
23 consisting of land acquisition to preserve and enhance ex-  
24 isting floodwater storage.

1 (b) CREDITING.—The crediting allowed under sub-  
2 section (a) shall not exceed the non-Federal share of the  
3 cost of the project.

4 **SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**  
5 **CALIFORNIA.**

6 (a) COOPERATIVE PROGRAM.—

7 (1) IN GENERAL.—The Secretary shall partici-  
8 pate with appropriate State and local agencies in the  
9 implementation of a cooperative program to improve  
10 and manage fisheries and aquatic habitat conditions  
11 in Pine Flat Reservoir and in the 14-mile reach of  
12 the Kings River immediately below Pine Flat Dam,  
13 California, in a manner that—

14 (A) provides for long-term aquatic resource  
15 enhancement; and

16 (B) avoids adverse effects on water storage  
17 and water rights holders.

18 (2) GOALS AND PRINCIPLES.—The cooperative  
19 program described in paragraph (1) shall be carried  
20 out—

21 (A) substantially in accordance with the  
22 goals and principles of the document entitled  
23 “Kings River Fisheries Management Program  
24 Framework Agreement” and dated May 29,  
25 1999, between the California Department of

1 Fish and Game and the Kings River Water As-  
2 sociation and the Kings River Conservation  
3 District; and

4 (B) in cooperation with the parties to that  
5 agreement.

6 (b) PARTICIPATION BY SECRETARY.—

7 (1) IN GENERAL.—In furtherance of the goals  
8 of the agreement described in subsection (a)(2), the  
9 Secretary shall participate in the planning, design,  
10 and construction of projects and pilot projects on  
11 the Kings River and its tributaries to enhance  
12 aquatic habitat and water availability for fisheries  
13 purposes (including maintenance of a trout fishery)  
14 in accordance with flood control operations, water  
15 rights, and beneficial uses in existence as of the date  
16 of enactment of this Act.

17 (2) PROJECTS.—Projects referred to in para-  
18 graph (1) may include—

19 (A) projects to construct or improve pump-  
20 ing, conveyance, and storage facilities to en-  
21 hance water transfers; and

22 (B) projects to carry out water exchanges  
23 and create opportunities to use floodwater with-  
24 in and downstream of Pine Flat Reservoir.

1       (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED  
2 PROJECTS.—Nothing in this section authorizes any  
3 project for the raising of Pine Flat Dam or the construc-  
4 tion of a multilevel intake structure at Pine Flat Dam.

5       (d) USE OF EXISTING STUDIES.—In carrying out  
6 this section, the Secretary shall use, to the maximum ex-  
7 tent practicable, studies in existence on the date of enact-  
8 ment of this Act, including data and environmental docu-  
9 mentation in the document entitled “Final Feasibility Re-  
10 port and Report of the Chief of Engineers for Pine Flat  
11 Dam Fish and Wildlife Habitat Restoration” and dated  
12 July 19, 2002.

13       (e) COST SHARING.—

14           (1) PROJECT PLANNING, DESIGN, AND CON-  
15 STRUCTION.—The Federal share of the cost of plan-  
16 ning, design, and construction of a project under  
17 subsection (b) shall be 65 percent.

18           (2) NON-FEDERAL SHARE.—

19           (A) CREDIT FOR LAND, EASEMENTS, AND  
20 RIGHTS-OF-WAY.—The Secretary shall credit to-  
21 ward the non-Federal share of the cost of con-  
22 struction of any project under subsection (b)  
23 the value, regardless of the date of acquisition,  
24 of any land, easements, rights-of-way, dredged  
25 material disposal areas, or relocations provided

1 by the non-Federal interest for use in carrying  
2 out the project.

3 (B) FORM.—The non-Federal interest may  
4 provide not more than 50 percent of the non-  
5 Federal share required under this clause in the  
6 form of services, materials, supplies, or other  
7 in-kind contributions.

8 (f) OPERATION AND MAINTENANCE.—The operation,  
9 maintenance, repair, rehabilitation, and replacement of  
10 projects carried out under this section shall be a non-Fed-  
11 eral responsibility.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$20,000,000, to remain available until expended.

15 **SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALI-**  
16 **FORNIA.**

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

20 **SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD**  
21 **CONTROL, CALIFORNIA.**

22 (a) CREDIT FOR NON-FEDERAL WORK.—

23 (1) IN GENERAL.—The Secretary shall credit  
24 toward that portion of the non-Federal share of the  
25 cost of any flood damage reduction project author-

1        ized before the date of enactment of this Act that  
2        is to be paid by the Sacramento Area Flood Control  
3        Agency an amount equal to the Federal share of the  
4        flood control project authorized by section 9159 of  
5        the Department of Defense Appropriations Act,  
6        1993 (106 Stat. 1944).

7            (2) FEDERAL SHARE.—In determining the Fed-  
8        eral share of the project authorized by section  
9        9159(b) of that Act, the Secretary shall include all  
10       audit verified costs for planning, engineering, con-  
11       struction, acquisition of project land, easements,  
12       rights-of-way, relocations, and environmental mitiga-  
13       tion for all project elements that the Secretary de-  
14       termines to be cost-effective.

15           (3) AMOUNT CREDITED.—The amount credited  
16       shall be equal to the Federal share determined under  
17       this section, reduced by the total of all reimburse-  
18       ments paid to the non-Federal interests for work  
19       under section 9159(b) of that Act before the date of  
20       enactment of this Act.

21        (b) FOLSOM DAM.—Section 128(a) of the Energy  
22       and Water Development Appropriations Act, 2006 (Public  
23       Law 109–103; 119 Stat. 2259), is amended—

24            (1) in the first sentence, by striking “The Sec-  
25       retary” and inserting the following:

1 “(1) IN GENERAL.—The Secretary”;

2 (2) in the second sentence, by striking “The  
3 Secretaries” and inserting the following:

4 “(2) TECHNICAL REVIEWS.—The Secretaries”;

5 (3) in the third sentence, by striking “In devel-  
6 oping” and inserting the following:

7 “(3) IMPROVEMENTS.—

8 “(A) IN GENERAL.—In developing”;

9 (4) in the fourth sentence, by striking “In con-  
10 ducting” and inserting the following:

11 “(B) USE OF FUNDS.—In conducting”;

12 and

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

14 “(4) PROJECT ALTERNATIVE SOLUTIONS  
15 STUDY.—The Secretaries, in cooperation with non-  
16 Federal agencies, are directed to expedite their re-  
17 spective activities, including the formulation of all  
18 necessary studies and decision documents, in fur-  
19 therance of the collaborative effort known as the  
20 ‘Project Alternative Solutions Study’, as well as  
21 planning, engineering, and design, including prepa-  
22 ration of plans and specifications, of any features  
23 recommended for authorization by the Secretary of  
24 the Army under paragraph (6).

1           “(5) CONSOLIDATION OF TECHNICAL REVIEWS  
2       AND DESIGN ACTIVITIES.—The Secretary of the  
3       Army shall consolidate technical reviews and design  
4       activities for—

5           “(A) the project for flood damage reduc-  
6       tion authorized by section 101(a)(6) of the  
7       Water Resources Development Act of 1999  
8       (113 Stat. 274); and

9           “(B) the project for flood damage reduc-  
10      tion, dam safety, and environmental restoration  
11      authorized by sections 128 and 134 of the En-  
12      ergy and Water Development Appropriations  
13      Act, 2004 (117 Stat. 1838, 1842).

14          “(6) REPORT.—The recommendations of the  
15      Secretary of the Army, along with the views of the  
16      Secretary of the Interior and relevant non-Federal  
17      agencies resulting from the activities directed in  
18      paragraphs (4) and (5), shall be submitted to the  
19      Committee on Environment and Public Works of the  
20      Senate and the Committee on Transportation and  
21      Infrastructure of the House of Representatives by  
22      not later than June 30, 2007, and the Secretary of  
23      the Army shall provide a status report by not later  
24      than April 30, 2007.

1           “(7) EFFECT.—Nothing in this section shall be  
 2       deemed as deauthorizing the full range of project  
 3       features and parameters of the projects listed in  
 4       paragraph (5), nor shall it limit any previous au-  
 5       thorizations granted by Congress.”.

6 **SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGA-**  
 7                   **BILITY, PORT OF SAN FRANCISCO, CALI-**  
 8                   **FORNIA.**

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

19      (b) PORTIONS OF WATERFRONT.—The portions of  
 20      the San Francisco, California, waterfront referred to in  
 21      subsection (a) are those that are, or will be, bulkheaded,  
 22      filled, or otherwise occupied by permanent structures and  
 23      that are located as follows: beginning at the intersection  
 24      of the northeasterly prolongation of the portion of the  
 25      northwesterly line of Bryant Street lying between Beale

1 Street and Main Street with the southwesterly line of  
 2 Spear Street, which intersection lies on the line of jurisdic-  
 3 tion of the San Francisco Port Commission; following  
 4 thence southerly along said line of jurisdiction as described  
 5 in the State of California Harbor and Navigation Code  
 6 Section 1770, as amended in 1961, to its intersection with  
 7 the easterly line of Townsend Street along a line that is  
 8 parallel and distant 10 feet from the existing southern  
 9 boundary of Pier 40 to its point of intersection with the  
 10 United States Government pier-head line; thence northerly  
 11 along said pier-head line to its intersection with a line par-  
 12 allel with, and distant 10 feet easterly from, the existing  
 13 easterly boundary line of Pier 30–32; thence northerly  
 14 along said parallel line and its northerly prolongation, to  
 15 a point of intersection with a line parallel with, and distant  
 16 10 feet northerly from, the existing northerly boundary of  
 17 Pier 30–32, thence westerly along last said parallel line  
 18 to its intersection with the United States Government  
 19 pier-head line; to the northwesterly line of Bryan Street  
 20 northwesterly; thence southwesterly along said northwest-  
 21 erly line of Bryant Street to the point of beginning.

22 (c) REQUIREMENT THAT AREA BE IMPROVED.—If,  
 23 by the date that is 20 years after the date of enactment  
 24 of this Act, any portion of the San Francisco, California,  
 25 waterfront described in subsection (b) has not been bulk-

1 headed, filled, or otherwise occupied by 1 or more perma-  
 2 nent structures, or if work in connection with any activity  
 3 carried out pursuant to applicable Federal law requiring  
 4 a permit, including sections 9 and 10 of the Act of March  
 5 3, 1899 (33 U.S.C. 401), is not commenced by the date  
 6 that is 5 years after the date of issuance of such a permit,  
 7 the declaration of nonnavigability for the portion under  
 8 this section shall cease to be effective.

9 **SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.**

10 (a) DEFINITIONS.—In this section:

11 (1) SALTON SEA AUTHORITY.—The term  
 12 “Salton Sea Authority” means the Joint Powers Au-  
 13 thority established under the laws of the State of  
 14 California by a joint power agreement signed on  
 15 June 2, 1993.

16 (2) SALTON SEA SCIENCE OFFICE.—The term  
 17 “Salton Sea Science Office” means the Office estab-  
 18 lished by the United States Geological Survey and  
 19 currently located in La Quinta, California.

20 (b) PILOT PROJECTS.—

21 (1) IN GENERAL.—

22 (A) REVIEW.—The Secretary shall review  
 23 the preferred restoration concept plan approved  
 24 by the Salton Sea Authority to determine  
 25 whether the pilot projects are economically jus-

1           tified, technically sound, environmentally ac-  
2           ceptable, and meet the objectives of the Salton  
3           Sea Reclamation Act (Public Law 105–372).

4           (B) IMPLEMENTATION.—If the Secretary  
5           determines that the pilot projects meet the re-  
6           quirements of subparagraph (A), the Secretary  
7           may enter into an agreement with the Salton  
8           Sea Authority and, in consultation with the  
9           Salton Sea Science Office, carry out pilot  
10          projects for improvement of the environment in  
11          the area of the Salton Sea, except that the Sec-  
12          retary shall be a party to each contract for con-  
13          struction under this subsection.

14          (2) LOCAL PARTICIPATION.—In prioritizing  
15          pilot projects under this section, the Secretary  
16          shall—

17                (A) consult with the Salton Sea Authority  
18                and the Salton Sea Science Office; and

19                (B) consider the priorities of the Salton  
20                Sea Authority.

21          (3) COST SHARING.—Before carrying out a  
22          pilot project under this section, the Secretary shall  
23          enter into a written agreement with the Salton Sea  
24          Authority that requires the non-Federal interest  
25          to—

1 (A) pay 35 percent of the total costs of the  
2 pilot project;

3 (B) provide any land, easements, rights-of-  
4 way, relocations, and dredged material disposal  
5 areas necessary to carry out the pilot project;  
6 and

7 (C) hold the United States harmless from  
8 any claim or damage that may arise from car-  
9 rying out the pilot project, except any claim or  
10 damage that may arise from the negligence of  
11 the Federal Government or a contractor of the  
12 Federal Government.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out subsection (b)  
15 \$26,000,000, of which not more than \$5,000,000 may be  
16 used for any 1 pilot project under this section.

17 **SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION**  
18 **CREEK, CALIFORNIA.**

19 The project for flood damage reduction, Santa Bar-  
20 bara Streams, Lower Mission Creek, California, author-  
21 ized by section 101(b)(8) of the Water Resources Develop-  
22 ment Act of 2000 (114 Stat. 2577), is modified to author-  
23 ize the Secretary to construct the project at a total cost  
24 of \$30,000,000, with an estimated Federal cost of

1 \$15,000,000 and an estimated non-Federal cost of  
2 \$15,000,000.

3 **SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.**

4 The project for flood damage reduction and recre-  
5 ation, Upper Guadalupe River, California, authorized by  
6 section 101(a)(9) of the Water Resources Development  
7 Act of 1999 (113 Stat. 275), is modified to authorize the  
8 Secretary to construct the project generally in accordance  
9 with the Upper Guadalupe River Flood Damage Reduc-  
10 tion, San Jose, California, Limited Reevaluation Report,  
11 dated March, 2004, at a total cost of \$244,500,000, with  
12 an estimated Federal cost of \$130,600,000 and an esti-  
13 mated non-Federal cost of \$113,900,000.

14 **SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

15 The project for flood damage reduction, Yuba River  
16 Basin, California, authorized by section 101(a)(10) of the  
17 Water Resources Development Act of 1999 (113 Stat.  
18 275), is modified to authorize the Secretary to construct  
19 the project at a total cost of \$107,700,000, with an esti-  
20 mated Federal cost of \$70,000,000 and an estimated non-  
21 Federal cost of \$37,700,000.

22 **SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
23 **NEW HAVEN HARBOR, CONNECTICUT.**

24 The western breakwater for the project for naviga-  
25 tion, New Haven Harbor, Connecticut, authorized by the

1 first section of the Act of September 19, 1890 (26 Stat.  
 2 426), shall be known and designated as the “Charles  
 3 Hervey Townshend Breakwater”.

4 **SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**  
 5 **NECTICUT.**

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

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

23 **SEC. 3027. NORWALK HARBOR, CONNECTICUT.**

24 (a) IN GENERAL.—The portions of a 10-foot channel  
 25 of the project for navigation, Norwalk Harbor, Con-

necticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

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

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south  $24^{\circ}06'55''$  E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south  $00^{\circ}38'06''$  E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north  $24^{\circ}06'55''$  W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north  $73^{\circ}05'25''$  E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south

1         $33^{\circ}07'30''$  E. 133.40 feet to a point N. 103,743.76,  
 2        E. 417,922.89, thence running south  $24^{\circ}07'04''$  E.  
 3        127.75 feet to a point N. 103,627.16, E.  
 4        417,975.09, thence running north  $33^{\circ}07'30''$  W.  
 5        190.00 feet to a point N. 103,786.28, E.  
 6        417,871.26, thence running north  $17^{\circ}05'15''$  W.  
 7        72.39 feet to the point of origin.

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

19 **SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.**

20        Section 102(g) of the Water Resources Development  
 21 Act of 1990 (104 Stat. 4612) is amended by adding at  
 22 the end the following: “The Secretary shall assume owner-  
 23 ship responsibility for the replacement bridge not later  
 24 than the date on which the construction of the bridge is  
 25 completed and the contractors are released of their respon-

1 sibility by the State. In addition, the Secretary may not  
 2 carry out any action to close or remove the St. George's  
 3 Bridge, Delaware, without specific congressional author-  
 4 ization.”.

5 **SEC. 3029. ADDITIONAL PROGRAM AUTHORITY, COM-**  
 6 **PREHENSIVE EVERGLADES RESTORATION,**  
 7 **FLORIDA.**

8 Section 601(c)(3) of the Water Resources Develop-  
 9 ment Act of 2000 (114 Stat. 2684) is amended by adding  
 10 at the end the following:

11 “(C) MAXIMUM COST OF PROGRAM AU-  
 12 THORITY.—Section 902 of the Water Resources  
 13 Development Act of 1986 (33 U.S.C. 2280)  
 14 shall apply to the individual project funding  
 15 limits in subparagraph (A) and the aggregate  
 16 cost limits in subparagraph (B).”.

17 **SEC. 3030. BREVARD COUNTY, FLORIDA.**

18 (a) IN GENERAL.—The project for shoreline protec-  
 19 tion, Brevard County, Florida, authorized by section 418  
 20 of the Water Resources Development Act of 2000 (114  
 21 Stat. 2637), is amended by striking “7.1-mile reach” and  
 22 inserting “7.6-mile reach”.

23 (b) REFERENCES.—Any reference to a 7.1-mile reach  
 24 with respect to the project described in subsection (a) shall

1 be considered to be a reference to a 7.6-mile reach with  
 2 respect to that project.

3 **SEC. 3031. CRITICAL RESTORATION PROJECTS, EVER-**  
 4 **GLADES AND SOUTH FLORIDA ECOSYSTEM**  
 5 **RESTORATION, FLORIDA.**

6 Section 528(b)(3)(C) of the Water Resources Devel-  
 7 opment Act of 1996 (110 Stat. 3769) is amended—

8 (1) in clause (i), by striking “\$75,000,000” and  
 9 all that follows and inserting “\$95,000,000.”; and

10 (2) by striking clause (ii) and inserting the fol-  
 11 lowing:

12 “(ii) FEDERAL SHARE.—

13 “(I) IN GENERAL.—Except as  
 14 provided in subclause (II), the Federal  
 15 share of the cost of carrying out a  
 16 project under subparagraph (A) shall  
 17 not exceed \$25,000,000.

18 “(II) SEMINOLE WATER CON-  
 19 SERVATION PLAN.—The Federal share  
 20 of the cost of carrying out the Semi-  
 21 nole Water Conservation Plan shall  
 22 not exceed \$30,000,000.”.

1 **SEC. 3032. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**  
2 **PILOT PROJECTS, COMPREHENSIVE EVER-**  
3 **GLADES RESTORATION, FLORIDA.**

4 Section 601(b)(2)(B) of the Water Resources Devel-  
5 opment Act of 2000 (114 Stat. 2681) is amended by add-  
6 ing at the end the following:

7 “(v) HILLSBORO AND OKEECHOBEE  
8 AQUIFER, FLORIDA.—The pilot projects for  
9 aquifer storage and recovery, Hillsboro and  
10 Okeechobee Aquifer, Florida, authorized by  
11 section 101(a)(16) of the Water Resources  
12 Development Act of 1999 (113 Stat. 276),  
13 shall be treated for the purposes of this  
14 section as being in the Plan and carried  
15 out in accordance with this section, except  
16 that costs of operation and maintenance of  
17 those projects shall remain 100 percent  
18 non-Federal.”.

19 **SEC. 3033. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

20 The Secretary shall carry out the project for hurri-  
21 cane and storm damage reduction in Lido Key, Sarasota  
22 County, Florida, based on the report of the Chief of Engi-  
23 neers dated December 22, 2004, at a total cost of  
24 \$14,809,000, with an estimated Federal cost of  
25 \$9,088,000 and an estimated non-Federal cost of  
26 \$5,721,000, and at an estimated total cost \$63,606,000

1 for periodic beach nourishment over the 50-year life of the  
 2 project, with an estimated Federal cost of \$31,803,000  
 3 and an estimated non-Federal cost of \$31,803,000.

4 **SEC. 3034. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**  
 5 **IDA.**

6 The project for navigation, Port Sutton Channel,  
 7 Tampa Harbor, Florida, authorized by section 101(b)(12)  
 8 of the Water Resources Development Act of 2000 (114  
 9 Stat. 2577), is modified to authorize the Secretary to  
 10 carry out the project at a total cost of \$12,900,000.

11 **SEC. 3035. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

12 The project for navigation, Tampa Harbor, Florida,  
 13 authorized by section 101 of the River and Harbor Act  
 14 of 1970 (84 Stat. 1818), is modified to authorize the Sec-  
 15 retary to construct passing lanes in an area approximately  
 16 3.5 miles long and centered on Tampa Bay Cut B, if the  
 17 Secretary determines that the improvements are necessary  
 18 for navigation safety.

19 **SEC. 3036. ALLATOONA LAKE, GEORGIA.**

20 (a) LAND EXCHANGE.—

21 (1) IN GENERAL.—The Secretary may exchange  
 22 land above 863 feet in elevation at Allatoona Lake,  
 23 Georgia, identified in the Real Estate Design Memo-  
 24 randum prepared by the Mobile district engineer,  
 25 April 5, 1996, and approved October 8, 1996, for

1 land on the north side of Allatoona Lake that is re-  
2 quired for wildlife management and protection of the  
3 water quality and overall environment of Allatoona  
4 Lake.

5 (2) TERMS AND CONDITIONS.—The basis for all  
6 land exchanges under this subsection shall be a fair  
7 market appraisal to ensure that land exchanged is of  
8 equal value.

9 (b) DISPOSAL AND ACQUISITION OF LAND,  
10 ALLATOONA LAKE, GEORGIA.—

11 (1) IN GENERAL.—The Secretary may—

12 (A) sell land above 863 feet in elevation at  
13 Allatoona Lake, Georgia, identified in the  
14 memorandum referred to in subsection (a)(1);  
15 and

16 (B) use the proceeds of the sale, without  
17 further appropriation, to pay costs associated  
18 with the purchase of land required for wildlife  
19 management and protection of the water quality  
20 and overall environment of Allatoona Lake.

21 (2) TERMS AND CONDITIONS.—

22 (A) WILLING SELLERS.—Land acquired  
23 under this subsection shall be by negotiated  
24 purchase from willing sellers only.

1 (B) BASIS.—The basis for all transactions  
 2 under this subsection shall be a fair market  
 3 value appraisal acceptable to the Secretary.

4 (C) SHARING OF COSTS.—Each purchaser  
 5 of land under this subsection shall share in the  
 6 associated environmental and real estate costs  
 7 of the purchase, including surveys and associ-  
 8 ated fees in accordance with the memorandum  
 9 referred to in subsection (a)(1).

10 (D) OTHER CONDITIONS.—The Secretary  
 11 may impose on the sale and purchase of land  
 12 under this subsection such other conditions as  
 13 the Secretary determines to be appropriate.

14 (c) REPEAL.—Section 325 of the Water Resources  
 15 Development Act of 1992 (106 Stat. 4849) is repealed.

16 **SEC. 3037. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

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

21 (b) IMPROVEMENTS.—In carrying out subsection (a),  
 22 the Secretary shall provide for appropriate improvements  
 23 to—

24 (1) facilities that are operated by the Corps of  
 25 Engineers; and

1           (2) facilities that, as of the date of enactment  
2           of this Act, are leased, permitted, or licensed for use  
3           by others.

4           (c) **COST SHARING.**—The Secretary shall carry out  
5           this section through a cost-sharing program with Idaho  
6           State Parks and Recreation Department, with a total esti-  
7           mated project cost of \$5,300,000, with an estimated Fed-  
8           eral cost of \$3,900,000 and an estimated non-Federal cost  
9           of \$1,400,000.

10   **SEC. 3038. LITTLE WOOD RIVER, GOODING, IDAHO.**

11           The project for flood control, Gooding, Idaho, as con-  
12           structed under the emergency conservation work program  
13           established under the Act of March 31, 1933 (16 U.S.C.  
14           585 et seq.), is modified—

15           (1) to direct the Secretary to rehabilitate the  
16           Gooding Channel Project for the purposes of flood  
17           control and ecosystem restoration, if the Secretary  
18           determines that the rehabilitation and ecosystem res-  
19           toration is feasible;

20           (2) to authorize and direct the Secretary to  
21           plan, design, and construct the project at a total  
22           cost of \$9,000,000;

23           (3) to authorize the non-Federal interest to pro-  
24           vide any portion of the non-Federal share of the cost

1 of the project in the form of services, materials, sup-  
 2 plies, or other in-kind contributions;

3 (4) to authorize the non-Federal interest to use  
 4 funds made available under any other Federal pro-  
 5 gram toward the non-Federal share of the cost of  
 6 the project if the use of the funds is permitted under  
 7 the other Federal program; and

8 (5) to direct the Secretary, in calculating the  
 9 non-Federal share of the cost of the project, to make  
 10 a determination under section 103(m) of the Water  
 11 Resources Development Act of 1986 (33 U.S.C.  
 12 2213(m)) on the ability to pay of the non-Federal  
 13 interest.

14 **SEC. 3039. PORT OF LEWISTON, IDAHO.**

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

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

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

24 (3) the human habitation or other building  
 25 structure use restriction is extinguished in each area

1 in which the elevation is above the standard project  
2 flood elevation; and

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

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

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

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

15 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this  
16 section affects the remaining rights and interests of the  
17 Corps of Engineers for authorized project purposes with  
18 respect to property covered by deeds described in sub-  
19 section (b).

20 **SEC. 3040. CACHE RIVER LEVEE, ILLINOIS.**

21 The Cache River Levee created for flood control at  
22 the Cache River, Illinois, and authorized by the Act of  
23 June 28, 1938 (52 Stat. 1215, chapter 795), is modified  
24 to add environmental restoration as a project purpose.

1 **SEC. 3041. CHICAGO, ILLINOIS.**

2 Section 425(a) of the Water Resources Development  
3 Act of 2000 (114 Stat. 2638) is amended by inserting  
4 “Lake Michigan and” before “the Chicago River”.

5 **SEC. 3042. CHICAGO RIVER, ILLINOIS.**

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

13 **SEC. 3043. ILLINOIS RIVER BASIN RESTORATION.**

14 Section 519(c)(3) of the Water Resources Develop-  
15 ment Act of 2000 (114 Stat. 2654) is amended by striking  
16 “\$5,000,000” and inserting “\$20,000,000”.

17 **SEC. 3044. MISSOURI AND ILLINOIS FLOOD PROTECTION**  
18 **PROJECTS RECONSTRUCTION PILOT PRO-**  
19 **GRAM.**

20 (a) DEFINITION OF RECONSTRUCTION.—In this sec-  
21 tion:

22 (1) IN GENERAL.—The term “reconstruction”  
23 means any action taken to address 1 or more major  
24 deficiencies of a project caused by long-term deg-  
25 radation of the foundation, construction materials,  
26 or engineering systems or components of the project,

1 the results of which render the project at risk of not  
2 performing in compliance with the authorized pur-  
3 poses of the project.

4 (2) INCLUSIONS.—The term “reconstruction”  
5 includes the incorporation by the Secretary of cur-  
6 rent design standards and efficiency improvements  
7 in a project if the incorporation does not signifi-  
8 cantly change the authorized scope, function, or pur-  
9 pose of the project.

10 (b) PARTICIPATION BY SECRETARY.—The Secretary  
11 may participate in the reconstruction of flood control  
12 projects within Missouri and Illinois as a pilot program  
13 if the Secretary determines that such reconstruction is not  
14 required as a result of improper operation and mainte-  
15 nance by the non-Federal interest.

16 (c) COST SHARING.—

17 (1) IN GENERAL.—Costs for reconstruction of a  
18 project under this section shall be shared by the Sec-  
19 retary and the non-Federal interest in the same per-  
20 centages as the costs of construction of the original  
21 project were shared.

22 (2) OPERATION, MAINTENANCE, AND REPAIR  
23 COSTS.—The costs of operation, maintenance, re-  
24 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. 3045. 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. 3046. 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<sup>1</sup>/<sub>4</sub> 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           (2) COSTS.—All costs associated with the con-  
2       veyance shall be paid by Pleasant Township, Coffey  
3       County, Kansas.

4       (e) OTHER TERMS AND CONDITIONS.—The convey-  
5       ance under this section shall be subject to such other  
6       terms and conditions as the Secretary considers necessary  
7       to protect the interests of the United States.

8       **SEC. 3047. MILFORD LAKE, MILFORD, KANSAS.**

9       (a) IN GENERAL.—Subject to subsections (b) and (c),  
10      the Secretary shall convey at fair market value by quit-  
11      claim deed to the Geary County Fire Department, Milford,  
12      Kansas, all right, title, and interest of the United States  
13      in and to a parcel of land consisting of approximately 7.4  
14      acres located in Geary County, Kansas, for construction,  
15      operation, and maintenance of a fire station.

16      (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The  
17      exact acreage and the description of the real property re-  
18      ferred to in subsection (a) shall be determined by a survey  
19      that is satisfactory to the Secretary.

20      (c) REVERSION.—If the Secretary determines that  
21      the property conveyed under subsection (a) ceases to be  
22      held in public ownership or to be used for any purpose  
23      other than a fire station, all right, title, and interest in  
24      and to the property shall revert to the United States, at  
25      the option of the United States.

1 **SEC. 3048. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**  
 2 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

3 Section 101(b)(16) of the Water Resources Develop-  
 4 ment Act of 2000 (114 Stat. 2578) is amended—

5 (1) by striking “(A) IN GENERAL.—Projects for  
 6 ecosystem restoration, Ohio River Mainstem” and  
 7 inserting the following:

8 “(A) AUTHORIZATION.—

9 “(i) IN GENERAL.—Projects for eco-  
 10 system restoration, Ohio River Basin (ex-  
 11 cluding the Tennessee and Cumberland  
 12 River Basins)”; and

13 (2) in subparagraph (A), by adding at the end  
 14 the following:

15 “(ii) NONPROFIT ENTITY.—For any  
 16 ecosystem restoration project carried out  
 17 under this paragraph, with the consent of  
 18 the affected local government, a nonprofit  
 19 entity may be considered to be a non-Fed-  
 20 eral interest.

21 “(iii) PROGRAM IMPLEMENTATION  
 22 PLAN.—There is authorized to be devel-  
 23 oped a program implementation plan of the  
 24 Ohio River Basin (excluding the Tennessee  
 25 and Cumberland River Basins) at full Fed-  
 26 eral expense.

1 “(iv) PILOT PROGRAM.—There is au-  
 2 thorized to be initiated a completed pilot  
 3 program in Lower Scioto Basin, Ohio.”.

4 **SEC. 3049. MCALPINE LOCK AND DAM, KENTUCKY AND IN-**  
 5 **DIANA.**

6 Section 101(a)(10) of the Water Resources Develop-  
 7 ment Act of 1990 (104 Stat. 4606) is amended by striking  
 8 “\$219,600,000” each place it appears and inserting  
 9 “\$430,000,000”.

10 **SEC. 3050. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
 11 **FLOODWAY SYSTEM, LOUISIANA.**

12 (a) IN GENERAL.—The public access feature of the  
 13 Atchafalaya Basin Floodway System, Louisiana project,  
 14 authorized by section 601(a) of the Water Resources De-  
 15 velopment Act of 1986 (100 Stat. 4142), is modified to  
 16 authorize the Secretary to acquire from willing sellers the  
 17 fee interest (exclusive of oil, gas, and minerals) of an addi-  
 18 tional 20,000 acres of land in the Lower Atchafalaya  
 19 Basin Floodway for the public access feature of the  
 20 Atchafalaya Basin Floodway System, Louisiana project.

21 (b) MODIFICATION.—

22 (1) IN GENERAL.—Subject to paragraph (2), ef-  
 23 fective beginning November 17, 1986, the public ac-  
 24 cess feature of the Atchafalaya Basin Floodway Sys-  
 25 tem, Louisiana project, is modified to remove the

1       \$32,000,000 limitation on the maximum Federal ex-  
 2       penditure for the first costs of the public access fea-  
 3       ture.

4           (2) FIRST COST.—The authorized first cost of  
 5       \$250,000,000 for the total project (as defined in  
 6       section 601(a) of the Water Resources Development  
 7       Act of 1986 (100 Stat. 4142)) shall not be exceeded,  
 8       except as authorized by section 902 of that Act (100  
 9       Stat. 4183).

10       (c) TECHNICAL AMENDMENT.—Section 315(a)(2) of  
 11       the Water Resources Development Act of 2000 (114 Stat.  
 12       2603) is amended by inserting before the period at the  
 13       end the following: “and may include Eagle Point Park,  
 14       Jeanerette, Louisiana, as 1 of the alternative sites”.

15       **SEC. 3051. REGIONAL VISITOR CENTER, ATCHAFALAYA**  
 16                               **BASIN FLOODWAY SYSTEM, LOUISIANA.**

17       (a) PROJECT FOR FLOOD CONTROL.—Notwith-  
 18       standing paragraph (3) of the report of the Chief of Engi-  
 19       neers dated February 28, 1983 (relating to recreational  
 20       development in the Lower Atchafalaya Basin Floodway),  
 21       the Secretary shall carry out the project for flood control,  
 22       Atchafalaya Basin Floodway System, Louisiana, author-  
 23       ized by chapter IV of title I of the Act of August 15, 1985  
 24       (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

25       (b) VISITORS CENTER.—

1           (1) IN GENERAL.—The Secretary, acting  
2 through the Chief of Engineers and in consultation  
3 with the State of Louisiana, shall study, design, and  
4 construct a type A regional visitors center in the vi-  
5 cinity of Morgan City, Louisiana.

6           (2) COST SHARING.—

7               (A) IN GENERAL.—The cost of construc-  
8 tion of the visitors center shall be shared in ac-  
9 cordance with the recreation cost-share require-  
10 ment under section 103(c) of the Water Re-  
11 sources Development Act of 1986 (33 U.S.C.  
12 2213(c)).

13           (B) COST OF UPGRADING.—The non-Fed-  
14 eral share of the cost of upgrading the visitors  
15 center from a type B to type A regional visitors  
16 center shall be 100 percent.

17           (3) AGREEMENT.—The project under this sub-  
18 section shall be initiated only after the Secretary  
19 and the non-Federal interests enter into a binding  
20 agreement under which the non-Federal interests  
21 shall—

22               (A) provide any land, easement, right-of-  
23 way, or dredged material disposal area required  
24 for the project that is owned, claimed, or con-  
25 trolled by—

1 (i) the State of Louisiana (including  
2 agencies and political subdivisions of the  
3 State); or

4 (ii) any other non-Federal government  
5 entity authorized under the laws of the  
6 State of Louisiana;

7 (B) pay 100 percent of the cost of the op-  
8 eration, maintenance, repair, replacement, and  
9 rehabilitation of the project; and

10 (C) hold the United States free from liabil-  
11 ity for the construction, operation, maintenance,  
12 repair, replacement, and rehabilitation of the  
13 project, except for damages due to the fault or  
14 negligence of the United States or a contractor  
15 of the United States.

16 (4) DONATIONS.—In carrying out the project  
17 under this subsection, the Mississippi River Commis-  
18 sion may accept the donation of cash or other funds,  
19 land, materials, and services from any non-Federal  
20 government entity or nonprofit corporation, as the  
21 Commission determines to be appropriate.

22 **SEC. 3052. CALCASIEU RIVER AND PASS, LOUISIANA.**

23 The project for the Calcasieu River and Pass, Lou-  
24 isiana, authorized by section 101 of the River and Harbor  
25 Act of 1960 (74 Stat. 481), is modified to authorize the

1 Secretary to provide \$3,000,000 for each fiscal year, in  
 2 a total amount of \$15,000,000, for such rock bank protec-  
 3 tion of the Calcasieu River from mile 5 to mile 16 as the  
 4 Chief of Engineers determines to be advisable to reduce  
 5 maintenance dredging needs and facilitate protection of  
 6 valuable disposal areas for the Calcasieu River and Pass,  
 7 Louisiana.

8 **SEC. 3053. EAST BATON ROUGE PARISH, LOUISIANA.**

9       The project for flood damage reduction and recre-  
 10 ation, East Baton Rouge Parish, Louisiana, authorized by  
 11 section 101(a)(21) of the Water Resources Development  
 12 Act of 1999 (113 Stat. 277), as amended by section 116  
 13 of the Consolidated Appropriations Resolution, 2003 (117  
 14 Stat. 140), is modified to authorize the Secretary to carry  
 15 out the project substantially in accordance with the Report  
 16 of the Chief of Engineers dated December 23, 1996, and  
 17 the subsequent Post Authorization Change Report dated  
 18 December 2004, at a total cost of \$178,000,000.

19 **SEC. 3054. MISSISSIPPI RIVER GULF OUTLET RELOCATION**  
 20 **ASSISTANCE, LOUISIANA.**

21       (a) PORT FACILITIES RELOCATION.—

22           (1) AUTHORIZATION OF APPROPRIATIONS.—

23       There is authorized to be appropriated  
 24       \$175,000,000, to remain available until expended, to  
 25       support the relocation of Port of New Orleans deep

1 draft facilities from the Mississippi River Gulf Out-  
2 let (referred to in this section as the “Outlet”), the  
3 Gulf Intercoastal Waterway, and the Inner Harbor  
4 Navigation Canal to the Mississippi River.

5 (2) ADMINISTRATION.—

6 (A) IN GENERAL.—Amounts appropriated  
7 pursuant to paragraph (1) shall be adminis-  
8 tered by the Assistant Secretary for Economic  
9 Development (referred to in this section as the  
10 “Assistant Secretary”) pursuant to sections  
11 209(c)(2) and 703 of the Public Works and  
12 Economic Development Act of 1965 (42 U.S.C.  
13 3149(c)(2), 3233).

14 (B) REQUIREMENT.—The Assistant Sec-  
15 retary shall make amounts appropriated pursu-  
16 ant to paragraph (1) available to the Port of  
17 New Orleans to relocate to the Mississippi  
18 River within the State of Louisiana the port-  
19 owned facilities that are occupied by businesses  
20 in the vicinity that may be impacted due to the  
21 treatment of the Outlet under the analysis and  
22 design of comprehensive hurricane protection  
23 authorized by title I of the Energy and Water  
24 Development Appropriations Act, 2006 (Public  
25 Law 109–103; 119 Stat. 2247).

1       (b) REVOLVING LOAN FUND GRANTS.—There is au-  
2 thorized to be appropriated to the Assistant Secretary  
3 \$185,000,000, to remain available until expended, to pro-  
4 vide assistance pursuant to sections 209(c)(2) and 703 of  
5 the Public Works and Economic Development Act of 1965  
6 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipi-  
7 ents to establish revolving loan funds to make loans for  
8 terms up to 20 years at or below market interest rates  
9 (including interest-free loans) to private businesses within  
10 the Port of New Orleans that may need to relocate to the  
11 Mississippi River within the State of Louisiana due to the  
12 treatment of the Outlet under the analysis and design of  
13 comprehensive hurricane protection authorized by title I  
14 of the Energy and Water Development Appropriations  
15 Act, 2006 (Public Law 109–103; 119 Stat. 2247).

16       (c) COORDINATION WITH SECRETARY.—The Assist-  
17 ant Secretary shall ensure that the programs described in  
18 subsections (a) and (b) are fully coordinated with the Sec-  
19 retary to ensure that facilities are relocated in a manner  
20 that is consistent with the analysis and design of com-  
21 prehensive hurricane protection authorized by title I of the  
22 Energy and Water Development Appropriations Act, 2006  
23 (Public Law 109–103; 119 Stat. 2247).

24       (d) ADMINISTRATIVE EXPENSES.—The Assistant  
25 Secretary may use up to 2 percent of the amounts made

1 available under subsections (a) and (b) for administrative  
2 expenses.

3 **SEC. 3055. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**  
4 **LOUISIANA.**

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

15 (1) to authorize the Secretary to carry out the  
16 project at a total cost of \$33,200,000;

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

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

1 **SEC. 3056. CAMP ELLIS, SACO, MAINE.**

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

8 **SEC. 3057. UNION RIVER, MAINE.**

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

17 **SEC. 3058. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
18 **TION AND PROTECTION PROGRAM, MARY-**  
19 **LAND, PENNSYLVANIA, AND VIRGINIA.**

20       Section 510(i) of the Water Resources Development  
21 Act of 1996 (110 Stat. 3761) is amended by striking  
22 “\$10,000,000” and inserting “\$30,000,000”.

23 **SEC. 3059. CUMBERLAND, MARYLAND.**

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

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

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

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

7 **SEC. 3060. AUNT LYDIA’S COVE, MASSACHUSETTS.**

8           (a) DEAUTHORIZATION.—The portion of the project  
9 for navigation, Aunt Lydia’s Cove, Massachusetts, author-  
10 ized August 31, 1994, pursuant to section 107 of the Act  
11 of July 14, 1960 (33 U.S.C. 577) (commonly known as  
12 the “River and Harbor Act of 1960”), consisting of the  
13 8-foot deep anchorage in the cove described in subsection  
14 (b) is deauthorized.

15          (b) DESCRIPTION.—The portion of the project de-  
16 scribed in subsection (a) is more particularly described as  
17 the portion beginning at a point along the southern limit  
18 of the existing project, N. 254332.00, E. 1023103.96,  
19 thence running northwesterly about 761.60 feet to a point  
20 along the western limit of the existing project N.  
21 255076.84, E. 1022945.07, thence running southwesterly  
22 about 38.11 feet to a point N. 255038.99, E. 1022940.60,  
23 thence running southeasterly about 267.07 feet to a point  
24 N. 254772.00, E. 1022947.00, thence running southeast-  
25 erly about 462.41 feet to a point N. 254320.06, E.

1 1023044.84, thence running northeasterly about 60.31  
2 feet to the point of origin.

3 **SEC. 3061. FALL RIVER HARBOR, MASSACHUSETTS AND**  
4 **RHODE ISLAND.**

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

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

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

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

4 **SEC. 3062. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**  
 5

6 Section 426 of the Water Resources Development Act  
 7 of 1999 (113 Stat. 326) is amended to read as follows:

8 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**  
 9

10 “(a) DEFINITIONS.—In this section:

11 “(1) MANAGEMENT PLAN.—The term ‘manage-  
 12 ment plan’ means the management plan for the St.  
 13 Clair River and Lake St. Clair, Michigan, that is in  
 14 effect as of the date of enactment of this section.

15 “(2) PARTNERSHIP.—The term ‘Partnership’  
 16 means the partnership established by the Secretary  
 17 under subsection (b)(1).

18 “(b) PARTNERSHIP.—

19 “(1) IN GENERAL.—The Secretary shall estab-  
 20 lish and lead a partnership of appropriate Federal  
 21 agencies (including the Environmental Protection  
 22 Agency) and the State of Michigan (including polit-  
 23 ical subdivisions of the State)—

24 “(A) to promote cooperation among the  
 25 Federal Government, State and local govern-

1           ments, and other involved parties in the man-  
 2           agement of the St. Clair River and Lake St.  
 3           Clair watersheds; and

4                   “(B) develop and implement projects con-  
 5           sistent with the management plan.

6           “(2) COORDINATION WITH ACTIONS UNDER  
 7           OTHER LAW.—

8                   “(A) IN GENERAL.—Actions taken under  
 9           this section by the Partnership shall be coordi-  
 10          nated with actions to restore and conserve the  
 11          St. Clair River and Lake St. Clair and water-  
 12          sheds taken under other provisions of Federal  
 13          and State law.

14                   “(B) NO EFFECT ON OTHER LAW.—Noth-  
 15          ing in this section alters, modifies, or affects  
 16          any other provision of Federal or State law.

17          “(c) IMPLEMENTATION OF ST. CLAIR RIVER AND  
 18          LAKE ST. CLAIR MANAGEMENT PLAN.—

19                   “(1) IN GENERAL.—The Secretary shall—

20                   “(A) develop a St. Clair River and Lake  
 21          St. Clair strategic implementation plan in ac-  
 22          cordance with the management plan;

23                   “(B) provide technical, planning, and engi-  
 24          neering assistance to non-Federal interests for

1           developing and implementing activities con-  
2           sistent with the management plan;

3           “(C) plan, design, and implement projects  
4           consistent with the management plan; and

5           “(D) provide, in coordination with the Ad-  
6           ministrator of the Environmental Protection  
7           Agency, financial and technical assistance, in-  
8           cluding grants, to the State of Michigan (in-  
9           cluding political subdivisions of the State) and  
10          interested nonprofit entities for the planning,  
11          design, and implementation of projects to re-  
12          store, conserve, manage, and sustain the St.  
13          Clair River, Lake St. Clair, and associated wa-  
14          tersheds.

15          “(2) SPECIFIC MEASURES.—Financial and tech-  
16          nical assistance provided under subparagraphs (B)  
17          and (C) of paragraph (1) may be used in support of  
18          non-Federal activities consistent with the manage-  
19          ment plan.

20          “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND  
21          STRATEGIC IMPLEMENTATION PLAN.—In consultation  
22          with the Partnership and after providing an opportunity  
23          for public review and comment, the Secretary shall develop  
24          information to supplement—

25               “(1) the management plan; and

1           “(2) the strategic implementation plan devel-  
2           oped under subsection (c)(1)(A).

3           “(e) COST SHARING.—

4           “(1) NON-FEDERAL SHARE.—The non-Federal  
5           share of the cost of technical assistance, or the cost  
6           of planning, design, construction, and evaluation of  
7           a project under subsection (c), and the cost of devel-  
8           opment of supplementary information under sub-  
9           section (d)—

10           “(A) shall be 25 percent of the total cost  
11           of the project or development; and

12           “(B) may be provided through the provi-  
13           sion of in-kind services.

14           “(2) CREDIT FOR LAND, EASEMENTS, AND  
15           RIGHTS-OF-WAY.—The Secretary shall credit the  
16           non-Federal sponsor for the value of any land, ease-  
17           ments, rights-of-way, dredged material disposal  
18           areas, or relocations provided for use in carrying out  
19           a project under subsection (c).

20           “(3) NONPROFIT ENTITIES.—Notwithstanding  
21           section 221 of the Flood Control Act of 1970 (42  
22           U.S.C. 1962d–5b), a non-Federal sponsor for any  
23           project carried out under this section may include a  
24           nonprofit entity.

1           “(4) OPERATION AND MAINTENANCE.—The op-  
 2           eration, maintenance, repair, rehabilitation, and re-  
 3           placement of projects carried out under this section  
 4           shall be non-Federal responsibilities.

5           “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 6           is authorized to be appropriated to carry out this section  
 7           \$10,000,000 for each fiscal year.”.

8   **SEC. 3063. DULUTH HARBOR, MINNESOTA.**

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

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

20   **SEC. 3064. BONNET CARRE FRESHWATER DIVERSION**  
 21                 **PROJECT, MISSISSIPPI AND LOUISIANA.**

22          (a) IN GENERAL.—The project for environmental en-  
 23          hancement, Mississippi and Louisiana Estuarine Areas,  
 24          Mississippi and Louisiana, authorized by section 3(a)(8)  
 25          of the Water Resources Development Act of 1988 (102

1 Stat. 4013) is modified to direct the Secretary to carry  
2 out that portion of the project identified as the “Bonnet  
3 Carre Freshwater Diversion Project”, in accordance with  
4 this section.

5 (b) NON-FEDERAL FINANCING REQUIREMENTS.—

6 (1) MISSISSIPPI AND LOUISIANA.—

7 (A) IN GENERAL.—The States of Mis-  
8 sissippi and Louisiana shall provide the funds  
9 needed during any fiscal year for meeting the  
10 respective non-Federal cost sharing require-  
11 ments of each State for the Bonnet Carre  
12 Freshwater Diversion Project during that fiscal  
13 year by making deposits of the necessary funds  
14 into an escrow account or into such other ac-  
15 count as the Secretary determines to be accept-  
16 able.

17 (B) DEADLINE.—Any deposits required  
18 under this paragraph shall be made by the af-  
19 fected State by not later than 30 days after re-  
20 ceipt of notification from the Secretary that the  
21 amounts are due.

22 (2) FAILURE TO PAY.—

23 (A) LOUISIANA.—In the case of deposits  
24 required to be made by the State of Louisiana,  
25 the Secretary may not award any new contract

1 or proceed to the next phase of any feature  
2 being carried out in the State of Louisiana  
3 under section 1003 if the State of Louisiana is  
4 not in compliance with paragraph (1).

5 (B) MISSISSIPPI.—In the case of deposits  
6 required to be made by the State of Mississippi,  
7 the Secretary may not award any new contract  
8 or proceed to the next phase of any feature  
9 being carried out as a part of the Bonnet Carre  
10 Freshwater Diversion Project if the State of  
11 Mississippi is not in compliance with paragraph  
12 (1).

13 (3) ALLOCATION.—The non-Federal share of  
14 project costs shall be allocated between the States of  
15 Mississippi and Louisiana as described in the report  
16 to Congress on the status and potential options and  
17 enhancement of the Bonnet Carre Freshwater Diver-  
18 sion Project dated December 1996.

19 (4) EFFECT.—The modification of the Bonnet  
20 Carre Freshwater Diversion Project by this section  
21 shall not reduce the percentage of the cost of the  
22 project that is required to be paid by the Federal  
23 Government as determined on the date of enactment  
24 of section 3(a)(8) of the Water Resources Develop-  
25 ment Act of 1988 (102 Stat. 4013).

1 (c) DESIGN SCHEDULE.—

2 (1) IN GENERAL.—Subject to the availability of  
3 appropriations, the Secretary shall complete the de-  
4 sign of the Bonnet Carre Freshwater Diversion  
5 Project by not later than 1 year after the date of en-  
6 actment of this Act.

7 (2) MISSED DEADLINE.—If the Secretary does  
8 not complete the design of the project by the date  
9 described in paragraph (1)—

10 (A) the Secretary shall assign such re-  
11 sources as the Secretary determines to be avail-  
12 able and necessary to complete the design; and

13 (B) the authority of the Secretary to ex-  
14 pend funds for travel, official receptions, and  
15 official representations shall be suspended until  
16 the design is complete.

17 (d) CONSTRUCTION SCHEDULE.—

18 (1) IN GENERAL.—Subject to the availability of  
19 appropriations, the Secretary shall complete con-  
20 struction of the Bonnet Carre Freshwater Diversion  
21 Project by not later than September 30, 2012.

22 (2) MISSED DEADLINE.—If the Secretary does  
23 not complete the construction of the Bonnet Carre  
24 Freshwater Diversion Project by the date described  
25 in paragraph (1)—

1 (A) the Secretary shall assign such re-  
2 sources as the Secretary determines to be avail-  
3 able and necessary to complete the construction;  
4 and

5 (B) the authority of the Secretary to ex-  
6 pend funds for travel, official receptions, and  
7 official representations shall be suspended until  
8 the construction is complete.

9 **SEC. 3065. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

10 (a) DEFINITIONS.—In this section:

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

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

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

1 the Secretary shall convey to S.S.S., Inc., all right, title,  
2 and interest of the United States in and to the Federal  
3 land.

4 (c) CONDITIONS.—

5 (1) DEEDS.—

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

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

12 (i) by quitclaim deed; and

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

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

23 (2) REMOVAL OF IMPROVEMENTS.—

24 (A) IN GENERAL.—The Secretary may re-  
25 quire the removal of, or S.S.S., Inc., may volun-

1           tarily remove, any improvements to the non-  
2           Federal land before the completion of the ex-  
3           change or as a condition of the exchange.

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

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

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

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

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

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

1 **SEC. 3066. L-15 LEVEE, MISSOURI.**

2       The portion of the L-15 levee system that is under  
3 the jurisdiction of the Consolidated North County Levee  
4 District and situated along the right descending bank of  
5 the Mississippi River from the confluence of that river  
6 with the Missouri River and running upstream approxi-  
7 mately 14 miles shall be considered to be a Federal levee  
8 for purposes of cost sharing under section 5 of the Act  
9 of August 18, 1941 (33 U.S.C. 701n).

10 **SEC. 3067. UNION LAKE, MISSOURI.**

11       (a) IN GENERAL.—The Secretary shall offer to con-  
12 vey to the State of Missouri all right, title, and interest  
13 in and to approximately 205.50 acres of land described  
14 in subsection (b) purchased for the Union Lake Project  
15 that was deauthorized as of January 1, 1990 (55 Fed.  
16 Reg. 40906), in accordance with section 1001 of the  
17 Water Resources Development Act of 1986 (33 U.S.C.  
18 579a(a)).

19       (b) LAND DESCRIPTION.—The land referred to in  
20 subsection (a) is described as follows:

21           (1) TRACT 500.—A tract of land situated in  
22 Franklin County, Missouri, being part of the SW<sup>1</sup>/<sub>4</sub>  
23 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.  
24 42 N., R. 2 W. of the fifth principal meridian, con-  
25 sisting of approximately 112.50 acres.

1           (2) TRACT 605.—A tract of land situated in  
 2       Franklin County, Missouri, being part of the N<sup>1</sup>/<sub>2</sub> of  
 3       the NE, and part of the SE of the NE of sec. 18,  
 4       T. 42 N., R. 2 W. of the fifth principal meridian,  
 5       consisting of approximately 93.00 acres.

6       (c) CONVEYANCE.—On acceptance by the State of  
 7       Missouri of the offer by the Secretary under subsection  
 8       (a), the land described in subsection (b) shall immediately  
 9       be conveyed, in its current condition, by Secretary to the  
 10      State of Missouri.

11   **SEC. 3068. LOWER YELLOWSTONE PROJECT, MONTANA.**

12       The Secretary may use funds appropriated to carry  
 13      out the Missouri River recovery and mitigation program  
 14      to assist the Bureau of Reclamation in the design and con-  
 15      struction of the Lower Yellowstone project of the Bureau,  
 16      Intake, Montana, for the purpose of ecosystem restoration.

17   **SEC. 3069. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**  
 18                           **TANA AND NORTH DAKOTA.**

19       (a) DEFINITION OF RESTORATION PROJECT.—In  
 20      this section, the term “restoration project” means a  
 21      project that will produce, in accordance with other Federal  
 22      programs, projects, and activities, substantial ecosystem  
 23      restoration and related benefits, as determined by the Sec-  
 24      retary.

1 (b) PROJECTS.—The Secretary shall carry out, in ac-  
2 cordance with other Federal programs, projects, and ac-  
3 tivities, restoration projects in the watershed of the Yel-  
4 lowstone River and tributaries in Montana, and in North  
5 Dakota, to produce immediate and substantial ecosystem  
6 restoration and recreation benefits.

7 (c) LOCAL PARTICIPATION.—In carrying out sub-  
8 section (b), the Secretary shall—

9 (1) consult with, and consider the activities  
10 being carried out by—

11 (A) other Federal agencies;

12 (B) Indian tribes;

13 (C) conservation districts; and

14 (D) the Yellowstone River Conservation  
15 District Council; and

16 (2) seek the full participation of the State of  
17 Montana.

18 (d) COST SHARING.—Before carrying out any res-  
19 toration project under this section, the Secretary shall  
20 enter into an agreement with the non-Federal interest for  
21 the restoration project under which the non-Federal inter-  
22 est shall agree—

23 (1) to provide 35 percent of the total cost of the  
24 restoration project, including necessary land, ease-  
25 ments, rights-of-way, relocations, and disposal sites;

1           (2) to pay the non-Federal share of the cost of  
2           feasibility studies and design during construction fol-  
3           lowing execution of a project cooperation agreement;

4           (3) to pay 100 percent of the operation, mainte-  
5           nance, repair, replacement, and rehabilitation costs  
6           incurred after the date of enactment of this Act that  
7           are associated with the restoration project; and

8           (4) to hold the United States harmless for any  
9           claim of damage that arises from the negligence of  
10          the Federal Government or a contractor of the Fed-  
11          eral Government in carrying out the restoration  
12          project.

13          (e) FORM OF NON-FEDERAL SHARE.—Not more  
14          than 50 percent of the non-Federal share of the cost of  
15          a restoration project carried out under this section may  
16          be provided in the form of in-kind credit for work per-  
17          formed during construction of the restoration project.

18          (f) NON-FEDERAL INTERESTS.—Notwithstanding  
19          section 221 of the Flood Control Act of 1970 (42 U.S.C.  
20          1962d–5b), with the consent of the applicable local gov-  
21          ernment, a nonprofit entity may be a non-Federal interest  
22          for a restoration project carried out under this section.

23          (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
24          authorized to be appropriated to carry out this section  
25          \$30,000,000.

1 **SEC. 3070. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**  
2 **VADA.**

3 The maximum amount of Federal funds that may be  
4 expended for the project being carried out, as of the date  
5 of enactment of this Act, under section 1135 of the Water  
6 Resources Development Act of 1986 (33 U.S.C. 2309a)  
7 for environmental restoration of McCarran Ranch, Ne-  
8 vada, shall be \$5,775,000.

9 **SEC. 3071. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**  
10 **ICO.**

11 (a) RESTORATION PROJECTS.—

12 (1) DEFINITION.—The term “restoration  
13 project” means a project that will produce, con-  
14 sistent with other Federal programs, projects, and  
15 activities, immediate and substantial ecosystem res-  
16 toration and recreation benefits.

17 (2) PROJECTS.—The Secretary shall carry out  
18 restoration projects in the Middle Rio Grande from  
19 Cochiti Dam to the headwaters of Elephant Butte  
20 Reservoir, in the State of New Mexico.

21 (b) PROJECT SELECTION.—The Secretary shall select  
22 restoration projects in the Middle Rio Grande.

23 (c) LOCAL PARTICIPATION.—In carrying out sub-  
24 section (b), the Secretary shall consult with, and consider  
25 the activities being carried out by—

1           (1) the Middle Rio Grande Endangered Species  
2       Act Collaborative Program; and

3           (2) the Bosque Improvement Group of the Mid-  
4       dle Rio Grande Bosque Initiative.

5       (d) COST SHARING.—Before carrying out any res-  
6       toration project under this section, the Secretary shall  
7       enter into an agreement with non-Federal interests that  
8       requires the non-Federal interests to—

9           (1) provide 35 percent of the total cost of the  
10      restoration projects including provisions for nec-  
11      essary lands, easements, rights-of-way, relocations,  
12      and disposal sites;

13          (2) pay 100 percent of the operation, mainte-  
14      nance, repair, replacement, and rehabilitation costs  
15      incurred after the date of the enactment of this Act  
16      that are associated with the restoration projects; and

17          (3) hold the United States harmless for any  
18      claim of damage that arises from the negligence of  
19      the Federal Government or a contractor of the Fed-  
20      eral Government.

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

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$25,000,000 to carry out  
3 this section.

4 **SEC. 3072. LONG ISLAND SOUND OYSTER RESTORATION,**  
5 **NEW YORK AND CONNECTICUT.**

6 (a) IN GENERAL.—The Secretary shall plan, design,  
7 and construct projects to increase aquatic habitats within  
8 Long Island Sound and adjacent waters, including the  
9 construction and restoration of oyster beds and related  
10 shellfish habitat.

11 (b) COST SHARING.—The non-Federal share of the  
12 cost of activities carried out under this section shall be  
13 25 percent and may be provided through in-kind services  
14 and materials.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated \$25,000,000 to carry out  
17 this section.

18 **SEC. 3073. ORCHARD BEACH, BRONX, NEW YORK.**

19 Section 554 of the Water Resources Development Act  
20 of 1996 (110 Stat. 3781) is amended by striking  
21 “\$5,200,000” and inserting “\$18,200,000”.

22 **SEC. 3074. NEW YORK HARBOR, NEW YORK, NEW YORK.**

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

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

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

5           “(c) DREDGED MATERIAL FACILITY.—

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

18          “(2) PERFORMANCE.—One or more of the par-  
19          ties to the agreement may perform the acquisition,  
20          design, construction, management, or operation of a  
21          dredged material processing, treatment, contaminant  
22          reduction, or disposal facility.

23          “(3) MULTIPLE FEDERAL PROJECTS.—If ap-  
24          propriate, the Secretary may combine portions of  
25          separate Federal projects with appropriate combined

1 cost-sharing between the various projects, if the fa-  
2 cility serves to manage dredged material from mul-  
3 tiple Federal projects located in the geographic re-  
4 gion of the facility.

5 “(4) PUBLIC FINANCING.—

6 “(A) AGREEMENTS.—

7 “(i) SPECIFIED FEDERAL FUNDING  
8 SOURCES AND COST SHARING.—The cost-  
9 sharing agreement used shall clearly speci-  
10 fy—

11 “(I) the Federal funding sources  
12 and combined cost-sharing when ap-  
13 plicable to multiple Federal navigation  
14 projects; and

15 “(II) the responsibilities and  
16 risks of each of the parties related to  
17 present and future dredged material  
18 managed by the facility.

19 “(ii) MANAGEMENT OF SEDIMENTS.—

20 “(I) IN GENERAL.—The cost-  
21 sharing agreement may include the  
22 management of sediments from the  
23 maintenance dredging of Federal  
24 navigation projects that do not have  
25 partnerships agreements.

1                   “(II) PAYMENTS.—The cost-  
2                   sharing agreement may allow the non-  
3                   Federal interest to receive reimburs-  
4                   able payments from the Federal Gov-  
5                   ernment for commitments made by  
6                   the non-Federal interest for disposal  
7                   or placement capacity at dredged ma-  
8                   terial treatment, processing, contami-  
9                   nant reduction, or disposal facilities.

10                  “(iii) CREDIT.—The cost-sharing  
11                  agreement may allow costs incurred prior  
12                  to execution of a partnership agreement  
13                  for construction or the purchase of equip-  
14                  ment or capacity for the project to be cred-  
15                  ited according to existing cost-sharing  
16                  rules.

17                  “(B) CREDIT.—

18                  “(i) EFFECT ON EXISTING AGREE-  
19                  MENTS.—Nothing in this subsection super-  
20                  sedes or modifies an agreement in effect on  
21                  the date of enactment of this paragraph  
22                  between the Federal Government and any  
23                  other non-Federal interest for the cost-  
24                  sharing, construction, and operation and

1 maintenance of a Federal navigation  
2 project.

3 “(ii) CREDIT FOR FUNDS.—Subject to  
4 the approval of the Secretary and in ac-  
5 cordance with law (including regulations  
6 and policies) in effect on the date of enact-  
7 ment of this paragraph, a non-Federal  
8 public interest of a Federal navigation  
9 project may seek credit for funds provided  
10 for the acquisition, design, construction,  
11 management, or operation of a dredged  
12 material processing, treatment, or disposal  
13 facility to the extent the facility is used to  
14 manage dredged material from the Federal  
15 navigation project.

16 “(iii) NON-FEDERAL INTEREST RE-  
17 SPONSIBILITIES.—The non-Federal inter-  
18 est shall—

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

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

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

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

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

8 **SEC. 3075. MISSOURI RIVER RESTORATION, NORTH DA-**  
 9 **KOTA.**

10 Section 707(a) of the Water Resources Act of 2000  
 11 (114 Stat. 2699) is amended in the first sentence by strik-  
 12 ing “\$5,000,000” and all that follows through “2005” and  
 13 inserting “\$25,000,000”.

14 **SEC. 3076. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

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

17 (1) by striking “\$2,500,000” and inserting  
 18 “\$5,500,000”; and

19 (2) by adding before the period at the end the  
 20 following: “(which repair and rehabilitation shall in-  
 21 clude lowering the crest of the Dam by not more  
 22 than 12.5 feet)”.

1 **SEC. 3077. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**  
2 **ROLL TOWNSHIP, OHIO.**

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

10 **SEC. 3078. ARCADIA LAKE, OKLAHOMA.**

11 Payments made by the city of Edmond, Oklahoma,  
12 to the Secretary in October 1999 of all costs associated  
13 with present and future water storage costs at Arcadia  
14 Lake, Oklahoma, under Arcadia Lake Water Storage Con-  
15 tract Number DACW56-79-C-0072 shall satisfy the obli-  
16 gations of the city under that contract.

17 **SEC. 3079. LAKE EUFAULA, OKLAHOMA.**

18 (a) PROJECT GOAL.—

19 (1) IN GENERAL.—The goal for operation of  
20 Lake Eufaula shall be to maximize the use of avail-  
21 able storage in a balanced approach that incor-  
22 porates advice from representatives from all the  
23 project purposes to ensure that the full value of the  
24 reservoir is realized by the United States.

25 (2) RECOGNITION OF PURPOSE.—To achieve  
26 the goal described in paragraph (1), recreation is

1 recognized as a project purpose at Lake Eufaula,  
2 pursuant to the Act of December 22, 1944 (com-  
3 monly known as the “Flood Control Act of 1944”)  
4 (58 Stat. 887, chapter 665).

5 (b) LAKE EUFAULA ADVISORY COMMITTEE.—

6 (1) IN GENERAL.—In accordance with the Fed-  
7 eral Advisory Committee Act (5 U.S.C. App.), the  
8 Secretary shall establish an advisory committee for  
9 the Lake Eufaula, Canadian River, Oklahoma  
10 project authorized by the Act of July 24, 1946 (com-  
11 monly known as the “River and Harbor Act of  
12 1946”) (Public Law 79–525; 60 Stat. 634).

13 (2) PURPOSE.—The purpose of the committee  
14 shall be advisory only.

15 (3) DUTIES.—The committee shall provide in-  
16 formation and recommendations to the Corps of En-  
17 gineers regarding the operations of Lake Eufaula for  
18 the project purposes for Lake Eufaula.

19 (4) COMPOSITION.—The Committee shall be  
20 composed of members that equally represent the  
21 project purposes for Lake Eufaula.

22 (c) REALLOCATION STUDY.—

23 (1) IN GENERAL.—Subject to the appropriation  
24 of funds, the Secretary, acting through the Chief of  
25 Engineers, shall perform a reallocation study, at full

1 Federal expense, to develop and present rec-  
2 ommendations concerning the best value, while mini-  
3 mizing ecological damages, for current and future  
4 use of the Lake Eufaula storage capacity for the au-  
5 thorized project purposes of flood control, water sup-  
6 ply, hydroelectric power, navigation, fish and wild-  
7 life, and recreation.

8 (2) FACTORS FOR CONSIDERATION.—The re-  
9 allocation study shall take into consideration the rec-  
10 ommendations of the Lake Eufaula Advisory Com-  
11 mittee.

12 (d) POOL MANAGEMENT PLAN.—

13 (1) IN GENERAL.—Not later than 360 days  
14 after the date of enactment of this Act, to the extent  
15 feasible within available project funds and subject to  
16 the completion and approval of the reallocation  
17 study under subsection (c), the Tulsa District Engi-  
18 neer, taking into consideration recommendations of  
19 the Lake Eufaula Advisory Committee, shall develop  
20 an interim management plan that accommodates all  
21 project purposes for Lake Eufaula.

22 (2) MODIFICATIONS.—A modification of the  
23 plan under paragraph (1) shall not cause significant  
24 adverse impacts on any existing permit, lease, li-  
25 cense, contract, public law, or project purpose, in-

1 cluding flood control operation, relating to Lake  
2 Eufaula.

3 **SEC. 3080. RELEASE OF REVERSIONARY INTEREST, OKLA-**  
4 **HOMA.**

5 (a) RELEASE.—Any reversionary interest relating to  
6 public parks and recreation on the land conveyed by the  
7 Secretary to the State of Oklahoma at Lake Texoma pur-  
8 suant to the Act entitled “An Act to authorize the sale  
9 of certain lands to the State of Oklahoma” (67 Stat. 63,  
10 chapter 118), shall terminate on the date of enactment  
11 of this Act.

12 (b) INSTRUMENT OF RELEASE.—As soon as prac-  
13 ticable after the date of enactment of this Act, the Sec-  
14 retary shall execute and file in the appropriate office a  
15 deed of release, an amended deed, or another appropriate  
16 instrument to release each reversionary interest described  
17 in subsection (a).

18 (c) PRESERVATION OF RESERVED RIGHTS.—A re-  
19 lease of a reversionary interest under this section shall not  
20 affect any other right of the United States in any deed  
21 of conveyance pursuant to the Act entitled “An Act to au-  
22 thorize the sale of certain lands to the State of Oklahoma”  
23 (67 Stat. 63, chapter 118).

1 **SEC. 3081. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**  
2 **OKLAHOMA.**

3 (a) IMPLEMENTATION OF PROGRAM.—Not later than  
4 1 year after the date of enactment of this Act, the Sec-  
5 retary shall implement an innovative program at the lakes  
6 located primarily in the State of Oklahoma that are a part  
7 of an authorized civil works project under the administra-  
8 tive jurisdiction of the Corps of Engineers for the purpose  
9 of demonstrating the benefits of enhanced recreation fa-  
10 cilities and activities at those lakes.

11 (b) REQUIREMENTS.—In implementing the program  
12 under subsection (a), the Secretary shall, consistent with  
13 authorized project purposes—

14 (1) pursue strategies that will enhance, to the  
15 maximum extent practicable, recreation experiences  
16 at the lakes included in the program;

17 (2) use creative management strategies that op-  
18 timize recreational activities; and

19 (3) ensure continued public access to recreation  
20 areas located on or associated with the civil works  
21 project.

22 (c) GUIDELINES.—Not later than 180 days after the  
23 date of enactment of this Act, the Secretary shall issue  
24 guidelines for the implementation of this section, to be de-  
25 veloped in coordination with the State of Oklahoma.

26 (d) REPORT.—

1           (1) IN GENERAL.—Not later than 2 years after  
 2           the date of enactment of this Act, the Secretary  
 3           shall submit to the Committee on Environment and  
 4           Public Works of the Senate and the Committee on  
 5           Transportation and Infrastructure of the House of  
 6           Representatives a report describing the results of the  
 7           program under subsection (a).

8           (2) INCLUSIONS.—The report under paragraph  
 9           (1) shall include a description of the projects under-  
 10          taken under the program, including—

11                   (A) an estimate of the change in any re-  
 12                   lated recreational opportunities;

13                   (B) a description of any leases entered  
 14                   into, including the parties involved; and

15                   (C) the financial conditions that the Corps  
 16                   of Engineers used to justify those leases.

17          (3) AVAILABILITY TO PUBLIC.—The Secretary  
 18          shall make the report available to the public in elec-  
 19          tronic and written formats.

20          (e) TERMINATION.—The authority provided by this  
 21          section shall terminate on the date that is 10 years after  
 22          the date of enactment of this Act.

23   **SEC. 3082. WAURIKA LAKE, OKLAHOMA.**

24          The remaining obligation of the Waurika Project  
 25          Master Conservancy District payable to the United States

1 Government in the amounts, rates of interest, and pay-  
2 ment schedules—

3 (1) is set at the amounts, rates of interest, and  
4 payment schedules that existed on June 3, 1986;  
5 and

6 (2) may not be adjusted, altered, or changed  
7 without a specific, separate, and written agreement  
8 between the District and the United States.

9 **SEC. 3083. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

10 (a) IN GENERAL.—Subject to subsection (c), the Sec-  
11 retary shall convey at fair market value to the Lowell  
12 School District No. 71, all right, title, and interest of the  
13 United States in and to a parcel consisting of approxi-  
14 mately 0.98 acres of land, including 3 abandoned buildings  
15 on the land, located in Lowell, Oregon, as described in  
16 subsection (b).

17 (b) DESCRIPTION OF PROPERTY.—The parcel of land  
18 to be conveyed under subsection (a) is more particularly  
19 described as follows: Commencing at the point of intersec-  
20 tion of the west line of Pioneer Street with the westerly  
21 extension of the north line of Summit Street, in Meadows  
22 Addition to Lowell, as platted and recorded on page 56  
23 of volume 4, Lane County Oregon Plat Records; thence  
24 north on the west line of Pioneer Street a distance of  
25 176.0 feet to the true point of beginning of this descrip-

1 tion; thence north on the west line of Pioneer Street a  
 2 distance of 170.0 feet; thence west at right angles to the  
 3 west line of Pioneer Street a distance of 250.0 feet; thence  
 4 south and parallel to the west line of Pioneer Street a dis-  
 5 tance of 170.0 feet; and thence east 250.0 feet to the true  
 6 point of beginning of this description in sec. 14, T. 19  
 7 S., R. 1 W. of the Willamette Meridian, Lane County, Or-  
 8 egon.

9 (c) CONDITION.—The Secretary shall not complete  
 10 the conveyance under subsection (a) until such time as the  
 11 Forest Service—

12 (1) completes and certifies that necessary envi-  
 13 ronmental remediation associated with the structures  
 14 located on the property is complete; and

15 (2) transfers the structures to the Corps of En-  
 16 gineers.

17 (d) EFFECT OF OTHER LAW.—

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

22 (2) LIABILITY.—

23 (A) IN GENERAL.—Lowell School District  
 24 No. 71 shall hold the United States harmless  
 25 from any liability with respect to activities car-

1           ried out on the property described in subsection  
 2           (b) on or after the date of the conveyance under  
 3           subsection (a).

4                   (B) CERTAIN ACTIVITIES.—The United  
 5           States shall be liable with respect to any activ-  
 6           ity carried out on the property described in sub-  
 7           section (b) before the date of conveyance under  
 8           subsection (a).

9   **SEC. 3084. UPPER WILLAMETTE RIVER WATERSHED ECO-**  
 10                   **SYSTEM RESTORATION.**

11           (a) IN GENERAL.—The Secretary shall conduct stud-  
 12           ies and ecosystem restoration projects for the upper Wil-  
 13           lamette River watershed from Albany, Oregon, to the  
 14           headwaters of the Willamette River and tributaries.

15           (b) CONSULTATION.—The Secretary shall carry out  
 16           ecosystem restoration projects under this section for the  
 17           Upper Willamette River watershed in consultation with  
 18           the Governor of the State of Oregon, the heads of appro-  
 19           priate Indian tribes, the Environmental Protection Agen-  
 20           cy, the United States Fish and Wildlife Service, the Na-  
 21           tional Marine Fisheries Service, the Bureau of Land Man-  
 22           agement, the Forest Service, and local entities.

23           (c) AUTHORIZED ACTIVITIES.—In carrying out eco-  
 24           system restoration projects under this section, the Sec-

1 retary shall undertake activities necessary to protect, mon-  
 2 itor, and restore fish and wildlife habitat.

3 (d) COST SHARING REQUIREMENTS.—

4 (1) STUDIES.—Studies conducted under this  
 5 section shall be subject to cost sharing in accordance  
 6 with section 206 of the Water Resources Develop-  
 7 ment Act of 1996 (33 U.S.C. 2330).

8 (2) ECOSYSTEM RESTORATION PROJECTS.—

9 (A) IN GENERAL.—Non-Federal interests  
 10 shall pay 35 percent of the cost of any eco-  
 11 system restoration project carried out under  
 12 this section.

13 (B) ITEMS PROVIDED BY NON-FEDERAL  
 14 INTERESTS.—

15 (i) IN GENERAL.—Non-Federal inter-  
 16 ests shall provide all land, easements,  
 17 rights-of-way, dredged material disposal  
 18 areas, and relocations necessary for eco-  
 19 system restoration projects to be carried  
 20 out under this section.

21 (ii) CREDIT TOWARD PAYMENT.—The  
 22 value of the land, easements, rights-of-way,  
 23 dredged material disposal areas, and relo-  
 24 cations provided under paragraph (1) shall

1           be credited toward the payment required  
2           under subsection (a).

3           (C) IN-KIND CONTRIBUTIONS.—100 per-  
4           cent of the non-Federal share required under  
5           subsection (a) may be satisfied by the provision  
6           of in-kind contributions.

7           (3) OPERATIONS AND MAINTENANCE.—Non-  
8           Federal interests shall be responsible for all costs as-  
9           sociated with operating, maintaining, replacing, re-  
10          pairing, and rehabilitating all projects carried out  
11          under this section.

12          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13          authorized to be appropriated to carry out this section  
14          \$15,000,000.

15   **SEC. 3085. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
16                           **VANIA AND NEW YORK.**

17          Section 567 of the Water Resources Development Act  
18          of 1996 (110 Stat. 3787) is amended—

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

21               “(c) COOPERATION AGREEMENTS.—

22                   “(1) IN GENERAL.—In conducting the study  
23                   and implementing the strategy under this section,  
24                   the Secretary shall enter into cost-sharing and  
25                   project cooperation agreements with the Federal

1 Government, State and local governments (with the  
2 consent of the State and local governments), land  
3 trusts, or nonprofit, nongovernmental organizations  
4 with expertise in wetland restoration.

5 “(2) FINANCIAL ASSISTANCE.—Under the co-  
6 operation agreement, the Secretary may provide as-  
7 sistance for implementation of wetland restoration  
8 projects and soil and water conservation measures.”;  
9 and

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

12 “(d) IMPLEMENTATION OF STRATEGY.—

13 “(1) IN GENERAL.—The Secretary shall carry  
14 out the development, demonstration, and implemen-  
15 tation of the strategy under this section in coopera-  
16 tion with local landowners, local government offi-  
17 cials, and land trusts.

18 “(2) GOALS OF PROJECTS.—Projects to imple-  
19 ment the strategy under this subsection shall be de-  
20 signed to take advantage of ongoing or planned ac-  
21 tions by other agencies, local municipalities, or non-  
22 profit, nongovernmental organizations with expertise  
23 in wetland restoration that would increase the effec-  
24 tiveness or decrease the overall cost of implementing  
25 recommended projects.”.

1 **SEC. 3086. NARRAGANSETT BAY, RHODE ISLAND.**

2       The Secretary may use amounts in the Environ-  
 3 mental Restoration Account, Formerly Used Defense  
 4 Sites, under section 2703(a)(5) of title 10, United States  
 5 Code, for the removal of abandoned marine mammals at any  
 6 Formerly Used Defense Site under the jurisdiction of the  
 7 Department of Defense that is undergoing (or is scheduled  
 8 to undergo) environmental remediation under chapter 160  
 9 of title 10, United States Code (and other provisions of  
 10 law), in Narragansett Bay, Rhode Island, in accordance  
 11 with the Corps of Engineers prioritization process under  
 12 the Formerly Used Defense Sites program.

13 **SEC. 3087. SOUTH CAROLINA DEPARTMENT OF COMMERCE**  
 14 **DEVELOPMENT PROPOSAL AT RICHARD B.**  
 15 **RUSSELL LAKE, SOUTH CAROLINA.**

16       (a) IN GENERAL.—The Secretary shall convey to the  
 17 State of South Carolina, by quitclaim deed, all right, title,  
 18 and interest of the United States in and to the parcels  
 19 of land described in subsection (b)(1) that are managed,  
 20 as of the date of enactment of this Act, by the South Caro-  
 21 lina Department of Commerce for public recreation pur-  
 22 poses for the Richard B. Russell Dam and Lake, South  
 23 Carolina, project authorized by section 203 of the Flood  
 24 Control Act of 1966 (80 Stat. 1420).

25       (b) LAND DESCRIPTION.—

1           (1) IN GENERAL.—Subject to paragraphs (2)  
2           and (3), the parcels of land referred to in subsection  
3           (a) are the parcels contained in the portion of land  
4           described in Army Lease Number DACW21-1-92-  
5           0500.

6           (2) RETENTION OF INTERESTS.—The United  
7           States shall retain—

8                   (A) ownership of all land included in the  
9                   lease referred to in paragraph (1) that would  
10                  have been acquired for operational purposes in  
11                  accordance with the 1971 implementation of the  
12                  1962 Army/Interior Joint Acquisition Policy;  
13                  and

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

18           (3) SURVEY.—The exact acreage and legal de-  
19           scription of the land described in paragraph (1) shall  
20           be determined by a survey satisfactory to the Sec-  
21           retary, with the cost of the survey to be paid by the  
22           State.

23           (c) GENERAL PROVISIONS.—

24                   (1) APPLICABILITY OF PROPERTY SCREENING  
25           PROVISIONS.—Section 2696 of title 10, United

1 States Code, shall not apply to the conveyance under  
2 this section.

3 (2) ADDITIONAL TERMS AND CONDITIONS.—

4 The Secretary may require that the conveyance  
5 under this section be subject to such additional  
6 terms and conditions as the Secretary considers ap-  
7 propriate to protect the interests of the United  
8 States.

9 (3) COSTS OF CONVEYANCE.—

10 (A) IN GENERAL.—The State shall be re-  
11 sponsible for all costs, including real estate  
12 transaction and environmental compliance  
13 costs, associated with the conveyance under this  
14 section.

15 (B) FORM OF CONTRIBUTION.—As deter-  
16 mined appropriate by the Secretary, in lieu of  
17 payment of compensation to the United States  
18 under subparagraph (A), the State may per-  
19 form certain environmental or real estate ac-  
20 tions associated with the conveyance under this  
21 section if those actions are performed in close  
22 coordination with, and to the satisfaction of, the  
23 United States.

24 (4) LIABILITY.—The State shall hold the  
25 United States harmless from any liability with re-

1 spect to activities carried out, on or after the date  
2 of the conveyance, on the real property conveyed  
3 under this section.

4 (d) ADDITIONAL TERMS AND CONDITIONS.—

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

9 (2) NO EFFECT ON SHORE MANAGEMENT POL-  
10 ICY.—The Shoreline Management Policy (ER-1130-  
11 2-406) of the Corps of Engineers shall not be  
12 changed or altered for any proposed development of  
13 land conveyed under this section.

14 (3) FEDERAL STATUTES.—The conveyance  
15 under this section shall be subject to the National  
16 Environmental Policy Act of 1969 (42 U.S.C. 4321  
17 et seq.) (including public review under that Act) and  
18 other Federal statutes.

19 (4) COST SHARING.—In carrying out the con-  
20 veyance under this section, the Secretary and the  
21 State shall comply with all obligations of any cost  
22 sharing agreement between the Secretary and the  
23 State in effect as of the date of the conveyance.

24 (5) LAND NOT CONVEYED.—The State shall  
25 continue to manage the land not conveyed under this

1 section in accordance with the terms and conditions  
2 of Army Lease Number DACW21-1-92-0500.

3 **SEC. 3088. MISSOURI RIVER RESTORATION, SOUTH DA-**  
4 **KOTA.**

5 (a) MEMBERSHIP.—Section 904(b)(1)(B) of the  
6 Water Resources Development Act of 2000 (114 Stat.  
7 2708) is amended—

8 (1) in clause (vii), by striking “and” at the end;

9 (2) by redesignating clause (viii) as clause (ix);

10 and

11 (3) by inserting after clause (vii) the following:

12 “(viii) rural water systems; and”.

13 (b) REAUTHORIZATION.—Section 907(a) of the  
14 Water Resources Development Act of 2000 (114 Stat.  
15 2712) is amended in the first sentence by striking “2005”  
16 and inserting “2010”.

17 **SEC. 3089. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
18 **HANCEMENT PROJECT.**

19 Section 514 of the Water Resources Development Act  
20 of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

21 (1) by redesignating subsections (f) and (g) as  
22 subsections (h) and (i), respectively;

23 (2) in subsection (h) (as redesignated by para-  
24 graph (1)), by striking paragraph (1) and inserting  
25 the following:

1 “(1) NON-FEDERAL SHARE.—

2 “(A) IN GENERAL.—The non-Federal  
3 share of the cost of projects may be provided—

4 “(i) in cash;

5 “(ii) by the provision of land, ease-  
6 ments, rights-of-way, relocations, or dis-  
7 posal areas;

8 “(iii) by in-kind services to implement  
9 the project; or

10 “(iv) by any combination of the fore-  
11 going.

12 “(B) PRIVATE OWNERSHIP.—Land needed  
13 for a project under this authority may remain  
14 in private ownership subject to easements that  
15 are—

16 “(i) satisfactory to the Secretary; and

17 “(ii) necessary to assure achievement  
18 of the project purposes.”;

19 (3) in subsection (i) (as redesignated by para-  
20 graph (1)), by striking “for the period of fiscal years  
21 2000 and 2001.” and inserting “per year, and that  
22 authority shall extend until Federal fiscal year  
23 2015.”; and

24 (4) 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 undertaken under this sec-  
 4 tion, a non-Federal interest may include a regional or na-  
 5 tional nonprofit entity with the consent of the affected  
 6 local government.

7       “(g) COST LIMITATION.—Not more than \$5,000,000  
 8 in Federal funds may be allotted under this section for  
 9 a project at any single locality.”.

10 **SEC. 3090. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

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

17               (1) to reconstruct, at full Federal expense, the  
 18 weir originally constructed in the vicinity of the  
 19 mouth of Nonconnah Creek; and

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

22 **SEC. 3091. OLD HICKORY LOCK AND DAM, CUMBERLAND**  
 23 **RIVER, TENNESSEE.**

24       (a) RELEASE OF RETAINED RIGHTS, INTERESTS,  
 25 RESERVATIONS.—With respect to land conveyed by the

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

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

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

18 **SEC. 3092. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

19 (a) IN GENERAL.—The Secretary may carry out a  
20 project for flood damage reduction under section 205 of  
21 the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy  
22 Creek, Jackson County, Tennessee, if the Secretary deter-  
23 mines that the project is technically sound, environ-  
24 mentally acceptable, and economically justified.

1 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-  
2 TARIES PROJECT, TENNESSEE.—Consistent with the re-  
3 port of the Chief of Engineers dated March 24, 1948, on  
4 the West Tennessee Tributaries project—

5 (1) Sandy Creek shall not be considered to be  
6 an authorized channel of the West Tennessee Tribu-  
7 taries Project; and

8 (2) the Sandy Creek flood damage reduction  
9 project shall not be considered to be part of the  
10 West Tennessee Tributaries Project.

11 **SEC. 3093. CEDAR BAYOU, TEXAS.**

12 Section 349(a)(2) of the Water Resources Develop-  
13 ment Act of 2000 (114 Stat. 2632) is amended by striking  
14 “except that the project is authorized only for construction  
15 of a navigation channel 12 feet deep by 125 feet wide”  
16 and inserting “except that the project is authorized for  
17 construction of a navigation channel that is 10 feet deep  
18 by 100 feet wide”.

19 **SEC. 3094. DENISON, TEXAS.**

20 (a) IN GENERAL.—The Secretary may offer to convey  
21 at fair market value to the city of Denison, Texas (or a  
22 designee of the city), all right, title, and interest of the  
23 United States in and to the approximately 900 acres of  
24 land located in Grayson County, Texas, which is currently  
25 subject to an Application for Lease for Public Park and

1 Recreational Purposes made by the city of Denison, dated  
2 August 17, 2005.

3 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The  
4 exact acreage and description of the real property referred  
5 to in subsection (a) shall be determined by a survey paid  
6 for by the city of Denison, Texas (or a designee of the  
7 city), that is satisfactory to the Secretary.

8 (c) CONVEYANCE.—On acceptance by the city of  
9 Denison, Texas (or a designee of the city), of an offer  
10 under subsection (a), the Secretary may immediately con-  
11 vey the land surveyed under subsection (b) by quitclaim  
12 deed to the city of Denison, Texas (or a designee of the  
13 city).

14 **SEC. 3095. FREEPORT HARBOR, TEXAS.**

15 (a) IN GENERAL.—The project for navigation, Free-  
16 port Harbor, Texas, authorized by section 101 of the River  
17 and Harbor Act of 1970 (84 Stat. 1818), is modified to  
18 provide that—

19 (1) all project costs incurred as a result of the  
20 discovery of the sunken vessel COMSTOCK of the  
21 Corps of Engineers are a Federal responsibility; and

22 (2) the Secretary shall not seek further obliga-  
23 tion or responsibility for removal of the vessel COM-  
24 STOCK, or costs associated with a delay due to the

1 discovery of the sunken vessel COMSTOCK, from  
2 the Port of Freeport.

3 (b) COST SHARING.—This section does not affect the  
4 authorized cost sharing for the balance of the project de-  
5 scribed in subsection (a).

6 **SEC. 3096. HARRIS COUNTY, TEXAS.**

7 Section 575(b) of the Water Resources Development  
8 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-  
9 ed—

10 (1) in paragraph (3), by striking “and” at the  
11 end;

12 (2) in paragraph (4), by striking the period at  
13 the end and inserting “; and”; and

14 (3) by adding the following:

15 “(5) the project for flood control, Upper White  
16 Oak Bayou, Texas, authorized by section 401(a) of  
17 the Water Resources Development Act of 1986 (100  
18 Stat. 4125).”.

19 **SEC. 3097. CONNECTICUT RIVER RESTORATION, VERMONT.**

20 Notwithstanding section 221 of the Flood Control  
21 Act of 1970 (42 U.S.C. 1962d–5b), with respect to the  
22 study entitled “Connecticut River Restoration Authority”,  
23 dated May 23, 2001, a nonprofit entity may act as the  
24 non-Federal interest for purposes of carrying out the ac-  
25 tivities described in the agreement executed between The

1 Nature Conservancy and the Department of the Army on  
 2 August 5, 2005.

3 **SEC. 3098. DAM REMEDIATION, VERMONT.**

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

6 (1) in subsection (a)—

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

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

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

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

15 (2) in subsection (b), by adding at the end the  
 16 following:

17 “(11) Camp Wapanacki, Hardwick.

18 “(12) Star Lake Dam, Mt. Holly.

19 “(13) Curtis Pond, Calais.

20 “(14) Weathersfield Reservoir, Springfield.

21 “(15) Burr Pond, Sudbury.

22 “(16) Maidstone Lake, Guildhall.

23 “(17) Upper and Lower Hurricane Dam.

24 “(18) Lake Fairlee.

25 “(19) West Charleston Dam.”.

1 **SEC. 3099. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**  
2 **CHESTNUT, AND OTHER NONNATIVE PLANT**  
3 **CONTROL, VERMONT.**

4 Under authority of section 104 of the River and Har-  
5 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-  
6 vise the existing General Design Memorandum to permit  
7 the use of chemical means of control, when appropriate,  
8 of Eurasian milfoil, water chestnuts, and other nonnative  
9 plants in the Lake Champlain basin, Vermont.

10 **SEC. 3100. UPPER CONNECTICUT RIVER BASIN WETLAND**  
11 **RESTORATION, VERMONT AND NEW HAMP-**  
12 **SHIRE.**

13 (a) IN GENERAL.—The Secretary, in cooperation  
14 with the States of Vermont and New Hampshire, shall  
15 carry out a study and develop a strategy for the use of  
16 wetland restoration, soil and water conservation practices,  
17 and nonstructural measures to reduce flood damage, im-  
18 prove water quality, and create wildlife habitat in the  
19 Upper Connecticut River watershed.

20 (b) COST SHARING.—

21 (1) FEDERAL SHARE.—The Federal share of  
22 the cost of the study and development of the strat-  
23 egy under subsection (a) shall be 65 percent.

24 (2) NON-FEDERAL SHARE.—The non-Federal  
25 share of the cost of the study and development of

1 the strategy may be provided through the contribu-  
2 tion of in-kind services and materials.

3 (c) NON-FEDERAL INTEREST.—A nonprofit organi-  
4 zation with wetland restoration experience may serve as  
5 the non-Federal interest for the study and development  
6 of the strategy under this section.

7 (d) COOPERATIVE AGREEMENTS.—In conducting the  
8 study and developing the strategy under this section, the  
9 Secretary may enter into 1 or more cooperative agree-  
10 ments to provide technical assistance to appropriate Fed-  
11 eral, State, and local agencies and nonprofit organizations  
12 with wetland restoration experience, including assistance  
13 for the implementation of wetland restoration projects and  
14 soil and water conservation measures.

15 (e) IMPLEMENTATION.—The Secretary shall carry  
16 out development and implementation of the strategy under  
17 this section in cooperation with local landowners and local  
18 government officials.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$5,000,000, to remain available until expended.

1 **SEC. 3101. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**  
 2 **RESTORATION, VERMONT AND NEW HAMP-**  
 3 **SHIRE.**

4 (a) GENERAL MANAGEMENT PLAN DEVELOP-  
 5 MENT.—

6 (1) IN GENERAL.—The Secretary, in coopera-  
 7 tion with the Secretary of Agriculture and in con-  
 8 sultation with the States of Vermont and New  
 9 Hampshire and the Connecticut River Joint Com-  
 10 mission, shall conduct a study and develop a general  
 11 management plan for ecosystem restoration of the  
 12 Upper Connecticut River ecosystem for the purposes  
 13 of—

- 14 (A) habitat protection and restoration;
- 15 (B) streambank stabilization;
- 16 (C) restoration of stream stability;
- 17 (D) water quality improvement;
- 18 (E) invasive species control;
- 19 (F) wetland restoration;
- 20 (G) fish passage; and
- 21 (H) natural flow restoration.

22 (2) EXISTING PLANS.—In developing the gen-  
 23 eral management plan, the Secretary shall depend  
 24 heavily on existing plans for the restoration of the  
 25 Upper Connecticut River.

26 (b) CRITICAL RESTORATION PROJECTS.—

1           (1) IN GENERAL.—The Secretary may partici-  
2       pate in any critical restoration project in the Upper  
3       Connecticut River Basin in accordance with the gen-  
4       eral management plan developed under subsection  
5       (a).

6           (2) ELIGIBLE PROJECTS.—A critical restoration  
7       project shall be eligible for assistance under this sec-  
8       tion if the project—

9           (A) meets the purposes described in the  
10       general management plan developed under sub-  
11       section (a); and

12          (B) with respect to the Upper Connecticut  
13       River and Upper Connecticut River watershed,  
14       consists of—

15           (i) bank stabilization of the main  
16       stem, tributaries, and streams;

17           (ii) wetland restoration and migratory  
18       bird habitat restoration;

19           (iii) soil and water conservation;

20           (iv) restoration of natural flows;

21           (v) restoration of stream stability;

22           (vi) implementation of an intergovern-  
23       mental agreement for coordinating eco-  
24       system restoration, fish passage installa-  
25       tion, streambank stabilization, wetland res-

1                   toration, habitat protection and restora-  
2                   tion, or natural flow restoration;  
3                   (vii) water quality improvement;  
4                   (viii) invasive species control;  
5                   (ix) wetland restoration and migratory  
6                   bird habitat restoration;  
7                   (x) improvements in fish migration;  
8                   and  
9                   (xi) conduct of any other project or  
10                  activity determined to be appropriate by  
11                  the Secretary.

12           (c) COST SHARING.—The Federal share of the cost  
13 of any project carried out under this section shall not be  
14 less than 65 percent.

15           (d) NON-FEDERAL INTEREST.—A nonprofit organi-  
16 zation may serve as the non-Federal interest for a project  
17 carried out under this section.

18           (e) CREDITING.—

19               (1) FOR WORK.—The Secretary shall provide  
20 credit, including credit for in-kind contributions of  
21 up to 100 percent of the non-Federal share, for  
22 work (including design work and materials) if the  
23 Secretary determines that the work performed by  
24 the non-Federal interest is integral to the product.

1           (2) FOR OTHER CONTRIBUTIONS.—The non-  
 2       Federal interest shall receive credit for land, ease-  
 3       ments, rights-of-way, dredged material disposal  
 4       areas, and relocations necessary to implement the  
 5       projects.

6       (f) COOPERATIVE AGREEMENTS.—In carrying out  
 7       this section, the Secretary may enter into 1 or more coop-  
 8       erative agreements to provide financial assistance to ap-  
 9       propriate Federal, State, or local governments or non-  
 10      profit agencies, including assistance for the implementa-  
 11      tion of projects to be carried out under subsection (b).

12      (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 13      authorized to be appropriated to carry out this section  
 14      \$20,000,000, to remain available until expended.

15   **SEC. 3102. LAKE CHAMPLAIN WATERSHED, VERMONT AND**  
 16                           **NEW YORK.**

17      Section 542 of the Water Resources Development Act  
 18      of 2000 (114 Stat. 2671) is amended—

19           (1) in subsection (b)(2)—

20                   (A) in subparagraph (D), by striking “or”  
 21                   at the end;

22                   (B) by redesignating subparagraph (E) as  
 23                   subparagraph (G); and

24                   (C) by inserting after subparagraph (D)  
 25                   the following:

1           “(E) river corridor assessment, protection,  
2           management, and restoration for the purposes  
3           of ecosystem restoration;

4           “(F) geographic mapping conducted by the  
5           Secretary using existing technical capacity to  
6           produce a high-resolution, multispectral satellite  
7           imagery-based land use and cover data set; or”;  
8           (2) in subsection (e)(2)—

9           (A) in subparagraph (A)—

10           (i) by striking “The non-Federal” and  
11           inserting the following:

12           “(i) IN GENERAL.—The non-Federal”;  
13           and

14           (ii) by adding at the end the fol-  
15           lowing:

16           “(ii) APPROVAL OF DISTRICT ENGI-  
17           NEER.—Approval of credit for design work  
18           of less than \$100,000 shall be determined  
19           by the appropriate district engineer.”; and

20           (B) in subparagraph (C), by striking “up  
21           to 50 percent of”; and

22           (3) in subsection (g), by striking  
23           “\$20,000,000” and inserting “\$32,000,000”.

1 **SEC. 3103. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**  
2 **GINIA AND MARYLAND.**

3 Section 704(b) of the Water Resources Development  
4 Act of 1986 (33 U.S.C. 2263(b)) is amended—

5 (1) by redesignating paragraph (2) as para-  
6 graph (4);

7 (2) in paragraph (1)—

8 (A) in the second sentence, by striking  
9 “\$30,000,000” and inserting “\$50,000,000”;  
10 and

11 (B) in the third sentence, by striking  
12 “Such projects” and inserting the following:

13 “(2) INCLUSIONS.—Such projects”;

14 (3) by striking paragraph (2)(D) (as redesign-  
15 nated by paragraph (2)(B)) and inserting the fol-  
16 lowing:

17 “(D) the restoration and rehabilitation of  
18 habitat for fish, including native oysters, in the  
19 Chesapeake Bay and its tributaries in Virginia  
20 and Maryland, including—

21 “(i) the construction of oyster bars  
22 and reefs;

23 “(ii) the rehabilitation of existing  
24 marginal habitat;

1 “(iii) the use of appropriate alter-  
 2 native substrate material in oyster bar and  
 3 reef construction;

4 “(iv) the construction and upgrading  
 5 of oyster hatcheries; and

6 “(v) activities relating to increasing  
 7 the output of native oyster broodstock for  
 8 seeding and monitoring of restored sites to  
 9 ensure ecological success.

10 “(3) RESTORATION AND REHABILITATION AC-  
 11 TIVITIES.—The restoration and rehabilitation activi-  
 12 ties described in paragraph (2)(D) shall be—

13 “(A) for the purpose of establishing per-  
 14 manent sanctuaries and harvest management  
 15 areas; and

16 “(B) consistent with plans and strategies  
 17 for guiding the restoration of the Chesapeake  
 18 Bay oyster resource and fishery.”; and

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

20 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

21 In this subsection, the term ‘ecological success’  
 22 means—

23 “(A) achieving a tenfold increase in native  
 24 oyster biomass by the year 2010, from a 1994  
 25 baseline; and

1           “(B) the establishment of a sustainable  
2           fishery as determined by a broad scientific and  
3           economic consensus.”.

4 **SEC. 3104. TANGIER ISLAND SEAWALL, VIRGINIA.**

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

12 **SEC. 3105. EROSION CONTROL, PUGET ISLAND,**  
13 **WAHKIAKUM COUNTY, WASHINGTON.**

14           (a) IN GENERAL.—The Lower Columbia River levees  
15 and bank protection works authorized by section 204 of  
16 the Flood Control Act of 1950 (64 Stat. 178) is modified  
17 with regard to the Wahkiakum County diking districts No.  
18 1 and 3, but without regard to any cost ceiling authorized  
19 before the date of enactment of this Act, to direct the Sec-  
20 retary to provide a 1-time placement of dredged material  
21 along portions of the Columbia River shoreline of Puget  
22 Island, Washington, between river miles 38 to 47, and the  
23 shoreline of Westport Beach, Clatsop County, Oregon, be-  
24 tween river miles 43 to 45, to protect economic and envi-  
25 ronmental resources in the area from further erosion.

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

3 (1) in coordination with appropriate resource  
4 agencies;

5 (2) in accordance with all applicable Federal  
6 law (including regulations); and

7 (3) at full Federal expense.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$1,000,000.

11 **SEC. 3106. LOWER GRANITE POOL, WASHINGTON.**

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

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

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

22 (3) the use of fill material to raise low areas  
23 above the standard project flood elevation is author-  
24 ized, except in any low area constituting wetland for  
25 which a permit under section 404 of the Federal

1       Water Pollution Control Act (33 U.S.C. 1344) would  
2       be required for the use of fill material.

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

5           (1) Auditor's File Numbers 432576, 443411,  
6       499988, and 579771 of Whitman County, Wash-  
7       ington.

8           (2) Auditor's File Numbers 125806, 138801,  
9       147888, 154511, 156928, and 176360 of Asotin  
10       County, Washington.

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

15       **SEC. 3107. MCNARY LOCK AND DAM, MCNARY NATIONAL**  
16                   **WILDLIFE REFUGE, WASHINGTON AND**  
17                   **IDAHO.**

18       (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
19       TION.—Administrative jurisdiction over the land acquired  
20       for the McNary Lock and Dam Project and managed by  
21       the United States Fish and Wildlife Service under Cooper-  
22       ative Agreement Number DACW68-4-00-13 with the  
23       Corps of Engineers, Walla Walla District, is transferred  
24       from the Secretary to the Secretary of the Interior.

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

5       (c) RIGHTS OF SECRETARY.—

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

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

13           (A) to flood land described in subsection  
14      (a) to the standard project flood elevation;

15           (B) to manipulate the level of the McNary  
16      Project Pool;

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

21           (D) to construct and develop wetland, ri-  
22      parian habitat, or other environmental restora-  
23      tion features authorized by section 1135 of the  
24      Water Resources Development Act of 1986 (33  
25      U.S.C. 2309a) and section 206 of the Water

1 Resources Development Act of 1996 (33 U.S.C.  
2 2330);

3 (E) to dredge and deposit fill materials;  
4 and

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

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

16 (d) MANAGEMENT.—

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

21 (2) CUMMINS PROPERTY.—

22 (A) RETENTION OF CREDITS.—Habitat  
23 unit credits described in the memorandum enti-  
24 tled “Design Memorandum No. 6, LOWER  
25 SNAKE RIVER FISH AND WILDLIFE

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

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

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

22           (e) ADMINISTRATIVE COSTS.—The United States  
23          Fish and Wildlife Service shall be responsible for all sur-  
24          vey, environmental compliance, and other administrative

1 costs required to implement the transfer of administrative  
 2 jurisdiction under subsection (a).

3 **SEC. 3108. SNAKE RIVER PROJECT, WASHINGTON AND**  
 4 **IDAHO.**

5 The Fish and Wildlife Compensation Plan for the  
 6 Lower Snake River, Washington and Idaho, as authorized  
 7 by section 101 of the Water Resources Development Act  
 8 of 1976 (90 Stat. 2921), is amended to authorize the Sec-  
 9 retary to conduct studies and implement aquatic and ri-  
 10 parian ecosystem restorations and improvements specifi-  
 11 cally for fisheries and wildlife.

12 **SEC. 3109. WHATCOM CREEK WATERWAY, BELLINGHAM,**  
 13 **WASHINGTON.**

14 That portion of the project for navigation, Whatcom  
 15 Creek Waterway, Bellingham, Washington, authorized by  
 16 the Act of June 25, 1910 (36 Stat. 664, chapter 382)  
 17 (commonly known as the “River and Harbor Act of  
 18 1910”) and the River and Harbor Act of 1958 (72 Stat.  
 19 299), consisting of the last 2,900 linear feet of the inner  
 20 portion of the waterway, and beginning at station 29+00  
 21 to station 0+00, shall not be authorized as of the date  
 22 of enactment of this Act.

23 **SEC. 3110. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

24 The project for flood control at Milton, West Virginia,  
 25 authorized by section 580 of the Water Resources Devel-

1 opment Act of 1996 (110 Stat. 3790), as modified by sec-  
 2 tion 340 of the Water Resources Development Act of 2000  
 3 (114 Stat. 2612), is modified to authorize the Secretary  
 4 to construct the project substantially in accordance with  
 5 the draft report of the Corps of Engineers dated May  
 6 2004, at an estimated total cost of \$45,500,000, with an  
 7 estimated Federal cost of \$34,125,000 and an estimated  
 8 non-Federal cost of \$11,375,000.

9 **SEC. 3111. MCDOWELL COUNTY, WEST VIRGINIA.**

10 (a) IN GENERAL.—The McDowell County non-  
 11 structural component of the project for flood control,  
 12 Levisa and Tug Fork of the Big Sandy and Cumberland  
 13 Rivers, West Virginia, Virginia, and Kentucky, authorized  
 14 by section 202(a) of the Energy and Water Development  
 15 Appropriation Act, 1981 (94 Stat. 1339), is modified to  
 16 direct the Secretary to take measures to provide protec-  
 17 tion, throughout McDowell County, West Virginia, from  
 18 the reoccurrence of the greater of—

- 19 (1) the April 1977 flood;
- 20 (2) the July 2001 flood;
- 21 (3) the May 2002 flood; or
- 22 (4) the 100-year frequency event.

23 (b) UPDATES AND REVISIONS.—The measures under  
 24 subsection (a) shall be carried out in accordance with, and

1 during the development of, the updates and revisions  
 2 under section 2006(e)(2).

3 **SEC. 3112. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**  
 4 **CONSIN.**

5 The portion of the inner harbor of the Federal navi-  
 6 gation channel of the Green Bay Harbor project, author-  
 7 ized by the first section of the Act entitled “An Act mak-  
 8 ing appropriations for the construction, repair, and preser-  
 9 vation of certain public works on rivers and harbors, and  
 10 for other purposes”, approved July 5, 1884 (commonly  
 11 known as the “River and Harbor Act of 1884”) (23 Stat.  
 12 136, chapter 229), from Station 190+00 to Station  
 13 378+00 is authorized to a width of 75 feet and a depth  
 14 of 6 feet.

15 **SEC. 3113. UNDERWOOD CREEK DIVERSION FACILITY**  
 16 **PROJECT, MILWAUKEE COUNTY, WISCONSIN.**

17 Section 212(e) of the Water Resources Development  
 18 Act of 1999 (33 U.S.C. 2332(e)) is amended—

19 (1) in paragraph (27), by striking “and” at the  
 20 end;

21 (2) in paragraph (28), by striking the period at  
 22 the end and inserting “; and”; and

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

1           “(29) Underwood Creek Diversion Facility  
 2       Project (County Grounds), Milwaukee County, Wis-  
 3       consin.”.

4   **SEC. 3114. OCONTO HARBOR, WISCONSIN.**

5       (a) IN GENERAL.—The portion of the project for  
 6       navigation, Oconto Harbor, Wisconsin, authorized by the  
 7       Act of August 2, 1882 (22 Stat. 196, chapter 375), and  
 8       the Act of June 25, 1910 (36 Stat. 664, chapter 382)  
 9       (commonly known as the “River and Harbor Act of  
 10      1910”), consisting of a 15-foot-deep turning basin in the  
 11      Oconto River, as described in subsection (b), is no longer  
 12      authorized.

13      (b) PROJECT DESCRIPTION.—The project referred to  
 14      in subsection (a) is more particularly described as—

15           (1) beginning at a point along the western limit  
 16           of the existing project, N. 394,086.71, E.  
 17           2,530,202.71;

18           (2) thence northeasterly about 619.93 feet to a  
 19           point N. 394,459.10, E. 2,530,698.33;

20           (3) thence southeasterly about 186.06 feet to a  
 21           point N. 394,299.20, E. 2,530,793.47;

22           (4) thence southwesterly about 355.07 feet to a  
 23           point N. 393,967.13, E. 2,530,667.76;

24           (5) thence southwesterly about 304.10 feet to a  
 25           point N. 393,826.90, E. 2,530,397.92; and

1           (6) thence northwesterly about 324.97 feet to  
2           the point of origin.

3 **SEC. 3115. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

4           Section 21 of the Water Resources Development Act  
5 of 1988 (102 Stat. 4027) is amended—

6           (1) in subsection (a)—

7                   (A) by striking “1276.42” and inserting  
8                   “1278.42”;

9                   (B) by striking “1218.31” and inserting  
10                  “1221.31”; and

11                  (C) by striking “1234.82” and inserting  
12                  “1235.30”; and

13           (2) by striking subsection (b) and inserting the  
14           following:

15           “(b) EXCEPTION.—

16                   “(1) IN GENERAL.—The Secretary may operate  
17           the headwaters reservoirs below the minimum or  
18           above the maximum water levels established under  
19           subsection (a) in accordance with water control reg-  
20           ulation manuals (or revisions to those manuals) de-  
21           veloped by the Secretary, after consultation with the  
22           Governor of Minnesota and affected tribal govern-  
23           ments, landowners, and commercial and recreational  
24           users.

1           “(2) EFFECTIVE DATE OF MANUALS.—The  
2       water control regulation manuals referred to in  
3       paragraph (1) (and any revisions to those manuals)  
4       shall be effective as of the date on which the Sec-  
5       retary submits the manuals (or revisions) to Con-  
6       gress.

7           “(3) NOTIFICATION.—

8               “(A) IN GENERAL.—Except as provided in  
9       subparagraph (B), not less than 14 days before  
10      operating any headwaters reservoir below the  
11      minimum or above the maximum water level  
12      limits specified in subsection (a), the Secretary  
13      shall submit to Congress a notice of intent to  
14      operate the headwaters reservoir.

15              “(B) EXCEPTION.—Notice under subpara-  
16      graph (A) shall not be required in any case in  
17      which—

18                      “(i) the operation of a headwaters res-  
19              ervoir is necessary to prevent the loss of  
20              life or to ensure the safety of a dam; or

21                      “(ii) the drawdown of the water level  
22              of the reservoir is in anticipation of a flood  
23              control operation.”.

1   **SEC. 3116. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**  
2                   **FRONT INTERPRETIVE SITE.**

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

8   **SEC. 3117. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**  
9                   **MENTAL MANAGEMENT PROGRAM.**

10          (a) IN GENERAL.—Notwithstanding section 221 of  
11   the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for  
12   any Upper Mississippi River fish and wildlife habitat reha-  
13   bilitation and enhancement project carried out under sec-  
14   tion 1103(e) of the Water Resources Development Act of  
15   1986 (33 U.S.C. 652(e)), with the consent of the affected  
16   local government, a nongovernmental organization may be  
17   considered to be a non-Federal interest.

18          (b)           CONFORMING           AMENDMENT.—Section  
19   1103(e)(1)(A)(ii) of the Water Resources Development  
20   Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by  
21   inserting before the period at the end the following: “, in-  
22   cluding research on water quality issues affecting the Mis-  
23   sissippi River, including elevated nutrient levels, and the  
24   development of remediation strategies”.

1 **SEC. 3118. UPPER BASIN OF MISSOURI RIVER.**

2 (a) USE OF FUNDS.—Notwithstanding the Energy  
3 and Water Development Appropriations Act, 2006 (Public  
4 Law 109–103; 119 Stat. 2247), funds made available for  
5 recovery or mitigation activities in the lower basin of the  
6 Missouri River may be used for recovery or mitigation ac-  
7 tivities in the upper basin of the Missouri River, including  
8 the States of Montana, Nebraska, North Dakota, and  
9 South Dakota.

10 (b) CONFORMING AMENDMENT.—The matter under  
11 the heading “**MISSOURI RIVER MITIGATION, MIS-**  
12 **SOURI, KANSAS, IOWA, AND NEBRASKA**” of section  
13 601(a) of the Water Resources Development Act of 1986  
14 (100 Stat. 4143), as modified by section 334 of the Water  
15 Resources Development Act of 1999 (113 Stat. 306), is  
16 amended by adding at the end the following: “The Sec-  
17 retary may carry out any recovery or mitigation activities  
18 in the upper basin of the Missouri River, including the  
19 States of Montana, Nebraska, North Dakota, and South  
20 Dakota, using funds made available under this heading  
21 in accordance with the Endangered Species Act of 1973  
22 (16 U.S.C. 1531 et seq.) and consistent with the project  
23 purposes of the Missouri River Mainstem System as au-  
24 thorized by section 10 of the Act of December 22, 1944  
25 (commonly known as the ‘Flood Control Act of 1944’) (58  
26 Stat. 897).”.

1 **SEC. 3119. 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 De-  
 5 velopment Act of 2000 (42 U.S.C. 1962d–22(c)) is  
 6 amended—

7 (1) by redesignating paragraphs (2) and (3) as  
 8 paragraphs (3) and (4), respectively;

9 (2) by inserting after paragraph (1) the fol-  
 10 lowing:

11 “(2) RECONNAISSANCE STUDIES.—Before plan-  
 12 ning, designing, or constructing a project under  
 13 paragraph (3), the Secretary shall carry out a recon-  
 14 naissance study—

15 “(A) to identify methods of restoring the  
 16 fishery, ecosystem, and beneficial uses of the  
 17 Great Lakes; and

18 “(B) to determine whether planning of a  
 19 project under paragraph (3) should proceed.”;  
 20 and

21 (3) in paragraph (4)(A) (as redesignated by  
 22 paragraph (1)), by striking “paragraph (2)” and in-  
 23 serting “paragraph (3)”.

24 (b) COST SHARING.—Section 506(f) of the Water Re-  
 25 sources Development Act of 2000 (42 U.S.C. 1962d–  
 26 22(f)) is amended—

1 (1) by redesignating paragraphs (2) through  
2 (5) as paragraphs (3) through (6), respectively;

3 (2) by inserting after paragraph (1) the fol-  
4 lowing:

5 “(2) RECONNAISSANCE STUDIES.—Any recon-  
6 naissance study under subsection (c)(2) shall be car-  
7 ried out at full Federal expense.”;

8 (3) in paragraph (3) (as redesignated by para-  
9 graph (1)), by striking “(2) or (3)” and inserting  
10 “(3) or (4)”; and

11 (4) in paragraph (4)(A) (as redesignated by  
12 paragraph (1)), by striking “subsection (c)(2)” and  
13 inserting “subsection (c)(3)”.

14 **SEC. 3120. GREAT LAKES REMEDIAL ACTION PLANS AND**  
15 **SEDIMENT REMEDIATION.**

16 Section 401(c) of the Water Resources Development  
17 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is  
18 amended by striking “through 2006” and inserting  
19 “through 2011”.

20 **SEC. 3121. GREAT LAKES TRIBUTARY MODELS.**

21 Section 516(g)(2) of the Water Resources Develop-  
22 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended  
23 by striking “through 2006” and inserting “through  
24 2011”.

1 **SEC. 3122. UPPER OHIO RIVER AND TRIBUTARIES NAVIGA-**  
2 **TION SYSTEM NEW TECHNOLOGY PILOT PRO-**  
3 **GRAM.**

4 (a) DEFINITION OF UPPER OHIO RIVER AND TRIBU-  
5 TARIES NAVIGATION SYSTEM.—In this section, the term  
6 “Upper Ohio River and Tributaries Navigation System”  
7 means the Allegheny, Kanawha, Monongahela, and Ohio  
8 Rivers.

9 (b) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary shall establish  
11 a pilot program to evaluate new technologies applica-  
12 ble to the Upper Ohio River and Tributaries Naviga-  
13 tion System.

14 (2) INCLUSIONS.—The program may include  
15 the design, construction, or implementation of inno-  
16 vative technologies and solutions for the Upper Ohio  
17 River and Tributaries Navigation System, including  
18 projects for—

- 19 (A) improved navigation;
- 20 (B) environmental stewardship;
- 21 (C) increased navigation reliability; and
- 22 (D) reduced navigation costs.

23 (3) PURPOSES.—The purposes of the program  
24 shall be, with respect to the Upper Ohio River and  
25 Tributaries Navigation System—

1 (A) to increase the reliability and avail-  
2 ability of federally-owned and federally-operated  
3 navigation facilities;

4 (B) to decrease system operational risks;  
5 and

6 (C) to improve—

7 (i) vessel traffic management;

8 (ii) access; and

9 (iii) Federal asset management.

10 (c) FEDERAL OWNERSHIP REQUIREMENT.—The Sec-  
11 retary may provide assistance for a project under this sec-  
12 tion only if the project is federally owned.

13 (d) LOCAL COOPERATION AGREEMENTS.—

14 (1) IN GENERAL.—The Secretary shall enter  
15 into local cooperation agreements with non-Federal  
16 interests to provide for the design, construction, in-  
17 stallation, and operation of the projects to be carried  
18 out under the program.

19 (2) REQUIREMENTS.—Each local cooperation  
20 agreement entered into under this subsection shall  
21 include the following:

22 (A) PLAN.—Development by the Secretary,  
23 in consultation with appropriate Federal and  
24 State officials, of a navigation improvement

1 project, including appropriate engineering plans  
2 and specifications.

3 (B) LEGAL AND INSTITUTIONAL STRUC-  
4 TURES.—Establishment of such legal and insti-  
5 tutional structures as are necessary to ensure  
6 the effective long-term operation of the project.

7 (3) COST SHARING.—Total project costs under  
8 each local cooperation agreement shall be cost-  
9 shared in accordance with the formula relating to  
10 the applicable original construction project.

11 (4) EXPENDITURES.—

12 (A) IN GENERAL.—Expenditures under the  
13 program may include, for establishment at fed-  
14 erally-owned property, such as locks, dams, and  
15 bridges—

- 16 (i) transmitters;
- 17 (ii) responders;
- 18 (iii) hardware;
- 19 (iv) software; and
- 20 (v) wireless networks.

21 (B) EXCLUSIONS.—Transmitters, respond-  
22 ers, hardware, software, and wireless networks  
23 or other equipment installed on privately-owned  
24 vessels or equipment shall not be eligible under  
25 the program.

1 (e) REPORT.—Not later than December 31, 2007, the  
 2 Secretary shall submit to Congress a report on the results  
 3 of the pilot program carried out under this section, to-  
 4 gether with recommendations concerning whether the pro-  
 5 gram or any component of the program should be imple-  
 6 mented on a national basis.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 8 authorized to be appropriated to carry out this section  
 9 \$3,100,000, to remain available until expended.

## 10 **TITLE IV—STUDIES**

### 11 **SEC. 4001. EURASIAN MILFOIL.**

12 Under the authority of section 104 of the River and  
 13 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall  
 14 carry out a study, at full Federal expense, to develop na-  
 15 tional protocols for the use of the *Euhrychiopsis lecontei*  
 16 weevil for biological control of Eurasian milfoil in the lakes  
 17 of Vermont and other northern tier States.

### 18 **SEC. 4002. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-** 19 **TION CHANNEL.**

20 (a) IN GENERAL.—To determine with improved accu-  
 21 racy the environmental impacts of the project on the  
 22 McClellan-Kerr Arkansas River Navigation Channel (re-  
 23 ferred to in this section as the “MKARN”), the Secretary  
 24 shall carry out the measures described in subsection (b)  
 25 in a timely manner.

1 (b) SPECIES STUDY.—

2 (1) IN GENERAL.—The Secretary, in conjunc-  
3 tion with Oklahoma State University, shall convene  
4 a panel of experts with acknowledged expertise in  
5 wildlife biology and genetics to review the available  
6 scientific information regarding the genetic variation  
7 of various sturgeon species and possible hybrids of  
8 those species that, as determined by the United  
9 States Fish and Wildlife Service, may exist in any  
10 portion of the MKARN.

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

15 (A) the level of genetic variation between  
16 populations of sturgeon sufficient to determine  
17 or establish that a population is a measurably  
18 distinct species, subspecies, or population seg-  
19 ment; and

20 (B) whether any pallid sturgeons that may  
21 be found in the MKARN (including any tribu-  
22 tary of the MKARN) would qualify as such a  
23 distinct species, subspecies, or population seg-  
24 ment.

1 **SEC. 4003. LOS ANGELES RIVER REVITALIZATION STUDY,**  
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary, in coordination  
4 with the city of Los Angeles, shall—

5 (1) prepare a feasibility study for environmental  
6 ecosystem restoration, flood control, recreation, and  
7 other aspects of Los Angeles River revitalization  
8 that is consistent with the goals of the Los Angeles  
9 River Revitalization Master Plan published by the  
10 city of Los Angeles; and

11 (2) consider any locally-preferred project alter-  
12 natives developed through a full and open evaluation  
13 process for inclusion in the study.

14 (b) USE OF EXISTING INFORMATION AND MEAS-  
15 URES.—In preparing the study under subsection (a), the  
16 Secretary shall use, to the maximum extent practicable—

17 (1) information obtained from the Los Angeles  
18 River Revitalization Master Plan; and

19 (2) the development process of that plan.

20 (c) DEMONSTRATION PROJECTS.—

21 (1) IN GENERAL.—The Secretary is authorized  
22 to construct demonstration projects in order to pro-  
23 vide information to develop the study under sub-  
24 section (a)(1).

1           (2) FEDERAL SHARE.—The Federal share of  
 2           the cost of any project under this subsection shall be  
 3           not more than 65 percent.

4           (3) AUTHORIZATION OF APPROPRIATIONS.—  
 5           There is authorized to be appropriated to carry out  
 6           this subsection \$12,000,000.

7   **SEC. 4004. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

8           The Secretary shall carry out a study for bank sta-  
 9           bilization and shore protection for Nicholas Canyon, Los  
 10          Angeles, California, under section 3 of the Act of August  
 11          13, 1946 (33 U.S.C. 426g).

12   **SEC. 4005. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL**  
 13           **STUDY.**

14          Section 414 of the Water Resources Development Act  
 15          of 2000 (114 Stat. 2636) is amended by striking “32  
 16          months” and inserting “44 months”.

17   **SEC. 4006. COMPREHENSIVE FLOOD PROTECTION**  
 18           **PROJECT, ST. HELENA, CALIFORNIA.**

19          (a) FLOOD PROTECTION PROJECT.—

20           (1) REVIEW.—The Secretary shall review the  
 21           project for flood control and environmental restora-  
 22           tion at St. Helena, California, generally in accord-  
 23           ance with Enhanced Minimum Plan A, as described  
 24           in the final environmental impact report prepared by  
 25           the city of St. Helena, California, and certified by

1 the city to be in compliance with the California En-  
2 vironmental Quality Act on February 24, 2004.

3 (2) ACTION ON DETERMINATION.—If the Sec-  
4 retary determines under paragraph (1) that the  
5 project is economically justified, technically sound,  
6 and environmentally acceptable, the Secretary is au-  
7 thorized to carry out the project at a total cost of  
8 \$30,000,000, with an estimated Federal cost of  
9 \$19,500,000 and an estimated non-Federal cost of  
10 \$10,500,000.

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

15 **SEC. 4007. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
16 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

17 The Secretary shall carry out a study of the feasi-  
18 bility of a project to use Sherman Island, California, as  
19 a dredged material rehandling facility for the beneficial  
20 use of dredged material to enhance the environment and  
21 meet other water resource needs on the Sacramento-San  
22 Joaquin Delta, California, under section 204 of the Water  
23 Resources Development Act of 1992 (33 U.S.C. 2326).

1 **SEC. 4008. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary, in cooperation  
4 with non-Federal interests, shall conduct a study of the  
5 feasibility of carrying out a project for—

6 (1) flood protection of South San Francisco  
7 Bay shoreline;

8 (2) restoration of the South San Francisco Bay  
9 salt ponds (including on land owned by other Fed-  
10 eral agencies); and

11 (3) other related purposes, as the Secretary de-  
12 termines to be appropriate.

13 (b) INDEPENDENT REVIEW.—To the extent required  
14 by applicable Federal law, a national science panel shall  
15 conduct an independent review of the study under sub-  
16 section (a).

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 3 years after  
19 the date of enactment of this Act, the Secretary  
20 shall submit to Congress a report describing the re-  
21 sults of the study under subsection (a).

22 (2) INCLUSIONS.—The report under paragraph  
23 (1) shall include recommendations of the Secretary  
24 with respect to the project described in subsection  
25 (a) based on planning, design, and land acquisition  
26 documents prepared by—

1 (A) the California State Coastal Conser-  
2 vancy;

3 (B) the Santa Clara Valley Water District;  
4 and

5 (C) other local interests.

6 **SEC. 4009. SAN PABLO BAY WATERSHED RESTORATION,**  
7 **CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary shall complete  
9 work as expeditiously as practicable on the study for the  
10 San Pablo watershed, California, authorized by section  
11 209 of the Flood Control Act of 1962 (76 Stat. 1196)  
12 to determine the feasibility of opportunities for restoring,  
13 preserving, and protecting the San Pablo Bay Watershed.

14 (b) REPORT.—Not later than March 31, 2008, the  
15 Secretary shall submit to Congress a report that describes  
16 the results of the study.

17 **SEC. 4010. FOUNTAIN CREEK, NORTH OF PUEBLO, COLO-**  
18 **RADO.**

19 Subject to the availability of appropriations, the Sec-  
20 retary shall expedite the completion of the Fountain  
21 Creek, North of Pueblo, Colorado, watershed study au-  
22 thorized by a resolution adopted by the Committee on  
23 Public Works and Transportation of the House of Rep-  
24 resentatives on September 23, 1976.

1 **SEC. 4011. SELENIUM STUDY, COLORADO.**

2 (a) IN GENERAL.—The Secretary, in consultation  
3 with State water quality and resource and conservation  
4 agencies, shall conduct regional and watershed-wide stud-  
5 ies to address selenium concentrations in the State of Col-  
6 orado, including studies—

7 (1) to measure selenium on specific sites; and

8 (2) to determine whether specific selenium  
9 measures studied should be recommended for use in  
10 demonstration projects.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$5,000,000.

14 **SEC. 4012. PROMONTORY POINT THIRD-PARTY REVIEW,**  
15 **CHICAGO SHORELINE, CHICAGO, ILLINOIS.**

16 (a) REVIEW.—

17 (1) IN GENERAL.—The Secretary is authorized  
18 to conduct a third-party review of the Promontory  
19 Point project along the Chicago Shoreline, Chicago,  
20 Illinois, at a cost not to exceed \$450,000.

21 (2) JOINT REVIEW.—The Buffalo and Seattle  
22 Districts of the Corps of Engineers shall jointly con-  
23 duct the review under paragraph (1).

24 (3) STANDARDS.—The review shall be based on  
25 the standards under part 68 of title 36, Code of  
26 Federal Regulations (or successor regulation), for

1 implementation by the non-Federal sponsor for the  
 2 Chicago Shoreline Chicago, Illinois, project.

3 (b) CONTRIBUTIONS.—The Secretary shall accept  
 4 from a State or political subdivision of a State voluntarily  
 5 contributed funds to initiate the third-party review.

6 (c) TREATMENT.—While the third-party review is of  
 7 the Promontory Point portion of the Chicago Shoreline,  
 8 Chicago, Illinois, project, the third-party review shall be  
 9 separate and distinct from the Chicago Shoreline, Chicago,  
 10 Illinois, project.

11 (d) EFFECT OF SECTION.—Nothing in this section  
 12 affects the authorization for the Chicago Shoreline, Chi-  
 13 cago, Illinois, project.

14 **SEC. 4013. VIDALIA PORT, LOUISIANA.**

15 The Secretary shall conduct a study to determine the  
 16 feasibility of carrying out a project for navigation improve-  
 17 ment at Vidalia, Louisiana.

18 **SEC. 4014. LAKE ERIE AT LUNA PIER, MICHIGAN.**

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

22 **SEC. 4015. MIDDLE BASS ISLAND STATE PARK, MIDDLE**  
 23 **BASS ISLAND, OHIO.**

24 The Secretary shall carry out a study of the feasi-  
 25 bility of a project for navigation improvements, shoreline

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

6 **SEC. 4016. JASPER COUNTY PORT FACILITY STUDY, SOUTH**  
 7 **CAROLINA.**

8 (a) IN GENERAL.—The Secretary may determine the  
 9 feasibility of providing improvements to the Savannah  
 10 River for navigation and related purposes that may be nec-  
 11 essary to support the location of container cargo and other  
 12 port facilities to be located in Jasper County, South Caro-  
 13 lina, near the vicinity of mile 6 of the Savannah Harbor  
 14 Entrance Channel.

15 (b) CONSIDERATION.—In making a determination  
 16 under subsection (a), the Secretary shall take into consid-  
 17 eration—

- 18 (1) landside infrastructure;
- 19 (2) the provision of any additional dredged ma-  
 20 terial disposal area for maintenance of the ongoing  
 21 Savannah Harbor Navigation project; and
- 22 (3) the results of a consultation with the Gov-  
 23 ernor of the State of Georgia and the Governor of  
 24 the State of South Carolina.

1 **SEC. 4017. JOHNSON CREEK, ARLINGTON, TEXAS.**

2       The Secretary shall conduct a feasibility study to de-  
3 termine the technical soundness, economic feasibility, and  
4 environmental acceptability of the plan prepared by the  
5 city of Arlington, Texas, as generally described in the re-  
6 port entitled “Johnson Creek: A Vision of Conservation,  
7 Arlington, Texas”, dated March 2006.

8 **SEC. 4018. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**  
9 **NEW YORK.**

10       (a) DISPERSAL BARRIER PROJECT.—The Secretary  
11 shall determine, at full Federal expense, the feasibility of  
12 a dispersal barrier project at the Lake Champlain Canal.

13       (b) CONSTRUCTION, MAINTENANCE, AND OPER-  
14 ATION.—If the Secretary determines that the project de-  
15 scribed in subsection (a) is feasible, the Secretary shall  
16 construct, maintain, and operate a dispersal barrier at the  
17 Lake Champlain Canal at full Federal expense.

18 **TITLE V—MISCELLANEOUS**  
19 **PROVISIONS**

20 **SEC. 5001. LAKES PROGRAM.**

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

24               (1) in paragraph (18), by striking “and” at the  
25 end;

1           (2) in paragraph (19), by striking the period at  
2           the end and inserting a semicolon; and

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

4           “(20) Kinkaid Lake, Jackson County, Illinois,  
5           removal of silt and aquatic growth and measures to  
6           address excessive sedimentation;

7           “(21) Lake Sakakawea, North Dakota, removal  
8           of silt and aquatic growth and measures to address  
9           excessive sedimentation;

10          “(22) Lake Morley, Vermont, removal of silt  
11          and aquatic growth and measures to address exces-  
12          sive sedimentation;

13          “(23) Lake Fairlee, Vermont, removal of silt  
14          and aquatic growth and measures to address exces-  
15          sive sedimentation; and

16          “(24) Lake Rodgers, Creedmoor, North Caro-  
17          lina, removal of silt and excessive nutrients and res-  
18          toration of structural integrity.”.

19 **SEC. 5002. ESTUARY RESTORATION.**

20          (a) PURPOSES.—Section 102 of the Estuary Restora-  
21          tion Act of 2000 (33 U.S.C. 2901) is amended—

22               (1) in paragraph (1), by inserting before the  
23               semicolon the following: “by implementing a coordi-  
24               nated Federal approach to estuary habitat restora-  
25               tion activities, including the use of common moni-

1        toring standards and a common system for tracking  
 2        restoration acreage”;

3            (2) in paragraph (2), by inserting “and imple-  
 4        ment” after “to develop”; and

5            (3) in paragraph (3), by inserting “through co-  
 6        operative agreements” after “restoration projects”.

7        (b) DEFINITION OF ESTUARY HABITAT RESTORA-  
 8        TION PLAN.—Section 103(6)(A) of the Estuary Restora-  
 9        tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by  
 10       striking “Federal or State” and inserting “Federal, State,  
 11       or regional”.

12       (c) ESTUARY HABITAT RESTORATION PROGRAM.—  
 13       Section 104 of the Estuary Restoration Act of 2000 (33  
 14       U.S.C. 2903) is amended—

15            (1) in subsection (a), by inserting “through the  
 16        award of contracts and cooperative agreements”  
 17        after “assistance”;

18            (2) in subsection (c)—

19                    (A) in paragraph (3)(A), by inserting “or  
 20        State” after “Federal”; and

21                    (B) in paragraph (4)(B), by inserting “or  
 22        approach” after “technology”;

23            (3) in subsection (d)—

24                    (A) in paragraph (1)—

1 (i) by striking “Except” and inserting  
 2 the following:

3 “(i) IN GENERAL.—Except”; and

4 (ii) by adding at the end the fol-  
 5 lowing:

6 “(ii) MONITORING.—

7 “(I) COSTS.—The costs of moni-  
 8 toring an estuary habitat restoration  
 9 project funded under this title may be  
 10 included in the total cost of the estu-  
 11 ary habitat restoration project.

12 “(II) GOALS.—The goals of the  
 13 monitoring shall be—

14 “(aa) to measure the effec-  
 15 tiveness of the restoration  
 16 project; and

17 “(bb) to allow adaptive man-  
 18 agement to ensure project suc-  
 19 cess.”;

20 (B) in paragraph (2), by inserting “or ap-  
 21 proach” after “technology”; and

22 (C) in paragraph (3), by inserting “(in-  
 23 cluding monitoring)” after “services”;

24 (4) in subsection (f)(1)(B), by inserting “long-  
 25 term” before “maintenance”; and

1 (5) in subsection (g)—

2 (A) by striking “In carrying” and inserting  
3 the following:

4 “(1) IN GENERAL.—In carrying”; and

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

6 “(2) SMALL PROJECTS.—

7 “(A) DEFINITION OF SMALL PROJECT.—In  
8 this paragraph, the term ‘small project’ means  
9 a project carried out under this title at a Fed-  
10 eral cost of less than \$1,000,000.

11 “(B) SMALL PROJECT DELEGATION.—In  
12 carrying out this title, the Secretary, upon the  
13 recommendation of the Council, may delegate  
14 implementation of a small project to—

15 “(i) the Secretary of the Interior (act-  
16 ing through the Director of the United  
17 States Fish and Wildlife Service);

18 “(ii) the Under Secretary for Oceans  
19 and Atmosphere of the Department of  
20 Commerce;

21 “(iii) the Administrator of the Envi-  
22 ronmental Protection Agency; or

23 “(iv) the Secretary of Agriculture.

24 “(C) FUNDING.—The implementation of a  
25 small project delegated to the head of a Federal

department or agency under this paragraph  
may be carried out using—

“(i) funds appropriated to the department or agency under section 109(a)(1); or

“(ii) any other funds available to the department or agency.

“(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.”.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) cooperating in the implementation of the strategy developed under section 106;

“(7) recommending standards for monitoring for restoration projects and contribution of project

1 information to the database developed under section  
2 107; and

3 “(8) otherwise using the respective agency au-  
4 thorities of the Council members to carry out this  
5 title.”.

6 (e) MONITORING OF ESTUARY HABITAT RESTORA-  
7 TION PROJECTS.—Section 107(d) of the Estuary Restora-  
8 tion Act of 2000 (33 U.S.C. 2906(d)) is amended by strik-  
9 ing “compile” and inserting “have general data compila-  
10 tion, coordination, and analysis responsibilities to carry  
11 out this title and in support of the strategy developed  
12 under this section, including compilation of”.

13 (f) REPORTING.—Section 108(a) of the Estuary Res-  
14 toration Act of 2000 (33 U.S.C. 2907(a)) is amended by  
15 striking “third and fifth” and inserting “sixth, eighth, and  
16 tenth”.

17 (g) FUNDING.—Section 109(a) of the Estuary Res-  
18 toration Act of 2000 (33 U.S.C. 2908(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph

21 (A), by striking “to the Secretary”; and

22 (B) by striking subparagraphs (A) through  
23 (D) and inserting the following:

24 “(A) to the Secretary, \$25,000,000 for  
25 each of fiscal years 2007 through 2011;

1           “(B) to the Secretary of the Interior (act-  
 2           ing through the Director of the United States  
 3           Fish and Wildlife Service), \$2,500,000 for each  
 4           of fiscal years 2007 through 2011;

5           “(C) to the Under Secretary for Oceans  
 6           and Atmosphere of the Department of Com-  
 7           merce, \$2,500,000 for each of fiscal years 2007  
 8           through 2011;

9           “(D) to the Administrator of the Environ-  
 10          mental Protection Agency, \$2,500,000 for each  
 11          of fiscal years 2007 through 2011; and

12          “(E) to the Secretary of Agriculture,  
 13          \$2,500,000 for each of fiscal years 2007  
 14          through 2011.”; and

15          (2) in the first sentence of paragraph (2)—

16                (A) by inserting “and other information  
 17                compiled under section 107” after “this title”;  
 18                and

19                (B) by striking “2005” and inserting  
 20                “2011”.

21          (h) GENERAL PROVISIONS.—Section 110 of the Es-  
 22          tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-  
 23          ed—

24                (1) in subsection (b)(1)—

1 (A) by inserting “or contracts” after  
 2 “agreements”; and

3 (B) by inserting “, nongovernmental orga-  
 4 nizations,” after “agencies”; and

5 (2) by striking subsections (d) and (e).

6 **SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELA-**  
 7 **WARE AND MARYLAND.**

8 (a) ASSISTANCE.—The Secretary may provide tech-  
 9 nical assistance to the Secretary of Agriculture for use in  
 10 carrying out the Conservation Corridor Demonstration  
 11 Program established under subtitle G of title II of the  
 12 Farm Security and Rural Investment Act of 2002 (16  
 13 U.S.C. 3801 note; 116 Stat. 275).

14 (b) COORDINATION AND INTEGRATION.—In carrying  
 15 out water resources projects in the States on the Delmarva  
 16 Peninsula, the Secretary shall coordinate and integrate  
 17 those projects, to the maximum extent practicable, with  
 18 any activities carried out to implement a conservation cor-  
 19 ridor plan approved by the Secretary of Agriculture under  
 20 section 2602 of the Farm Security and Rural Investment  
 21 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

1 **SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
2 **RIVER BASINS, DELAWARE, MARYLAND,**  
3 **PENNSYLVANIA, AND VIRGINIA.**

4 (a) EX OFFICIO MEMBER.—Notwithstanding section  
5 3001(a) of the 1997 Emergency Supplemental Appropria-  
6 tions Act for Recovery From Natural Disasters, and for  
7 Overseas Peacekeeping Efforts, Including Those in Bosnia  
8 (111 Stat. 176) and sections 2.2 of the Susquehanna  
9 River Basin Compact (Public Law 91–575) and the Dela-  
10 ware River Basin Compact (Public Law 87–328), begin-  
11 ning in fiscal year 2002, and each fiscal year thereafter,  
12 the Division Engineer, North Atlantic Division, Corps of  
13 Engineers—

14 (1) shall be the ex officio United States member  
15 under the Susquehanna River Basin Compact, the  
16 Delaware River Basin Compact, and the Potomac  
17 River Basin Compact;

18 (2) shall serve without additional compensation;  
19 and

20 (3) may designate an alternate member in ac-  
21 cordance with the terms of those compacts.

22 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
23 shall allocate funds to the Susquehanna River Basin Com-  
24 mission, Delaware River Basin Commission, and the  
25 Interstate Commission on the Potomac River Basin (Poto-  
26 mac River Basin Compact (Public Law 91–407)) to fulfill

1 the equitable funding requirements of the respective inter-  
2 state compacts.

3 (c) WATER SUPPLY AND CONSERVATION STORAGE,  
4 DELAWARE RIVER BASIN.—

5 (1) IN GENERAL.—The Secretary shall enter  
6 into an agreement with the Delaware River Basin  
7 Commission to provide temporary water supply and  
8 conservation storage at the Francis E. Walter Dam,  
9 Pennsylvania, for any period during which the Com-  
10 mission has determined that a drought warning or  
11 drought emergency exists.

12 (2) LIMITATION.—The agreement shall provide  
13 that the cost for water supply and conservation stor-  
14 age under paragraph (1) shall not exceed the incre-  
15 mental operating costs associated with providing the  
16 storage.

17 (d) WATER SUPPLY AND CONSERVATION STORAGE,  
18 SUSQUEHANNA RIVER BASIN.—

19 (1) IN GENERAL.—The Secretary shall enter  
20 into an agreement with the Susquehanna River  
21 Basin Commission to provide temporary water sup-  
22 ply and conservation storage at Federal facilities op-  
23 erated by the Corps of Engineers in the Susque-  
24 hanna River Basin, during any period in which the

1 Commission has determined that a drought warning  
2 or drought emergency exists.

3 (2) LIMITATION.—The agreement shall provide  
4 that the cost for water supply and conservation stor-  
5 age under paragraph (1) shall not exceed the incre-  
6 mental operating costs associated with providing the  
7 storage.

8 (e) WATER SUPPLY AND CONSERVATION STORAGE,  
9 POTOMAC RIVER BASIN.—

10 (1) IN GENERAL.—The Secretary shall enter  
11 into an agreement with the Potomac River Basin  
12 Commission to provide temporary water supply and  
13 conservation storage at Federal facilities operated by  
14 the Corps of Engineers in the Potomac River Basin  
15 for any period during which the Commission has de-  
16 termined that a drought warning or drought emer-  
17 gency exists.

18 (2) LIMITATION.—The agreement shall provide  
19 that the cost for water supply and conservation stor-  
20 age under paragraph (1) shall not exceed the incre-  
21 mental operating costs associated with providing the  
22 storage.

1 **SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**  
2 **MARYLAND.**

3 (a) COMPREHENSIVE ACTION PLAN.—Not later than  
4 1 year after the date of enactment of this Act, the Sec-  
5 retary, in coordination with the Mayor of the District of  
6 Columbia, the Governor of Maryland, the county execu-  
7 tives of Montgomery County and Prince George’s County,  
8 Maryland, and other stakeholders, shall develop and make  
9 available to the public a 10-year comprehensive action  
10 plan to provide for the restoration and protection of the  
11 ecological integrity of the Anacostia River and its tribu-  
12 taries.

13 (b) PUBLIC AVAILABILITY.—On completion of the  
14 comprehensive action plan under subsection (a), the Sec-  
15 retary shall make the plan available to the public.

16 **SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DIS-**  
17 **PERSAL BARRIERS PROJECT, ILLINOIS.**

18 (a) TREATMENT AS SINGLE PROJECT.—The Chicago  
19 Sanitary and Ship Canal Dispersal Barrier Project (Bar-  
20 rier I) (as in existence on the date of enactment of this  
21 Act), constructed as a demonstration project under section  
22 1202(i)(3) of the Nonindigenous Aquatic Nuisance Pre-  
23 vention and Control Act of 1990 (16 U.S.C. 4722(i)(3)),  
24 and Barrier II, as authorized by section 345 of the Dis-  
25 trict of Columbia Appropriations Act, 2005 (Public Law

1 108–335; 118 Stat. 1352), shall be considered to con-  
2 stitute a single project.

3 (b) AUTHORIZATION.—

4 (1) IN GENERAL.—The Secretary, acting  
5 through the Chief of Engineers, is authorized and  
6 directed, at full Federal expense—

7 (A) to upgrade and make permanent Bar-  
8 rier I;

9 (B) to construct Barrier II, notwith-  
10 standing the project cooperation agreement  
11 with the State of Illinois dated June 14, 2005;

12 (C) to operate and maintain Barrier I and  
13 Barrier II as a system to optimize effectiveness;

14 (D) to conduct, in consultation with appro-  
15 priate Federal, State, local, and nongovern-  
16 mental entities, a study of a full range of op-  
17 tions and technologies for reducing impacts of  
18 hazards that may reduce the efficacy of the  
19 Barriers; and

20 (E) to provide to each State a credit in an  
21 amount equal to the amount of funds contrib-  
22 uted by the State toward Barrier II.

23 (2) USE OF CREDIT.—A State may apply a  
24 credit received under paragraph (1)(E) to any cost  
25 sharing responsibility for an existing or future Fed-

1       eral project with the Corps of Engineers in the  
2       State.

3       (c) CONFORMING AMENDMENTS.—

4           (1) NONINDIGENOUS AQUATIC NUISANCE PRE-  
5       VENTION AND CONTROL.—Section 1202(i)(3)(C) of  
6       the Nonindigenous Aquatic Nuisance Prevention and  
7       Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is  
8       amended by striking “, to carry out this paragraph,  
9       \$750,000” and inserting “such sums as are nec-  
10      essary to carry out the dispersal barrier demonstra-  
11      tion project under this paragraph”.

12          (2) BARRIER II AUTHORIZATION.—Section 345  
13      of the District of Columbia Appropriations Act,  
14      2005 (Public Law 108–335; 118 Stat. 1352), is  
15      amended to read as follows:

16   **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DIS-**  
17       **PERSAL BARRIER, ILLINOIS.**

18       “There are authorized to be appropriated such sums  
19   as are necessary to carry out the Barrier II project of the  
20   project for the Chicago Sanitary and Ship Canal Dispersal  
21   Barrier, Illinois, initiated pursuant to section 1135 of the  
22   Water Resources Development Act of 1986 (33 U.S.C.  
23   2294 note; 100 Stat. 4251).”.

1 **SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT**  
2 **PROGRAM, COLORADO, NEW MEXICO, AND**  
3 **TEXAS.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “Rio Grande Environmental Management Act of 2007”.

6 (b) **DEFINITIONS.**—In this section:

7 (1) **RIO GRANDE COMPACT.**—The term “Rio  
8 Grande Compact” means the compact approved by  
9 Congress under the Act of May 31, 1939 (53 Stat.  
10 785, chapter 155), and ratified by the States.

11 (2) **RIO GRANDE BASIN.**—The term “Rio  
12 Grande Basin” means the Rio Grande (including all  
13 tributaries and their headwaters) located—

14 (A) in the State of Colorado, from the Rio  
15 Grande Reservoir, near Creede, Colorado, to the  
16 New Mexico State border;

17 (B) in the State of New Mexico, from the  
18 Colorado State border downstream to the Texas  
19 State border; and

20 (C) in the State of Texas, from the New  
21 Mexico State border to the southern terminus  
22 of the Rio Grande at the Gulf of Mexico.

23 (3) **STATES.**—The term “States” means the  
24 States of Colorado, New Mexico, and Texas.

25 (c) **PROGRAM AUTHORITY.**—

1           (1) IN GENERAL.—The Secretary shall carry  
2 out, in the Rio Grande Basin—

3           (A) a program for the planning, construc-  
4 tion, and evaluation of measures for fish and  
5 wildlife habitat rehabilitation and enhancement;  
6 and

7           (B) implementation of a long-term moni-  
8 toring, computerized data inventory and anal-  
9 ysis, applied research, and adaptive manage-  
10 ment program.

11          (2) REPORTS.—Not later than December 31,  
12 2008, and not later than December 31 of every sixth  
13 year thereafter, the Secretary, in consultation with  
14 the Secretary of the Interior and the States, shall  
15 submit to Congress a report that—

16           (A) contains an evaluation of the programs  
17 described in paragraph (1);

18           (B) describes the accomplishments of each  
19 program;

20           (C) provides updates of a systemic habitat  
21 needs assessment; and

22           (D) identifies any needed adjustments in  
23 the authorization of the programs.

24          (d) STATE AND LOCAL CONSULTATION AND COOPER-  
25 ATIVE EFFORT.—For the purpose of ensuring the coordi-

1 nated planning and implementation of the programs de-  
2 scribed in subsection (c), the Secretary shall—

3 (1) consult with the States and other appro-  
4 priate entities in the States the rights and interests  
5 of which might be affected by specific program ac-  
6 tivities; and

7 (2) enter into an interagency agreement with  
8 the Secretary of the Interior to provide for the direct  
9 participation of, and transfer of funds to, the United  
10 States Fish and Wildlife Service and any other agen-  
11 cy or bureau of the Department of the Interior for  
12 the planning, design, implementation, and evaluation  
13 of those programs.

14 (e) COST SHARING.—

15 (1) IN GENERAL.—The non-Federal share of  
16 the cost of a project carried out under subsection  
17 (c)(1)(A)—

18 (A) shall be 35 percent;

19 (B) may be provided through in-kind serv-  
20 ices or direct cash contributions; and

21 (C) shall include provision of necessary  
22 land, easements, relocations, and disposal sites.

23 (2) OPERATION AND MAINTENANCE.—The costs  
24 of operation and maintenance of a project located on  
25 Federal land, or land owned or operated by a State

1 or local government, shall be borne by the Federal,  
2 State, or local agency that has jurisdiction over fish  
3 and wildlife activities on the land.

4 (f) NONPROFIT ENTITIES.—Notwithstanding section  
5 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
6 5b), with the consent of the affected local government, a  
7 nonprofit entity may be included as a non-Federal interest  
8 for any project carried out under subsection (c)(1)(A).

9 (g) EFFECT ON OTHER LAW.—

10 (1) WATER LAW.—Nothing in this section pre-  
11 empts any State water law.

12 (2) COMPACTS AND DECREES.—In carrying out  
13 this section, the Secretary shall comply with the Rio  
14 Grande Compact, and any applicable court decrees  
15 or Federal and State laws, affecting water or water  
16 rights in the Rio Grande Basin.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Secretary to carry  
19 out this section \$25,000,000 for fiscal year 2006 and each  
20 subsequent fiscal year.

1 **SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**  
2 **TION, RECOVERY AND RESTORATION, IOWA,**  
3 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**  
4 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**  
5 **MING.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Secretary, in consulta-  
8 tion with the Missouri River Recovery and Imple-  
9 mentation Committee established by subsection  
10 (b)(1), shall conduct a study of the Missouri River  
11 and its tributaries to determine actions required—

12 (A) to mitigate losses of aquatic and ter-  
13 restrial habitat;

14 (B) to recover federally listed species under  
15 the Endangered Species Act (16 U.S.C. 1531 et  
16 seq.); and

17 (C) to restore the ecosystem to prevent  
18 further declines among other native species.

19 (2) FUNDING.—The study under paragraph (1)  
20 shall be funded under the Missouri River Fish and  
21 Wildlife Mitigation Program.

22 (b) MISSOURI RIVER RECOVERY IMPLEMENTATION  
23 COMMITTEE.—

24 (1) ESTABLISHMENT.—Not later than June 31,  
25 2006, the Secretary shall establish a committee to be  
26 known as the “Missouri River Recovery Implementa-

tion Committee” (referred to in this section as the “Committee”).

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

1 (i) changes to the implementation  
2 strategy from the use of adaptive manage-  
3 ment; and

4 (ii) the coordination of the develop-  
5 ment of consistent policies, strategies,  
6 plans, programs, projects, activities, and  
7 priorities for the program;

8 (C) exchange information regarding pro-  
9 grams, projects, and activities of the agencies  
10 and entities represented on the Committee to  
11 promote the goals of the Missouri River recov-  
12 ery and mitigation program;

13 (D) establish such working groups as the  
14 Committee determines to be necessary to assist  
15 in carrying out the duties of the Committee, in-  
16 cluding duties relating to public policy and sci-  
17 entific issues;

18 (E) facilitate the resolution of interagency  
19 and intergovernmental conflicts between entities  
20 represented on the Committee associated with  
21 the Missouri River recovery and mitigation pro-  
22 gram;

23 (F) coordinate scientific and other research  
24 associated with the Missouri River recovery and  
25 mitigation program; and

1 (G) annually prepare a work plan and as-  
 2 sociated budget requests.

3 (4) COMPENSATION; TRAVEL EXPENSES.—

4 (A) COMPENSATION.—Members of the  
 5 Committee shall not receive compensation from  
 6 the Secretary in carrying out the duties of the  
 7 Committee under this section.

8 (B) TRAVEL EXPENSES.—Travel expenses  
 9 incurred by a member of the Committee in car-  
 10 rying out the duties of the Committee under  
 11 this section shall be paid by the agency, Indian  
 12 tribe, or unit of government represented by the  
 13 member.

14 (c) NONAPPLICABILITY OF FACA.—The Federal Ad-  
 15 visory Committee Act (5 U.S.C. App.) shall not apply to  
 16 the Committee.

17 **SEC. 5009. ST. MARY PROJECT, BLACKFEET RESERVATION,**  
 18 **MONTANA.**

19 (a) IN GENERAL.—The Secretary, in consultation  
 20 with the Bureau of Reclamation, shall conduct all nec-  
 21 essary studies, develop an emergency response plan, pro-  
 22 vide technical and planning and design assistance, and re-  
 23 habilitate and construct the St. Mary Diversion and Con-  
 24 veyance Works project located within the exterior bound-

aries of the Blackfeet Reservation in the State of Montana, at a total cost of \$140,000,000.

(b) FEDERAL SHARE.—The Federal share of the total cost of the project under this section shall be 75 percent.

**SEC. 5010. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.**

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

1           (2) NON-FEDERAL SHARE.—The non-Federal  
 2       share of the cost of carrying out an activity de-  
 3       scribed in subsection (a)—

4                       (A) shall be 35 percent; and

5                       (B) may be provided in cash or in-kind.

6       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 7       authorized to be appropriated to the Secretary to carry  
 8       out this section \$12,000,000.

9       **SEC. 5011. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**  
 10                       **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**  
 11                       **HABITAT RESTORATION, SOUTH DAKOTA.**

12       (a) DISBURSEMENT PROVISIONS OF STATE OF  
 13       SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE  
 14       AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILD-  
 15       LIFE HABITAT RESTORATION TRUST FUNDS.—Section  
 16       602(a)(4) of the Water Resources Development Act of  
 17       1999 (113 Stat. 386) is amended—

18                       (1) in subparagraph (A)—

19                               (A) in clause (i), by inserting “and the  
 20               Secretary of the Treasury” after “Secretary”;  
 21               and

22                               (B) by striking clause (ii) and inserting the  
 23               following:

24                                       “(ii) AVAILABILITY OF FUNDS.—On  
 25               notification in accordance with clause (i),

1 the Secretary of the Treasury shall make  
2 available to the State of South Dakota  
3 funds from the State of South Dakota Ter-  
4 restrial Wildlife Habitat Restoration Trust  
5 Fund established under section 603, to be  
6 used to carry out the plan for terrestrial  
7 wildlife habitat restoration submitted by  
8 the State of South Dakota after the State  
9 certifies to the Secretary of the Treasury  
10 that the funds to be disbursed will be used  
11 in accordance with section 603(d)(3) and  
12 only after the Trust Fund is fully capital-  
13 ized.”; and

14 (2) in subparagraph (B), by striking clause (ii)  
15 and inserting the following:

16 “(ii) AVAILABILITY OF FUNDS.—On  
17 notification in accordance with clause (i),  
18 the Secretary of the Treasury shall make  
19 available to the Cheyenne River Sioux  
20 Tribe and the Lower Brule Sioux Tribe  
21 funds from the Cheyenne River Sioux Ter-  
22 restrial Wildlife Habitat Restoration Trust  
23 Fund and the Lower Brule Sioux Terres-  
24 trial Wildlife Habitat Restoration Trust  
25 Fund, respectively, established under sec-

1                   tion 604, to be used to carry out the plans  
 2                   for terrestrial wildlife habitat restoration  
 3                   submitted by the Cheyenne River Sioux  
 4                   Tribe and the Lower Brule Sioux Tribe,  
 5                   respectively, after the respective tribe cer-  
 6                   tifies to the Secretary of the Treasury that  
 7                   the funds to be disbursed will be used in  
 8                   accordance with section 604(d)(3) and only  
 9                   after the Trust Fund is fully capitalized.”.

10           (b) INVESTMENT PROVISIONS OF STATE OF SOUTH  
 11 DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST  
 12 FUND.—Section 603 of the Water Resources Development  
 13 Act of 1999 (113 Stat. 388) is amended—

14                   (1) by striking subsection (c) and inserting the  
 15                   following:

16                   “(c) INVESTMENTS.—

17                   “(1)       ELIGIBLE       OBLIGATIONS.—Notwith-  
 18                   standing any other provision of law, the Secretary of  
 19                   the Treasury shall invest the amounts deposited  
 20                   under subsection (b) and the interest earned on  
 21                   those amounts only in interest-bearing obligations of  
 22                   the United States issued directly to the Fund.

23                   “(2) INVESTMENT REQUIREMENTS.—

1           “(A) IN GENERAL.—The Secretary of the  
2           Treasury shall invest the Fund in accordance  
3           with all of the requirements of this paragraph.

4           “(B) SEPARATE INVESTMENTS OF PRIN-  
5           CIPAL AND INTEREST.—

6                   “(i) PRINCIPAL ACCOUNT.—The  
7                   amounts deposited in the Fund under sub-  
8                   section (b) shall be credited to an account  
9                   within the Fund (referred to in this para-  
10                  graph as the ‘principal account’) and in-  
11                  vested as provided in subparagraph (C).

12                   “(ii) INTEREST ACCOUNT.—The inter-  
13                   est earned from investing amounts in the  
14                   principal account of the Fund shall be  
15                   transferred to a separate account within  
16                   the Fund (referred to in this paragraph as  
17                   the ‘interest account’) and invested as pro-  
18                  vided in subparagraph (D).

19                   “(iii) CREDITING.—The interest  
20                   earned from investing amounts in the in-  
21                   terest account of the Fund shall be cred-  
22                  ited to the interest account.

23           “(C) INVESTMENT OF PRINCIPAL AC-  
24           COUNT.—

1                   “(i) INITIAL INVESTMENT.—Each  
2                   amount deposited in the principal account  
3                   of the Fund shall be invested initially in el-  
4                   igible obligations having the shortest matu-  
5                   rity then available until the date on which  
6                   the amount is divided into 3 substantially  
7                   equal portions and those portions are in-  
8                   vested in eligible obligations that are iden-  
9                   tical (except for transferability) to the  
10                  next-issued publicly issued Treasury obli-  
11                  gations having a 2-year maturity, a 5-year  
12                  maturity, and a 10-year maturity, respec-  
13                  tively.

14                  “(ii) SUBSEQUENT INVESTMENT.—As  
15                  each 2-year, 5-year, and 10-year eligible  
16                  obligation matures, the principal of the  
17                  maturing eligible obligation shall also be  
18                  invested initially in the shortest-maturity  
19                  eligible obligation then available until the  
20                  principal is reinvested substantially equally  
21                  in the eligible obligations that are identical  
22                  (except for transferability) to the next-  
23                  issued publicly issued Treasury obligations  
24                  having 2-year, 5-year, and 10-year matu-  
25                  rities.

1                   “(iii) DISCONTINUANCE OF ISSUANCE  
 2                   OF OBLIGATIONS.—If the Department of  
 3                   the Treasury discontinues issuing to the  
 4                   public obligations having 2-year, 5-year, or  
 5                   10-year maturities, the principal of any  
 6                   maturing eligible obligation shall be rein-  
 7                   vested substantially equally in eligible obli-  
 8                   gations that are identical (except for trans-  
 9                   ferability) to the next-issued publicly  
 10                  issued Treasury obligations of the matu-  
 11                  rities longer than 1 year then available.

12                  “(D) INVESTMENT OF INTEREST AC-  
 13                  COUNT.—

14                   “(i) BEFORE FULL CAPITALIZA-  
 15                   TION.—Until the date on which the Fund  
 16                   is fully capitalized, amounts in the interest  
 17                   account of the Fund shall be invested in el-  
 18                   igible obligations that are identical (except  
 19                   for transferability) to publicly issued  
 20                   Treasury obligations that have maturities  
 21                   that coincide, to the maximum extent prac-  
 22                   ticable, with the date on which the Fund  
 23                   is expected to be fully capitalized.

24                   “(ii) AFTER FULL CAPITALIZATION.—  
 25                   On and after the date on which the Fund

1 is fully capitalized, amounts in the interest  
2 account of the Fund shall be invested and  
3 reinvested in eligible obligations having the  
4 shortest maturity then available until the  
5 amounts are withdrawn and transferred to  
6 fund the activities authorized under sub-  
7 section (d)(3).

8 “(E) PAR PURCHASE PRICE.—The price to  
9 be paid for eligible obligations purchased as in-  
10 vestments of the principal account shall not ex-  
11 ceed the par value of the obligations so that the  
12 amount of the principal account shall be pre-  
13 served in perpetuity.

14 “(F) HIGHEST YIELD.—Among eligible ob-  
15 ligations having the same maturity and pur-  
16 chase price, the obligation to be purchased shall  
17 be the obligation having the highest yield.

18 “(G) HOLDING TO MATURITY.—Eligible  
19 obligations purchased shall generally be held to  
20 their maturities.

21 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
22 TIES.—Not less frequently than once each calendar  
23 year, the Secretary of the Treasury shall review with  
24 the State of South Dakota the results of the invest-

1       ment activities and financial status of the Fund dur-  
2       ing the preceding 12-month period.

3           “(4) AUDITS.—

4               “(A) IN GENERAL.—The activities of the  
5       State of South Dakota (referred to in this sub-  
6       section as the ‘State’) in carrying out the plan  
7       of the State for terrestrial wildlife habitat res-  
8       toration under section 602(a) shall be audited  
9       as part of the annual audit that the State is re-  
10      quired to prepare under the Office of Manage-  
11      ment and Budget Circular A–133 (or a suc-  
12      cessor circulation).

13           “(B) DETERMINATION BY AUDITORS.—An  
14      auditor that conducts an audit under subpara-  
15      graph (A) shall—

16               “(i) determine whether funds received  
17       by the State under this section during the  
18       period covered by the audit were used to  
19       carry out the plan of the State in accord-  
20       ance with this section; and

21               “(ii) include the determination under  
22       clause (i) in the written findings of the  
23       audit.

24           “(5) MODIFICATION OF INVESTMENT REQUIRE-  
25      MENTS.—

1           “(A) IN GENERAL.—If the Secretary of the  
2           Treasury determines that meeting the require-  
3           ments under paragraph (2) with respect to the  
4           investment of a Fund is not practicable, or  
5           would result in adverse consequences for the  
6           Fund, the Secretary shall modify the require-  
7           ments, as the Secretary determines to be nec-  
8           essary.

9           “(B) CONSULTATION.—Before modifying a  
10          requirement under subparagraph (A), the Sec-  
11          retary of the Treasury shall consult with the  
12          State regarding the proposed modification.”;

13          (2) in subsection (d)(2), by inserting “of the  
14          Treasury” after Secretary”; and

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

17          “(f) ADMINISTRATIVE EXPENSES.—There are au-  
18          thorized to be appropriated, out of any money in the  
19          Treasury not otherwise appropriated, to the Secretary of  
20          the Treasury, to pay expenses associated with investing  
21          the Fund and auditing the uses of amounts withdrawn  
22          from the Fund—

23                 “(1) up to \$500,000 for each of fiscal years  
24                 2006 and 2007; and

1           “(2) such sums as are necessary for each subse-  
2           quent fiscal year.”.

3           (c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER  
4 SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST  
5 FUNDS.—Section 604 of the Water Resources Develop-  
6 ment Act of 1999 (113 Stat. 389) is amended—

7           (1) by striking subsection (c) and inserting the  
8           following:

9           “(c) INVESTMENTS.—

10           “(1) ELIGIBLE OBLIGATIONS.—Notwith-  
11 standing any other provision of law, the Secretary of  
12 the Treasury shall invest the amounts deposited  
13 under subsection (b) and the interest earned on  
14 those amounts only in interest-bearing obligations of  
15 the United States issued directly to the Funds.

16           “(2) INVESTMENT REQUIREMENTS.—

17           “(A) IN GENERAL.—The Secretary of the  
18 Treasury shall invest each of the Funds in ac-  
19 cordance with all of the requirements of this  
20 paragraph.

21           “(B) SEPARATE INVESTMENTS OF PRIN-  
22 CIPAL AND INTEREST.—

23           “(i) PRINCIPAL ACCOUNT.—The  
24 amounts deposited in each Fund under  
25 subsection (b) shall be credited to an ac-

count within the Fund (referred to in this paragraph as the ‘principal account’) and invested as provided in subparagraph (C).

“(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the ‘interest account’) and invested as provided in subparagraph (D).

“(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

“(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

“(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the

1 next-issued publicly issued Treasury obli-  
2 gations having a 2-year maturity, a 5-year  
3 maturity, and a 10-year maturity, respec-  
4 tively.

5 “(ii) SUBSEQUENT INVESTMENT.—As  
6 each 2-year, 5-year, and 10-year eligible  
7 obligation matures, the principal of the  
8 maturing eligible obligation shall also be  
9 invested initially in the shortest-maturity  
10 eligible obligation then available until the  
11 principal is reinvested substantially equally  
12 in the eligible obligations that are identical  
13 (except for transferability) to the next-  
14 issued publicly issued Treasury obligations  
15 having 2-year, 5-year, and 10-year matu-  
16 rities.

17 “(iii) DISCONTINUATION OF ISSUANCE  
18 OF OBLIGATIONS.—If the Department of  
19 the Treasury discontinues issuing to the  
20 public obligations having 2-year, 5-year, or  
21 10-year maturities, the principal of any  
22 maturing eligible obligation shall be rein-  
23 vested substantially equally in eligible obli-  
24 gations that are identical (except for trans-  
25 ferability) to the next-issued publicly

1           issued Treasury obligations of the matu-  
2           rities longer than 1 year then available.

3           “(D) INVESTMENT OF THE INTEREST AC-  
4           COUNT.—

5                   “(i) BEFORE FULL CAPITALIZA-  
6           TION.—Until the date on which each Fund  
7           is fully capitalized, amounts in the interest  
8           account of the Fund shall be invested in el-  
9           igible obligations that are identical (except  
10          for transferability) to publicly issued  
11          Treasury obligations that have maturities  
12          that coincide, to the maximum extent prac-  
13          ticable, with the date on which the Fund  
14          is expected to be fully capitalized.

15                   “(ii) AFTER FULL CAPITALIZATION.—  
16          On and after the date on which each Fund  
17          is fully capitalized, amounts in the interest  
18          account of the Fund shall be invested and  
19          reinvested in eligible obligations having the  
20          shortest maturity then available until the  
21          amounts are withdrawn and transferred to  
22          fund the activities authorized under sub-  
23          section (d)(3).

24                   “(E) PAR PURCHASE PRICE.—The price to  
25          be paid for eligible obligations purchased as in-

1 vestments of the principal account shall not ex-  
 2 ceed the par value of the obligations so that the  
 3 amount of the principal account shall be pre-  
 4 served in perpetuity.

5 “(F) HIGHEST YIELD.—Among eligible ob-  
 6 ligations having the same maturity and pur-  
 7 chase price, the obligation to be purchased shall  
 8 be the obligation having the highest yield.

9 “(G) HOLDING TO MATURITY.—Eligible  
 10 obligations purchased shall generally be held to  
 11 their maturities.

12 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
 13 TIES.—Not less frequently than once each calendar  
 14 year, the Secretary of the Treasury shall review with  
 15 the Cheyenne River Sioux Tribe and the Lower  
 16 Brule Sioux Tribe (referred to in this subsection as  
 17 the ‘Tribes’) the results of the investment activities  
 18 and financial status of the Funds during the pre-  
 19 ceding 12-month period.

20 “(4) AUDITS.—

21 “(A) IN GENERAL.—The activities of the  
 22 Tribes in carrying out the plans of the Tribes  
 23 for terrestrial wildlife habitat restoration under  
 24 section 602(a) shall be audited as part of the  
 25 annual audit that the Tribes are required to

1 prepare under the Office of Management and  
2 Budget Circular A-133 (or a successor circula-  
3 tion).

4 “(B) DETERMINATION BY AUDITORS.—An  
5 auditor that conducts an audit under subpara-  
6 graph (A) shall—

7 “(i) determine whether funds received  
8 by the Tribes under this section during the  
9 period covered by the audit were used to  
10 carry out the plan of the appropriate Tribe  
11 in accordance with this section; and

12 “(ii) include the determination under  
13 clause (i) in the written findings of the  
14 audit.

15 “(5) MODIFICATION OF INVESTMENT REQUIRE-  
16 MENTS.—

17 “(A) IN GENERAL.—If the Secretary of the  
18 Treasury determines that meeting the require-  
19 ments under paragraph (2) with respect to the  
20 investment of a Fund is not practicable, or  
21 would result in adverse consequences for the  
22 Fund, the Secretary shall modify the require-  
23 ments, as the Secretary determines to be nec-  
24 essary.

1                   “(B) CONSULTATION.—Before modifying a  
 2                   requirement under subparagraph (A), the Sec-  
 3                   retary of the Treasury shall consult with the  
 4                   Tribes regarding the proposed modification.”;  
 5                   and

6                   (2) by striking subsection (f) and inserting the  
 7                   following:

8                   “(f) ADMINISTRATIVE EXPENSES.—There are au-  
 9                   thorized to be appropriated, out of any money in the  
 10                  Treasury not otherwise appropriated, to the Secretary of  
 11                  the Treasury to pay expenses associated with investing the  
 12                  Funds and auditing the uses of amounts withdrawn from  
 13                  the Funds—

14                  “(1) up to \$500,000 for each of fiscal years  
 15                  2006 and 2007; and

16                  “(2) such sums as are necessary for each subse-  
 17                  quent fiscal year.”.

18   **SEC. 5012. CONNECTICUT RIVER DAMS, VERMONT.**

19                  (a) IN GENERAL.—The Secretary shall evaluate, de-  
 20                  sign, and construct structural modifications at full Fed-  
 21                  eral cost to the Union Village Dam (Ompompanoosuc  
 22                  River), North Hartland Dam (Ottauquechee River), North  
 23                  Springfield Dam (Black River), Ball Mountain Dam (West  
 24                  River), and Townshend Dam (West River), Vermont, to

1 regulate flow and temperature to mitigate downstream im-  
 2 pacts on aquatic habitat and fisheries.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 4 authorized to be appropriated to carry out this section  
 5 \$30,000,000.

## 6 **TITLE VI—PROJECT** 7 **DEAUTHORIZATIONS**

### 8 **SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

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

### 13 **SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.**

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

### 17 **SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.**

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

23 (b) DESCRIPTION OF PROJECT.—The project re-  
 24 ferred to in subsection (a) is described as beginning at  
 25 a point along the eastern limit of the existing project, N.

1 123,649.75, E. 481,920.54, thence running northwesterly  
 2 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,  
 3 thence running northeasterly about 1,442.21 feet to a  
 4 point N. 125,030.08, E. 482,394.96, thence running  
 5 northeasterly about 139.52 feet to a point along the east  
 6 limit of the existing channel, N. 125,133.87, E.  
 7 482,488.19, thence running southwesterly about 1,588.98  
 8 feet to the point of origin.

9 **SEC. 6004. BRIDGEPORT, CONNECTICUT.**

10 The project for environmental infrastructure, Bridge-  
 11 port, Connecticut, authorized by section 219(f)(26) of the  
 12 Water Resources Development Act of 1992 (106 Stat.  
 13 4835; 113 Stat. 336), is not authorized.

14 **SEC. 6005. INLAND WATERWAY FROM DELAWARE RIVER TO**  
 15 **CHESAPEAKE BAY, PART II, INSTALLATION**  
 16 **OF FENDER PROTECTION FOR BRIDGES,**  
 17 **DELAWARE AND MARYLAND.**

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

23 **SEC. 6006. SHINGLE CREEK BASIN, FLORIDA.**

24 The project for flood control, Central and Southern  
 25 Florida Project, Shingle Creek Basin, Florida, authorized

1 by section 203 of the Flood Control Act of 1962 (76 Stat.  
2 1182), is not authorized.

3 **SEC. 6007. BREVOORT, INDIANA.**

4 The project for flood control, Brevoort, Indiana, au-  
5 thorized by section 5 of the Flood Control Act of 1936  
6 (49 Stat. 1587), is not authorized.

7 **SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

8 The project for flood control, Middle Wabash, Green-  
9 field Bayou, Indiana, authorized by section 10 of the  
10 Flood Control Act of 1946 (60 Stat. 649), is not author-  
11 ized.

12 **SEC. 6009. LAKE GEORGE, HOBART, INDIANA.**

13 The project for flood damage reduction, Lake George,  
14 Hobart, Indiana, authorized by section 602 of the Water  
15 Resources Development Act of 1986 (100 Stat. 4148), is  
16 not authorized.

17 **SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**  
18 **2, IOWA.**

19 The project for flood damage reduction, Green Bay  
20 Levee and Drainage District No. 2, Iowa, authorized by  
21 section 401(a) of the Water Resources Development Act  
22 of 1986 (100 Stat. 4115), deauthorized in fiscal year  
23 1991, and reauthorized by section 115(a)(1) of the Water  
24 Resources Development Act of 1992 (106 Stat. 4821), is  
25 not authorized.

1 **SEC. 6011. MUSCATINE HARBOR, IOWA.**

2       The project for navigation at the Muscatine Harbor  
3 on the Mississippi River at Muscatine, Iowa, authorized  
4 by section 101 of the River and Harbor Act of 1950 (64  
5 Stat. 166), is not authorized.

6 **SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND REC-**  
7 **REATIONAL AREA, KENTUCKY AND TEN-**  
8 **NESSEE.**

9       The project for recreation facilities at Big South  
10 Fork National River and Recreational Area, Kentucky and  
11 Tennessee, authorized by section 108 of the Water Re-  
12 sources Development Act of 1974 (88 Stat. 43), is not  
13 authorized.

14 **SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.**

15       The project for flood control and water supply, Eagle  
16 Creek Lake, Kentucky, authorized by section 203 of the  
17 Flood Control Act of 1962 (76 Stat. 1188), is not author-  
18 ized.

19 **SEC. 6014. HAZARD, KENTUCKY.**

20       The project for flood damage reduction, Hazard,  
21 Kentucky, authorized by section 3 of the Water Resources  
22 Development Act of 1988 (102 Stat. 4014) and section  
23 108 of the Water Resources Development Act of 1990  
24 (104 Stat. 4621), is not authorized.

1 **SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

2       The project for flood control, West Kentucky Tribu-  
3 taries, Kentucky, authorized by section 204 of the Flood  
4 Control Act of 1965 (79 Stat. 1081), section 201 of the  
5 Flood Control Act of 1970 (84 Stat. 1825), and section  
6 401(b) of the Water Resources Development Act of 1986  
7 (100 Stat. 4129), is not authorized.

8 **SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOU-**  
9 **ISIANA.**

10       The project for flood damage reduction, Bayou  
11 Cocodrie and Tributaries, Louisiana, authorized by section  
12 3 of the of the Act of August 18, 1941 (55 Stat. 644,  
13 chapter 377), and section 1(a) of the Water Resources De-  
14 velopment Act of 1974 (88 Stat. 12), is not authorized.

15 **SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**  
16 **LOUISIANA.**

17       The uncompleted portions of the project for naviga-  
18 tion improvement for Bayou LaFourche and LaFourche  
19 Jump, Louisiana, authorized by the Act of August 30,  
20 1935 (49 Stat. 1033, chapter 831), and the River and  
21 Harbor Act of 1960 (74 Stat. 481), are not authorized.

22 **SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL**  
23 **AVOYELLES PARISHES, LOUISIANA.**

24       The project for flood control, Eastern Rapides and  
25 South-Central Avoyelles Parishes, Louisiana, authorized

1 by section 201 of the Flood Control Act of 1970 (84 Stat.  
2 1825), is not authorized.

3 **SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**  
4 **ISIANA.**

5 The project for erosion protection and recreation,  
6 Fort Livingston, Grande Terre Island, Louisiana, author-  
7 ized by the Act of August 13, 1946 (commonly known as  
8 the “Flood Control Act of 1946”) (33 U.S.C. 426e et  
9 seq.), is not authorized.

10 **SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE**  
11 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

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

17 **SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOU-**  
18 **ISIANA TO DAINGERFIELD, TEXAS.**

19 The project for the Red River Waterway, Shreveport,  
20 Louisiana to Daingerfield, Texas, authorized by section  
21 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
22 is not authorized.

23 **SEC. 6022. CASCO BAY, PORTLAND, MAINE.**

24 The project for environmental infrastructure, Casco  
25 Bay in the Vicinity of Portland, Maine, authorized by sec-

tion 307 of the Water Resources Development Act of 1992  
(106 Stat. 4841), is not authorized.

**SEC. 6023. NORTHEAST HARBOR, MAINE.**

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

**SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.**

The project for environmental infrastructure, Penob-  
scot River in the Vicinity of Bangor, Maine, authorized  
by section 307 of the Water Resources Development Act  
of 1992 (106 Stat. 4841), is not authorized.

**SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.**

The project for research and demonstration program  
of cropland irrigation and soil conservation techniques,  
Saint John River Basin, Maine, authorized by section  
1108 of the Water Resources Development Act of 1986  
(106 Stat. 4230), is not authorized.

**SEC. 6026. TENANTS HARBOR, MAINE.**

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

**SEC. 6027. GRAND HAVEN HARBOR, MICHIGAN.**

The project for navigation, Grand Haven Harbor,  
Michigan, authorized by section 202(a) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4093), is not  
2 authorized.

3 **SEC. 6028. GREENVILLE HARBOR, MISSISSIPPI.**

4 The project for navigation, Greenville Harbor, Mis-  
5 sissippi, authorized by section 601(a) of the Water Re-  
6 sources Development Act of 1986 (100 Stat. 4142), is not  
7 authorized.

8 **SEC. 6029. PLATTE RIVER FLOOD AND RELATED**  
9 **STREAMBANK EROSION CONTROL, NE-**  
10 **BRASKA.**

11 The project for flood damage reduction, Platte River  
12 Flood and Related Streambank Erosion Control, Ne-  
13 braska, authorized by section 603 of the Water Resources  
14 Development Act of 1986 (100 Stat. 4149), is not author-  
15 ized.

16 **SEC. 6030. EPPING, NEW HAMPSHIRE.**

17 The project for environmental infrastructure, Ep-  
18 ping, New Hampshire, authorized by section 219(c)(6) of  
19 the Water Resources Development Act of 1992 (106 Stat.  
20 4835), is not authorized.

21 **SEC. 6031. NEW YORK HARBOR AND ADJACENT CHANNELS,**  
22 **CLAREMONT TERMINAL, JERSEY CITY, NEW**  
23 **JERSEY.**

24 The project for navigation, New York Harbor and ad-  
25 jacent channels, Claremont Terminal, Jersey City, New

1 Jersey, authorized by section 202(b) of the Water Re-  
2 sources Development Act of 1986 (100 Stat. 4098), is not  
3 authorized.

4 **SEC. 6032. EISENHOWER AND SNELL LOCKS, NEW YORK.**

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

9 **SEC. 6033. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

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

14 **SEC. 6034. OUTER HARBOR, BUFFALO, NEW YORK.**

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

19 **SEC. 6035. SUGAR CREEK BASIN, NORTH CAROLINA AND**  
20 **SOUTH CAROLINA.**

21 The project for flood damage reduction, Sugar Creek  
22 Basin, North Carolina and South Carolina, authorized by  
23 section 401(a) of the Water Resources Development Act  
24 of 1986 (100 Stat. 4121), is not authorized.

1 **SEC. 6036. CLEVELAND HARBOR 1958 ACT, OHIO.**

2 The project for navigation, Cleveland Harbor  
3 (uncompleted portion), Ohio, authorized by section 101 of  
4 the River and Harbor Act of 1958 (72 Stat. 299), is not  
5 authorized.

6 **SEC. 6037. CLEVELAND HARBOR 1960 ACT, OHIO.**

7 The project for navigation, Cleveland Harbor  
8 (uncompleted portion), Ohio, authorized by section 101 of  
9 the River and Harbor Act of 1960 (74 Stat. 482), is not  
10 authorized.

11 **SEC. 6038. CLEVELAND HARBOR, UNCOMPLETED PORTION**  
12 **OF CUT #4, OHIO.**

13 The project for navigation, Cleveland Harbor  
14 (uncompleted portion of Cut #4), Ohio, authorized by the  
15 first section of the Act of July 24, 1946 (60 Stat. 636,  
16 chapter 595), is not authorized.

17 **SEC. 6039. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**  
18 **MOND, OREGON.**

19 The project for the Columbia River, Seafarers Memo-  
20 rial, Hammond, Oregon, authorized by title I of the En-  
21 ergy and Water Development Appropriations Act, 1991  
22 (104 Stat. 2078), is not authorized.

23 **SEC. 6040. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

24 The project for flood control and recreation, Tioga-  
25 Hammond Lakes, Mill Creek Recreation, Pennsylvania,

1 authorized by section 203 of the Flood Control Act of  
2 1958 (72 Stat. 313), is not authorized.

3 **SEC. 6041. TAMAQUA, PENNSYLVANIA.**

4 The project for flood control, Tamaqua, Pennsyl-  
5 vania, authorized by section 1(a) of the Water Resources  
6 Development Act of 1974 (88 Stat. 14), is not authorized.

7 **SEC. 6042. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**  
8 **RHODE ISLAND.**

9 The project for navigation, Narragansett Town  
10 Beach, Narragansett, Rhode Island, authorized by section  
11 361 of the Water Resources Development Act of 1992  
12 (106 Stat. 4861), is not authorized.

13 **SEC. 6043. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

14 The project for bulkhead repairs, Quonset Point-  
15 Davisville, Rhode Island, authorized by section 571 of the  
16 Water Resources Development Act of 1996 (110 Stat.  
17 3788), is not authorized.

18 **SEC. 6044. ARROYO COLORADO, TEXAS.**

19 The project for flood damage reduction, Arroyo Colo-  
20 rado, Texas, authorized by section 401(a) of the Water  
21 Resources Development Act of 1986 (100 Stat. 4125), is  
22 not authorized.

23 **SEC. 6045. CYPRESS CREEK-STRUCTURAL, TEXAS.**

24 The project for flood damage reduction, Cypress  
25 Creek-Structural, Texas, authorized by section 3(a)(13) of

1 the Water Resources Development Act of 1988 (102 Stat.  
2 4014), is not authorized.

3 **SEC. 6046. EAST FORK CHANNEL IMPROVEMENT, INCRE-**  
4 **MENT 2, EAST FORK OF THE TRINITY RIVER,**  
5 **TEXAS.**

6 The project for flood damage reduction, East Fork  
7 Channel Improvement, Increment 2, East Fork of the  
8 Trinity River, Texas, authorized by section 203 of the  
9 Flood Control Act of 1962 (76 Stat. 1185), is not author-  
10 ized.

11 **SEC. 6047. FALFURRIAS, TEXAS.**

12 The project for flood damage reduction, Falfurrias,  
13 Texas, authorized by section 3(a)(14) of the Water Re-  
14 sources Development Act of 1988 (102 Stat. 4014), is not  
15 authorized.

16 **SEC. 6048. PECAN BAYOU LAKE, TEXAS.**

17 The project for flood control, Pecan Bayou Lake,  
18 Texas, authorized by section 203 of the Flood Control Act  
19 of 1968 (82 Stat. 742), is not authorized.

20 **SEC. 6049. LAKE OF THE PINES, TEXAS.**

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

1 of May 17, 1950 (64 Stat. 163, chapter 188), and the  
2 River and Harbor Act of 1968 (82 Stat. 731), is not au-  
3 thorized.

4 **SEC. 6050. TENNESSEE COLONY LAKE, TEXAS.**

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

9 **SEC. 6051. CITY WATERWAY, TACOMA, WASHINGTON.**

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

16 **SEC. 6052. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

17 The project for bank erosion, Kanawha River,  
18 Charleston, West Virginia, authorized by section  
19 603(f)(13) of the Water Resources Development Act of  
20 1986 (100 Stat. 4153), is not authorized.

Calendar No. 126

110TH CONGRESS  
1ST Session

**S. 1248**

[Report No. 110-58]

**A BILL**

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

APRIL 30, 2007

Read twice and placed on the calendar